

NEW YORK STATE
LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND
REAPPORTIONMENT

PUBLIC MEETING
PRISONER COUNT AND REALLOCATION

Tuesday, January 10, 2012

Room 124

State Capitol Building

Albany, New York

1:30 P.M.

TASK FORCE MEMBERS PRESENT:

SENATOR MICHAEL F. NOZZOLIO, Co-Chair

ASSEMBLY MEMBER JOHN J. MCENENY, Co-Chair

SENATOR MARTIN M. DILAN

ASSEMBLY MEMBER ROBERT OAKS

DEBRA LEVINE

ROMAN HEDGES

WELQUIS LOPEZ

LEWIS HOPPE

Prisoner Count and Reallocation, 1-10-12

INDEX

	Page
SENATOR MICHAEL F NOZZOLIO	4
SENATOR MARTIN M. DILAN	4
ASSEMBLY MEMBER JOHN J. MCENENY	5
ROMAN HEDGES	15
ASSEMBLY MEMBER ROBERT OAKS	26

1 Prisoner Count and Reallocation, 1-10-12

2 (The public meeting commenced at 1:30 p.m.)

3 SENATOR MICHAEL F. NOZZOLIO, CO-CHAIR,
4 NEW YORK STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC
5 RESEARCH AND REAPPORTIONMENT: ...on demographics and
6 apportionment will come to order. My name is Mike
7 Nozzolio. I am honored to be the co-chair of the LATFOR
8 Task Force along with my good friend Assemblyman Jack
9 McEneny. Assemblyman, Happy New Year, very good to be
10 with you as always.

11 ASSEMBLY MEMBER JOHN J. MCENENY, CO-CHAIR,
12 NEW YORK STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC
13 RESEARCH AND REAPPORTIONMENT: Yes, indeed.

14 SENATOR NOZZOLIO: Before I turn it over to
15 you I just want to mention the Senate members of the
16 task force, those with Senate appointments, my-to my
17 right is my colleague Assemblyman Martin, excuse me,
18 Senator Martin Dilan. Good afternoon Senator.

19 SENATOR MARTIN M. DILAN, NEW YORK STATE
20 LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND
21 REAPPORTIONMENT: Hello.

22 SENATOR NOZZOLIO: Good to see you and the
23 citizen representative on the task force Welquis Ray
24 Lopez. Assemblyman.

25 ASSEMBLY MEMBER MCENENY: Everybody's
26 familiar with who's who and how the progress has been,

1 Prisoner Count and Reallocation, 1-10-12
2 been, been, coming along. I will introduce my
3 members. I'm Jack McEneny from the, from the,
4 assembly and this is Bob Oaks who is my classmate and
5 the—I suppose the equivalent of the ranking minority
6 member here and our citizen representative is Dr.
7 Roman Hedges.

8 SENATOR NOZZOLIO: It—the group assembled
9 here today has been virtually constantly with each
10 other over the past six months. We have conducted
11 hearings in every corner of New York State, some in
12 the room here have participated in those hearings.
13 Over 55 hours of testimony, well over 375 people
14 submitting oral testimony, and a number of
15 individuals, citizens of this state, submitting
16 written testimony, which is welcome and that it is an
17 extensive record. Today's agenda will be to have a—
18 in fact, an imprimatur of this committee on the
19 prison adjustment data release of the 2010 census.
20 That on August 11, 2010, Chapter 57 of the laws of
21 2010 was signed into law by then Governor Patterson.
22 This measure directed that the New York State
23 Department of Corrections provide this task force
24 with information regarding incarcerated individuals
25 under its jurisdiction as of April 1st, 2010. This
26 was the date of the census conducted by the United

1 Prisoner Count and Reallocation, 1-10-12
2 States Census Bureau. The objective of the statute
3 was to adjust this census for the very first time for
4 state redistricting purposes by removing prisoners
5 from where they were incarcerated, which is the
6 process that the United States Census undergoes, and
7 placing them at the residence prior-at their
8 residence prior to their incarceration. The adjusted
9 process took three stages and I wish to articulate
10 those. It was first subtracting prisoners from their
11 place of incarceration. Secondly, adding them by a
12 reallocation process that placed them with data from
13 the census taken by the intake of the Department of
14 Corrections responding to the question of where do
15 you live and where your nearest relatives live, and
16 then a process of producing data files and reports.
17 For that I wish to thank the staff of the LATFOR task
18 force. They have been working tirelessly. I also
19 want to thank Roman Hedges, a member of this task
20 force, who engaged in establishing some of the
21 templates that this first process was to engage in.

22 This process, by adjusting the numbers of
23 all prisoners at the State and Federal level, the
24 addition of prisoners whose addresses were generated
25 successfully, and then the production of those data
26 files, using the adjusted data. Those criteria have

1 Prisoner Count and Reallocation, 1-10-12

2 been a method established by the LATFOR task force
3 staff and the adjusted data is now on the LATFOR
4 website. We wish to thank the efforts of those who
5 went about and did the aggressive processes
6 necessary, again, for the very first time to
7 implement this law. I hasten to add there were no
8 regulations that accompany this law, no procedures,
9 really no guidance in terms of the protocols to
10 establish this law so we were at the very first
11 impression.

12 Assemblyman McEneny and I have talked about
13 it a number of occasions that certainly more guidance
14 is necessary and more guidance particularly to the
15 Department of Corrections. That our position on the—
16 certainly—on the Senate side of the aisle and, I
17 believe certainly in the assembly's side of the aisle
18 both, we came to the conclusion together that we
19 wanted to count as many as we possibly could achieve
20 in that count to insure that there would not be those
21 left who were not counted, although the statute has
22 been very inadequate in the proper direction of where
23 that counting is, is, to be placed. So the purpose
24 of the task force meeting is to approve the inclusion
25 of this information and that we want the public to
26 have it. It is on the website now but this meeting

1 Prisoner Count and Reallocation, 1-10-12

2 again is to insure that, that, it meets with the
3 approval of the members of the task force.

4 ASSEMBLY MEMBER MCENENY: I think that,
5 that, covers it Senator. I think one of the biggest
6 of problems that arose from the counting of prisoners,
7 which those of you that have been following this right
8 along, it was a commitment emphasized as far back as
9 July that we intended to follow the law as close as we
10 could to the spirit of the law, but that the problem
11 was the letter of the law became confusing because, as
12 the Senator mentioned, there were no accompanying
13 regulations. Therefore, it fell to LATFOR to create
14 the equivalent as such, such, regulations and the
15 final numbers 46,003 of our prisoners are now counted
16 on the home block and in some case within the home
17 town of the community whence they came and where most
18 of them will ultimately return.

19 SENATOR NOZZOLIO: That the LATFOR website
20 address is latfor.state.ny.us. That information
21 certainly is welcome to the public. With that, shall
22 we entertain a motion?

23 [crosstalk]

24 SENATOR NOZZOLIO: Can we make the motion
25 and then discuss it?

26 [crosstalk]

1 Prisoner Count and Reallocation, 1-10-12

2 ASSEMBLY MEMBER MCENENY: I would like to
3 make a motion we accept the numbers as presented by
4 the combined staff of LATFOR for the purpose of
5 counting for redistricting in accordance with the law.

6 SENATOR NOZZOLIO: The motion is seconded,
7 made and seconded. Senator Dilan.

8 SENATOR DILAN: Thank you very much Mr.
9 Chairman. I, I, first would just like to comment and
10 first also commend you both co-chairpersons and the
11 staff for actually putting out this database. I think
12 this is something that we have all been trying to
13 achieve so I really want to commend you on that.
14 However, I believe two weeks ago I sent both co-chairs
15 a memo requesting that when we do ratify the work and
16 efforts of the staff, that maybe we have a two-week
17 period where the public and advocates and those who
18 have already submitted a plan so LATFOR would have the
19 ability to amend their submission based on the - -
20 data and I have not received a response from either
21 co-chair up to this point so I would like to know that
22 once we ratify this today are we giving the public and
23 advocate groups who have been very involved in this
24 process the ability to submit revised or amended
25 plans?

26 SENATOR NOZZOLIO: Senator Dilan, thank you

1 Prisoner Count and Reallocation, 1-10-12

2 and thank you for your comments and thank you for your
3 interest in this issue from the beginning. There is
4 no static or finite date to-sell-by date, on the plans
5 submitted. There is always the opportunity until the
6 final plans are ratified or accepted or enacted by the
7 legislature and signed into law that LATFOR, I think,
8 welcomes the continued input of individuals and
9 organizations. So your comments were well taken.
10 There should be a time period for plans are, are,
11 utilized, but I think certainly if we accept this
12 today, the 10th of January, there is ample time for
13 anyone to be able to modify their plans, at least
14 through the remainder of this month and frankly into
15 the hearing process. I think that is a, a, segue into
16 some of the comments that we would like to talk about
17 that-Do you want to address this directly, Senator?

18 ASSEMBLY MEMBER MCENENY: I would observe
19 that I would think some of the groups who have
20 submitted plans already have these numbers. I think
21 they presumed they would be ratified by LATFOR
22 officially as is happening hopefully today and they're
23 probably already adjusting to see if it has any major
24 effect on recommended plans. Some for just one or two
25 districts, others for the entire state, and-

26 [crosstalk]

1 Prisoner Count and Reallocation, 1-10-12

2 ASSEMBLY MEMBER MCENENY: -for example is
3 the entire state-

4 SENATOR DILAN: [Interposing] So I take it
5 your answer is no, that they do not-

6 ASSEMBLY MEMBER MCENENY: [Interposing] My
7 answer is they are probably already doing it-

8 SENATOR DILAN: [Interposing] Two weeks-

9 ASSEMBLY MEMBER MCENENY: -they certainly
10 can do it before the public hearings commence.

11 SENATOR DILAN: I take the response as your
12 answer is no. However, I would also-

13 SENATOR NOZZOLIO: No, no, my answer is
14 that, no Senator, my answer is that these-any
15 submissions can be amended at any time throughout now
16 and the hearing process, which again I think there is
17 a segue.

18 We should now, at least, this is an
19 opportune time to discuss the intentions of the task
20 force, those 14 hearings that we engaged in were only
21 meant to be the first round of hearings that the task
22 force will conduct that we-that we'll have at least 8
23 or 9 hearings scheduled across the state and various
24 regions of the state for a second round of hearings to
25 commence sometime, we hope, although we don't have an
26 exact date now, sometime hopefully, commence by the

1 Prisoner Count and Reallocation, 1-10-12

2 end of the month, end of January. And those meetings
3 certainly would also have as has taken place in I
4 believe in 1992 certainly in 2002 will follow the same
5 basic process engaged in, in, those two redistricting
6 cycles where initial plans were put forward from the
7 task force prior to the beginning of the hearings that
8 will take place hopefully beginning the end of
9 January, this month, and grinding into the month of
10 February. I hope that is a further elaboration of
11 your concern and that certainly anyone can submit a
12 plan today, amend it tomorrow, and decide to amend it
13 three or four times between now and the end the
14 process.

15 SENATOR DILAN: I understand what you're
16 saying. I just wanted to have clear and definitely
17 where the public would know that they had the
18 opportunity.

19 MALE VOICE 1: Uh huh.

20 SENATOR DILAN: Then secondly, after—I am
21 supporting this motion. However, I would like to also
22 have the ability to discuss other business here.

23 MALE VOICE 1: Uh huh.

24 SENATOR DILAN: Today after we are done with
25 this?

26 MALE VOICE 1: Sure.

1 Prisoner Count and Reallocation, 1-10-12

2 SENATOR DILAN: Ok, thank you.

3 ASSEMBLY MEMBER MCENENY: Maybe we should
4 bring this to a vote too?

5 MALE VOICE 1: Yes.

6 MALE VOICE 2: Yes.

7 SENATOR NOZZOLIO: There is motion on the
8 floor that has been seconded. All those in favor

9 MALE VOICE 3: I

10 MALE VOICE 4: I

11 MALE VOICE 5: I

12 SENATOR NOZZOLIO: The proposal carries
13 unanimately those numbers that are certified on the-
14 that are placed on the LATFOR website have been agreed
15 to and certified by the actions of this motion.

16 MR. ROMAN HEDGES, NEW YORK STATE LEGISLATIVE
17 TASK FORCE ON DEMOGRAPHIC RESEARCH AND
18 REAPPORTIONMENT: I would just like to add a couple of
19 observations, if I might. The, the, staff did a
20 fantastic job and they really need to be commended. I
21 am reluctant to name individuals because I'll forget
22 someone, but a lot of people helped in a lot of
23 different ways and did really good work and I think
24 that if I look back on the product that I helped
25 produce to try to get this process started, we've got
26 a much better product now than we had then and I think

1 Prisoner Count and Reallocation, 1-10-12

2 that it's because of the comments and questions and
3 pushing that the staff did to make sure that the
4 product was a much better one.

5 The second is to really reiterate what you
6 said about what we're faced with going forward. I, I,
7 would certainly hope that the public that has not yet
8 submitted plans will still feel free to do that and I
9 would hope that groups that have already submitted
10 plans will be able to rethink in light of what's
11 happened in the release of this data and as we go
12 forward through the hearing process we're all going to
13 learn things and I'm expecting that we're all going to
14 learn things and change our mind about things as we go
15 forward so I want to really reinforce what the
16 Senator's premise was, which is this is not a finished
17 product, this is the beginning of a process to make it
18 so that everyone can participate and so that we can
19 learn some things.

20 SENATOR DILAN: I, I, agree with everything
21 you said and I think the staff did a fantastic job and
22 I even believe that the final product is better than I
23 expected so I commend everyone on that. So if we
24 could move on—

25 SENATOR NOZZOLIO: [Interposing] Before we
26 do, on this, if I may interrupt, Senator, on this

1 Prisoner Count and Reallocation, 1-10-12

2 issue, on the prisoner count issue, again I want to
3 reiterate my thanks to the citizen participant in
4 this—on this task force Roman Hedges, for your
5 efforts, Roman, in helping in terms of helping the
6 staff focus on this issue as—

7 I wear another hat in the legislature and
8 that is chairman of the New York State Standing
9 Committee on Crime Victims, Crime, and Corrections and
10 as such, for many years, have had jurisdiction over
11 the corrections department and the entire correctional
12 system in this state. I can say that it certainly was
13 not ever anticipated as the corrections department
14 takes intake of inmates and have had some of that
15 intake as old as three decades or more, that that
16 intake has just not been the type of intake necessary
17 to do the census taking that this law requires a
18 virtual census department to be placed within the
19 Department of Corrections. That's more staff, more
20 cost, in order to do this correctly, then you would
21 have to have that type of total rethinking on the
22 protocols that are already in place for taking
23 prisoner intake information.

24 And there are going to have to be training,
25 just as the United States Census takers of which co-
26 chair Assemblyman McEneny is an alumni of that

1 Prisoner Count and Reallocation, 1-10-12

2 organization. That the census taking process is
3 something that was very unfamiliar to the Department
4 of Corrections and expecting them to have the types of
5 information, people ask well why is it taking so long
6 to do this, why is it taking so—why is it so
7 laborious. It's that way because the Department of
8 Corrections was never given that type of planning and
9 I think that may take legislation and I know
10 Assemblyman McEneny and I have discussed the
11 possibility of recommending that legislation to the—
12 make this process one that is readily established.
13 With that, any other comments?

14 SENATOR DILAN: Yes, I would like to discuss
15 an issue which I believe that I have been bringing
16 before this committee which I believe started at the
17 very, very first hearing that we held. First of all,
18 at that time, I requested that this task force come up
19 with a transparent criteria that the public and
20 advocates could use and be guided by when they make
21 their submissions. I think during the 14 hearings
22 there were several individuals that testified with
23 respect to the size of the Senate, some advocating for
24 63, but a lot more testifying that the Senate should
25 remain at 62 as the constitution of the State of New
26 York requires in the 1894 formula. I want to know how

1 Prisoner Count and Reallocation, 1-10-12

2 last Friday at 5:00 p.m. in a very obscure spot of the
3 LATFOR Senate website a new policy memo appears
4 without the ratification of this panel. I want to
5 know how that happens and who authorized that. I
6 would like to know if that attorney is a staff member
7 of LATFOR or is he an outside consultant.

8 SENATOR NOZZOLIO: Senator Dilan, you're
9 referring to a memo from an attorney named Michael
10 Carbon who has been retained by this task force as—he
11 was retained by this task force in 2002 and in 1992
12 and it's my understanding that Attorney Carbon placed
13 a memo after analyzing the tenets of the New York
14 State constitution and of which it was his
15 responsibility as counsel to this task force to—that
16 that report or analysis, if you will, just as he made
17 an analysis in 2002, was placed on the task force in
18 the same protocols that were established 10 years ago.

19 Now, it's not a subject of—certainly
20 everyone is entitled to their opinion and I think that
21 those who testified, some of which are former Senate
22 Democrat staff members, during the course of the
23 hearing, who indicated as they were legally disclosed,
24 they were former staff members of the Senate Minority,
25 that they indicated in their testimony that they
26 believe the size of the Senate should be a certain

1 Prisoner Count and Reallocation, 1-10-12
2 number. It's my understanding that the attorney for
3 this task force placed—in placing his memo on the
4 LATFOR website and analyzed those submissions and
5 dealt with them in his memorandum. His recommendation
6 is based on his analysis of the New York State
7 constitution. A constitution that derives a formula.
8 That constitution says that the assembly is fixed at
9 150. It also derives a formula that the Senate is
10 established through population growth and population
11 analysis and that analysis was done. It was done by
12 the attorney and that analysis was placed for the
13 public to review on the LATFOR website. Whether it
14 was 5:00 or—at night or 5:00 in the morning, it was
15 placed on the website when it was completed and that
16 analysis is for everyone to review. They'll have
17 ample opportunity to review that analysis prior to the
18 beginnings of our second round of hearings. We assume
19 that certainly those that are interested will have the
20 opportunity to review that memo, to make their
21 comments known in the additional round of hearings
22 that we are going to be conducting beginning at the
23 end of this month.

24 SENATOR DILAN: Yeah, we can belabor this
25 for quite a while here today. I didn't know that an
26 outside-retained attorney has the ability on his own

1 Prisoner Count and Reallocation, 1-10-12

2 to place something on our website without our approval
3 so before we will conclude today, I would like to make
4 a motion that any policy changes needs to be approved
5 by this panel in public before it's done so I'm going
6 to make that as a form of a motion. Also, as a member
7 of this task force, I will be asking the Attorney
8 General of the State of New York to review that memo
9 and I will be asking for an Attorney General opinion
10 based on that memo.

11 SENATOR NOZZOLIO: It is certainly within
12 your rights to ask for anything, we should also know
13 that memos to the contrary were placed on our website
14 through the testimony of Mr. Brightbard, who I believe
15 testified at least twice, probably three or four
16 times, and I know the Senate Democrats also had some
17 surrogates for Mr. Brightbard who, when he could not
18 be at a hearing, someone else testified. I remember
19 answering—asking some of those attorneys questions.
20 Their testimony is on the website as well.

21 How do you define this motion—

22 SENATOR DILAN: [Interposing] I would like
23 to ask you a question—

24 [crosstalk]

25 SENATOR DILAN: —I would just like to
26 comment in response to that—

1 Prisoner Count and Reallocation, 1-10-12

2 SENATOR NOZZOLIO: Senator, I am still
3 talking-

4 SENATOR DILAN: [Interposing] You also have
5 your surrogates-

6 SENATOR NOZZOLIO: -I still have the floor,
7 Senator-

8 SENATOR DILAN: [Interposing] You also have
9 your census of every single county by way of-

10 SENTOR NOZZOLIO: -I am surprised you
11 interrupt me while I still have the floor, Senator.

12 SENATOR DILAN: Go ahead.

13 SENTOR NOZZOLIO: I am very surprised at
14 that. I know you don't do that often, but I'm not
15 going to allow it in this case. I had yet not yielded
16 and I guess, in conclusion of my remarks, as a
17 question to you. What do you define as a policy
18 change and how can that be defined within the
19 ramifications of this task force?

20 SENATOR DILAN: Well, I know that when we
21 started these proceedings, I have commented I believe
22 at every single public hearing that the public has the
23 right to know if we're going to drawing these lines
24 based on 62 or any other number, and I never got an
25 answer to that question from anyone on this panel.
26 You keep referring to Mr. Brightbard, who was a former

1 Prisoner Count and Reallocation, 1-10-12

2 staff person, and he was a former staff person before
3 I got to the Senate, which is about 10 years ago which
4 he has not worked here, but also you referred to other
5 surrogates that we may have had testify, I know none
6 of those individuals. Mr. Brightbard never worked for
7 me. He was never here while I was a state Senator.
8 But I do want to include in the record that your
9 conference had many surrogates via, via, law firms and
10 people who really had no idea or interest of the
11 redistricting process. They were all basically
12 verbatim, had the same testimony at every single
13 district and county throughout the state.

14 SENATOR NOZZOLIO: Senator-

15 SENATOR DILAN: And their testimony is also
16 on the website.

17 SENATOR NOZZOLIO: Senator, please address
18 the question. You have a motion before the committee.

19 SENATOR DILAN: Ok

20 SENATOR NOZZOLIO: And the question, there
21 is no second to that motion. I respectfully asked you
22 what do you define as policy change.

23 SENATOR DILAN: A policy change is that your
24 legal counsel since 2002 has a memo on our website and
25 on Friday of last week, just as your leader announces
26 that the Senate will increase by one seat, which I

1 Prisoner Count and Reallocation, 1-10-12

2 believe you made the comment Tuesday of last week. On
3 Friday you had a policy change with his new memo where
4 he use—you have a result—you have the result you know
5 you want 63 then he uses inconsistent methods of using
6 four counties. You use one method which was the way
7 he advocated for over 10 years on the website and then
8 the other two counties uses the reverse so you can get
9 the end result and how does your legal counsel,
10 without coming to the public or before this panel,
11 like Mr. Brightbard, and like every single other
12 surrogate who came before this panel, this was done in
13 the darkness of night. It did not appear before the
14 public and there it is, a new memo.

15 SENATOR NOZZOLIO: So, I take it that there
16 is a motion on the floor, it has not been seconded.
17 With that there will be no vote on it. And I would be
18 glad to discuss these policy issues with you that I
19 think that the Senator Majority leader was asked a
20 question and that he provided a very candid answer to
21 that he knew that there was an issue under review,
22 that is issue has been under review for months by the
23 counsel as brought forth by Mr. Brightbard's analysis,
24 and that certainly can be reviewed on our website,
25 both Mr. Brightbard's analysis and the counsel's
26 analysis of that hearing. Any—someone else.

1 Prisoner Count and Reallocation, 1-10-12

2 ASSEMBLY MEMBER ROBERT OAKS, NEW YORK STATE
3 LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND
4 REAPPORTIONMENT: Just to the, the, co-chairs, I guess
5 I would just add and, as Senator Dilan has, has,
6 raised the question, I did not second it although I
7 see some reasons for putting that out as a motion, I
8 guess my concern is if we create that and we always
9 have to have meeting before something goes on the
10 website, I'm not sure that we can keep information
11 flowing in the way that is needed perhaps. From my
12 perspective, I would suggest though that perhaps when
13 things of substance are added to the website, perhaps
14 notification of the members of this task force would
15 at least perhaps allow review and keeping information
16 flowing. So I would just offer that as a thought as
17 we move forward.

18 SENATOR DILAN: I would just like to make a
19 final comment. You know, I'm really surprised that
20 you did not second it. The majority is in both houses
21 will totally ignore me and you and many of the
22 citizens of the State of New York and as we can see
23 what the outcome is going to be here is the same as it
24 has been for over 50 years and technically I believe
25 that the hearings that we held preliminary are a farce
26 and waste of time and money.

1 Prisoner Count and Reallocation, 1-10-12

2 ASSEMBLY MEMBER MCENENY: Senator, I would
3 take except to that. My minority member is a
4 classmate. We get along very well. I try to keep him
5 informed of things and will be doing so more
6 intensely. I did not second your amendment because I
7 am not sure what the legal definition of policy is.
8 Policy could be all kinds of things and it could tie
9 up a process which we're trying to accelerate because
10 of the federal court coming out we hope in a short
11 time giving us a--an almost unworkable primary date and
12 to interject a bureaucracy and perhaps the figurative
13 monk squall of--is that a policy issue or not a policy
14 issue on something that just popped up today, it just
15 didn't look like something that I could second or
16 support. What's policy? I think there's probably 30
17 different opinions here in this room, all from people
18 of good will. I think that's a pretty sweeping
19 structural change and I worry where it would go where
20 it would be passed ever to be passed as a resolution.

21 SENATOR DILAN: I would just like to say
22 thank you. It is business as usual. Thank you.

23 SENATOR NOZZOLIO: Any other comments that
24 made before this commission--committee? With that,
25 Assemblyman.

26 ASSEMBLY MEMBER MCENENY: One comment that

1 Prisoner Count and Reallocation, 1-10-12

2 our goal is still to start public hearings before the
3 end of the month, but those of you who are looking for
4 maps, it has been long been the custom that no less
5 than seven days notice would be given and with that
6 notice would be the maps. It is our goal, we haven't
7 arrived at the exact schedule yet because we do not
8 want people planning for some date that might be
9 changed, but things are moving swiftly. We have—hope
10 to have those maps out at least seven days prior to
11 the first hearing.

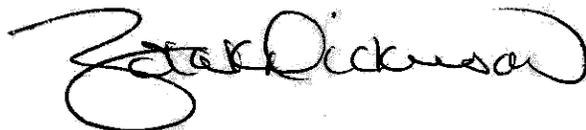
12 SENATOR NOZZOLIO: Thank you very much.

13 (The public hearing concluded at 2:00 p.m.)

Prisoner Count and Reallocation, 1-10-12

C E R T I F I C A T E

I, Zola K. Dickerson, do hereby certify that the foregoing typewritten transcription, consisting of pages number 1 to 30, inclusive, is a true record prepared by me and completed from materials provided to me.



Zola K. Dickerson,

Transcriptionist

January 16, 2012

NEW YORK STATE
LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND
REAPPORTIONMENT

PUBLIC HEARING
CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING

Legislative Office Building, 2nd Floor

Hearing Room A

Albany, New York

Monday, January 30, 2012

10:30 a.m.

TASK FORCE MEMBERS PRESENT:

SENATOR MICHAEL F. NOZZOLIO, Co-Chair

ASSEMBLY MEMBER JOHN J. MCENENY, Co-Chair

SENATOR MARTIN M. DILAN

ASSEMBLY MEMBER ROBERT OAKS

DEBRA LEVINE

ROMAN HEDGES

WELQUIS LOPEZ

LEWIS HOPPE

INDEX

	Page
ROBERT BAIN RESIDENT TOWN OF GUILDERLAND	12
DANIEL J. DWYER MAYOR CITY OF RENSSELAER	22
MICHAEL CUEVAS EXECUTIVE DIRECTOR SCHENECTADY COUNTY REPUBLICAN COMMITTEE	27
JAMES SOTILLE FORMER MAYOR OF KINGSTON	38
MICHAEL MCMAHON MONTGOMERY COUNTY COMMISSIONER OF SOCIAL SERVICES	42
SUSAN LERNER EXECUTIVE DIRECTOR COMMON CAUSE NY	46
BRIAN PAUL RESEARCH AND POLICY COORDINATOR COMMON CAUSE NY	61
GUSTAVO RIVERA STATE SENATOR 33rd SD	95
CLAUDIA TENNEY ASSEMBLY MEMBER 115th AD	108
BILL MAHONEY RESEARCH COORDINATOR NYPIRG	117
BARBARA BARTOLETTI LEGISLATIVE DIRECTOR LEAGUE OF WOMEN VOTERS NYS	132

Demographic Research and Reapportionment, 1-30-2012

ALEX CAMARDA CITIZENS UNION	158
RACHEL FAUSS CITIZENS UNION	161
BETH MURPHY RESIDENT ULSTER COUNTY	189
JEFF STERLING RESIDENT NEW BALTIMORE	200

1 Demographic Research and Reapportionment, 1-30-2012

2 (The public hearing commenced at 10:30
3 a.m.)

4 ASSEMBLY MEMBER JOHN J. MCENENY, CO-
5 CHAIR, NYS LEGISLATIVE TASK FORCE ON DEMOGRAPHIC
6 RESEARCH AND REAPPORTIONMENT: Good morning. My
7 name is Jack McEneny. I am the co-chair of the
8 Legislative Task Force on Redistricting and I am
9 joined with my co-chair and other members here.
10 The purpose of this hearing--and I'll allow other
11 members here to speak briefly before--is to get a
12 more specific criticism of the maps that are out
13 there. Now we have had 14 public hearings and an
14 incredible amount of written and oral testimony,
15 much of it submitted even outside the 14 public
16 hearings, which were held across the state of New
17 York.

18 This is an opportunity to move, perhaps,
19 from the general to the specific. To give us
20 ideas, you all have a set of maps, and if you've
21 been following us regularly, you've probably
22 downloaded them on your own as well, and it's a
23 time to come in now and say this works, this
24 doesn't, this should be changed. Now, will the

1 Demographic Research and Reapportionment, 1-30-2012

2 maps be changed? Historically, the maps have
3 always been changed; sometimes to small degree,
4 sometimes to large degree. And the way those
5 maps are changed and the reasons for changing
6 those maps has a great deal to do with the input
7 from people like yourselves, who represent not
8 only yourselves as individuals and citizens, but
9 also in many cases, groups within the state of
10 New York.

11 We have a limit as to how long people
12 can talk. We advertise something like five
13 minutes. We have never enforced five minutes,
14 but we would ask you to be succinct, to give us
15 as specific information as you possibly can.
16 This is not to talk about how LATFOR functions or
17 whether there should be an independent group. We
18 know where you stand on that. One way or
19 another, that's out there. This is to come in
20 and criticize these maps and let us know where
21 the changes should be made.

22 I am joined today on the panel here, on
23 the Assembly side by my ranker, if you will, Bob
24 Oaks, and also our citizen representative, Dr.

1 Demographic Research and Reapportionment, 1-30-2012

2 Roman Hedges, who has participated in many
3 redistrictings and has also taught on the
4 subject. And we are also joined by our executive
5 directors on each end, and I'm going to stop now
6 and pass it on to my co-chair, Senator Mike
7 Nozzolio and then open it up to the people on the
8 panel here if they wish to make opening remarks.

9 SENATOR MICHAEL F. NOZZOLIO, CO-CHAIR,
10 NEW YORK STATE LEGISLATIVE TASK FORCE ON
11 DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT: Thank
12 you, Assemblyman McEneny. On my far left, your
13 right, is Executive Director of the LATFOR Task
14 Force, Debra Levine; the Senate Citizen
15 representative on the task force, Welquis Ray
16 Lopez; and our Senate Minority ranker on this
17 committee, good friend, Senator Martin Dilan.

18 Before others speak, I wish to echo the
19 co-chairs comments relative to this process. It
20 is the first of nine hearings we will be
21 conducting across the state to take testimony
22 from primarily citizens who are interested in the
23 question of communities of interest, that the
24 maps proposed are reflective of the Voting Rights

1 Demographic Research and Reapportionment, 1-30-2012

2 Act of the State of New York, the New York States
3 Constitution, the United States Constitution,
4 that we believe strongly that they, as presented,
5 are legal and appropriate. For the first time
6 ever, there is an Asian district created that the
7 majority Asian district in Queens at the New York
8 State senate level, and that district was the
9 creation of the result of many hours of testimony
10 from the Asian American community, primarily the
11 borough of Queens, but in a number of meetings
12 afterwards, where communities put forth their
13 intentions to establish communities of interest.
14 And we hope these hearings will continue in that
15 process to further enhance it and develop it.

16 I'd also like to indicate that I just
17 came from the Senate Finance and Assembly Ways
18 and Means Committee, as Assemblyman Oaks is also
19 wearing his two hats as ranker on Ways and Means,
20 but the testifiers were asked to summarize their
21 testimony. The written testimony will be part of
22 the record. Submit that today or in the future
23 and that testimony becomes part of the permanent
24 record of the LATFOR proceedings. Maximize your

1 Demographic Research and Reapportionment, 1-30-2012

2 impact and the amount of time you have available
3 by summarizing your testimony. Please just don't
4 sit and read it. Summarize it and ensure that
5 those comments are put forward.

6 I should also add that your testimony
7 and the testimony on every task force hearing
8 that we conduct will be available for viewing on
9 the LATFOR website. That website contains a
10 video record, for the first time in our state's
11 history, of those who testify. So, we appreciate
12 your comments and welcome those comments to be
13 part of the permanent record. With that, any
14 other members of the task force wish to comment?
15 Mr. Hedges?

16 ROMAN HEDGES, NEW YORK STATE LEGISLATIVE
17 TASK FORCE ON DEMOGRAPHIC RESEARCH AND
18 REAPPORTIONMENT: No.

19 SENATOR NOZZOLIO: Assemblyman Oaks?

20 ASSEMBLY MEMBER ROBERT OAKS, NEW YORK
21 STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC
22 RESEARCH AND REAPPORTIONMENT: I'll just welcome
23 everyone today and look forward to hearing the
24 input from people. It's been a long time. I

1 Demographic Research and Reapportionment, 1-30-2012

2 know people gave a great deal of input before.
3 It's been a long time getting to this point, but
4 clearly, this is a process that needs to move
5 forward and needs to move forward judiciously,
6 and this is the first of three weeks of hearings
7 that we'll be holding and clearly, I look forward
8 to--I'm sure I'm going to have suggestions to how
9 these maps could be changed; I look forward to
10 hearing yours. Thank you.

11 MR. HEDGES: I want to welcome everyone,
12 but I also want to make particular point.
13 Several groups and individuals submitted plans in
14 the first round of hearings; common cause, a
15 coalition of voting rights groups that produced a
16 plan that they call the unity plan. We took a
17 lot of very, very important ideas from those
18 submissions and from those plans. The concepts,
19 the ideas were really very, very influential in
20 causing us to put together the plan that is front
21 of you. We look forward to more of that, whether
22 it's in the form of specific observations about
23 ideas that you like or ideas that you didn't
24 like, whether it's about approaches to

1 Demographic Research and Reapportionment, 1-30-2012

2 constructing plans. It's really important to
3 hear from you. We think we've done a good job of
4 putting together ideas about community and how to
5 comply with the Voting Rights Act, and we're not
6 unmindful of the fact that others have different
7 views on those subjects, and we're looking
8 forward to hearing about where you agree and
9 where you disagree with us. And thank you very
10 much.

11 SENATOR NOZZOLIO: Senator Dilan wishes
12 to speak.

13 ASSEMBLY MEMBER MCENENY: Senator Dilan?

14 SENATOR MARTIN M. DILAN, NEW YORK STATE
15 LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH
16 AND REAPPORTIONMENT: Good morning. Good
17 morning. I, too, am pleased to see what the
18 number of individuals in the audience and I'm
19 very eager to hear what you may have to say with
20 respect to the product of this task force, but I
21 just want to make it clear that I'm very clear
22 that this task force indicates that it has
23 listened to the public, but I would, just for the
24 record, like to indicate that I played no role in

1 Demographic Research and Reapportionment, 1-30-2012

2 the final product that you see here today. Thank
3 you.

4 ASSEMBLY MEMBER MCENENY: All right.
5 Our first speaker is Robert Bain of Guilderland,
6 New York. Mr. Bain, if you're speaking for
7 yourself, fine; if you're representing a group,
8 please, for the record, give the name of the
9 group.

10 MR. ROBERT BAIN, RESIDENT, TOWN OF
11 GUILDERLAND: Good morning.

12 ASSEMBLY MEMBER MCENENY: Good morning.

13 SENATOR NOZZOLIO: Good morning.

14 MR. BAIN: Good morning chairmen,
15 members of the task force. My name is Bob Bain
16 and I'm speaking today as a resident of
17 Guilderland, New York, and I've been a resident
18 in that town for 36 years. And first I want to
19 thank, thank you for the opportunity to speak to
20 you. I will summarize. Understand that I'm here
21 today because I support what you have done with
22 the Town of Guilderland as far as the town being
23 placed in District 46, and that's exactly where I
24 think that it belongs. Even though Guilderland

1 Demographic Research and Reapportionment, 1-30-2012

2 is in Albany County, we don't really have very
3 much in common with our neighbors in the City of
4 Albany. Guilderland is a suburban town, much
5 more in common with our neighbors in Schenectady
6 County, particularly the town of Rotterdam. They
7 border each other and in my time, I'm a native of
8 the town of Colonie, but after 36 years--that's
9 the problem of being number one on the agenda.
10 So, Rotterdam and Guilderland are together and
11 then my time there, living, raising our family
12 there, there's a lot of synergy between the two
13 towns, and not only the town of Rotterdam, but
14 the hill towns of Berne-Knox and actually in
15 Princetown and Duanesburg as well. And I just
16 know, first of all, how difficult this is, and
17 that's stating the obvious, but with the changes
18 and the demographics in 2010 census, it's made
19 it, in my experience, you know, as an observer,
20 even more difficult to deal with the changes.
21 So, and there's a couple of examples. The
22 economies of Guilderland and Rotterdam are very
23 retail-based; Albany is commercial government.
24 Both towns have churches, houses of worship with

1 Demographic Research and Reapportionment, 1-30-2012

2 congregations made up with many people from each
3 others' towns, so there's a lot of interaction
4 there. I married a girl from Rotterdam and we
5 still have a lot of family in the Rotterdam area,
6 friends. My home--and I'm sure hundreds of other
7 Guilderland residents--has the Schenectady
8 mailing address. Parking is a serious in Albany;
9 not so much in Guilderland. There's a lot of
10 free parking in Guilderland. I could go on but I
11 won't.

12 I also believe the task force was
13 correct in placing our neighbors in the towns of
14 Berne and Knox in Center 46, as I mentioned
15 before. Frankly, it's the towns of Guilderland,
16 Knox and Berne have been sort of isolated in the
17 western part of the town and that's, that's where
18 I live. Don't have much in common with the City
19 of Albany as it pertains to all the other towns
20 around us. As a community and being involved in
21 the community, a PTA president at Guilderland,
22 you deal with the other towns around you. So,
23 these three towns are communities of interest, if
24 you will, in my view, and you and your staff

1 Demographic Research and Reapportionment, 1-30-2012

2 should be recognized for doing your homework and
3 actually looking into the specifics of our region
4 of this state and then making the proper
5 connection of these bordering towns and placing
6 them in senate, that senate district. So, I
7 thank you for your efforts. I appreciate what it
8 takes to do this kind of thing, having not been
9 involved in it directly, but I can only imagine.
10 And I urge you to keep those towns together in
11 the District 46 and I thank you for your time.

12 ASSEMBLY MEMBER MCENENY: Okay. Thank
13 you very much, Mr. Bain. Our next speaker is
14 Mayor Daniel--I'm sorry. All you do is sit down,
15 Mr. Bain, I'm sorry.

16 MR. BAIN: That's all right.

17 ASSEMBLY MEMBER MCENENY: Senator, I'm--

18 SENATOR DILAN: Yeah, one quick
19 question. You indicate that you feel you have
20 more in common with the other counties that are
21 in the new 46?

22 MR. BAIN: The, the other towns.

23 SENATOR DILAN: 46? Can you tell me how
24 the other towns are similar to Guilderland and

1 Demographic Research and Reapportionment, 1-30-2012

2 what's the contrast between Albany, the rest of
3 Albany and the other towns?

4 MR. BAIN: I, I think, I think, Senator,
5 similar neighborhoods, similar types of housing,
6 and again, not issues. I didn't want to get into
7 all the details about, like, parking and that
8 kind of stuff, but it's just our sporting teams
9 in the two towns and the towns around, we play
10 each other in the same division. Very rarely do
11 we have any opportunity to be playing the, the
12 teams in Albany. The, the sport in, in my town
13 in Guilderland, Guilderland High School, the
14 sporting athletic programs and dinners that they
15 have at the end of the season are routinely held
16 at the Mallozzi's Banquet House in Rotterdam.

17 SENATOR DILAN: Okay.

18 MR. BAIN: My daughter went to dance
19 school at the dance studio on Carmen Road in
20 Guilderland for a number of years, and when Ms.
21 Barb sends, has her recital every spring, with
22 about 5, 600 students--

23 SENATOR DILAN: But I asked you how does
24 it--

1 Demographic Research and Reapportionment, 1-30-2012

2 MR. BAIN: --it's, it's, it's--

3 [Crosstalk]

4 SENATOR DILAN: --other counties.

5 MR. BAIN: It's held in Schenectady, so
6 there's a lot of interchange between the people
7 in the suburbs, more the suburban region--

8 SENATOR DILAN: That would apply--

9 MR. BAIN: --than it is to--

10 SENATOR DILAN: --to Greene--

11 MR. BAIN: --city.

12 SENATOR DILAN: --County? That would
13 apply to Greene County and Montgomery County
14 also?

15 MR. BAIN: I, I can't speak for that
16 because I've never lived in Greene County.

17 SENATOR DILAN: But they're in the 46.

18 MR. BAIN: Right.

19 SENATOR DILAN: So, you can't speak--

20 MR. BAIN: But I haven't lived there.

21 SENATOR DILAN: --to those.

22 MR. BAIN: I'm, I'm representing--

23 SENATOR DILAN: You only know--

24 MR. BAIN: --my town and my issues.

1 Demographic Research and Reapportionment, 1-30-2012

2 SENATOR DILAN: Okay. Well, I'm, I'm
3 just going based on the comment that you made.
4 My next question; are you affiliated with any
5 organization or did you just come here on your
6 own? How did you get--

7 MR. BAIN: I came here on my own,
8 Senator.

9 SENATOR DILAN: How did you get--

10 MR. BAIN: Yeah. I've, I've--

11 SENATOR DILAN: How did you hear about--

12 MR. BAIN: --had a--

13 SENATOR DILAN: --this hearing this
14 morning? And why are you so interested?

15 MR. BAIN: I saw it online.

16 ASSEMBLY MEMBER MCENENY: Excuse me.
17 Excuse me.

18 SENATOR DILAN: I have the right to ask
19 questions.

20 MR. BAIN: No, no, that's--

21 SENATOR NOZZOLIO: Pardon, pardon,
22 pardon me.

23 MR. BAIN: Sorry, Senator.

24 SENATOR NOZZOLIO: Pardon me. Senator,

1 Demographic Research and Reapportionment, 1-30-2012

2 I would appreciate you letting the witness--

3 SENATOR DILAN: I--

4 SENATOR NOZZOLIO: --answer--

5 SENATOR DILAN: I'm asking--

6 SENATOR NOZZOLIO: --the question--

7 SENATOR DILAN: I had--

8 SENATOR NOZZOLIO: --before you ask
9 another one.

10 SENATOR DILAN: I had, I had the mic
11 when I was asking the question. I don't
12 understand what you're doing.

13 SENATOR NOZZOLIO: Let him answer--

14 SENATOR DILAN: I, I was already--

15 SENATOR NOZZOLIO: --before you--

16 SENATOR DILAN: --asking the question.

17 SENATOR NOZZOLIO: --ask, ask, you've
18 been interrupting him time and again.

19 SENATOR DILAN: I don't think so.

20 SENATOR NOZZOLIO: Well, it appears, I,
21 I'm--

22 SENATOR DILAN: Well, if--

23 SENATOR NOZZOLIO: --surprised--

24 SENATOR DILAN: --that's the case, I

1 Demographic Research and Reapportionment, 1-30-2012

2 apologize to you, but go ahead.

3 MR. BAIN: That's not, that's not
4 necessary.

5 SENATOR DILAN: Go ahead. Well, the
6 chairman interrupted me. Go ahead.

7 MR. BAIN: Well, my only point is I
8 really can't speak to those counties, having not
9 lived in Greene County. Obviously I know where
10 Greene County is, but I haven't, I haven't lived
11 in Berne or Knox either. Now, with the other, as
12 far as the other counties that are in that, that
13 district, I can't speak to that and that's not my
14 purpose for being here today.

15 SENATOR DILAN: Well, I thought that
16 your purpose here today was to speak to the 46th
17 Senatorial District, as you indicated. However,
18 after that, I wanted to know how you found out
19 about this hearing and what was your interest all
20 of a sudden in redistricting, and if you have any
21 background in redistricting.

22 MR. BAIN: Well, how I found out about
23 it was online over the weekend. I think it was
24 the Times Union blog. It seemed like a good

1 Demographic Research and Reapportionment, 1-30-2012

2 idea, had some ideas.

3 SENATOR DILAN: All right.

4 MR. BAIN: My background is rather
5 varied. I've been a, I was a lobbyist for the
6 construction industry here in Albany for 23
7 years. I later was political director for the
8 Public Employees Federation, and later I was
9 appointed to the Department of State as Deputy
10 Secretary of State by Governor Rock--Rockefeller,
11 no, I'm not that old--by Governor Pataki, and I
12 was later also appointed, reappointed by Governor
13 Spitzer. So, I have a history. I've been around
14 here a little bit. I'm not currently working in
15 that business but I have a, I think, a pretty
16 decent record in town, as a by, getting
17 bipartisan advocacy success, working with
18 republicans and democrats, and if I'm not
19 mistaken, this whole process is meant to be a
20 non-partisan thing.

21 SENATOR DILAN: I want to thank you very
22 much. The purpose of my questions were just to
23 find out your interest in this. Thank you.

24 MR. BAIN: Thanks.

1 Demographic Research and Reapportionment, 1-30-2012

2 ASSEMBLY MEMBER MCENENY: Thank you very
3 much, Mr. Bain.

4 MR. BAIN: Thanks.

5 ASSEMBLY MEMBER MCENENY: Anyone else?
6 Thank you.

7 SENATOR NOZZOLIO: Thank you very much.

8 ASSEMBLY MEMBER MCENENY: The next
9 speaker is Mayor Dwyer of Rensselaer.

10 MAYOR DANIEL J. DWYER, CITY OF
11 RENSSELAER: Thank you, Mr. Chairman. Good
12 morning. My name is Dan Dwyer. I'm the mayor of
13 the City of Rensselaer. I would like to express--
14 -

15 ASSEMBLY WOMAN DEBRA LEVINE, CO-
16 EXECUTIVE DIRECTOR, NEW YORK STATE LEGISLATIVE
17 TASK FORCE ON DEMOGRAPHIC RESEARCH AND
18 REAPPORTIONMENT: Mayor, please speak--

19 MAYOR DWYER: --my appreciation--

20 ASSEMBLY MEMBER LEVINE: --into the
21 microphone.

22 SENATOR NOZZOLIO: Can you get the--

23 ASSEMBLY MEMBER LEVINE: Mayor, you need
24 to--

1 Demographic Research and Reapportionment, 1-30-2012

2 SENATOR NOZZOLIO: --microphone close,
3 Mayor? Thank you.

4 MAYOR DWYER: Am I too close?

5 ASSEMBLY MEMBER LEVINE: No, no.

6 SENATOR NOZZOLIO: No, no.

7 ASSEMBLY MEMBER LEVINE: Not close
8 enough.

9 ASSEMBLY MEMBER MCENENY: Bring it
10 closer.

11 SENATOR NOZZOLIO: There you go.

12 MAYOR DWYER: Usually my voice carries
13 so I--

14 SENATOR NOZZOLIO: Okay.

15 MAYOR DWYER: --sort of back off.

16 SENATOR NOZZOLIO: Thank you.

17 MAYOR DWYER: I'd like to express my
18 appreciation for the opportunity to briefly
19 testify today about the, both change to the
20 legislative districts. At one time, we were in
21 a, the city was represented by former majority
22 leader, Joe Bruno. He did an outstanding job for
23 us, the City of Rensselaer, the county, and the
24 entire region. His successor, Senator McDonald,

1 Demographic Research and Reapportionment, 1-30-2012

2 also has done a good job, along with other local
3 state legislators to represent the capital
4 district's best interests.

5 In this difficult economy, we are
6 competing with every other region in the state
7 for limited number of resources. With that in
8 mind, I believe that no matter what, who it is
9 that represents the City of Rensselaer, it is
10 important that they be willing to stand up and
11 fight for us. As I have been fortunate to have
12 good relations with state legislators on both
13 sides of the pile, my only concern with this
14 process is that my constituents in the city of
15 Rensselaer continue to have a strong voice in
16 state government.

17 It is my understanding that the proposed
18 plan Senator Neil Breslin would represent each of
19 the cities that lie adjacent to the Hudson River
20 and Rensselaer County. With lie, lifelong ties
21 to the city, to the capital region, I feel
22 comfortable that Senator Breslin will extend the
23 same efforts to represent our city's interest, as
24 he has done in the past with the city of Albany.

1 Demographic Research and Reapportionment, 1-30-2012

2 As the cities of Rensselaer, Troy and Albany have
3 similar interests and similar constituencies, I
4 can understand the rationale of why they are
5 placed in the same district on your new map. I
6 am hopeful, hopeful that these similarities,
7 similarities will result in the union of
8 representation in the common purpose.

9 One representative will be fighting to
10 improve those little cities' unique urban
11 interests, rather than having one foot in the
12 city senate part of this current state district,
13 senate district, and one fit, foot in the borough
14 towns that make up the rest. I know there has
15 been criticism of a proposed line plan, but on
16 behalf of my constituents, I am comfortable with
17 them and look forward to working with Senator
18 Breslin in the future, and thank again for
19 hearing my thoughts on this resolving. Thank you
20 very much.

21 ASSEMBLY MEMBER MCENENY: Mayor, is it
22 safe to say that you're content either way,
23 whether you stayed in Rensselaer County's bay
24 senate district or whether you were in the Albany

1 Demographic Research and Reapportionment, 1-30-2012

2 city side?

3 MAYOR DWYER: I'm very content.

4 ASSEMBLY MEMBER MCENENY: Do you have--

5 MAYOR DWYER: And I--

6 ASSEMBLY MEMBER MCENENY: Do have a--

7 MAYOR DWYER: I see no--

8 ASSEMBLY MEMBER MCENENY: --preference?

9 MAYOR DWYER: I see no problem. Like I
10 say, what's in the best interest of the city of
11 Rensselaer and the people, and to be honest, I
12 work with both parties and that, to me, is the
13 most important thing as the people.

14 ASSEMBLY MEMBER MCENENY: Very good.

15 Any members have a question here?

16 MAYOR DWYER: Thank you, Mr.--

17 ASSEMBLY MEMBER MCENENY: Thank you very
18 much, Mayor. Michael Cuevas of Schenectady, and
19 it's Cuevas, I am reminded.

20 MICHAEL CUEVAS, EXECUTIVE DIRECTOR,
21 SCHENECTADY COUNTY REPUBLICAN COMMITTEE: Cuevas,
22 Cuevas.

23 ASSEMBLY MEMBER MCENENY: And I
24 apologize.

1 Demographic Research and Reapportionment, 1-30-2012

2 MR. CUEVAS: Thank you, gentleman, for
3 the opportunity to address you this morning. My
4 comments are particularly centered on the
5 interests of the people of the city of
6 Schenectady and Schenectady County, which both
7 areas are impacted by both the changes to the
8 senate and assembly district lines. In the
9 interest of full disclosure, I, and so that
10 Senator Dilan won't have to repeat his questions,
11 that my background is that I have been a four-
12 time candidate for political office in the city
13 of Schenectady. I currently am the executive
14 director and first vice chair of the Schenectady
15 County Republican Committee, and prior to that, I
16 served as counsel to the Assembly Minority
17 Conference. I have also served in the past
18 governor's administration as a chairman of the
19 Public Employment Relations Board for nearly nine
20 years, and also under former Governor Cuomo,
21 first, I was a member of the Commission on the
22 Capital Region, which I think particularly
23 qualifies me to make comments here today, because
24 that commission was tasked with studying the

1 Demographic Research and Reapportionment, 1-30-2012

2 entire greater capital region and how the region
3 could interact, and as we traveled around the
4 region, over the year and a half that we held
5 hearings for that commission, we got a good sense
6 of where the common interests among the various
7 communities in the region lie. Now in my private
8 practice, I represent municipalities. My firm
9 represents over 30 municipalities across the
10 state, basically in public sector labor
11 relations, but in many areas in general municipal
12 issues as well.

13 When you look at, on the senate side,
14 the city of Schenectady is now going to be placed
15 primarily in the district to the, to the north,
16 which would now be in the proposed senate,
17 District 49. That district splits Schenectady
18 County but I would suggest that there appears to
19 be a logical line of division that's drawn there,
20 because Schenectady County communities of
21 Glenville and Niskayuna, along with the city of
22 Schenectady, go into 49. The people that are
23 familiar with the interactions of those
24 communities know that the city of Schenectady has

1 Demographic Research and Reapportionment, 1-30-2012

2 intermunicipal agreements for both water and
3 sewer with both the towns of Glenville and the
4 town of Niskayuna, and they also have a number of
5 other intermunicipal agreements with respect to
6 public safety, highway and issues such of that.
7 There is a more, they also, within the county
8 legislative districts, comprise county
9 legislative districts one, two and three, whereas
10 the rest of Schenectady County, which looks like
11 a large geographical area, is the more sparsely
12 populated part of Schenectady County, the more
13 rural suburban districts, Rotterdam being more
14 suburban, Princetown and Duanesburg being
15 primarily rural, which don't have the same kinds
16 of connections either by intermunicipal
17 agreements, they don't have the water and sewer
18 out in Duanesburg and Princetown. They're not
19 connected, you know, physically to the city and,
20 and the other towns that way; Rotterdam, to a
21 small degree. And, and if you go through those
22 communities, you'll see how much different they
23 are than the other part of Schenectady County,
24 whereas they do seem to have a more logical

1 Demographic Research and Reapportionment, 1-30-2012

2 connection to the more rural and suburban towns
3 to the north and south, so that the proposed
4 Senate District 46 than from the Schenectady
5 County perspective, has much more in common with
6 those towns in Montgomery County, Albany County,
7 and I would suggest even going down to, to Greene
8 and Ulster by reason of, of their more rural
9 suburban character than those to the north and
10 east, which are, you know, more densely
11 populated, and in the case of Niskayuna and
12 Glenville, more densely suburban, less, less
13 rural, more similar to the, the towns of Clifton
14 Park and, and those to the east. And, you know,
15 those that, at first glance might, might look at,
16 you know, this district as being perhaps longer
17 than it is wide, I, I think that sometimes we
18 overstate the compactness issue, but certainly
19 the, the common interest that run through this
20 district seem to serve, you know, several of the
21 purposes of having, you know, a continuous flow
22 through the areas of common interest and keeping
23 largely, the city of Schenectady intact. There
24 does seem to be a little sliver of the city of

1 Demographic Research and Reapportionment, 1-30-2012

2 Schenectady that falls into the proposed new 46,
3 which I would suggest perhaps consider putting
4 that sliver back with the rest of the city, into
5 District 49. There doesn't seem to be any real
6 purpose to have that within this senate district.
7 And having known the, and worked with the
8 candidates in the current assembly district,
9 which would be the 105th assembly district, that
10 this district has much of that 105th district,
11 which, 105th assembly district, which seems to--
12 and I have logically already formed a connection
13 and a bond between the people in those parts of
14 Schenectady and Montgomery County that are
15 represented in that 105th assembly district.

16 So, I would suggest that if we are going
17 to go to an additional senate district, that this
18 certainly would make sense. I was here in the
19 legislature, you know, a few years ago when we
20 had the divide in the senate, so that things
21 pretty much came to a standstill when the senate
22 was split, and I don't think anyone in the public
23 would have foreseen that situation at the time,
24 but we know of it now, and I, I think it makes

1 Demographic Research and Reapportionment, 1-30-2012

2 sense for us to go to an odd number of senate
3 districts to avoid that kind of eventuality. We
4 do that with local government. You know,
5 throughout local government, whether it be, you
6 know, town or village government or, or city
7 councils, we look to have an odd number of
8 members on those legislative bodies. This is not
9 the United States Senate where we apportion
10 members of the state senate according to the
11 number of counties. It's just coincidental now
12 that we have 62 counties and, and 62 senators.
13 They don't represent those geographical limits
14 of counties. So, why not have an odd number and
15 avoid the constitutional issues that arise when
16 you have an equal number of senators from both
17 parties.

18 I think that's, that pretty much would
19 summarize what I have, and, and will submit in my
20 written comments with respect to the senate
21 district. If I could just briefly touch upon the
22 assembly district that impact the, the city of
23 Schenectady. Again, while on first glance,
24 someone might say that there doesn't appear to be

1 Demographic Research and Reapportionment, 1-30-2012

2 logic to the division. Those of us from the city
3 of Schenectady know that there is a very real
4 divide within the city. The north and easterly
5 part of the city basically is where there is a
6 concentration of single-family, owner-occupied
7 premises. There is a vast difference between the
8 north and easterly side of the city and the
9 southwesterly side of the city with respect to
10 household incomes. This line basically draws a
11 line between the two and that line puts the 100,
12 new proposed 110th assembly district together
13 with the town of Niskayuna and the town of, parts
14 of the town of Colonie, which are more like those
15 parts of the city. If you're driving down the
16 street, my street in the city of Schenectady, I'm
17 a block from the Niskayuna line. You can't tell
18 the difference if you're driving through from
19 Niskayuna into our part of the city. My mail is
20 delivered from Niskayuna, not from the City of
21 Schenectady Post Office. There's logic to his
22 division and we would support that change as
23 well. If anyone has any questions, I'd be happy
24 to answer them.

1 Demographic Research and Reapportionment, 1-30-2012

2 ASSEMBLY MEMBER MCENENY: Senator?

3 SENATOR DILAN: Yes. I have a question
4 with respect to your comment with the size of the
5 senate, and you said that an odd number is
6 better; why not 61?

7 MR. CUEVAS: Well, I, I don't suggest
8 that 61 would, would be, you know, an incorrect
9 number either. I'm just suggesting that if we
10 force local governments to have odd numbers,
11 logically the senate, you know, would be served
12 well by having an odd number. I think one of the
13 rules of redistricting is they try not to, you
14 know, force incumbents out of office, so it's
15 downsizing would perhaps do that. If you go up
16 one, then you're less likely to do that.

17 SENATOR DILAN: The reason I indicate
18 that is because the current constitution and the
19 formula that's within the constitution and what I
20 know of it, and what I've heard in many of the
21 testimony, is that if we strictly follow the
22 constitution, then that result will be 62 seats.
23 Just wanted to make that comment. You don't have
24 to respond to it.

1 Demographic Research and Reapportionment, 1-30-2012

2 MR. CUEVAS: Right, okay. Thank you.

3 SENATOR DILAN: Thank you.

4 SENATOR NOZZOLIO: If I may Mr. Co-
5 Chair, I think my colleague brought up the issue
6 and you raised the issue in your testimony.
7 Thank you for your testimony. Very helpful.
8 Just so we know, that the state constitution
9 determines the size of the assembly and the size
10 of the senate. Article 3 of the constitution
11 fixes the size of the assembly at 150, but
12 establishes an, an equation, a formula which is
13 basically interpreted to be a series of ratio
14 equations based on population, and that that
15 formula then drives the size of the senate. In
16 1982, the senate was changed from 60 to 61. in
17 2002, the change was from 61 to 62. The counsel
18 who is advising, as this committee has indicated
19 that in his opinion, the ratio equations based on
20 the population of the state of New York currently
21 in the 2010 census, requires the addition of
22 another senate seat. We, as members of this
23 commission, as well as members of the
24 legislature, do not have the authority to change

1 Demographic Research and Reapportionment, 1-30-2012

2 the number of senate seats, or we do not have the
3 authority to change the number of assembly seats.
4 What we have to do though is comply with the
5 state constitution, and the formula that's in the
6 state constitution, and, as, and I'm sure that
7 will be a, a divided opinion. Senator Dilan has
8 already voiced his objection so to be fair, it is
9 an open question right now, but that, certainly
10 that, we believe that's it's the constitution
11 that drives this issue, not individual
12 legislators and their position on one way or
13 another. But thank you very much for your
14 testimony. It was very helpful, and that I
15 appreciate you putting on the record your
16 concerns.

17 ASSEMBLY MEMBER MCENENY: Senator Dilan?

18 SENATOR DILAN: Yes. I just want to
19 note, for the record, that as an individual
20 legislator, I'm not advocating for one number or
21 the other. I also support the constitution. You
22 make reference to various decades. I can go back
23 even another decade to 1972, '82, '92 and 2002,
24 where the current senate majority used a

1 Demographic Research and Reapportionment, 1-30-2012

2 consistent formula to determine the size of the
3 senate. However, this year, they're using two
4 different methods to get to the number that they
5 want. So, I want to clarify the record. It's
6 not my individual thought that I'm thinking here.
7 I, too, will live with whatever the constitution
8 says, but we cannot change our methods when we've
9 been doing it one way for 40 years, and now in
10 the 50th year, you want to do it a different way
11 because you want to get another number. Thank
12 you.

13 SENATOR NOZZOLIO: And, and, and I
14 apologize that you have to sit through this, but-
15 -

16 [Crosstalk]

17 SENATOR NOZZOLIO: If Senator Dilan
18 wants to clarify the record, I think I need to
19 clarify the record also, that the formula has not
20 changed, our application of that formula has not
21 changed, in our opinion, that the formula is the
22 same formula it's always been and this panel will
23 not decide this issue. It will be decided
24 elsewhere. But thank you again for your

1 Demographic Research and Reapportionment, 1-30-2012

2 testimony.

3 MR. CUEVAS: But if, if it's formula
4 driven and constitution driven, and if it's just
5 fortuitous that the application of the formula
6 suggests that a 63rd seat is in order, I think
7 the vast majority of New Yorkers would be best
8 served by having that 63rd seat and having an odd
9 number of seats in the senate.

10 SENATOR NOZZOLIO: Thank you very, very
11 much.

12 ASSEMBLY MEMBER MCENENY: Thank you very
13 much.

14 MR. CUEVAS: Thank you.

15 ASSEMBLY MEMBER MCENENY: James Sotille;
16 he's the former Mayor of Kingston. Did I
17 pronounce your name correctly?

18 JAMES SOTILLE, FORMER MAYOR OF KINGSTON:
19 Yes. The key word there was former, former
20 mayor. I'm here, good morning, ladies and
21 gentlemen.

22 ASSEMBLY MEMBER MCENENY: Good morning.

23 MR. SOTILLE: I'm here this morning as a
24 private citizen, an individual who served for the

1 Demographic Research and Reapportionment, 1-30-2012

2 last ten years on the front lines as a mayor of
3 the city of Kingston, trying to provide the
4 services necessary for a community the size of
5 Kingston to survive. Whether your body decides
6 whether to add another senatorial seat or not,
7 that certainly will be played out within your
8 house, but I am here to speak positively on the
9 fact that if you do raise and add another
10 senatorial seat, the way it's described in the
11 46th is a good idea. I'm here, obviously speak
12 in support of the proposed 46th senate, state
13 senate district, which would include Montgomery
14 County, Greene County, and portions of
15 Schenectady, Albany, and Ulster Counties,
16 including the city of Kingston.

17 During my tenure as mayor of Kingston,
18 the city was ably represented in the state senate
19 by Senator Bill Larkin, who lives in Orange
20 County. I believe that the portions of Ulster
21 County that are included in the proposed 47, 46th
22 senate district, the towns of Woodstock,
23 Saugerties, Ulster, Kingston, Esopus, Marbletown,
24 Lloyd, and the city of Kingston have a tremendous

1 Demographic Research and Reapportionment, 1-30-2012

2 number of common interests and concerns with
3 Greene County and the other Hudson and Mohawk
4 River counties, communities contained within the
5 proposed 46th district.

6 First, many of these areas were
7 substantially impacted by flooding in 2011, and
8 during the ongoing and future recovery efforts,
9 they will share mutual concerns relating to state
10 investment and impacted communities in the
11 state's oversight of this process.

12 Second, the ongoing remediation of the
13 Hudson River is an issue of mutual concern for
14 communities in Northeastern Ulster County, Greene
15 County and southern Albany counties. As this
16 cleanup process continues, having a shared voice
17 in the state senate will greatly enhance the
18 ability of these communities to protect their
19 mutual interests.

20 Third, many of the rural and
21 agricultural communities in northern Ulster
22 County have much more in common with similarly
23 situated areas in Greene County, Montgomery
24 County and the more rural portions of Albany and

1 Demographic Research and Reapportionment, 1-30-2012

2 Schenectady Counties, which are, are included in
3 this proposed district.

4 Again, for the people who reside in
5 these areas, having a single unified voice in the
6 state senate will be of significant benefit. I
7 thank the task force for all your hard work and
8 for giving me, not as mayor, but as a private
9 citizen, the opportunity to speak before you.
10 Okay.

11 SENATOR NOZZOLIO: Thank you very much,
12 Mayor.

13 ASSEMBLY MEMBER MCENENY: Thank you very
14 much, Mayor.

15 MR. SOTILLE: Thanks so much.

16 SENATOR NOZZOLIO: Yeah.

17 ASSEMBLY MEMBER MCENENY: Thank you.
18 Michael McMahon, Montgomery County Commissioner
19 of Social Services. Is that your cheering
20 section?

21 MICHAEL MCMAHON, MONTGOMERY COUNTY
22 COMMISSIONER OF SOCIAL SERVICES: Good morning.
23 Yes, it is. I appreciate the opportunity to
24 speak with you today about the proposed 46th. My

1 Demographic Research and Reapportionment, 1-30-2012

2 name is Michael McMahon and I'm a resident of
3 Montgomery County, but I'd like to say that
4 before I became a resident of Montgomery County,
5 as a child and a teenager, I grew up in the Mid-
6 Hudson Valley. My father was an IBM executive
7 who started his career in Fishkill, moved on to
8 Poughkeepsie, and moved on to Kingston, and when
9 he did that, he dragged us and moved the home
10 each, each time. So, I had the opportunity to
11 live in many of the Hudson Riverfront communities
12 that I just spoke about, mainly Athens,
13 Rhinebeck; these are where we had homes, in
14 Ulster and Greene County.

15 As a new resident of Montgomery County,
16 I go back and visit friends in Rhinebeck and Cold
17 Spring, and there's a stark difference in those
18 communities than what they were in the '60s and
19 the '70s when I was a kid growing up. I would
20 like to see that same economic development,
21 recreational opportunity, and, and, cultural
22 diversity and opportunities kind of come upstate
23 to Montgomery County, and, and where I live now
24 in the town of Canajoharie, fine, and we would

1 Demographic Research and Reapportionment, 1-30-2012

2 love to see that kind of development. I think
3 under one senate voice, I think there's an
4 opportunity to do that.

5 I'd like to read a short, a short
6 statement. Much of it is the same sentiment as
7 the, as the former mayor of Kingston just read.
8 I am in support of the creation of the proposed
9 greater capital district region, district,
10 because I believe it will benefit the residents
11 of Montgomery County. In many ways, the
12 residents of my county have much in common with
13 the suburban rural towns in western Schenectady
14 and Albany counties. This proposed district
15 would provide the shared interest with a single
16 voice in state government. In each of these
17 areas, local government must deal with both rural
18 and suburban issues. Additionally, we have many
19 local residents who commute to Albany on a daily
20 basis. By combining together several of the
21 communities west of the Hudson River, we will
22 have an opportunity to address these issues in a
23 cohesive way and present our issues to a single
24 state senator representing us. This past year,

1 Demographic Research and Reapportionment, 1-30-2012

2 businesses and residents in Montgomery County
3 have had to deal with the aftermath of serious
4 floods that hit our region. The proposed 46th
5 senate district includes communities of
6 Montgomery, Schenectady, Albany, Greene and
7 Ulster counties, who are all struggling with
8 recover efforts. By joining these communities
9 into one senate district, these affected varies
10 will be able to more effectively advocate for the
11 states what we need to achieve our recover.

12 I want to thank you for the opportunity
13 to testify before you. If you have any questions
14 for me, I will certainly take them.

15 SENATOR NOZZOLIO: You have a unique
16 perspective. Thank you for your testimony. You
17 have a unique perspective, having lived in one
18 area of this proposed region and district, and
19 now working in the other. Do you have
20 interaction now with your former--do you see any
21 community of interest with where you are now to
22 as you move south in, into this--

23 MR. MCMAHON: I would like to see--I'm,
24 I'm an avid kayaker and, and, and, and a water

1 Demographic Research and Reapportionment, 1-30-2012

2 sports person. I do a lot of canoeing. I like
3 some of the things that are happening in the mid-
4 Hudson Valley, as far as the recreational things.
5 The Mohawk Valley doesn't really offer that yet
6 and we'd certainly--I know the riverfront
7 communities I've mentioned before--Amsterdam,
8 Fawn and Canajoharie--I think we'd love to see
9 that kind of development because it will bring in
10 the tours and dollars we need and, and revitalize
11 our, our riverfront communities. So, I, I go
12 back and I shake my head when I go to Rhinebeck
13 and I, I remember when it was, it was farmers
14 and, and, and, you know, it was a very different
15 community than it is today. Of course, it took,
16 took a few decades certainly to do that.

17 SENATOR NOZZOLIO: Well, thank you very
18 much for your testimony.

19 MR. MCMAHON: Thank you.

20 ASSEMBLY MEMBER MCENENY: Thank you very
21 much, Commissioner. Brian Paul, Research and
22 Policy Coordinator of Common Cause in New York.

23 SUSAN LERNER, EXECUTIVE DIRECTOR, COMMON
24 CAUSE, NEW YORK: Can I have clarification? We

1 Demographic Research and Reapportionment, 1-30-2012

2 were told that what an individual--this is Susan
3 Lerner from Common Cause--that an individual
4 could testify only once in the series of
5 hearings, and so we elected to have me testify in
6 Albany, so Brian would not be testifying here.
7 If that's inaccurate information, we can revise
8 our, our plan.

9 SENATOR NOZZOLIO: Well, fine. Then
10 call Susan Lerner.

11 ASSEMBLY MEMBER MCENENY: That's a, a
12 police that's in, in formation, but Susan, we'll
13 let you both come up here now.

14 MS. LERNER: Okay. Thank you.

15 ASSEMBLY MEMBER MCENENY: What we're
16 trying to avoid is somebody repeating the exact
17 same thing at nine public hearings while other
18 people are waiting, especially when it's already
19 been submitted. On the other hand, we certainly
20 don't want to discourage somebody concentrating
21 on western New York, and by the way, anyone can
22 comment on the congressional situation, as well,
23 at these hearings. And we're trying to avoid the
24 repetition because what we're creating for the

1 Demographic Research and Reapportionment, 1-30-2012

2 people who actually watch this on the website is
3 where we're trying to eliminate just plain
4 duplication.

5 MS. LERNER: Right. And, and--

6 ASSEMBLY MEMBER MCENENY: But--

7 MS. LERNER: --we are, I think we've
8 tried very hard at Common Cause--

9 ASSEMBLY MEMBER MCENENY: Yes.

10 MS. LERNER: --on the regional hearings
11 to be very specific--

12 ASSEMBLY MEMBER MCENENY: Yeah.

13 MS. LERNER: --to the demographics and
14 the questions pertinent to the map for that--

15 SENATOR NOZZOLIO: And that--

16 MS. LERNER: --region and not just to
17 repeat over and over the same points.

18 SENATOR NOZZOLIO: And that's
19 appreciated. I just, pardon me for interrupting,
20 but I just wanted to also indicate that we took
21 this model from Senator, from Governor Cuomo's
22 Administrations DEC, which is currently out
23 taking a hearing, conducting public hearings on,
24 and taking testimony on initial hydrofracking,

1 Demographic Research and Reapportionment, 1-30-2012

2 and that their rule has been that one person, one
3 meeting, and that that's something that,
4 depending on the size of the, of the numbers, we
5 may have to enforce.

6 MS. LERNER: Right.

7 SENATOR NOZZOLIO: But, so I was--

8 MS. LERNER: And, and, you know, we're,
9 we're fine. We understand the impetus and it
10 actually, you know, being a organization with
11 many different members and activists, it's not a
12 problem for us to have different people at
13 different hearings, but again, very specific to
14 the particular questions at hand for the
15 particular regions.

16 So, I, I want to thank you for allowing
17 me to testify. I'm Susan Lerner, the Executive
18 Director of Common Cause, New York.

19 ASSEMBLY MEMBER MCENENY: Will, will,
20 pardon me, Susan. Will Brian also be commenting?

21 MS. LERNER: No, Brian's with me so that
22 if there are detailed questions that go beyond my
23 level of expertise, I have the person who's most
24 familiar with the demographics and the map-

1 Demographic Research and Reapportionment, 1-30-2012

2 drawing process who can help us--

3 ASSEMBLY MEMBER MCENENY: Thank you.

4 MS. LERNER: --answer accurately should
5 there be detailed questions.

6 ASSEMBLY MEMBER MCENENY: Thank you.

7 MS. LERNER: So, first, I'd like to
8 express our appreciation for the fact that when
9 the maps were released, they were released both
10 in image form and as shape files, which allowed
11 us and other interested members of the public to
12 immediately engage directly with the proposal and
13 to be able to analyze it, and I know there was a
14 lot of speculation beforehand as to the format in
15 which the, the information would be provided to
16 the public, and I commend you for providing it in
17 a different, several different modalities that
18 allow people with different capabilities to
19 engage with the data and with the maps. And
20 we're appreciate of that and we're appreciative
21 of the fact that the image files had enough
22 detail to identify streets so that the public
23 could see where the proposed lines were and that
24 they were accompanied by the kind of population

1 Demographic Research and Reapportionment, 1-30-2012

2 data that average citizens might not have
3 immediately available to them, and so I want to,
4 I want to thank you for that.

5 However, we thought that the suspense
6 speculating and waiting for the release of the
7 maps became a bit counterproductive, and I, and I
8 have to tell you honestly that we are somewhat
9 disappointed in the maps. We believe that they
10 should undergo substantial revision and we're
11 pleased to hear from both Senator Nozzolio and
12 Assembly Member McEneny in their comments to the
13 press that these are preliminary drafts which are
14 expected to be revised.

15 First and more importantly, we are
16 greatly concerned that the congressional district
17 lines have not yet been released to the public.
18 Your public comments indicate that the maps may
19 not yet have been finalized or agreed on by
20 LATFOR and with the recent court order that I
21 think we are all aware of, the congressional
22 primary is set for June and there is a tremendous
23 time pressure and the need to finalize the
24 congressional maps that take on an even greater

1 Demographic Research and Reapportionment, 1-30-2012

2 urgency. We're very concerned that the public
3 may not have an opportunity to comment on the
4 proposed congressional lines and that the
5 timeframe would then require you to set a
6 proposal forward to the legislature, which would
7 be adopted without having the citizens of the
8 state able to comment on it, and it, we are, we
9 believe that it's very important for the public
10 in the process of the hearings that are being
11 conducted now on an accelerated timeframe to have
12 an opportunity to comment on proposed
13 congressional lines. So, we do point out that we
14 have submitted to you three different sets of
15 reformed proposals, including a set of
16 congressional lines for the entire state, and we
17 hope that you will find those helpful. You
18 could, of course, take comment on those proposals
19 if that would help speed the process, and we
20 think it is essential for congressional lines to
21 be made public and for the public to have an
22 opportunity to comment on them.

23 As we've consistently stated--

24 ASSEMBLY MEMBER MCENENY: There are--

1 Demographic Research and Reapportionment, 1-30-2012

2 MS. LERNER: Yeah, I'm sorry.

3 ASSEMBLY MEMBER MCENENY: Susan, there
4 are several maps out there by, there's a unity
5 plan--

6 MS. LERNER: Right.

7 ASSEMBLY MEMBER MCENENY: --down in the
8 Metropolitan area, there's yours. People may
9 comment as they wish on any maps that are out
10 there that have been widely distributed, as these
11 have.

12 MS. LERNER: Okay. Thank you. As we've
13 consistently stated, we believe the district line
14 should be fairly drawn pursuant to a set of clear
15 criteria and be non-political.. We've drawn
16 lines according to the criteria that we have
17 explained in our submission to show that there is
18 no impediment to drawing a set of non-political
19 lines.

20 I want to commend you, Assembly Member
21 McEneny for your clarity in your comments to the
22 press, that you philosophically do not agree with
23 our position, and that you have, I think, very
24 fairly stated what the conflict is in terms of a

1 Demographic Research and Reapportionment, 1-30-2012

2 decision for the public to determine whether
3 politic, political lines are really what they
4 want to see, or non-political lines, and--

5 ASSEMBLY MEMBER MCENENY: Susan--

6 MS. LERNER: --your comments fairly
7 state what I think the disagreement is.

8 ASSEMBLY MEMBER MCENENY: Could you be
9 more specific on that? Because there are things
10 I agree with, things I don't, and I'm, I'm not
11 sure what you're referring to.

12 MS. LERNER: Well, you know, in, in
13 various comments that you made, I think
14 particularly in some TV interviews, you said that
15 you readily admit that the maps drawn by LATFOR
16 are not non-partisan, and that they reflect the
17 fact that they were drawn consciously by those
18 most knowledgeable about politics using their
19 knowledge of politics, and I think that's a very
20 fair statement.

21 ASSEMBLY MEMBER MCENENY: It's, it's--

22 MS. LERNER: And I think that--

23 ASSEMBLY MEMBER MCENENY: It's a little,
24 a little out of context though.

1 Demographic Research and Reapportionment, 1-30-2012

2 MS. LERNER: Okay.

3 ASSEMBLY MEMBER MCENENY: It's, it's
4 political influence, influence from groups such
5 as your own, sociodemographic information--don't
6 forget, I'm the ex-county historian--commuting
7 patterns, all kinds of, of influence, of which I
8 believe my quote was it's naïve to think that
9 people who are certainly embroiled in public life
10 and politics don't know where people live. And I
11 think the one phrase that's used often is the
12 incumbent protection--

13 MS. LERNER: Right.

14 ASSEMBLY MEMBER MCENENY: --program,
15 whereas I think what I've heard in criticism of
16 Common Cause, is it's better known as the
17 incumbent destruction program.

18 MS. LERNER: Well, as you know--

19 ASSEMBLY MEMBER MCENENY: And I, I think
20 that's a, that's a value judgment that--

21 MS. LERNER: Right.

22 ASSEMBLY MEMBER MCENENY: --people will
23 take different sides on.

24 MS. LERNER: Exactly. And I think that

1 Demographic Research and Reapportionment, 1-30-2012

2 it's helpful for the public to know that there
3 are two differing views, and then the public is
4 able to look at the contrasting maps and make
5 some determination--

6 ASSEMBLY MEMBER MCENENY: Sure.

7 MS. LERNER: --of what their preference
8 is. Polling shows that, at least before the maps
9 came out, that the public felt that they wanted
10 an independent process with a non-politicized,
11 non-partisan result. Now the public has the
12 product, the initial product of the two differing
13 approaches, and it will be in the hands of the
14 public and the legislature and the government
15 ultimately--

16 ASSEMBLY MEMBER MCENENY: That's right,
17 yeah.

18 MS. LERNER: --to make that value
19 judgment. But I think it's an important
20 discussion that we need to have, because after
21 this process is over, hopefully we will be
22 discussing what the constraints are in our
23 current constitutional provisions regarding
24 redistricting and we will have an opportunity,

1 Demographic Research and Reapportionment, 1-30-2012

2 hopefully, to talk about what would be meaningful
3 reform and what needs to be done to improve this
4 process so it's clearer and easier for you, as
5 the map drawers, and has elements that will cause
6 the public to feel positively about the process.
7 So, I think, what I'm saying is I think that it
8 is good that there is clarity, in terms of the
9 difference of approach and allows the, as you
10 said, it allows the public to make a
11 determination.

12 ASSEMBLY MEMBER MCENENY: Thank you.

13 Please proceed. I didn't mean to, I, I didn't
14 know what area you were talking about.

15 MS. LERNER: Right. No, I, and I think
16 that clearly stating differences of opinion is
17 helpful for the dialogue.

18 Measured against three criteria, we have
19 real concerns about the official draft maps and
20 believe that they should be changed. And in my
21 testimony, I've provided some of the numerical
22 breakdown of, of our analysis of the maps. In
23 terms of the number of minority districts, we
24 believe that there are additional opportunities

1 Demographic Research and Reapportionment, 1-30-2012

2 to draw majority-minority districts that these
3 maps do not take advantage of, and we hope that
4 you would take a look at that and perhaps in your
5 revision, create an additional number of
6 minority-majority districts.

7 ASSEMBLY MEMBER MCENENY: Could you say,
8 could you say where? It's a big state.

9 MS. LERNER: Yes. We believe that
10 certainly in the Bronx, that there is an
11 opportunity--and we'll be testifying about this
12 is greater specificity at the Bronx hearing--

13 ASSEMBLY MEMBER MCENENY: Okay.

14 MS. LERNER: --where we believe that
15 there is an opportunity to create an additional
16 Latino district, and in the Assembly, we believe
17 that there are opportunities to--

18 BRIAN PAUL, RESEARCH AND POLICY
19 COORDINATOR, COMMON CAUSE, NEW YORK: Nassau
20 County.

21 MS. LERNER: --and in Nassau County and
22 the state senate to create a minority-majority
23 district and we believe that there are
24 opportunities to create additional Asian

1 Demographic Research and Reapportionment, 1-30-2012

2 districts in the state assembly in Queens. Those
3 are just sort of the highlights. We, at specific
4 regions, the people who will be testifying on
5 behalf of Common Cause will have specific
6 instances that are regional in nature.

7 ASSEMBLY MEMBER MCENENY: Tell me, recap
8 that you believe that a, an additional Asian
9 district could be created in Queens?

10 MS. LERNER: For the Assembly, we
11 believe that there are--

12 ASSEMBLY MEMBER MCENENY: For the
13 Assembly.

14 MS. LERNER: We believe that there can
15 be additional--

16 ASSEMBLY MEMBER MCENENY: In, in what--

17 MS. LERNER: --I think two, actually,
18 could be created. That's what we've suggested in
19 our maps.

20 ASSEMBLY MEMBER MCENENY: Two, two more
21 in Queens or--

22 MS. LERNER: Yes, that's correct. Yes,
23 we believe so.

24 ASSEMBLY MEMBER MCENENY: And the plan

1 Demographic Research and Reapportionment, 1-30-2012

2 now has two in Queens, so you're saying it should
3 be four?

4 MS. LERNER: It should be one more. I'm
5 sorry. There should, could be a total of three--

6 ASSEMBLY MEMBER MCENENY: Okay.

7 MS. LERNER: --Asian Assembly districts
8 in Queens.

9 MR. PAUL: Two Queens, one Brooklyn.

10 MS. LERNER: Two Queens, one Brooklyn.
11 That's why I have Brian here with me.

12 ASSEMBLY MEMBER MCENENY: So, you think--
13 -

14 MS. LERNER: Because he remembers--

15 ASSEMBLY MEMBER MCENENY: --there could
16 be--

17 MS. LERNER: --better than I do.

18 ASSEMBLY MEMBER MCENENY: You think
19 there could be two Asian districts in Brooklyn?
20 Because--

21 MR. PAUL: No.

22 ASSEMBLY MEMBER MCENENY: --we created--

23 MS. LERNER: No, one Asian district, one
24 Asian majority assembly district.

1 Demographic Research and Reapportionment, 1-30-2012

2 MR. PAUL: Which you have done.

3 MS. LERNER: Which you have done.

4 MR. PAUL: We--

5 ASSEMBLY MEMBER MCENENY: We have done.

6 MR. PAUL: --appreciate it.

7 MS. LERNER: You have done, and we
8 appreciate that. We think that's a well-drawn
9 district.

10 ASSEMBLY MEMBER MCENENY: Okay. So,
11 that's done.

12 MS. LERNER: Yeah, but we--

13 ASSEMBLY MEMBER MCENENY: Now--

14 MS. LERNER: --do believe that there
15 could be additional in Queens in the Assembly
16 side.

17 ASSEMBLY MEMBER MCENENY: Okay. So, one
18 additional Asian in--

19 MS. LERNER: Right.

20 ASSEMBLY MEMBER MCENENY: --Queens? And
21 what was the comment, it was senate or assembly
22 when we're talking about Long Island?

23 MS. LERNER: Long Island, the senate.

24 ASSEMBLY MEMBER MCENENY: Would, would

1 Demographic Research and Reapportionment, 1-30-2012

2 be what; one--

3 MS. LERNER: Would be a--

4 ASSEMBLY MEMBER MCENENY: --one more

5 Hispanic--

6 MS. LERNER: --a majority--

7 ASSEMBLY MEMBER MCENENY: --one

8 Hispanic?

9 MS. LERNER: One, well, it would be a, a
10 mixed district, which would be black and Latino
11 majority district.

12 ASSEMBLY MEMBER MCENENY: Combined?

13 MS. LERNER: Combined.

14 MR. PAUL: Combined, over--

15 MS. LERNER: That's correct.

16 MR. PAUL: --60%.

17 MS. LERNER: Over 60% as a coalition
18 district.

19 ASSEMBLY MEMBER MCENENY: Anyplace else
20 in the state of New York where you feel there's
21 minority opportunities that haven't been realized
22 in either house?

23 MR. PAUL: I'll talk if it's okay.

24 Well, moving on from the majority aspect of it,

1 Demographic Research and Reapportionment, 1-30-2012

2 the issue upstate, where cities like Rochester
3 and Syracuse are divided into multiple pieces,--

4 ASSEMBLY MEMBER MCENENY: Yes.

5 MR. PAUL: --we found that if those
6 cities are kept more whole, you could increase
7 minority influence by 20 to 40%. It wouldn't
8 reach a majority level, but those communities
9 would be held together.

10 SENATOR NOZZOLIO: It would, I'm sorry.

11 MR. PAUL: It would not reach a majority
12 level.

13 SENATOR NOZZOLIO: It would not reach a
14 majority--

15 MR. PAUL: Correct.

16 SENATOR NOZZOLIO: --level.

17 MS. LERNER: That's correct. So, it's
18 not--

19 SENATOR NOZZOLIO: Are you--

20 MS. LERNER: --required by the, by the
21 Voting Rights Act, but it is something which the
22 communities, themselves, often advocate for and
23 the term of, you know, the term is an influenced
24 district where they then have an opportunity to

1 Demographic Research and Reapportionment, 1-30-2012

2 meaningfully participate in the choice of elected
3 representative. And in terms of the population
4 deviation for LATFOR's maps, we note that the
5 population deviation in the state senate ranges
6 from a minus 4.97% to a 3.83%, which gives an
7 absolute mean deviation of 3.67, as we have in
8 our written testimony. Our Common Cause reform
9 maps, the population deviation ranges from point,
10 minus 2.9% to plus 2.59%. That gives a mean
11 deviation of just under 1.5%. For the state
12 senate, the biggest difference in district size
13 is over 27,000 people. In our proposed reform
14 alternative, the biggest difference in district
15 size is just under 17,000 people.

16 The Assembly; we also see a fairly
17 sizeable population deviation, not quite as large
18 as in the state senate but still quite sizeable.
19 The biggest difference in district size is just
20 over 10,000 people. For our proposed reform
21 alternative, the biggest difference size is just
22 over 6,000 people. And one of the biggest
23 problems that we have is the way in which the
24 senate proposal follows, or does not follow, the

1 Demographic Research and Reapportionment, 1-30-2012

2 constitutional charge to keep counties together
3 to the maximum extent possible. One of the
4 areas, which I hope we'll all have an opportunity
5 to discuss in the future, is whether this charge
6 in the constitution to hold counties together to
7 the maximum extent possible is a good provision
8 or one that should be changed. But the truth of
9 the matter is that it is currently in our
10 constitution and the current proposal crosses,
11 senate lines cross 18 small upstate counties.
12 And as we, we've noted in other contexts, Ulster
13 is count, is cut into four different districts,
14 which seems, to us, to be really a significant
15 number. And there are three small upstate
16 counties--Saint Lawrence, Cayuga, and Thompson--
17 which are cut between three senate districts, and
18 as I said, Ulster is divided in four and that
19 seems to be very difficult for a large, for these
20 smaller counties.

21 SENATOR NOZZOLIO: I always--

22 MS. LERNER: And--

23 SENATOR NOZZOLIO: Excuse me. I always
24 try to give you perspective--

1 Demographic Research and Reapportionment, 1-30-2012

2 MS. LERNER: Uh-huh.

3 SENATOR NOZZOLIO: --and I know you're,
4 you have a New York City perspective, and I
5 respect that. The three counties you mentioned--
6 Cayuga, Ontario, two of the three--

7 MS. LERNER: Saint Lawrence, Cayuga and
8 Thompson.

9 SENATOR NOZZOLIO: No, but the, the
10 Ontario, the, the, you mentioned 18 on your list.
11 Two of them I represent.

12 MS. LERNER: Mm-hm.

13 SENATOR NOZZOLIO: Those are large
14 counties, not small counties.

15 MS. LERNER: I'm sorry.

16 MR. PAUL: Small in population.

17 MS. LERNER: Small in population.

18 SENATOR NOZZOLIO: Well, you might--

19 MS. LERNER: My apologies.

20 SENATOR NOZZOLIO: And, and that's my
21 point.

22 MS. LERNER: Yeah, yeah.

23 SENATOR NOZZOLIO: You consider them
24 small. They are the largest counties in my

1 Demographic Research and Reapportionment, 1-30-2012

2 district, as whole counties.

3 MS. LERNER: I, I dropped the right
4 word. Small in population but large in
5 territory.

6 SENATOR NOZZOLIO: No, no, no. I, I'm,
7 I'm large in, they, they are large in population--
8 -

9 MR. PAUL: By--

10 SENATOR NOZZOLIO: --in my district. I
11 think--

12 MR. PAUL: By small in this context, we
13 mean can fit within a single senate district.

14 SENATOR NOZZOLIO: Yes. But I think the
15 point is you have the, the larger counties and
16 those counties you referenced have been cut for
17 30 years. I think in terms of sharing
18 representatives, at least 30 years, probably 40
19 years, and that I, it's an objective we, we, we
20 share. I, I don't mean to de-minimize or
21 minimize your, your objective. The more, the
22 fewer counties that are cut, the better. The
23 dynamics are harder and harder based on
24 population, based on other changes in population

1 Demographic Research and Reapportionment, 1-30-2012

2 that occurred as a result of the prison counting
3 and other things that were there, and also, those
4 are--again, I just want to, from a perspective of
5 upstate--

6 MS. LERNER: Right.

7 SENATOR NOZZOLIO: --those, and
8 communities of interest, those are large
9 counties.

10 MS. LERNER: Okay. I, I accept the
11 correction and my apologies to our colleagues and
12 friends upstate, of which there are many, and
13 many Common Cause members up there as well. But
14 I, I would like to point out that on the Common
15 Cause reform maps, we cross only small, I'm
16 sorry, we cross only nine upstate counties. So,
17 we're providing an alternative suggestion for
18 holding counties together. And again, this is
19 not necessarily a validation of the
20 constitutional provision, just a recognition that
21 that is what the constitution requires. So, we
22 believe that--is there--

23 MR. PAUL: Do you want to get the
24 population to the Asians between upstate and

1 Demographic Research and Reapportionment, 1-30-2012

2 downstate?

3 MS. LERNER: And one of the concerns
4 which we have is the way in which the population
5 deviations play out on a regional basis. What we
6 have seen, and block on border and town on border
7 rules have something to do with this, but
8 nonetheless, and I'm again, not commenting on
9 whether we should keep town on border or block on
10 border in the, any future innovation of the
11 constitution, but the net result of the
12 population deviations is to ensure that there are
13 significant deviations between the different
14 regions, and so in one house, we see the upstate
15 districts which are underpopulated and downstate
16 districts which are overpopulated on the
17 deviation, and in the other house, we see it
18 directly switched. And this is matter of concern
19 to us and one of the reasons why we believe that
20 we need to be talking about an absolute mean
21 deviation in order to hold these regional
22 variances in check. They do have the result of,
23 we believe, favoring one party over another in a
24 regional interpretation of the map as a matter of

1 Demographic Research and Reapportionment, 1-30-2012

2 concern, and it's something which has been
3 commented on for enumerable redistricting cycles
4 and yet it continues in the maps.

5 I'd like to talk very briefly about the
6 capital region without going into a great deal of
7 detail, where Brian is here to answer more
8 detailed questions. But we believe that the
9 proposal for the capital region should be
10 modified in both houses. When we testified in
11 August, we suggested that the task force look at
12 ways to keep the cities of the capital region
13 within districts and not split them up, yet the
14 Assembly map continues to split the city of
15 Albany, dividing it between AD's 109 and 108,
16 while the city of Schenectady remains divided in
17 the proposal split between AD's 110 and 111. And
18 of course, the proposed senate map has been the
19 subject of a great deal of press inquiry and
20 discussion, and while we previously, in our
21 August testimony, recommended keeping the cities
22 of Troy and Schenectady whole and in the same
23 senate district if it were possible. We noted
24 that there was a significant constitutional

1 Demographic Research and Reapportionment, 1-30-2012

2 impediment to our suggestion and one of the
3 reasons why we believe we need to be having a
4 discussion about how best to change the
5 constitutional requirements. Historically,
6 Albany County has been one senate district
7 because it is, in cycle after cycle, virtually
8 the ideal size for a senate district, and while
9 we see an argument for changing our
10 constitutional standards to more emphasize
11 communities of interest, we feel that we are
12 constrained, particularly in the Albany County
13 instance where it's such a perfect size, to
14 follow the requirements of the state constitution
15 and hold Albany County in one particular
16 district. Also, as proposed, the new district,
17 which would link Albany, Rensselaer and Troy,
18 cuts Troy. So, we think that that's problematic,
19 even on a communities of interest interpretation.
20 So, we think that this helps the public
21 understand what we need to be talking about when
22 we talk about changing our constitution in the
23 future for, as Governor Cuomo says, a better
24 process in the next cycle.

1 Demographic Research and Reapportionment, 1-30-2012

2 So, we recommend revising the lines for
3 the capital region and we look forward to working
4 with you to rewrite the constitutional provisions
5 governing redistricting so that it sets forth
6 clear, workable criteria for setting political
7 boundary lines.

8 ASSEMBLY MEMBER MCENENY: Let me, let me
9 ask you, the, the constitution, I, I noticed that
10 the good government groups started out wanting a
11 1% variance and then decided maybe a 2% variance
12 and drew maps with a 3% variance.

13 MS. LERNER: And we've testified about
14 our process of evolution as we've engaged--

15 ASSEMBLY MEMBER MCENENY: I--

16 MS. LERNER: --with the data.

17 ASSEMBLY MEMBER MCENENY: I, I, I think
18 when you do this work, you find that some things
19 which in the abstract, seem like an idea, are in
20 fact, often unconstitutional and impractical.
21 There are many conflicting goals. The division
22 of Albany, which occurred along racial lines in
23 1960, reflecting an earlier interpretation of the
24 Voting Rights Act of 1965 that we are all still

1 Demographic Research and Reapportionment, 1-30-2012

2 bound at, was maintained, and the reason that
3 that was done, as the NAACP testified at our
4 first hearing, was done to benefit the, primarily
5 at that time, the African-American community.
6 That was perpetuated again following the 2000
7 census and in this proposal, is perpetuated once
8 again. I would ask you to take a look at some of
9 these where we are not bound by that law because
10 we don't hit 50%. Look at where the future will
11 be in ten years and where will be the, be the
12 best minority opportunity eight or ten years from
13 now, and those maps are available from the
14 census, and I think you can see where the lines
15 were drawn.

16 But there's an inconsistency here.
17 Albany County, one district, good government,
18 whatever the percent is, that's fine. On the
19 other hand, Chautauqua County, which is in the
20 assembly district, we try to stay between 3 and
21 4%, but we do have one that's over 4% and it is
22 Chautauqua County and it's like 4-1/2% or
23 something of that nature. If we wish to keep the
24 county together, then we have to knock a town or

1 Demographic Research and Reapportionment, 1-30-2012

2 two out. Which towns should be thrown out and
3 will those people be better served being a,
4 perhaps a stepchild of another area, less
5 visited, less important, etcetera. There is no
6 correct answer. If the, a percentage of 3% is
7 something sacred to you, then of course. If
8 keeping counties together is good government,
9 then you may have another opinion. The constant
10 conflict with the constitution with block on
11 border that destroys urban neighborhoods, town on
12 border which describe, destroys some of the rural
13 configurations, these are things in that in the
14 Voting Rights Act, that we are bound by, and
15 there are many conflicting guidelines and it does
16 take a human being to make a decision. Which one
17 is right? Probably both wrong, to some extent;
18 both right. But I, I just wanted to point, point
19 that out. And the more specific, we appreciate
20 your specific input. The more specific it is,
21 it's better. By the way, Chautauqua is 4.09%. I
22 would say close enough. Someone else might say
23 no.

24 MS. LERNER: Right. And that is

1 Demographic Research and Reapportionment, 1-30-2012

2 certainly one of the challenges in, to map
3 drawing in this process and what makes it so very
4 interesting intellectually, but also frustrating
5 for the voters, and that's why I think these
6 kinds of discussions are exactly the kind of
7 discussions we need to be having while we try,
8 while we turn to the second part of what our
9 goals are for the redistricting process at Common
10 Cause, which is, as the governor said, first to
11 improve the product for this cycle, but second,
12 to improve the process for the next cycle, and
13 it's exactly these kind of details which those of
14 us who have engaged with the data and tried to
15 draw maps have learned more about abstract versus
16 tangible results, and we hope that we can have a
17 meaningful public discussion where we try and
18 figure out what is the right thing to do if we
19 are ultimately going to amend our constitution.

20 ASSEMBLY MEMBER MCENENY: I, I found it
21 particularly ironic after the senate district was
22 vilified for having Lincoln's hat in it, that
23 Common Cause drew Lincoln's hat, and I guess
24 somebody discovered that's called the Herkimer

1 Demographic Research and Reapportionment, 1-30-2012

2 County line.

3 MS. LERNER: Exactly. This has been an
4 interesting learning process for us, as a good
5 government group engaging in the actual map-
6 drawing process, and as I think we've admitted
7 several times in our testimony, as we've engaged
8 with the data and engaged with the requirements
9 of the constitution, we said this is what we said
10 previously and we've learned why we need to
11 modify that position. We are not sticking with
12 oh, well, we took that position in the past and
13 therefore, we have got to stay with it. We,
14 hopefully, are learning and evolving what we hope
15 will be a set of workable principals, which we
16 have tried to enunciate and to make tangible in
17 the reform maps we submitted.

18 ASSEMBLY MEMBER MCENENY: Thank you.

19 SENATOR NOZZOLIO: Senator Dilan?

20 SENATOR DILAN: Yes. Thank you very
21 much. First, just two points, and then I have
22 several questions. My first point is that today
23 is the first time that I heard about any policy
24 change with respect to repeated presentations. I

1 Demographic Research and Reapportionment, 1-30-2012

2 know that in the past, Common Cause has dealt
3 with the regional issues and I hope that we can
4 continue that, but I'm going to wait for our
5 business meeting to deal with that issue and
6 whenever that comes before us.

7 In terms of partisan politics, partisan
8 relationship in terms of these lines, I agree
9 that this is a partisan plan, that is, the
10 assembly drawing their lines and the senate
11 drawing their lines, both majorities.

12 With that said, I'd like to go to the
13 questions, and I have several since this may be
14 my only opportunity to ask you questions with
15 respect to this process.

16 MS. LERNER: Not the only opportunity to
17 ask representatives of Common Cause questions; it
18 just may not be me.

19 SENATOR DILAN: That's correct. First,
20 can you tell us more about how you were able to
21 develop a senate plan with low deviation and the
22 ability to split as few counties as possible?

23 MR. PAUL: Well, if we actually drew a
24 63 district plan in order to have an apples-to-

1 Demographic Research and Reapportionment, 1-30-2012

2 apples comparison with the LATFOR drafts, so--

3 SENATOR NOZZOLIO: Can you bring the mic
4 closer?

5 MR. PAUL: When doing that, we found
6 that, according to the actual population
7 distribution throughout the state, if you were to
8 add a 63rd district, aiming for low deviations,
9 it would be placed in New York City, and this is
10 due to the current district lines which are now
11 portions to such an effect. It's about plus 3%
12 overall in the city currently, minus 3% upstate,
13 and that over the course of all those districts
14 actually has the effect of moving a district from
15 the city upstate right now. So, we currently
16 have a malapportionment and with 62 districts,
17 you actually couldn't add another district
18 upstate; those districts would be over 5%. But
19 going to 63 allows you to do it and stay within
20 5% and--

21 MS. LERNER: 5% being--

22 MR. PAUL: --that's what I'm seeing--

23 MS. LERNER: --the general guidance that
24 is given by the federal courts on the one-person,

1 Demographic Research and Reapportionment, 1-30-2012

2 one-vote.

3 MR. PAUL: If that--

4 MS. LERNER: It's not absolute, it's not
5 a bright line, but it's the general guidance from
6 the courts.

7 MR. PAUL: If that 63rd seat were added
8 to New York City, you would have almost exactly
9 even populations upstate and downstate in the
10 districts overall.

11 SENATOR DILAN: I will have more
12 questions with respect to that, but first, how
13 were you able to use the governor's program bill
14 criteria in the senate plan?

15 MS. LERNER: Well, you know, what we did
16 was we tried to use the senate, the program bill.
17 We made one adjustment, as was pointed out, as we
18 engaged with the data. We found that if we
19 respected the constitutional requirements of not
20 unnecessarily splitting towns or counties, that
21 we needed more leeway than 1% to come up with
22 districts which we felt adequately represented
23 the patterns in which New Yorkers actually live
24 and associate in our state. But no, it's, it's

1 Demographic Research and Reapportionment, 1-30-2012

2 not a automatic process; it does require, as
3 you've pointed out, some value judgments. And
4 what we tried to do in drawing our maps and in
5 submitting them to LATFOR and making them public,
6 was to accompany them with an explanation of the
7 demographic factors which we thought were
8 important.

9 MR. PAUL: I'd also like to point out in
10 the population deviations that this is not just a
11 senate issue. If the LATFOR draft drew 63
12 district, assembly districts upstate at a mean
13 deviation of plus 2.4 and 65 New York City
14 districts with a mean deviation of minus 2.3.
15 Now, if you were to balance that out and make it
16 64 and 64, here again, it'd be much closer to
17 even.

18 ASSEMBLY MEMBER MCENENY: One of the--

19 SENATOR DILAN: I think I have the
20 floor.

21 SENATOR NOZZOLIO: He has the floor.

22 MS. LERNER: Yeah, sorry.

23 SENATOR DILAN: I have the floor. I'm--

24 ASSEMBLY MEMBER MCENENY: Oh, I--

1 Demographic Research and Reapportionment, 1-30-2012

2 SENATOR DILAN: --not through.

3 ASSEMBLY MEMBER MCENENY: --I'm sorry.

4 I'm sorry, Senator.

5 SENATOR DILAN: The majority claims that
6 there is enough population growth in the Hudson
7 Valley to warrant a new senate seat, yet the real
8 population growth was downstate. Should
9 districts be drawn where they are simply
10 convenient or should they be drawn where people
11 are moving?

12 MS. LERNER: Well, it, if, without
13 taking a position, I mean, I guess we have taken
14 a position on 63 and we think that the
15 constitutional formula, as we apply it, leads us
16 to 62 but clearly we're not going to have an
17 agreement. It may ultimately be decided by a
18 court; who knows. As we look at it, in trying to
19 balance the, to hold the variance between
20 districts as low as possible, it led us to the
21 conclusion that the district should be drawn in
22 New York City, as Brian said.

23 MR. PAUL: Yeah. The issue of where the
24 population grew is irrelevant in this case.

1 Demographic Research and Reapportionment, 1-30-2012

2 Looking at the total population of the state 2010
3 census, you could draw 26 upstate districts, as
4 the LATFOR draft did, with a mean deviation of
5 minus 4.5 and 28 New York City southern
6 Westchester districts plus 3.3. Do you see that
7 imbalance? Or you can draw one less upstate with
8 a mean deviation of minus 0.49 and one more in
9 the city with a mean deviation of minus 0.43;
10 almost equal. So, that seems the clear way to do
11 it if you're looking at a 63rd seat, regardless
12 of growth or shrinkage or anywhere.

13 SENATOR DILAN: Okay. My final question
14 is to Ms. Lerner, and what is your legal opinion
15 as to purposefully underpopulating rural upstate
16 areas and overpopulating downstate urban areas?

17 MS. LERNER: Well, I don't think I'm in
18 a position to give legal opinion. I have never
19 wanted to be--

20 SENATOR DILAN: Well, in your--

21 MS. LERNER: --on the bench--

22 SENATOR DILAN: --opinion then.

23 MS. LERNER: --because I--

24 SENATOR DILAN: In your opinion.

1 Demographic Research and Reapportionment, 1-30-2012

2 MS. LERNER: --like to advocate.

3 SENATOR DILAN: I'll drop the word legal
4 and say in your opinion.

5 MS. LERNER: Well, I mean, our concern
6 is that it, that in both houses, this
7 malapportionment has political consequences that
8 really drive the election result strongly towards
9 a particular party's advantage at the
10 disadvantage of the voters, and we think it's a,
11 a misappropriation that we see in both houses.
12 So, it's not one party versus another part in the
13 philosophical sense, but that this is one of the
14 things which happen with a politically-driven
15 redistricting process. It's, it's endemic to the
16 process as it's currently set up and it's one of
17 the reasons why we advocate for an independent
18 process in the future.

19 SENATOR DILAN: Thank you.

20 ASSEMBLY MEMBER MCENENY: Dr. Hedges?

21 MR. HEDGES: A couple of questions
22 about your big picture, overall plan.

23 MS. LERNER: Yes.

24 MR. HEDGES: How many instances do have

1 Demographic Research and Reapportionment, 1-30-2012

2 incumbents in districts together?

3 MS. LERNER: Do we have that? We, we
4 have it worked out. I, I don't happen to have
5 that. It's a, it's a substantial--

6 MR. PAUL: I remember it's something,
7 it's--

8 MS. LERNER: In the range of--

9 MR. PAUL: --in state senate, it's
10 something like nine or ten. In assembly, I think
11 it's low 20s.

12 MR. HEDGES: I, I think we've got way,
13 way more than that, at least if we did the
14 counting correctly. So, I would much appreciate
15 your--

16 MS. LERNER: We have that worked out.
17 I, I just don't happen to have that calculation
18 with me. It's a, it's a solid number.

19 MR. HEDGES: And related to that, one of
20 the areas where there seem to be a number of
21 instances of incumbents being paired are
22 incumbents who happen to be members of minority
23 groups that are protected under the Voting Rights
24 Act. The groups are protected; the incumbents

1 Demographic Research and Reapportionment, 1-30-2012

2 are not.

3 MS. LERNER: Correct.

4 MR. HEDGES: No question about that.

5 But there really is a question in my mind about
6 the role of leadership in the minority
7 communities, and particularly, the role of those
8 elected officials who are, almost by definition,
9 community leaders in the minds of the community
10 that elected them. And I wonder if you have a
11 few on the appropriateness, the desirability of
12 pitting minority incumbents representative of
13 minority communities with one another in a
14 fundamentally arbitrary way in your redistricting
15 plan.

16 MS. LERNER: You know, I think it is
17 definitely the result of our sticking to what we
18 said we were setting out to do, and that is an
19 incumbent-blind process. One of the things that
20 we have heard repeatedly from our activist and
21 from people in, in the state and across the
22 country is that they are less concerned with how
23 a district line will or will not treat an
24 incumbent and more concerned with how their

1 Demographic Research and Reapportionment, 1-30-2012

2 community will be represented. There are
3 definitely some anomalies, which as you say, a
4 absolute process we'll create, but we have been
5 hard pressed to find some middle ground that
6 would not be equally arbitrary or favor one
7 incumbent versus another, which is a value
8 judgment that we, as a good government group,
9 feel we cannot make.

10 MR. HEDGES: And so, leadership in the
11 minority community is not a concern for you?

12 MS. LERNER: Well, I think that the
13 minority community, if well served by a map, will
14 have the ability to choose the representatives
15 that they feel are their best representatives.
16 We have flexibility in this state, where the fact
17 that you happen to reside on the other side of a
18 district line for a changed line does not mean
19 that you cannot then run in a, a district where
20 you feel you would be a better representative.
21 So, I think there is flexibility and I think that
22 the Voting Rights Act is designed to allow the
23 communities to evolve their leaders.

24 MR. HEDGES: Did you also do your

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2 tabulations using total population where you
3 counted the number of minority opportunities
4 and/or majority-minority districts?

5 MS. LERNER: We use voting age
6 population.

7 MR. HEDGES: And do you have the
8 tabulations done for total population?

9 MS. LERNER: Brian?

10 MR. HEDGES: Or could you share them?
11 You don't have to have them right now.

12 MS. LERNER: Yeah.

13 MR. HEDGES: Partly just to make sure
14 that we're looking at exactly--

15 MS. LERNER: Yes.

16 MR. HEDGES: --the right numbers.

17 MS. LERNER: Yes.

18 MR. PAUL: Yeah, we use, we--

19 MR. HEDGES: Because we noticed a few
20 anomalies, depending on which way you count.

21 MS. LERNER: And, and--

22 MR. HEDGES: And, and we'd like to make
23 sure we understood.

24 MS. LERNER: Absolutely, and we, we'd be

1 Demographic Research and Reapportionment, 1-30-2012

2 happy to have a discussion with you and to
3 provide any background and, and, and a dialogue
4 regarding our thinking, and as we have said, we
5 don't believe that our maps are the ultimate end-
6 all, be-all; we think that the, they, one of the
7 reasons we put them out to the public and we put
8 them out in an interactive website, was to get
9 feedback from the public and to have the public
10 tell us if we had made some miscalculations or
11 didn't understand the specifics of how people
12 were actually living and associating in areas
13 where we weren't as familiar. So, we welcome
14 questions.

15 MR. PAUL: I'm actually not sure that
16 you received the updated file after we adjusted
17 for the prisoner, the full prisoner file--

18 MR. HEDGES: I don't think--

19 MR. PAUL: --population adjustments.

20 MR. HEDGES: --we have that.

21 MS. LERNER: Okay. Well--

22 MR. PAUL: So, we'll get--

23 MS. LERNER: --we'll be sure--

24 MR. PAUL: --that right to you.

1 Demographic Research and Reapportionment, 1-30-2012

2 MS. LERNER: --that you have it. My
3 apologies if that hasn't gotten to you. We'll--

4 MR. HEDGES: That, that would be great.

5 MS. LERNER: Yeah. We did--

6 MR. HEDGES: And--

7 MS. LERNER: --adjust our assembly
8 numbers.

9 MR. HEDGES: And, and senate too, I
10 assume.

11 MS. LERNER: Yes, we did, and our 63 map
12 is drawn to the adjusted prison population.

13 MR. HEDGES: And, and in regards, what
14 you just made a point of, of, of saying, that's
15 the reason we appreciated the input in the first
16 place. Your, your maps gave us some great ideas,
17 even if we didn't agree with you in detail. The,
18 the fact is the concept and ideas in those maps
19 are extraordinary and useful and gave us great
20 insight into some of the questions that we were
21 trying to solve as well.

22 MS. LERNER: Thank you.

23 MR. HEDGES: One, one more observation,
24 and, and it really is in part related to the

1 Demographic Research and Reapportionment, 1-30-2012

2 questions of minority opportunities. As we
3 constructed the plan for the assembly in the, the
4 voting rights arenas, one of the issues that we
5 confronted that we felt we had no alternative but
6 to respond to, was the constitutional requirement
7 of block on border. Particularly in the city of
8 New York, that's a, that's a powerful equal
9 population hammer within the jurisdictions for
10 which it applies. And one of the big differences
11 between us is exactly that. You didn't seemingly
12 pay any attention to block on border and I
13 wondered why.

14 MS. LERNER: Well, I think, I think we
15 are very conscious of the block on border
16 requirement, and I think Brian's in a better
17 position to answer that than I.

18 MR. PAUL: To say we didn't pay any
19 attention is wrong. The plan is roughly
20 equalized within 2 or 300 people. We did not do
21 the full block on border adjustment; that is
22 correct. That needs to happen.

23 MR. HEDGES: So, so, let, let me give
24 you some counters to that.

1 Demographic Research and Reapportionment, 1-30-2012

2 MS. LERNER: Mm-hm.

3 MR. HEDGES: In the county of New York,
4 that's Manhattan, our population deviation
5 between districts within New York County, which
6 we used as a border--

7 MR. PAUL: Mm-hm.

8 MR. HEDGES: --which the constitution
9 encouraged us to do, the population deviation
10 maximum is 263. Your Manhattan population
11 deviation is 2,011.

12 MR. PAUL: That's before the prisoner-
13 revised plan that will get to you.

14 MR. HEDGES: And fair enough, and, and--

15 MS. LERNER: Yeah.

16 MR. HEDGES: --when, when we see that,
17 that will help, but in general, you have
18 population deviations within the region in that
19 first draft of a couple thousand--

20 MR. PAUL: Yeah, that's true.

21 MR. HEDGES: --as opposed to a couple
22 hundred--

23 MS. LERNER: And, and because--

24 MR. HEDGES: --or tens.

1 Demographic Research and Reapportionment, 1-30-2012

2 MS. LERNER: And in all honesty, because
3 we knew that, we felt that it was likely that we
4 would be getting the prison populations, we did
5 not, in all honesty,--

6 MR. HEDGES: Fair enough.

7 MS. LERNER: --spend the resources and
8 the time to do that final adjustment, and we did,
9 we have gone back, and I apologize that we
10 neglected to use, get them to you. We completed
11 them relatively recently, in terms of adjusting--

12 MR. PAUL: Just last week.

13 MS. LERNER: --just last week, on the
14 assembly. So, we will get those to you. We are
15 much closer. But we have not gone through the
16 final block on border because we are waiting
17 until we are confident that our maps are in their
18 final form. It's a resource allocation, quite
19 frankly, for us to spend the time doing block on
20 border when we expect to revise the maps to a
21 final point. We just did not have the, the
22 resources to do that. So, we're going to do it
23 once at the end of the process.

24 MR. HEDGES: Getting that revised map

1 Demographic Research and Reapportionment, 1-30-2012

2 will be much appreciated and, and will certainly
3 help us as we try to figure out how to figure out
4 our own history.

5 MS. LERNER: And, and I apologize that
6 it isn't already in your hands. It will be in
7 your hands shortly.

8 MR. HEDGES: Thank you very much.

9 ASSEMBLY MEMBER MCENENY: Okay. Anyone
10 else on the, oh, yes, Senator Dilan.

11 SENATOR DILAN: Yeah. Just very
12 quickly. So, I just want to make sure that I
13 understand. You, will you be submitting a new 62
14 plan with the adjusted data, if you will be?

15 MS. LERNER: Yes.

16 SENATOR DILAN: All right. Thank you.

17 ASSEMBLY MEMBER MCENENY: One, one final
18 question, or at least an observation; city of New
19 York, County of New York, they're actual, they're
20 actually above the average.

21 MR. PAUL: Mm-hm.

22 ASSEMBLY MEMBER MCENENY: And the other
23 areas are below the average and the reason is
24 that we felt that the Voting Rights Act and the

1 Demographic Research and Reapportionment, 1-30-2012

2 constitution were better served by staying within
3 county or, if you will, borough boundaries.

4 MS. LERNER: Mm-hm.

5 ASSEMBLY MEMBER MCENENY: Do you
6 recommend crossing, say from Queens to Brooklyn,
7 crossing from, from--

8 MS. LERNER: There, there is one--

9 MR. PAUL: Well--

10 MS. LERNER: Go ahead.

11 MR. PAUL: Yeah. There's a couple of
12 specific areas; Ridgewood Bushwick and Brooklyn
13 and Queens and the North Bronx/Mount Vernon
14 crossing which is made in congress and the senate
15 level that isn't made in the assembly level.

16 ASSEMBLY MEMBER MCENENY: Yeah. Well,
17 once you cross, then the map has to be absolutely
18 exact--

19 MR. PAUL: Right.

20 ASSEMBLY MEMBER MCENENY: --throughout
21 all of those districts. I mean, to block on
22 border exact.

23 MS. LERNER: Right. We--

24 MR. PAUL: The, yeah, the southern

1 Demographic Research and Reapportionment, 1-30-2012

2 Westchester--

3 ASSEMBLY MEMBER MCENENY: Okay.

4 MR. PAUL: --ones get dragged into the
5 block on border.

6 ASSEMBLY MEMBER MCENENY: Okay.

7 MR. PAUL: That's true.

8 ASSEMBLY MEMBER MCENENY: Thank you very
9 much. We, we appreciate your continued interest
10 and some very good information that's been very
11 helpful to the process.

12 MS. LERNER: Thank you and we look
13 forward to continuing the dialogue and providing
14 any additional insight or information or data
15 that we can.

16 ASSEMBLY MEMBER MCENENY: Thank you.
17 Now we have--

18 SENATOR NOZZOLIO: Thank you very much.

19 ASSEMBLY MEMBER MCENENY: We have some
20 members who have session today that have asked to
21 speak, and we're going to ask Senator Gustavo
22 Rivera to come up first and will be followed by
23 Assemblywoman Claudia Tenney. If there are any
24 other members here now, who have indicated that

1 Demographic Research and Reapportionment, 1-30-2012

2 they would like to speak, we'd like to know it
3 and we want to recognize Assembly Members
4 Blankenbush, Dupree and Sayward who have
5 attended, and I think there are probably some
6 others that have been in and out. Assembly,
7 Assemblyman Friend, for example, who is here now
8 as well.

9 GUSTAVO RIVERA, STATE SENATOR, 33RD SD:

10 Thank you,--

11 ASSEMBLY MEMBER MCENENY: Senator?

12 SENATOR RIVERA: --Assembly Member.

13 ASSEMBLY MEMBER MCENENY: Okay.

14 SENATOR RIVERA: Senator Nozzolio, it's
15 good to see you again, and all of my colleagues
16 and members of the, of LATFOR. I am State
17 Senator Gustavo Rivera and I represent the 33rd
18 Senate District contained in the northwest Bronx.
19 The district currently includes the neighborhoods
20 of Fordham, Kingsbridge, University Heights,
21 Riverdale, Van Cortlandt Park, Bedford Park, and
22 East Tremont. Unfortunately, I will not be able
23 to attend the Bronx redistricting hearing
24 tomorrow, Tuesday, January 31st at the Bronx

1 Demographic Research and Reapportionment, 1-30-2012

2 Museum of the Arts, and so I thank you for giving
3 me the opportunity to be here with you today.

4 Now, I'm here to testify about the
5 continued need for an independent redistricting
6 process. I am disappointed that there was not an
7 independent redistricting commission established
8 last year, especially given that so many of my
9 colleagues are on the record as supporting
10 independent redistricting. I continue to believe
11 that voters should pick their representatives and
12 not the other way around, in order, in order to
13 have fair district lines without partisan
14 gerrymandering. We need to take legislators out
15 of the process.

16 Over the last week, we have seen that a
17 bad process results in a bad product, and today's
18 hearing is supposed to garner reaction to a
19 proposal that shows a willingness to
20 disenfranchise voters, especially black and
21 Latino voters throughout New York, to protect
22 interests of certain individuals or one
23 conference over another. There are two issues
24 that stuck out to me as unconstitutional and

1 Demographic Research and Reapportionment, 1-30-2012

2 unfair after having looked at the republican
3 redistricting proposal for the state senate.

4 The first is the proposed increase from
5 62 to 63 state senate districts, which not only
6 defies the New York State Constitution, but also
7 defies all logic as it comes at a time when New
8 York's population has decreased and we are losing
9 two congressional seats.

10 The second is the issue of quote,
11 packing, unquote, or seeing to it that minority
12 communities are packed into a few districts,
13 through gerrymandering instead of being able to
14 figure significantly in the election of
15 representatives in a much larger number of
16 districts. I believe this proposal does just
17 that and moreover, could lead to a potential
18 violation of the Voting Rights Act.

19 While it may be too late for an
20 independent commission to draw districts, I do
21 not believe it is too late to demand an
22 independent process this year. That is why I
23 stand with our governor in calling for an
24 independent process, and I'm ready to uphold a

1 Demographic Research and Reapportionment, 1-30-2012

2 veto from the governor, and I will continue to
3 push to make independent redistricting a reality
4 in New York.

5 I thank you for giving me an opportunity
6 to be with you here today and if you have any
7 questions, I can answer them.

8 SENATOR NOZZOLIO: Just a comment that,
9 Senator, your assertion that the population of
10 the state of New York has declined, if I heard
11 you correctly,--

12 SENATOR RIVERA: I did, I did say that,
13 sir, yes.

14 SENATOR NOZZOLIO: That's not accurate.
15 The population of the state of New York actually
16 grew by almost half a million people from the
17 years 2000 to 2010; that the reason why we're,
18 New York is confronted with losing two
19 congressional districts is not based upon our
20 growing population, it's based on the fact that
21 our population is not growing at a fast enough
22 rate compared to other states. Congressional
23 representation, as we all know, is apportioned to
24 each state based on the population of the United

1 Demographic Research and Reapportionment, 1-30-2012

2 States, and that our population in New York, even
3 though adding half a million people to the state
4 and its population, has not grown at the same
5 rates as states like Texas and Florida and other
6 states that have gained at accelerated rate of
7 population. So, let me just state from the
8 outset, that the population is growing, not
9 diminishing in the state.

10 You made a, an assertion that there, and
11 I, I think I heard you correctly. If you'd be so
12 kind as to repeat, you indicated that some
13 districts in, in minority representation were in
14 fact, and you used the term packed. Which
15 districts are you referring to?

16 SENATOR RIVERA: Well, there's various
17 districts around the state but I certainly, just
18 looking at my own, the population, the Latino
19 population of my district actually went up
20 significantly, and while right, currently I
21 believe that my, that the current population of,
22 that the current Caucasian population, if you
23 will, was about 11%; it now goes down to under
24 3%, where, where my district is made even more

1 Demographic Research and Reapportionment, 1-30-2012

2 Latino when it was already maybe 60% or above
3 Latino in the, in the, in the current lines. So,
4 that is just one example of the ones that I can
5 think about.

6 SENATOR NOZZOLIO: Which number is your-

7 -

8 SENATOR RIVERA: That's the 33rd
9 district of--

10 SENATOR NOZZOLIO: --proposed district--

11 SENATOR RIVERA: --Northwest Bronx.

12 SENATOR NOZZOLIO: --center? That,
13 certainly want to recognize the fact that the
14 Hispanic population has increased and that the
15 efforts were to enhance Hispanic representation
16 in your district. To consider, to claim that it
17 is packed, I think that the, most of the Hispanic
18 districts in the Bronx actually were enhanced in
19 terms of percentage of majority Hispanic in those
20 districts.

21 SENATOR RIVERA: Mm-hm.

22 SENATOR NOZZOLIO: There was certainly
23 no intent to sever the power of minorities. In
24 fact, the Hispanic majority in each of those

1 Demographic Research and Reapportionment, 1-30-2012

2 districts--those represented by you, represented
3 by Senator Serrano, represented by Senator Diaz--
4 all those were actually enhanced with stronger
5 Hispanic population. That certainly was the
6 intention. I will look to those regions again
7 and ensure that that intention is being factually
8 represented. So, but certainly the intention was
9 only to strengthen Hispanic representation and
10 majority representation of Hispanics within those
11 regions that you referenced.

12 SENATOR RIVERA: Well, in those
13 districts, for example, you have districts that
14 are currently over 60% Latino; certainly mine is.
15 It would seem that if you're taking districts
16 like that and then adding five or ten percentage
17 points of, of Latino population, it means that
18 they're being taken away from other parts of
19 other districts that might be in the, in the
20 outskirts of those, that, those Latino
21 populations.

22 The, the argument that I'm making more,
23 more than anything else is a broader argument
24 about the fact that the process, I do not

1 Demographic Research and Reapportionment, 1-30-2012

2 believe, has given us what I believe are fair
3 districts. Ultimately, we will, we will, the
4 process will play itself out. I just wanted to
5 be on the record today as saying that I believe
6 that the plan, the draft plan that has been put
7 forward by LATFOR, I believe, does not, does not
8 represent a fair product and I do not believe,
9 in, in the case of, of Latino or African-American
10 populations across the state, actually represents
11 an opportunity for them in different parts of the
12 state to be able to elect a person of their own
13 choosing.

14 SENATOR NOZZOLIO: Well, Senator, I know
15 from Senator Dilan's district, he represents to
16 other districts the intention where it was to
17 strengthen the minority population and the
18 minority voting age population, in particular, as
19 well. We would welcome, this task force has, can
20 continue this process and would welcome any
21 suggestions that you have in terms of making
22 districts altered based on the common objectives
23 we share.

24 SENATOR RIVERA: Yes, sir.

1 Demographic Research and Reapportionment, 1-30-2012

2 SENATOR NOZZOLIO: Thank you.

3 SENATOR RIVERA: You will have them.

4 SENATOR NOZZOLIO: Senator Dilan?

5 SENATOR DILAN: I just want, I just
6 wanted to make a comment since you referred to my
7 district, but I believe ten years ago my district
8 was at 56.7% and this time it's at 53 point
9 something percent, so it actually went down.
10 Thank you.

11 SENATOR RIVERA: Thank you for giving me
12 the opportunity.

13 ASSEMBLY MEMBER MCENENY: Senator, on
14 your--

15 SENATOR RIVERA: Okay.

16 ASSEMBLY MEMBER MCENENY: Just, I'm just
17 looking. I have no agenda in asking the question
18 but it's--

19 SENATOR RIVERA: Mm-hm.

20 ASSEMBLY MEMBER MCENENY: --65.83%
21 Hispanic. How many of those are voting citizens,
22 would you say, in that percent?

23 SENATOR RIVERA: of--

24 ASSEMBLY MEMBER MCENENY: 90%, 80%

1 Demographic Research and Reapportionment, 1-30-2012

2 eligible--

3 SENATOR RIVERA: Actually--

4 ASSEMBLY MEMBER MCENENY: --to vote?

5 SENATOR RIVERA: I, I'm, I wouldn't be
6 prepared to say what--

7 ASSEMBLY MEMBER MCENENY: Just eligible-

8 -

9 SENATOR RIVERA: I think it is--

10 ASSEMBLY MEMBER MCENENY: --to vote.

11 SENATOR RIVERA: --a high percentage. I
12 have--

13 ASSEMBLY MEMBER MCENENY: A high
14 percentage, okay.

15 SENATOR RIVERA: There is a lot of,
16 there is a lot of Puerto Ricans in that number
17 and a lot of second and third-generation
18 Dominicans.

19 ASSEMBLY MEMBER MCENENY: Yes.

20 SENATOR RIVERA: A smaller population
21 of, of Honduran and Central American, which are
22 also second and third-generation. So, although I
23 do have a, I do have a core of more recent
24 immigrants that are not, that are not citizens or

1 Demographic Research and Reapportionment, 1-30-2012

2 of voting age, I believe that the majority of
3 those would be voting age--

4 ASSEMBLY MEMBER MCENENY: Do you--

5 SENATOR RIVERA: --of citizens.

6 ASSEMBLY MEMBER MCENENY: Do you have,
7 in your mind, an ideal percentage of Hispanic
8 citizens within a district that would be safe to
9 make it a minority or majority district and yet
10 not be setting up a situation of artificially
11 packing people into one district? Is there a
12 number in your mind; 55, 60%, or--

13 SENATOR RIVERA: I don't necessarily
14 have a number in, in my mind. I, and I certainly
15 admit that this is obviously a very complicated
16 process that you folks have gone through, and
17 that we will go through over the next couple of
18 weeks or months to figure out what the final
19 lines will be like. The main point that I'm
20 making is that the process, ultimately, should
21 not be determined by legislators, and that many
22 times there are both political, you know, ends
23 that, that are, that, that the process is driven
24 by and that sometimes you're not looking, I, I

1 Demographic Research and Reapportionment, 1-30-2012

2 believe that we don't, that, that this process
3 does not produce a fair product at the end of it.
4 As far as a particular percentage, I don't have a
5 number in my mind, but I would say that just
6 looking at a couple of the districts in the, in
7 the city--and I certainly am not as familiar with
8 upstate as either you or Senator Nozzolio--but it
9 looked to me like there were some districts that
10 were unfairly chopped up and, and in some cases,
11 potentially even packed.

12 ASSEMBLY MEMBER MCENENY: Well, if you
13 have some specific examples, we have eight more
14 hearings after this. We'd like your advice.

15 SENATOR RIVERA: And, and I would, and,
16 and I would say that I would probably provide
17 that to be on the record, but not me, personally
18 since--

19 ASSEMBLY MEMBER MCENENY: Sure.

20 SENATOR RIVERA: --I will not be able to
21 attend the rest of the--

22 ASSEMBLY MEMBER MCENENY: Sure.

23 SENATOR RIVERA: --hearings, which is
24 the reason why I'm here today.

1 Demographic Research and Reapportionment, 1-30-2012

2 ASSEMBLY MEMBER MCENENY: Yeah. We also
3 take a testimony submitted only in writing.

4 SENATOR RIVERA: Yes. No, and that,
5 that's what I mean.

6 ASSEMBLY MEMBER MCENENY: Yeah.

7 SENATOR RIVERA: That you will get some,
8 some of that--

9 ASSEMBLY MEMBER MCENENY: Thank you.

10 SENATOR RIVERA: --writing on the
11 record.

12 ASSEMBLY MEMBER MCENENY: Thank you very
13 much.

14 SENATOR NOZZOLIO: Thank you.

15 SENATOR RIVERA: Thank you so much for
16 giving me the opportunity.

17 ASSEMBLY MEMBER MCENENY: Assemblywoman
18 Tenney?

19 CLAUDIA TENNEY, ASSEMBLY MEMBER, 115TH
20 AD.: Good afternoon. Thank you for giving me
21 the opportunity to speak. I, I greatly
22 appreciate it. I, I'm here on behalf of not just
23 Oneida County but my hometown of New Hartford
24 where I've resided on the same street since 1963,

1 Demographic Research and Reapportionment, 1-30-2012

2 and I currently represent the 115th Assembly
3 District, which is 18 towns in Oneida County and
4 nine in Oswego County. I guess the 115th has
5 been eliminated and the town of New Hartford,
6 where I reside, has now been placed in the 102nd
7 District. 102nd District now looks like seven
8 counties, 43 towns, one small city, and goes
9 almost to the Connecticut border. We're talking
10 about communities of interest and effective
11 representation. It's about 200 miles from New
12 Hartford to Coxsackie, which is where the rest of
13 the district goes.

14 I have to say I, one of the key things
15 about New Hartford; it practically encircles the
16 city of Utica and is very connected to the
17 economic development, the economic engine of
18 Oneida County. It's fact, in fact, the largest,
19 most populous town in the county. It has
20 typically always been--I don't know back too far,
21 but for many, many years, it's always been part,
22 it's a key part of Oneida county and I feel like
23 some of the, the residents of Oneida County have
24 reached out to me and said why are we putting

1 Demographic Research and Reapportionment, 1-30-2012

2 Oneida, why are we putting the town of New
3 Hartford with its unique situation, in with seven
4 other counties. This, completely, I look, look
5 like a very difficult district to represent. I,
6 I'm not sure what the, what the purpose of it is,
7 and this new 102nd District is now, actually
8 encompasses Central New York, the Leatherstocking
9 region, the capital region, and the Catskills.
10 There's four communities. It now creates,
11 instead of three assembly members in the County
12 of Oneida, we now have five.

13 The, I, my question to you, and, and
14 then hopefully the, you know, we're creating a
15 district where we've taken a person, you know,
16 the new 117th, I believe it is, comes down into
17 15 of the towns that I currently represent, and
18 now we're going to have a person that, who is a
19 wonderful guy, but he represents Jefferson County
20 and he's part of the North Country community.
21 Now we have Pete Lopez over in this already
22 enormous district and now maybe make it even
23 larger, coming in to represent New Hartford in
24 this community. And I just want to, why are the

1 Demographic Research and Reapportionment, 1-30-2012

2 citizens of New Hartford going to be better
3 served in this way? And secondly, why is the
4 rest of Oneida County going to be better served
5 by someone who isn't elected by, originally by
6 the people there and originally, I, I just don't
7 see, I'd like to, a question is why is this
8 better for Oneida County and for the, the, the
9 residents of the town of New Hartford? And it's
10 not about me; it's about down the road. If, I
11 mean, I may not even be in the assembly, but how
12 is this good for this community, to break it
13 apart? And that seems to be a, you know, an
14 important theme here. I mean, we've created this
15 sort of involuntary carpet-baggery. I mean, it's
16 like--

17 ASSEMBLY MEMBER MCENENY: Assemblywoman,
18 the problem is with the shifting of population
19 around the state, the loss in western New York,
20 losses up in the Adirondacks, it's like putting a
21 puzzle together and the bumping effect of
22 something that may happen many miles from you,
23 further to the north or the west for example,
24 tends to move every district there a little

1 Demographic Research and Reapportionment, 1-30-2012

2 further, a little closer to you. And it's one of
3 the things, somewhere along the line, ironically
4 we have an empty district with no incumbent, for
5 example, due south of you, but that's many miles
6 away as well. There's another one elsewhere in
7 the map. It's, it's the problem with the map
8 moving around. It may be one of the things that
9 we will address in a final map, but there's not
10 an awful lot of people in some, in some areas.
11 And what--

12 ASSEMBLYWOMAN TENNEY: Right.

13 ASSEMBLY MEMBER MCENENY: --happened,
14 see, when we took the prisoners out--

15 ASSEMBLYWOMAN TENNEY: Well, I--

16 ASSEMBLY MEMBER MCENENY: --for example-

17 -

18 ASSEMBLYWOMAN TENNEY: Let me, can I
19 comment on that?

20 ASSEMBLY MEMBER MCENENY: --and then
21 that--

22 ASSEMBLYWOMAN TENNEY: With all--

23 ASSEMBLY MEMBER MCENENY: --brings in--

24 ASSEMBLYWOMAN TENNEY: With all due

1 Demographic Research and Reapportionment, 1-30-2012

2 respect--

3 ASSEMBLY MEMBER MCENENY: --some

4 bounding. Yeah?

5 ASSEMBLYWOMAN TENNEY: --the 116th, the
6 current 116th District, which is now represented
7 by Anthony Brindisi, has virtually unchanged,
8 except adding one town to accommodate the, the
9 change in the prisoners.

10 ASSEMBLY MEMBER MCENENY: That's exactly
11 why.

12 ASSEMBLYWOMAN TENNEY: The--

13 ASSEMBLY MEMBER MCENENY: Yes.

14 ASSEMBLYWOMAN TENNEY: Yeah. The
15 district--I'm not sure what it's called now where
16 Addie Russell currently sits--has virtually
17 unchanged, except for one town. Bill McGee,
18 who's to my south has not changed at all.

19 ASSEMBLY MEMBER MCENENY: Mm-hm.

20 ASSEMBLYWOMAN TENNEY: And it just seems
21 that if we just were to do a clockwise, it, look,
22 it took a lot of thought to put this district
23 together. It's not something, it, either a lot
24 of thought or no thought, because it just doesn't

1 Demographic Research and Reapportionment, 1-30-2012

2 make sense to put New Hartford in such a bizarre
3 string along district. I mean, I don't see how
4 even the, the new 102nd could even, could, anyone
5 could effectively represent that district. It's,
6 it's even, it's as large or larger than most of
7 the senate districts. But I look at the map and
8 I think well, if you just did a, a clockwise
9 move, you could move people back into their
10 communities where they are represent and they're
11 lifelong residents, or where somebody in that
12 community could represent, you know, whether they
13 were the current representatives or a future
14 representative would be representing the
15 community they live in. I mean, honestly, some
16 of the, the, the current, the new 117th District
17 would pit a person who has spent their life in
18 Jefferson County to come down and represent 12
19 towns in Oneida County and three additional towns
20 in Oswego. So, and all of a sudden, now we've
21 got, you know, the, Mark Butler's district to
22 the, to the east moving all the way up into Saint
23 Lawrence County. So, it seems that almost, like
24 a shift could be something that would be putting

1 Demographic Research and Reapportionment, 1-30-2012

2 people back into their communities of interest,
3 and really, not the people; putting the, the
4 communities and the towns--

5 ASSEMBLY MEMBER MCENENY: Mm-hm.

6 ASSEMBLYWOMAN TENNEY: --back where they
7 belong, you know, back with the, the counties
8 they're in as to, or to keep up with the mission
9 of keeping either counties whole or communities
10 whole. New Hartford certainly has nothing in
11 common with Coxsackie or Schoharie County at this
12 point so--

13 ASSEMBLY MEMBER MCENENY: It's
14 Coxsackie.

15 ASSEMBLYWOMAN TENNEY: Or however you
16 say it. I'm, see, I don't even know. I see it
17 on the thruway sign; that's about it.

18 ASSEMBLY MEMBER MCENENY: Well be having
19 a public hearing in Syracuse, which is certainly
20 close to you, and that's in the third week of
21 these hearings, and then followed by Rochester
22 and Buffalo, and perhaps you could find a
23 solution.

24 ASSEMBLYWOMAN TENNEY: Well, I have, I

1 Demographic Research and Reapportionment, 1-30-2012

2 have lots of solutions for you--

3 ASSEMBLY MEMBER MCENENY: Yeah.

4 ASSEMBLYWOMAN TENNEY: --if you'll hear
5 me out later in the--

6 ASSEMBLY MEMBER MCENENY: Sure.

7 ASSEMBLYWOMAN TENNEY: --next groups. I
8 just think it's just, it's notable, my district,
9 the new district--

10 ASSEMBLY MEMBER MCENENY: Mm-hm.

11 ASSEMBLYWOMAN TENNEY: --that I
12 represent 27 towns and now I represent two, and I
13 don't think there's been any other dramatic
14 change and that's probably 100, at least 100,
15 105,000 population difference.

16 ASSEMBLY MEMBER MCENENY: Yeah.

17 Actually--

18 ASSEMBLYWOMAN TENNEY: I mean, that's a
19 dramatic change.

20 ASSEMBLY MEMBER MCENENY: It's not, it
21 doesn't take the prize. We have some others that
22 have had greater change but for voting rights
23 purposes down in the city.

24 ASSEMBLYWOMAN TENNEY: Okay. Well,

1 Demographic Research and Reapportionment, 1-30-2012

2 thank you very much. I appreciate--

3 ASSEMBLY MEMBER MCENENY: Thank you very
4 much--

5 ASSEMBLYWOMAN TENNEY: --the time.

6 ASSEMBLY MEMBER MCENENY: --for coming
7 in.

8 SENATOR NOZZOLIO: Thank you. Thank you
9 for coming in.

10 ASSEMBLY MEMBER MCENENY: Are there any
11 other members that wish to speak? And we will
12 move on with Bill Mahoney from NYPIRG.

13 SENATOR NOZZOLIO: Oh, you missed
14 Barbara Bartoletti. You missed Barbara
15 Bartoletti.

16 ASSEMBLY MEMBER MCENENY: Oh. Does
17 Barbara go first?

18 SENATOR NOZZOLIO: On the list, well,
19 we--

20 ASSEMBLY MEMBER MCENENY: Oh, I'm sorry.
21 Barbara, you're next in line if you--

22 BARBARA BARTOLETTI, LEGISLATIVE
23 DIRECTOR, LEAGUE OF WOMEN VOTERS: That's fine.
24 Let Bill go.

1 Demographic Research and Reapportionment, 1-30-2012

2 ASSEMBLY MEMBER MCENENY: Okay. Go
3 ahead, Bill. We'll get you next. Thank you.
4 Sorry about that.

5 BILL MAHONEY, RESEARCH COORDINATOR,
6 NYPIRG: Good afternoon. Thank you for having me
7 here today. In the few days since the lines have
8 come out, I've heard them defended from several
9 different quarters. These defenses have
10 typically said things like they were driven
11 completely by the requirements of the
12 constitution, a desire to better represent
13 minority communities, or just generally following
14 of the numbers found in the census.

15 ASSEMBLY MEMBER MCENENY: I would
16 question the use of the word completely.

17 MR. MAHONEY: Okay, sorry. Well, but,
18 I, I, I would just like to, I would like to
19 challenge some of these claims, that these were
20 the only sets of lines in some cases that could
21 have possibly been drawn, and I'm going to start
22 off by talking about the creation of a 63rd
23 Senate District.

24 The antiquated formula in the

1 Demographic Research and Reapportionment, 1-30-2012

2 constitution for calculating the size of the
3 senate; it very well could be found to allow this
4 creation. However, it's definitely not the only
5 way that this formula could be calculated. In
6 previous decades, it has been, they've used a
7 completely different formula and that has been
8 upheld by the courts. And Senator Nozzolio, I
9 know that you defended this, but, and this is
10 what you said the outside consultant had told
11 everybody, but if the, if he really said that
12 this is the only formula that could possibly be
13 used, I'd say, I'd recommend that you give the
14 taxpayers back their \$3 million because--

15 SENATOR NOZZOLIO: And since you called
16 on me, I'll, I'll respond.

17 MR. MAHONEY: Fair.

18 SENATOR NOZZOLIO: It, consultant said
19 that there are two formulas, both accepted by the
20 court, and under both formulas, that this 63rd
21 seat in the so-called antiquated provision of the
22 constitution that you refer to. You know, there
23 are a lot of antiquated provisions in the
24 constitutions. You could say that the Bill of

1 Demographic Research and Reapportionment, 1-30-2012

2 Rights and we have an old document in the
3 constitution, to discredit, or try to discredit
4 with that kind of language, I think is, is
5 inappropriate on your part. But the, the fact of
6 the matter is that the counsel indicated that
7 either formula would, that both accepted by the
8 courts, and calculations made under the current
9 population figure is adjusted by the census
10 numbers and the prison population census numbers,
11 that his recommendation is that the 63rd seat is
12 in fact, required by the state constitution.

13 MR. MAHONEY: And there are no partisan
14 considerations involved in reaching this
15 conclusion? When I looked at it, I found that
16 the, that the formula used in the past, the two
17 different ones, could lead to either 62 or 64
18 seats as well, and if this truly was the case, I
19 would encourage you to prove me wrong by making
20 public all the communications with this
21 consultant and every discussion about this issue.
22 I would love to read those emails. I would
23 absolutely love to have my cynicism shattered.

24 SENATOR NOZZOLIO: It places, the, the

1 Demographic Research and Reapportionment, 1-30-2012

2 information provided from counsel is on the
3 website of LATFOR.

4 MR. MAHONEY: There's about a page. I'm
5 sure, there, I'm sure there are more
6 communications. But anyways, I would like to
7 get, just getting back to my testimony, one of
8 the other issues which we are concerned about
9 looking at these maps is population, and other
10 people have brought up how the populations in
11 districts vary wildly. And we've actually found
12 in the senate, that this is the worse it's ever
13 been in all the decades since the Voting Rights
14 Act. In--

15 SENATOR NOZZOLIO: Would you--

16 MR. MAHONEY: --the assembly, it's not
17 quite as bad as 2002, but it's clearly the second
18 worst. In the past, these have been defended by
19 saying that--

20 ASSEMBLY MEMBER MCENENY: Common Cause
21 would be the third worst?

22 MR. MAHONEY: I haven't looked too
23 closely at theirs but, but these have been
24 defended by, by saying that they are completely

1 Demographic Research and Reapportionment, 1-30-2012

2 mandated by trying to keep towns and counties and
3 other municipalities together, and in some cases,
4 to protect minorities. But what we found while
5 looking at the older maps from '92 and '84, these
6 population variations were much lower, yet they
7 were still able to adequately present, protect
8 minorities and keep towns and municipalities
9 together. In fact, this, the set of maps
10 shatters counties and towns more so than any
11 other set of maps which I've seen. The senate,
12 as Susan pointed out earlier, splits 18 upstate
13 counties into pieces, and that's clear disregard
14 for the state constitution, which it may be
15 antiquated but I still value it, and I think that
16 that's not--

17 SENATOR NOZZOLIO: That, that part,
18 parts are antiquated and parts aren't; is that
19 your, in your view?

20 MR. MAHONEY: It's all antiquated but
21 what I was referring to before is--

22 SENATOR NOZZOLIO: It's all antiquated.

23 MR. MAHONEY: --the fact that the
24 formula, it's difficult to read because reading

1 Demographic Research and Reapportionment, 1-30-2012

2 it requires several assumptions which don't make
3 sense in modern New York where Nassau County and
4 Queens County are no longer one political unit.
5 So, it does leave room for interpretation, which
6 I believe you have interpreted it as you best saw
7 fit with your part as an interest and not best to
8 represent the people of New York.

9 And going back to Queens really quick,
10 these have been defended by saying that these
11 were, that these lines appear the way they are
12 solely to represent a minority community. We, it
13 does provide Asian-American representation, which
14 is great, but it doesn't need to look the way it
15 currently does to represent these communities of
16 interest. Even the Asian-American Legal Defense
17 Fund found that the proposed Senate District 16
18 unnecessarily splits the neighborhoods of
19 Flushing and Bayside, dividing a community of
20 interest. And the fact that another district,
21 further upstate, in Buffalo, completely does away
22 with the African-American majority which has
23 existed there for several decades, tells me that
24 this is not the top concern of the map drawers.

1 Demographic Research and Reapportionment, 1-30-2012

2 In conclusion, these clearly are not the
3 best set of lines we could possibly see. You
4 know the, you know my solution for this. I've
5 said this several times over the summer, and
6 that's an independent commission. For the time
7 being, for these lines, whatever changes happen
8 to them, these are not changes that could simply
9 be made where we fix a couple funny-looking
10 districts and make them a little bit more
11 compact. There needs to be a complete redesign
12 of this process, where upstate is fairly
13 represented in the assembly and downstate is
14 fairly represented in the senate. As it is now,
15 both of these communities are short-changed and
16 the motivation for this is completely partisan.
17 Thank you.

18 ASSEMBLY MEMBER MCENENY: Senator Dilan?

19 SENATOR DILAN: Good afternoon.

20 MR. MAHONEY: Good afternoon.

21 SENATOR DILAN: I know that you did not
22 submit lines to the task force, but I believe
23 that you've been involved in analyzing the data
24 or the proposed plans, and I just wanted to know

1 Demographic Research and Reapportionment, 1-30-2012

2 do you have the ability to draw a map, using the
3 governor's criteria, and maintain as few split
4 county, count splits in the senate plan and keep
5 a low statewide population deviation?

6 MR. MAHONEY: That's not something that
7 I could personally do in the short time we have
8 left before these maps are to be finished. I
9 haven't started doing this. I had assumed
10 incorrectly that there would be more time between
11 the start of the public hearings and the
12 finalization of the plan. But at this stage in
13 the game, it's not something that I could
14 personally look at. I haven't been pouring, been
15 trying to create maps myself for the past six or
16 seven months.

17 SENATOR DILAN: Do you think that New
18 York should be allowed to draw more districts in
19 rural area versus fewer districts in urban areas?

20 MR. MAHONEY: I think that goes against
21 everything that this general philosophy of
22 democracy stands for. When you start trying to
23 overrepresent people just because they're from
24 one part of the state when you're dealing with

1 Demographic Research and Reapportionment, 1-30-2012

2 one house of the legislature and then
3 underrepresent them in the other, that means that
4 we're violating the basic times of one person,
5 one vote, and that does lead to this unequal
6 representation which we see in both houses.

7 SENATOR DILAN: That's all I have.

8 Thank you.

9 SENATOR NOZZOLIO: It, you cast a lot of
10 aspersions and I, I, I just want to maybe fact-
11 check some of the inconsistencies. The, the
12 questions you raised in western New York about
13 the minority populations being severed, well, the
14 fact of the matter is the County of Niagara was
15 made whole by the representation or the decision
16 to propose the senate lines that unite Niagara
17 County. In the city of Buffalo, the minority
18 community is totally contained within the city of
19 Buffalo and that, at, there was no severance of
20 that representation. So, in, in terms, there are
21 dual objectives there. The, your comments of
22 Queens are not shared in terms of the creation of
23 the Asian district, the first majority senate
24 Asian district in the history of the state; that

1 Demographic Research and Reapportionment, 1-30-2012

2 that Asian district was created uniting as many
3 communities of interest as possible, some wanted
4 more united. In fact, I certainly would have
5 like to have seen that but you'd see more
6 displacements, so, of other regions within
7 Queens. So, creating a majority Asian district
8 was established and today in the New York Daily
9 News, there were comments about members of the
10 community praising that creation. So, for every
11 detractor, I'm sure there's also someone who is
12 supportive of it. The minority population, or
13 the black population of the city of New York
14 declined by over 100,000; that the creation of
15 those districts in the boroughs that are covered
16 counties we aggressively supported, and I think
17 that your comments about everything is not for
18 sure partisanship is absolutely false and should
19 be challenged. That's why I'm making this
20 statement. The new district analysts have
21 showed, the Press reported that the, the new
22 senatorial district that was created, the 63rd
23 seat, if you will, was, has a dominance of
24 democrat-enrolled voters versus republican-

1 Demographic Research and Reapportionment, 1-30-2012

2 enrolled voters. So, I, I think that just to
3 throw those things out and see what sticks, I, I,
4 I, I, I could go unchallenged, I, I couldn't let
5 go unchallenged, and that I hope that your
6 comments are tempered based on facts, not
7 assertions and not on truths.

8 MR. MAHONEY: Well, looking back at the
9 2002 process when we saw some of these internal
10 documents be made public due to the court
11 challenges, they clearly proved that partisan
12 factors were what determined and what drove the
13 process, and if that's changed this year, then
14 please, please prove me wrong; release all your
15 emails, your internal communications, stuff that
16 would be subject to foil if you were part of the
17 executive branch, and I'm sure the public would
18 love to look at these records and see that every
19 single decision that was made was based on
20 representing New Yorkers and partisan interests
21 were not taken into account.

22 SENATOR NOZZOLIO: This whole
23 communication I have from our counsel is the
24 counsel's memo to me.

1 Demographic Research and Reapportionment, 1-30-2012

2 MR. MAHONEY: But I'm sure there are
3 others.

4 SENATOR NOZZOLIO: To the, to the, to
5 the senate and to the, me and the chairman on
6 LATFOR and the members on LATFOR.

7 MR. MAHONEY: Well, I'm sure--

8 SENATOR NOZZOLIO: It's placed on the,
9 on the website. We made it very open and clear
10 and direct. I, I have not communicated with the
11 counsel about this and he's not communicated with
12 me until that memo.

13 MR. MAHONEY: Well, I imagine somebody
14 did. You didn't just decide to start collecting
15 \$3 million of taxpayer money and sending you
16 memos about the size of the senate. There were
17 probably prior discussions about--

18 SENATOR NOZZOLIO: Discussions,
19 considerable discussions about comply, and, and
20 you raise a very valid point I'd like to address,
21 and excuse me for interrupting. The valid point
22 is what is counsel paid for. He's paid for to
23 help us all, particularly the map drawers and
24 myself and others, to comply with a very complex

1 Demographic Research and Reapportionment, 1-30-2012

2 series of laws we have governing this process,
3 particularly the Voting Rights Act, and how that
4 Voting Rights Act needs to be applied to the
5 populations as they shift in change and grow and
6 diminish within the state.

7 MR. MAHONEY: All right. Well, once
8 again, I would love to read the materials. If
9 you would like to prove me wrong, then please do
10 so.

11 SENATOR NOZZOLIO: Well--

12 MR. MAHONEY: I, I can't speak more
13 about this because I haven't seen your internal
14 documents or heard your discussions, but from
15 what I've seen from past cycles, this is what
16 drove the process and I have not been given any
17 reason to suspect that this has changed this
18 decade.

19 SENATOR NOZZOLIO: Well, we've made this
20 the most open, transparent process, since you're
21 the historian in the room today, that this, let
22 me indicate this has been the most open process
23 that we have had, including those who have
24 testified--you, yourself have testified half a

1 Demographic Research and Reapportionment, 1-30-2012

2 dozen times--that we welcome that input and
3 again, I, I welcome your input today. I just
4 think that it's tainted in a partisan egg-
5 throwing fashion here, and that we, I want to
6 clarify for the record that that has not been the
7 case and that these decisions have been made on
8 the basis of openness, fairness and the
9 legalities of complying with a very complex
10 number of laws and requirements that are put in
11 the, in, in this path, and that I respect them.
12 I might not agree with every one of them, but I
13 certainly respect them all, and we're trying to
14 comply with them all.

15 MR. MAHONEY: Once again, I'm sure the
16 public would love to see the debates over these
17 very complex issues that have not been discussed
18 publicly for four or five months.

19 SENATOR NOZZOLIO: Any other questions?

20 ASSEMBLY MEMBER MCENENY: Thank you.

21 SENATOR NOZZOLIO: Comments? Thank you
22 very much.

23 ASSEMBLY MEMBER MCENENY: Should NYPIRG
24 choose to come again, Bill, specific suggestions

1 Demographic Research and Reapportionment, 1-30-2012

2 are always welcome of how to correct--

3 MR. MAHONEY: Yeah, I mentioned that I
4 thought--

5 ASSEMBLY MEMBER MCENENY: --a perceived
6 problem.

7 MR. MAHONEY: --the population deviation
8 should be adjusted in each houses, but I will
9 try, if we do this again, I will try to be more
10 specific.

11 ASSEMBLY MEMBER MCENENY: Yeah, there's,
12 there's time.

13 MR. MAHONEY: Okay. Thank you.

14 ASSEMBLY MEMBER MCENENY: Thank you.
15 Barbara Bartoletti, League of Women Voters.

16 MS. BARTOLETTI: Well, I hope I'm going
17 to be a little bit refreshing for all of you
18 sitting up there because we have not, as you
19 probably all know--Barbara Bartoletti, League of
20 Women Voters--we have testified before the, when
21 you were traveling around the state, all over the
22 state. With these hearings, we're going to take
23 you at your word. You know what I'm going to
24 say. You know what my members would say around

1 Demographic Research and Reapportionment, 1-30-2012

2 the state. So, we're only going to say this once
3 today so that you don't have to go around the
4 state for the next eight or nine and hear
5 primarily the same from all of my members around
6 the state, and you know what it is I'm going to
7 say. But I do want to issue one small compliment
8 before I turn this upside down, and just say that
9 I've been doing this and, and actually, we were
10 going to do something a little amusing today. We
11 were going to blow up photos of me in 1982, 1992,
12 2002 and then today, and we were going to say
13 look how much I've changed and look how little
14 this process has changed. But actually, this is
15 not amusing, because I have been doing this since
16 1982 and we have been saying the same thing over
17 and over and over again every ten years. I do
18 want to say to Mr. Nozzolio, who I think publicly
19 I heard you say that, when we talked about a
20 constitutional amendment, that it was far too
21 late and nobody came and talked about a
22 constitutional amendment. My memory long-term, I
23 sometimes can't remember what happened yesterday,
24 but long-term, my memory is pretty good. In 1995

1 Demographic Research and Reapportionment, 1-30-2012

2 we went before your former majority leader, Joe
3 Bruno, and his counsel, and we specifically said
4 now is the time to debate, to come out with
5 legislation dealing with a constitutional
6 amendment to clean up some of what some, many
7 folks have been saying are archaic constitutional
8 language, the town on town border, etcetera,
9 etcetera, and by the way, just for the record,
10 1894 was exactly 50 years before women had the
11 right to vote. So, this, this part of that, of
12 the constitution is long before we even had the
13 chance to even weigh in on, on this issue, but at
14 the time, we said now is the time to talk about a
15 constitutional amendment, get a, a attorney
16 general's opinion and go forward. And we were
17 told in 1995, oh, we have lots of other more
18 important things to deal with; come back in a
19 couple of years and talk to us, or four years or
20 five years. Again we tried in 2005 and I believe
21 Mr. Avello was then your counsel; still Mr. Bruno
22 was the majority leader. We were told the exact
23 same thing. We asked the same questions and we
24 were told too many other important things to do;

1 Demographic Research and Reapportionment, 1-30-2012

2 we can't really address that now. So, we have
3 tried over and over and again to get a new
4 constitutional amendment, creating an
5 independent, non-partisan process by which we
6 would develop these lines. I will say--here
7 comes the compliment--that those of you sitting
8 here appear, this go-around, to be very much
9 better informed about the exact ability to draw
10 these lines given the Voting Rights Act, given
11 all of the different constraints, the prisoner
12 reinstatement, wherever, where they live. So, I,
13 I will compliment you because I sat with a member
14 in the 1991, a former person who sat where you
15 are, who told me specifically we had no input;
16 this was all done out of the speaker's office and
17 out of the majority leader's office. So, perhaps
18 that has changed a little bit with, with those of
19 you who are sitting up there, and if that's the
20 case, that's somewhat a compliment to those of
21 you who are sitting there, who have perhaps
22 demanded that from your leadership.

23 That said, the process we went through
24 this year was no different. It is still a very

1 Demographic Research and Reapportionment, 1-30-2012

2 bad, a very incumbency protection plan and I am
3 not at all surprised, nor do I think the
4 editorial boards or the legislators themselves,
5 in some cases, as we're hearing today, were at
6 all surprised that you came out with not a
7 terribly good product. I do think some of these
8 lines, if the governor is to be taken at his
9 word, the governor will veto and we will come
10 back, perhaps with the input from all of these
11 different hearings, we will come back with better
12 lines. And I can only impassionedly lobby your
13 leadership, the governor, whomever it is that
14 will listen, that going forward, and I'm not
15 going to be doing this in 2022; I can assure you
16 of that, but in 2022, we do need a constitutional
17 amendment that not only cleans up some of the
18 dead wood in the constitution and does provide
19 for an independent non-partisan committee of
20 technologists. I know we're not Iowa. I've been
21 on record for years saying we're not Iowa, but
22 Iowa appears to have a good model of tech,
23 technologically sound people who do not even
24 consider where a legislator lives or what the

1 Demographic Research and Reapportionment, 1-30-2012

2 political party is he or she is attached to. We
3 must go into that direction. The lines might not
4 look a lot different, but perception is reality,
5 and the political perception out there in the
6 public is that the draw, lines are drawn to
7 protect incumbents and therefore, there is much
8 less responsive government, less competitive
9 elections, which then makes for the unresponsive
10 legislators. Perception, in our minds, is played
11 out by the fact that New York State, in this last
12 election--and it's been getting worse in every
13 election--New York State had one of the lowest
14 voter turnouts in the nation. Voters are not
15 dumb. They may not know the ins and outs of
16 redistricting. They may not know what block on
17 block and so forth, the boundaries, are in the
18 constitution. What they do know is that things
19 in Albany do not seem to change enough. You had
20 a good session last year, and let's hope it
21 continues, but voters know, and if you ask the
22 man or woman on the street, they are very likely
23 to say my vote doesn't, doesn't count. These
24 guys are all politicians; they're all going to do

1 Demographic Research and Reapportionment, 1-30-2012

2 what they do. That is really, as all of you, I
3 think, in a moment, away from the cameras, would
4 admit that is not what any of us came into public
5 service, whether on my side or on your side to
6 achieve. What we want is a dynamic responsive
7 democracy and we don't have that, and so you must
8 concern yourselves with the fact that even though
9 the public doesn't know the ins and outs, they
10 know it isn't working. And I, it, frankly, and
11 to the, to my very being, believe that if you had
12 a group of people sitting where you are, who were
13 not attached to a party and were not a sitting
14 legislator, they may have a little, they may find
15 some of the problems that you've found with
16 making sure the population, we do think this
17 population deviation could be less. You can do
18 it for congressional lines, bigger lines, no
19 doubt, bigger population, but I, it, it, it, to
20 my very being, I believe that if you had non-
21 partisan people doing this, even with the advice
22 of legislators, you would come out with a better
23 product and you could say we did this with the
24 voters and the citizens of the state in mind. We

1 Demographic Research and Reapportionment, 1-30-2012

2 didn't do it with our partisan concerns in mind.
3 So, with that, this is probably, in this go-
4 around, the last time you will have to hear what
5 I have to say. I, I certainly do hope that as we
6 go down the, the road with a possible governor,
7 gubernatorial veto and the possibility of perhaps
8 formulating real structural reform for 2022, when
9 maybe none of you sitting up there--and I look at
10 my friend, Roman. One of these days, you and I
11 are both going to retire completely from this,
12 Roman. Roman and I have been doing this together
13 for a very long time. We will be able to secure
14 a very good structural reform and have the type
15 of process we can all be very proud of. Thank
16 you very much.

17 ASSEMBLY MEMBER MCENENY: Thank you.

18 Senator?

19 SENATOR NOZZOLIO: A couple of things,
20 Barbara. I know you and I know Roman and Roman
21 looks old enough to be your father anyway.

22 MS. BARTOLETTI: Roman, actually a
23 little anecdote; I had Roman's son on my Little
24 League team, and our children are both, I

1 Demographic Research and Reapportionment, 1-30-2012

2 believe, now married, yes.

3 SENATOR NOZZOLIO: All futile attempts
4 to humor aside, I have a question, and you raise
5 an excellent point, and you as a representative
6 of a national organization, it would be helpful
7 to know, and be very interesting to know, those
8 states that have established independent
9 redistricting, and as you know, the senate has
10 voted for--

11 MS. BARTOLETTI: Yes.

12 SENATOR NOZZOLIO: --constitutional
13 amendment--

14 MS. BARTOLETTI: Yes.

15 SENATOR NOZZOLIO: --to achieve that
16 objective, and more must be done on this issue.
17 But you raise a great point, among many, but one,
18 one I'd like to probe on is the issue of voter
19 participation. Have we seen voter participation
20 increase in those areas before and after the
21 establishment of an independent redistricting
22 commission?

23 MS. BARTOLETTI: I think that's
24 something our national organization has looked

1 Demographic Research and Reapportionment, 1-30-2012

2 at, and probably has some statistics on that. I
3 think we're looking specifically at states like
4 Iowa. There are different states than New York;
5 states like Vermont and Arizona. California,
6 this is their first go-around. We know that
7 didn't work as well as we had hoped it would, but
8 this is their first go-around. I think the
9 commission, in the next ten years, will probably
10 figure out some of what happened this time and
11 guard against that. It, it's an educating
12 process. I'd like to see us do it differently
13 than even California did, and go with a non-
14 partisan commission with strict criteria for how
15 you draw the lines, and then with, perhaps, even
16 an advisory board. We, the courts have told us,
17 and I'm not that naïve, the courts have told us
18 that this is and can be a political process. In,
19 in other words, the, the, they can't, you can't
20 take politics out of this entirely, but we think
21 there is a better way to do this with, perhaps,
22 the advice of some sitting legislators, like
23 these communities of interest just don't go
24 together or this wouldn't represent the people I

1 Demographic Research and Reapportionment, 1-30-2012

2 know need to be represented. I think we could
3 look at things like that, and I think as we go
4 down to formulating hopefully in the future, we
5 do have a unique opportunity. Right now we have
6 a governor who has said that he wants to see a
7 structural reform in the future. I think you've
8 already passed a constitutional amendment. So, I
9 think perhaps this is our best opportunity to get
10 one. That doesn't negate the fact that the
11 process we've had in the past, at least since
12 I've been around four, four decades, has been
13 bad.

14 SENATOR NOZZOLIO: Thank you.

15 MS. BARTOLETTI: You're very welcome.

16 ASSEMBLY MEMBER MCENENY: Senator?

17 MS. BARTOLETTI: Yes.

18 SENATOR DILAN: Good afternoon. I know
19 that your organization, the Women League of
20 Voters and Citizens Union have been prime movers
21 in attempting to reform the redistricting
22 process.

23 MS. BARTOLETTI: That's right.

24 SENATOR DILAN: However, I've been

1 Demographic Research and Reapportionment, 1-30-2012

2 hearing accounts that it may be too late in the
3 process for such an independent redistricting
4 commission now. Do you believe that if this
5 panel was able to implement the governor's
6 criteria that are in his program bill could
7 possibly avoid a gubernatorial veto?

8 MS. BARTOLETTI: That's a process that I
9 think the legislature is going to have to figure
10 out. There's a time constraint, as you know.
11 We, and, and one of the previous speakers did
12 talk about the congressional lines, to my
13 knowledge. Maybe, maybe you've drawn them over
14 the weekend, given the, Judge Sharp's admonition
15 to you, but they do need to be done very soon.
16 And I think once that's, I think that's probably
17 your, I would think, your focus, but to avoid a
18 president, a gubernatorial veto, I'm hopeful that
19 when the hearings are over, that saner heads will
20 prevail and that we will get some realignment of
21 some of the more egregious lines and, and I will
22 tell you, that's why we have a good government
23 coalition. The League does not involve itself in
24 the actual drawing of the lines. We do not have

1 Demographic Research and Reapportionment, 1-30-2012

2 those resources and our position is strictly on
3 the process. But the governor has said he would
4 veto it. I would certainly counsel you to go
5 back after these hearings because it is, should
6 be open and transparent, go back and look again
7 at these lines because some of them can easily be
8 altered, I think, to, to get better results,
9 given the constitutional constraints, because if
10 you don't there will be a gubernatorial veto and
11 even, perhaps, you should maybe look at some
12 outside counsel. I know you have outside
13 counsel, but non-partisan outside counsel, to
14 come in and perhaps whether it's Common Cause or
15 whether it's the Fordham, Fordham University.
16 And I don't know if you've looked at the lines
17 out of Fordham University. I, they were, they
18 were drawn and I think a young law student did
19 win quite a bit of money in drawing them. So, I
20 would, I would ask that you, perhaps, look at
21 some of those lines and perhaps you can come out
22 with something that will not get you a
23 gubernatorial veto.

24 However, all of that said, we have to

1 Demographic Research and Reapportionment, 1-30-2012

2 move forward and we have to move forward quickly.

3 The idea that the, and, and if someone can

4 enlighten me about what happened this morning.

5 Has, Mr. Nozzolio, has the senate agreed to go

6 with the legislative primary at, June 26th?

7 SENATOR NOZZOLIO: I have not discussed
8 that with my colleagues.

9 MS. BARTOLETTI: Okay. I, that was out
10 there in the blogosphere, I think. I would
11 encourage you to do, to do so. The mere fact,
12 counties, as, as all of you know, the counties
13 cannot put on three primaries. The financial
14 constraints for counties would be devastating,
15 and so, I would, our position since 1957 has been
16 a June primary. We did have June primaries
17 before 1974. We can do it again. So, I would
18 encourage you to move along quickly because
19 candidates do have to run in primaries, they do
20 have to petition, and I, I come to this--you
21 don't want to get me, Jack knows, you don't want
22 to get me started on why primaries that adhere to
23 the move act are so critical. My son and his
24 unit of a 10th Mountain Division did not get to

1 Demographic Research and Reapportionment, 1-30-2012

2 vote in the 2000, or was it 2004 election,
3 presidential election, because they were in a
4 forward operating base and none of them, on a
5 forward operating base in Iraq, were able to
6 actually exercise their right to vote. So, I
7 believe fervently in this move act and I think it
8 would be to all of our advantages to, to decide
9 on that primary and move along and get the
10 congressional lines out, taking some advice and
11 let's then move quickly to restructure this
12 process so that going forward into 2022, this
13 will be a smooth process that none of have to sit
14 here and criticize, and with that--

15 SENATOR DILAN: I--

16 MS. BARTOLETTI: Yes?

17 SENATOR DILAN: I don't know. I--

18 MS. BARTOLETTI: Yes, Mr. Dilan?

19 SENATOR DILAN: I just, that was a long
20 answer to my question, so maybe can you sort of
21 summarize so I can clearly understand.

22 MS. BARTOLETTI: Okay.

23 SENATOR DILAN: Because there were other
24 issues that you brought in. Basically, if this

1 Demographic Research and Reapportionment, 1-30-2012

2 panel uses the governor's criteria that, under
3 his program bill, would that avoid a veto or
4 would the mere tweaking of some districts or
5 unpairing incumbents be sufficient? I just--

6 MS. BARTOLETTI: Well, you--

7 SENATOR DILAN: In--

8 MS. BARTOLETTI: You'd have to ask the
9 governor that. It's his prerogative to veto, but
10 certainly, we would--

11 SENATOR DILAN: All right.

12 MS. BARTOLETTI: --recommend that these
13 lines have some work done to them.

14 SENATOR DILAN: All right. Thank you.

15 MS. BARTOLETTI: Thank you.

16 ASSEMBLY MEMBER MCENENY: Barbara?

17 MS. BARTOLETTI: Yes?

18 ASSEMBLY MEMBER MCENENY: These lines
19 need some work doesn't help me at all,
20 particularly in the--

21 MS. BARTOLETTI: I know.

22 ASSEMBLY MEMBER MCENENY: --assembly. I
23 would appreciate some specific criticism of lines
24 that seem--

1 Demographic Research and Reapportionment, 1-30-2012

2 MS. BARTOLETTI: Okay.

3 ASSEMBLY MEMBER MCENENY: --to not do
4 their job, particularly in the assembly, because
5 I'm not hearing it, other than Claudia Tenney
6 coming in, who was put up against a fellow
7 member. I think blaming redistricting is one of
8 many, many things that makes the public cynical.
9 I tend to think money and campaign financing
10 outweighs it by a lot.

11 MS. BARTOLETTI: We would agree with you
12 there.

13 ASSEMBLY MEMBER MCENENY: And I think
14 the general dumbing down of America, where they
15 know more about Kim Kardashian than who Joe Biden
16 is, is another problem with our society today,
17 which leaks over into many civic activities.

18 MS. BARTOLETTI: You are absolutely
19 right and we're hoping to get funding in the near
20 future. If anybody knows of a foundation that is
21 concerned about civic literacy, as we are,
22 because unless you have a well-informed
23 citizenry, keeping legislators and political
24 parties and governors and congress people and

1 Demographic Research and Reapportionment, 1-30-2012

2 presidents accountable just doesn't work, and we
3 know that there is a great deal of civic
4 illiteracy. And if you ask the, the man on the
5 street, woman on the street, you're more likely
6 to know they know more about this person--

7 ASSEMBLY MEMBER MCENENY: Yeah.

8 MS. BARTOLETTI: --that you just noted,-

9 -

10 ASSEMBLY MEMBER MCENENY: Yeah.

11 MS. BARTOLETTI: --whom I don't know
12 anything about, than they do whether, who the
13 vice president is and what foreign policy means.
14 So, we are trying to look at that because if you
15 don't have an informed constituency, then being a
16 responsive government doesn't work, and then you
17 lose, not only do people stop voting, you end up,
18 in this country, which I don't think anybody
19 wants, and that's an oligarchy, which is
20 government by the very few.

21 ASSEMBLY MEMBER MCENENY: Well, I, I
22 think there's also pervasive cynicism that says
23 that if one of the political, politically-
24 controlled houses and their participation puts

1 Demographic Research and Reapportionment, 1-30-2012

2 six incumbents against each other, that's
3 politics. But when a reform group puts 12
4 against each, that's good government.

5 MS. BARTOLETTI: Well,--

6 ASSEMBLY MEMBER MCENENY: I, I think
7 there's a--

8 MS. BARTOLETTI: --you'd have to speak--

9 ASSEMBLY MEMBER MCENENY: There's a--

10 MS. BARTOLETTI: --to Susan about that.

11 ASSEMBLY MEMBER MCENENY: There's,
12 there's a--

13 MS. BARTOLETTI: We did not do--

14 ASSEMBLY MEMBER MCENENY: --little bit
15 of cynicism that goes on there--

16 MS. BARTOLETTI: True.

17 ASSEMBLY MEMBER MCENENY: --that--

18 MS. BARTOLETTI: But if--

19 ASSEMBLY MEMBER MCENENY: --is not--

20 MS. BARTOLETTI: --that's what a--

21 ASSEMBLY MEMBER MCENENY: --often even--

22 MS. BARTOLETTI: If that's what a--

23 ASSEMBLY MEMBER MCENENY: Okay.

24 MS. BARTOLETTI: --non-partisan panel

1 Demographic Research and Reapportionment, 1-30-2012

2 found, then perhaps the editorial boards and the,
3 the, the perception makers who are, you know,
4 those of us who comment and the people who print
5 it, perhaps then perception would change.

6 ASSEMBLY MEMBER MCENENY: Roman
7 mentioned something in regards to minority
8 representation, which is hurt by the, what's
9 called the reform plan. Legislatures are, by
10 nature, seniority driven. So, the longer your
11 member is there, the better shot they're going to
12 have at a more important committee, or any
13 committee at all. In the, in the democratic-
14 controlled assembly, you're going to be here
15 eight years or, or ten before you can get a shot
16 at a committee.

17 MS. BARTOLETTI: That's, that's true.

18 ASSEMBLY MEMBER MCENENY: And so you
19 build up not only your own personal knowledge and
20 contacts, but you build up a disproportionate
21 amount of influence for your constituency by
22 being here long enough to gain seniority. What
23 happens--and it's particularly important with
24 vulnerable populations--is that if they build up

1 Demographic Research and Reapportionment, 1-30-2012

2 that seniority, it is then thrown to the wind as
3 if it means nothing. Anyone can be thrown out,
4 if not in a general, then in a primary. If
5 they're doing a bad job, they should go. But to
6 take a minority community and not even give them
7 the opportunity to cash in on that seniority that
8 can make such a difference in their community, I
9 think that's something we have to think about and
10 say well, the computer did it; we didn't even
11 know where somebody lived. And to say they can
12 always run, no matter where they are in New York
13 state, yet two years later they can sell their
14 house and move out of their neighborhood as well.
15 And that's, that's a pretty heavy burden,
16 particularly for anyone with a family.

17 MS. BARTOLETTI: And you bring up a lot
18 of very good comments, Mr. McEneny, and we should
19 have a much longer discussion about what might
20 come to be with a non-partisan process and
21 product, and, but I think, you know, you can
22 have, as I said before, you can have lines drawn
23 by people who look at these lines without
24 protecting their incumbents with an advisory

1 Demographic Research and Reapportionment, 1-30-2012

2 committee that would have some real advice to
3 give them. I mean, I, I don't see how that's so
4 difficult to do if we had the political will to
5 do it. But I think those parties, whoever is in
6 the majority, in, in either house, and it doesn't
7 matter which, which party it is, but when you get
8 an entrenched party looking to maintain its
9 incumbency, then I think you do run the risk of
10 getting unresponsive legislators, and then if we
11 don't have competitive elections--and you can
12 talk about campaign finance as well as having the
13 lines where a challenger might have the
14 opportunity--you don't get that dynamic exchange
15 of ideas and then it just becomes I'm entitled to
16 this seat, and that's the very worst thing in a
17 democracy, in a representative democracy. You
18 can't, you can't have that kind of, of scenario
19 and, and not consider that the public is going to
20 perceive that their vote doesn't count.

21 ASSEMBLY MEMBER MCENENY: Let, let me
22 ask you your opinion of a word that seems to me
23 misunderstood. The word is independent. To me,
24 independent means independent of the legislature;

1 Demographic Research and Reapportionment, 1-30-2012

2 that that goal would be somebody who might be
3 very knowledgeable but is not a sitting
4 legislator and perhaps hasn't been for a number
5 of years. Some people tend to think it's
6 somebody that has no political opinion or
7 enrollment, etcetera.

8 MS. BARTOLETTI: True.

9 ASSEMBLY MEMBER MCENENY: I remember
10 saying cynically at some earlier ones, I guess we
11 should subcontract it to Canadians, and maybe it
12 should be French-Canadians so they're not bias by
13 the English-speaking press, and people laughed
14 because it's silly.

15 MS. BARTOLETTI: Yeah, yeah.

16 ASSEMBLY MEMBER MCENENY: But I think
17 there are people who think independent means
18 totally and completely independent, neither
19 knowledgeable nor with strong opinions on
20 political issues. My guess is that what people
21 really mean is independent of the legislature,
22 not legislators themselves and bipartisan.
23 There's one thing we know about bipartisan; if
24 you're a democratic, you're a democrat; if you're

1 Demographic Research and Reapportionment, 1-30-2012

2 republican, you're republican. If you're none of
3 the above, the above, we know nothing, and what
4 might be there might be very opinionated.

5 MS. BARTOLETTI: Correct. I, I,
6 everything you said, Jack, is absolutely correct,
7 but there are some states who have figured this
8 out, and I, I, as I said before, I don't think
9 California might be one of those that we want to
10 emulate, at least what happened in this last go-
11 around, and maybe they'll get the bugs out, but
12 Iowa--and Iowa is not New York; I want to have--

13 ASSEMBLY MEMBER MCENENY: No.

14 MS. BARTOLETTI: --say that for the
15 record. It is not New York, but Iowa has figured
16 out--and this happened in 1969 when the League of
17 Women Voters of Iowa sued and won that lawsuit,
18 and in Iowa, it was instituted in 1972 and they
19 have no controversy. They, it is, it is similar
20 to, the legislature gets two go-arounds--and I
21 think Roman has certainly looked at that, at that
22 plan--and, but it, it doesn't go devoid of the
23 drawing of the lines are done by what we would
24 term technocrats, and then with the advice of the

1 Demographic Research and Reapportionment, 1-30-2012

2 legislature. So, it's a good mix and then it
3 goes back, certainly, to the legislature and then
4 you do have a chance to make a couple of
5 different amendments, times to make amendments,
6 but when it comes out, and I, I understand CNN
7 carried a special that was fairly, really very
8 good, that Iowa has, a different state, has one
9 district this year that will have two incumbents
10 in it. But they take the population, they
11 disregard the parties or the, or the legislators
12 themselves. They draw these lines and then they
13 go to the advisory committee and they say is
14 there something really egregious here that would
15 not fit the community, and I'm not even sure. I
16 shouldn't say that. We consider communities of
17 interest to be one of those strong criteria in
18 New York State. Iowa, a community of interest
19 may not be necessary. However, they have figured
20 out at least the, the model that we would have to
21 certainly tweak that would fit New York, but
22 there is no controversy among even legislators
23 anymore. They, it's just done that way. They
24 get their input into it and it seems to work for

1 Demographic Research and Reapportionment, 1-30-2012

2 that state. I think Arizona, they are a little
3 different because they have Indian lands that
4 they have to curve around, but that seems to work
5 fairly well there also.

6 ASSEMBLY MEMBER MCENENY: Okay.

7 MR. HEDGES: In Arizona this time
8 around, they impeached the chair on the
9 committee.

10 MS. BARTOLETTI: Yes, they did;
11 politically impeached him. That's right. They
12 did.

13 MR. HEDGES: They had all sorts of
14 controversy.

15 MS. BARTOLETTI: Yes, all sorts of
16 controversy.

17 MR. HEDGES: Is, is Iowa good and
18 Arizona bad?

19 MS. BARTOLETTI: No. I think, and I
20 would have to really read something more about
21 Arizona. I know they, they impeached. That was
22 a political move and I think that says more about
23 the governor of Arizona than it does about the
24 model that they set up for redistricting. I

1 Demographic Research and Reapportionment, 1-30-2012

2 think that, there was something, there was a, a
3 conflict apparently between that governor and
4 that, and that chair, which was very unfortunate
5 because I think it was a good model. I don't
6 know how they're going to solve that problem.

7 ASSEMBLY MEMBER MCENENY: Thank you very
8 much. It's--

9 MS. BARTOLETTI: Thank you.

10 ASSEMBLY MEMBER MCENENY: --always good
11 to see you.

12 MS. BARTOLETTI: Good to see you too,
13 but you won't see us again in this go-around,
14 because--

15 ASSEMBLY MEMBER MCENENY: Thank you.

16 MS. BARTOLETTI: --we took, we, we heard
17 you.

18 ASSEMBLY MEMBER MCENENY: We would like
19 specifics if you have them too.

20 MS. BARTOLETTI: Okay.

21 ASSEMBLY MEMBER MCENENY: There's time.
22 Dick Dadey, Executive Director of the Citizens
23 Union, or his representative.

24 RACHEL FAUSS, CITIZENS UNION: Yes,

1 Demographic Research and Reapportionment, 1-30-2012

2 thank you. We had told the sign-in desk, and I
3 guess it didn't--

4 ASSEMBLY MEMBER LEVINE: We have your
5 names.

6 ASSEMBLY MEMBER MCENENY: Yeah. We, we
7 have it. But give it, for the record, for those
8 who--

9 MS. FAUSS: Yeah.

10 ASSEMBLY MEMBER MCENENY: --watch this
11 on the broadcast.

12 ALEX CAMARDA, CITIZENS UNION: Good
13 morning, members of LATFOR. My name is Alex
14 Camarda and I'm the director of public policy and
15 advocacy for Citizens Union of the City of New
16 York, a good government group that advances
17 political reform in our city and state. I am
18 joined by CU's policy and research manager,
19 Rachel Fauss.

20 As you know, Citizens Union, along with
21 the members of Reshape New York Coalition,
22 testified several times before LATFOR in 2011,
23 urging the creation of an independent
24 redistricting process and calling on maps to be

1 Demographic Research and Reapportionment, 1-30-2012

2 drawn according to objective criteria. Despite
3 the pledges of 184 legislators in favor of this
4 proposal, an independent process, however, was
5 not created, yet LATFOR requested repeatedly that
6 it be judged on its product and not the process.
7 Today, the verdict is in. These gerrymandered
8 lines are proof positive that process counts,
9 process matters. A deeply-flawed process in
10 which self-interested legislators draw their own
11 lines unsurprisingly yields an unacceptable and
12 defective product. These LATFOR lines are
13 Exhibit A, the smoking gun undisputedly making
14 the case that legislators drawing their own lines
15 will always draw maps to maximize majority power.
16 Communities of interest, political subdivisions,
17 compactness, diversifying the legislature,
18 equally-sized districts; these are mere obstacles
19 to circumvent in the majority party's quest to
20 retain their strangle-hold on power.

21 Given the limited time and lack of data
22 in a user-friendly format made available by
23 LATFOR, Citizens Union is only presenting today
24 our findings on how these proposed maps to

1 Demographic Research and Reapportionment, 1-30-2012

2 achieve partisan ends make a mockery of the
3 constitutional principles of compactness and
4 respecting the integrity of political
5 subdivisions. These proposed districts divide
6 cities and counties more than existing maps and
7 create countless far-flung scattered districts.
8 Whether it's dubiously breaking new ground and
9 splicing and dicing Albany County, fragmenting
10 Saint Lawrence and Ulster Counties, or conjuring
11 up shapes better suited for an abstract exhibit
12 at the Metropolitan Museum of Art, and that
13 effect is to make existing district lines even
14 worse, effectively laying gerrymandering on top
15 of gerrymandering. These partisan practices
16 undermine the ability of a community of interest
17 or locality to coherently and effectively add,
18 advocate for their interests, in part because
19 they have no one representative that primarily
20 serves their distinct constituency and
21 prioritizes their concerns. That makes
22 government less responsive and accountable to the
23 very people it purports to serve.

24 My colleague, Rachel Fauss, will now

1 Demographic Research and Reapportionment, 1-30-2012

2 detail how political subdivisions are
3 unnecessarily divided by the proposed maps.

4 MS. FAUSS: As you know, and as been
5 discussed earlier in this hearing, respecting
6 boundaries of political subdivisions,
7 particularly counties, is a recognized
8 redistricting criteria being present in spirit,
9 if not the law of the New York State Constitution
10 and a major component of reform legislation that
11 was supported by the legislature. That includes
12 the Cuomo legislation, Silver, Valesky, Bonacich
13 and Gene Erris [phonetic] Jeffries Bills.
14 Unfortunately the districts we have seen in the
15 proposed maps do not live up to this important
16 goal. And first I'd like to note some cities,
17 and I will try to make this brief as you've got
18 the written part of the testimony.

19 Union, Citizens Union, Union noted in a
20 report it released last November that cities have
21 often been divided for partisan means, and we
22 have seen the same dividing that we've seen in
23 previous maps and, you know, this is done, it can
24 be done for both parties to maintain power. It

1 Demographic Research and Reapportionment, 1-30-2012

2 can be done for democratic voters. It can be, it
3 can be done to create democratic districts and to
4 create republican districts, and I think that's
5 what we've seen with the city of Rochester.

6 There are currently three democratic assembly
7 members and three senate republicans representing
8 the city, and it has a population of about
9 210,000. So, it could be within one senate
10 district and two state assembly districts.

11 Instead, we have three assembly districts and
12 three senate districts, with Senate District 61,
13 I'll just note, connects all the way to Erie
14 County. With the city of Syracuse, it has a
15 population of about 145,000. It could be
16 contained within one senate district but is split
17 in two. In terms of assembly districts, it,
18 while two, it might be necessary because of the
19 population, it certainly doesn't have to be done
20 the way it's done, with districts spiraling,
21 spiraling around each other. And some other
22 cities that have been divided include Yonkers,
23 Albany, New Rochelle and White Plains.

24 And in terms of the division of

1 Demographic Research and Reapportionment, 1-30-2012

2 counties, I, I couldn't help notice the map with
3 the counties of the state of New York up there as
4 I was listening to the rest of the testimony
5 today and noting the very, very much the
6 difference between the maps we see, we've seen
7 and the, the lines on those, the map above with
8 the counties. You know, Citizens Union looked at
9 all of the state's counties and how many times
10 they were split, looking at the population of the
11 counties and what you would expect in terms of
12 the number of districts and the number of
13 proposed districts in LATFOR's maps, and in 38 of
14 the 62 counties, there are more districts than
15 one would expect, based on the population, and 12
16 have three or more districts than would be
17 expected.

18 And just a couple of note, you know, I
19 think as noted with my testimony earlier about
20 the city of Syracuse, or I'm sorry, the city of
21 Rochester, it's not surprising therefore, that
22 Monroe County is also divided. You would expect
23 to have three, you would expect to have three
24 senate districts; instead, there are six. Saint

1 Demographic Research and Reapportionment, 1-30-2012

2 Lawrence County is a county with a population of
3 less than one assembly district; instead, we have
4 three senate districts and we have a number of
5 assembly members as well. So, oh, I'm sorry. We
6 have three senate districts and four assembly
7 districts, when you would only expect one of
8 each. Ulster County has also been divided. You
9 would expect to have one senate district and two
10 assembly districts; instead, there's three
11 assembly districts and four senate districts,
12 with Senate District 42 connecting the town of
13 New Paltz all the way to the western end of
14 Delaware County. And then also with Oneida
15 County, you would expect two assembly districts
16 and one senate district; instead, there are five
17 assembly districts and proposed Senate District
18 102, which I know Assembly Member Claudia Tenney
19 spoke to earlier, it enters Oneida County only
20 for the towns of New Hartford and Paris.

21 And I think the sort of opposite, not
22 opposite, but a, a consequence of splitting
23 counties in so many pieces is that, is that the
24 districts cross so many. In the testimony,

1 Demographic Research and Reapportionment, 1-30-2012

2 you've got a list of, of counties, or I'm sorry,
3 a list of the number of counties that the
4 assembly and senate districts contain. We see as
5 many as six counties within one assembly district
6 and as many as nine in the senate. And just
7 noting a couple in particular; as I mentioned,
8 Assembly District 102 cuts across six counties,
9 pairing the republican incumbent legislators,
10 leading to, Citizens Union to question if it was
11 altered to free up another democratic seat to
12 win. This pairing I think we're going to
13 describe in greater detail, but I just note that
14 I grew up in the town of Kirkland and have family
15 in the city of Utica and I can certainly attest
16 that the town of New Hartford, towns of New
17 Hartford and Paris have a lot more in common with
18 Oneida County than they do with Greene County.

19 And then in Senate District 51 is the,
20 the county, I'm sorry, the district that sprawls
21 the most counties in the senate. I couldn't help
22 but notice that it was so large in size that if
23 you were to drive from the three corners of the
24 district and back, it would take nearly three

1 Demographic Research and Reapportionment, 1-30-2012

2 hours, or I'm sorry, nearly six hours, about
3 three hours on, or about two hours on each end.
4 So, I think as a legislator representing that
5 district, I can imagine that it would be a
6 difficult district to represent, giving, given
7 the large amount of area that it covers.

8 Now my colleague, Alex, will talk about
9 compactness of the lines.

10 MR. CAMARDA: Much like the maps seem to
11 disregard the adherence to political subdivisions
12 that is in the spirit, if not the letter of the
13 constitution, the same can be made for
14 compactness. The state constitution states that
15 compactness is a goal when drawing districts.
16 Section 5 of the Constitution reads, quote,
17 divide such counties into assembly districts as
18 nearly equal in number of inhabitants as may be
19 of convenient and contiguous territory and as
20 compact form as practicable. And in Section 4,
21 each senate district shall contain nearly as
22 much, as maybe an equal number of inhabitants as
23 be, be in as compact form as practicable.

24 The inconvenient truth of compactness in

1 Demographic Research and Reapportionment, 1-30-2012

2 the state constitution is given about as much
3 credence by LATFOR in these proposed maps as the
4 184 legislators gave to their pledges to reform
5 this flawed redistricting process. The number of
6 districts violating the spirit, if not the letter
7 of the constitutional principle of compactness
8 are too numerous to detail during this short
9 testimony. Some of the worst offenders
10 representing sprawling districts not already
11 mentioned as running rough shot over the
12 integrity of political subdivisions are Senate
13 District 22; this district is a blatant
14 gerrymander to protect republican incumbent,
15 Marty Golden. It joins together parts of Bay
16 Ridge with a collection of disjointed blocks in
17 Bensonhurst, Brighton Beach, Bath Beach,
18 Sheepshead Bay and Manhattan Beach, with the
19 latter only contiguous with the rest of the
20 district by water.

21 Senate District 20; this district
22 currently represented by Eric Adams is
23 reconfigured and includes a 26-block long single-
24 block corridor that severs a piece of Sunset Park

1 Demographic Research and Reapportionment, 1-30-2012

2 and strangely joins it with the distant
3 neighborhoods of Prospect Heights and Crown
4 Heights. It raises the question of what
5 community of interest is served by a 26-block
6 long single-block corridor.

7 In Queens, Senate District 11, Senator
8 Avello's district splits Whitestone, then skips
9 over two major highways--the Long Island
10 Expressway and the Grand Central Parkway--and
11 reels in scraps of Jamaica Estates. It also
12 remains only contiguous during low tide.

13 Senate District 16; this district, while
14 well intended in its goal to elect an Asian
15 American, does so through non-sensible means.
16 Beginning in the northeastern corner of Bay
17 Terrace, the district tiptoes through Whitestone
18 alone the Cross Island Parkway, makes a sharp 90-
19 degree turn south along the Whitestone
20 Expressway, takes in a chunk of Flushing and then
21 shoots out to elongated tentacles, stretching
22 into eastern and western Queens, linking scraps
23 of Oakland Gardens and bits of Woodside and
24 Jackson Heights.

1 Demographic Research and Reapportionment, 1-30-2012

2 In Manhattan, Senate District 29 posits
3 the false notion that the, that Central Park
4 Roosevelt Island and the South Bronx are a
5 community of interest. It includes Roosevelt
6 Island and the East River, yet not a single block
7 on the upper east side, south of 92nd Street.

8 Senate District 31; the narrowly-drawn
9 district stretches virtually the entire length of
10 Manhattan, 200 blocks from Inwood to Chelsea,
11 cracking virtually every neighborhood in its
12 path.

13 The assembly, unfortunately, does know
14 better in terms of creating compact districts.
15 Among the assembly districts not already
16 described as cracking cities and counties, there
17 are several egregious examples of districts that
18 are not, that are anything but compact, for no
19 apparent interest other than to maximize the
20 majority's grip on power, particularly on Long
21 Island. These include Assembly Districts 9 and
22 12. These thread-like districts run the entire
23 width of Long Island, slashing through towns
24 along the way, with Assembly District 9 cutting

1 Demographic Research and Reapportionment, 1-30-2012

2 through Huntington, lopping off a sliver of
3 Babylon and penetrating the Nassau County border.

4 Assembly District 12 includes a sliver
5 of eastern Huntington, crosses the Long Island
6 Expressway, veers east into Islip, then journeys
7 southward, crossing into Babylon.

8 Assembly District 13; this donut-shaped
9 district is only contiguous with access to a
10 boat. It punches a hole through the entire
11 northern portion of Oyster Bay in Nassau County.

12 Assembly District 15; the hole in the
13 donut hole of Assembly District 13 in Oyster Bay,
14 it crosses two towns only to return to the town
15 of its origin. From Oyster Bay, it momentarily
16 jots into the town of North Hempstead, heads
17 south into the town of Hempstead to collect an,
18 to collect a portion of East Meadow, then crosses
19 back into the original town of its origin, Oyster
20 Bay.

21 Assembly District 18; resembling a
22 skateboarder, this incoherent district has its
23 head adjacent to Garden City, its left arm in
24 Lakeview, its upper torso in Uniondale, and its

1 Demographic Research and Reapportionment, 1-30-2012

2 feet in Merrick.

3 Assembly District 19; shaped like a dog,
4 this district is cut width-ways from mouth to
5 rear between Hempstead and North Hempstead, and
6 its elongated oversized tail extends all the way
7 to Glen Head in a different town of Oyster Bay.

8 Moving on to the pairing of incumbents
9 and party nominees in the same district, a litmus
10 test, at least one of them, in determining how
11 partisan district maps are as comparing the
12 frequency with which incumbent legislators and
13 the majority parties are paired in the same
14 district as compared with the minority parties.
15 In the proposed maps released by LATFOR, nine
16 incumbents and one party nominee for a special
17 election were drawn in districts with other
18 sitting legislators. Every one of those
19 incumbents, and we favor the democratic party
20 nominee in Senate District 27, the current
21 district, are in the minority parties of the
22 legislature. Citizens Union does not believe
23 district maps should be drawn to favor or
24 disfavor incumbents. If a district is drawn

1 Demographic Research and Reapportionment, 1-30-2012

2 according to objective criteria and pits
3 incumbents against each other in the next
4 election, so be it. But when nine incumbents and
5 one party nominee, all in the minority parties,
6 find themselves drawn into district facing
7 sitting legislators and not a single incumbent in
8 the majority parties is, it's a red flag that
9 partisan gerrymandering is the real motivation
10 behind the drawing of the maps.

11 Citizens Union was dismayed and
12 disappointed by the failure of 184 legislators to
13 honor their commitments and reform the
14 redistricting process when they had the
15 opportunity to in 2010 and 2011. These proposed
16 maps issued by LATFOR are atrocious and reveal
17 the consequences of legislative inaction on
18 reform and maintaining control of the map-making
19 process. Partisan-drawn maps to advance the
20 political interests of the majority parties, no
21 matter the cost to New Yorkers, whose districts
22 don't respect the integrity of their communities
23 or the political subdivisions in which they live.
24 If these maps are enacted into law, they will

1 Demographic Research and Reapportionment, 1-30-2012

2 only serve to make government less accountable
3 and responsive to the people of this state.

4 In conclusion, the state government has
5 redeemed itself this past year, tackling tough
6 issues and getting things done for New York.

7 Unfortunately, Albany is a version to reform and
8 fair play has reared its ugly head again with
9 these politicized maps. With unfortunately no

10 time left for an independent commission because
11 of your delay, it is your responsibility to

12 create maps reflecting New York's communities.

13 LATFOR needs to revamp these maps dramatically or

14 Citizens Union will have no other choice than to

15 urge the governor to veto these lines.

16 Thank you for the opportunity to testify
17 today. We welcome any questions you may have.

18 ASSEMBLY MEMBER MCENENY: Do you have a
19 Citizens Union map we could look at?

20 MR. CAMARDA: We did not draw maps. We
21 critiqued the current maps. We did not--

22 ASSEMBLY MEMBER MCENENY: You stopped--

23 MR. CAMARDA: --draw our own.

24 ASSEMBLY MEMBER MCENENY: --talking

1 Demographic Research and Reapportionment, 1-30-2012

2 about the assembly in Long Island. Are there
3 districts that you want to comment on upstate New
4 York? Are there other districts you want to talk
5 about with the assembly?

6 MS. FAUSS: As I mentioned, I think some
7 of the ones that I spoke to about dividing the
8 city of Syracuse and--

9 ASSEMBLY MEMBER MCENENY: Yes.

10 MS. FAUSS: --Rochester, I--

11 ASSEMBLY MEMBER MCENENY: Did, did you
12 examine to see what the Voting Rights Act guiding
13 us on in doing cities, particularly with large
14 minority populations?

15 MS. FAUSS: Well, I think we haven't had
16 all the time to analyze these maps given that--

17 ASSEMBLY MEMBER MCENENY: No, I--

18 MS. FAUSS: --they came out last week
19 and we--

20 ASSEMBLY MEMBER MCENENY: I see--

21 MS. FAUSS: --plan to--

22 ASSEMBLY MEMBER MCENENY: I suggest--

23 MS. FAUSS: --do so.

24 ASSEMBLY MEMBER MCENENY: --you look at

1 Demographic Research and Reapportionment, 1-30-2012

2 that before you pass judgment. Now, as far as
3 splitting a community, particularly a, a troubled
4 urban community, if you were the mayor of a city,
5 would you want to have one person in the
6 legislature, say in an assembly district,
7 speaking up for your people, or do you think
8 there might be an advantage to having two?

9 MS. FAUSS: I, I actually think that one
10 legislator would be preferable for, for several
11 reasons. I think when you have more than one
12 legislator and you split a community, that, those
13 two legislators don't just represent the city;
14 they represent other areas.

15 ASSEMBLY MEMBER MCENENY: Mm-hm.

16 MS. FAUSS: And when you fragment a city
17 into as many pieces that the portion of the city
18 that the legislate, that, you know, those
19 individual legislators represent are not even,
20 you know, maybe 25% of their district, they're
21 not going to listen to the concerns of that 25%.
22 They're going to listen to those concerns of the
23 75% of their district that's not in that city.

24 ASSEMBLY MEMBER MCENENY: Are you--

1 Demographic Research and Reapportionment, 1-30-2012

2 MR. CAMARDA: And, and with, with all
3 due respect, Assemblymen, we don't believe that
4 Saint Lawrence County went from four to seven
5 legislators out of an interest to increase its
6 ability to voice its concerns. We think that was
7 done for partisan reasons, as was the division of
8 most of these, if not all of the cities--

9 ASSEMBLY MEMBER MCENENY: Are, are--

10 MR. CAMARDA: --and counties,--

11 ASSEMBLY MEMBER MCENENY: Are you--

12 MR. CAMARDA: --to advance the majority
13 party's interests.

14 ASSEMBLY MEMBER MCENENY: Are you
15 recommending the division of Chautauqua County,
16 which is at 4.09%?

17 MR. CAMARDA: What we're recommending is
18 that--

19 ASSEMBLY MEMBER MCENENY: That's a yes
20 or no.

21 MR. CAMARDA: What we're recommending is
22 that these maps be revisited, there be a greater
23 adherence to political subdivisions, that
24 districts be made more compact, and that be done

1 Demographic Research and Reapportionment, 1-30-2012

2 in the aggregate. I'm sure you can find
3 exceptions where that should not be the case, and
4 we're not saying that they aren't valid. But
5 when you see the pattern that we've seen, where
6 almost 40 counties are divided more than their
7 population would suggest they need to be, that
8 suggests that there's gerrymandering in this
9 plan, and we believe there is and we don't
10 believe that increased representation because
11 there are more legislators serving that area is
12 the motivation.

13 ASSEMBLY MEMBER MCENENY: Generic, no
14 one knows anybody's motivation. I try not to
15 prejudge people. I, I talk about what the
16 results are that they're talking about, and what
17 I would like to see from Citizens Union is some
18 specific examples of things that they are
19 uncomfortable with and how they recommend a
20 remedy, a specific remedy. In many cases, there
21 are reasons. In some cases, you have every right
22 to criticize and to be, to be skeptical. But
23 again, it's easy to speak generically. It can be
24 very difficult when you get down to do we split

1 Demographic Research and Reapportionment, 1-30-2012

2 Chautauqua County because of some sacredness to a
3 percent, or do we keep a county together. Those
4 are the hard decisions and we would appreciate
5 Citizens Union making those decisions in the form
6 of a recommendation.

7 MS. FAUSS: And I, I would just like to
8 add that, you know, as much as, you know, we
9 appreciate that you, you would like us to draw
10 maps, I think there are many individuals in this
11 state who don't have that opportunity. So, when
12 they see their city split, they don't know the
13 reasons behind that and unfortunately, the maps
14 that we've seen, they have some population data
15 but there's no listing of all the various
16 criteria that you used, what you thought was
17 predominant, why town on border, why the
18 respecting, you know, the Voting Rights Act, for
19 example; was the criteria used. Without that,
20 there is simply no way for that individual who
21 doesn't know all the law behind it necessarily,
22 can look at their small district and, and it, and
23 have you expect them to know the aggregate and
24 all the reasons why their one community was split

1 Demographic Research and Reapportionment, 1-30-2012

2 when there's no data behind it, and I think
3 that's something that should be revisited by
4 LATFOR.

5 SENATOR NOZZOLIO: Well, and--

6 MR. CAMARDA: And we also--

7 SENATOR NOZZOLIO: Can, if I--

8 MR. CAMARDA: You know, we--

9 SENATOR NOZZOLIO: If I may? Excuse me.

10 Just to--

11 ASSEMBLY MEMBER MCENENY: Sure.

12 SENATOR NOZZOLIO: Excuse me. You
13 brought out points that absolutely need to be
14 considered, extremely valid points. But you take
15 them, and seem, they, those points seem to be
16 siloed, siloed into saying compactness is one
17 argument, we can't split cities or jurisdictions
18 is another. You mentioned, if I recall--and I
19 didn't hear it all, but maybe you can tell me
20 now--one county was cut in eight, eight or nine
21 senate districts; did you say that?

22 MS. FAUSS: No, there was one senate
23 district that crossed nine separate counties.
24 That's what I was referring to.

1 Demographic Research and Reapportionment, 1-30-2012

2 SENATOR NOZZOLIO: That, what, in your
3 documentation, you listed the fact that the
4 district I represent actually has one town in
5 Monroe County--it's been that way for 20 years--
6 and that one town is 42,000 people. It's, it's,
7 I think as you are a New York City organization--
8 I understand that--New York City based, the,
9 your, your drawing inconsistent recommendations
10 when you talk about the inability to split more
11 urban or suburban areas within the context of
12 town on border versus the compactness of
13 districts around that area. And I, I understand
14 the objectives and there, you, you're right, they
15 have to be compact. The constitution says they
16 are to be consistent. We're, we have to stay
17 away from, whenever possible, cutting
18 jurisdictions, but population often drives this
19 too and towns, cities can be cut in new York
20 state to equalize that population. That is
21 something that's, but you don't want to if you
22 can keep them together to maintain that community
23 of interest. But I just saw driving--

24 MR. CAMARDA: Can, can I just speak to

1 Demographic Research and Reapportionment, 1-30-2012

2 that for a moment?

3 SENATOR NOZZOLIO: Sure.

4 MR. CAMARDA: Because, you know, we
5 certainly appreciate the difficulty of computing
6 criteria and drawing the lines, but I would add
7 that, you know, every reform bill that was backed
8 in the pledges by the 184 legislators laid out
9 prioritized criteria that would make very clear
10 which is first, second, third, in order
11 obviously, of how the lines should be drawn. And
12 so, if that was applied by this task force, then
13 you wouldn't have this issue of conflicting
14 criteria.

15 SENATOR NOZZOLIO: And we appreciate--

16 MR. CAMARDA: And so, you know, if that
17 bill had been passed, this process would be much
18 easier and I would call on this task force to
19 make clear at least, which criteria are you
20 considering, either as a whole or for particular
21 districts, first, second, third, fourth, in
22 drawing these maps.

23 MS. FAUSS: And, and I would just add to
24 that as well. I mean we focused a lot on

1 Demographic Research and Reapportionment, 1-30-2012

2 counties and, you know, we had limited time to do
3 this. But I, just looking at sharp contrast,
4 that the Common Cause map does not split as many
5 counties as the LATFOR map does. We noted this
6 trend and I think a lot of the, the groups--

7 ASSEMBLY MEMBER MCENENY: Except--

8 MS. FAUSS: --who are--

9 ASSEMBLY MEMBER MCENENY: --all the, all
10 the counties in the city of New York.

11 MS. FAUSS: Well, they must be split
12 because they, well, understood, but, you know,
13 they--

14 ASSEMBLY MEMBER MCENENY: No, they--

15 MS. FAUSS: They did not split counties
16 to the extent that LATFOR did, and we saw this
17 pattern, they're seeing this pattern. I think
18 there's a validation of a very large concern that
19 counties are being split unnecessarily.

20 SENATOR NOZZOLIO: And the city of New
21 York, the county of Queens was not split. The
22 county of Brooklyn does have overlap. But I
23 think the, the important situation that you're
24 referencing is, you're right, I would love our

1 Demographic Research and Reapportionment, 1-30-2012

2 job to be easier, and the recommendations you're
3 saying, you, you've, you've made, in all
4 likelihood, would have made that job a lot
5 easier, but the four legislators who are on this
6 panel are not the 100, excuse me, 212 legislators
7 that are in the legislature today. We only are
8 four of us. So, in terms of the criteria, we
9 have to deal with what's there, in current law.
10 And we don't make, individual ourselves, the law;
11 it's done by the legislature. So, I mean, I, I
12 guess what your suggestions are within that
13 context, I hope, although certainly we are trying
14 to comply with, with every one of the criteria
15 that you've mentioned. The, and, and, and you
16 specific criticism of the Asian district, for
17 instance, in Queens is something that we can
18 certainly look at and I, I guess I echo
19 Assemblyman McEneny's comments; we welcome your
20 additional suggestions.

21 MR. CAMARDA: Well, we'd like to make
22 suggestions regarding, you know, the Voting
23 Rights Act and the population deviation at the,
24 at the next hearing, but, you know, I, I really

1 Demographic Research and Reapportionment, 1-30-2012

2 think that the task force ought to disclose what
3 the criteria were for drawing the maps in
4 totality or for individual districts, if only to,
5 to have a better understanding of what the logic
6 was. I mean, perception does matter here, as
7 much as, you know, we don't want to judge what
8 might have been the motivations. We have to make
9 a judgment based on our, what we perceive here
10 and if the, if the criteria isn't made known and
11 you look at the districts and how they are not
12 compact, and you look at the fact that you have
13 incumbents paired together but only for the
14 minority parties, it, it's not a far leap to
15 presume this was done to advantage of the
16 majority parties in both houses.

17 SENATOR NOZZOLIO: Mr. Camarda, are any
18 of those districts that you say were joined, are,
19 have you done a, a political analysis of them?
20 Are any of them turned from republican to
21 democrat nominated, for instance?

22 MR. CAMARDA: I think the fact that you
23 have every instance in which incumbents are
24 paired together and that only occurs for the, for

1 Demographic Research and Reapportionment, 1-30-2012

2 legislators and the minority.

3 ASSEMBLY MEMBER MCENENY: You're
4 talking--

5 MR. CAMARDA: That--

6 ASSEMBLY MEMBER MCENENY: --about the
7 senate?

8 MR. CAMARDA: That leads you to--

9 ASSEMBLY MEMBER MCENENY: You're talking
10 about the--

11 MR. CAMARDA: --a conclusion--

12 ASSEMBLY MEMBER MCENENY: --senate or--

13 MR. CAMARDA: --that the--

14 ASSEMBLY MEMBER MCENENY: --the
15 assembly?

16 MR. CAMARDA: --maps are drawn for
17 partisan purposes.

18 SENATOR NOZZOLIO: And that--

19 MR. CAMARDA: It occurs six times in the
20 senate, twice in the assembly.

21 ASSEMBLY MEMBER MCENENY: There's a
22 democrat and a republican in one.

23 SENATOR NOZZOLIO: In your conclusion,
24 and I certainly understand people making

1 Demographic Research and Reapportionment, 1-30-2012

2 conclusions; it's what everyone does, but we had,
3 you want us to list the criteria. I'll give you
4 all the criteria for every district and you try
5 to secure, for instance, you have obvious Voting
6 Rights Act requirements in the city of New York,
7 in the boroughs of New York. Those are
8 paramount. Those same criteria might not exist
9 in other areas of the state to the degree. In
10 the districts in Brooklyn, we had black districts
11 across the city that were with a black population
12 generally in the city that lost about 100,000
13 people from one census to the other. Those are
14 criteria that we certainly put forward, and
15 making sure that there was no retrogression
16 within the black representation, the majority
17 black representation, each of those districts
18 that you discussed. So, I, I certainly think
19 your point's well taken. As you're, you're
20 discussing it, I'm thinking well, we could label
21 each district, and I'd say virtually all the
22 districts, you put all, all the criteria you were
23 trying to achieve. There are extremely difficult
24 challenges when you have small towns, when you

1 Demographic Research and Reapportionment, 1-30-2012

2 have, that cannot be split, or large towns for
3 that matter, around cities. Large towns tend to
4 surround cities in the state, whether it be
5 particularly upstate, and even in the, in the
6 metropolitan areas. So, it's, it's more and more
7 challenging to achieve those, the, ideological
8 identities that you're looking to achieve, but
9 point's well taken and I think that it's very
10 helpful to have you present them to the
11 committee. We look forward to your continued
12 input.

13 MR. CAMARDA: Thank, thank you for the
14 opportunity.

15 SENATOR NOZZOLIO: Thank you. Any other
16 questions?

17 ASSEMBLY MEMBER MCENENY: Thank you.
18 Beth Murphy. Is there anyone else after Beth
19 Murphy who would like to test, oh, I'm sorry.
20 Beth, I called you one too early. It's, it's
21 Sheila Comar, chair of the Washington County
22 Democrats, who is also Washington County Board of
23 Elections, and Beth Murphy is next. Is there
24 anyone else who would like to testify today? You

1 Demographic Research and Reapportionment, 1-30-2012

2 can still get on the list.

3 ASSEMBLY MEMBER LEVINE: Is Sheila here?

4 SENATOR NOZZOLIO: It looks like--

5 ASSEMBLY MEMBER MCENENY: Where is our--

6 SENATOR NOZZOLIO: --Sheila's not here.

7 ASSEMBLY MEMBER MCENENY: Beth, you're
8 back, you're back on deck.

9 BETH MURPHY, ULSTER COUNTY RESIDENT:
10 I'm back on deck?

11 ASSEMBLY MEMBER MCENENY: Yup.

12 SENATOR NOZZOLIO: Apologize for that.

13 ASSEMBLY MEMBER MCENENY: And if Beth
14 shows up, we will, of course, let her testify, or
15 anyone else who needs to testify. And if you're
16 representing a group, please say so, just for the
17 record.

18 MS. MURPHY: My name is Beth Murphy. I
19 am not representing a group. I'm representing
20 myself, a citizen who lives in Saugerties in
21 Ulster County, New York. Thank you for the
22 opportunity to speak today.

23 I'd like to share with you my experience
24 as a citizen watching the redistricting process

1 Demographic Research and Reapportionment, 1-30-2012

2 in Ulster County in 2011. When Ulster County
3 adopted a charter form of government a few years
4 ago, the charter included a provision for
5 redistricting to be done by a citizens panel with
6 the mission to reapportion as necessary to meet
7 established standards in state and federal law,
8 for equal and fair representation of all people
9 in Ulster County, keeping districts compact and
10 contiguous, while taking also into account
11 existing town, city, village and election
12 district boundaries and defining geographic
13 features, but giving no consideration to
14 providing advantage to one or another political
15 party. The Ulster County legislator had to vote
16 to approve the citizens panel's findings and the
17 county executive had the right to veto what the
18 county legislature, how the county legislator, the
19 county legislator's decision.

20 Achieving a non-partisan redistricting
21 was not easy and the end result was not without
22 errors. The citizens appointed to the commission
23 on reapportionment had political affiliations
24 that often got in the way of achieving the goal.

1 Demographic Research and Reapportionment, 1-30-2012

2 One political party wanted all the meetings to be
3 private, to not allow the public into the
4 meetings. However, under open government laws,
5 we were able to attend the meetings and
6 ultimately film them, and filming the, the
7 reapportionment meetings was broadcast on our
8 local access TV stations. And what was
9 interesting is as soon as people were on film,
10 the political pandering stopped. Okay. The end
11 result was a, was a redistricting that pleased
12 neither party. The commission felt that its work
13 had been done and it was successful because no
14 one was happy. Okay.

15 Ulster County's experience with
16 redistricting shows that an independent, non-
17 partisan process can happen and the meetings can
18 be open to the public with success and citizen
19 buy-in. I tell you this because four of you, or
20 three of the four of you in the legislature
21 signed pledges for a non-partisan open
22 redistricting process for this year.

23 ASSEMBLY MEMBER MCENENY: No. If you
24 mean the Koch pledge.

1 Demographic Research and Reapportionment, 1-30-2012

2 MS. MURPHY: Yeah.

3 SENATOR NOZZOLIO: She said three.

4 MS. MURPHY: Three of the four.

5 ASSEMBLY MEMBER MCENENY: Three of the
6 four for the pledge. Oh, no?

7 MS. MURPHY: Yeah.

8 MR. HEDGES: Two out of four.

9 ASSEMBLY MEMBER MCENENY: Nobody--

10 MS. MURPHY: Well, online, it said,
11 showed three out of four of you.

12 ASSEMBLY MEMBER MCENENY: That shows
13 you--

14 MS. MURPHY: Okay.

15 SENATOR DILAN: Just--

16 ASSEMBLY MEMBER MCENENY: --you can't
17 trust--

18 SENATOR DILAN: Can I--

19 ASSEMBLY MEMBER MCENENY: --the
20 internet.

21 SENATOR DILAN: Can I make a comment?

22 ASSEMBLY MEMBER MCENENY: Yeah.

23 SENATOR DILAN: Can I make--

24 ASSEMBLY MEMBER MCENENY: Yeah.

1 Demographic Research and Reapportionment, 1-30-2012

2 SENATOR DILAN: --a comment before she--

3 ASSEMBLY MEMBER MCENENY: Yes.

4 MS. MURPHY: Sure.

5 SENATOR DILAN: --continues?

6 ASSEMBLY MEMBER MCENENY: Yeah.

7 SENATOR DILAN: In anticipation of what
8 you're going to say, I just want to indicate that
9 I did sign the pledge but I signed the pledge
10 late on.

11 MS. MURPHY: Okay. So, maybe that's why
12 it's three out of the four shows up.

13 ASSEMBLY MEMBER MCENENY: And, no, it's,
14 at best, two out of four.

15 MS. MURPHY: Okay.

16 ASSEMBLY MEMBER MCENENY: Both in the--

17 MS. MURPHY: Well--

18 ASSEMBLY MEMBER MCENENY: --senate.

19 MS. MURPHY: --the bottom line is that--

20 ASSEMBLY MEMBER MCENENY: Okay.

21 MS. MURPHY: --some of you signed the
22 pledge and I'd like to know what happened. Okay.
23 Because the end result, to me, shows that
24 gerrymandering is still alive and well in New

1 Demographic Research and Reapportionment, 1-30-2012

2 York. I live in Saugerties, and I know you're
3 going to ask how did I get involved with this.

4 SENATOR DILAN: I'm not going to do that
5 today.

6 MS. MURPHY: No? Well, I'm retired but
7 I also live in Saugerties in what's called the,
8 the ninth election district, which in the Ulster
9 County legislature, before we reapportioned the
10 district, belonged to Woodstock, not part of
11 Saugerties. We were a, primarily a democratic
12 election district that was gerrymandered out of
13 Saugerties and put in with Woodstock, and we
14 wanted to be back part of the town that we live
15 in. So, that's why I got involved in that
16 process, and we're also part of Pete Lopez's
17 assembly district, which we're the only town in
18 all of Ulster County that doesn't belong to
19 Ulster County. We belong to Pete Lopez, and he's
20 a great guy but we would like to be more in with
21 our own town.

22 If you look at the current, just to go
23 look at where we are now, right, as far as where
24 Saugerties is, the proposed assembly district

1 Demographic Research and Reapportionment, 1-30-2012

2 covers, let's see, from east of the Hudson River
3 over to the Pennsylvania border, okay, with
4 Saugerties being the one town in Ulster County in
5 the north, okay, joined with some county, or
6 towns out on the western part of the, the county.
7 And it's, it's, I guess part of what I would like
8 to know is, or what, what I would like to see
9 happen is for this to be an open process so that
10 we, citizens, understand the decisions that were
11 made that went into creating districts like this,
12 or creating senate districts that cover--what was
13 it--six counties, four counties. Because when I
14 look at this, I think a-ha, Kevin Cahill wanted
15 to pick up towns on the other side of the Hudson
16 River because there's more registered democrats
17 and more money and he was willing to trade off
18 Saugerties in order to have that happen.

19 ASSEMBLY MEMBER MCENENY: He didn't, he
20 didn't--

21 MS. MURPHY: Now, whether or not--

22 ASSEMBLY MEMBER MCENENY: He didn't
23 have--

24 MS. MURPHY: --that's the--

1 Demographic Research and Reapportionment, 1-30-2012

2 ASSEMBLY MEMBER MCENENY: --Saug--

3 MS. MURPHY: --case, I don't know.

4 ASSEMBLY MEMBER MCENENY: He never had
5 Saugerties, did he?

6 MS. MURPHY: He had it over ten years
7 ago. We were cut out ten years ago--

8 ASSEMBLY MEMBER MCENENY: Okay.

9 MS. MURPHY: --by Kevin, okay?

10 ASSEMBLY MEMBER MCENENY: Yeah.

11 MS. MURPHY: And, but when you don't
12 understand anything about the process that you
13 all went through to create these districts, it's,
14 we're left to our own imaginations as to the
15 decisions that were made, and the fact that 95%
16 of the legislature gets reelected every year, I
17 think your chances are greater to die in office
18 or to be indicted than to be defeated once you've
19 been elected.

20 ASSEMBLY MEMBER MCENENY: That's,
21 that's--

22 MS. MURPHY: That there's--

23 ASSEMBLY MEMBER MCENENY: That's a wrong
24 percentage.

1 Demographic Research and Reapportionment, 1-30-2012

2 MS. MURPHY: What--

3 ASSEMBLY MEMBER MCENENY: Excuse me.

4 MS. MURPHY: What is it then; do you
5 know?

6 ASSEMBLY MEMBER MCENENY: It's 95% of
7 those who choose to run. So, if you know you're
8 going to lose, you don't run. So, be fair about
9 it.

10 MS. MURPHY: Well--

11 ASSEMBLY MEMBER MCENENY: You, you can
12 say an overwhelming majority of people are--

13 MS. MURPHY: Look at this--

14 ASSEMBLY MEMBER MCENENY: --are--

15 MS. MURPHY: --district. Who is going
16 to run? Okay? I mean, you've--

17 ASSEMBLY MEMBER MCENENY: Yeah.

18 MS. MURPHY: --created districts that
19 keep you in office and encourage your opponents
20 not to run, and as a citizen when you want to
21 have the best possible people--

22 ASSEMBLY MEMBER MCENENY: Yeah.

23 MS. MURPHY: --running for office, this
24 discourage, this, this disincentivizes anybody from

1 Demographic Research and Reapportionment, 1-30-2012

2 running from office, especially when you're
3 running against an incumbent.

4 So, in my testimony on the back side
5 because I was trying to save paper, I urge you to
6 consider the following options: redo your current
7 draft, leaving out incumbents' addresses or
8 political affiliations of the voters and follow
9 the Ulster County guidelines for redistricting,
10 or adopt the redistricting maps created by places
11 like Common Cause or Fordham or any other non-
12 partisan group which allow, which followed
13 federal and state guidelines on redistricting,
14 and keep your meetings open. Make them open to
15 the public; have them be filmed and shown on
16 public access television so that we understand
17 what your process is. Not this meeting; the one
18 that, where you go behind closed doors and you've
19 got someone who's working the map and you're
20 working down on the census block and you
21 understand okay, we need this amount of
22 population on here in order to get the percentage
23 down. Show, have the public involved in the
24 actual process so that number one, they

1 Demographic Research and Reapportionment, 1-30-2012

2 understand the logic behind some of these lines,
3 that they also then when you want them to comment
4 on what was done, they can look at it, look at a
5 video of it or see it online to say, okay, this
6 is why this street, this block, this town, needs
7 to be moved over here, and in doing it, then you
8 can move this one up in order to compensate for
9 it. As a citizen, I don't have access to the
10 tools that you have or the money to hire
11 consultants that you did to actually do this
12 process. So, in, in lieu of that, have the
13 process be open so that we understand the
14 decision process that went behind creating these
15 boundaries or these districts. That's all I ask
16 of you.

17 ASSEMBLY MEMBER MCENENY: That district
18 has no incumbent.

19 MS. MURPHY: I know it doesn't. But if,
20 and I, and I don't have the data, but if I were
21 to run the data on the registered voters in that,
22 in those districts, I would bet you dollars to
23 donuts it's primarily republican. I would bet
24 you dollars to donuts, okay? But I, I, I've been

1 Demographic Research and Reapportionment, 1-30-2012

2 told that gerrymandering is not illegal. To me,
3 it's immoral. I don't think politicians have the
4 right to lifetime employment, and by stacking
5 districts or packing districts--whatever the word
6 is--as it is, I don't think a common interest
7 groups should be a, your affiliation with the
8 political party. But by doing this, you make
9 sure that the same people always get reelected,
10 and you have the opportunity right now to do
11 what's right in revisiting this and I hope that
12 you do, and the public will be watching. Thank
13 you.

14 ASSEMBLY MEMBER MCENENY: Thank you very
15 much.

16 SENATOR NOZZOLIO: Thank you.

17 ASSEMBLY MEMBER MCENENY: Is there
18 anyone else who would like to testify today?
19 Sir, would you come forward? State your name for
20 the record and if you represent a group, please
21 says so. Otherwise, you're more than welcome as
22 a citizen.

23 JEFF STERLING, NEW BALTIMORE RESIDENT:

24 My name is Jeff Sterling. I don't represent

1 Demographic Research and Reapportionment, 1-30-2012

2 anyone. I live in New Baltimore, New York.

3 ASSEMBLY MEMBER MCENENY: Jeff, could we
4 have your address in case we want to contact you
5 after?

6 MR. STERLING: My address is 61 Gill
7 Road, New Baltimore, New York.

8 ASSEMBLY MEMBER MCENENY: Thank you.

9 MR. STERLING: I am here as a citizen.
10 I, I have lived along the, in New Baltimore for
11 pretty much my whole life. I've lived in Oswego
12 for like two years when I was in school there.
13 For the majority, my county has been a byproduct
14 of redistricting, never seeming to be in the
15 right spot at the right time. We're being put
16 now into this new senate district, which is the
17 more rural areas of Albany County and numerous
18 other counties. The catch is Albany County alone
19 is the perfect, almost the perfect number of
20 population for its own senate district. Albany
21 County alone has a lot of connections to the city
22 of Albany. A lot of people in southern Albany
23 County are state workers, either work in
24 government itself or in numerous state

1 Demographic Research and Reapportionment, 1-30-2012

2 departments. I can honestly say this because as
3 a resident of New Baltimore, my town is split
4 between four school districts. I happen to be
5 the one that went to Ravine Aqueous, which is in
6 Albany County. My life, along with a good
7 portion of my town, are people who live and work
8 in Albany County. We, our current senate
9 district stretches out, out past Herkimer County
10 out to a tiny town, Caroline, I think it's
11 called, which is about three hours away. Now
12 we're being put into another random district that
13 hinders another county which better can be
14 represented elsewhere, and I think that Albany
15 County should be redrawn to where it is, the way
16 it is now and let the county be drawn that, and
17 let my county, as much as its been for at least
18 this time around, in another district, probably
19 one that there does count more in the Hudson
20 Valley region than it is now.

21 ASSEMBLY MEMBER MCENENY: Thank you very
22 much.

23 MR. STERLING: Thank you.

24 ASSEMBLY MEMBER MCENENY: Is there

1 Demographic Research and Reapportionment, 1-30-2012

2 anyone else who would like to testify today?

3 There being no one else, we encourage people to
4 testify at the remaining eight public hearings
5 that are being held starting tomorrow at 3:00 in
6 the afternoon down in the Bronx. The schedule is
7 on the LATFOR website. We continue to encourage
8 people to submit written testimony, suggestions,
9 maps throughout the next three-week period.

10 During the week of President's week, we
11 will be making adjustments to these maps. They
12 will be changed--some greatly, some minor--and
13 it's the input that has a lot to do with what
14 happens. During that week, we'll be drawing up
15 legal descriptions and preparing legislation for
16 the full legislature when they return on the 27th
17 for a vote as soon after as possible, bearing in
18 mind that we now have a date established, at
19 least for the congress, which will be drawn up
20 during that period as well, for June 26th is the
21 new primary. Anyone else like to make a comment?

22 SENATOR NOZZOLIO: Thank you.

23 ASSEMBLY MEMBER MCENENY: Yeah.

24 SENATOR NOZZOLIO: The hearing's

1 Demographic Research and Reapportionment, 1-30-2012

2 adjourned.

3 ASSEMBLY MEMBER MCENENY: And our co-
4 executive director, Lew Hoppe, I realized I
5 introduced him by title but, but by name, so for
6 the record, he is one of our stalwarts here for
7 many years. Thank you.

8 (The public hearing concluded at 1:59
9 p.m.)

Demographic Research and Reapportionment, 1-30-2012

C E R T I F I C A T E

I, Kristina Wagstaff, do hereby certify that the foregoing typewritten transcription, consisting of pages number 1 to 204, inclusive, is a true record prepared by me and completed from materials provided to me.



Kristina Wagstaff, Transcriptionist

February 6, 2012



NEW YORK STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT

PUBLIC HEARING ON CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING

01/30/2012– 10:30 A.M.

LEGISLATIVE OFFICE BUILDING 2ND FLOOR HEARNG ROOM A, ALBANY

SPEAKERS LIST:

- 1. ROBERT BAIN, RESIDENT, TOWN OF GUILDERLAND**
- 2. MAYOR DANIEL J. DWYER-CITY OF RENNELAER**
- 3. MICHAEL CUEVAS, EXECUTIVE DIRECTOR, SCHENECTADY COUNTY REPUBLICAN REPUBLICAN COMMITTEE**
- 4. JAMES SOTILLE, FORMER MAYOR OF KINGSTON**
- 5. MICHAEL MCMAHON, MONTGOMERY COUNTY COMMISSIONER OF SOCIAL SERVICES**
- 6. SUSAN LERNER, EXECUTIVE DIRECTOR, COMMON CAUSE NY**
- 7. SENATOR GUSTAVO RIVERA**
- 8. ASSEMBLY MEMBER CLAUDIA TENNEY, 115TH AD**
- 9. BILL MAHONEY, RESEARCH COORDINATOR, NYPRIG**
- 10. BARBARA BARTOLETTI, LEGISLATIVE DIRECTOR, LEAGUE OF WOMEN VOTERS NEW YORK STATE**
- 11. ALEX CAMARDA, CITIZEN UNION –with- RACHEL FAUS, CITIZEN UNION**
- 12. BETH MURPHY**
- 13. JEFF STERLING, NEW BALTIMORE RESIDENT**

NEW YORK STATE
LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND
REAPPORTIONMENT

PUBLIC HEARING
CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING

Tuesday, January 31, 2012

Lower Gallery

Bronx Museum of the Arts, 1040 Grand Concourse

at 165th Street, Bronx, NY 10456

3:00 p.m.

TASK FORCE MEMBERS PRESENT:

SENATOR MICHAEL F. NOZZOLIO, Co-Chair

ASSEMBLY MEMBER JOHN J. MCENENY, Co-Chair

SENATOR MARTIN M. DILAN

ASSEMBLY MEMBER ROBERT OAKS

ROMAN HEDGES

WELQUIS LOPEZ

DEBRA LEVINE

INDEX

	Page
MR. ROBERT RUGGERIERO Chairman, Morris Park Business Alliance	13
MR. MARK GJONAJ Community activist and concerned citizen	13
MR. ALBERT DIANGEOLO President Morris Park Community Association	13
MR. JOE THOMPSON President, 49 th Community Council	13
MS. BERNADETTE FERRARA Vice President Van Nest Neighborhood Alliance	13
MR. SILVIO MAZZELLA Secretary, Morris Park Community Association	13
MR. GIA SAMATELLI President Bronx Italian American Cultural Association	13
MS. MARY JANE MUSANO Member Waterbury LaSalle Community Association	46
MS. BARBARA STRONCZER President Bedford Moshulu Community Association	49
MS. MARCIA PAVLICKA	52
MR. J.P. SEAN COFFEY Member Common Cause New York	55
MS. SHERRY SCANLON Member Pelham Bay Merchants Association	70
MS. ADALINE WALKER Community Board 7	72
MR. AL CHAPMAN Kingsbridge Heights Neighborhood Improvement Association	75
MR. CHARLES LESNICK	77

Demographic Research and Reapportionment, 1-31-2012

President City Council City of Yonkers

MS. ELLEN HENDRICKS	80
MR. DON BLUESTONE Executive Director Moshulu Montefiore Community Center	84
MR. FERNANDO TIRADO Community Board 7	88
MR. GREG LOBO JOST UNHP	94
MS. JOSE DIAZ Constituent	99
MS. LORITA WATSON Friends of Oval Park	101
MS. EMIL GOMEZ Community Board 7	103
MR. MAXIMO PADILLA Dominican Committee of New York	108
MR. MIGUEL SANTANA Dominican American National Roundtable	110
MS. MARIA TERESA FELICIANO President Dominican American National Roundtable	110
MR. NESTOR MONTILLA, SR. Chair National Dominican American Council	110
MR. DOUGLAS MENDEZ	128
MR. FELIPE FEBLES	131
MR. MARK ESCOFFERY BAY	135
MS. MARIA FORBES Clay Avenue Tenants' Association	135
MS. SANDRA DeJESUS Vice President Eastchester Gardens	135

Demographic Research and Reapportionment, 1-31-2012

MR. CHRISTOPHER MOLTREY TA President Murphy Houses Resident Association	135
MR. KEITH RAMSEY TA President Eastchester Gardens	135
MR. ED MANELLA TA President	135
MS. TRELSON TA President 1150-56 College Avenue	135
MR. WILLIAM STANFORD, JR.	144
MS. LORETTA RUDDOCK SMITH	152
MS. ALINE ROBERTS	154
MR. HORACE ORTON	156
MR. ABRAHAM JONES Executive Director Claremont Neighborhood Centers	158
MS. CATHRY STROUD District Leader, 7 th AD	162
MS. OTTIS EDWARDS	165
MR. WILLIAM FRANCIS	166
MS. LOWELL GREEN	167
MS. CAROLYN SMITH	167
MS. MARJORIE RITZER	176
MR. KENNY AGOSTO	177
MR. HERMAN FRANCIS	182
MS. ALEATHA WILLIAMS	186
MS. DEBRA MYERS	190
MR. HERBERT MOREIRA BROWN	199
MR. JOHN FELDER	207

MS. CHERYL SIMMONS OLIVER

213

1 Demographic Research and Reapportionment, 1-31-2012

2 (The public hearing commenced at 3:00
3 p.m.)

4 ASSEMBLY MEMBER JOHN J. MCENENY,
5 CHAIRMAN LEGISLATIVE TASK FORCE ON DEMOGRAPHIC
6 RESEARCH AND REAPPORTIONMENT: Afternoon. My
7 name is Jack McEneny, I'm a member of the
8 assembly representing Albany and parts of Albany
9 County and I am joined with my co-chair Senator
10 Mike Nozzolio from out in the Finger Lakes area
11 of the state. We expect to be joined a little
12 bit later by two other members on the assembly
13 side, the ranking Republican member Bob Oaks is
14 presiding over public hearing, at least he was
15 this morning regarding the budget. He tells me
16 he'll be here later. On the senate side Senator
17 Martin Dilan we expect him a little bit later as
18 well. Also up here on the dais to my immediate
19 right is Dr. Roman Hedges, who is the citizen
20 member of our committee if you will, and to the
21 left Welquis Lopez who is the citizen member
22 representing the senate. And also on the dais is
23 one of our co-executive directors which is
24 Deborah Levine. We welcome you today, we

1 Demographic Research and Reapportionment, 1-31-2012

2 appreciate the great interest in this important
3 issue. We ask you at present we have 52 names
4 here so we ask you to be concise as you can be
5 with your comments. Those of you who have
6 already testified on the subject here in the
7 Bronx we had 50 people testify the last time. If
8 you want to mind us what you said and can do so
9 that's appreciated but to read the exact same
10 statement over we'll be here all night. And I
11 think out of consideration for some of the people
12 here you might want to be as concise as you
13 possibly can.

14 We have a five-minute rule; we rarely if
15 ever enforce that as long as it's not being
16 abused. Obviously there's times when you're
17 going to have to go over that. And without
18 further ado I'd like to turn this over to my co-
19 chair Senator Mike Nozzolio.

20 SENATOR MICHAEL NOZZOLIO, CHAIRMAN
21 LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH
22 AND REAPPORTIONMENT: Thank you very much
23 Assemblyman McEneny. I wish to thank the Bronx
24 Museum of the Arts for the use of their facility.

1 Demographic Research and Reapportionment, 1-31-2012

2 I also wish to thank you, the citizens of the
3 Bronx for your participation in these hearings.
4 This is our 16th hearing across the state, the
5 second in the second round of hearings that are
6 two review the plans proposed. Those plans that
7 are proposed are just that: plans that are
8 proposals for consideration that we believe, from
9 the Senate's perspective and I know the Assembly
10 believes from the Assembly's perspective that
11 they are presented and are good plans. But there
12 is no plan that is perfect, and that the purpose
13 of the hearings is to hear from you, the citizens
14 of this borough, the citizens across New York
15 State as to what you believe is a good part of
16 the plan and what you believe should be changed
17 in the plan. That's the great process that our
18 democratic system is all about and that we
19 welcome the opportunity to hear from you today
20 and tonight.

21 I also should say that this hearing
22 conducted beginning around 3:00 p.m. is the
23 result of our first round of hearings that asked
24 for hearings to be scheduled in the afternoon and

1 Demographic Research and Reapportionment, 1-31-2012

2 early evening. So citizens who otherwise
3 couldn't attend a hearing earlier in the day
4 would be allowed to attend this hearing.

5 Lastly I'd like you to know that the
6 testimony you provide today, if you have written
7 testimony please make sure that we have copies
8 because all your written testimony will be part
9 of the official record of the task force.
10 Anything you say will be video recorded, is being
11 video recorded. These machines here are to
12 record the testimony and that testimony will be
13 placed on the LATFOR website, that's the
14 Legislative Task Force on Demographic Research
15 and Reapportionment. This task force, which is
16 entrusted with the responsibilities is also want
17 to communicate to the rest of the state and
18 anyone that's interested outside the state as
19 well to look at the website and see the video
20 testimony that's part of this record.

21 So with that, no further ado, except to
22 reiterate what my colleague and good friend said
23 about the hearing, that we have well over 50 who
24 have signed up before today and there are a

1 Demographic Research and Reapportionment, 1-31-2012

2 number who have signed up already to be added to
3 that list. So that will be a lengthy day, a
4 lengthy evening. We ask you to be as pointed and
5 as concise as you possibly can and then make your
6 written comments part of the official record.
7 Please don't feel free to read them all; we
8 certainly will make them part of the record.
9 Thank you very much. Any comments by our citizen
10 participants? Both Mr. Hedges -- Dr. Hedges, and
11 Welquis Lopez are the citizen nominees to this
12 task force. It's a unique task force in the
13 sense that it's, I believe, the only one in the
14 legislature where there are non-legislators who
15 are part of the voting membership on that task
16 force, and that both Dr. Hedges and Mr. Lopez
17 have been extremely helpful in their commitment
18 and their input to the task force and their role
19 on the task force. That's been very helpful. So
20 without further ado our first witness is Mark
21 Gjonaj.

22 ASSEMBLY MEMBER McENENY: Thank you.

23 Would you please give your name for the record?

24 Because this is being recorded and also when you

1 Demographic Research and Reapportionment, 1-31-2012

2 signed up if you want us to know your home
3 address just -- otherwise just say the Bronx or
4 something like that. You may discuss anything in
5 the entire state redistricting Congress, Senate,
6 Assembly, the maps that are out now and if you
7 have a concern about Buffalo you should not wait
8 to get to Buffalo to say it if that's a concern.
9 Have a seat, sir.

10 MR. ROBERT RUGGERIERO, CHAIRMAN MORRIS
11 PARK BUSINESS ALLIANCE: Chairman I have a
12 special request.

13 ASSEMBLY MEMBER MCENENY: Yes.

14 MR. RUGGERIERO: Most of the individuals
15 here are all here to discuss the same assembly
16 district. I request that we all come up together
17 and be able to speak consecutively so not to lose
18 the momentum of the topic of discussion

19 ASSEMBLY MEMBER MCENENY: All right if
20 you can make concise and each one is saying
21 something different that's fine. If you're
22 repeating the same thing obviously--

23 MR. RUGGERIERO: No it's not, it's not
24 repetitive; it would be in the interest of saying

1 Demographic Research and Reapportionment, 1-31-2012

2 time.

3 ASSEMBLY MEMBER MCENENY: Sure, yeah.

4 MR. RUGGERIERO: And with that in mind I
5 would like to bring up the Morris Park
6 Association chairman to first start testimony and
7 then we'll follow along as a group.

8 ASSEMBLY MEMBER MCENENY: How many are
9 there in your group?

10 MR. RUGGERIERO: How many are signed up?
11 One, two, three, four, five are signed up. Six,
12 I'm sorry, six. Thank you chairman.

13 ASSEMBLY MEMBER MCENENY: Again the
14 understanding is you will be brief because if I
15 find some of these names are further down that's
16 not fair to other people.

17 MR. RUGGERIERO: I heard 15 minutes
18 each, correct?

19 ASSEMBLY MEMBER MCENENY: Not a chance.
20 Not a chance. That's blocking the view of the
21 people behind it, so move it to the left or the
22 right.

23 SENATOR NOZZOLIO: And for the record
24 would we start here, would you please state your

1 Demographic Research and Reapportionment, 1-31-2012

2 name?

3 MR. RUGGERIERO: Yes, my name is Robert
4 Ruggeriero and I'm the chairman of the Morris
5 Park Business Alliance.

6 ASSEMBLY MEMBER MCENENY: In fact you'd
7 be just as well facing the audience rather than
8 us. We have that map in our book.

9 MR. MARK GJONAJ: Mark Gjonaj, a
10 concerned citizen.

11 MR. ALBERT DIANGELO: Albert Diangelo,
12 president of the Morris Park Community
13 Association.

14 MR. JOE THOMPSON: Joe Thompson,
15 president of the 49th Precinct Council.

16 MS. BERNADETTE FERRARA: Bernadette
17 Ferrara, vice president of the Van Nest
18 Neighborhood Alliance.

19 MR. SILVIO MAZELLA: Silvio Mazella,
20 secretary Morris Park Community Association.

21 MR. GIA SAMATELLI: Chias [phonetic]
22 Samatelli [phonetic], chairman of the Bronx
23 Italian American Cultural Association. Thank
24 you.

1 Demographic Research and Reapportionment, 1-31-2012

2 MR. RUGGERIERO: And I'm Robert
3 Ruggierio from the Morris Park Business
4 Alliance.

5 ASSEMBLY MEMBER MCENENY: Thank you.

6 MALE VOICE: Thank you ladies and
7 gentlemen. I have here, to start us off with,
8 2300 petitions, 2336 to be exact, petitions that
9 were signed in a day and a half when we heard
10 that we were going to have this hearing, we were
11 going to come to this hearing. Senator, I found
12 one of the areas there is not perfect. Our
13 concern is the lack of respect shown to the
14 residents of Morris Park by what has been done by
15 the redistricting of our community. You've taken
16 5 percent of our community out and given it to
17 another assembly district. That lessens our
18 power as a community board, as concerned citizens
19 to deal with our elected officials.

20 ASSEMBLY MEMBER MCENENY: Is that 5
21 percent?

22 MR. RUGGERIERO: About 5 percent of our
23 district has been taken out.

24 ASSEMBLY MEMBER MCENENY: Where's the

1 Demographic Research and Reapportionment, 1-31-2012

2 other 95 percent? [Off mic conversation]. Of
3 the district, not 5 percent of - - ?

4 MR. RUGGERIERO: No no, 5 percent of the
5 district, 20 percent.

6 ASSEMBLY MEMBER MCENENY: No 95 percent
7 of the district is intact?

8 SENATOR NOZZOLIO: No 20 percent. 20
9 percent.

10 ASSEMBLY MEMBER MCENENY: 20 percent is
11 intact based on the old lines.

12 MR. RUGGERIERO: 80 percent is intact;
13 20 percent is not.

14 ASSEMBLY MEMBER MCENENY: Okay so you
15 lost 20 percent -- okay. Thank you.

16 MR. RUGGERIERO: My concern -- and again
17 it seems that -- and again I'm not a politician,
18 I'm a leader of a community organization. The
19 other gentlemen and ladies will speak about the
20 political part of it. I'm concerned that you've
21 taken a part of Morris Park. Now as president of
22 the Morris Park Association we represent about
23 2000 members in our community. Many of those
24 members are in that area that has been taken

1 Demographic Research and Reapportionment, 1-31-2012

2 away.

3 Now we have to deal with one elected
4 official to get certain things that we need in
5 our community; now we have to deal with two. And
6 when you only have a small percentage of our
7 community how much attention are you going to pay
8 to Morris Park if the majority of you
9 constituents are in another area? So that
10 lessens our power as far as the community goes.
11 And I was under the impression that we wanted
12 community involvement in our political affairs.
13 To do that the community needs to have a voice in
14 our affairs of government. And unfortunately by
15 doing this you take away a large portion of our
16 membership that now do not have a voice with
17 everyone else.

18 We had an incident not too long ago
19 where a club in the lower end of our district
20 which is up in -- it comes to a point, and
21 elected officials it's a tail end so nobody seems
22 to pay too much attention to it. The club's name
23 was Calmer [phonetic] and the senator that was in
24 that district did not do anything for us. We had

1 Demographic Research and Reapportionment, 1-31-2012

2 to get a senator from -- Senator Jeff Klein
3 [phonetic] was the one who came down, was out of
4 his district but he worked with us to help get
5 that place closed down. But the senator that was
6 in our district because it was a small area paid
7 no attention to our concerns.

8 So this is my main concern and what
9 seems to have happened is elected officials got
10 behind closed doors, divided up our area that
11 would be conducive to them but never spoke to the
12 community about what would be best to the
13 community. So they took care of their own
14 political needs, and I understand enough about
15 politics to know that that's part of the game.

16 But I don't want to play that game;
17 that's not a game that our citizens want. Our
18 citizens want a continuity in our community where
19 our community can speak and speak to elected
20 officials and get some feedback from that elected
21 official, not be brushed aside because we're only
22 a small entity in that community. We've been
23 lucky in the past, we've had some great elected
24 officials in our neighborhood and they worked

1 Demographic Research and Reapportionment, 1-31-2012

2 very well with our community and now we're
3 starting to divide up a community that was a very
4 solid community.

5 Our senate district and our council
6 district seem to remain the same. Again, we're
7 lucky with James Bacalles [phonetic] and Senator
8 Klein. They've been great for our community.
9 They're there every time we need something
10 they're right there to help us. But not if you
11 turn around and take our assembly district away
12 now we're going to have a problem with the
13 assembly. So these are areas that I think are
14 very important.

15 I don't like the idea that we're a pawn
16 in a political game; that's not what elected
17 officials are supposed to do. They're supposed
18 to take care of the people in their community and
19 not divide us so that we become less powerful.
20 When you divide Morris Park the power of the
21 community association becomes less and therefore
22 the voice of the people becomes less because now
23 we can't speak for the people, all the people, we
24 can only speak for a small section. So I beg

1 Demographic Research and Reapportionment, 1-31-2012

2 your indulgence to please look into this further
3 and do what you can to help us.

4 MR. THOMPSON: For illustration purposes
5 if I just may show you the area that we're
6 referring to. [Off mic conversation]. The
7 section that was removed was the gray here in the
8 red, and what makes up the entire Morris Park is
9 this section. So actually it's this. It's
10 roughly 25 percent of the inhabitants, 6500
11 residents that have been removed from our
12 district.

13 ASSEMBLY MEMBER MCENENY: State your
14 name again so the people will know which person
15 is talking.

16 MR. THOMPSON: Wow, that's good. Before
17 I do that I want you to know this red shirt does
18 not mean I'm a Republican. This is Senator
19 Klein's court watcher's program.

20 MALE VOICE: What's wrong with being a
21 Republican.

22 MR. THOMPSON: No, really. And I really
23 came from doing that this morning and we still
24 have some members that are down at criminal court

1 Demographic Research and Reapportionment, 1-31-2012

2 on a case. Luckily I was able to get here and
3 still have some people to represent them. I'm
4 very happy to see civilian input on this council.
5 And I appreciate the fact that Albany thinks
6 enough of doing this and doing it right in
7 thinking enough to come down here and listen to
8 us 'cause I think it's awfully important.

9 ASSEMBLY MEMBER MCENENY: Now your
10 remarks will be turned into a transcript, even
11 though we have it on film. So your name is?

12 MR. THOMPSON: My name is Joe Thompson.

13 ASSEMBLY MEMBER MCENENY: Thank you.
14 Please proceed.

15 MR. THOMPSON: And I'm the president of
16 the 49th Precinct Council. And I will say this,
17 and after studying this state assembly
18 redistricting proposal for community. I honestly
19 see no legal or practical reason for the current
20 plan. Why divided Morris Park Community? Why
21 exchange Morris Park with an area east of
22 Eastchester Road, which is Pelham Gardens? It
23 makes very little sense to me. Both areas are
24 predominantly Italian heritage folks. Both areas

1 Demographic Research and Reapportionment, 1-31-2012

2 are middle income, one and two family homeowners,
3 tons of union membership and honestly both areas
4 have about the same amount of people. So to make
5 this change just to make the change doesn't make
6 sense to me.

7 On the other hand the Morris Park
8 community has been and is the anchor of our
9 entire community board, and as president of the
10 49th precinct we travel the entire community
11 board, we work with each and every organization
12 and civic organization within the community
13 board. So when we look at this, and we know that
14 Morris Park community is stable, it's steady. We
15 also have three city housing developments in our
16 area. We have the Allerton Coops, which has 700
17 families. We have multiple high-rise apartment
18 buildings, a large transient population, and we
19 look to Morris Park for our stability.

20 We also look to Morris Park to balance
21 out our neighborhood crime statistics because
22 Morris Park is an extremely low crime area. Okay
23 with the other areas I'm afraid are not the same.
24 So with the number we get from Morris Park it

1 Demographic Research and Reapportionment, 1-31-2012

2 helps to balance out the rest of our precinct,
3 which means that we are still considered a low-
4 crime area, which means that we get more
5 businesses that will come into our area, more
6 working people that will come into our area.

7 We know what keeps Morris Park strong.
8 Why do people stay in the neighborhood. If you
9 come from a neighborhood, you come from a small
10 community what keeps it strong? Well one of the
11 things that keeps it strong is it ties with the
12 community. It's a strong community commitment.
13 It's ties to family, it's ties to friends, it's
14 ties to neighbors.

15 So when you look at that and you say to
16 yourself, "What can kind of tear this thing
17 apart?" Well this is fragile as we do have
18 people that move out. So it's very fragile. And
19 if you take Morris Park, split it down the
20 middle, split it right down Morris Park Avenue
21 and you have representation and a different
22 representation on the other side of the street,
23 so we don't have that togetherness anymore. We
24 don't have that unity that we need from Morris

1 Demographic Research and Reapportionment, 1-31-2012

2 Park because Morris Park doesn't have it. And if
3 they ever lose that sense of unity, that sense
4 that they can go to one elected official who
5 speaks for the whole and will defend them and
6 defend the whole. If we don't have that we start
7 losing people.

8 If we lose Morris Park, if community
9 board 11 loses Morris Park it's a very good
10 chance that we're going to lose community board
11 11 and the ratings that they do have. Morris
12 Park is involved, and this is probably why I lose
13 them so much. And I said this when I first
14 started with the community board and with the
15 council: Morris Park is involved. They go on
16 marches against violence, drugs and gangs, not
17 just at Morris Park but at Eastchester Gardens,
18 one of our housing developments. They go to Van
19 Nest community. They've gone to White Plains
20 Road and Leidick [phonetic] Avenue on the same
21 quest.

22 Over the last four years Morris Park
23 itself has donated 40,000 pounds of foods for our
24 Christmas and Hanukkah end of the year

1 Demographic Research and Reapportionment, 1-31-2012

2 celebrations. So they're involved, but they're a
3 good example for other communities. That's why
4 they are the core group that we need

5 ASSEMBLY MEMBER MCENENY: Keep your time
6 in mind.

7 MR. THOMPSON: Okay. I've got three
8 minutes?

9 ASSEMBLY MEMBER MCENENY: Three minutes
10 ago. You've got other speakers on the same
11 topic.

12 MR. THOMPSON: No I'm going to be fine.
13 I'm almost finished.

14 But we do need a strong and unified
15 Morris Park, represented by one assembly person,
16 one city council person and one senate person.
17 And again, and I'll repeat what Al says, we've
18 been fortunate. We've had some very, very good
19 people. Senator Klein has been there I think 18
20 years, first with the assembly, then with the
21 Senate. So we know we've got people that
22 understand what we're doing and people that care,
23 really care. And that's what we want to keep and
24 that's what we want to hold onto. But we've got

1 Demographic Research and Reapportionment, 1-31-2012

2 to hold into Morris Park. And we've got to hold
3 into Morris Park as strong and as whole as it is.

4 And I got one little last little thing:
5 there's absolutely no reason to give up five
6 blocks from Waring Avenue to Pelham Parkway
7 North, from Boston Road to Bronx Park East. And
8 Bronx Park East is a natural border; it just goes
9 like that. And what you're trying to do is cut
10 out this little five-block area. It's not even
11 natural. There is absolutely no reason for it.
12 That's got to be a personal reason because you
13 have a natural border right on the park, Bronx
14 Park East.

15 And I thank you very much and thank you
16 for having this.

17 ASSEMBLY MEMBER MCENENY: Thank you.
18 Before the next testifier the committee is
19 presenced now very pleased to have Senator Martin
20 Dilan, who is senate representative on the task
21 force.

22 This Morris Park must be some place.

23 MALE VOICE: You're welcome anytime.

24 FEMALE VOICE: Come anytime.

1 Demographic Research and Reapportionment, 1-31-2012

2 ASSEMBLY MEMBER MCENENY: Who's next?

3 MR. GJONAJ: I'm always going to request
4 if I go over the five minutes one of the
5 additional speakers will not speak, so if I go
6 over the five minutes I will do so in his
7 timeframe if that's okay with you.

8 ASSEMBLY MEMBER MCENENY: That's fine,
9 but again --

10 MR. GJONAJ: [Interposing] It'll be
11 concise and it'll be -- it'll be concise.

12 ASSEMBLY MEMBER MCENENY: Also, and
13 since you're there I'm going to ask a question, I
14 might as well ask it now that you can incorporate
15 in your remarks about -- you're talking about
16 assembly and the senate and keeping --

17 MR. GJONAJ: No just the assembly.

18 ASSEMBLY MEMBER MCENENY: But your
19 comments are that you like that fact that Morris
20 Park is within one senatorial district, is that
21 your -- ?

22 MR. GJONAJ: That's correct. We're very
23 fortunate with our senator. Senator Klein was
24 the previous assemblyperson for the area as well

1 Demographic Research and Reapportionment, 1-31-2012

2 so he has long ties and roots to the community.

3 Good afternoon honorable members of the
4 New York State LATFOR Task Force.

5 ASSEMBLY MEMBER MCENENY: Give your name
6 again because this gets turned into a transcript
7 and they won't know who's talking.

8 MR. GJONAJ: Certainly. My name is Mark
9 Gjonaj. I am an activist for the Bronx County
10 and proud member of the Morris Park Community of
11 the Bronx.

12 Thank you for allowing me to present my
13 testimony at this public hearing and I'd like to
14 begin by noting that the proposed redistricting
15 plan violates the will of the people. On January
16 26th, 2012 the New York State LATFOR released a
17 proposed redistricting plan for New York State
18 Assembly that is unfair and illegal.
19 Additionally hold hearings within a few days of
20 releasing the plans is unreasonable because we
21 were not allocated the sufficient time to digest
22 the material fully and prepare to testify.

23 Although in a limited timeframe as you
24 can see our community united, driven by passion

1 Demographic Research and Reapportionment, 1-31-2012

2 and disappointment which is clearly evidenced by
3 the thousands of signatures gathered to protest
4 the proposed redistricting plans. If the plan
5 was to govern effectively it failed. If the plan
6 was to disappoint and disenfranchise people in
7 that case the plan succeeded.

8 In the interest of time my testimony
9 today will address the 87th, 80th and 82nd proposed
10 assembly districts and more specifically the
11 Morris Park community and Bronx County.

12 Historically the Morris Park community has been
13 entirely in the 80th assembly district with the
14 exception of a few streets on the western
15 portion, which we believe would have been
16 corrected during the 2012 redistricting and
17 included into the 80th assembly district
18 completing the Morris Park community.

19 The current proposed assembly district
20 plan divides the Morris Park community into three
21 assembly districts and are fundamentally split
22 between the 80th and 82nd districts primarily for
23 individual and political gain without any
24 consideration to a unified community or assessing

1 Demographic Research and Reapportionment, 1-31-2012

2 the negative effects that it would bring upon it.

3 Dividing a unified community to achieve
4 objectives is the process of redrawing lines to
5 increase unduly a group's or individual political
6 power and referred to as gerrymandering.

7 Gerrymandering can further be defined as a
8 practice of dividing a geographical area into
9 electoral districts of highly irregular shape to
10 give it unfair advantage by diluting the
11 opposition's strength.

12 The Morris Park community opposes the
13 current proposed redistricting plan because it
14 splits our community. This plan will silence our
15 voice, ease our political influence by diluting
16 our voting strength solely for the purpose to
17 protect an incumbent by eliminating potential
18 challenges and potential candidates.

19 Additionally it is my belief that our elected
20 officials have horse-traded to remove potential
21 candidates out of the 80th district which is
22 evident by the fact that at least three potential
23 candidates have been ironically removed from the
24 district, therefore making the proposed plan

1 Demographic Research and Reapportionment, 1-31-2012

2 wrong, illegal and troubling for many reasons.

3 Encouraging competition is good.

4 Competition theoretically cause an incumbent
5 legislator to cater more attentively to a wider
6 range of the constituents because they will be
7 more worried that they might lose a close
8 election, thus governing more effectively and
9 bringing the people and helping the people in the
10 district.

11 To divide Morris Park would be unfair
12 whereas the proposed plan disenfranchises
13 approximately 6500 members of an existing
14 community, which undermines the integrity,
15 diminishes authority and does not coincide with
16 the needs and interests of the residents,
17 business and organizations of the community.
18 Illegal whereas the proposed plan does not with
19 the state constitutional and statutory
20 restrictions that the assembly districts shall be
21 formed from a convenient and contiguous territory
22 as a compact form as practicable without looking
23 irregular in shape or containing irregular edges.

24 Additionally the plan does not follow

1 Demographic Research and Reapportionment, 1-31-2012

2 traditional redistricting principles that a
3 community of interest should be kept together
4 within the same district in order not to divide
5 populations or communities that have common needs
6 and interests, a community of interest which can
7 be further defined as a neighborhood community or
8 group of people concentrated in an area who share
9 similar interests, priorities, views or
10 characteristics whether social, cultural, ethnic,
11 economic, religious or political and that would
12 benefit from being maintained in a single
13 district because of shared interests. The Morris
14 Park community is a community of interest
15 consistent with the following shared interests
16 and key elements that would be directly affected
17 by the proposed redistricting plan. Major
18 hospitals, schools, parks, religious
19 institutions, shopping districts, organizations.

20 Share interest of the Morris Park
21 community: Morris Park community patrol, which
22 patrols well outside the current proposed
23 boundaries. The Columbus Day parade, the holiday
24 lights on Morris Park, the New York City public

1 Demographic Research and Reapportionment, 1-31-2012

2 library, United State Post Office,
3 transportation. Morris Park Community
4 Association, which my colleagues spoke on earlier
5 which has serviced the area for 40 years. Morris
6 Park Alliance, which my colleague to the left
7 will testify in a few moments, are political
8 issues. The Morris Park community is actively
9 engaged with local politicians because of common
10 legislative needs and interests. We have
11 representatives that we hold accountable for
12 servicing the needs of our community. The
13 proposed plan would hinder our ability to hold
14 our elected officials accountable to address the
15 needs of this community.

16 The Morris Park community has
17 traditionally been able to protect the rights,
18 needs and interests of the residents, businesses
19 and organizations of this community because we
20 have been united with one voice. Splitting our
21 community into different assembly districts will
22 weaken our ability to meet the needs and
23 interests of the community and hinder our ability
24 to hold elected officials accountable to address

1 Demographic Research and Reapportionment, 1-31-2012

2 the needs of this wonderful and successful
3 community.

4 A perfect example of the dangers in
5 splitting communities: in 1992 riots in Los
6 Angeles took a heavy financial toll on businesses
7 in many neighborhoods including the area known as
8 Korea Town. It is estimated that the city
9 suffered more than \$1 billion in damage. When
10 residents of Korea Town appealed to their elected
11 representatives for assistance with the cleanup
12 and recovery efforts each of their purposed
13 representatives claimed that the area was really
14 a part of some other official's district. The
15 redistricting map, it appeared, had fractured
16 Korea Town and an area barely over one square
17 mile into several districts. As a result no
18 legislator felt responsible to the Asian American
19 community.

20 I'm going to wrap it up so please bear
21 with me.

22 The redistricting process must be more
23 responsive to communities. For communities to be
24 fairly represented in government the

1 Demographic Research and Reapportionment, 1-31-2012

2 redistricting process needs to recognize and be
3 accountable to real communities. It should be
4 the members of a community that choose the
5 elected officials that they want to represent
6 them and not the other way around where the
7 elected officials choose which constituents they
8 want to represent in their district. Legislators
9 in a back room cherry-picking their constituents,
10 trawling for donors or carving out challenges
11 will only destroy political good will and the
12 trust of the people. We hold elections to make
13 sure elected officials are working and they
14 continue to listen to their constituents.

15 For all of the above reasons we implore
16 this task force prevent this community from being
17 unnecessarily divided and redraw the lines of the
18 assembly district plan to unite the interests of
19 the Morris Park community and the Bronx County.
20 We further call on all our elected officials to
21 publicly denounce the proposed redistricting plan.
22 We appeal to our local elected officials to serve
23 and protect the interest of the constituents and
24 meet the needs of the Morris Park community by

1 Demographic Research and Reapportionment, 1-31-2012

2 putting aside any personal issues, agendas and
3 self-interests. Silence from our elected
4 officials and words that lack action and
5 sincerity will be perceived as an approval of the
6 proposed redistricting plan. Therefore we pledge
7 to hold our elected officials responsible for
8 their actions or inactions on this matter and
9 remind them that November is around the corner
10 and the primaries are at your doorstep.

11 Thank you.

12 ASSEMBLY MEMBER MCENENY: Who's next?

13 And again give your name so the transcript will
14 say who's saying what.

15 MR. SILVIO MAZZELLA: My name is Silvio
16 Mazzella, I'm secretary of Morris Park Community
17 Association. I've been a resident of Morris Park
18 since 1968 and I've been volunteering for 22
19 years. Again I want to commend you on having a
20 civilian on your committee task force and I'm
21 giving my time up because of the amount of
22 minutes we've used. They voice my opinion and
23 the only thing I can say is we'll fight as a
24 community to do what is right, okay? And this is

1 Demographic Research and Reapportionment, 1-31-2012

2 wrong. Thank you.

3 ASSEMBLY MEMBER MCENENY: Thank you very
4 much. Is there anyone else who's speaking from
5 Morris Park?

6 MR. RUGGERIERO: Folks in order not to
7 be redundant I'm going to just give you some
8 specifics because I did have a prepared
9 statement. But just to give you some specifics
10 as to how this affects us --

11 SENATOR NOZZOLIO: Would you state your
12 name?

13 MR. RUGGERIERO: Oh I'm sorry, I'm
14 Robert Ruggeriero, I'm the chairman of the Morris
15 Park Merchants' Association. And the specifics
16 that we're talking about because of this
17 overlapping jurisdictions, four years ago when I
18 was asked to start the Merchants' Association I
19 had two projects in mind; one was the New York
20 State Main Street Grant Proposal which would help
21 store businesses replace their storefronts and
22 create a theme or a character to the community
23 and also business improvement district supporting
24 the city, by the City of New York.

1 Demographic Research and Reapportionment, 1-31-2012

2 Both projects have been languishing for
3 the past four years because of these overlying
4 gerrymandered lines and divisions. It wasn't
5 until recently that I've agreed to accept the
6 project three times the size of its original
7 scope did now the second councilperson step in
8 and take the position in the Van Nest community
9 because I'm going to help his district along with
10 the non-responsive councilperson. And the same
11 thing in the state: my assemblywoman's been
12 unresponsive for the past four years and now
13 State Senator Jeff Klein has stepped forward and
14 said, "Well if you take that half of the district
15 I'll help you with your half of the district."

16 And so this is the problem that we have
17 in the Merchants' Association. Westchester
18 Square Business Group is one vote away from being
19 a business improvement district and we stepped
20 out the gate the same month four years ago. I'm
21 nowhere and they're almost done. This is the
22 effect that this is having on a community. Thank
23 you.

24 MS. FERRARA: Good afternoon. My name

1 Demographic Research and Reapportionment, 1-31-2012

2 is Bernadette Ferrara and I'm representing the
3 Van Nest Neighborhood Alliance in the Van Nest
4 area. And the Van Nest area does work in
5 partnership with Morris Park. And what I could
6 say with my testimony is I've been a long-time
7 resident living in Van Nest for over 50 years and
8 I'm learning just what redistricting is and
9 reapportionment is and asking the question how
10 will this constant splintering of our whole
11 community impact our future ten years?

12 I can attest how our last ten years
13 were. And I will say that having two of each has
14 put our community's interest at the bottom of
15 each political agenda that represents portions of
16 our one community. Thank God for one or two
17 politicians who have stood by our community and
18 helped. We are at the border -- and I mean Van
19 Nest, of many jurisdictions and given less
20 attention and less community money. This is
21 forcing already burdened homeowners and tenants
22 to rattle more cages to get crumbs.

23 It's a bleak future for those of us who
24 are staying put and fighting so hard for so

1 Demographic Research and Reapportionment, 1-31-2012

2 little. While there is this formula what about
3 the mission statement? Why are whole communities
4 splintered to appease reapportionment and not the
5 community needs.

6 On the website it says why is the
7 process important to me and to my community?
8 Well this definition is there. Five people from
9 our Van Nest community sit on the board of
10 Community Board 11. Three of those five sit on
11 the executive board of the Van Nest Neighborhood
12 Alliance that has been in existence for two
13 years. We formed out of a desperate cry for
14 help. It is a constant battle and now we are
15 foreseeing more of a struggle that's not going to
16 benefit our community. Enough is enough. Look
17 at our whole communities and be smart about these
18 borders. It should be a win-win situation for
19 both reapportionment and whole communities.

20 Our neighboring community of Morris Park
21 has seen what this has done to Van Nest and we do
22 not want this division to continue either in Van
23 Nest or Morris Park. And I do want to point out
24 on the map what -- we're cut in half already and

1 Demographic Research and Reapportionment, 1-31-2012

2 that's right here. Van Nest is already cut and
3 we already have natural borders: the 180th street
4 and Morris Park on one side demographically and
5 the M track up to East Tremont. And we have
6 already been split and we're fighting but we're
7 getting nowhere for the same reasons that Morris
8 Park is having the problem And we need it to
9 stop. Thank you very much.

10 SENATOR NOZZOLIO: Before you leave,
11 this is exactly what the hearings are for, to
12 present points of view. I just want to clarify
13 again that the proposed senate district under
14 this plan, it's your understanding it keeps
15 Morris Park together and that you favor, that is
16 your -- you're all in support of that effort?

17 MALE VOICE: That is correct.

18 MALE VOICE: Senate district is fine
19 with us.

20 SENATOR NOZZOLIO: Thank you very much.

21 MALE VOICE: Before you go, where do we
22 submit these 2300 signatures?

23 FEMALE VOICE: - - the front desk
24 upstairs. Her name is Dina she'll be happy to

1 Demographic Research and Reapportionment, 1-31-2012

2 take them from you.

3 MALE VOICE: And in addition, it's not
4 fair, but not to point out all the wrong things
5 but we have also come up with solutions to this.
6 One of the solutions can be theoretically Morris
7 Park, which is one community with natural
8 boundaries, which is evident by the map:
9 railroads, major parks, we certainly share
10 interests in common with our neighbors, Pelham
11 Parkway and so on and so forth. But in regard to
12 unifying the neighborhood and preserving
13 something that have been longstanding and
14 successful we're looking at a situation where you
15 have five fingers and you're asking us to cut
16 one. They will all bleed and they'll all hurt.
17 And it's unfair that this was put on us as a
18 community to decide which sections or what
19 neighbor we are going to cut off of our hand.

20 Conceivably though, what option I would
21 prefer, not that -- I come from the Marshall Loop
22 [phonetic] Parkway area, I've had long ties to
23 that area as well, but certainly it does not
24 coincide with the immediate interest of Morris

1 Demographic Research and Reapportionment, 1-31-2012

2 Park and Pelham Parkway area. But in the realm of
3 making an easy transition -- not that I'm in
4 favor of it, but at the end of the day if a
5 difficult choice has to be made the numbers which
6 are evident between Pelham Gardens and Morris
7 Park, two sections that are referred to and
8 removed, the rest section and the remainder of
9 Morris Park has been cut out with the balance
10 here. If you took Pelham Gardens the numbers are
11 almost identical: 6500 residents here, 6500
12 residents here, and still complying with the
13 threshold.

14 ASSEMBLY MEMBER MCENENY: Okay if you
15 would submit that as a map, color one part in,
16 one part out we appreciate -- this has been a
17 very good-spirited and a very logical
18 presentation. This is why we're having the
19 hearing. People who come in and complain,
20 frankly we don't listen very much. The ones who
21 complain and suggest a solution we listen very,
22 very closely and we certainly feel that way about
23 your presentation.

24 Now let me just point something out: we

1 Demographic Research and Reapportionment, 1-31-2012

2 have the Federal Voting Rights Act of 1965 which
3 protects, among others, Hispanics and African
4 Americans and requires no diminution of
5 representation they now have and where there's an
6 opportunity to create a minority-majority
7 district we do that.

8 We also have basic math. Let me just
9 theoretically talk for a minute. If it is
10 roughly 125,000 people which forms an assembly
11 district here in the Bronx and there are three
12 neighborhoods of 50,000 each we have to make a
13 choice of your analogy: cutting off the finger
14 of three districts, maybe two fingers for one of
15 them keeping two of them whole and one of them
16 cut in half. Which bad decision to we make?
17 They're all bad.

18 We also have someone mentioned there's
19 like three or four blocks, there seems to be no
20 reason. We also have requirements of block on
21 border imposed by the New York State constitution
22 for well over a century. And you will find that
23 lines that are drawn clear and concise and make
24 good sense suddenly have a jog here or a jog

1 Demographic Research and Reapportionment, 1-31-2012

2 there so that the math will be exact.

3 Once you break into one of the boroughs
4 of New York then you have to make every district
5 equal, not by thousands, not by hundreds, but for
6 the most part by very, very small numbers. And
7 up in Albany, New York, which is split I and Ron
8 Canestrari [phonetic] have the exact number
9 because we split a city. And so a lot of the --
10 some of this is math driven, some of it is driven
11 by the Voting Rights Act of 1965 saying that it's
12 illegal. I think you'll find things mandated by
13 the federal government that are far more odd-
14 looking. You'll find things that common cause
15 has done that are more odd-looking because the
16 Voting Rights Act can't be ignored. It's imposed
17 by the federal government.

18 What we will do, and you've had your
19 time, thank you, what we will do we will go back,
20 we'll take a look at it, we'll take into account
21 the remarks that you've made and see if working
22 with the constraints of the constitution and the
23 Voting Rights Act if it's possible. And we will
24 take a serious look at it, we do appreciate your

1 Demographic Research and Reapportionment, 1-31-2012

2 testimony very much.

3 MALE VOICE: [Crosstalk] ethnic
4 breakdown like Mark had pointed out in the
5 switch; just about the same. So when it comes to
6 the ethnic breakdown of both communities they're
7 pretty much the same. So that switch could be
8 made very easily.

9 ASSEMBLY MEMBER MCENENY: Thank you.
10 That's -- very good. Thank you.

11 MALE VOICE: Thank you very much ladies
12 and gentlemen.

13 MR. GIAS SAMATELLI: Mr. Chairman can I
14 have my five minutes please? Although I'm not
15 together with the group I'm spiritually with the
16 group. In reference to - - .

17 ASSEMBLY MEMBER MCENENY: You are signed
18 up?

19 MR. SAMATELLI: Yes I am. It's
20 pertaining to the 80th and the 82nd.

21 ASSEMBLY MEMBER MCENENY: Wait a minute,
22 wait a minute. What you're doing is you're
23 bumping 45 people.

24 MALE VOICE: What's your name, sir?

1 Demographic Research and Reapportionment, 1-31-2012

2 MR. SAMATELLI: Samatelli, Gias
3 Samatelli.

4 ASSEMBLY MEMBER MCENENY: Gias you're
5 too late to the table; I'm going to go back to
6 the list.

7 MR. SAMATELLI: Pertaining to the 80th
8 and the 80th and the 82nd.

9 ASSEMBLY MEMBER MCENENY: I'm sure. And
10 there may be others as well that aren't part of
11 Morris Park that may have another opinion.

12 MR. SAMATELLI: Okay Mr. Chairman.
13 Thank you so much. I'll wait.

14 MALE VOICE: Good.

15 SENATOR NOZZOLIO: Tracy Shelton
16 [phonetic]. Tracy Shelton. Tracy Shelton? Mary
17 Jane Musano.

18 MS. MARY JANE MUSANO, MEMBER WATERBURY-
19 LaSALLE COMMUNITY ASSOCIATION: Hi, my name is
20 name is Mary Jane Musano, I'm a member of the
21 Waterbury LaSalle Community Association and
22 Community Board 10.

23 SENATOR NOZZOLIO: - - interruption.
24 Could we please have order and respect for the

1 Demographic Research and Reapportionment, 1-31-2012

2 speaker? Thank you.

3 MS. MUSANO: I'm a lifelong member of my
4 community which is Schuylerville, a small
5 community between Throg's Neck and Pelham Bay and
6 today I'm come to speak to you about a Pelham
7 Bay/Throg's Neck, Country Club, Riverdale. I am
8 in support of the proposed maps that were
9 proposed by the LATFOR for proposed 34th Senate
10 District, and the reason is that they are mostly
11 the same. We're all homeowners, mostly, we're
12 mostly middle class, working middle class, all of
13 our communities are varied in ethnic background
14 and we all work very well together.

15 As a matter of fact Morris Park is one
16 of those communities, and Joe Thompson showed you
17 his red shirt; that's one of the things that we
18 do together. We're all pushing towards the same
19 goals because we have the same problems, we have
20 the same backgrounds, and it makes sense to keep
21 us together so that we can be stronger.

22 And by the way when you splinter Morris
23 Park you also take power away from us because we
24 work together, all of those communities work

1 Demographic Research and Reapportionment, 1-31-2012

2 together. For instance, just to give you a
3 little idea: Joe mentioned the court watcher's
4 program, of which we just came from. One of the
5 things our community is pushing for is stiffer
6 penalties for quality of life crimes like
7 graffiti and car theft, crimes that usually don't
8 get much attention in the court. So we all feel
9 that same way. We went to Senator Klein who has
10 been just wonderful for us. And he came up with
11 the court watcher's program and it's something
12 that people from all of those communities that I
13 just mentioned are involved in.

14 SENATOR NOZZOLIO: Excuse me. Hold --
15 would you please hold one second? The
16 conversations in the back of the room take them
17 outside now.

18 MALE VOICE: We'll go outside, Mr.
19 Chairman. Thank you so much.

20 SENATOR NOZZOLIO: The conversations in
21 the room are from the testifier, not from the
22 audience. Please show the respect as everyone
23 will be shown. Apologize for the interruption.

24 MS. MUSANO: That's okay. So as I was

1 Demographic Research and Reapportionment, 1-31-2012

2 saying it makes sense to keep us all together
3 because we fight for the same things and we work
4 very well together. As I said the court
5 watcher's program is one even that we're all
6 involved in as well as graffiti cleanup programs
7 and programs like that.

8 The other reason I think it's important
9 to keep us together is that it takes time to
10 develop a relationship with our Senator, and
11 we've spent years doing it. He now knows that
12 things are important to us and so it makes the
13 push forward easier.

14 So I'll conclude with just thanking you
15 for keeping us together and to consider that also
16 for Morris Park.

17 SENATOR NOZZOLIO: Barbara Stronczer.
18 Would you be so kind as to pronounce your name
19 correctly because I'm sure I did it incorrectly.

20 MS. BARBARA STRONCZER, PRESIDENT BEDFORD
21 MOSHULUS COMMUNITY ASSOCIATION: Sure. My name
22 is Barbara Stronczer and I am representing the
23 Bedford Moshulu Association. We are a not-for-
24 profit community association located in the

1 Demographic Research and Reapportionment, 1-31-2012

2 Bedford Park area of the northwest Bronx. I
3 testify that the hearings last fall requesting
4 that the new lines not divide the Bedford Park
5 Norwood communities as was done ten years ago. I
6 spoke about the fact that along Moshulu Parkway
7 we had three different assembly districts.

8 Currently our senate district, the 33rd,
9 is co-terminus with both Bedford Park and
10 Norwood. Having looked at the new lines not only
11 if our assembly district still gerrymandered but
12 you have also sliced our neighborhood with the
13 proposed lines for the 33rd and the 34th senatorial
14 districts. These new lines are totally
15 unacceptable to our community residents.

16 If you look at the lines for the 34th
17 senatorial district you will notice that the
18 district covers the east Bronx and the Riverdale
19 area. We see no reason for it to take a few
20 buildings in the Bedford Park area. With these
21 lines the headquarters of our association is
22 located in the 34th district while most of our
23 members reside in the 33rd district. I ask of
24 what benefit is there to when an elected official

1 Demographic Research and Reapportionment, 1-31-2012

2 or a community to take these three blocks from
3 the middle of the 33rd district and place it into
4 the 34th senatorial district? The district needs
5 to be co-terminus and not carved and divided as
6 done ten years ago and now more so with these
7 proposed lines. We are in favor of the
8 governor's demand for independent redistricting.

9 It is evident by your work that unless a
10 non-partisan committee is established for this
11 task our community would be again sliced and
12 diced to the local needs and concerns. So
13 actually what has happened is the 34th takes in
14 the east Bronx, a good part of Morris Park, it
15 heads west. When it gets to Bedford Park it
16 picks up a couple of buildings here and there,
17 they're not contiguous, and then it jumps over to
18 Riverdale. So we are asking to remain within the
19 33rd as we've been and as we are now so that we
20 can work as a neighborhood.

21 MALE VOICE: What number assembly
22 district - - ?

23 MS. STRONCZER: Right now I'm in the
24 80th.

1 Demographic Research and Reapportionment, 1-31-2012

2 MALE VOICE: In the proposed?

3 MS. STRONCZER: No in the current 80th.

4 I have to look at the maps again because I'm
5 hearing stories that I'll be in the 78th. Our
6 assembly district along Moshulu is sliced and
7 diced. It has been for ten years and that's why
8 I spoke at the last hearing. And now we're
9 sliced and diced both in the Senate as well as
10 the Assembly and it's not helping our community.
11 So I would appreciate anything you could do to
12 help us out especially within the 33rd there
13 because we have different buildings that are
14 really several blocks away that were picked up.
15 I don't know why, I mean if Bedford Park is going
16 to be in the 34th fine but then keep us together
17 as a neighborhood. Don't just pick up a building
18 here or a building there then go up to Norwood
19 and pick up a few more buildings.

20 So whatever you can do would be
21 appreciated and I thank you for this opportunity
22 to speak.

23 SENATOR NOZZOLIO: Thank you for your
24 testimony. Marcia Pavlicka [phonetic], Marcia?

1 Demographic Research and Reapportionment, 1-31-2012

2 MS. MARCIA PAVLICKA, : I'll answer to
3 anything. Good afternoon. My name is Marcia Ann
4 Pavlicka. I'm a homeowner and a taxpayer in the
5 northeast section of the Bronx known as Country
6 Club between Eastchester Bay and I-95. My
7 assembly district is 82, Mike Benedetto. My
8 senatorial district is 3-4, Jeff Klein.

9 What we have is a tightly knit
10 community, fully developed with one, two and
11 three-family homes, similar in density to our
12 neighboring communities, banding together with
13 like concerns, interests, and also like problems.

14 Within our group of communities are
15 Pelham Bay, Throg's Neck, Spencer Estates, Locust
16 Point, Schuylerville, Ferry Point and our
17 neighbors to the west, Morris Park. These
18 communities believe in a viable merchant and
19 shopping area, be it on Tremont Avenue in Throg's
20 Neck, Westchester Avenue, Westchester Square or
21 the Morris Park community. Our commonality
22 includes our concerns regarding overdevelopment
23 and illegal conversions within the 34th precinct,
24 I'm sorry, the 34th district.

1 Demographic Research and Reapportionment, 1-31-2012

2 We have had through these years, the
3 support and the assistance of our State Senator
4 Jeff Klein, most recently understanding our need
5 for quality of life issues such as foreclosures,
6 graffiti removal and the loss of proper bus
7 service to establish communities to shopping
8 strips and to medical facilities.

9 The senator has spearheaded efforts on
10 each of these issues. In my opinion the proposed
11 reapportionment lines require tweaking to
12 preserve those communities with established and
13 viable commonalities and with strong allegiance
14 to each other. Geographically the proposed lines
15 should reflect not only the established community
16 and its commonality but also co-terminality. One
17 of the tweaks would be to keep Morris Park
18 together.

19 Our commonality and our strength have
20 been and will continue to be the socioeconomic
21 tie that binds us and preserves the quality of
22 life in our community. We rely on each other, we
23 work hand in hand with each other because of our
24 commonality. We look inwardly to resolve our

1 Demographic Research and Reapportionment, 1-31-2012

2 problems and concerns.

3 We the Bronx are proud to say that we
4 live in the 34th senatorial district of the State
5 of New York.

6 SENATOR NOZZOLIO: Thank you very much.
7 J.P. Sean Coffee.

8 MR. J.P. SEAN COFFEY, BOARD MEMBER
9 COMMON CAUSE NEW YORK: Good afternoon my name is
10 Sean Coffee. Thank you for the opportunity to
11 testify this afternoon. I currently serve as a
12 member of the Board of Common Cause, New York.
13 I'm happy to have this opportunity to testify
14 about a matter that goes to the core of how our
15 representative democracy should operate, drawing
16 districts that best serve the collective
17 interests of our citizens instead of the self-
18 interest of our politicians.

19 I'm here today because the district maps
20 drawn by LATFOR fall shockingly short of what the
21 people of New York deserve and represent a
22 brazen, broken promise by a majority of the
23 Assembly and the Senate. I've submitted my
24 remarks in print so I won't read them verbatim

1 Demographic Research and Reapportionment, 1-31-2012

2 now but I would like to allude to a couple
3 things. In particular --

4 SENATOR NOZZOLIO: [Interposing] Sean I
5 don't meant to interrupt you but Common Cause
6 testified yesterday in Albany and will probably
7 testify several times across the state. And when
8 I spoke to Sue Lerner [phonetic] yesterday we
9 have the formal statement so if you could
10 emphasize the areas that might be slightly
11 different -- we don't want to do a rerun of the
12 exact same transcript of what was ready
13 yesterday.

14 MR. COFFEY: That's fair; that's what I
15 intend to do.

16 SENATOR NOZZOLIO: Thank you.

17 MR. COFFEY: I'm going to start with
18 something that's a bit personal then I'll talk
19 about specific districts. I'd like to begin by
20 going back two years to when I ran as a candidate
21 for the democratic nomination for attorney
22 general of our state. Like many candidates for
23 office in 2010 I was asked to sign a pledge that
24 would commit me to support an independent

1 Demographic Research and Reapportionment, 1-31-2012

2 redistricting process after the 2010 census.

3 Now I had previously put out a detailed
4 reform agenda that included that very point, so
5 the fact that I would sign that pledge was a
6 foregone conclusion. But I remember thinking
7 long and hard about whether I would put my
8 signature on a written pledge that would create a
9 solemn contract between me and the voters, a
10 commitment that I, if elected, would be honor
11 bound to fulfill. I signed the pledge, as did
12 the vast majority of the other candidates eager
13 to assure the voters that they too understood the
14 need to end the insidious practice of
15 gerrymandering.

16 Now I came up short in my campaign so I
17 never got the opportunity fulfill my pledge, but
18 a healthy majority of those elected to each house
19 of the legislature had signed the pledge, and so
20 like many other private citizens I looked forward
21 to those majorities fulfilling their pledge to
22 the voters.

23 It was not to be. The failure of the
24 legislature to keep the members' sworn promise to

1 Demographic Research and Reapportionment, 1-31-2012

2 refer the drawing of district lines to an
3 independent non-partisan committee was a cynical
4 breach of trust even by the low standards that
5 New Yorkers have come to expect of Albany
6 politicians. While legislators had ignored their
7 commitment to an independent commission and opted
8 yet again to draw the lines themselves one would
9 have hoped that this task force would have
10 mitigated that harm by drawing the new lines in a
11 manner that at least approximated what an
12 independent commission would have done.

13 Unfortunately the draft maps produced
14 to-date by this committee have poured salt in the
15 wound because the lines are clearly the product
16 of highly-partisan gerrymandering of the worst
17 degree. I'd like to turn to a couple specifics,
18 leaving the balance of my interim remarks to what
19 I've submitted.

20 When it became clear last year that the
21 legislature was going to turn its back on the
22 promise we at Common Cause commissioned the
23 drawing of independent maps. Those maps were
24 published in December, they're available for the

1 Demographic Research and Reapportionment, 1-31-2012

2 public, they're on the internet, on the website
3 and they've drawn favorable reviews from those
4 who are paying attention to this. I should note
5 that the reform plan would address virtually
6 every comment we've heard so far today. It keeps
7 Morris Park together, the Van Nest area together,
8 the communities of interest because that's the
9 criteria we used.

10 I should also note that we saw
11 opportunities to enhance minority representation
12 in every borough and address the malapportionment
13 between New York City and upstate that each
14 majority party manipulates to its advantage.

15 I do have comments about the Assembly
16 but since time is short I'd like to turn to a
17 couple of specific districts regarding the state
18 Senate. For example, and by the way I refer to
19 maps that are attached to my submitted testimony
20 so I apologize to those assembled that I don't
21 have blow-ups of the maps. But let's talk about
22 Senate District 29.

23 It now runs from the South Bronx across
24 the Harlem River into East Harlem in a jagged

1 Demographic Research and Reapportionment, 1-31-2012

2 shape that then continues across Central Park
3 into the west 70s of the upper west side. Now
4 Common Cause, when we put out our maps provided
5 clear written justification for each district we
6 drew. LATFOR did not do so and perhaps it's
7 because there is no rational reason for the shape
8 of SD 29, or SD 32 for that matter, which extends
9 like four, like an alien's space invaders, four
10 appendages across the South Bronx with no regard
11 for neighborhoods or communities.

12 Similarly the draft Senate District 34,
13 a district which currently loops into Southern
14 Westchester in a donut around SD 36 now it jumps
15 across Bronx Park to connect Riverdale with a
16 narrow corridor all the way into East Bronx and
17 then all the way around Mount Vernon into parts
18 of Southern Westchester. To look at it it looks
19 like a pinwheel, not a contiguous process.

20 Now I would say that in comparison the
21 Common Cause reform maps also do a good job of
22 creating a new fifth majority Hispanic district.

23 I'll close with talking about SD 37 in
24 Westchester. We're not going to have a hearing

1 Demographic Research and Reapportionment, 1-31-2012

2 in Westchester; you're not going to have one
3 there despite the fact that Hudson Valley is one
4 of the fastest-growing areas of the state in the
5 last few years so let me talk about Westchester
6 since we're close. The new SD 37 was clearly
7 drawn to maximize the opportunity for the
8 Republicans to take a seat currently held by a
9 Democrat. The shape of that district is
10 atrocious. It bobs and weaves, trying to pick up
11 every group of conservative voters in the area
12 and is a great example of why these maps should
13 be rejected by the governor. I understand that
14 one of the takeaways from this series of hearings
15 is to tweak; you can't tweak these. You have to
16 start over; they're just so clearly drawn for
17 partisan advantage. I'd recommend that you start
18 with the Common Cause maps which were drawn by a
19 panel of experts and academics without any
20 illusion to where incumbents lived or how it
21 would affect the makeup of either of the houses.

22 So with that I'd be happy to answer any
23 questions.

24 ASSEMBLY MEMBER MCENENY: The Common

1 Demographic Research and Reapportionment, 1-31-2012

2 Cause maps, and those are -- and I'm a member of
3 Common Cause and never took Mayor Koch's pledge.
4 We don't have a high opinion of his opinion on
5 occasion in Upstate New York. But the Common
6 Cause maps, and I went to Sue's presentation with
7 the Albany Institute last night which is great
8 they look wonderful. They have the straightest
9 lines in the world.

10 MR. COFFEY: It can be done, sir.

11 ASSEMBLY MEMBER MCENENY: No it can't be
12 done. You broke the constitution and they've
13 been promising us that they will send us the
14 block on border changes, particular down here in
15 the City of New York and you're going to have
16 little ragged edges if you're going to be
17 constitutionally correct.

18 Well one of the things that's being
19 worked on is a change in the constitution which
20 could eliminate block on border and town on
21 border in some areas so that we weren't forced to
22 do some of the jagged things that you will have
23 to do. We have been promised for LATFOR the
24 revised maps, the ones that have block on border

1 Demographic Research and Reapportionment, 1-31-2012

2 like we're obligated to do and like the law will
3 be obligated. We have yet, as of this morning,
4 not received the Common Cause maps that are
5 constitutionally passable. We are really looking
6 forward to them.

7 MR. COFFEY: Well to the extent that
8 Common Cause drew a straight line, and when you
9 comply with the provision you talked about it
10 will not be slightly ragged along that line; that
11 is a far, far different situation than the
12 projecting of narrow, just geographic grasping of
13 a community here and a few blocks over there.
14 There is a blog, I'm sure you're all aware of it
15 about naming some of the districts and it's not
16 because we split -- blocks were split or didn't
17 have to be split. It's because there was a
18 concerted effort to reach out for groups of voters
19 that would enhance the opportunity for an
20 incumbent to return to Albany or to enhance the
21 opportunity of picking up a seat that may be at
22 play.

23 SENATOR NOZZOLIO: So let me understand
24 this, Mr. Coffey, you're against bridging a

1 Demographic Research and Reapportionment, 1-31-2012

2 community here or there; you're more likely to
3 support lines that are rectangular or in effect
4 don't unite a community on one side of a borough
5 with another side, is that what you're proposing?

6 MR. COFFEY: I certainly think there are
7 ample opportunities to keep communities of
8 interest together as contiguously as possible but
9 you can't defend the seat that's currently drawn
10 for SD -- excuse me, let me get the right number
11 -- 34, which unites Riverdale and the Throg's
12 Neck section of the Bronx. That doesn't make any
13 sense to put those together. Right? I'm sorry --
14 34, yeah, SD 34, which is connected by -- I mean
15 Senator Klein, if he's the incumbent, could lie
16 across the bridge between the two communities he
17 could probably have his feet in SD 36 in his head
18 and SD 32 and he'd cover --

19 ASSEMBLY MEMBER MCENENY: Is that the
20 district that unites Morris Park, that half a
21 dozen people before you just came to testify in
22 support of?

23 MR. COFFEY: No I think that's the one
24 that actually doesn't do that. The Common Cause

1 Demographic Research and Reapportionment, 1-31-2012

2 maps keep it together, but right now as drawn by
3 LATFOR SD 32 and SD 34 and SD 33 break up that
4 part of the Bronx, am I right? Yes, I'm correct.
5 And so --

6 SENATOR NOZZOLIO: The Senate. You just
7 testified for the Senate that said they didn't do
8 that. People from Morris Park indicated that the
9 senate district did not sever this line.

10 MALE VOICE: [Off mic conversation].

11 SENATOR NOZZOLIO: I'd like to shift
12 gears a second. The Senate has considered and
13 voted upon a constitutional amendment to
14 establish independent redistricting, meaning
15 independent from the legislature, that it was a
16 contention by many that that was the more
17 appropriate avenue to ensure that there would be
18 compliance with the constitution and in fact an
19 independent body would be established. Are you a
20 member of the New York State Bar?

21 MR. COFFEY: I sure am, proud member.

22 SENATOR NOZZOLIO: Are you a member of
23 the New York City Bar?

24 MR. COFFEY: I am, City Bar Association.

1 Demographic Research and Reapportionment, 1-31-2012

2 SENATOR NOZZOLIO: And I refer you to a
3 New York City Bar Association report that was
4 developed five or six years ago that said the
5 only genuine way, or certainly the best way to
6 establish independent redistricting was through a
7 constitutional amendment. And that was a report
8 not of the Senate, not of the minority or
9 majority, it was a report of the Bar Association.
10 So I know you're pretty pejorative in your
11 comments regarding the legislature's handling of
12 this issue but I believe strongly, as I took an
13 oath of office to defend the constitution of the
14 State of New York as well as the constitution of
15 the United States that in order to best establish
16 independent redistricting we needed to have a
17 constitutional amendment that is something still
18 hold can happen and that it would be established
19 in the future.

20 MR. COFFEY: But Senator the opportunity
21 to do the right thing for ten years from now is
22 no excuse to do the wrong thing in 2012. You can
23 do the right thing this year, and we'll have to
24 see what the constitutional amendment looks like.

1 Demographic Research and Reapportionment, 1-31-2012

2 I certainly when I signed the pledge I read it
3 very carefully and nowhere in there did I see
4 embedded when we talk about doing restricting
5 right we're actually talking about 2022. I
6 understood and I believe everyone who read the
7 pledge and signed the pledge understood we were
8 talking about doing the right thing now, which
9 you could have done if you referred this to
10 independent restricting. You chose not to do it.

11 SENATOR NOZZOLIO: You're right, it
12 could have been done in 2010, and then
13 successfully elected legisl -- which would have
14 been a constitutional amendment. And then --
15 pardon me -- and then in 2011 the next elected
16 legislature could have established that proposal
17 and it would have been before the voters and we
18 would have that by now.

19 So I think that it was certainly my
20 understanding is that there would have been an
21 independent redistricting proposal established in
22 2010 upon the return of the legislature, there
23 was a series of post-election sessions and it
24 just was not taken up in time to achieve the two

1 Demographic Research and Reapportionment, 1-31-2012

2 legislative requirements of the state
3 constitution.

4 MR. COFFEY: But I think you'll agree
5 with me, Senator, whatever we're talking about
6 with regard to a prospective constitutional
7 amendment, that should not be a license for this
8 task force to promulgate highly gerrymandered
9 districts this year. We can act to do the right
10 thing this year. You still have a chance to do
11 the right thing. You should take a hard look at
12 the Common Cause maps, we can fix the block by
13 block that you're asking for and we invite you to
14 adopt them.

15 What you have done -- you cannot tweak
16 these maps. And Albany's had a great year. As
17 somebody who ran against Albany, as someone who
18 is a reform candidate I was motivated to leave
19 private life because I felt we needed significant
20 change in Albany. You've had a good year. We've
21 got a great governor, you've done some things.
22 You risk that by the cynical effort here to have
23 politicians pick their districts, to ignore the
24 will of the people. You've already broken your

1 Demographic Research and Reapportionment, 1-31-2012

2 promise about independent redistricting. Do the
3 right thing and do this in a manner which at
4 least approximates independent redistricting.

5 SENATOR NOZZOLIO: Well I hope that your
6 comments made to the four legislators who are
7 here will also be made to the 208 legislators who
8 are not.

9 MR. COFFEY: I understand, sir.

10 SENATOR NOZZOLIO: And the two citizens
11 who are part of this committee, I know they are
12 independent, they are not elected, they are not
13 members of the Assembly or Senate and we are
14 fulfilling our legal and fiduciary
15 responsibilities that are under current law.
16 Until that law is changed, and believe it or not
17 the four of us as powerful as Jack McEneny is,
18 the four of us can't change that law by
19 ourselves.

20 So thank you very much; your comments
21 are part of the record. Anyone else,
22 Assemblyman?

23 ASSEMBLY MEMBER MCENENY: No. And in
24 fairness I was just handed a note that at some

1 Demographic Research and Reapportionment, 1-31-2012

2 point before midnight last night we received by
3 email, I think 10:30 or so we received by email
4 the adjusted lines of which we'll take a look at.

5 MR. COFFEY: All right we'll give you a
6 couple of days to adopt them. Thank you very
7 much.

8 MALE VOICE: I would just like to make a
9 comment because there was a reference made to the
10 four legislators here. We're all appointed by
11 our respective leaders and the two alleged
12 independent private citizens are also appointed
13 by the two majority leaders so there's question
14 as to how independent.

15 SENATOR NOZZOLIO: Sherry Scanlon?

16 MS. SHERRY SCANLON, PELHAM BAY MERCHANTS
17 ASSOCIATION: Good afternoon, my name is Sherry
18 Scanlon. I'm representing the Pelham Bay
19 Merchants Association. I'm a small business
20 owner in the Pelham Bay section of the Bronx
21 called the Pelham Bay Home Center. I'm here to
22 represent my merchants and my residents in Pelham
23 Bay, Throg's Neck, City Island, Morris Park,
24 Country Club, all those areas that where we stand

1 Demographic Research and Reapportionment, 1-31-2012

2 tall and stand together.

3 The current LATFOR proposed senate
4 district for the Bronx maintained communities of
5 interest that are developed over the last two
6 decades, 20 years. I understand that there has
7 been other proposal talks about creating a fifth
8 Hispanic district in the Bronx and I fear that
9 the other proposed districts should have to be
10 carved up to the point where representation by a
11 Latino would be in jeopardy, like carving up
12 Morris Park, for instance.

13 For example under the proposed lines
14 most of these communities are homeowners'
15 communities. These communities are connected by
16 transportation systems that have been developed
17 for the last two decades. Businesses both large
18 and small in these communities rely on each other
19 for survival. Senator Klein, regardless of those
20 who he represents or not has always worked hard
21 for his constituents. I know on hand that he has
22 worked with the Pelham Bay merchants to acquire
23 security camera for Keene [phonetic] Square park,
24 which we have some problems there and now the

1 Demographic Research and Reapportionment, 1-31-2012

2 people who are causing the problems are aware
3 there's a security camera. It has lessened
4 tremendously.

5 There is a commonality among the
6 neighborhoods that make us propose, make up the
7 proposed 34 senate district. I support the
8 proposed maps as drawn by LATFOR because
9 communities of interest are kept together. So
10 please don't break up our communities; keep us
11 together. That's the only way we're going to
12 stay strong. We all have the same interest, the
13 same needs and we have to stand together. Thank
14 you.

15 SENATOR NOZZOLIO: Thank you very much.
16 Kevin Alicia [phonetic]? Kevin Alicia? Marco
17 Keppe [phonetic]? Reuben Rodriguez? Reuben
18 Rodriguez? Jeffrey Greenfield? Jeffrey
19 Greenfield? Pete Healy? Pete Healy? Adaline
20 Walker? Adaline Walker? Good afternoon.

21 MS. ADALINE WALKER, COMMUNITY BOARD 7:
22 Good afternoon.

23 SENATOR NOZZOLIO: Would you be so kind
24 as to state your name for the record?

1 Demographic Research and Reapportionment, 1-31-2012

2 MS. WALKER: Hi, my name is Adaline
3 Walker, also known as Adaline Walker Santiago.
4 I'm a private citizen who has been residing in
5 the 33rd senate district for the past 32 years.
6 I'm sorry. My name is Adaline Walker and I've
7 been residing the 33rd senate district for the
8 past 32 years at 2869 Bainbridge Avenue, that's
9 between 198th and 199th Street. If you look at the
10 map, I don't know if you have it in front of you,
11 you can see my block is chopped.

12 I come here today to share how the new
13 redistricting process will disenfranchise the
14 members of my community. According to this
15 configuration I find it hard to comprehend how
16 the new senior home across the street to my right
17 will now become the 34th senate district and to my
18 left, one block over on the other side it's going
19 to be allocated as also the 34th senate district,
20 leaving my short block right in the middle in the
21 33rd district. I'm being cut off from the very
22 neighbors I have built relationships over the
23 past 30 years.

24 Therefore I want to know how this

1 Demographic Research and Reapportionment, 1-31-2012

2 revised plan will be able to effectively unite us
3 to attain the proper resources to empower our
4 area in the fields of economic development,
5 education, health, land use, youth and senior
6 services, transportation, sanitation, safety and
7 for us to join in making long-term plans for our
8 community. This revised plan leaves me and my
9 neighbors isolated from one another.

10 This is a major civil rights issue for
11 our community. I am requesting that the governor
12 act promptly and veto the proposed maps in order
13 to protect our community. I want the Bedford and
14 Norwood sections of the northwest Bronx
15 communities to become united and reviewed by an
16 independent body to ensure that as a community we
17 have the same elected leadership. This is the
18 only way that our community will have equal
19 representation coupled with opportunities for the
20 betterment of our community. We share similar
21 interests, goals and aspirations for our
22 community and this plan eliminates that.

23 I just want to add, besides what I have
24 written that these are individuals that my three

1 Demographic Research and Reapportionment, 1-31-2012

2 children grew up with. These are families I've
3 known for a big portion of my life. And since
4 2010 I have served as a member of the Community
5 Board 7 and in October 2010 became the elected
6 first vice chair for I'm an Individual Who Cares,
7 and advocates for my community. And to encounter
8 such inexplicable configurations to divide my
9 legislative district is totally unjustified.

10 I ask that you consider my
11 recommendation for an independent process to
12 reconfigure my area to keep our area as a 33rd
13 district united under one leadership of Senator
14 Gustavo Rivera [phonetic] who's been very
15 dedicated in supporting our needs of our
16 community. And this is predominantly a Hispanic
17 community and so we're asking you to listen to
18 our request. Thank you very much.

19 SENATOR NOZZOLIO: Thank you. Al
20 Chapman? Al Chapman?

21 MR. AL CHAPMAN, KINGSBRIDGE HEIGHTS
22 NEIGHBORHOOD IMPROVEMENT ASSOCIATION: Good
23 afternoon. My name is Alan Chapman, I live at
24 2875 Sedrick [phonetic] Avenue in the Bronx. And

1 Demographic Research and Reapportionment, 1-31-2012

2 I'm president of the board of directors of the
3 Kingsbridge Heights Neighborhood Improvement
4 Association. We're a non-profit organization
5 dedicated to empowering our community.

6 I welcome the opportunity to testify
7 before the committee today and register my
8 complaints, my concerns about the redistricting
9 process. When I testified before the legislative
10 committee on reapportionment it was a belief that
11 the resulting lines would be drawn in such a way
12 that the various districts would be fairly drawn
13 and give each community equal representation
14 based on population. However it appears that
15 some of the assembly and senatorial districts
16 snake through strange configurations and do not
17 appear to give impartial and equal representation
18 to the communities.

19 Therefore I believe there should be an
20 independent commission appointed to tackle this
21 chore and that the district lines are drawn by an
22 independent process designed to give the voters
23 the right to choose their legislators instead of
24 the legislators choosing who they will represent.

1 Demographic Research and Reapportionment, 1-31-2012

2 I join in the request that the lines be drawn to
3 fairly represent the communities of interest in
4 conformance with prevailing laws and
5 constitutional requirements. Thank you.

6 SENATOR NOZZOLIO: The Honorable Chuck
7 Lesnick.

8 MR. CHUCK LESNICK, PRESIDENT CITY
9 COUNCIL CITY OF YONKERS: Thank you Senators,
10 Assemblymen, distinguished members of the task
11 force. My name is Chuck Lesnick, I'm the Yonkers
12 City Council President and I'm here with Ellen
13 Hendricks testifying on the 35th senate district
14 here in the Bronx because unlike five of the six
15 largest cities in New York State, Yonkers the
16 fourth largest does not have a hearing scheduled
17 in the city of Yonkers, in fact there is not one
18 scheduled in Westchester County or anywhere else
19 in the lower or Mid-Hudson Valley.

20 Yonkers is a city of some 200,000
21 people, the fourth largest city in New York
22 State. We have a school district that services
23 26,000 students and growing. Approximately one
24 half of our local population is non-white, 45

1 Demographic Research and Reapportionment, 1-31-2012

2 percent of our households speak a language at
3 home that is other than English. Just under 14
4 percent of our residents live below the poverty
5 line but 72 percent of our schoolchildren come
6 from those families.

7 I'm concerned that if the proposed
8 senate districts are adopted Yonkers could lose
9 its strong voice in the New York State Senate, as
10 a result lose out on the very much needed school
11 aid that has historically been restored by a
12 powerful voice in the Senate.

13 For many years most of Yonkers has been
14 in one senate district and that senator, whether
15 it by Chippy Flynn [phonetic], Nick Spano, or
16 Andre Stewart Cousins [phonetic] has worked hard
17 to advocate on matters that concern the city.
18 The proposed lines as they now stand would split
19 Yonkers down the middle into two sections in such
20 a way that Yonkers would no longer hold a
21 majority in either district and thus weaken our
22 representation in Albany.

23 While I have no doubt that Senator Andre
24 Stewart Cousins who currently represents the 35th

1 Demographic Research and Reapportionment, 1-31-2012

2 district will continue to work for us with the
3 same dedication and professionalism the next
4 senators from the districts that include a
5 divided Yonkers might not have that same
6 interest. Furthermore the senate district that
7 encompasses the east side of Yonkers represents
8 the area of the city with the lowest percentage
9 of public school children in the area where the
10 constituents are typically less concerned with
11 the funding of our public schools. Dividing a
12 city that has spent significant effort in uniting
13 its neighborhoods make no sense.

14 Currently 75 percent of our
15 schoolchildren come from the southwest section of
16 the city; we must not and cannot afford to lose
17 our voice in Albany to speak up for our kids.
18 While partisan politics clearly drove these
19 proposed lines the results are constitutionally
20 flawed and the representation of cities like
21 Yonkers, which we weakened in the attempt to
22 illegally create a new senate district. The
23 Yonkers city needs and requires a state senate
24 that puts most if not all of Yonkers into one

1 Demographic Research and Reapportionment, 1-31-2012

2 district. See I [phonetic] identified the
3 program Assemblyman, identified the problem,
4 identifying the solution. I hope you understand
5 our situation and will agree accordingly. Thank
6 you.

7 MS. ELLEN HENDRICKS, ON BEHALF OF MARY
8 JANE CHIMSKY: Chairman Nozzolio, Chairman
9 McEneny, members of the New York State
10 Legislative Task Force on Demographic Research
11 and Reapportionment. I'm Ellen Hendricks. I am
12 reading a prepared statement from Legislator Mary
13 Jane Chimsky.

14 "Good afternoon. My name is Mary Jane
15 Chimsky. I am the Westchester County Legislator
16 for the 12th legislative district which is
17 comprised of the southern two-thirds of the Town
18 of Greenberg abutting Yonkers in some parts. I
19 also chair the Sawmill River Storm Water Advisory
20 Board, otherwise known as SWAB, a body formed
21 pursuant to the laws of Westchester County which
22 is charged with the task of banding together the
23 communities of the Sawmill River basin to improve
24 storm water management. My legislative district,

1 Demographic Research and Reapportionment, 1-31-2012

2 along with certain other country legislative
3 districts are contained within the existing 35th
4 state senate district.

5 "I am offering this testimony today to
6 express my disappointment and dismay at the
7 redrawing of the district's lines. As currently
8 drawn the 35th senate district functions well but
9 changing the district's orientation from north-
10 south to east-west is bad public policy, pure and
11 simple. The 35th senate district as it exists
12 today is compact. It respects municipal borders,
13 it is diverse, and there is a real commonality of
14 interest among its communities.

15 "It is vital to remember that
16 Westchester County is oriented from north to
17 south and not from east to west. Our major
18 rivers flow from north to south, most of our
19 major highways and most of our mass transit run
20 from north to south befitting our historical
21 relationship with New York City.

22 "Our existing state legislative
23 districts makes sense because the Hudson River
24 borders our municipalities, the Sawmill River,

1 Demographic Research and Reapportionment, 1-31-2012

2 the Sawmill River Parkway, the New York State
3 Thruway, the Hudson line and the Metro North
4 commuter railroad all run through these
5 communities.

6 "Many of the issues my constituents have
7 with state government concern these rivers and
8 transportation arteries. This commonality of
9 interest stands in marked contrast with the new
10 lines proposed by the majority party in the state
11 senate, making this an east-west district running
12 through Scarsdale all the way to New Rochelle
13 makes no sense, as Greenberg and the villages
14 therein have more in common with the Town of
15 Mount Pleasant.

16 "The recent efforts of the Sawmill River
17 SWAB to clear years of debris from the river,
18 debris which cause damming and flooding during
19 severe storms demonstrate the superiority of the
20 district lines as currently drawn. Right now the
21 vast bulk of the river is contained within the
22 35th state senate district. When it came time to
23 work with the State Department of Transportation
24 to clear debris from the parts of the river in

1 Demographic Research and Reapportionment, 1-31-2012

2 its right of way. One state senator was
3 responsible for dealing with DOT. This made it
4 more efficient for SWAB, DOT and the state senate
5 to deal with the issue. Flooding issues, like
6 transportation and so many other issues tend to
7 break along our north-south corridors. So why
8 should two or more state senators have to be
9 involved with each one. These lines will
10 multiple everyone's work and less will get done.

11 "As this one example demonstrates the
12 current district's commonality of interest helps
13 our communities because our legislators can learn
14 our specific issues in-depth and more single-
15 mindedly look out for our community's needs.
16 This fosters more legislative responsiveness to
17 the people of our communities.

18 "It should also be noted that keeping
19 the 35th senate district as it would be get a
20 gesture of bipartisanship as it was originally
21 drawn for a Republican and is currently
22 represented by a Democrat.

23 "Before I close I would like to add more
24 comments of more general import. First, given

1 Demographic Research and Reapportionment, 1-31-2012

2 how radically redrawn the districts in
3 Westchester County are the senate should have
4 come back to the people of Westchester to get
5 their feedback. Not scheduling a hearing in
6 Westchester under these circumstances suggest
7 that the Senate does not care about Westchester
8 residents' reaction to what has been done to
9 them, that the Senate would just impose these
10 lines on the citizens of our county. That is not
11 right.

12 "Second, while it's not surprising to
13 find a political component in even the best
14 redistricting plans this plan goes well beyond
15 the pale. These lines ignore valid public policy
16 considerations in numerous locations all over the
17 state in favor of new lines based on nothing but
18 extending the Republican majority a few years
19 longer. This is not right either."

20 Thank you for your time and attention.

21 SENATOR NOZZOLIO: Thank you very much.

22 Don Bluestone? Don Bluestone?

23 MR. DON BLUESTONE, EXECUTIVE DIRECTOR

24 MOSHULU MONTEFIORE COMMUNITY CENTER: Okay, thank

1 Demographic Research and Reapportionment, 1-31-2012

2 you. My name is Don Bluestone, I am the
3 executive director of the Moshulu Montefiore
4 Community Center. We are in the Norwood section
5 of the Bronx. I want to support what two of the
6 speakers have already said, Barbara Stronczer and
7 the representative from Community Board 7. But I
8 want to give you some history.

9 Norwood and Bedford Park are separated
10 and broken apart in this redistricting plan. You
11 have devastated this community and it has been
12 devastated for the last ten years. This is a
13 poor community, it is a designated poverty
14 district. And part of the reason it is poor and
15 has gotten poorer is the fact that it cannot
16 speak with one voice. In the 2010 census 30 --
17 I'm sorry in the 2000 census 30 percent of our
18 community were receiving some form of public
19 assistance. In the 2010 census we are close to
20 70 percent. This is a devastating statistic
21 okay?

22 If we are trying to fix and serve a
23 minority community with public services we have
24 completely failed. And as we look, somebody said

1 Demographic Research and Reapportionment, 1-31-2012

2 we're an overwhelming Hispanic community; we're
3 probably about 50, 55 percent. We are heavily
4 African American and a large growing East Asian
5 community with a remnant Jewish and Irish
6 community.

7 When the lady said she didn't understand
8 why they nursing home across the street from her
9 or down the block was put into the 34th I would
10 gather to say that probably a number of people in
11 those homes were white. When I look at the
12 blocks in Norwood that have been put into the 34th
13 because I know this community, I've been running
14 this center for over 23 years you've
15 gerrymandered buildings that have a remnant white
16 community in them. This makes no sense. You're
17 breaking our community, breaking it down
18 literally by ethnic group. Many of our buildings
19 still have majority people from different ethnic
20 and racial groups in them.

21 We used to say that our, in the last,
22 when we were broken up that our building was the
23 armpit of Riverdale; based on this I don't even
24 want to tell you what part of our body is now

1 Demographic Research and Reapportionment, 1-31-2012

2 going to be the part of Riverdale. This makes no
3 sense.

4 Now we've been lucky we've had dedicated
5 officials that try to work with us. Jeff Klein
6 used to represent part of Norwood; he always
7 worked with us. But we have one person now that
8 represents a huge part of our community, Gustavo
9 Rivera. To break up what little political
10 influence that we have you're going to destroy
11 this community. We need to work together. The
12 poverty is increasing. This violates the Civil
13 Rights Act, the Voting Act. You're creating, I
14 understand, a 63rd district upstate. We need to
15 have one person, one vote. You don't understand
16 the poverty in this community and the services
17 that this community needs. You've even taken the
18 major institutions, my community center next to
19 us, Montefiore Hospital, and put us into the 34th
20 district, not continuing to stay in the 33rd
21 district that we represent, that most of the
22 people in this district use. So we're totally
23 against this and we really ask you to relook at
24 this and keep Bedford Park and Norwood one

1 Demographic Research and Reapportionment, 1-31-2012

2 community. Thank you.

3 ASSEMBLY MEMBER MCENENY: Thank you.

4 Fernando Tirado.

5 MR. FERNANDO TIRADO: Good afternoon
6 everyone my name is Fernando Tirado. I am a
7 resident of Bedford Park. I work in Bedford Park
8 and Norwood and I have sent my children to
9 schools in Bedford Park and Norwood and I am
10 thoroughly invested in the neighborhoods of
11 Bedford Park and Norwood.

12 Dear members of the task force, thank
13 you for the opportunity to present the following
14 testimony over the proposed redistricting of the
15 Assembly and Senate districts in the northwest
16 section of Bronx County. It is the contention of
17 the resident and organizations that I've had the
18 opportunity to review the proposed districts that
19 they have not been designed in their best
20 interest. The proposals blatantly disregard
21 rules to keep districts compact and divide
22 communities needlessly, in some instances
23 separating community resources in one district
24 from the residents who use these resources into

1 Demographic Research and Reapportionment, 1-31-2012

2 another.

3 This flawed process of drawing lines on
4 a map to satisfy political interest allows
5 individuals to hand pick their constituents and
6 tear apart communities that have little knowledge
7 of or interest in actually representing, which is
8 the political equivalent of strip mining.

9 How is this process different from the
10 corporate practice of taking healthy companies,
11 selling off their assets and leaving a trail of
12 destruction behind? It isn't. It is clear to
13 everyone in this part of the Bronx who has been
14 following the redistricting process that the task
15 force has rendered a great injustice to them.
16 Below are the neighborhoods and the issues that
17 the redistricting proposal has created for the
18 task force so that they are fully aware of the
19 harm that they have done.

20 The division of Norwood and Bedford Park
21 into the 33rd and 34rd senate districts,
22 historically these close-knit communities have
23 shared the same senatorial seat, the 33rd
24 district. Now the lines are so radically drawn

1 Demographic Research and Reapportionment, 1-31-2012

2 as to offer no explanation other than allowing an
3 elected official to hand pick his constituents.
4 Both neighborhoods have a very high Hispanic
5 population whose voting strength is not diluted
6 over these two seat. In some cases the lines for
7 both districts are separated by only one block,
8 with the 33rd district nearly encircling the 33rd
9 district in several locations.

10 SENATOR NOZZOLIO: Excuse me, would you
11 be so kind as to tell me which districts you're
12 talking about? I lost your --

13 MR. TIRADO: [Interposing] I'm sorry,
14 the 33rd and 34th senate districts is one part of
15 my testimony and the other part of my testimony
16 is regarding the 78th, 80th, and 81st assembly
17 districts.

18 SENATOR NOZZOLIO: Thank you.

19 MR. TIRADO: You're welcome. In some
20 cases the lines for both districts are separated
21 by only one block with the 34th district nearly
22 encircling the 33rd district in several locations.
23 Additionally the newly-designed 34th district
24 manages to isolate two major hospitals, a

1 Demographic Research and Reapportionment, 1-31-2012

2 recreation center, a community center and other
3 major amenities for itself and exclude a majority
4 of the residents within proximity of them
5 ensuring that their voices - - that of future
6 developments in these amenities.

7 The isolation of Jerome Park into the
8 34th district, Jerome Park which consists of major
9 assets such as Lehman College, the Jerome Park
10 reservoir, Harris Field, Tracy Towers and various
11 other residents to the north have also been
12 historically associated with the 33rd district.

13 As currently drawn this neighborhood is
14 removed from but still surrounded by the 334rd
15 district in an obvious instance of gerrymandering
16 Jerome Park is now a peninsula of the 34th
17 district and nearly isolated from other
18 communities that share the same senate district.

19 The division of Kingsbridge Heights and
20 local assets between the 78th and 81st assembly
21 districts, principally located in the 78th
22 district Kingsbridge Heights, a primarily
23 Hispanic community has now been dissected nearly
24 in half. Additionally the waterfront that was a

1 Demographic Research and Reapportionment, 1-31-2012

2 part of the 78th district has been restricted
3 entirely into other neighboring districts. Once
4 again we have an example of both people in the
5 community and its resources being carved up
6 against their interest as with the 33rd senate
7 district Lehman College a long time amenity is
8 singled out and removed as are a number of
9 schools that have been historically associated
10 with the 78th district which local children still
11 attend.

12 The 80th district's continued division of
13 the communities of Bedford Park and Norwood they
14 newly resigned district still split Norwood in
15 nearly half and retains a handful of blocks in
16 Bedford Park thereby ensuring that these small
17 communities have diminished capacities to elect
18 someone who could best represent their interest.
19 In area these two neighborhoods reflect
20 approximately 15 percent of the total area and
21 less than a third of the total population of the
22 80th district. This is a formula for political
23 disenfranchisement and is part of the reason why
24 voter turnouts are so low and voters tend to be

1 Demographic Research and Reapportionment, 1-31-2012

2 pessimistic about the election process.

3 Additionally many of the proposed
4 changes appear to be based on the volume of voter
5 turnout in any one particular election district
6 outside of the neighborhood context. This offers
7 an even more tempting incentive to incumbents to
8 handpick their constituents without regards to
9 the needs of the community as a whole. Unless
10 the task force heeds this plea and agrees to
11 redraw the lines in a fairer manner that empowers
12 communities rather than destroys them residents
13 in the northwest Bronx should must emphatically
14 reject the current proposal and call upon the
15 governor to appoint a non-partisan independent
16 redistricting commission to right this wrong.

17 I just want to also say what is not
18 included in my testimony that I've heard many
19 people before me talk about wanting to support
20 the 34th district. And it's okay to support your
21 district. Everybody deserve the right to support
22 their district. However in the supporting of
23 your district you're going to disenfranchise
24 another district and you don't see the obvious,

1 Demographic Research and Reapportionment, 1-31-2012

2 that you would not want that same issue to happen
3 to them. I think that it's a disservice to the
4 people of the Bronx and to people in communities
5 as a whole.

6 So that is my testimony thank you very
7 much.

8 ASSEMBLY MEMBER MCENENY: Thank you.
9 Greg Lobo Jost.

10 MR. GREG LOBO JOST: Hi, good afternoon.
11 My name is Gregory Lobo Jost, I'm a Bronx
12 resident. I live in one of those buildings in
13 Norwood that Don Bluestone was referencing that I
14 guess has a legacy of a lot of white folks who
15 still live in it and we got drawn out of the 33rd
16 senate district and into the 34th in a very
17 bizarre shape. I also work nearby in the
18 Fordham-Bedford neighborhood and have been
19 involved with a lot of mapping work and pay
20 attention to a lot of the different districts and
21 would also reiterate that Norwood and Bedford
22 Park, as folks have been saying, you've been
23 hearing, have been divided up consistently in the
24 assembly districts and we felt good about our

1 Demographic Research and Reapportionment, 1-31-2012

2 state senate district and now folks are really
3 frustrated because all of our districts were
4 divided up and that's really why you're hearing
5 from a bunch of us.

6 So really that's the one point I want to
7 make is that our neighborhoods were not respected
8 at all in this process and the other one is that
9 I'll get to in a second is just about the
10 upstate-downstate division in deviation.

11 So in terms of the neighborhoods being
12 carved up I just want to point out something that
13 was I read in the newspaper last week where
14 Assemblyman Jeff Dinowitz was cited in the
15 Riverdale Press, he said Assemblywoman Naomi
16 Rivera -- this is the 80th assembly district that
17 kind of cuts through where I live also that she
18 wanted to keep Tracy Towers in her district,
19 which might explain some of the odd turns in the
20 district lines. And so I don't know, reading
21 this I'm thinking, "Wow, okay so I'm one of the
22 people that lives on that little stretch between
23 -- " you know, she's representing Morris Park
24 that everyone was talking about before and then

1 Demographic Research and Reapportionment, 1-31-2012

2 she wants Tracy Towers which is this 800-unit
3 Michelama [phonetic] building kind of on the
4 other end of Moshulu Parkway and all of us in the
5 middle of Moshulu Parkway, which is in between
6 the neighborhood that everyone else was talking
7 about, Norwood and Bedford Park are basically
8 collateral damage in her wanting to put that in
9 her district.

10 And so why is somebody who's an elected
11 official picking who's in her district and then
12 we just get drifted along with it and it just
13 seems like completely upside down that they're
14 picking who they want and, "I want that
15 building," and so what about us? I mean it's
16 just like we're completely disrespected in the
17 process. It just seems we're supposed to pick
18 our politicians, not the other way around.

19 As for the state senate district we've
20 also been talking a lot about the 33rd and 34th
21 districts not surprisingly because as I put in my
22 testimony just kind of try to get the outline in
23 white of the district it's like words cannot
24 describe what this district looks like. I don't

1 Demographic Research and Reapportionment, 1-31-2012

2 even know; I can't even begin to think like what
3 shape this is.

4 Right now like I said I live in one of
5 the buildings. I was in -- I am currently still
6 in the 33rd senate district but my building was
7 added on as a little tiny thing hanging down on
8 the 34th district. On my way to work I walk less
9 than 15 minutes to work. I'll leave my district,
10 enter, leave the 30, well in the new proposal I
11 would leave the 34th district, enter the 33rd, go
12 back into the 34th, go back to the 33rd on my way
13 to work and be switching districts five times on
14 my way to work. I mean this is just like it's
15 absurd. I mean I don't know is it just because
16 people are trying to keep their -- the incumbents
17 want to keep their own districts? I don't know
18 the real reason. Is it because they want to keep
19 as many white people in the Bronx in one district
20 as possible? I don't know. It might be. I
21 can't think of another reason; maybe someone else
22 can inform me, that'd be great.

23 So the second point that I wanted to
24 make was about this pattern of deviation. So I

1 Demographic Research and Reapportionment, 1-31-2012

2 found this map online, it's also here where they
3 show you the difference between -- you guys know
4 all this stuff; I don't even have to tell you.
5 All the districts upstate have like between four
6 and five percent less than the average of each
7 senate district and all the downstate districts
8 even including -- you know, have more, and New
9 York City all has between -- every single
10 district has been three and four percent more
11 than the average, right? So we've completely
12 violated the idea, it's so systemic, right, that
13 we've violated the idea of one person, one vote.
14 If it was kind of scattered, I mean I understand
15 the concept you have to make it work but this is
16 so systemic it makes me think of redlining and
17 what happened to our communities and the Bronx
18 was incredibly devastated by redlining, you know,
19 like with loss of investment and everything.
20 This is -- I just -- it's hard for me to separate
21 this out, like not to think about redlining when
22 I think about -- when I look at these maps.

23 So I don't know, all I want to say I
24 guess in conclusion is just that maybe we should

1 Demographic Research and Reapportionment, 1-31-2012

2 just thank whoever drew these lines because
3 they're so obvious that this partisan system
4 doesn't work and maybe we have to have
5 independent redistricting, I mean this, the lines
6 that were drawn to me makes the biggest case that
7 I can think of. I couldn't make such a good case
8 for independent redistricting as the lines - as
9 what I've seen between the deviation and the like
10 the absurdity of the district lines. And that's
11 all.

12 Thank you very much for this opportunity
13 to testify once again.

14 SENATOR NOZZOLIO: Jack Barth? Jack
15 Barth? Jose Diaz? Jose? Mr. Diaz?

16 MR. JOSE DIAZ: Yes good afternoon
17 everyone and I am really not prepared to actually
18 testify but I'll be brief. I live at Reservoir
19 Place which is part of the 33rd district. And I
20 would like actually to give everyone a chance,
21 actually the residents, the people who do not
22 have a chance, like myself, to actually select
23 what they want, not to have someone because of
24 power, because of their position which will

1 Demographic Research and Reapportionment, 1-31-2012

2 actually dictate as to what they want, like a
3 couple of the previous speakers mentioned before
4 it's something that would be unfair.

5 I'm a little guy, just like most of us
6 that you see here. All we want is a fair shake.
7 We don't want anything broken up that has been
8 actually of service to us like the Montefiore
9 Center and other facilities that we have in the
10 area.

11 I'm not going to take too much time
12 because I know there is a lot of people that
13 would like to speak. But off the top of my head
14 all I want is actually to give us a fair shake if
15 that's not much to ask. And thanks to each and
16 every one of you if you consider that I'm saying
17 it's just very simple. Thanks again.

18 SENATOR NOZZOLIO: Thank you very much
19 Mr. Diaz. Lisa Sills Short? Lisa Sills Short?
20 Lorita Watson?

21 MS. LORITA WATSON, FRIENDS OF OVAL PARK:
22 Good evening.

23 SENATOR NOZZOLIO: Good afternoon.

24 MS. WATSON: - - afternoon; it's almost

1 Demographic Research and Reapportionment, 1-31-2012

2 there. I'm ready. Hello my name is Lorita
3 Watson, I am -- I live in the Norwood area of the
4 Bronx, born and raised Bronx Heights [phonetic].
5 I would like to state that I'm also a Friends of
6 Williams Bridge Oval, a recent \$80 million
7 renovation project in the northwest of the Bronx
8 and it's actually a small park, a 25-acre park.

9 This proposed map divides our community.
10 If you look at it the 34th district will be the
11 west side, as currently it's the 33rd altogether
12 now and the east side of the park will be the 33rd
13 district. It pretty much looks like the boot of
14 Italy with just color differentiation. Remember
15 our Social Studies, that's how we knew what was
16 what. It's still I believe Barbara spoke on it
17 still Norwood-Bedford area.

18 As we build further out of community in
19 our park we have had continuous leadership and a
20 big part of what helped us bail out the park
21 while we were doing this we had leadership from
22 Senator River, Councilman Capelle [phonetic] and
23 Assemblyman Dinowitz and we had much assistance
24 from them in just one district.

1 Demographic Research and Reapportionment, 1-31-2012

2 Much of what we have accomplished in our
3 park and surrounding neighborhood because of what
4 we have accomplished we became a model for the
5 friends of -- a community group that supports our
6 community and it's a very diverse community and
7 getting other people involved and different areas
8 has been a big part of it.

9 And as we look to extend to the
10 community, the park area and the libraries and
11 the rest we need continuous representation. The
12 park is a gem in our neighborhood and we need for
13 it and the surrounding area to be part of one
14 district, the 33rd, which also covers Bedford and
15 Moshulu areas, as I said, who we now have a
16 working relationship with Bedford. So it's very
17 good for our two communities to stay together and
18 we want this to be the case and that's basically
19 what I wanted to say, and that you need to really
20 think about what you're doing here. The areas,
21 up Montefiore, up Gunhill [phonetic] Road and the
22 rest, we are a community and we want to stay a
23 community and as we build out and look at the
24 resources that we use from MPC, which is Moshulu

1 Demographic Research and Reapportionment, 1-31-2012

2 Preservation Corporation there's a lot of
3 community involvement and we want to keep it
4 going. Thanks you.

5 SENATOR NOZZOLIO: Thank you very much.
6 Bernice Williams? Bernice Williams? Wes
7 Williams? Wes Williams? Aria Khury? Aria
8 Khury? K-H-U-R-Y. Emil Gomez? Emil? Mr.
9 Gomez.

10 MR. EMIL GOMEZ, COMMUNITY BOARD 7: Good
11 afternoon.

12 SENATOR NOZZOLIO: For the record, sir,
13 please state your name.

14 MR. GOMEZ: My name is Emil Gomez, I
15 believe I still live in the 33rd senate district.
16 I have to consult the map; I'm not really sure at
17 this moment. I found out about this hearing over
18 the weekend. I wrote a statement by hand;
19 unfortunately it's not typed for you. If you
20 like I can give it to you afterwards. I have
21 edited for brevity.

22 Good afternoon my name is Emil Gomez. I
23 am a CPA and I live in the Bronx. I have looked
24 at the proposed senate districts on the LATFOR

1 Demographic Research and Reapportionment, 1-31-2012

2 website. While being an accountant I marvel at
3 the allocation of populations within the proposed
4 districts. The system in which they were derived
5 must be called into question. When I look at the
6 proposed maps I compared my senate district, 33,
7 with those of the 2002 and 1992 years. Even
8 accounting for slight deviations in area size the
9 proposed 2012 map in no way resembles what it was
10 in the past.

11 This inconsistency can be attributed to
12 many things which some of the other speakers have
13 pointed out to you today. I would like to add to
14 those concerns by adding that the redistricting
15 process runs contrary to New York State law.
16 Specifically I would like to cite Article 4-100
17 of the Election Law, section 380 of the law
18 states that each election district should be in
19 compact form. Clearly by reviewing the enclosed
20 maps, which I'm sure you have, the process here
21 is failing; compact form is nowhere to be found.

22 SENATOR NOZZOLIO: Election district are
23 you talking [crosstalk]?

24 MR. GOMEZ: I'm with the 33rd district,

1 Demographic Research and Reapportionment, 1-31-2012

2 sir, and if you look at that proposed map for
3 2012 it no way resembles what it was.

4 SENATOR NOZZOLIO: But the law you're
5 quoting on election district, do you mean senate
6 district?

7 MR. GOMEZ: Senate districts, yes sir.

8 SENATOR NOZZOLIO: Thank you. The - -
9 district's another thing altogether.

10 MR. GOMEZ: Okay. All right.

11 SENATOR NOZZOLIO: Mr. Gomez just to
12 enlighten me: how far is it from -- you think
13 you live in the 33rd.

14 MR. GOMEZ: Well I live in Laurelard
15 [phonetic] Place and I believe it carves -- the
16 new map carves myself out of the 33rd district.

17 SENATOR NOZZOLIO: How far, just for my
18 own edification you said it wasn't -- the 33rd you
19 feel is not compact?

20 MR. GOMEZ: Oh no no, I believe that I
21 would like to stay within the 33rd district
22 boundaries. I believe Senator Rivera is
23 representing myself and the constituents in that
24 area very well.

1 Demographic Research and Reapportionment, 1-31-2012

2 SENATOR NOZZOLIO: I thought I heard you
3 saying; I just wanted to clarify it.

4 MR. GOMEZ: Well it seems to me that as
5 you can tell by looking at the map I can't tell
6 heads or tails whether or not I'm still part of
7 that area.

8 SENATOR NOZZOLIO: That's not the
9 question I had. I thought you made an allegation
10 that said that this district was not compact, is
11 that it?

12 MR. GOMEZ: Well compact. Again, my
13 understanding of what I read of the law says the
14 definition of an election district should be of
15 compact form, in other words it should be a
16 contiguous small width defined area. If you look
17 at the new --

18 SENATOR NOZZOLIO: [Interposing] I'm
19 looking at this district and I wonder how far is
20 it from one end to the other? You don't know?

21 MR. GOMEZ: I couldn't tell you sir. I
22 couldn't you sir but the proposed maps, if you
23 compare it from say 2012, the proposed maps to
24 what it is now to 2002 maps they differ greatly.

1 Demographic Research and Reapportionment, 1-31-2012

2 SENATOR NOZZOLIO: Thank you.

3 MR. GOMEZ: Okay. Before the proposed
4 districts are approved by the state I request
5 that responsible state government officials
6 acting independently of special interests review
7 [phonetic] the redistricting process to see at
8 least that it complies with the spirit of the
9 election law.

10 There's a second reason why the
11 redistricting process should be reviewed and the
12 source of it comes from page 23 or today's *New*
13 *York Daily News*. I ask everyone here to read it;
14 it cites an article written by a Mr. Bill Hammond
15 who quotes Assemblyman Denny Farrell and he gives
16 Mr. Farrell quotes the process by which Mr.
17 Wrangle, it cites as an example, how he got his
18 district and how that process was. So after
19 reviewing this article if that does not sway your
20 opinion of some of you today I don't know what
21 exactly will. So my point of being here is just
22 to please review the redistricting process. I
23 thank you for your time.

24 SENATOR NOZZOLIO: Thank you Mr. Gomez.

1 Demographic Research and Reapportionment, 1-31-2012

2 Cynthia Tompkins? Cynthia Tompkins? Cynthia
3 Tompkins? Marissa Estrella? Marissa Estrella?
4 Reverend Dr. Charles Gorlick? Reverend Dr.
5 Charles Gorlick? Thomas Durham? Thomas Durham?
6 Thomasina Busby? Thomasina Busby? Leon Johnson?
7 Leon Johnson? Yolanda Torres? Yolanda Torres?
8 Sharon Jarvis? Sharon Jarvis? Anthony Raviccio?
9 Anthony Raviccio? Margaret Groarchi? Margaret
10 Groarchi? Ricardo Fihardo? Ricardo Fihardo?
11 Maximo Padilla?

12 MR. MAXIMO PADILLA, DOMINICAN COMMITTEE
13 OF NEW YORK: (Speaking Spanish). Thank you. My
14 name is Maximo Padilla (speaking Spanish) (via
15 interpreter) 2675 Creston Avenue, Bronx, New York
16 10 -- I'm here representing the Dominican
17 organization from the -- I guess from Santo
18 Domingo, right? Okay, that's good.

19 Right, the Dominicans that are here from
20 the country, from Santo Domingo. So you were
21 born there but you're here. Okay go ahead.

22 MALE VOICE: It's an organization that
23 represents - - .

24 SENATOR NOZZOLIO: Are you testifying?

1 Demographic Research and Reapportionment, 1-31-2012

2 MALE VOICE: Yes.

3 SENATOR NOZZOLIO: Call them up
4 together? Would you want to come up - - with Mr.
5 Padilla? No? Mr. Padilla I apologize for the
6 interruption.

7 MR. PADILLA: Thank you. (Speaking
8 Spanish). (Interpreter): Being the president of
9 the Dominican Committee of New York it's a
10 community for northern Manhattan, Bronx, Queens -
11 - in common. The immediate increase of the
12 Dominican community, when a new congressional
13 district with a large Dominican community.

14 When a new congressional district with a
15 large concentration of Dominican Americans --
16 basically what they're saying is that the
17 Dominican community have grown tremendously and
18 it's a very powerful community and we don't have
19 representation in a federal congressional
20 district. And that reflects in our growth, and
21 the growth in our community.

22 We know that in the last century
23 reflects that the Dominican community is the
24 majority. It is unjust and I guess we want

1 Demographic Research and Reapportionment, 1-31-2012

2 justice and they want to make sure that the
3 representation and since they have the largest
4 majority -- it is not minority, it is majority,
5 that it should be represented in a congressional
6 district, they want to be sure that a
7 congressional district is designated for the
8 Dominican community. Thank you.

9 MALE VOICE: I just want to say I
10 understood everything he said.

11 SENATOR NOZZOLIO: Miguel Santana? Good
12 afternoon or good evening. Mr. Santana would you
13 please advise the panel who's up with you?

14 MR. MIGUEL SANTANA, DOMINICAN AMERICAN
15 NATIONAL ROUNDTABLE: Okay, obviously my name is
16 Miguel Santana, I represent the Dominican
17 American National Roundtable. With me I have
18 Maria Teresa Feliciano. She is the president of
19 the Dominican American National Roundtable. And
20 Nestor Montilla, Sr. He is the chair of the
21 NDAC, that's National Dominican American Council.
22 Okay.

23 SENATOR NOZZOLIO: Good afternoon.
24 Thank you.

1 Demographic Research and Reapportionment, 1-31-2012

2 MR. SANTANA: Good afternoon.

3 MS. FELICIANO: Good afternoon members
4 of the task force and thank you for the
5 opportunity to address you regarding the
6 redistricting process again. In judging by the
7 testimony today and the work that you have put
8 out you have your work cut out for you. I thank
9 you again, the first time we understand the task
10 before you is to redesign New York legislative
11 districts. And on behalf of the Dominican
12 American National Roundtable we thank you for
13 both doing this work and for the effort you're
14 putting into it.

15 Back in September I appeared before you
16 and appealed to your sense of justice and fair
17 play in the performance of your duties in
18 adjusting the lines so the New York State
19 legislature as well as the Congress to comply
20 with one person, one vote requirements for fair
21 representation in any legislative body across the
22 country.

23 I pointed out the astonishing growth of
24 the Latino population of the United States and in

1 Demographic Research and Reapportionment, 1-31-2012

2 New York State specifically, a growth that
3 according to the principles governing the
4 redistricting process should be reflected in the
5 new maps.

6 Traditionally our communities have been
7 divided for partisan and incumbency reasons. Our
8 influence has been diluted and we have been
9 unfairly subjected to substantive disadvantages.
10 Our communities - - fair representation at all
11 levels of government. We can only have this
12 representation if legislative districts are drawn
13 fairly. We proposed back in September a map for
14 District 34 that would have 60.7 percent Latino
15 population giving the ability to elect a senator
16 of their choice, or actually increasing the
17 opportunity for this to continue to happen.

18 We were somewhat disappointed that this
19 task force moved towards not increasing the
20 Latino population in this district but rather I
21 guess widening the senate district, District 31st,
22 bringing it down from its actual percentage of
23 Latino population to 56 percent. We request that
24 you reconsider and reiterate our request to

1 Demographic Research and Reapportionment, 1-31-2012

2 strengthen Latino influence in this district by
3 adding it to the Latino community from the west
4 Bronx rather than extending it south to include a
5 community that might not have as much in common
6 with Washington Heights as the west Bronx will
7 do. Additionally, and I know that this hearing
8 is addressing the maps for the Assembly and the
9 Senate but we would like to propose to you a
10 congressional district that will unite the
11 communities of the west Bronx, northern Manhattan
12 and Corona Queens, which encompasses the fast-
13 growing Dominican American populations that share
14 commonalities and challenges. Just district will
15 be an appropriate response to the tremendous
16 growth of community in New York City and can be
17 created without negatively impacting over
18 communities or violating any principles of fair
19 apportionment.

20 Another valuable benefit of creating
21 this district will be bringing people into the
22 political process that had previously been kept
23 from it and thus making government more
24 representative of the people. In a democracy the

1 Demographic Research and Reapportionment, 1-31-2012

2 principle of one person, one vote is a sacred
3 concept and if this principle is to apply in New
4 York then ensuring a greater voice for Latinos in
5 the halls of power is a challenge facing this
6 task force. We look forward to working with you
7 with this committee to contribute in your effort
8 to make sure that New York achieves fair and
9 constitutional redistricting. Thank you.

10 MR. SANTANA: Once again my name is
11 Miguel Santana, chairman of the Dominican
12 American National Roundtable and as Bronx
13 resident who lives at 3064 Bailey Avenue I want
14 to thank you for the opportunity to address this
15 body regarding the current redistricting process.

16 I request that in drawing the new
17 legislative districts in the State of New York
18 you consider communities of common interest,
19 more specifically the rapid growth of the Latino
20 population. As per the 2010 census Latinos are
21 the largest minority group in New York State and
22 the new legislative map should reflect this
23 change.

24 This approach requires the creation of

1 Demographic Research and Reapportionment, 1-31-2012

2 majority Latino districts or Latino opportunity
3 districts that will allow us to elect candidates
4 of our choice in numbers commensurate with our
5 population.

6 Until the early 1980s Hispanic
7 representation in Congress lingered in the single
8 digits. The gains in Hispanic office holding
9 during the 1980s and 1990s can be attributed in
10 part to the passage and implementation of the
11 Voting Rights Act, the VRA. The VRA facilitated
12 the establishment of numerous majority-minority
13 districts in which minority voters constitute a
14 majority of the relevant population, be it total
15 population, voting age population or citizen
16 voting age population.

17 The electoral benefits of majority-
18 minority districts became evident after the 1990
19 round of redistricting. State legislators
20 construed ten new majority Latino districts and
21 shortly thereafter seven Hispanic freshman joined
22 the House of Representatives. Justice O'Connor
23 defended this radical change in Section 5 by
24 citing five sociological studies that she claimed

1 Demographic Research and Reapportionment, 1-31-2012

2 suggested that the most effective way to maximize
3 minority voting strength may be to create more
4 influence or coalitional districts. The majority
5 minority districts remain the primary means
6 through which Hispanic communities can elect
7 their preferred candidates.

8 Today we have three communities of
9 common interest that join our Latino populations.
10 These communities are Washington Heights in
11 Manhattan, the northwest Bronx and Corona Jackson
12 Heights in Queens. The common thread that bonds
13 these communities together are the educational
14 trajectory, social consciousness and
15 entrepreneurial spirit. Collectively they fuel
16 the local economy through the development and
17 patronage of small business such as barber shops,
18 beauty salons, multi services, grocery stores,
19 supermarkets, pharmacies and car services.

20 In closing I ask you to approve a new
21 legislative map that joins the Latino population
22 of Washington Heights, the northwest Bronx and
23 Corona/Jackson Heights communities of Queens,
24 ultimately establishing a majority Latino

1 Demographic Research and Reapportionment, 1-31-2012

2 district will provide us the opportunity to elect
3 a Congress member of our choice. Thank you.

4 MR. LOPEZ: Let me ask you a question:
5 who represent this district right now? Who are
6 the congressional individuals that represent this
7 are?

8 MR. SANTANA: Well this is a district
9 that is being proposed at the time.

10 MR. LOPEZ: Right, you got to - - to put
11 it all together, so who at this point represent
12 that -- because you have it like this, right?

13 MR. SANTANA: Yes.

14 MR. LOPEZ: Okay so who represent this
15 area and let's say this area?

16 MR. SANTANA: Currently you have Crowley
17 [phonetic] in Queens; in the Bronx in terms of
18 the shape going northbound you have -- I think it
19 goes on the outskirts of Serrano [phonetic] and
20 then it goes into Wrangle.

21 MR. LOPEZ: Okay. All right. Thank
22 you.

23 MR. NESTOR MONTILLA, SR., CHAIR NATIONAL
24 DOMINICAN AMERICAN COUNCIL: Thank you. Good

1 Demographic Research and Reapportionment, 1-31-2012

2 afternoon. My name is Nestor Montilla, I'm the
3 chairman --

4 SENATOR NOZZOLIO: Do you want to suffer
5 a brief interruption? Can we please have some
6 order? Please stop the conversations. Take them
7 outside; we want to hear the speaker, give the
8 speaker respect. Thank you. Please repeat the -
9 -

10 MR. MONTILLA: Yes thank you so much.
11 Again my name is Nestor Montilla. I'm the
12 chairman of the National Dominican American
13 Council. Before I begin my testimony I would
14 like to say that today's my birthday and here I
15 am celebrating with you.

16 ASSEMBLY MEMBER MCENENY: Happy
17 birthday.

18 MR. MONTILLA: Thank you. On behalf of
19 the National Dominican American Council I would
20 like to thank you for the opportunity again
21 address the committee regarding the redistricting
22 process in New York State. We have reviewed your
23 released Assembly and Senate maps already and
24 particularly regarding senate district 31, rather

1 Demographic Research and Reapportionment, 1-31-2012

2 than increasing the percentage of Latino
3 population as we proposed back in September you
4 decreased the percentage by almost 4 percent. We
5 would like to reiterate our recommendation of
6 increasing the Latino population of senatorial
7 district 31 to include the west Bronx community
8 which shares many commonalities with the
9 remaining of the district and for reasons we
10 outlined back in our testimony in September at
11 Bronx Community College.

12 In addition to this we would like also
13 to submit for your consideration a proposal for a
14 congressional district that unites --

15 SENATOR NOZZOLIO: [Interposing] Before
16 you get to Congress would you mind an
17 interruption into your remarks? The district 31
18 that the proposed district has a Hispanic percent
19 of total of 56.32 and those of voting age
20 population are 53.72. Are you saying that that's
21 -- your suggesting that be increased? I just
22 wanted to make sure .

23 MR. MONTILLA: The Hispanic population
24 was decreased.

1 Demographic Research and Reapportionment, 1-31-2012

2 SENATOR NOZZOLIO: Decreased?

3 MR. MONTILLA: Decreased by four
4 percent, yes. We're suggesting that instead
5 of doing that --

6 SENATOR NOZZOLIO: [Interposing] But
7 currently as proposed it's -- I just wanted to
8 make sure you have the right number and we're
9 both on the same page here, that the population,
10 the Hispanic population is 56.32 percent of the
11 proposed district.

12 MR. MONTILLA: Fifty-six.

13 SENATOR NOZZOLIO: Fifty-six point three
14 two. And you're saying that that's a diminution?

15 MR. MONTILLA: Right. Based on the
16 demographics that we have right now in the
17 neighborhood as you realized the Latino
18 population grew dramatically. So the district
19 was changed somehow by taking down south to 30,
20 if I'm not mistaken, I'm not looking at the map -
21 - to 24 from 59th Street down to 24. I know that
22 part of Riverdale was removed under your proposed
23 map but instead of automatically assuming that
24 the district should grow with the population that

1 Demographic Research and Reapportionment, 1-31-2012

2 actually achieved the highest increased you cut
3 that population four percent. That's based on my
4 calculations, I mean if I'm not doing my math
5 right please I apologize for that but I think I
6 reviewed that and that's my calculation.

7 SENATOR NOZZOLIO: I'm sorry if I may,
8 Senator Dilan had just showed me that the
9 numbers, in terms of population -- thank you
10 Senator for having this with you. The Hispanic
11 population of this district is 56.32 percent. It
12 was 57.43 percent so that's less than -- our
13 number show it's less than a one percent change
14 and then the voting age population of Hispanic
15 back last time was 53.25 percent; this has
16 actually gone up; it's 53.7 percent. So I just
17 hope -- and I mean I'm not quarreling with you, I
18 just want to make sure we have the right numbers
19 and you have the right numbers, and I don't see a
20 four point difference there. Well let's do this:
21 let's table that and look into it and we'll
22 discuss who has what numbers, what reference
23 points we're using and what those current numbers
24 are. Again our numbers don't show a change.

1 Demographic Research and Reapportionment, 1-31-2012

2 MR. MONTILLA: We'll check on that and
3 adjust our testimony if that's the case and --
4 well can I ask you a question, members of the
5 committee? Would you explain to me what was the
6 rationale behind extending senatorial district 31
7 down south instead of assuming that the Latino
8 increase in term of the population north of
9 Manhattan married to the extension of the
10 modification of that district among that
11 population? Because to me the people who live
12 down south of the district right now it's totally
13 different community than the community that lives
14 in northern Manhattan. And keeping a community
15 of interest together, which is one of the
16 fundamental principles drawing maps makes me to
17 think about the rational that you utilize. Can
18 you explain that to me, just for me to understand
19 because those are two very different communities
20 to my understanding.

21 SENATOR NOZZOLIO: First of all tried to
22 minimize any changes, particularly in those
23 districts that require absolute compliance to the
24 Voting Rights Act. There were a couple of major

1 Demographic Research and Reapportionment, 1-31-2012

2 issues demographically that had to be dealt with.
3 The first is a 100,000 person loss in the black
4 community of fewer black Americans from the
5 census of 2010 versus 2000. Yet in spite of that
6 loss the voting acts require no retrogression.

7 The second issue was to keep minimal
8 changes to districts like Districts 31 and it was
9 to keep the Hispanic population as high as we
10 possibly could under those circumstances. And
11 again our numbers show that it virtually is
12 unchanged but we'd be glad to have any additional
13 information that you have and go through that
14 with you probably more appropriately either at
15 the conclusion of this proceeding or sometime
16 during the week to talk to the demographers and
17 the map writers to make sure the our numbers are
18 the same. So that's an overall, and again, I
19 don't want to belabor your presentation to please
20 continue.

21 MR. MONTILLA: Right. I just was called
22 the percentages again from someone in the
23 audience and based on that particulate person's
24 calculation is three percent, the difference in

1 Demographic Research and Reapportionment, 1-31-2012

2 terms of the Latino population and District 31.

3 SENATOR NOZZOLIO: 51 or 31?

4 MR. MONTILLA: 31. So let's check on
5 that, right?

6 All right. As you look into again
7 reviewing your proposal for Senatorial District
8 31 I want you to consider the community in the
9 west of the Bronx and northwest basically because
10 it's a community of interest that is very tied
11 together with northern Manhattan. You can see
12 bridges -- it's a community that conduct a lot of
13 business together, cultural celebrations,
14 shopping area, they go to church together, so
15 it's a community, it's basically a neighborhood
16 altogether in itself, separated by the East River
17 but it doesn't mean that it's a different
18 community. So those communities are really tied
19 together and are totally unique in terms of their
20 characteristics as opposed to the community that
21 the district includes down south all the way to
22 34th I guess. I'm not looking at the map but I
23 guess to the boundaries of the district to the
24 south.

1 Demographic Research and Reapportionment, 1-31-2012

2 Let me continue with my remarks. In
3 terms of the next part we would like also to
4 submit for your consideration a proposal for
5 congressional district that have already been
6 presented to you that unites the Spanish-speaking
7 communities sharing national origin, religion,
8 economic ties, family ties, living in the
9 corridor or Corona Queens to University Heights,
10 Kingsbridge in the Bronx to Washington Heights in
11 Manhattan here. And that community basically
12 will include Broadway Avenue northbound from 140th
13 Street until 207th Street. Just imagine, as I
14 describe them, from Broadway to 07th [phonetic]
15 Street in Manhattan cross the bridge eastward
16 into West Fordham Road and into Bronx on Pelham
17 Parkway. From there from Huntington River
18 Parkway southbound, crossing the Whitestone
19 Bridge into Route 678 and then Northern Boulevard
20 westbound until 77th Street in Queens.

21 In terms of the neighborhoods that that
22 particular proposal includes in New York County
23 it will include Hamilton Heights and from
24 Hispanic voting district on 140th Street

1 Demographic Research and Reapportionment, 1-31-2012

2 northbound Broadway. Washington Heights, of
3 course, and I think my computer died here so let
4 me check one second. Just one second, I
5 apologize for that, and I have the testimony
6 here. In the Bronx County -- let me go back --
7 in New York County and say Washington Heights
8 inward on Marble Hill.

9 In the Bronx County the neighborhoods
10 include University Heights, Kingsbridge South,
11 Bedford Park, Fordham University, Bronx Zoo,
12 Morris Park, Westchester. To the east Throg's
13 Neck and also in Queens County it'll include
14 College Point, North Corona, Corona-Jackson
15 Heights to the east. So as we have submitted to
16 you the Spanish speaking population of the State
17 of New York has grown exponentially in the last
18 ten years, are meriting the opportunity to elect
19 their candidate of choice in an additional
20 majority-minority congressional Hispanic
21 district.

22 Spanish-speaking communities will be
23 better represented in the U.S. Congress by a
24 Spanish-speaking representative if they choose

1 Demographic Research and Reapportionment, 1-31-2012

2 and have the opportunity to elect one of course.
3 Immigrant communities from the Dominican Republic
4 are one single community of interest, mostly
5 concentrated in three New York neighborhoods:
6 Corona in Queens, University Heights, Kingsbridge
7 in the Bronx and Washington Heights in Manhattan.
8 The majority of the New York City and New York
9 State elected officials from the Dominican
10 American origin represent constituencies from
11 these three neighborhoods, two state senators you
12 know, two state assembly representatives and
13 three New York City council members. So creating
14 this congressional district seems to be the most
15 logical step towards affording this community
16 fair and equitable representation.

17 We look forward to continue to work with
18 you, to contribute in your efforts to make sure
19 that New Yorkers and particularly the New York
20 City residents achieve a fair and constitutional
21 redistricting. Thank you.

22 SENATOR NOZZOLIO: Thank you very much
23 and we appreciate your input. I would ask -- and
24 I'm sure all my colleagues would agree, if you

1 Demographic Research and Reapportionment, 1-31-2012

2 would be so kind as to put the specifics either
3 in a document or an email, submit it to LATFOR as
4 soon as possible, like tonight or tomorrow
5 because we all are on a renewed deadline for
6 Congress and we would welcome your specifics. I
7 mean generally described it but if you have map
8 or if you have any more specific description,
9 descriptive language or both that would be great.

10 MR. MONTILLA: Yeah, we already
11 submitted by email to your email, the way you
12 have it listed on the website.

13 SENATOR NOZZOLIO: This recent proposal?

14 MR. MONTILLA: Right and the legends and
15 everything, the narrative and everything for your
16 consideration.

17 SENATOR NOZZOLIO: Excellent.

18 MR. MONTILLA: We definitely look
19 forward for you to consider that seriously.

20 SENATOR NOZZOLIO: Thank you very much.
21 Look forward to -- likewise.

22 Douglas Mendez? Good evening, Mr.
23 Mendez.

24 MR. DOUGLAS MENDEZ: Honorable members

1 Demographic Research and Reapportionment, 1-31-2012

2 of the task force I'm Douglas Mendez. I'm a
3 physician. And I'm here to support the creation
4 of a new district to better represent our
5 community. As we all know, the Spanish-speaking
6 communities have grown exponentially in the last
7 ten years. Deserving for that reason the
8 opportunity to elect their candidate of choice b
9 creating an additional congressional Hispanic
10 district.

11 The Spanish-speaking community will be
12 better represented in the U.S. congress by a
13 Spanish-speaking representative. Immigrant
14 community from the Dominican Republic are one
15 single community of interest mostly concentrated
16 in three well-known areas of New York. The
17 majority of the New York City and New York State
18 elected officials from Dominican and American
19 origin represent constituencies from these three
20 neighborhoods. We have two state senators, two
21 state assembly representatives and three New York
22 City councilmembers.

23 A district connecting this community
24 will represent important progress. Such a

1 Demographic Research and Reapportionment, 1-31-2012

2 district could easily be created without negative
3 impacting other community or violating any
4 principle of fair apportionment.

5 Adding a new Latino congressional
6 district will be an appropriate response to the
7 tremendous growth of our community in New York
8 City and beyond. And in addition to making
9 history creating this new Latino district will
10 bring people into the political process who have
11 previously felt shut out of our system. Further
12 then, it will contribute to strengthen our
13 democracy and make our government more
14 representative of the people.

15 My present here is to urge you to
16 present proposal that include this new Latino
17 congressional district and also to keep community
18 of common interest together when considering
19 Senate and Assembly line. It is good to stress
20 the fact that for too long communities of
21 community interest have been divided by partisan
22 and incumbency reasons.

23 As a result of that we do not have a
24 single congressional representation. Disregard

1 Demographic Research and Reapportionment, 1-31-2012

2 the fact that we have been here since the early
3 '50s and still do don't have the adequate
4 representation, even though we are by descent the
5 largest minority in this country.

6 This is my testimony and I hope you take
7 it into consideration.

8 SENATOR NOZZOLIO: Thank you Doctor very
9 much. Felipe Febles? I apologize for
10 mispronouncing your name; would you be so kind to
11 pronounce it for me?

12 MR. FELIPE FEBLES: (Speaking Spanish).
13 (Interpreted by Mr. Welquis Lopez): The
14 Dominican - - the Bronx as formed in 1989. He's
15 the sub-director of the Grand Parade of
16 Dominican, the Dominican Grand Parade. Our
17 purpose to be here this afternoon is -- we have
18 1,300,000 people in the Dominican Grand Parade in
19 the Bronx. Our community Dominican -- our
20 community has grown tremendously. We want to ask
21 the commission -- we're working very hard to make
22 sure that we have a Dominican representation as a
23 congressman in the area in the northern Manhattan
24 district and the Bronx.

1 Demographic Research and Reapportionment, 1-31-2012

2 Our community especially we contribute
3 in all angle of commerce, the Dominican community
4 -- okay in 2000 -- you can help there -- in the
5 year 2000 we were not included in the census and
6 now, ten years later we are not included yet.

7 The bottom line: we want to have a
8 Dominican representative in this area because
9 we've been here for a long time and we want to
10 make sure that we're represented. That's why we
11 came here in front of you to make a proposal so
12 you take into consideration what I just said
13 about having the first Dominican representative
14 in Congress, so we can enjoy the benefit that
15 everybody else enjoys in the area.

16 I also want to make sure that since we
17 are not included in the census the financial
18 support that every community gets we don't get it
19 because of that; we're not there.

20 Thank you very much.

21 FEMALE VOICE: Good afternoon. I try to
22 speak a little bit English but my English not too
23 good-looking. I say thank God because I'm here
24 to be part of the district in lines [phonetic].

1 Demographic Research and Reapportionment, 1-31-2012

2 So I hear you say you don't want to cut nobody
3 fingers, nobody hands. We don't want that
4 either, only we needs equal opportunity and the
5 federal representation.

6 I don't want to be guys [phonetic] and
7 use a shoe [phonetic] because I know you got the
8 responsibility to make sure the New Yorkers have
9 the opportunity to one speaker. That's why we're
10 here because our community needs that
11 opportunity.

12 I'm a single mother. In 2000 my two
13 sons they don't have boat [phonetic] but now I'm
14 grandmother for seven grandchilds and my
15 granddaughter yesterday was 15 years old. She
16 almost grown [phonetic]. My family is growing
17 too faster, thus is a sample how my community is
18 growing faster for the last 20 years in New York.

19 I say - - to your guys to reflect our
20 speak to take ours force to come here to speak to
21 you to say please in focus in the grounds, the
22 grounds of our community is very faster, you
23 know, growing faster, very big. My community
24 here from the Bronx -- I've been here for the

1 Demographic Research and Reapportionment, 1-31-2012

2 last 35 years. My community specifically
3 [phonetic] in the Bronx they have in the economic
4 aid [phonetic] taxes rising that I says, how I
5 says, grocery, and I say beauty salon, and I say
6 elementary school and university we got a lot of
7 people.

8 So we don't still want you cut anybody
9 fingers, anybody hands, anybody head, but only we
10 wants opportunity like this, you know, to think
11 about our community. Thank you very much.

12 SENATOR NOZZOLIO: Thank you very much.
13 Maria Luna? Maria Luna? Aldrin Monia? Aldrin
14 Monia? Maria Luna? Aldrin Monia? Mark
15 Escoffery Bay?

16 MALE VOICE: -- request the assistance
17 of the New York Housing President Council
18 witness. Thank you.

19 SENATOR NOZZOLIO: Excuse me -- very
20 much. Miss, before you leave, Doug, Doug, would
21 you get that lady? We need your name for the
22 record.

23 MALE VOICE: I got it, got it.

24 SENATOR NOZZOLIO: You have it? Thank

1 Demographic Research and Reapportionment, 1-31-2012

2 you. Could you -- this is Mark Bay?

3 MR. BAY: Mark Escoffery Bay.

4 SENATOR NOZZOLIO: Escoffery Bay. Mr.
5 Bay, Escoffery Bay would you please introduce
6 who's with you today?

7 MR. BAY: Okay. They're from the
8 housing President Council, I'm going to have them
9 introduce themselves.

10 SENATOR NOZZOLIO: Okay.

11 MS. MARIA FORBES: Yes, my name is Maria
12 Forbes, I'm from Clay Avenue Tenant's Association
13 under New York City Housing Authority, a
14 development called Claremont Consolidated.

15 MS. SANDRA DeJESUS: I'm Sandra DeJesus
16 from Eastchester Gardens, vice president.

17 MR. CHRISTOPHER MOLTREY: My name is
18 Christopher Moltrey, TA president Murphy Houses
19 Resident Association located at 1805 and 611
20 Katonah Park North in the Bronx.

21 MR. KEITH RAMSEY: Keith Ramsey,
22 Eastchester Gardens TA president.

23 MR. ED MANELLA: Ed Manella - - TA
24 president.

1 Demographic Research and Reapportionment, 1-31-2012

2 MS. TRELSONS: Ms. Trelsons [phonetic]
3 as TA president 1150-56 College [phonetic]
4 Avenue.

5 SENATOR NOZZOLIO: Can I just ask,
6 before you begin, have any of you signed? If so
7 --

8 MALE VOICE: Yes.

9 SENATOR NOZZOLIO: Then would you be so
10 kind as to just give me your names again so I can
11 make sure they're crossed off the list?

12 MS. FORBES: Maria Forbes.

13 MR. MOLTREY: Christopher Moltrey.

14 MS. TRELSONS: And Ms. Trelsons.

15 MR. RAMSEY: Keith Ramsey.

16 MR. MOLTREY: Christopher Moltrey.

17 SENATOR NOZZOLIO: Keltrel Simmons?

18 FEMALE VOICE: Yes.

19 SENATOR NOZZOLIO: - - did you get those
20 names?

21 MR. MOLTREY: Christopher Moltrey.

22 MR. BAY: Okay good afternoon, I'm Mark
23 Escoffery Bay, I'm the district leader for
24 Assembly District 77. I'm here in regards to the

1 Demographic Research and Reapportionment, 1-31-2012

2 proposed lines and I'm opposed to it, along with
3 my group of my constituents. One of the main
4 things that I'm opposed to is the lack of
5 representation of Afro Americans in the proposed
6 lines.

7 Right now Afro Americans is almost 30
8 percent of the Bronx yet we are only represented,
9 quasi represented in one district. Now I know you
10 are going to say yes, we have three black
11 assembly people here in the Bronx, which is Eric
12 Stevenson and Vanessa Gibson but they don't
13 preside over black majority district; their
14 district is largely Latino. So we really have
15 one so-called quasi-black district and that's
16 Carl Hasty [phonetic]. Now Carl Hasty's district
17 does not represent necessarily black Americans;
18 it is primarily Jamaicans and Caribbeans. So
19 black Americans have zero representation in these
20 new lines and they have zero representation in
21 the lines ten years ago. And now with the new
22 proposal there is no difference.

23 We're also not fairly represented in the
24 senatorial lines that were being proposed because

1 Demographic Research and Reapportionment, 1-31-2012

2 now Ruth Hassell-Thompson's [phonetic] district
3 which represented the Jamaican area of the Bronx
4 and the African American area of the Bronx is now
5 abrogated and it now solely represent the
6 Caribbean section of the Bronx and a miniscule
7 portion of Afro American.

8 Now what happened with these lines is
9 that should these lines go on as proposed you
10 would be unwilling participants in what I
11 consider to be political genocide of the African
12 American representation period in this city
13 because you'll have zero representation. And I
14 want to point specifically that we can have two
15 representation of African American districts
16 because they have Coop City in Assembly District
17 82 and that can be brought over to create another
18 African American district.

19 And down in the South Bronx where there
20 are African Americans at large they're just not
21 representative because a majority Latino choose a
22 black representative it is their choice. It's
23 not the black Americans in that district who
24 chooses. And now with the senatorial new

1 Demographic Research and Reapportionment, 1-31-2012

2 proposal senatorial lines they now move the
3 Latino district over now to encompass the area
4 that Ruth Hassell-Thompson has vacated, which is
5 now a threat to the 79th district; it's now a
6 threat to the 77th district and now with the other
7 -- I think it's the 33rd, no not the 36th, the 33rd
8 Gustavos [phonetic] district coming down, it
9 further jeopardized my assemblywoman Vanessa
10 Gibson's district and it's going to weaken black
11 representative and weaken the black constituents
12 of the Bronx and we'll be poorly represented. So
13 I'm here today to ask you not to perpetuate the
14 monstrosity of political genocide against my
15 people and bring Ruth Hassell-Thompson's district
16 back down so that she can represent both Afro
17 Americans and the Caribbean community and at
18 least quasi satisfy and it won't fully satisfy or
19 fully represent the true numbers but at least
20 we'll get something out of this deal and right
21 now Afro American is getting nothing out of this
22 deal when I study these lines.

23 I thank you for you listening.

24 MS. FORBES: My name is Maria Forbes

1 Demographic Research and Reapportionment, 1-31-2012

2 again. I would like to thank you for coming and
3 allowing us to speak. Senator Ruth Hassell-
4 Thompson represents over 13 New York City Housing
5 Authority developments in the lower South Bronx
6 area. As he indicated if you take Ruth Hassell-
7 Thompson and move her further north she will,
8 from her 21 New York City Housing Authority
9 developments she will only have 4, and that is --
10 it's a opposition to disservice us in that
11 manner.

12 This woman has come out and made herself
13 readily available to us before any other elected
14 official in this area has ever been. She is the
15 only elected official that has come out and
16 represented us, met with us and I can't even
17 begin to tell you just our family days alone just
18 coming out to our family days, servicing us in
19 different areas that we need assistance in and we
20 support her and her endeavors as well.

21 But to take away and move her further
22 north and then mix us with a mixed population
23 that another senator would pick up and encompass
24 us with another ethnicity he's already taking on

1 Demographic Research and Reapportionment, 1-31-2012

2 a problem that he wouldn't be able to begin to
3 address a hand to 'cause he'll have 13 Housing
4 Authority developments that is all African
5 American and would need additional assistance.
6 So we're just here to opposed and we're asking
7 that you leave Ruth Hassell-Thompson in her area
8 and that's all I have to say.

9 MALE VOICE: Okay good day to all.

10 MR. FORBES: For the record I just
11 wanted to name the Housing Authority development
12 she represents: Claremont Consolidated consists
13 of seven tenant associations. You have 1100
14 Teller [phonetic] Avenue which these people were
15 here and left. You have 1162 Washington Avenue.
16 You have Finley [phonetic] Avenue, you have Clay
17 Avenue, you have 1020 College Avenue which
18 represents our senior citizen development, you
19 have 1150 College Avenue which the TA president
20 is here herself and she will speak, you have 1064
21 Teller Avenue. That's Claremont Consolidated
22 alone, that's seven developments. Then you have
23 Webster Houses, you have Butler Houses, you have
24 Morris Houses, you have McKinley Houses, you have

1 Demographic Research and Reapportionment, 1-31-2012

2 Claremont Parkway and you have Forest Houses
3 which the TA president left and was here as well.
4 Then you have concourse village, the 44th Precinct
5 council sits in her district as well as Community
6 Planning Board 4 and Murphy Houses which is here
7 in the lower South Bronx and all of this would be
8 affected by y'all removing her from our area.
9 And that's for the record.

10 MR. MOLTREY: Good day to all. My name
11 if Christopher Moltrey, I am president of Murphy
12 Houses Resident Association located at 1805
13 Katonah Avenue and 6211 Katonah Park North. I
14 appreciate the redistricting committee for giving
15 me the opportunity testify in regards to the
16 proposed redistricting. Once again I feel as
17 though I'm in a whirlwind. All elected officials
18 who feel we deserve the best as we continue to
19 work for the developments and communities we
20 reside in. Our communities and residents deserve
21 the best, we deserve to have safe streets and
22 safe communities for our seniors, youth, working,
23 non-working residents and it is apparent that
24 resident leaders need continuous leadership

1 Demographic Research and Reapportionment, 1-31-2012

2 training to empower ourselves and our
3 communities.

4 Nor other senator who covers the
5 district has never supported or cared as much as
6 Senator Ruth Hassell-Thompson. Senator Ruth
7 Hassell-Thompson has not only given the Bronx
8 South residents advice on empowerment she has
9 taught us empowerment through the meetings,
10 classes and trainings here in the Bronx South.
11 Thus far it has been a process with positive
12 results.

13 We are demanding the redistricting
14 committee revisit and reconsider the
15 redistricting lines that would remove Senator
16 Ruth Hassell-Thompson from the Bronx South. If
17 this occurs we will have to start from the
18 beginning, as my constituent states. We do not
19 want to remove the most influential and
20 empowering senator that Bronx South has had in
21 many years. My hope is that we will work
22 together to achieve the best for all parties
23 concerned and help one another to achieve this
24 goal.

1 Demographic Research and Reapportionment, 1-31-2012

2 Redistricting Senator Ruth Hassell-
3 Thompson will have a devastating negative impact
4 on the community and the residents of the South
5 Bronx community. Thank you, Christopher Moltrey,
6 TA president Murphy Houses Resident Association.
7 Thank you.

8 MR. BAY: Just to close to let you know
9 to continue with the proposed lines. It's not a
10 matter of disenfranchising race or ethnicity; you
11 will be disenfranchising a large amount of people
12 who by right ought to be heard and we ought to be
13 heard in government. Thank you for your
14 listening.

15 SENATOR NOZZOLIO: William Stanford, Jr.

16 MR. WILLIAM STANFORD, JR.: Let me know
17 when you're ready.

18 SENATOR NOZZOLIO: We will sir, and
19 thank you.

20 MR. STANFORD: Correction, that's
21 William Stanford, Jr., a/k/a Mr. X okay? Before
22 I testify let me tell you what I experienced
23 earlier today also before today. September 8th
24 you held a public hearing regarding this agenda

1 Demographic Research and Reapportionment, 1-31-2012

2 at Bronx - - Community College. I gave you my
3 email address. I discovered - - on the previous
4 day. You know how I discovered it? Gustavo
5 Rivera [phonetic] mentioned it to me, okay? On
6 September 8th I gave him a email address. Did you
7 email this event to me? No you didn't. Do you
8 know how I discovered this event? I spoke to his
9 assistant Maria Anna Rose [phonetic]. If I
10 hadn't seen her yesterday I wouldn't know
11 anything about this event.

12 When I arrived at both sites, when I
13 arrived here I was on the wrong site. I was at
14 1046 Grand Concourse Boulevard. We was supposed
15 to enter this side, which is 1040 Grand Concourse
16 Boulevard. You had posted signs stating we
17 should enter the north end not the southern end
18 which is where we are now, which I don't
19 appreciate. Okay we stood there, stood there and
20 waited, spoke to a female guard said, "We can't
21 see you - - yet because there's no guard
22 patrolling the area." What does that have to do
23 with us? We didn't come here to see the guards.
24 Technically we didn't come here to see you. I

1 Demographic Research and Reapportionment, 1-31-2012

2 don't appreciate that.

3 Another thing I don't appreciate is when
4 I spoke to that lousy female employee back there
5 I told her I pre-registered, she didn't have my
6 name on the list, which gives me the impression
7 the names I saw, the typed names I saw 'cause one
8 of the people who pre-registered before
9 yesterday. Okay? She pissed me off in
10 September, she pissed me off again this month. I
11 don't appreciate that.

12 So my question is for you and her, since
13 you both pissed me off is are you confused? Are
14 you stuck on stupid or are you just mentally
15 retarded? I don't appreciate that. I really
16 don't. If you hold forums say in the future you
17 have to tell us which side we enter, the north or
18 southern end. Hello? And you have to post
19 signs. That's common sense. And you need to
20 straighten her out 'cause she don't know what the
21 hell she's doing.

22 MALE VOICE: What you should be doing is
23 making sure that - - .

24 MR. STANFORD: Michael let me know when

1 Demographic Research and Reapportionment, 1-31-2012

2 you're ready. Michael, let me know when you're
3 ready. That's the second time.

4 SENATOR NOZZOLIO: I'm not Michael, but
5 I'm --

6 MR. STANFORD: I'm speaking to him.

7 SENATOR NOZZOLIO: Well then look at
8 him, don't look at me.

9 MR. STANFORD: I'm looking at him; I'm
10 not looking at --

11 SENATOR NOZZOLIO: [Interposing] Well
12 it's hard to see your eyes behind your --

13 MR. STANFORD: [Interposing] You don't
14 have to see my eyes, John, just listen to what
15 I'm telling you. Okay? Thank you.

16 Now in the future when you hold your
17 events can you email them to me since I gave you
18 my email address? Thank you. That would be
19 gladly appreciated.

20 Now let me get to my testimony because I
21 don't want to tie anyone up. And by the way keep
22 your private conversations out there. Okay?
23 Thank you. You told us to keep our private
24 conversations out there; I expect you to do the

1 Demographic Research and Reapportionment, 1-31-2012

2 same. Okay?

3 Michael, you have a question or a
4 statement?

5 SENATOR NOZZOLIO: I'd like you to stop.
6 Would you please? Would you please have order
7 for Mr. Sanford.

8 MR. STANFORD: It's Stanford.

9 SENATOR NOZZOLIO: And whenever you're -
10 - Stanford, Mr. Stanford. And whenever you're
11 ready to begin your testimony please begin, your
12 time is running.

13 MR. STANFORD: Okay. I have basically
14 one proposal regarding the state and federal,
15 state and federal government since you don't
16 cover the city government. Whether some of these
17 districts should cover two boroughs [phonetic] or
18 three for that matter is the right answer, I
19 don't know, but a while back I said, or back in
20 September I said they should just cover one
21 borough only, but all you have to do is just go
22 by some of the cross streets like Gunhill Road,
23 also the vertical streets like Webster Avenue and
24 just take Gunhill Road, Fordham Road, Webster

1 Demographic Research and Reapportionment, 1-31-2012

2 Avenue, Third Avenue. Third Avenue, Katonah
3 Avenue, Gunhill Road, Fordham Road. Why can't
4 you do it that way? To me it's more consistent
5 that way. You ever consider doing that?

6 And also you didn't have any agendas
7 regarding this forum, which made no sense, no
8 agendas. You should have agendas.

9 ASSEMBLY MEMBER MCENENY: You're the
10 agenda. We're listening to you. You're not hear
11 to listen to us. We will interrupt if we have a
12 question and don't understand what you're saying.
13 We will interrupt if you see something where
14 somebody needs clarification. In answer to your
15 question does that add up to 125,000? You tell
16 me. How many people does it add up to? We need
17 125,000 roughly.

18 MR. STANFORD: Okay so if you could --

19 ASSEMBLY MEMBER MCENENY: This is a law.
20 It's all known, it's widely dispersed, there's a
21 LATFOR website. Somehow 150 people managed to
22 find their way in there and didn't seem to have
23 the same problem as you.

24 MR. STANFORD: Okay well just saying

1 Demographic Research and Reapportionment, 1-31-2012

2 that you didn't have any agendas regarding this
3 public -- I don't - - regarding that public
4 hearing.

5 ASSEMBLY MEMBER MCENENY: The agenda is
6 the maps have been out for a few days.

7 MR. STANFORD: I haven't seen them.

8 ASSEMBLY MEMBER MCENENY: They're on the
9 LATFOR website. That's what all these people are
10 talking about; somehow they saw those maps, some
11 are talking about Congress where there are no
12 maps from us but there are maps from others.

13 MR. STANFORD: Okay. Okay I didn't get
14 a chance to log onto your website but still I'd
15 like to know what's happening before - - . If I
16 give you my email address I expect you to email
17 future events to me. But if you think, well if
18 you feel -- how do I put it? -- if you feel
19 neglecting me is more important, just like the
20 MTA, then I feel sorry for you because I feel
21 like I'm dealing with the MTA right now. I'm not
22 fucking [phonetic] dealing with LATFOR I'm
23 fucking dealing with the MTA. I feel like I'm at
24 3/4ths [phonetic] some [phonetic] Madison Avenue.

1 Demographic Research and Reapportionment, 1-31-2012

2 There's no excuse for that. Like I said, I gave
3 you my email address on September 8th, I'm sure
4 you still have it. I submit, resubmit [phonetic]
5 it to her earlier today. You could have emailed
6 this event to me. There's no excuse for that.
7 I'm innocent [phonetic].

8 But as I said, regarding the districts
9 try, let's try my suggestion: Gunhill Road,
10 Fordham Road, Webster Avenue, Third Avenue,
11 Katonah Avenue, either between Webster and Third
12 Avenues, between Third and Katonah Avenues or
13 between Webster and Katonah Avenues, between
14 Gunhill and Fordham Road or between Fordham Road
15 and Bedford Park Boulevard. That's just a
16 suggestion from me regarding the state and
17 federal government districts 'cause you don't
18 cover the city government district. That's all,
19 that's just my suggestion. You could try it if
20 you want 'cause to me it's more consistent. You
21 got Third Avenue, you got Katonah Avenue, you got
22 Prospect Avenue, Third Avenue, the streets that
23 hold buses. That's what you should go by, the
24 streets that hold buses and divide the districts

1 Demographic Research and Reapportionment, 1-31-2012

2 that way. Go straight across, up and down like
3 squares, rectangles.

4 SENATOR NOZZOLIO: Thank you very much.
5 Your testimony's part of the official record.
6 You're videod. This is videod. And that
7 suggestion is interesting and we certainly will
8 look into it.

9 MR. STANFORD: Yes and like I said in
10 the future, starting tomorrow, if you hold public
11 hearings I want to see email letter. I don't
12 want to hear, "I couldn't send you a e-bo
13 [phonetic] letter, I didn't have time," I don't
14 want to hear it. I gave it to you, you got no
15 excuse.

16 MALE VOICE: All right, thank you.

17 SENATOR NOZZOLIO: Loretta Smith.
18 Loretta Buddock [phonetic] Smith.

19 MS. LORETTA RUDDOCK SMITH: Good
20 evening.

21 SENATOR NOZZOLIO: Good evening, Ms.
22 Smith. You've got a whole delegation with you it
23 looks like.

24 MS. SMITH: Okay.

1 Demographic Research and Reapportionment, 1-31-2012

2 SENATOR NOZZOLIO: Are any -- Ms. Smith
3 before you begin are any of the ladies and
4 gentlemen coming up with you, did any of you sign
5 up for this?

6 MR. SMITH: Yes, yes sir we did. We
7 certainly did. I did. I did.

8 SENATOR NOZZOLIO: Let's start with the
9 lady that's just sitting down in the black, if
10 you could give us your name please. Let's see a
11 show of hands: who signed up? Okay if you would
12 give your name to Ms. Levine. Levine -- getting
13 everybody's name wrong. Everybody's name wrong.
14 Good evening.

15 MS. SMITH: Okay. Good evening.

16 SENATOR NOZZOLIO: Thank you very much.
17 Please, as you speak let us know who you are for
18 the record.

19 MS. SMITH: Mr. Chairman, members of the
20 commission my name is Loretta Ruddock Smith. I
21 am a homeowner, I represent Education [phonetic]
22 Council of 35,000 children and I'm on the board
23 of the housing company, represent 35 buildings.
24 I'm a resident also of this community and - -

1 Demographic Research and Reapportionment, 1-31-2012

2 District 77 who is here to testify regarding the
3 redistrict proposal that was recently made
4 public.

5 Specifically I would like to discuss
6 three different criteria by which a proposal map
7 should be judged. They are keeping community
8 united -- we must make sure that neighborhoods
9 are not fractured by district line that divided
10 our community and can cause unnecessary confusion
11 for many local families.

12 Too often the lines for political
13 districts such as state assembly, state senate
14 and members of Congress are drawn without the
15 appropriate consideration for communities and
16 neighborhood. The resulting boundaries have
17 fractured community and divide neighbors and
18 family in a haphazard manner that confuse
19 residents and make it difficult for constituency
20 to know who their representatives are.

21 Thank you and God bless America.

22 SENATOR NOZZOLIO: Thank you.

23 MS. ALINE ROBERTS: Good afternoon

24 Chairman and members of the commission. My name

1 Demographic Research and Reapportionment, 1-31-2012

2 is Aline Singho [phonetic] Roberts. I'm a
3 resident of the 77th assembly district, which
4 Assemblywoman Vanessa Gibson represents and I'm a
5 lifelong resident of the Bronx. And I'm here to
6 testify regarding the redistricting proposal
7 which we've been discussing this afternoon.

8 Specifically I would like to comment on
9 certain criteria by which the proposed maps
10 should be judged. In particular counting all of
11 our residents at home the full implementation of
12 the legal requirement mandating the counting of
13 incarcerated individuals as part of the community
14 where they reside is essential. Doing so assures
15 that communities of color, primarily those with
16 substantial numbers of African American and
17 Latino residents would no longer be as under-
18 represented as they historically have been.

19 This important law gives a more accurate
20 population count and makes it easier to secure
21 federal funding for essential services in
22 communities such as the Bronx that have too often
23 been given less than their fair share.

24 I would also like to comment on behalf

1 Demographic Research and Reapportionment, 1-31-2012

2 of my colleagues here, like to appeal to the
3 commission that the Gateway Mall and waterfront
4 not be eliminated from the assembly district 77.
5 This area has fought hard and long to establish
6 economic development opportunities for this
7 community's children, families as well as those
8 returning from incarceration who need
9 opportunities to become more gainfully employed,
10 respectable taxpaying members of the community.

11 The Gateway Mall and waterfront
12 [phonetic] is a vital community economic engine
13 and a primary example of that and it should be
14 maintained as an essential part of the assembly
15 district 77. Thank you.

16 MR. HORACE ORTON: Good afternoon,
17 ladies and gentlemen. My name is Horace Orton.
18 [Off mic conversation].

19 SENATOR NOZZOLIO: While we're waiting I
20 just want to say to the last speaker that this
21 commission has fully complied with the Prisoner
22 Relocation Law, that there were no regulations
23 with that law, there were no guidelines, there's
24 no user manual. Thanks to the commission members

1 Demographic Research and Reapportionment, 1-31-2012

2 and particularly Dr. Hedges this process moved
3 forward and we were able to identify and geo-code
4 a considerable number; a considerable number are
5 not being counted at all, which I think is a big
6 inadequacy of the law, but it's the law that we
7 have to comply with. And so that has been done.
8 Yes sir?

9 MR. ORTON: Thank you very much. My
10 name is Horace Orton, I'm judicial delegate in
11 the Bronx. I've been in the Bronx all my life.
12 I am first generation, second generation and now
13 I have children and adults and have grandchildren
14 also. We love the Bronx.

15 Working together we need to make sure
16 that African Americans, Latinos and people of
17 color receive the full representation of the
18 state government that are due. Despite the
19 historical efforts to implement the Federal
20 Voting Rights Act and other legislation in the
21 manner that opens the doors of opportunity to
22 representation people of color have remained
23 unrepresentative in governments throughout the
24 State of New York.

1 Demographic Research and Reapportionment, 1-31-2012

2 Faced with the lasting impact of
3 discrimination based on race and ethnicity it
4 remains vital for redistricting [phonetic] to
5 take into account the need to fully address this
6 underrepresentation and make the goal a priority.
7 Please take that into account. Thank you very
8 much for my part.

9 SENATOR NOZZOLIO: Thank you.

10 MR. ABRAHAM JONES, EXECUTIVE DIRECTOR
11 CLAREMONT NEIGHBORHOOD CENTERS: Good evening.
12 Before I begin you were speaking about geo-coding
13 with the formerly [phonetic] -- can you elaborate
14 on that little bit more because that was what I
15 was going to touch on and maybe I may not need to
16 make those particular comments.

17 SENATOR NOZZOLIO: Dr. Hedges would you
18 like to go over the explanation?

19 DR. HEDGES: What we were able to do is
20 take the addresses that we were given regarding
21 the former homes, former residents of prisoners
22 located in state prisons and look up that address
23 and determine where that person lived physically.
24 And with that information we were able to go

1 Demographic Research and Reapportionment, 1-31-2012

2 through the entire state and adjust the
3 population for every block that was affected as a
4 result and put those people, as it were, back in
5 their original residence. And we did that for
6 all the people for whom we could locate an
7 address and successfully find their resident.
8 And --

9 MR. JONES: [Interposing] Thank you so
10 much. Let me commend you on that. I commend
11 you.

12 My name is Abraham Jones, I'm the
13 executive director of Claremont Neighborhood
14 Centers which is located on 169th Street and Third
15 Avenue. I have lived in this particular
16 community not too far from here. I also am an
17 ordained minister attending the Bible Church of
18 Christ at 1368 Morris Avenue. - - I also serve
19 as executive trustee board member. As well I am
20 second vice chair of Bronx Community Board number
21 3 off of 169th Street and Boston Road.

22 I have to say with all due respect that
23 I was just informed of some information that
24 actually astounded me, I mean I'm literally

1 Demographic Research and Reapportionment, 1-31-2012

2 devastated, I'm flabbergasted because I did not
3 know and did not fully realize that most of the
4 southern sections of the Bronx was removed from
5 Senator Ruth Hassell-Thompson areas, our senator.
6 And I'm mean I really -- I'm really, really, I'm
7 perplexed, I mean I'm really, really stunned.
8 And the reason why I can say that is as for
9 someone who runs and organization as executive
10 director of Claremont Neighborhood Center which
11 is a foundation for Butler Houses, Morris Houses,
12 Morris Senior Houses and Webster Houses and I
13 know of the work that is being done by Senator
14 Thompson with the Tenant's Association presidents
15 who often hold their meetings at my center. I
16 know of the work that's done by her with housing
17 [phonetic] and senior centers, our first and
18 oldest senior citizen center in the nation. I
19 know the kind of support.

20 And I also know of the gentleman that
21 would in all likelihood replace her. He happens
22 to be my senator in the district where I live at.
23 And I'm often told and confused with him; people
24 think that we look alike. He once told me that

1 Demographic Research and Reapportionment, 1-31-2012

2 to make sure that as I walk the streets of the
3 Bronx to do nothing wrong because he doesn't want
4 anyone to confuse me with him. He's a very, very
5 nice man; I get his newsletter, and with all,
6 all, all due respect and deference I get the
7 newsletters and the newsletters that I get I do
8 not see --

9 SENATOR NOZZOLIO: [Interposing] Could
10 you just -- we're discussing, debating who is our
11 senator.

12 MR. JONES: Oh Ruby Diaz [phonetic].

13 ASSEMBLY MEMBER MCENENY: We all know
14 Reverend Diaz; you're much handsomer than
15 Reverend --

16 MR. JONES: Well thank you. Thank you
17 very much. And I love the man; he's a wonderful
18 man. I get his newsletters but I -- I've often -
19 - and I can't help it but I must admit that I
20 looked to see the kinds of organizations that he
21 supports in his newsletters. I look to see the
22 kinds of pictures that are taken, and while I do
23 see African Americans in the newsletters I
24 happened to notice that I don't see there's a lot

1 Demographic Research and Reapportionment, 1-31-2012

2 of support given to African American leaders of
3 organizations in the district, which is not
4 saying anything. And it would be real, real
5 disservice, it would be a dishonor, it would be
6 an affront to African American community if you
7 allow this travesty to take place with the kind
8 of work that Senator Ruth Hassell-Thompson, she
9 is someone that is so available, I mean she just
10 -- she understands the heartbeat of the
11 community. She understands the heartbeat of the
12 community.

13 You know and so I just need to say that
14 since my issue about addressing the prisoners has
15 been addressed and as one of my colleagues has
16 let me know that we also hear to speak about
17 Assemblywoman Vanessa Gibson so I will turn it
18 over to you.

19 MS. CATHY STROUD, DISTRICT LEADER 7th AD:
20 My name is Cathy Stroud and I'm the female
21 district leader here in the 7th AD [phonetic]. And
22 I welcome you here because you're here and you
23 chose the 77th for this hearing. We thank you for
24 that.

1 Demographic Research and Reapportionment, 1-31-2012

2 It would be such a loss to us to lose
3 the waterfront, to lose the Gateway Mall in our
4 district. You know we not only losing that but
5 we losing the retail interests, the monies that's
6 been allocated to the district, or opportunities
7 to be involved in the hiring of our residents in
8 the 77th. We need to continue to have our
9 Assemblywoman Vanessa Gibson who is spicy, she's
10 young, she's articulate. I mean this is a young
11 lady who's just on top of the situation and we
12 need her in our community. And you'll be doing a
13 misservice, a misjustice to take her part of this
14 district away from her.

15 The 84th district already has 161st
16 Street, they have 149th Street, business area,
17 they have the Third Avenue and Yankee Stadium.
18 Now if you want to give us Yankee Stadium we'll
19 take it but you can't take everything away from
20 us that we have been waiting for for so long. We
21 have one of the poorest districts in the county.

22 I run a food pantry and I -- my pantry
23 services over 6,000 clients a month. That's just
24 mine. We have about 15 here in the Bronx.

1 Demographic Research and Reapportionment, 1-31-2012

2 Please, if you take these things away -- we're
3 trying to make -- I don't want to tell you that I
4 serve 6,000 people; I want those lines to
5 diminish; that's our purpose. We want to
6 alleviate hunger. Now you gonna take part of our
7 district where there's money, the amount that's
8 coming in has already declined? Don't do this to
9 us. We need this young lady, we need you to
10 keep the vibrancy that she has going. This young
11 lady is all over the place. Anything that's
12 happening, that's going on, whether it's for
13 young kids graduating from elementary school,
14 kindergarten or being there representing me at my
15 daughter's funeral last Saturday she's all over
16 the place.

17 We need her, we need this district, we
18 need to keep the people that's poor, hungry,
19 clotheless, living in shelters. Please. If
20 there's anything that I've said that we can do
21 today, we need. You've taken everything away
22 from -- I also run an agency, computer lab. But
23 guess what? Most of it I have to do alone even
24 though we have because we don't have that member

1 Demographic Research and Reapportionment, 1-31-2012

2 item anymore where you can even send us money
3 that we get help for these young people who need.
4 We're doing things. Please, we're stopping the
5 balance in this area. We're doing things. She's
6 involved in it. Do not, please, bother our
7 district. We need your help in this area. Amen?
8 Amen.

9 MALE VOICE: May I add one more thing
10 please? She mentioned the river.

11 SENATOR NOZZOLIO: No. No no, sir, this
12 lady hasn't spoken yet.

13 MALE VOICE: Oh I'm sorry.

14 MS. OTTIS EDWARDS: Mr. Chairman,
15 members of the commission my name is Ottis
16 Edwards and I'm a resident of the 77th assembly
17 district. And I've been living in this area 40
18 years. Counting all of our residents [phonetic]
19 at home the full implementation of the legal
20 requirement mandating the counting of
21 incarcerated individuals as part of the
22 communities where they resided and essentials
23 [phonetic]. Do we assure that communities of
24 color, primarily those of substantial numbers of

1 Demographic Research and Reapportionment, 1-31-2012

2 African American and Latinos resident would no
3 longer be as underrepresented as they
4 historically have been this important law gives
5 us a more accurate population count and make it
6 easier to secure federal funding for essential
7 service and communities such as the Bronx that
8 have too often been given less than their fair
9 share.

10 This commission effort to implement this
11 new law makes important progress toward limiting
12 the racial disparities that exist in New York
13 State government by leveling one aspect of the
14 playing field when counting population. While
15 further changes may be made at the proposed maps
16 I appreciate the hard work of the commission and
17 believe that the map proposed for the 77th
18 assembly district respects the communities of
19 interest that residents share.

20 In closing I just want to thank you for
21 your time.

22 ASSEMBLY MEMBER MCENENY: Thank you.

23 SENATOR NOZZOLIO: Marjorie -- I'm sorry
24 William Francis. William Francis? Mr. Francis?

1 Demographic Research and Reapportionment, 1-31-2012

2 MR. WILLIAM FRANCIS: Yes, I'm bringing
3 with me two members of my community. One is the
4 a member of the community board with me.

5 SENATOR NOZZOLIO: Mr. Francis are any
6 of their names already listed?

7 MR. FRANCIS: Yes they are, Lowell Green
8 --

9 FEMALE VOICE: Lowell Green, Carolyn
10 Smith.

11 SENATOR NOZZOLIO: Whoa, one at a time.
12 Lowell Green?

13 MS. LOWELL GREEN: Mhm.

14 MS. CAROLYN SMITH: Carolyn Smith.

15 SENATOR NOZZOLIO: Smith? Carolyn
16 Smith. Thank you very much. Please put the
17 microphone closer to you. Welcome and good
18 evening.

19 MR. FRANCIS: Good evening. My name is
20 William Minister William Francis. I'm a member
21 of Community Board 7 at Kingsbridge Height,
22 Morris area, the area is Bedford [phonetic] Park
23 that you been hearing quite a bit about.

24 Before I read my statement, you know,

1 Demographic Research and Reapportionment, 1-31-2012

2 I've been sitting here waiting to be called and
3 for a while it kind of upset me, but we in the
4 church say some meaning for evil: God means it's
5 for good. Because as I've sat here one thing has
6 come out about your redistricting that I have not
7 heard anyone mention. But the main thing that
8 has come out is that you have divided this area
9 of the Bronx. You now have people fighting
10 against each other to maintain their
11 representation.

12 I have been -- I am 65 years old. I
13 have been in this community for over 30 years. I
14 have been this community when it was divided,
15 white against black, black against Hispanic,
16 Hispanic against black, black against white.
17 Over those 30 years that I have been here I have
18 seen these different groups of people come
19 together for the betterment of their areas and
20 the whole of their community. What you are doing
21 now with this redistricting is tearing that down.
22 That does not help the people of our communities.
23 It does not help even the representatives of
24 these communities.

1 Demographic Research and Reapportionment, 1-31-2012

2 This redistricting is going to do away
3 with 30 to 40 years of hard labor work of members
4 of these communities where they have overcome
5 racial, economic, educational differences and
6 bound together for the betterment of the whole.
7 And that's what redistricting is supposed to be
8 about. It's not happening here gentlemen.

9 What you are doing is taking us back to
10 pre-Civil Rights times. You really are. Because
11 now people are going to be drawn on lines of
12 racial -- and you've already heard it here. You
13 heard the Hispanics say, "We want." You've heard
14 the whites say, "Maintain." You've heard the
15 blacks say, "I am not being represented." This
16 is totally wrong. It is totally not acceptable.
17 You have violated the principle rights of your
18 job: to represent to the goodness of your
19 representatives whether you be upstate or
20 downstate you are New York State elected
21 officials. How can you say this is going to help
22 the state?

23 This will wind up in court. This will
24 further divide people. It already has begun. I

1 Demographic Research and Reapportionment, 1-31-2012

2 just asked you, I'm not going to bother with my
3 statement, I will ask you to rethink in your
4 heart what you've heard here today. You've heard
5 the beginning of anger, of arguments, of
6 disenfranchisement, of people going and saying,
7 "I will not work with you." That does not help
8 this community and it will not help this state.
9 I thank you.

10 SENATOR NOZZOLIO: Thank you very much.

11 MS. GREEN: My name is Lowell Green.
12 I've lived in the Bronx approximately 30 years
13 and I'm also a member of Community Board 7 and
14 I've been so for a number of years. And as you
15 can see I'm white and I'm middle class and I live
16 in the Bronx and I don't live in Riverdale, I
17 live in Norwood, and I'm very proud that I live
18 in Norwood.

19 I live on a street called Kings College
20 Place but is not on your map but it's between
21 East 211th Street and Gunhill. It's a very narrow
22 little street, we're a little finger area in
23 District 33 at the present time, the senate
24 district.

1 Demographic Research and Reapportionment, 1-31-2012

2 My coop apartment overlooks Woodlawn
3 Cemetery on East 211th Street. You may not be
4 aware of it since a number of you live upstate,
5 but Woodlawn Cemetery --

6 SENATOR NOZZOLIO: [Interposing] You can
7 say hello to my uncle who's there.

8 MS. GREEN: Good. That's nice, thank
9 you. But Woodlawn Cemetery goes East 211st
10 Street to East 233rd Street. And at East 233rd
11 Street there is another part of Van Cortlandt
12 Park and from my house it's at least a good mile
13 before you run into people who live in Woodlawn,
14 where it looks like I will, my election
15 [phonetic] district will now be facing toward
16 Woodlawn, which is in the Bronx. But because of
17 this natural dividing line at East 211st Street
18 to 233rd Street I will be a part of.

19 I do not shop in Woodlawn, I do not seek
20 medical care in Woodlawn, I don't vote in
21 Woodlawn. I occasionally maybe go once a month
22 out to dinner there because there's a nice
23 restaurant, and I use the ATM of my bank that's
24 on McLean which is in Yonkers.

1 Demographic Research and Reapportionment, 1-31-2012

2 My community is Norwood, which is the
3 area presently of the 33rd. Woodlawn and the end
4 of Westchester, which I may become a part of in
5 the new senatorial district is not my community
6 of interest. And out of curiosity I would like
7 to know why my little three streets got put into
8 this area when there is a natural dividing line.
9 And approximately one block down, more than that,
10 two blocks, three blocks down is one little
11 street that still stays in the 33rd district. I
12 mean why this? If you can put one little street
13 in why can't you put the rest of us from
14 Bainbridge down to Webster, 211th to Gunhill. If
15 you can't find it on the map I'll show you.

16 SENATOR NOZZOLIO: I found it.

17 MS. GREEN: Right. And it seems really
18 out of context to move us. Thank you.

19 MS. CAROLYN SMITH: My name is Carolyn
20 Smith. I'm formerly from Buffalo. Right now I'm
21 in the 33rd District which I thought was the 33rd
22 until found out now after this meeting today I
23 found out I'm in the 34th.

24 My concerns are as follow: what

1 Demographic Research and Reapportionment, 1-31-2012

2 happened to common interest as far as the
3 community is concerned? We have right now we
4 have our little interlopers or carpetbaggers
5 coming from Manhattan and Queens is cutting up
6 the Bronx, and in such a way where we're as the
7 Bronx, as a whole -- I'm talking about all the
8 ethnic groups in the Bronx, we're losing power.
9 The Bronx has been on the rise here lately where
10 we're trying to build up the Bronx but is someone
11 from Manhattan going to give us - - ? Is someone
12 from Queens that's going to give us housing?
13 Because right now where I am we have a battle in
14 Tracy Towers. I heard Tracy Towers mentioned a
15 few times.

16 I was in the 33rd District. We had
17 Gustavo Rivera who's been working very hard to
18 help us in terms of our rent struggle 'cause as
19 it stands if he's not there -- he's familiar with
20 our building. If it's not there I face rent of
21 more than 33 percent, even higher than that
22 because it will put us very, very high on the
23 market value list.

24 Now will Riverdale fight for us? 'Cause

1 Demographic Research and Reapportionment, 1-31-2012

2 their rent is much -- the rent that they pay in
3 Riverdale is much higher than what we're paying
4 but will they fight for us? Because if the rent
5 in my area is increased then the housing that I
6 live in will cease to be affordable. So I'm
7 talking about what happened to the common
8 interest of the community? We have someone who
9 is working with us but we're not too sure if this
10 is going to happen if we go into the 34th area.

11 Thank you.

12 SENATOR NOZZOLIO: Thank you all.

13 FEMALE VOICE: As Mr. Francis pointed
14 out this is dividing the Bronx. The Bronx has
15 stopped being burned. We're trying to grow back
16 and we've worked very hard to become important,
17 upscale, and working to improve our lives as
18 everyone has tried to say here today. And
19 whatever you do with this redistricting is not
20 going to make the Bronx better; it's going to
21 make it worse. And all of us who've spoken here
22 today want a better Bronx and we've worked very
23 hard to have a better Bronx.

24 MR. FRANCIS: If I may add, gentlemen,

1 Demographic Research and Reapportionment, 1-31-2012

2 the 33rd District, all right, which is Senator
3 Gustavo Riveras, he's a newly elected senator and
4 it took a lot for him to go against the
5 establishment which did not support him. It was
6 grassroots. It was us the people who got out
7 there and worked to help get this senator
8 elected. And he has proven to be a senator for
9 our communities. And you have sliced his area
10 almost in half. You've taken away the --

11 SENATOR NOZZOLIO: Sir, I think in the
12 interest of time --

13 MR. FRANCIS: Okay in the interest of
14 time I will hurry up, sir. But I'm going to say
15 this, okay, because there were people who were
16 allowed to come up here and speak who were not
17 even signed in and they were given 15 minutes. I
18 think that it would be all right to give me
19 another three. I thank you so much for that
20 privilege.

21 SENATOR NOZZOLIO: Thank you.

22 MR. FRANCIS: Okay. Senator Rivera,
23 Gustavo Rivera was elected by the people. We
24 want him to remain as a representative of the

1 Demographic Research and Reapportionment, 1-31-2012

2 people. Thank you so much.

3 SENATOR NOZZOLIO: Marjorie Ritzer?
4 Marjorie Ritzer? Marjorie Ritzer? Would you
5 like a microphone brought to Ms. Ritzer?

6 MS. MARJORIE RITZER: This was a very
7 interesting and educational afternoon. I've had
8 a nice time listening to you gentlemen. But I
9 don't like the redistricting, what you're doing
10 to my neighborhood. I live in the northwest
11 Bronx, and we're very happy there. But now I see
12 that two other senators want to take over Tracy
13 Towers and I live in Scott Towers. I saved my
14 money to have a coop, and I'd like to stay here
15 because it's a beautiful neighborhood, the people
16 are nice. We have a mixed group of people in my
17 building, we get along fine together. So why do
18 they always want to mix us up? Let us be, and I
19 thank you gentlemen for helping us.

20 SENATOR NOZZOLIO: Thank you very much.
21 Could you please, Ms. Ritzer, because this is
22 recorded could you just state your name?

23 MR. RITZER: Marjorie Ritzer, 3410 Paul
24 Avenue, Bronx, New York 10468.

1 Demographic Research and Reapportionment, 1-31-2012

2 SENATOR NOZZOLIO: Thank you very much.

3 MR. KENNY AGOSTO: Good evening,
4 Chairman Nozzolio, Chairman McEneny, Ranking
5 Senator Dilan and all the distinguished members
6 of this honorable New York State LATFOR task
7 force. My name is Kenny Agosto, I am a lifelong
8 resident of the great borough of the Bronx and
9 proudly serve as its duly elected district leader
10 for the 80th assembly district, encompassing
11 Allison [phonetic], Bedford Park, Bronxdale,
12 Eastchester Gardens, Indian Village, Laconia,
13 Morris Part, Norwood, Pelham Gardens, Pelham
14 Parkway, Van Nest.

15 I will not repeat what has been said
16 here in interest of time. The last time we met
17 in the Bronx I testified and I implored the task
18 force that the new districts, that new districts
19 be drawn responsibly and thoughtfully. In light
20 of the newly proposed maps it appears that's gone
21 on deaf ears.

22 Earlier today you had a large contingent
23 from Morris Park, and the gentleman earlier and
24 the three people here earlier represent the 80th

1 Demographic Research and Reapportionment, 1-31-2012

2 assembly district. It's a beautiful diverse
3 district.

4 Because of political concerns you have
5 separation, whole cultural institutions wiped out
6 from the map. Projects that people worked on no
7 longer can claim it their own because now they
8 belong in a wholly new jurisdiction.

9 We here in the 36th senatorial district
10 which now we inherit a portion of the great
11 Senator Ruth Hassell-Thompson now other parts of
12 the 36th are going to be having less
13 representation, a historical representation of
14 such as [phonetic] Joseph Galiber [phonetic],
15 Samuel Bee [phonetic] and Senator Ruth Hassell-
16 Thompson now has been divided in half.

17 Norwood has been divided; other parts of
18 the district have been divided. We understand
19 what the constitution says, we understand what
20 the state constitution says. We want to make
21 sure that neighborhoods stay together, that
22 people can grow together. We know that
23 populations change; we know that there's going to
24 be a tug-of-war, but we need to work this

1 Demographic Research and Reapportionment, 1-31-2012

2 together. And I hesitate to say that we need it
3 before an independent redistricting plan but I
4 just don't know how else we can get what we want
5 and what we need. If one day your neighborhood
6 has these markers and now the jurisdiction has
7 changed everything's changed. We lose hospitals
8 -- we had Einstein Hospital; we longer have
9 Einstein Hospital. We had an interest in the
10 Botanical Gardens; we know have the Botanical
11 Gardens. We had the zoo; we no longer have the
12 zoo. We had access to Lehman College; now we're
13 away from those things. Where does it end?

14 I know that the Supreme Court says that
15 political concerns can still take precedent and
16 no one's arguing that. But why divide
17 neighborhoods? Why divide communities? We have
18 real problems here in the Bronx, and just like
19 Buffalo and just like other parts of New York
20 State we're economically depressed. We have high
21 unemployment here. We have high health ailments
22 here. Asthma, one of the highest in the nation.
23 We have hypertension, we have HIV and AIDS, we
24 have diabetes.

1 Demographic Research and Reapportionment, 1-31-2012

2 If you take away our institutions and
3 the elected officials who represent it 'cause we
4 have now, and last time I asked, it was before
5 this distinguished board we had asked that try to
6 take the plan of not divide neighborhoods, to try
7 to take the plan of at least having at least 50
8 percent of one set community board district so we
9 don't have to weigh the good elected from the bad
10 elected 'cause then what happens when -- and it
11 happened before 20 years ago, we lost Van Nest.
12 And Van Nest has a market rise in crime 'cause
13 there's no accountability. There's divided
14 government.

15 We all sit together, we all legislate
16 together but there's division. If one is a good
17 legislator like Senator Ruth Hassell-Thompson and
18 now she loses the neighborhood then that other
19 person, doesn't matter who it is, if they're not
20 on the ball in their district we lose. The
21 people loses.

22 So this is what we're asking: we're
23 asking that you take another look at Common
24 Cause's lines, that you take a look at NAACP

1 Demographic Research and Reapportionment, 1-31-2012

2 lines, that you take a look at other Latino, the
3 Latino -- I'm sorry -- Latino Justice lines. And
4 if you look at those things you saw that African
5 Americans, Latinos, European Americans got all
6 together and said, "We can divide this. We can
7 have compact lines. We don't have to divide the
8 neighborhoods." We could do a better job. We
9 elect you to represent us and many of you do a
10 great job. But we need, we need, the Bronx needs
11 better representation in those areas and we don't
12 want to lose those representation. So we want
13 you to look at it, look at all the testimony of
14 the people, look at Marjorie Ritzer, look at
15 Carolyn Smith from the neighborhood, the people
16 from Morris Park earlier and other people here
17 that they look at that.

18 Right now we're behind schedule and
19 they're confused. Now were going to have three
20 elections, I know that has nothing to do with
21 what we're talking about today, but it has
22 something to do with elections because right now
23 when we have to race to find out when's the
24 primary and not know who are representatives are

1 Demographic Research and Reapportionment, 1-31-2012

2 and it's a whole new political history for the
3 next ten years it's a disservice.

4 God bless you. Please reconsider and
5 think about us, think about the neighborhoods.
6 We're going to think about Buffalo; we want you
7 to think about the Bronx. Thank you very much.

8 ASSEMBLY MEMBER MCENENY: Thank you.

9 SENATOR NOZZOLIO: Anthony Curry?
10 Anthony Curry? Okay. Peter Crogus? Peter
11 Crogus? Herman Francis?

12 MR. HERMAN FRANCIS: Good evening
13 everyone. My name's Herman Francis. I'm a
14 member of Community Board 1, also chairperson of
15 the - - Community Board 1.

16 I'm a firm believes in solutions. And a
17 man once said, quote, "History is a great
18 teacher." Understand that fact. Politicians
19 create this mess. It's up to the politicians
20 which - - . Hearken back to 1787 when this
21 country got founded. You got to ask yourself
22 what was your ancestors doing that particular
23 time in 1787?

24 When we jump forward to 1861 to 1865

1 Demographic Research and Reapportionment, 1-31-2012

2 which defined the United States of North America
3 and New York State. Once again 1861 to 1865
4 determined that New York City is a democratic
5 city but the rest of the state is republican
6 which put us in the paradox we in today.

7 In order to find a solution one must
8 look back to what put you in the position that
9 you're looking for a solution for. Well
10 basically politics and the way your election
11 [phonetic] process goes it's all about control,
12 control of the district using of the tax revenue
13 to protect the interest of whoever.

14 The only group that's going to benefit
15 from all this, and according to all the testimony
16 I heard is the real estate industry, dude
17 [phonetic] because the way - - throughout this
18 particular state.

19 The Republican Party is doing nothing
20 though, and the Democratic Party is doing nothing
21 too. It's all going down to who's going to be in
22 charge of the allegation of the awarding of
23 contracts and the distribution of, once again,
24 tax revenue. Understand that the only fair way

1 Demographic Research and Reapportionment, 1-31-2012

2 is not gonna be anyone in the district [phonetic]
3 to allocate all this; it's draw the line
4 according to the number of population, let the
5 chips fall where it's gonna fall.

6 It's - - electoral process - - hearken
7 back to the Voting Rights Act of 1965 which was
8 the outgrowth of direct physical attack on a
9 segment of the population for demonstrating their
10 human right to vote. Everybody else would piggy
11 back - - that but yet very few of their ancestors
12 - - was out there on that front line as my
13 ancestors were. Understand that particular fact.
14 It took me [phonetic] at least a year 2012.

15 If we go what we supposed to -- and
16 everybody talk about how economically depressed
17 Bronx County is according to your scum [phonetic]
18 it'd be the poorest county in the nation in terms
19 of the capital income because of the drain of the
20 resources which goes back to my bone of
21 contention that politicians started this;
22 politicians got to fix this.

23 Once again, the campaign for fiscal
24 equity in New York City was won during a lawsuit

1 Demographic Research and Reapportionment, 1-31-2012

2 about the funding for the educational system.

3 That money's still tied up in Albany based on the
4 state - - .

5 The MTA, a state-run agency created by
6 Rockefeller, Republican governor, once again, the
7 city has a big population but yet go not get any
8 resources because it's controlled by the state.
9 We addressed the presidential [phonetic] which
10 his very good and well.

11 Somebody mentioned the housing
12 authority. New York City Housing Authority, most
13 people don't seem to realize the population of
14 the New York Housing Authority is it was taken as
15 a separate entity be it [phonetic] 28th largest
16 city in the United States.

17 Some of us understand this but I do not
18 blame you gentlemen up there and ladies, ma'am.
19 But yet it ought to come back, this situation.
20 People have to get up and go out there and vote
21 and organize themselves. We understand this
22 system but yet if - - I suggest as a solution we
23 just draw the lines according to population.
24 Understand about the Voting Rights Act but yet

1 Demographic Research and Reapportionment, 1-31-2012

2 let the chips fall where there's gonna fall.

3 So - - every community out there will
4 get their fair allocation of the resources that
5 area available by they tax dollars and the
6 services that they supposed to provide for.

7 ASSEMBLY MEMBER MCENENY: Thank you.

8 SENATOR NOZZOLIO: Mary Grisham? Mary
9 Grisham? Dr. Maria Teresa --

10 ASSEMBLY MEMBER MCENENY: Feliciano.

11 SENATOR NOZZOLIO: I'm sorry, Dr. Maria
12 Theresa Feliciano? Nestor Montilla?

13 ASSEMBLY MEMBER MCENENY: I think he
14 already testified.

15 SENATOR NOZZOLIO: Udicella Tapia
16 [phonetic]? Siegfried Gonzales? Georgy T.
17 Robinson? Cathy Stroud? Aleatha Williams. Good
18 evening Aleatha Williams and you brought your own
19 cheering section; that was great. And welcome
20 and please for the record state your name.

21 MS. ALEATHA WILLIAMS: Aleatha Williams.
22 Good evening, my name is Aleatha Williams and I
23 live in the Throg's Neck area of the Bronx and
24 I'm a full-time college student at Mercy College

1 Demographic Research and Reapportionment, 1-31-2012

2 right now and I am also the founder and president
3 of Youth Leaders on the move, a community-based
4 organization that sponsors several trips and
5 events annually to help increase the college
6 acceptance rates among our graduating high school
7 students and to mentor our high school students
8 who live in the area of the Bronx. My senator is
9 Jeffrey Klein and I'm here today to attest that
10 he is an outstanding senator.

11 I can attest to the fact that he's more
12 than willing to enrich and enhance his district
13 through his efforts and monetary contributions in
14 support of our mission to help college, I mean
15 high school students.

16 Last year in 2011 Senator Klein
17 sponsored about 20 students from Truman High
18 School with chaperones to attend the 40th annual
19 caucus of the New York State Association of Black
20 and Puerto Rican legislators. The educational
21 excursion was a four-day weekend of mentoring 101
22 guidance to help the students develop both
23 academically and personally into mature teenagers
24 to ready for their college years.

1 Demographic Research and Reapportionment, 1-31-2012

2 While their events included a keynote
3 dinner, educational sessions and time so meet
4 with elected officials -- I have a copy -- I'm
5 sorry -- in June 2011 Senator Klein also
6 continued this tradition of helping the youth of
7 the Bronx by donating a \$500 scholarship for a
8 college-bound senior from Columbus High School.
9 I have a copy of the article that was written by
10 The Bronx Times highlighting Senator Klein's
11 contributions.

12 We are not preparing to go to Albany in
13 about three weeks to attend the 41st annual caucus
14 of the New York State Association of black and
15 Puerto Rican legislators from Friday to Monday
16 February 17th to 20th in 2012 and we will be able
17 to make that trip happen because of Senator
18 Klein's efforts. And I'm here today to say
19 please do not take Senator Klein away from this
20 district. We need him tremendously as our
21 advocate friend and mentor and first class
22 senator. Thank you.

23 SENATOR NOZZOLIO: Aleatha thank you
24 very much Ms. Williams. What -- before you

1 Demographic Research and Reapportionment, 1-31-2012

2 leave, you're in college, or are you? What year
3 in school?

4 MS. WILLIAMS: Oh, a sophomore.

5 SENATOR NOZZOLIO: A sophomore? Well
6 you are an extremely poised young lady and we
7 appreciate you coming here today and testifying.
8 Best of luck in your future endeavors. Thank
9 you.

10 ASSEMBLY MEMBER MCENENY: What's your
11 major?

12 MS. WILLIAMS: Journalism.

13 ASSEMBLY MEMBER MCENENY: Very good.
14 That's not the last we've heard.

15 MS. WILLIAMS: Thank you.

16 SENATOR NOZZOLIO: Thank you. Leslie
17 G.? Leslie G.? Ellen Hodick? Ellen Hodick?
18 I'm going to finish this sheet and then ask
19 anyone who is here if your name has not been
20 called and you wish to testify please say so.
21 This sheet begins with B. Arthur Richardson.
22 Agedio Samatelli?

23 MALE VOICE: He's gone.

24 SENATOR NOZZOLIO: Rosa Aella? Debra

1 Demographic Research and Reapportionment, 1-31-2012

2 Myers?

3 MS. DEBRA MYERS: Good evening and thank
4 you for all your patience. My name is Debra
5 Myers, I live in the 77th assembly district.
6 Vanessa Gibson is my assemblywoman; my state
7 senator is State Senator Jose Serrano, Jr. My
8 congressman is his father, Jose Serrano, Sr.

9 I'm just so happy to be here and I
10 really thank you for your patience. The reason
11 why I'm here is because it doesn't matter to me
12 if you redo the districts or you don't do it.
13 It's really up to each individual for what they
14 put into their community. And it doesn't matter
15 about the lines. That's the way I feel about it
16 because I am a Bronxite and I believe in one
17 Bronx, that we are all one. I'm an American
18 citizen and I'm proud of my country, that's
19 number one, and how this country came to be what
20 it is is because people took the responsibility
21 to build it to what it is today and we all worked
22 together. And it doesn't matter where you live.

23 And I know my doctors, my fire
24 department, my police department we don't look at

1 Demographic Research and Reapportionment, 1-31-2012

2 color, we don't look at racial things. When we
3 come out and they come out, they go out to help
4 we help whoever because that's our duty as
5 American citizen. And that's the way I feel
6 about it.

7 So I'm going to work with everyone in my
8 community and in the Bronx and in the City of New
9 York. One of the things I do is I love to plant
10 flowers and so I do a lot of beautification
11 projects on the Grand Concourse. I live at 1560
12 Grand Concourse and I am the president of my
13 tenant's association. I live right across the
14 street from Bronx-Lebanon Hospital so we have the
15 Mount Edom [phonetic] malls which, you know, my
16 councilwoman she put a lot of money into it and
17 we have a beautiful mall over there.

18 So my job is to see that the Bronx is
19 beautified with a lot of flowers up and down the
20 concourse. All of my superintendents and other
21 community groups we all working together for
22 that. And that's what we all hear in the Bronx
23 who are testifying should believe in that we are
24 one Bronx. And I'm proud of my borough

1 Demographic Research and Reapportionment, 1-31-2012

2 president, Reuben Diaz, Jr. because that's what
3 he believes, that we are one Bronx, that's it.
4 You understand? We're going to get the money.

5 What I am concerned about is because I
6 am a resident of the 77th assembly district is
7 because what people are not telling you they're
8 not doing enough research to sit up here to find
9 out what's actually going on.

10 In the 77th assembly district we are
11 being bombarded by homeless shelters which are
12 transient residents who are not voters. They
13 don't vote because they just come into our
14 community for really briefly a six-month stay.
15 So they're not registered voters. We have SROs,
16 we have homeless shelters. And these people
17 really have not been counted as registered voters
18 in our community. That's one part.

19 The other part of my community is that
20 we have -- yes, we do, we have a large Hispanic
21 population in the community and we do have
22 Hispanic representation. But for the Dominican
23 population of my community many of them are not
24 registered voters because they are not American

1 Demographic Research and Reapportionment, 1-31-2012

2 citizens and even right on 170th Street many of
3 them are allowed to just go and voter for the
4 President of the Dominican Republican. So they
5 are not telling you that yes, they provide a lot
6 of economic access to our community with the
7 livery service, with the stores but many of them
8 because they are not American citizens they're
9 not registered voters so they haven't completed
10 the census and they are allowed to vote for the
11 president of their county in the Dominican
12 Republic and then we allow that. And that's not
13 a problem.

14 So in order for us to -- I don't feel
15 that the 77th AD will get its fair share because
16 of the way we have -- the way our population is
17 spreaded. Right now with this redistricting we
18 do not have a representation of a hospital
19 because Bronx-Lebanon Hospital is not -- it's in
20 the 33rd senate district. Then we have -- Lincoln
21 Hospital is in another district. So when you
22 come in terms of monies from the hospitals or
23 like they said, Gateway, we're not privy to those
24 things.

1 Demographic Research and Reapportionment, 1-31-2012

2 And I'm one of those people who I attend
3 my community planning board meetings and I've
4 been there to hash out the new parks and from the
5 Yankee Stadium benefits agreement. I've been
6 there to see all the things that we fought for
7 from community planning board number 4 yet the
8 people who fought for all of these services for
9 this community they're now -- it's now being
10 taken away and given to other, you know,
11 representatives who did not represent us for
12 these things.

13 And what I want to bring to the
14 attention of you, Senator, I want you to know
15 that right now in the 77th AD this transient
16 housing we take up 29 percent of the homeless
17 people of New York City. And we cannot get
18 affordable housing built anymore in this
19 community because most of the realtors are now
20 wanting to turn buildings into homeless shelters.

21 We have a homeless shelter at 3339 Park
22 Avenue that is going to receive \$75 million over
23 a ten-year period for 200-bed men, you know,
24 transient. And they put it right next to junior

1 Demographic Research and Reapportionment, 1-31-2012

2 high school 145 which children are in fifth grade
3 to eighth grade. Now that's a travesty to our
4 community and I felt that this money would be
5 best used if we would built affordable housing.
6 I don't care if they took the money and sent the
7 money to Buffalo or to Nyack where there's land.
8 We could build other communities in our state
9 with that money.

10 So when they're telling you that they
11 want to cut off certain things, the HPD, the
12 Housing Preservation Development said they do not
13 fund housing money to transient hotels. So that
14 means we're going to lose money in getting new
15 buildings of affordable housing.

16 SENATOR NOZZOLIO: Ms. Myers excellent
17 points and I wish we could spend more time on
18 those questions tonight. We can't. But could
19 you summarize and conclude?

20 MS. MYERS: Yes, I will summarize. What
21 I'm saying is I'm tired of hearing that we are
22 the poorest congressional district in the United
23 States. We receive a lot of money and Title One
24 educational monies from the federal government to

1 Demographic Research and Reapportionment, 1-31-2012

2 educate our children yet they're not being
3 educated. So when you're looking at what they're
4 trying to do down here -- and I'm speaking for
5 the Bronx because I know the Bronx. All this
6 money that's coming down into our community yet I
7 don't see the fruitfulness of it in terms of our
8 children being properly educated to go onto
9 colleges that, you know, and become productive
10 members of this community. We need to redistrict
11 those lines where we're going to have people who
12 are educated and who really care and who will do
13 the analytical research into what is going on and
14 how our state and our federal dollars are being
15 spent here in the Bronx and in the entire New
16 York City, all right? Because right now it's
17 really going -- the economics that we're facing
18 here in the city because of this redistricting,
19 the way the politicians want it it's all because
20 of the fat cats I would put it because it's not
21 about the people; it's who they're going to
22 benefit in terms of the institutions.

23 We have the hospitals. The hospitals do
24 a lot of research, a lot of good research. But

1 Demographic Research and Reapportionment, 1-31-2012

2 if you look at when they say the 77th AD we have
3 the most poverty people on who are on public
4 assistance and who are on Medicaid and these
5 people purposely are going to doctors' offices
6 unnecessarily. We need to teach them good
7 health.

8 So we need to understand something, that
9 this redistricting that they want to do is not to
10 benefit the people of the Bronx, all right?
11 They're destroying communities with the way
12 they're trying to do it.

13 It doesn't bother me because I sit back
14 and I'm very analytical. My children are no
15 longer living in the Bronx and a lot of children
16 who live in my building they've gone onto
17 colleges but they go on the computer and they'll
18 tell you exactly what's going on. So if I don't
19 want to shop in certain areas and certain
20 community I'm not going to do it.

21 So this trying to -- we are actually
22 destroying ourselves. We are actually destroying
23 ourselves, all right? I was very disappointed
24 with a lot of the testimony here because we are

1 Demographic Research and Reapportionment, 1-31-2012

2 supposed to be one Bronx supporting one another.
3 That's how this country was built. I don't want
4 to hear this anymore. Men are out there dying in
5 the wars for our freedom and people don't even
6 understand that our Constitution of the United
7 States what it means and what we're here and what
8 we are about, all right? We are about freedom;
9 with freedom comes responsibility, you
10 understand? And you are not free until you are
11 responsible. And that's the way I teach my
12 children. You're free when you're responsible
13 for yourself.

14 We're not going to take here and I'm
15 going to keep dragging them up. No. I only want
16 more for a person that they want -- I want more
17 for them than they want for themselves. I tell
18 my children that: I will help you if you're
19 willing to help yourself but I'm going to drag
20 you because you're going to get me tired. So
21 that's what I've seen here.

22 In this Bronx here we're one Bronx but
23 we need to become responsible for each, you know,
24 for ourselves. All right?

1 Demographic Research and Reapportionment, 1-31-2012

2 SENATOR NOZZOLIO: Well thank you.

3 MS. MYERS: And that's my testimony. I
4 love everyone, you understand God bless America
5 and I don't care how you draw those lines because
6 I know who I am as an individual and I'm always
7 going to do the right thing and plant my flowers
8 and make my concourse beautiful and my building
9 beautiful and we're always going to get along.
10 Thank you and God bless you all.

11 SENATOR NOZZOLIO: Ms. Myers thank you
12 very, very much. Chauncey Young? Herbert
13 Moreira?

14 MR. HERBERT MOREIRA BROWN: Moreira
15 Brown.

16 ASSEMBLY MEMBER MCENENY: Before you
17 start, Mr. Moreira Brown, people who are not
18 citizens are counted, so are college students
19 that are here that may have voting residence
20 elsewhere; they are counted in the census. We
21 don't count voters; we count people. And if
22 they're not a citizen, if they vote in another
23 country they're still counted. Just a point of
24 clarification. Please proceed. Thank you.

1 Demographic Research and Reapportionment, 1-31-2012

2 MR. BROWN: Okay. My name is Herbert
3 Moreira Brown, I'm a resident of Coop City. Coop
4 City lies in the northern part of the 82nd
5 assembly district and when you look at Coop City,
6 if you look at the map of the 82nd it's not --
7 there's no community of interest with the rest,
8 southern part of the 82nd.

9 The kids in Throg's Neck don't go up --

10 SENATOR NOZZOLIO: [Interposing] Excuse
11 me, Mr. Moreira Brown. Who's your assistant back
12 there?

13 MR. BROWN: My son?

14 SENATOR NOZZOLIO: Would you ask them to
15 come up with you?

16 CHILD'S VOICE: Hello [phonetic].

17 MR. BROWN: Okay have a seat.

18 SENATOR NOZZOLIO: Thank you very much.

19 MR. BROWN: Thank you. And when you
20 look at the map --

21 SENATOR NOZZOLIO: You got a pencil --
22 taking notes, that's good. Got some notes.
23 That's great.

24 MR. BROWN: When you look at the map

1 Demographic Research and Reapportionment, 1-31-2012

2 Coop City is more contiguous with the eastern
3 part, the eastern third of the 83rd. When I talk
4 about that let's say if you go down from Bay
5 Chester from number five train, I'm sorry, look
6 at number five train as being the dividing line
7 because it is in some instances a dividing line
8 between the eastern part of 83rd and the western.

9 Now when you start looking at Coop and
10 you look at the instance the bus line's 28 to
11 26, they go east to west, west to east.
12 Basically we as a community in Coop City we
13 really don't have any connection to the Throg's
14 Neck area, to Pelham Bay, that's cut off by Pelham
15 Parkway going out to City Island and to Audrey
16 [phonetic] Beach. It's also cut out by the -- I
17 believe it's the Metro North or the Amtrak that
18 goes all along underneath the 95. And I think
19 that when you look at -- for instance when 3
20 o'clock if you drive by Coop City and Coop City
21 Boulevard it's a stream of individuals, students,
22 that leaving Truman High School going into what -
23 - when I was growing up -- I've been up there
24 since 1970 when my parents moved up to Coop City

1 Demographic Research and Reapportionment, 1-31-2012

2 we called it the Valley, and that's that part
3 east of the number five train, all right, and I
4 guess west of I-95.

5 Now a number of students go to Truman
6 High School and that's where you have a
7 commonality of interest. You know, you could
8 actually make a district, making Coop City,
9 eastern part of the 83rd and then you could ride
10 up Bartow Avenue, Bartow I think it's Kingsland.
11 Bartow Avenue runs into Gunhill Road and then you
12 take one block, a small little block and then
13 Allerton.

14 So there's enough of a community of
15 interest in that part, for instance I went to
16 Advantage [phonetic] Child [phonetic] High
17 School, you used to have to take -- back then it
18 was I think the 15 and the 17 'cause they changed
19 the numbers, the buses that went across Gunhill
20 Road. I'd have to take the 15 from Coop City to
21 Advantage Childs. Now most of the people that
22 live in the northeast Bronx, the Valley and Coop
23 City a lot of them just go to Truman.

24 The point that I'm trying to say is that

1 Demographic Research and Reapportionment, 1-31-2012

2 when you make a district, you can't look at a map
3 and just say, "Okay, we're going to cut this out
4 and here's I-95 and everything east of I-95 goes
5 into 82nd." We have absolutely no connection with
6 the southern part of the 82nd. And I understand
7 that there are some people who would like to have
8 the 82nd, the southern part of the 82nd and some
9 parts of Morris Park and Pelham Parkway made a
10 part of the 82nd. I think that when you start
11 looking at it you need to look at where people
12 are flowing because when you start talking about
13 education, when you start talking about schools
14 you know an assemblyman's going to worry about
15 that school that's in his assembly or her
16 assembly district. Now if there's other
17 individuals that go to that school that are
18 outside the assembly district they may care but
19 they still have to wait, work on their voters. I
20 think that there's enough -- the assemblyman for
21 the 83rd is the chairperson of the Bronx
22 Democratic Party; I think that it's -- he seems
23 to be doing a good job or you know, it's not easy
24 to be chairperson of the Bronx Democratic Party

1 Demographic Research and Reapportionment, 1-31-2012

2 and he's still there. I think he was to move a
3 little west people would just - - the chairperson
4 of Bronx Democratic Party representative but I do
5 think that Coop City and that eastern part of the
6 83rd and the southern part now -- also I'm talking
7 about when I say the southern Gunhill Road and
8 Allerton Avenue going west I think that there's a
9 real need to look at making another contiguous
10 district where there is a true community of
11 interest.

12 Then what our interests -- just like my
13 son here, when he goes to school I'm interested
14 in that. When I walk outside of school if I see
15 something I actually -- if I didn't drop it I'll
16 pick it up and throw it in the garbage. All
17 right? I mean I don't want anybody hitting them
18 in the head with it, you know, or throwing it and
19 hitting me in the eye.

20 So I think that that's where our
21 community of interests are and I think that when
22 you start making these districts, you know I know
23 that Coop City used to be predominantly Jewish,
24 okay, but not it's predominantly black and

1 Demographic Research and Reapportionment, 1-31-2012

2 Hispanic, and I'm not going towards racial lines,
3 I'm going towards who's actually going and going
4 into those areas and where, you know, who's
5 coming to Bay Plaza, all right? And the people
6 coming to Bay Plaza are the ones that are going,
7 drive east to west. And generally in the Bronx
8 you drive east to west. Well not every -- some
9 people drive north and south but a lot of times
10 the neighborhoods go east to west. Now of course
11 they're bounded by north and south boundaries but
12 you know, a lot of the flow, like Gunhill Road,
13 Allerton is east to west.

14 And I think what you should do, and I
15 believe that the governor stated that if they
16 don't come back with lines that reflect true
17 communities then he's going to veto it. And I
18 think that the 82nd is one of those.

19 And oh and one other point I'd like to
20 make: there are very few districts that have
21 part A district leader and part B district
22 leader. The reason why I believe, and I'm not a
23 historian, the reason why I believe they have the
24 A district leader and B district leader instead

1 Demographic Research and Reapportionment, 1-31-2012

2 of one district leader for the assembly district
3 is because it's such a disparate district that it
4 may be one of those elongated districts where the
5 people in the north really have nothing to do
6 with the people in the south. So they have to
7 give them two different district leaders so they
8 can go when they go to the democratic committee
9 meetings that they can report on their
10 communities.

11 You can't have a community running from
12 basically Connors [phonetic] Street all the way
13 south to the Throg's Neck bridge. I mean and
14 that's what the 83rd does and that is not a
15 community; that is just -- you just saying, okay
16 we're going to make this, we're just going to
17 carve this out without looking at who lives there
18 and what makes them tick. And if those
19 individuals in the southern part of the 82nd would
20 like to add Morris Park or what have you, I think
21 that what you should look at is the interests of
22 the people and let those politicians run and get
23 their votes. The politicians shouldn't be
24 guaranteed any lines; they should be voted in by

1 Demographic Research and Reapportionment, 1-31-2012

2 the people - - republic, right? We have a
3 representative democracy and I believe that
4 that's how it should be and I do hope that you
5 would look at the 82nd and looking at developing
6 those. It's going to be another ten years if
7 it's not done now, or a seat [phonetic] where
8 Coop City's actually in community, of an interest
9 of community with the rest of its neighbors which
10 is basically across - - across I-95. I thank you
11 for listening and have a good evening.

12 SENATOR NOZZOLIO: Thank you, and thank
13 you Ian.

14 IAN: Bye.

15 SENATOR NOZZOLIO: Thank you very much.
16 Bye bye. John Fielder? Is that Felder? Thank
17 you, Mr. Felder.

18 MR. JOHN FELDER: Good evening,
19 gentlemen. My name is John Felder, I live at
20 1131 Ogden Avenue in the Bronx in the 77th
21 district. My councilwoman is Vanessa Gibson. My
22 senator is Jose Serrano, Jr. My congressman is
23 Jose Serrano, Sr. I've lived in the Bronx 40
24 years in Highbridge [phonetic]. I've watched it

1 Demographic Research and Reapportionment, 1-31-2012

2 change demographically from Irish American to
3 African American and Hispanic American and now
4 Haitian American and Caribbean Americans. I've
5 written for the Highbridge Horizon Newspaper for
6 six years and I've always tried to bring
7 realistic journalism to my community which went
8 on the web and people were reading my article as
9 far as Belize and Central America.

10 I had a formal education in New York
11 City and a few years in college and I did a lot
12 of studying about American politics and history.
13 I know that Barack Obama's not the first black
14 president; he's the seventh black president based
15 on DNA genealogy and I published that in the
16 paper. I had to bring documentation because
17 America is really misinformed politically and
18 ethnically. The founding fathers of our country
19 were given money by African Americans to buy
20 shoes for the troops to fight the British when
21 George Washington was president. That black
22 man's name was John Hanson. He was the first
23 president of the United States when this was a
24 congress of confederation. They've whitened his

1 Demographic Research and Reapportionment, 1-31-2012

2 face up in the Smithsonian museum but he was a
3 black mole [phonetic].

4 Then you had the other six presidents
5 who based on DNA who were African Americans. But
6 I'm looking over the 61 years that I've been
7 living at the political agendas of this country.
8 You have people in high positions of the
9 political arena who still want to control people.
10 They want to reduce world population from 7
11 billion to 500 million, a number that they can
12 control. Some of them are Anglo Saxon
13 Protestants, Arabs, Muslims, Christians, what
14 have you. But to have your bosses, because
15 everybody has a boss, to send you out into
16 communities and try to brainwash, bamboozle and
17 behoove regular voting people into thinking that
18 the American dream is real is not nice.

19 These people came here tonight to plead
20 their cases to keep their communities. Next year
21 I'll be 62; I'll be signing off on my Social
22 Security. I've been an auto mechanic all my
23 life. My children only know that they're father
24 worked for himself. My daughter has a B.S. in

1 Demographic Research and Reapportionment, 1-31-2012

2 biology medicine. She's living in Japan. I have
3 my home in South Carolina paid for already. When
4 I go on vacation I drive a 35 foot motor phone.
5 I drive a Cadillac and I have a Jeep.

6 I am interested in you gentlemen going
7 back for my friends and neighbors here in the
8 Bronx that I won't be seeing after next year
9 because I'll be living on the gravy train: do
10 the best you can for them. Maybe they didn't
11 plan their life as well as I planned mine and
12 maybe they have nowhere to go other than to the
13 projects with, you know, housing preservation and
14 development corporation. But you know it's
15 blessed to give to those people who are less
16 fortunate than yourself.

17 You know we lost a great president when
18 we lost John Kennedy. We lost a great president
19 when we lost Abraham Lincoln. But they stood for
20 something. They stood for all the people. If
21 you read books about Abraham Lincoln you'll find
22 that he was ridiculed and criticized in his
23 political endeavors for picking up a black child
24 and kissing him, and the other white citizens of

1 Demographic Research and Reapportionment, 1-31-2012

2 America say, "How dare you kiss a lowly Negro?"
3 Little did they know that the Negro would save
4 the union at Manassas, Virginia from the Southern
5 Confederates. And the sons of Frederick Douglass
6 and Louis Lattimore [phonetic] fought on the
7 front lines.

8 So when you make your decisions and your
9 judgment calls think about the people who are
10 less fortunate than you and make the right
11 decision because some of them they can't help
12 themselves and it's not right for us who are more
13 fortunate than they are to just overlook them
14 because we were given orders from the President's
15 office or from the Congress's office for us to
16 come down and be the bearers of bad news.

17 Look at these people. Think about what
18 they said to you today and make the conscious
19 decision to do what's right for America. Thank
20 you.

21 SENATOR NOZZOLIO: Thank you very much
22 Mr. Felder and best wishes to you. Mickey Owens
23 [phonetic]? Abraham Jones. Fidel Malea
24 [phonetic]. Now is there anyone else whose name

1 Demographic Research and Reapportionment, 1-31-2012

2 has not been called who would like to speak?

3 MS. CHERYL SIMMONS OLIVER: And I'll be
4 very brief. My name is Cheryl Simmons Oliver and
5 I'm a resident of Coop City.

6 ASSEMBLY MEMBER MCENENY: Give you name
7 again a little slower.

8 MS. OLIVER: Cheryl Simmons Oliver and
9 I'm a resident of Coop City, and as you may be
10 aware gentlemen and lady Coop City has 55,000
11 residents. To take Coop City and merge it into
12 the Throg's Neck community towards the east would
13 be to disenfranchise the African Americans and
14 Latinos that reside within that district. It is
15 better served if it is allowed to remain, to
16 continue in the manner in which it's laid out so
17 that it still interfaces with the White Plains
18 community which is a community of interest.

19 It is imperative that we be afforded --

20 SENATOR NOZZOLIO: You're talking senate
21 now.

22 MS. OLIVER: Yes, I'm talking the
23 Senate, yes, it is imperative that we, as African
24 Americans and Caribbeans and Latinos have a right

1 Demographic Research and Reapportionment, 1-31-2012

2 for self-determination. It is imperative that we
3 have an opportunity for economic enhancement and
4 development, and by merging us into another
5 district you are depriving us of that
6 opportunity.

7 I ask when you convene that you look
8 very closely at where we are in our country at
9 this present time.

10 SENATOR NOZZOLIO: Could you go through
11 those numbers again?

12 MS. OLIVER: There're 55,000-plus
13 residents within Coop City.

14 SENATOR NOZZOLIO: Right and what
15 district?

16 MS. OLIVER: That's the 82nd district and
17 we're the district the gentleman was talking
18 about; that's our assembly district.

19 SENATOR NOZZOLIO: And you're concerned
20 with the assembly?

21 MS. OLIVER: Of course, I'm most
22 definitely concerned.

23 ASSEMBLY MEMBER MCENENY: Well we don't
24 cross -- in the assembly we don't cross the city

1 Demographic Research and Reapportionment, 1-31-2012

2 line.

3 MS. OLIVER: You're not crossing the
4 city line by going into Throg's Neck. Of the
5 Throg's Neck area you're not crossing any city
6 lines --

7 ASSEMBLY MEMBER MCENENY: [Interposing]
8 No, no.

9 MS. OLIVER: All you're basically doing
10 as the gentleman said --

11 ASSEMBLY MEMBER MCENENY: [Interposing]
12 - - the assembly districts all stay within the
13 borough that they're in.

14 MS. OLIVER: And that is within the
15 borough of the Bronx. All of this is contained
16 right within the borough of the Bronx.

17 ASSEMBLY MEMBER MCENENY: But we don't
18 go near White Plains; it's in the wrong --

19 MS. OLIVER: [Interposing] You're
20 talking about White Plains, Westchester and I'm
21 talking about White Plains, Bronx. They're two.
22 Two White -- White Plains --

23 ASSEMBLY MEMBER MCENENY: Oh okay, all
24 right, I understand now.

1 Demographic Research and Reapportionment, 1-31-2012

2 MS. OLIVER: Okay stay with me because
3 when you know I've lived in the Bronx all of my
4 life so I apologize for that. It's not going to
5 work to move us eastward so that we are a part of
6 City Island. That's not going to work. Throg's
7 Neck that's not going to work. Country Club, the
8 communities are not communities of interest at
9 this time. Thank you so very much for hearing
10 me.

11 SENATOR NOZZOLIO: I believe that
12 concludes the hearing. We thank all of you who
13 have participated and appreciate the opportunity
14 to hear your concerns. This hearing is now
15 adjourned. The committee will reconvene tomorrow
16 morning at 10:30, excuse me, is it 10:30 at the -
17 - in Brooklyn. Thank you very much.

18 ASSEMBLY MEMBER MCENENY: There were 50
19 people that testified the last time; 49 people
20 this time. That's a good showing and I think
21 moving it later in the day and going into the
22 evening did help. Thank you.

23 (The public hearing concluded.)

C E R T I F I C A T E

I, Brian Henderberg, do hereby certify that the foregoing typewritten transcription, consisting of pages number 1 to XXX, inclusive, is a true record prepared by me and completed from materials provided to me.



Brian Henderberg,

Transcriptionist

February 4, 2011

Date



**NEW YORK STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT
PUBLIC HEARING ON CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING
01/31/2012 – 3:00 P.M. BRONX MUSEUM OF THE ARTS – LOWER GALLERY
1040 GRAND CONCOURSE @ 165TH STREET BRONX, NY 10456**

SPEAKERS LIST:

- 1. ROBERT RUGGERIERO, CHAIRMAN, MORRIS PARK BUSINESS ALLIANCE**
- 2. JOSEPH A. THOMPSON, PRESIDENT 49TH COMMUNITY COUNCIL**
- 3. MARK GJONAJ, COMMUNITY ACTIVIST AND CONCERNED CITIZEN**
- 4. SILVIO MAZZELLA, SECRETARY, MORRIS PARK COMMUNITY ASSOCIATION**
- 5. BERNADETTE FERRARA, VICE PRESIDENT, VAN NEXT NEIGHBORHOOD ALLIANCE**
- 6. MARY JANE MUSANO-WATERBURY LASALLE COMMUNITY ASSOCIATION (PELHAM BAY)**
- 7. BARBARA STRONCZER, PRESIDENT, BEDFORD MOSHOLU COMMUNITY ASSOCIATION**
- 8. J P. (SEAN COFFEY), BOARD MEMBER, COMMON CAUSE NY**
- 9. SHERRY SCANLON, PELHAM BAY MERCHANTS**
- 10. ADALINE WALKER, CB7**
- 11. AL CHAPMAN, KHNIA**
- 12. CHUCK LESNICK, COUNCIL PRESIDENT, CITY OF YONKERS**
- 13. ELLEN HENDRICK (on behalf of Mary Jane Chimsky)**
- 14. DON BLUESTONE, MMCC**
- 15. FERNANDO TIRADO, CB7**
- 16. GREG LOBO JOST, UNHP**
- 17. JOSE DIAZ, CONSTITUENT**

18. LORITA WATSON, FRIENDS OF OVAL PARK
19. EMIL GOMEZ, CB7
20. MAXIMO PADILLA, DOMINICAN COMMITTEE OF NEW YORK (spoke Spanish, translated by Welquis Lopez)
21. MIGUEL SANTANA (with Maria Teresa Feliciano, Dominican American National Roundtable)
22. NESTOR MONTILLA, CHAIR, NATIONAL DOMINICAN AMERICAN COUNCIL
23. DOUGLAS MENDEZ
24. FELIPE FEBLES (spoke Spanish, translated by Welquis Lopez)
25. MARK ESCOFFERY BAY
26. MARIA FORBES
27. CHRISTOPHER MOLTREY
28. WILLIAM STANFORD, JR.
29. LORETTA RUDDOCK SMITH
30. ALINE ROBERTS
31. HORACE ORTON
32. ABRAHAM JONES
33. CATHY STROUD
34. OTTIS EDWARDS
35. WILLIAM FRANCIS, MINISTER
36. LOWELL GREEN
37. CAROLYN SMITH
38. MARJORIE RITZER
39. KENNY AGOSTO

40. HERMAN FRANCIS

41. ALEATHA WILLIAMS

42. DEBRA MYERS

43. HERBERT MOREIRA BROWN

44. JOHN FELDER

45. CHERYL SIMMONS OLIVER



**NEW YORK STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT
PUBLIC HEARING ON CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING
02/01/2012 BROOKLYN – 10:30 A.M. ST.FRANCIS COLLEGE
FOUNDERS HALL AUDITORIUM 180 REMSEN STREET BROOKLYN HEIGHTS, NY 11201**

SPEAKERS LIST:

1. CHAIM ISRAEL
2. MEIR WIKLER
3. DR. WAH LEE, BOARD MEMBER-OCA NY
4. ARI KAGAN BOARD MEMBER, UNITED ASSOCIATION OF EAST EUROPEAN JEWRY
5. GENE A. JOHNSON JR.
6. ELEANOR MORETTA, ADVISORY BOARD MEMBER, COMMON CAUSE NY
7. STEVE CHUNG, MEMBER, ACCORD
8. BEN AKSELROD
9. ROSALIND THOMAS, BLACK WOMEN FOR FAIRNESS, EQUITY, & JUSTICE IN GVT AND PUBLIC SERVICE
10. BISHOP SYLVETTA HAMILTON-GONZALES, WOMEN FOR FAIRNESS, EQUITY, & JUSTICE IN GVT AND PUBLIC SERVICE
11. DR. UNA CLARKE, WOMEN FOR FAIRNESS, EQUITY, & JUSTICE IN GVT AND PUBLIC SERVICE
12. DIANE JACKSON, COOPER PARK TENANTS ASSOCIATION
13. KAREN LEADER, COOPER PARK TENANTS ASSOCIATION
14. LAURA HOFMANN
15. ALAN ROSNER
16. PAMELA RODERICK
17. CHARLENE PHILLIPS, COMMUNITY BOARD 3
18. ERICK BRUZAITIS
19. RICHARD BOATTI
20. ED BROWN, PRESIDENT, INGERSOLL TENANTS ASSOCIATION

21. JOYCE HENRY
22. VALERY JEAN
23. CATHERINE SMITH
24. CORY PROVOST
25. EVELYN CRUZ
26. ESMERALDA SIMMONS, ESQ., EXECUTIVE DIRECTOR, CENTER FOR LAW AND SOCIAL JUSTICE, MEDGAR EVARS COLLEGE, CUNY
27. JOANNE SIMON, DISTRICT LEADER 52ND AD
28. DR. VONI JOHYN

NEW YORK STATE
LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND
REAPPORTIONMENT

PUBLIC HEARING
CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING

St. Francis College, Founders Hall Auditorium

182 Remsen Street

Brooklyn, New York 11201

Wednesday, February 1, 2012

10:30 a.m.

TASK FORCE MEMBERS PRESENT:

ASSEMBLY MEMBER JOHN J. MCENENY, Co-Chair

SENATOR MICHAEL F. NOZZOLIO, Co-Chair

SENATOR MARTIN M. DILAN

ASSEMBLY MEMBER ROBERT OAKS

DEBRA LEVINE

ROMAN HEDGES

WELQUIS LOPEZ

LEWIS HOPPE

INDEX

	Page
MR. CHAIM ISRAEL PRESIDENT YMHA of Borough Park	7
MR. MEIR WIKLER	10
DR. WAH LEE BOARD MEMBER OCA NEW YORK	17
MR. ARI KAGAN BOARD MEMBER UNITED ASSOCIATION OF EAST EUROPEAN JEWRY	22
MR. GENE A. JOHNSON, JR.	29
MS. ELEANOR MORETTA ADVISORY BOARD MEMBER COMMON CAUSE NY	32
MR. STEVE CHUNG MEMBER ACCORD	38
MR. BEN AKSELROD	43
MS. ROSALIND THOMAS BLACK WOMEN FOR FAIRNESS EQUITY & JUSTICE IN GVT AND PUBLIC SERVICE	47
BISHOP SYLVETTA HAMILTON-GONZALES WOMEN FOR FAIRNESS, EQUITY & JUSTICE IN GVT AND PUBLIC SERVICE	47
DR. UNA CLARKE WOMEN FOR FAIRNESS, EQUITY & JUSTICE IN GVT AND PUBLIC SERVICE	50

Demographic Research and Reapportionment, 2-1-12

MS. DIANE JACKSON	52
COOPER PARK TENANTS ASSOCIATION	
MS. KAREN LEADER	55
COOPER PARK TENANTS ASSOCIATION	
MS. LAURA HOFMANN	57
MR. ALAN ROSNER	61
MS. PAMELA RODERICK	63
MS. CHARLENE PHILLIPS	64
COMMUNITY BOARD 3	
MR. ERICK BRUZAITIS	65
MR. RICHARD BOATTI	67
MR. ED BROWN	
PRESIDENT	
INGERSOLL TENANTS ASSOCIATION	
MS. JOYCE HENRY	80
MS. VALERY JEAN	81
MS. CATHERINE SMITH	86
MR. CORY PROVOST	87
MS. EVELYN CRUZ	89
MS. ESMERALDA SIMMONS, ESQ.	93
EXECUTIVE DIRECTOR	
CENTER FOR LAW AND SOCIAL	
JUSTICE,	
MEDGAR EVARS COLLEGE, CUNY	
MS. JOANNE SIMON	101
DISTRICT LEADER 52 ND AD	

DR. VONI JOHYN

104

1 Demographic Research and Reapportionment, 2-1-12

2 (The public hearing commenced at 10:30
3 a.m.)

4 ASSEMBLY MEMBER JOHN J. MCENENY, CO-
5 CHAIR, NYS LEGISLATIVE TASK FORCE ON DEMOGRAPHIC
6 RESEARCH AND REAPPORTIONMENT: Good morning. See
7 if we are on here, yes. My name is Jack McEneny.
8 I'm a member of the New York State Assembly. I
9 represent parts of Albany County and City up the
10 Hudson. Here today is the LATFOR task force for
11 redrawing lines of representation for Senate and
12 the Assembly are the six members of LATFOR. I
13 will introduce the assembly side first. I'm the
14 co-Chair. To my immediate left is a long time
15 friend who represents an area also in upstate New
16 York who is Bob Oaks. Next to him is the citizen
17 representative who is Dr. Roman Hedges and down
18 at the end is Mr. Hoppe, Lew Hoppe, who has been
19 involved in this for many years and is the co-
20 Executive Director. Senator.

21 SENATOR MICHAEL F. NOZZOLIO, CO-CHAIR,
22 NYS LEGISLATIVE TASK FORCE ON DEMOGRAPHIC
23 RESEARCH AND REAPPORTIONMENT: Thank you, Jack.
24 Good morning, ladies and gentlemen. My name is

1 Demographic Research and Reapportionment, 2-1-12

2 Mike Nizzolio, I am a New York State Senator and
3 I'm proud to co-chair the New York State
4 Legislative Task Force on Demographic Research
5 and Reapportionment along with excellent co-chair
6 on the Assembly side, Jack McEneny. Jack, this
7 is our third hearing in the second round. It's
8 our 17th hearing all together. Some of you have
9 been at a number of our other hearings. Some of
10 you are new to this process.

11 Without further ado, though, let me
12 introduce the members of the task force from the
13 Senate side. First and foremost, is the Senate
14 member from this region of the state, the
15 Honorable Senator, Martin Dilan. To his right is
16 citizen representative appointed by the Senate to
17 this task force, it's Welquis Ray Lopez. And to
18 his right is the executive director of the task
19 force and the Commission, Debra Levine.

20 We are engaging in these hearings and
21 you are to be complimented for taking your
22 responsibilities as citizens very seriously. The
23 testimony that you give today will be recorded
24 visually by the camera that's behind me and the

1 Demographic Research and Reapportionment, 2-1-12

2 camera that is in the middle of the auditorium.
3 We want to thank St. Francis College for their
4 hospitality and the Borough of Kings, the
5 Brooklyn hearing will now commence.

6 We ask you to be concise with your
7 comments. If you have extensive comments, the
8 best way to engage is to summarize those
9 comments, submit the written testimony and we
10 will ensure that that written testimony is part
11 of the record. Your oral testimony is part of
12 the official record, and, again, that is being
13 videotaped and will be on the LATFOR web site for
14 all to see. Are there any members of the task
15 force that wish to speak, and, Senator Dilan,
16 thank you for your hosting this event and
17 appreciate your leadership on the Commission.

18 SENATOR MARTIN M. DILAN, NEW YORK STATE
19 LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH
20 AND REAPPORTIONMENT: I just want to say thank
21 you and, first and foremost, I just want to let
22 everyone know from King's County Brooklyn, that
23 we're eager to hear what you have to say and
24 hopefully at the end of the day, the panel will

1 Demographic Research and Reapportionment, 2-1-12

2 modify the lines to the liking of everyone and I
3 know that's impossible but I guess they will try
4 their best. But I also want to, again, welcome
5 the panel once again to Brooklyn and thank St.
6 Francis College and Chancellor Macchiarola for
7 hosting us this morning, thank you.

8 SENATOR NOZZOLIO: Thank you, Senator
9 Dilan. Any other members of the Task Force wish
10 to speak at this point? Let me, then, call the
11 first witness. It's Chaim Israel. Chaim. Those
12 microphones are probably too far away from you.
13 Feel free to pull--no, they're not? All right,
14 well, give it a try.

15 ASSEMBLY MEMBER MCENENY: And if you
16 represent a group, please mention that group as
17 well for the record because this eventually gets
18 turned into a transcript.

19 MR. CHAIM ISRAEL: All right. Good
20 morning, Chairman, members of the New York State
21 Legislative Task Force on Demographic Research
22 and Reapportionment. My name is Chaim Israel.
23 I'm a life long resident in Borough Park. I've
24 been active in the community for the majority of

1 Demographic Research and Reapportionment, 2-1-12

2 my adult life. I'm the current president of the
3 YMHA of Borough Park located on 14th Avenue.
4 Four months ago I had the privilege to testify at
5 a public hearing in Borough Hall before this
6 legislative task force.

7 The testimony dealt with the long
8 standing aspirations of our community to have a
9 legislative district which will enable our
10 community to elect a state senator who will
11 reflect our values, voice our concerns and
12 represent our needs in the halls of the Senate as
13 a full partner in the process, not merely as an
14 accommodation.

15 Currently the current lines have us
16 represented by five senators and it doesn't make
17 it any better than two. The results of the task
18 force were published a few weeks ago in the local
19 media which was reported with great enthusiasm
20 throughout the district. As we all recognize
21 that our community's being treated fairly, with
22 respect and dignity, no different than any other
23 of the ethnic neighborhoods in this great and
24 diverse state of New York State.

1 Demographic Research and Reapportionment, 2-1-12

2 We have a propose district which puts
3 the great majority of our voters in a single
4 district, thus, giving the voters the opportunity
5 to make a political difference in Albany, rather
6 than the heretofore situation where our community
7 was cut into five separate districts, denying us
8 the rights of effective representation, which is
9 contrary to what other communities throughout the
10 state of New York are routinely granted in the
11 various ethnic minority districts throughout the
12 state of New York.

13 While our needs in our community are
14 unique, our community's no different than anyone
15 else. All the communities, just take a look at
16 the communities represented right behind me. The
17 Asian community, the Russian community, many
18 other communities who have the same desires and
19 aspirations that we in Borough Park do have to
20 participate in the political process of this
21 great nation, America.

22 The voters of our community are elated
23 with the proposed district lines as are those
24 elected officials who trust the voters in our

1 Demographic Research and Reapportionment, 2-1-12

2 district. They believe that our community
3 deserves to be treated with the same respect and
4 dignity as all New Yorkers deserve and have come
5 to expect. For anyone to suggest that the status
6 quo is good for Borough Park is naive at best,
7 insincere at worst. Thank you very much for this
8 opportunity.

9 ASSEMBLY MEMBER MCENENY: Thank you.

10 Any questions from the panel? We ask you to
11 linger just a moment in case there are questions.
12 Very well, thank you very much for your
13 testimony.

14 MR. ISRAEL: You're welcome.

15 ASSEMBLY MEMBER MCENENY: Thank you.

16 Meir Wikler.

17 MR. MEIR WIKLER: Morning. My name is
18 Meir Wikler. I'm a practicing psychotherapist.
19 I live and work in the Borough Park section of
20 Brooklyn and it was with great personal sacrifice
21 that I had to rearrange my schedule this morning
22 in order to be here to testify this morning but I
23 am extremely moved and personally upset by the
24 voices that have been expressed recently opposing

1 Demographic Research and Reapportionment, 2-1-12

2 the proposed changes to the senatorial district
3 lines in our neighborhood. I was also at the
4 hearings four months ago--

5 SENATOR NOZZOLIO: [interposing] Excuse
6 me, excuse me, could you articulate the
7 neighborhoods you're referencing.

8 MR. WIKLER: Yes, I live in Borough
9 Park. I'm also a long standing resident of
10 Borough Park. I work and live in that
11 neighborhood and I'm here articulating the
12 feelings of many of my neighbors in the Borough
13 Park Flatbush area of Brooklyn. As was
14 previously stated, our neighborhood was divided
15 up among five senatorial districts previously.

16 There's a proposed map that has recently
17 been submitted that would unify a Borough Park
18 and Flatbush Orthodox Jewish communities into one
19 senatorial district. When that map was first
20 publicized in the media, my neighbors and I were
21 elated that, finally, we were going to have a
22 unified voice in Albany. And more recently,
23 there's been some voices expressing a preference
24 to go back to the old lines that were originally

1 Demographic Research and Reapportionment, 2-1-12

2 drawn.

3 I believe that there are elected
4 officials that are using incumbent influence to
5 protect incumbent interests which I would
6 certainly share if I was an elected official.
7 And I'm not, I'm a community resident and I and
8 my neighbors feel very strongly that the new
9 lines that were drawn that unify the community
10 represent our interests.

11 Now four months ago I was also at these
12 hearings and had to wait a lot longer than I did
13 this morning until my turn came. And as a result
14 of that I listened to dozens and dozens of
15 community people, elected officials, community
16 representatives, various organizations,
17 testifying and over 90 percent of the testimony
18 basically made the same point, keep my
19 neighborhood together. Let us vote as a unit.
20 Everyone was saying the same thing. Different
21 ethnic groups, perhaps, different neighborhoods,
22 but everyone wanted the same thing. They wanted
23 the neighborhood kept together.

24 Our neighborhood was not together

1 Demographic Research and Reapportionment, 2-1-12

2 originally. We were divided, as stated before,
3 by Rabbi Israel. We were divided among five
4 senatorial districts. The new lines unite the
5 Borough Park Flatbush communities into one voting
6 district which serves our needs. The interest we
7 have is no different from anybody else. Every
8 community wants to be kept together.

9 That's what I heard at the hearings
10 before, that's what was echoed by every one of
11 the speakers that I listened to and we don't want
12 anything different than they do. And we have new
13 lines that have been proposed and some people are
14 challenging that now, which is making the
15 neighbors and myself furious.

16 Now I just wanted to point out that
17 every ten years there's a census taken. And the
18 purpose of the census is to acknowledge and
19 assess the demographic shifts that have taken
20 place in the last ten years. It's not only for
21 numbers, it's also to represent the changes in
22 the neighborhood. The new district lines that
23 have been drawn reflect the facts on the ground
24 that this is one community that's contiguous of

1 Demographic Research and Reapportionment, 2-1-12

2 Borough Park and Flatbush that has a
3 predominately Orthodox Jewish residency and it's
4 reflected in the new district lines.

5 If we're going to go back to the old
6 district lines, then I have a question, what do
7 we have to go to all the expense, the time and
8 the effort and the money to have a census taken
9 if we're not going to use that census data. The
10 census data reflect that Borough Park and
11 Flatbush are a contiguous ethnic community that
12 would like to vote together as one district.

13 The new lines represent that and I am
14 here requesting that those new lines be accepted
15 and that the voices that are opposing it are
16 special interests, representing incumbent
17 interests of certain elected officials and do not
18 represent the needs and the interests of our
19 community. I thank you for listening and I thank
20 you for allowing me to participate in the
21 Democratic process this morning.

22 ASSEMBLY MEMBER MCENENY: Thank you.
23 You did mention it was difficult to rearrange
24 your schedule. That's why anybody can testify on

1 Demographic Research and Reapportionment, 2-1-12

2 anything in the state of New York or on Congress
3 for that matter as well as Senate and Assembly
4 and that's why, in our second round, having
5 listened to people, we have four public hearings
6 in the city of New York.

7 Two are in the late afternoon, evening,
8 the one yesterday was in the Bronx and it went
9 from three o'clock until nearly eight o'clock and
10 the one on Tuesday, for anybody who's following
11 this and regretting that it wasn't convenient for
12 them to come, the one in Queens will be held on
13 Tuesday and that's another one that will start at
14 three in the afternoon and go as late as it needs
15 to go.

16 MR. WIKLER: Thank you again for giving
17 me the opportunity to participate this morning.

18 SENATOR NOZZOLIO: Appreciate your
19 input. Thank you very much.

20 ASSEMBLY MEMBER MCENENY: Thank you.
21 Jerry Batamalla. Jerry Batamalla. Okay we'll
22 get to him. What we do is, we go in order and
23 then we come back and read the names again. And
24 then we continue to take other people signing on

1 Demographic Research and Reapportionment, 2-1-12

2 as long as we're here. Doctor Wah Lee.

3 DOCTOR WAH LEE: Hi, Sir. Good morning.
4 My name is Doctor Wah Lee and I'm a Board Member
5 of OCA in New York. Founded in 1976, OCA New
6 York is a nonprofit, nonpartisan organization
7 dedicated to protecting and advancing the
8 political, economic and cultural rights of Asian
9 Americans. OCA New York Chapter represents the
10 five boroughs of New York City. OCA New York is
11 a founding member of accord. On behalf of OCA
12 New York, I testified in the LATFOR hearings in
13 Brooklyn on September 20th, 2011, to advocate for
14 district lines that keep large Asian American
15 communities of interest together.

16 Today I am responding to LATFOR's
17 proposed mass for Brooklyn. Support for my
18 statement is based on other OCA New York Brooklyn
19 members, data from the American Community Survey,
20 2010 Census and my personal work experience. I
21 grew up in Bensonhurst where I worked in my
22 parents' drycleaner and attended PS247. I am now
23 40 years old and live in Bensonhurst district 23.
24 I commute from Bensonhurst to Manhattan's

1 Demographic Research and Reapportionment, 2-1-12

2 Chinatown where my medical office is located.

3 The 2010 Census reviewed Asian Americans
4 now comprise 13% of the city's population with
5 over a quarter million in Brooklyn alone. With
6 respect to state assembly lines, on September
7 20th, 2011, I testified in support of a state
8 assembly district that linked parts of Sunset
9 Park and Bensonhurst. LATFOR's proposed state
10 assembly district 49 contained Sunset Park and
11 Bensonhurst. We do appreciate LATFOR's
12 recognition of the community of interest that
13 exists between Sunset Park and Bensonhurst.

14 The Asian American population in
15 Brooklyn grew by 41% since 2000, linking Sunset
16 Park with Bensonhurst underscores this pattern of
17 growth of the Asian American community in
18 Brooklyn. At the first LATFOR hearing, OCA in
19 New York recognized Bensonhurst was too large to
20 constitute a state assembly district by itself.
21 We are pleased to see that LATFOR's proposed
22 state assembly district 47 keeps in tact the
23 majority of the Bensonhurst neighborhood.

24 With respect to the state senate lines,

1 Demographic Research and Reapportionment, 2-1-12

2 consistent with my prior testimony on state
3 assembly lines, I testified in support of a state
4 senate district that contains all of Bensonhurst
5 and Sunset Park, however, LATFOR's proposed
6 senate districts 22 and 23 divide the
7 neighborhood of Bensonhurst into two districts,
8 diluting Asian American voting power. Proposed
9 district 22 scatters parts of Bensonhurst Asian
10 American community with neighborhoods as far away
11 and different as Manhattan Beach and Sheep's Head
12 Bay.

13 Proposed district 23 scatters parts of
14 Bensonhurst Asian American community was Stanton
15 Island and Coney Island. These three geographic
16 areas are not dependent upon each other.
17 Proposed senate district 17 and 20 divide Sunset
18 Park's Asian American community into two
19 districts at the very core of the community,
20 dividing 8th Avenue in half.

21 This is the busiest strip spanning over
22 a mile in Sunset Park's Chinatown where residents
23 continually cross 8th Avenue to visit stores and
24 restaurants on either side. The congestion

1 Demographic Research and Reapportionment, 2-1-12

2 caused by constant foot traffic and deliveries
3 back and forth across 8th Avenue frequently
4 interrupts traffic.

5 By contrast, OCA New York endorsed the
6 unity map that shows one state senate district
7 that contains all of Bensonhurst and Sunset Park
8 linked by 65th Street. These neighborhoods have
9 shared economic ties, resources and social
10 networks. 2010 Census data shows Sunset Park as
11 35% Asian and Bensonhurst as 37% Asian. The
12 American Community Survey shows 80% of Chinese
13 speakers in Sunset Park speak English less than
14 very well, similar to 61% in Bensonhurst.

15 Brooklyn Asian Voice organization, based
16 in Sunset Park, conducts regular clean up efforts
17 in Bensonhurst. Asian Community United Society
18 based in Bensonhurst, often does community
19 outreach in Sunset Park. Libraries in both
20 neighborhoods have programs that cater to
21 Brooklyn's Hispanic and Asian residents. Asians
22 in Sunset Park and Bensonhurst usually go to
23 Lutheran Medical Center in Sunset Park,
24 especially after Victor Memorial hospital in Bay

1 Demographic Research and Reapportionment, 2-1-12

2 Ridge shut down.

3 I have attended weddings of Bensonhurst
4 friends in Sunset Park because Chinese
5 restaurants in Sunset Park are larger and more
6 established. Sixty fifth Street links the two
7 majority Asian neighborhoods of Sunset Park and
8 Bensonhurst and caters to both of them. For
9 instance, since my last testimony, I recently had
10 to organize funeral services for my father-in-
11 law. For the benefit of my in-law's family who
12 are scattered throughout Sunset Park and
13 Bensonhurst, we chose the funeral home, Ralph
14 Aievoli and Son, Incorporated, located on 65th
15 Street, right in between these two neighborhoods.

16 This business recognized the change of
17 demographics of these inter-kinetic
18 neighborhoods. They have hard Chinese speaking
19 staff and offer funeral services in Chinese. My
20 neighbor, who is Chinese American, and has lived
21 in Bensonhurst all his life, also used this
22 funeral home on 65th Street, when his father
23 passed away. OCA New York sincerely requests
24 LATFOR to re-examine the maps endorsed by a court

1 Demographic Research and Reapportionment, 2-1-12

2 and redraw the state senate lines in accordance
3 with the same principles of redistricting that
4 keeps state assembly districts with large Asian
5 Americans communities of interest together.

6 Thank you.

7 SENATOR NOZZOLIO: Any questions,
8 members of the panel. I have a question, Doctor.
9 Thank you very much for your testimony. The
10 Senate is extremely mindful of the need to
11 enhance the majority of all minority
12 representation possible and that's why I'm very
13 pleased that in Queens, that the state senate,
14 for the first time, has established a majority
15 Asian American district within the borough of
16 Queens. And this testimony, if you combine the
17 Asian American population in both the 23rd
18 proposed district and the 22nd proposed district,
19 under the best accounts, that would still be a
20 minority population.

21 It would not reach to the levels at this
22 point. Maybe the next census ten years from now
23 certainly will show that it is the majority but
24 it is far under a majority now. Even if you

1 Demographic Research and Reapportionment, 2-1-12

2 combine every Asian under the census in both of
3 those proposed districts, which are recommended.
4 I just wanted to state that--

5 DR. LEE: [interposing] I am still
6 recommending that. I do acknowledge what you're
7 saying. We have done the research and we
8 understand that. We are not looking--what we
9 are, OCA New York is seeking is keeping
10 communities of interest together. Basically
11 following the guidelines of what we understand
12 restricting to be about. It is less important,
13 our primary goal is not to put all the Asians
14 together and form a majority district. Our goal
15 is just to hope that the redistricting lines
16 conform to the guidelines of keeping communities
17 of interest together.

18 SENATOR NOZZOLIO: Thank you very much.

19 DR. LEE: Thank you, sir.

20 ASSEMBLY MEMBER MCENENY: Ari Kagan.

21 MR. ARI KAGAN: Good morning. My name
22 is Ari Kagan. I live in - - Brighton Beach and I
23 volunteer as a board member of several Brooklyn
24 Jewish organizations. Particularly, I'm a board

1 Demographic Research and Reapportionment, 2-1-12

2 member of the United Association of East European
3 Jewry. I would like to thank members of Task
4 force for the opportunity to express my opinion
5 regarding districting.

6 SENATOR NOZZOLIO: Excuse me, sorry for
7 the brief interruption, I appreciate everyone
8 being able to voice their opinion. I also
9 appreciate everybody being able to view the
10 proceedings. So those who are standing and
11 holding up signs, I think the--certainly, you've
12 made your sign, a point.

13 If you'd be so kind as to, you can still
14 keep the sign in your lap but if you'd sit down
15 so that people behind you, and maybe, put the
16 sign down so people behind you could see the
17 testifier in the back row, that would be, I
18 think, be so kind or maybe if you want to sit in
19 the front row here. But at least get away from
20 blocking people behind you. I think this lady,
21 there, you're blocking the people that are
22 behind--same is true with this gentleman.

23 You want to sit over here with your
24 signs? You got to sit right over here. You sit

1 Demographic Research and Reapportionment, 2-1-12

2 right over here with your signs, that'd be fine.

3 SENATOR DILAN: You can come to the
4 right and the left and sit up there with the sign
5 if you want to.

6 SENATOR NOZZOLIO: If you want.

7 SENATOR DILAN: At least the people in
8 the back can see it. All right.

9 SENATOR NOZZOLIO: Miss, please take
10 that.

11 SENATOR DILAN: Take it, you can come in
12 the front.

13 SENATOR NOZZOLIO: Come over here, Miss.
14 People are behind you.

15 SENATOR DILAN: Right there, see, that's
16 good.

17 SENATOR NOZZOLIO: You're welcome to
18 come over here.

19 SENATOR DILAN: Right there, you can
20 come put them on, that's not a problem. It's not
21 blocking anybody. Thank you.

22 SENATOR NOZZOLIO: Thank you very much.
23 Please have a seat. Thank you very much. Please
24 continue.

1 Demographic Research and Reapportionment, 2-1-12

2 MR. KAGAN: I will start from, all over
3 again. Good morning, my name is Ari Kagan, Ari
4 Kagan. I live in - - Brighton Beach and I
5 volunteer as a board member of several Brooklyn
6 Jewish organizations. I am member of the board
7 of the United Association of East European Jewry.
8 I would like to thank members of Task force for
9 the opportunity to express my opinion regarding
10 redistricting.

11 Currently I live in the 27th senatorial
12 district which is comprised of neighborhoods of
13 common interest. I came to New York from the
14 Former Soviet Union in 1993. Until then, my
15 family lived in Bensonhurst Boarder Park, Midwood
16 and Brighton Beach so I will speak my mind from
17 my own life experience here in Brooklyn.

18 When I saw the proposed boundaries of
19 the new senatorial districts in south Brooklyn, I
20 was greatly disappointed and upset. This plan
21 ignores all traditional and common sense
22 constitutional principles of fair and objective
23 redistricting. When I studied in Borough
24 College, I learned about these principles,

1 Demographic Research and Reapportionment, 2-1-12

2 compactness and continuity, communities of shared
3 interest including similar economic patterns and
4 educational backgrounds, demographics and
5 cultural characteristics. Unfortunately, the
6 current LAFTOR proposal splits the 27th
7 senatorial district into four, four separate
8 pieces.

9 Instead of uniting similar communities
10 of south Brooklyn, this plan actually divides
11 them. Why middle class, Brighton Beach, my own
12 neighborhood, that has always been an integral
13 part of south Brooklyn is suddenly united in one
14 senatorial district with North Shore of Staten
15 Island, a low income neighborhood of Staten
16 Island. Where regions of east New York is their
17 very own different issues should be represented
18 in Albany by a senator who would be also forced
19 to address issues of Ships of Bay, east New York
20 and Ships of Bay.

21 It is of the current - - senatorial
22 district are well served but by the same
23 community boards, educational counsels, same
24 police precincts, that reflect current

1 Demographic Research and Reapportionment, 2-1-12

2 communities and their issues. I'm talking about
3 schools, crimes, economic opportunities, housing
4 - - and income levels. North Shore and east New
5 York have very different neighborhood
6 characteristics and demographics. And I'm sure
7 their residents will not appreciate the new
8 senatorial district lines as well.

9 I believe there is a way to create
10 unique district for the Orthodox Jewish community
11 without splitting existing Russian speaking
12 community and other immigrant communities in
13 south Brooklyn.

14 I would respectfully ask members of task
15 force to include all Ships of Bay and larger
16 parts of Bensonhurst, as well as neighborhoods
17 near Brighton Beach, Sea Gate, Coney Island - -
18 Barcelona Park, into the current 27 district. It
19 will become larger but much more unified in terms
20 of culture, ideology, education, income, etc.
21 And this new district will be real, compact and
22 contiguous. I urge members of task force to
23 reconsider proposed lines for south Brooklyn and
24 not to make parties partisan and gerrymandering .

1 Demographic Research and Reapportionment, 2-1-12

2 Thank you so much.

3 ASSEMBLY MEMBER MCENENY: Thank you very
4 much for your testimony.

5 MR. KAGAN: Thank you very much.

6 ASSEMBLY MEMBER MCENENY: Gene A.
7 Johnson, Jr.

8 MR. GENE A. JOHNSON, JR.: Good morning.
9 My name is Gene A. Johnson, Jr. I reside at 1655
10 Flatbush Avenue, which is in the Flatlands
11 [phonetic] neighborhood of King County, which is
12 currently in the 11th congressional district,
13 21st state senate district and 41st state
14 assembly district. I want to make a couple of
15 comments, I'll keep it brief.

16 As I stated before earlier in one of
17 your hearings, as I look at the members of
18 LATFOR, I cannot help but notice the lack of
19 diversity. In New York State where blacks make
20 up nearly 16% of the population, totaling over
21 three million, and where there are several
22 districts that are influenced by the Voting
23 Rights Act, there is not a single black person on
24 LATFOR.

1 Demographic Research and Reapportionment, 2-1-12

2 In addition, females are majority that
3 make up 50% of New York State population, yet
4 they are not adequately represented on LATFOR as
5 well. Blacks and females have traditionally been
6 disenfranchised in regards to voting rights and
7 should not only have a voice, they should have
8 representation in this decision making process.

9 In my community, we have representation
10 from three separate local community boards within
11 a five block radius. In a practical sense it
12 means that I can leave my house in the morning on
13 my way to work, drop off my shirt at a local dry
14 cleaners, take the subway to work, all within
15 four blocks. But within that four blocks I have
16 crossed three different community boards. I was
17 hoping that my Congressional State Senate and
18 state assembly districts do not take heed to the
19 drawing of these imaginary boundaries.

20 There also should be population equity.
21 I truly, strongly believe in one person, one
22 vote. In keeping with the theme, all districts
23 should have as close to zero deviation as
24 possible. The current system where there are

1 Demographic Research and Reapportionment, 2-1-12

2 deviations, is not fair and it allows members in
3 certain districts to have more resources and
4 access to those resources than in others.

5 Lastly, I strongly urge you to put politics aside
6 and refrain from the zigzagging, fingering,
7 gerrymandering maps that are currently proposed.

8 I thank you for your time.

9 ASSEMBLY MEMBER MCENENY: Thank you.

10 Eleanor Moretta.

11 MS. ELEANOR MORETTA: Good morning. My
12 name is Eleanor Moretta and I'm a board member of
13 Common Cause New York. Thank you for allowing me
14 to testify today. I'm a long time resident of
15 Brooklyn and have been an activist in my
16 community for many years. As Common Cause New
17 York has testified on numerous occasions, we are
18 strong supporters of independent redistricting.
19 When it became clear that members of the
20 legislature were not going to keep their promise
21 to reform this process, we at Common Cause New
22 York took matters into our own hands to draw
23 independent, nonpartisan redistricting plans for
24 the entire state.

1 Demographic Research and Reapportionment, 2-1-12

2 We're not armchair critics, though. We
3 know how difficult it is to balance the
4 requirements of federal law and the state
5 constitution while maintaining low population
6 deviations and keeping counties and political
7 subdivisions as intact as possible. With the
8 Common Cause reform maps, we have proven that it
9 can indeed be done. Our experience has
10 reconfirmed our conviction that the redistricting
11 provisions of our state constitution must be
12 rewritten, not only to provide for an independent
13 redistricting process, but also to provide clear
14 criteria for drawing fair, nonpartisan maps.

15 However, while we work to properly
16 rewrite the state constitutional provisions, we
17 must ensure that the district lines that are
18 adopted this year are not a continuation of the
19 gerrymandering that has been the hallmark of
20 redistricting in this state.

21 So we've taken the opportunity presented
22 by this Brooklyn hearing to examine the LATFOR
23 drafts for Brooklyn and to compare them with the
24 Common Cause Reform Maps. Let's start with the

1 Demographic Research and Reapportionment, 2-1-12

2 Assembly. First, we'd like to recognize and
3 thank you for the clear improvement from the
4 current lines in the Sunset Park area. Instead
5 of continuing to split a distinct neighborhood in
6 two, the draft plans significantly redraws
7 Assembly District 49 to keep most of the growing
8 Asian community in Sunset Park and Bensonhurst
9 together in a near majority Asian district.

10 At the north end of Brooklyn, however,
11 we found that opportunities for minorities
12 representation can be significantly improved and
13 neighborhoods better kept together. If the
14 Brooklyn Queens line is crossed at Ridgewood
15 Bushwick and at Cypress Hill's Woodhaven, we do
16 not take this lightly.

17 Counties should only be crossed with
18 significant justification. But in this case,
19 crossing Brooklyn Queens at these two locations
20 would allow a third majority Hispanic seat to be
21 created and would keep together these community
22 units that extend uninterrupted across the
23 borough line.

24 We also believe that numerous other

1 Demographic Research and Reapportionment, 2-1-12

2 draft assembly districts such as 80, 46 and 58,
3 can be improved to be more compact and based in
4 neighborhood geography. Now, to move on to the
5 Senate, the draft plan, again, divides the
6 distinct neighborhood of Sunset Park into four
7 separate senate districts, essentially
8 disenfranchising this growing immigrant
9 community. Most objectionable is the mile long,
10 single block wide corridor extending into Sunset
11 Park from senate district 20, a district based in
12 the far away, completely different neighborhood
13 of Crown Heights.

14 Perhaps even worse, is the continued
15 damage done to the communities of south Brooklyn
16 by the overt partisan gerrymander of senate
17 district 22. In half a dozen neighborhoods in
18 south Brooklyn, one can be within district 22 and
19 have a neighbor across the street in another
20 district for no apparent reason. This district
21 is not shaped as it is due to any federal or
22 state law requirement.

23 The reason for this district, little
24 change from the current lines, becomes obvious

1 Demographic Research and Reapportionment, 2-1-12

2 when one looks at the voter enrollment data.

3 LATFOR's draft senate district 22 is carefully

4 constructed to include those pockets of south

5 Brooklyn where Republican or Conservative

6 registration is highest. The Common Cause Reform

7 Plan offers a clear alternative of what districts

8 based in neighborhood geography and communities

9 of interest, while following the Voting Rights

10 Act would look like.

11 Our plan draws senate district 22 to

12 keep Sunset Park whole and extend to the

13 southeast along the N subway line to Bensonhurst.

14 Sunset Park is demographically distinct from

15 other neighborhoods in south Brooklyn. It is a

16 densed mixed use neighborhood of immigrants and

17 industry with large and growing Hispanic and

18 Asian immigrant populations. And it could be

19 kept whole with no adverse affects to the other

20 neighborhoods of south Brooklyn as the Common

21 Cause Reform Plan demonstrates.

22 This district would be majority minority

23 at 36.8% Asian voting age population and 25.2%

24 Hispanic voting age population. The LATFOR draft

1 Demographic Research and Reapportionment, 2-1-12

2 creates no comparable district for minority
3 representation in south Brooklyn. And, in fact,
4 as you've heard from the other people who've
5 testified, this is a problem for a lot of groups
6 and our plan would resolve that.

7 On the subject of partisan
8 gerrymandering, I'd also like to point out that
9 although we don't agree with the premise behind
10 its addition, if a 63rd senate district is to be
11 added in accordance with the actual population
12 distribution in the state, it would land in New
13 York City. Specifically, it would land in lower
14 Manhattan. Because each Brooklyn district would
15 be roughly 5,000 voters smaller, senate district
16 26 would move out of Manhattan, opening the space
17 for an entirely new lower Manhattan district to
18 be drawn.

19 Clearly, these proposed draft lines in
20 Brooklyn are a prime example of why Governor
21 Cuomo has promised to veto this overtly partisan
22 plan. I thank you for allowing me to testify and
23 hope that you take the opportunity now to revisit
24 the recommendations of the Common Cause Reform

1 Demographic Research and Reapportionment, 2-1-12

2 Plan for Brooklyn.

3 ASSEMBLY MEMBER MCENENY: We thank you
4 for testifying. Common Cause has been at every
5 single hearing, both the--nearly every hearing.
6 I think they missed Plattsburg in the first round
7 and we do appreciate that you bring out different
8 issues at each of the hearings and don't just
9 repeat things. It is helpful.

10 We received, 10:30, the night before
11 last, the revised Common Cause map that conforms
12 with the Constitution by performing block on
13 border obligations. Our next speaker is
14 Esmeralda Simmons. Esmeralda Simmons.
15 Councilman David Greenfield. Steve Chung.

16 MR. STEVE CHUNG: Good morning. First
17 of all I would like to express my comment to all
18 the civilians come forward to testify today and
19 sacrifice their personal time. I'm one of them,
20 in taking off of my regular job to voice for our
21 opinion. We want to make our democracy system
22 better and hopefully we can improve our quality
23 of well being. And my name's Steve Chung and I'm
24 the President of United Chinese Association of

1 Demographic Research and Reapportionment, 2-1-12

2 Brooklyn.

3 And we are also one of the 13 member
4 organizations of the Asian American Community
5 Coalition on redistricting and democracy.
6 Abbreviation for that is ACCORD, we call
7 ourselves ACCORD. And UCA, that's--my
8 organization was founded in 2002 and our goal is
9 to serve and improve the well being of the
10 Chinese immigrant and family in the neighborhood
11 of Bensonhurst Brooklyn.

12 First of all I would like to applaud
13 LATFOR for being able to draw an assembly
14 district 49 as the first ever Asian majority
15 district in Brooklyn. I thank you for the people
16 there on my right hand side, which is the
17 assembly. And it appropriately reflects the
18 rapidly changing demographic in this neighborhood
19 as well as preserving the Asian community value
20 and interest with a compact and contiguous
21 boundary. Assembly district 49 also adequately,
22 complies with the Voter Right Act.

23 Under the Voting Right Act, the Asian
24 American population in this assembly district is

1 Demographic Research and Reapportionment, 2-1-12

2 protected group and fits into the category of
3 majority minority district. Asian Americans
4 should be kept together under the new district to
5 avoid vote dilution and to keep community of
6 common interest together.

7 In addition, the new AD49 will encourage
8 more Asian Americans in this district to engage
9 in voting. Regarding the LATFOR proposed
10 district map of state senate in Brooklyn Asian
11 American neighborhoods, I've heard many of the
12 Russian community and the Jewish community has
13 the same complaint as what I'm going to say.

14 They are completely, the new proposal,
15 the LATFOR proposal senate district, they are
16 completely opposite for the assembly district 49.
17 The concept's totally different. It slices the
18 Asian community, which is the true Chinatown in
19 Bensonhurst and Sunset Park into four senate
20 districts, which is 17, 20, 22 and 23.

21 Under this four senate district, the
22 Asian population percentage is slashed down to
23 18%, 19%, 18%, 9.4%, 22.5% and 12% respectively.
24 These four districts severely split up the Asian

1 Demographic Research and Reapportionment, 2-1-12

2 community interest as well as diluting their
3 voting strength to the left, a candidate of their
4 own choice. Among the proposed four senate
5 districts, particularly, the senate district 22,
6 has the highest Asian population of 22.5%.
7 However, it's district, the SD22, the shape
8 appears to be distorted to extend the population
9 center is far off from its geographic center.

10 And it actually creates a perception
11 that has a--trying to grab some of the area for
12 their own interest. And in contrast to LATFOR's
13 proposed senate district 22, there is a unity map
14 which was collectively drawn by Asian American
15 Legal Defense and Education Fund and Justice
16 National Institute for Latino Policy and Center
17 for Law and Social Justice.

18 And it was also endorsed by our
19 coalition organization, ACCORD. Under the unity
20 map, state senate 22 combined the LATFOR proposed
21 assembly district 47 and 49. These two assembly
22 districts cover the two Brooklyn Chinatowns which
23 is in Bensonhurst and Sunset Park and it accounts
24 for 32% and 51% Asian population. Now the new,

1 Demographic Research and Reapportionment, 2-1-12

2 the unity map new senate district 22 will result
3 if we combine them together, will result in 41%
4 of Asian American population. Which is
5 significantly more than the 22.5% what you
6 propose.

7 The unity map states district 22 not
8 only preserve the Asian Americans community
9 interest and value but also protect them, also
10 protect them from vote dilution. In addition,
11 the unity map state district 22 neighborhood has
12 the fastest and highest Asian American population
13 growth rate among the entire city. And based on
14 the CUNY Center for Urban Research, Asian, we
15 have 57% growth rate. With this growth trend,
16 the Asian population will be a majority before
17 next redistricting.

18 And my conclusion is, in Bensonhurst and
19 Sunset Park, which are also called the true
20 Chinatowns, they own one of the most resilient
21 real estate markets under this economic downturn.
22 The Asian Americans in these two communities turn
23 many of the empty warehouses into supermarkets
24 and restaurants and they bring in new business

1 Demographic Research and Reapportionment, 2-1-12

2 and - - millions of tax dollars into our city.

3 Although Asian Americans contribute
4 tremendously in city economy, they are extremely
5 under represented in politics because no Asian
6 American has ever been elected to public office
7 in Brooklyn borough. And there is no Asian
8 American has ever been elected New York State
9 Senate also. Although we commend to the first
10 ever Asian majority assembly district 47 in
11 Brooklyn, but I hope LATFOR should also adopt the
12 unity map of state district 22 to create a
13 potential Asian majority senate district. Thank
14 you.

15 ASSEMBLY MEMBER MCENENY: Ben Akselrod

16 MR. BEN AKSELROD: Thank you for
17 pronouncing my name correctly. Good morning, my
18 name is Ben Akselrod and I live in Brooklyn. I
19 thank the members of the Task force for the
20 opportunity to speak my mind today regarding
21 redistricting. We all greatly appreciate the
22 work the task force is doing and are here today
23 to try to help you fulfill your mission in the
24 best way possible.

1 Demographic Research and Reapportionment, 2-1-12

2 I will concentrate my remarks on changes
3 proposed by the Task force to the state senate
4 district in the heavily immigrant populated
5 communities of south Brooklyn.

6 Currently left without representation,
7 the state senate, therefore, without defense in
8 the redistricting of the state senate. The
9 current 27 senatorial district is today,
10 comprised of neighborhoods of common interest
11 such as Ships at Bay, Brighton Beach, Manhattan
12 Beach, Midwood Kensington, Bensonhurst and - - .
13 It unites immigrants from Eastern Europe, mainly
14 from the Former Soviet Union and Asia.

15 From China, Thailand, India and
16 Pakistan, with other ethnic and religious groups,
17 the proposal currently being reviewed splits the
18 district into four separate districts putting
19 Brighton Beach together with the North Shore of
20 Stanton Island, Manhattan Beach with the Bay
21 Ridge, part of Ships at Bay with east New York
22 and the rest with a newly created district in
23 Borough Park.

24 In my opinion and the opinion of

1 Demographic Research and Reapportionment, 2-1-12

2 thousands of people behind me and an opinion of
3 thousands of people that are not attending here
4 today, the current proposal splits apart
5 neighborhoods and communities of common interest,
6 particularly, the Russian speaking community. As
7 it is so eloquently stated on your web site, the
8 redistricting will determine how every citizen
9 and community will be represented at the state
10 and federal level of government for the next ten
11 years. It will also determine whether New York's
12 diverse communities will have sufficient
13 political strength to elect candidates of their
14 choice.

15 At a time when so many public policy
16 decisions affect the quality of our daily lives,
17 your right to fair and effective representation
18 is crucial. This is a quote from your web site.
19 As residents and neighbors, we understand that
20 many things change in ten years. People move,
21 new housing is built, communities get smaller or
22 bigger, that's why redistricting must be done so
23 frequently.

24 However, the 27th district is unique.

1 Demographic Research and Reapportionment, 2-1-12

2 People who move to the area rarely leave the
3 area. This is a tightly woven community and the
4 residents share many common beliefs of what the
5 American dream means to them. At the same time,
6 being a part of the Orthodox community as well, I
7 understand and agree with the desire and
8 determination to have for its community to have
9 its own district unified as one district, not
10 divided into five different districts as it
11 currently is.

12 I applaud the Task force for trying to
13 fulfill this request but I'm also certain that
14 the Orthodox Jewish community is not looking to
15 destroy an existing district which unites unique
16 immigrant communities. I believe there is an
17 alternative course of action that can meet the
18 needs of both communities. We would ask that you
19 at Coney Island at large, parts of Bensonhurst
20 and Ships at Bay to the current 27th district,
21 making it larger but maintaining the cultural and
22 ideological makeup of our district.

23 By redistricting in this fashion, you
24 will still have an opportunity to create a new

1 Demographic Research and Reapportionment, 2-1-12

2 district based in Borough Park, meeting the needs
3 of that community as well. And I thank you for
4 the opportunity to speak here today.

5 ASSEMBLY MEMBER MCENENY: Thank you.

6 Sidney Parker. Sidney Parker. Rosalind Thomas.
7 Rosalind Thomas. Bishop Sylvetta Hamilton-
8 Gonzales. Who's this now? Okay, Ms. Rosalind
9 Thomas is first and Bishop, you're next. We
10 didn't realize she was here.

11 MS. ROSALIND THOMAS: Good morning. I'm
12 from Barbados and I've lived in Brooklyn for 30
13 years and I support Congresswoman Yvette Clarke's
14 proposal.

15 BISHOP SYLVETTA HAMILTON-GONZALES: Good
16 morning. Honorable members of the New York State
17 Legislative Task Force and Demographic Research
18 and Reapportionment, I extend my gratitude to all
19 of you for this privilege and opportunity to
20 address you today. I am Bishop Sylvetta
21 Hamilton-Gonzales, a lifelong constituent of the
22 11th congressional district in Brooklyn, New
23 York. I am representing the organization, Women
24 for Equity and Fairness and Politics in Public

1 Demographic Research and Reapportionment, 2-1-12

2 Service.

3 My congregation is a majority of whom
4 are residents of the 11th congressional district
5 and I understand that our state will lose two
6 members of congress, therefore, this is my second
7 time bringing this to your attention that I
8 endorse the proposed district as presented by
9 Congress member Yvette D. Clarke, to the LATFOR
10 on August 4th, 2011 in Albany, New York.

11 The 11th congressional district has
12 traditionally been a voting rights district and
13 the proposed changes satisfied the requirements
14 of the Voting Rights Act while accommodating the
15 growing population. The community of interest
16 are preserved and the vitality of the community
17 in areas such as socioeconomic, cultural,
18 linguistic and other factors is maintained.
19 Historically, the concentration of minorities
20 within central Brooklyn has allowed for the ease
21 of maintaining compact and contiguous district.

22 However, recent population shifts in the
23 demographics of central Brooklyn have caused the
24 borders of the proposed district to be delineated

1 Demographic Research and Reapportionment, 2-1-12

2 to ensure the maintenance of a majority minority
3 district and to avoid vote dilution. The
4 proposed district further unites the common
5 interest of the largely Caribbean, African,
6 Asian, Pakistani, Bangladeshi, Latino and African
7 American ethnic communities. The current
8 district is defined by shared interest such as a
9 social economic, cultural, linguistic and other
10 factors that indicates commonality of interest.

11 The proposed district respects the
12 unification of groups such as the aforementioned
13 with a common interest. Some common links
14 between groups within the proposed district
15 include the following, shared educational system
16 and school attendance. Shared shopping, business
17 corridors, shared community parks and recreation
18 centers, common utilization of modes of public
19 transportation.

20 As such, the proposed district by
21 Congresswoman Yvette D. Clarke, does not have the
22 purpose nor will it to have the effect of
23 defining or abridging the voter's right—the right
24 to vote on the account of race or color. The

1 Demographic Research and Reapportionment, 2-1-12

2 present map which is included in your package,
3 the current map was not adopted with a
4 discriminatory intent nor does it have a
5 discriminatory effect.

6 The proposed district is not nor does it
7 intend to dilute racial and language minority
8 votes. In fact, its expressed purpose is for
9 inclusion. In conclusion, I will reiterate my
10 endorsement for the proposed 11th congressional
11 district which complies with the Voting Right Act
12 of 1965. I humbly request that LATFOR, known for
13 your punctuality in meeting deadlines, execute
14 the proposed district presented by Congress
15 member Yvette Clarke, in a timely manner that
16 will satisfy the New York State primary election
17 in June 2012. A proposed map for your
18 consideration is attached. I want to thank all
19 of you for this opportunity to address your body
20 today. Thank you.

21 SENATOR DILAN: Thank you, Bishop and
22 thank you for reminding in case anyone here is
23 not aware of it that we now do have a primary day
24 established by the federal court that came down

1 Demographic Research and Reapportionment, 2-1-12

2 on Friday and the date is June 26th, which
3 heightens our interest in wrapping this up in an
4 orderly and prompt manner. Thank you very much,
5 Bishop.

6 BISHOP HAMILTON-GONZALES: Thank you.

7 ASSEMBLY MEMBER MCENENY: Thelma Moore.

8 Thelma Moore. Dr. Una Clarke.

9 DR. UNA CLARKE: Good morning
10 distinguished members. My name is Una Clarke.
11 This is my third appearance before you and I'm
12 appearing each time and not only because I'm a
13 past member of the New York City Council but I
14 understand the urgency and the importance of
15 fully participating in the political life of our
16 community and being advocates on behalf of those
17 who are disenfranchised. So this morning, I come
18 on behalf of the 11th congressional district and
19 I have a lot interest in making sure that the
20 district remains contiguous and ever growing as a
21 community.

22 It was first represented by
23 Congresswoman Shirley Chisholm and as it is, this
24 is the 40th year of her historic run for

1 Demographic Research and Reapportionment, 2-1-12

2 Presidency of the United States of America. So
3 if you do it for no other reason but to preserve
4 Shirley's legacy, we ask that you keep the
5 district as it is and we ask that you add the
6 numbers of the 87,000 that we have presented to
7 you that does not disturb the cultural, the
8 ethnic, the social or the common interest of the
9 people who live there in central Brooklyn. My
10 testimony is before you fully in writing.
11 Congresswoman Yvette D. Clarke has testified
12 twice before you. This is my third time.

13 We are advocates for the community. We
14 want to strengthen the community and make sure
15 that the community is ever growing and, again, as
16 the first ever Caribbean American woman to be
17 elected to the New York City Council, I
18 understand the power of unity and the power of a
19 community working together to strengthen itself
20 and to make its contribution to the United States
21 of America.

22 I thank you for listening to me and the
23 map is again presented by all of us and we hope
24 that you'll consider it and we're getting ready

1 Demographic Research and Reapportionment, 2-1-12

2 for the June 26th primary and we hope that you
3 keep us together so that we work together. Thank
4 you very much.

5 ASSEMBLY MEMBER MCENENY: Thank you,
6 Councilwoman. Joann Simon. Joann Simon. Do we
7 have any additional sign ups before I go back
8 through the list? Yes, we do. Diane Jackson.

9 MS. DIANE JACKSON: Good morning.

10 ASSEMBLY MEMBER MCENENY: Good morning.

11 MS. JACKSON: My name is Diane Jackson
12 and I am a resident of Cooper Park Houses. A
13 development owned by the New York City Housing
14 Authority and located between Frost Street and
15 Skillman Avenue to the north and south and Morgan
16 Avenue and Kingsland Avenue to the east and west.
17 After 27 years, I have recently retired as
18 President of the Cooper Park Resident Council. I
19 have worked diligently advocating and
20 representing the 6099 families in Cooper Park
21 House.

22 I am here today to request that the
23 proposed legislative boundaries for assembly
24 district's 50 and 53 be rejected. These proposed

1 Demographic Research and Reapportionment, 2-1-12

2 changes negatively impacts our complex consisting
3 of 13 buildings which separates us from our
4 surrounding neighbors and a network of community
5 organizations that we continuously work with for
6 the betterment of our community. The proposed
7 district lines for the 50th and the 53rd have one
8 boundary in the southeast corner running along
9 Skillman Avenue.

10 This proposed boundary will adversely
11 impact the community because it will split a
12 large resident parking lot that offers off street
13 parking for the residents of Cooper Park Houses
14 which has been in a dispute in terms of
15 redevelopment.

16 The parking lot would actually be taken
17 away from the development. It will split in half
18 the former Green Point Hospital campus which is a
19 super block that has been at the center of a
20 community plan to provide affordable housing and
21 community facilities to local residents. The
22 dividing of the Green Point Hospital site will
23 place a homeless shelter and affordable housing
24 in one district while an important community

1 Demographic Research and Reapportionment, 2-1-12

2 facility and housing development site in another
3 district, not allowing a comprehensive approach
4 to an integrated campus.

5 The district line separates the NYCHA
6 residents on the north side of a New York City
7 park, Cooper Park, not the development, this is a
8 city park, from the homes and apartments on the
9 south side.

10 These families work together with us in
11 planning physical changes and operations in
12 Cooper Park and on the future use of the Green
13 Point Hospital. I and a host of my neighbors in
14 Cooper Park Houses and the surrounding area,
15 demand that the New York State Legislative Task
16 Force on Demographic Research and Reapportionment
17 adopt different district boundaries. We support
18 a map proposed by Common Cause which has
19 southeast boundary running along Metropolitan
20 Avenue.

21 The Greenpoint Hospital campus and the
22 Cooper Park NYCHA Houses must be kept whole.
23 This would allow proper representation for both
24 areas and maintains communities of interest.

1 Demographic Research and Reapportionment, 2-1-12

2 I have brought with me today, over 200
3 letters from residents at Cooper Park Houses
4 opposing this change. Thank you for allowing me
5 to speak here today. That's all I have to say.

6 ASSEMBLY MEMBER MCENENY: Thank you.

7 MS. JACKSON: May I submit these to
8 someone?

9 ASSEMBLY MEMBER MCENENY: Yes, please.
10 Also from Cooper Park, Karen Leader. David
11 Debose. Oh, Karen, are you here? Thank you,
12 come forward, please. David is on deck.

13 MS. KAREN LEADER: Good morning. My
14 name is Karen Leader and I'm not only a long time
15 resident of Cooper Park Houses, additionally, I
16 am a former Cooper Park Houses building captain.
17 I serve on Cooper Park's resident council, Cooper
18 Park Community Center Advisory Committee and last
19 but certainly not least, I serve on Community
20 Board number one's executive board. I along with
21 the residents of Cooper Park Houses do not
22 support the changes in the district boundaries of
23 the 50th and 53rd assembly district.

24 You can not start positive planning

1 Demographic Research and Reapportionment, 2-1-12

2 which impacts an entire community in a negative
3 manner until you rid yourself of the cunning,
4 negative plans. For example, these proposed
5 assembly district lines split the Greenpoint
6 Hospital campus in half, taking with it our
7 neighborhoods on Maspeth Avenue, who we have
8 formed an alliance with in building an improved
9 community for us all. Additionally, and as
10 equally important, is that the 53rd district
11 boundary will also be splitting Cooper Park
12 Houses parking lot. Our community, through a
13 coalition known as GREC, Greenpoint Renaissance
14 Enterprise Cooperation, has been implementing a
15 multiphase plan to redevelop the Greenpoint
16 Hospital site for the past 30 years.

17 GREC has brought together small
18 homeowners, public housing residents, coop and
19 condo owners and a moderate income renters to
20 implement improvements, not just for the hospital
21 site but it's also working on improving the open
22 space at Cooper Park.

23 Together with GREC, we also continue to
24 work on other issues such as community safety and

1 Demographic Research and Reapportionment, 2-1-12

2 truck traffic mitigations. There is no benefit
3 to having the district lines along Skillman
4 Avenue unless it's an attempt to divide our
5 community. This is political posturing. I'm
6 asking that you take the politics out of this
7 redistricting. Let's begin positive planning
8 today by rejecting the current proposal in the
9 redistricting maps of the 50th and 53rd district.
10 Let's use the more productive plan which is to
11 move the district line to Metropolitan Avenue and
12 not Skillman Avenue.

13 Let's keep the Greenpoint Hospital
14 campus as a whole unit in the 50th assembly as
15 well as the homeowners and neighbors along
16 Maspeth Avenue and Cooper Park Houses parking
17 lot. You can't adopt a good plan if you continue
18 to consider the current proposal. Thank you very
19 much.

20 ASSEMBLY MEMBER MCENENY: Thank you.

21 David Debose. David Debose [phonetic]. Is that
22 David coming down here? Laura Hofmann.

23 MS. LAURA HOFMANN: Hello. Hi, my name
24 is Laura Hofmann. I'm a resident of Greenpoint

1 Demographic Research and Reapportionment, 2-1-12

2 in Brooklyn, New York and I'm a member of
3 OUTRAGE. That's Organizations United for Trash
4 Reduction and Garbage Equity. Our organization
5 has been fighting for reduction of truck traffic
6 and garbage transfer stations in our community.
7 I'm here today to request that the proposed
8 legislative boundaries for assembly district's 50
9 and 53 be rejected because it negatively impacts
10 a community of interest by splitting up an
11 important public development and impinges on the
12 NYCHA complex of buildings. The proposed
13 district lines for the 50th and 53rd have one
14 boundary in the southeast corner running along
15 Skillman Avenue.

16 The boundary will negatively impact the
17 community. It will split a large parking lot
18 belonging to the Cooper Park Houses NYCHA
19 development which has been in dispute in terms of
20 its development.

21 It will split in half the form of
22 Greenpoint Hospital campus, which is a super
23 block that has been at the center of the
24 community plan to provide affordable housing and

1 Demographic Research and Reapportionment, 2-1-12

2 community facilities for local residence. The
3 dividing of the Greenpoint Hospital site will
4 place a homeless shelter and affordable housing
5 in one district while an important community
6 facility and housing development sit in another
7 district, not allowing a comprehensive approach
8 to an integrated campus.

9 The district lines divide residents on
10 the north side of a New York City park, Cooper
11 Park, from the park and homes on the south side.
12 All of whom are part of the local civic group,
13 the Cooper Park Neighbors Association. I and a
14 host of neighbors in the surrounding area demand
15 that the New York State Legislative Task Force on
16 Demographic Research and Reapportionment adopt
17 different district boundaries.

18 We support a map proposed by Common
19 Cause which has the southeast boundary running
20 along Metropolitan Avenue. The Greenpoint
21 Hospital campus and Cooper Park NYCHA Houses must
22 be kept whole areas. This would allow proper
23 representation for both areas and maintain
24 communities of like interest. On a personal

1 Demographic Research and Reapportionment, 2-1-12

2 note, during the Greenpoint Williamsburg
3 rezoning, I chaired one of the Brooklyn Community
4 Board One's groups, the Parks and Open Space
5 Subcommittee.

6 And we listened to all the elected
7 officials and city officials promised that
8 affordable housing at the Greenpoint Hospital
9 would go through and if this goes through as is,
10 you're going to be puncturing a hole through
11 those promises and basically creating a situation
12 where there Department of City Planning
13 Commissioner lied. So I don't see how you can
14 possibly go forward with this plan as is. Thank
15 you.

16 ASSEMBLY MEMBER MCENENY: I have to show
17 some confusion here in that this seems more like
18 this would have more of a city implication than a
19 state lawmaker in Albany. You're concerned about
20 zoning, development, affordable housing.

21 MS. HOFMANN: For our community it's all
22 part of one package.

23 ASSEMBLY MEMBER MCENENY: This is
24 concerning state representation, not the city

1 Demographic Research and Reapportionment, 2-1-12

2 council person. Not the community board. I'm
3 not sure where-

4 MS. HOFMANN: As a community resident I
5 feel that it's--

6 ASSEMBLY MEMBER MCENENY: [interposing]
7 Extreme damage would be done.

8 MS. HOFMANN: By splitting up the
9 neighborhood?

10 ASSEMBLY MEMBER MCENENY: For a city,
11 council - - district maybe.

12 MS. HOFMANN: But the Greenpoint
13 Hospital, like I said, we were promised all along
14 that this was going to be developed into
15 affordable housing. And by dividing the
16 hospital, this is the site where the affordable
17 housing would have been. By dividing that
18 property, it would make it a whole lot harder to
19 do. And personally, I feel that's the intention
20 of the plan as is.

21 SENATOR DILAN: And a lawmaker in Albany
22 having two assembly members instead of one, this
23 would be a problem.

24 MS. HOFMANN: I believe it would be.

1 Demographic Research and Reapportionment, 2-1-12

2 ASSEMBLY MEMBER MCENENY: Okay, thank
3 you very much.

4 MS. HOFMANN: You're welcome.

5 ASSEMBLY MEMBER MCENENY: Alan Rosner.

6 MR. ALAN ROSNER: My name is Alan
7 Rosner. I'm a native born New Yorker now living
8 in Prospect Heights. I'm here today to ask that
9 Governor Cuomo veto this proposed redistricting
10 plan. My concerns are general and not particular
11 addressing the process and as I said, I'm here
12 today to ask that this be vetoed. Like
13 perspective governors before him, Governor Cuomo
14 campaigned against corruption.

15 This plan is born out of a corrupt
16 process for corrupt purposes that simply
17 perpetuates legislative dysfunction that led to
18 its creation. The state senate plan
19 institutionalizes a kind of weighted voting
20 favoring upstate representation and subverts
21 representation government as understood as one
22 person, one vote. This kind of party driven
23 redistricting will unleash inevitable lawsuits
24 that will waste legal resources and funds needed

1 Demographic Research and Reapportionment, 2-1-12

2 for better purposes.

3 It can only be seen as another reason
4 for citizens discuss with governments that don't
5 govern in people's interest. There's a part of
6 that general frustration with how politicians
7 govern that feeds the anger we see in both the
8 tea party and the occupy movement. Governor,
9 please veto this plan, it is toxic, there's
10 little upside. Keep the spirit of your campaign,
11 veto this plan, show citizens that governing
12 doesn't have to be this blatantly dishonest.

13 ASSEMBLY MEMBER MCENENY: Dena Roytman.

14 Dena Roytman [phonetic]. Pamela Roderick.

15 MS. PAMELA RODERICK: Here. My name is
16 Pamela Roderick. I live here in this
17 neighborhood on Hicks Street in Brooklyn Heights.
18 I speak as an unaffiliated citizen. I am merely
19 here to express and join the chorus of outrage
20 that met the release of these lines. You must be
21 kidding.

22 You seem to have gone out of your way to
23 destroy communities, to divide neighborhoods.
24 Some of your lines from the Atlantic Ocean up to

1 Demographic Research and Reapportionment, 2-1-12

2 the Great Lakes, they look like they were the
3 doodles of lunatics. What ails you? You do
4 nothing, really. I'm glad to see you smile. But
5 I am absolutely deadly serious.

6 You insult the people of this state, you
7 insult the state government. You show contempt
8 for democracy as it is meant to be. And the idea
9 of squeezing another state senate district into
10 the least populated part of the state. I mean,
11 what are you, crazy? How do you expect us to
12 accept this? You must think we are idiots. We
13 are outraged. You have insulted me. You have
14 insulted all of us. You have shown contempt.
15 And really, you should be ashamed. And that is
16 all I can say.

17 ASSEMBLY MEMBER MCENENY: Charlene
18 Phillips. Charlene Phillips.

19 MS. CHARLENE PHILLIPS: Good morning. I
20 have testimony but it really seems like we're all
21 talking about the same thing here. And so I want
22 to synopsise by saying that what we're looking
23 for as citizens of this great state is not for
24 plans that are made for partisan purposes. We're

1 Demographic Research and Reapportionment, 2-1-12

2 looking for, not politicians that are just
3 looking for a specific focus but we're looking
4 for wonderful people serving elected officials
5 that are willing to do what this nation has been
6 called to do as a democracy.

7 That's all we're asking as a people.
8 It's pretty reasonable and I don't think we
9 deserve any less. Thank you.

10 ASSEMBLY MEMBER MCENENY: Thank you very
11 much. Eric—Pronounce it for me, Bruzaitis? Eric
12 Bruzaitis.

13 MR. ERIC BRUZAITIS: Good morning and
14 thank you for allowing me to testify. My name is
15 Eric Bruzaitis. I'm a resident of 37 Kingsland
16 HDFC and I am President of our Coop Board. I'm
17 also a member of the GREC Coalition. Thirty
18 seven Kingsland Avenue is located between Brother
19 - - to the north and Jackson Street to the south
20 and between Morgan Avenue and to the east and
21 Woodpoint Road to the west.

22 I'm here to day to request that the
23 proposed legislative boundaries for assembly
24 districts 50 and 53 be rejected because it

1 Demographic Research and Reapportionment, 2-1-12

2 negatively impacts a community of interest by
3 splitting up an important public development and
4 impinges on the NYCHA complex buildings. The
5 proposed district lines for 50 and 53 have on
6 particular boundary on the southeast corner of
7 Woodpoint Road and Skillman Avenue. And running
8 east along Skillman Avenue to Vandervoort Avenue.

9 This boundary would negatively impact
10 the community and I will stress the phrase, the
11 map is not the territory. Greenpoint Hospital
12 Renaissance Corporation, GREC, the organization
13 that I'm a member, is a board coalition of groups
14 that will be split by this proposed
15 redistricting. GREC has worked for years to
16 build its coalition. While the 53rd district
17 would have jurisdiction over the hospital campus,
18 the old Greenpoint Hospital campus, which was the
19 genesis of the GREC coalition, the majority of
20 the stake holders who benefit live within the
21 50th district.

22 We support the map opposed by common
23 cause which has its southeast boundary running
24 along Metropolitan Avenue. Greenpoint Hospital

1 Demographic Research and Reapportionment, 2-1-12

2 campus in Cooper Park Houses must be kept whole
3 areas. This would allow proper representation
4 for both areas and maintain its communities of
5 like interest.

6 I and a host of my neighbors in the
7 surrounding area demand that New York State
8 Legislative Task Force on Demographic Research
9 and Reapportionment adopt different district
10 boundaries. Thank you for the opportunity.

11 ASSEMBLY MEMBER MCENENY: Thank you very
12 much. Richard Boatti.

13 MR. RICHARD BOATTI: Good morning. My
14 name is Richard Boatti. Thanks for giving me a
15 chance to speak today. I'm a member of Act Now,
16 progressive good government advocacy group and a
17 concerned citizen. When I testified at the last
18 Brooklyn hearing on September 20th, I called this
19 whole process a farce and an exercise in
20 futility.

21 The legislators on that panel, many of,
22 I see you here today, told me to reserve judgment
23 until they released their proposed maps. Well
24 you released those maps last week and after

1 Demographic Research and Reapportionment, 2-1-12

2 looking at them, I am not here to plead with you
3 to change them because you won't. I'm here to
4 tell each one of the Republican senators here
5 that you should be ashamed of yourselves. How do
6 you sleep at night after trying to disenfranchise
7 a majority of the state's voters. For example,
8 look at your proposed 20th senate district.

9 Why was it drawn that way? Someone on
10 this panel, please tell me why it was drawn that
11 way except to draw the Democratic incumbent, my
12 senator, Eric Adams out of the district. Now I'm
13 not a fan of Senator Adams and I vote against him
14 anytime he is primaried and I don't vote on that
15 line in the general election. But whether to
16 keep in Albany or not is up to me and the other
17 voters of the district and shouldn't be subject
18 to the partisan hackery of senate Republicans.

19 And while we're at it, can someone on
20 this panel please explain to me why the proposed
21 47th senate district is drawn the way it is.
22 Please enlighten us. Furthermore, in your
23 proposed maps, the upstate districts average
24 292,000 residents while the down state senate

1 Demographic Research and Reapportionment, 2-1-12

2 districts have 315,000 or more. Well isn't that
3 a lovely coincidence.

4 Thank you so much for making mine and
5 everybody in this room and every down state
6 resident have only 93% of the voting power of our
7 upstate brothers and sisters. You should be very
8 proud of yourselves. So in sum, shame on each
9 and every one of you but especially the
10 Republican senators. It's called public service
11 for a reason. You're supposed to serve the
12 people of this state but instead all you do is
13 serve yourselves and your narrow partisan
14 political interest.

15 Your proposed map is a farce just like
16 the very legislature itself. And it has been for
17 decades because of the lack of accountability
18 done by this type of gerrymandering. So in sum,
19 all I have to say is thank god that Governor
20 Cuomo has rightly stated his intention to veto
21 this farce.

22 So I will now open the mic to you to try
23 to defend these proposed districts and I promise
24 to hold in my laughter while you are lying.

1 Demographic Research and Reapportionment, 2-1-12

2 Anyone want to defend these districts? I guess
3 not. All right, thank you.

4 ASSEMBLY MEMBER MCENENY: We're here to
5 listen to you.

6 MR. BOATTI: Okay but you can also give
7 feedback. I mean back and forth happens at these
8 hearings all the time. It happened last time.
9 Last time you guys--I testified, you guys
10 defended it.

11 ASSEMBLY MEMBER MCENENY: You heard
12 other people testify who like the districts, they
13 liked new Asian districts, they're intrigued with
14 the idea of a new Jewish Orthodox district, you
15 heard that.

16 MR. BOATTI: Yes, you guys threw a
17 couple of bones out and that's good. I agree
18 with certain things that that--

19 ASSEMBLY MEMBER MCENENY: [interposing]
20 Well they might consider their issue more than a
21 couple of bones.

22 MR. BOATTI: Well you know they can have
23 their--bone is a compliment, I meant that as a
24 compliment. You give someone a bone, you throw

1 Demographic Research and Reapportionment, 2-1-12

2 someone a bone, you should do something nice for
3 them. And there are few small parts of this map
4 which are good, like the Asian district, for
5 example.

6 But on the totality, the maps have
7 birched Democracy and does anyone here want to go
8 on the record and say that these maps are not a
9 product of gerrymandering, anybody? Please go on
10 the record.

11 SENATOR DILAN: Hello. Yes, I just want
12 to say that I believe I have used, perhaps, maybe
13 one more that you mentioned here today in
14 characterizing these lines and I think I've made
15 it very public that I'm not in support of the
16 product that we currently have.

17 MR. BOATTI: Thank you, I appreciate
18 that.

19 ASSEMBLY MEMBER MCENENY: We remind you
20 this is a draft. Those who give specific
21 information are being very helpful. There are
22 213 districts being proposed. It was interesting
23 that you mentioned the apparent gerrymander of a
24 senator. There are, as I understand it, six

1 Demographic Research and Reapportionment, 2-1-12

2 senators who would be running one against the
3 other. So that's obviously partisan but Common
4 Cause has how many incumbents running against
5 each other?

6 MR. BOATTI: I'm not familiar with the
7 Common Cause--

8 ASSEMBLY MEMBER MCENENY: [interposing]
9 Well according to Common Cause, 25% of all
10 representatives are running against another
11 representative.

12 MR. BOATTI: But in general or the
13 primary?

14 ASSEMBLY MEMBER MCENENY: But that's
15 reform.

16 MR. BOATTI: In a general or a primary?
17 That's the difference. Because when the
18 Republicans draw the maps to have Democrats
19 compete against each other in primaries, put the
20 Democrats in the same district, whereas if you
21 actually had Democrats and Republicans competing
22 in relatively even matched partisan districts,
23 then that is reform, that's right.

24 ASSEMBLY MEMBER MCENENY: I have no

1 Demographic Research and Reapportionment, 2-1-12

2 intention of going into how the senate is drawn,
3 I did the assembly.

4 MR. BOATTI: Well my comments weren't
5 directed at you, it's more directed at the
6 Republican senators.

7 ASSEMBLY MEMBER MCENENY: But let's just
8 take Common Cause. If 25%, including some very
9 important leadership positions that take years of
10 seniority to acquire, some of whom are from the
11 minority community that needs every bit of
12 political clout they can get, are willy-nilly
13 thrown against one another because somebody says
14 we didn't look at the map to see where they were.
15 Is that good government too, to destroy the
16 seniority of groups or individuals that represent
17 their community? Is that the ideal either?

18 MR. BOATTI: No the ideal is to have
19 districts that are drawn relatively compact and
20 don't favor one party over another and, you know,
21 like I said, reform is having Democrats and
22 Republicans compete under relatively, to the
23 extent possible, fair general elections.

24 But it's not reform to have Republicans

1 Demographic Research and Reapportionment, 2-1-12

2 force a whole bunch of incumbent Democrats to
3 primary each other and draw the lines just for
4 that sole purpose alone and also does anyone want
5 to address why my downstate residents have only
6 93% of the voting power in the senate as upstate
7 ones, other than to protect the Republican
8 majority? I'm addressing this to the
9 Republicans, really. I'm not really--

10 ASSEMBLY MEMBER MCENENY: I'm going to
11 make one observation, we have districts here,
12 that if we wanted to make them competitive with
13 Democrats and Republicans, you'd have to have a
14 program to import Republicans to parts of New
15 York City.

16 MR. BOATTI: Yes, obviously, I mean, I'm
17 not saying every single district. Obviously
18 there's going to be, especially in downstate, and
19 upstate, there's going to respectively be several
20 Democrat and Republican districts that aren't
21 contested very hardly, very strongly in the
22 general election but to the extent it can be done
23 it should. And these lines shouldn't be drawn
24 just to keep the Republican majority in power.

1 Demographic Research and Reapportionment, 2-1-12

2 I don't see any other guiding principles
3 of these lines except in the senate side, except
4 to keep the Republican majority in power. Now if
5 any Republicans on this panel want to, Republican
6 senators on this panel want to contradict me,
7 please do, but I still have yet to hear a
8 satisfactory explanation why these lines are
9 drawn this way. Like, why is 47 drawn the way it
10 is? Why is 20 and 16 drawn the way it is.

11 What is the contiguous--what's the
12 community of interest in district 16? Someone
13 please tell me. I mean, the only reason I think
14 this district was drawn that way because it
15 spells out FU, which is basically what the
16 legislature has said to the voters of the state
17 with these maps.

18 SENATOR NOZZOLIO: It may be humorous
19 but there is never a place for profanity.

20 MR. BOATTI: I didn't say profanity.

21 SENATOR NOZZOLIO: Or alleging
22 profanity. You asked a question, I'll give you
23 an answer. The question is, why is this district
24 the way it's configured? Well that is the very

1 Demographic Research and Reapportionment, 2-1-12

2 first Asian American seat in the history of New
3 York State. The very first Asian American senate
4 seat in the history of New York State. It was
5 through a design to maximize the Asian American
6 strength. It was a result of seven hours of
7 hearings in Queens, a number of meetings that
8 were conducted. A number of citizens who
9 provided input, it was designed to maximize a
10 majority, establish a majority of Asian
11 population within a senatorial district.

12 MR. BOATTI: Well actually I think that
13 was just a nice plus that you guys are using to
14 gloss over it when really it just captures a
15 whole bunch of Democratic votes, it makes the
16 district incredibly Democrat. Prevents those
17 votes from being in other districts where they
18 might be more competitive, like, Martin Goldman's
19 district.

20 Now, yes, it's great, I definitely
21 appreciate that there's a majority Asian American
22 senate district. But that can also be achieved
23 without this type of gerrymandering and what
24 about district 20? What's the reason for that?

1 Demographic Research and Reapportionment, 2-1-12

2 ASSEMBLY MEMBER MCENENY: If you have
3 suggestions that you would like to place on the
4 record, that is very welcome. And you don't have
5 to do it here, orally, you can do it in writing.
6 We have initial hearings that are taking place
7 tomorrow and next week in the New York City
8 downstate region. And the purpose of these
9 hearings is for citizens to analyze the proposals
10 and to make their views known. You've made your
11 views known, we would welcome your suggestions
12 and that that's what the purpose of LATFOR is
13 about. If there is any comments you'd like to
14 make, those can be made directly to the web site
15 and any suggestions that you make, like to make,
16 about any of the districts that you analyzed,
17 you're certainly—you input as the input of all
18 the citizens of this state, are welcome.

19 MR. BOATTI: Well thank you and my
20 suggestion is just to have a fair process because
21 you have a corrupt and self influence process, it
22 produces things like this. You have an
23 independent entity writing these lines, like,
24 hopefully will happen when a special master comes

1 Demographic Research and Reapportionment, 2-1-12

2 along because Governor Cuomo will veto this
3 ridiculousness, then that is my suggestion. So
4 thank you for hearing me out.

5 ASSEMBLY MEMBER MCENENY: Thank you
6 again. We would remind people that the Queens
7 public hearing, there's one in Manhattan tomorrow
8 down at 250 Broadway. The Queens public hearing
9 will start at 3:00 in the afternoon and go as
10 late as necessary. Daniel Teets. Daniel Teets.
11 Ed Brown. This is Mr. Brown?

12 MR. ED BROWN: Good morning. My name is
13 Ed Brown and I'm the President of the Ingersoll
14 Tenants Association. I am here today testifying
15 on behalf of the residents in Walt Whitman and
16 Farragut Houses also. I am totally in favor of
17 the current map proposed for the 57th assembly
18 district just as I am critical of proposals that
19 I feel will negatively affect the community I
20 represent.

21 I am also equally supportive of
22 proposals that affect our community in a positive
23 way. It only makes sense that Ingersoll, Walt
24 Whitman and Farragut Public Houses are

1 Demographic Research and Reapportionment, 2-1-12

2 represented by the same representative in the New
3 York State Assembly. The residents in these
4 three communities suffer from the same issues and
5 should have one elected official representing
6 them.

7 It also only makes sense that Fort
8 Greene and Clinton Hill remain in the same
9 congressional district for similar reasons.
10 Residents in these two communities experience the
11 adverse, negative affects when downtown Brooklyn
12 experienced one of the worst economic downturns
13 and crime waves during the eighties and nineties.

14 Although many residents fled the
15 community, others dug in their heels and stayed
16 the course, working diligently together to turn
17 these communities around for the better of all of
18 its residents. Now that downtown Brooklyn is the
19 place to be because of economic prosperity, it's
20 clearly apparent that it would be beneficial
21 towards the bright future ahead for downtown
22 Brooklyn that these two communities remain under
23 the same representation in the United States
24 Congress.

1 Demographic Research and Reapportionment, 2-1-12

2 In closing, utilizing politics of any
3 sort, and I have to repeat that, utilizing
4 politics of any sort to disenfranchise anyone's
5 right to vote in fair and Democrat elections are
6 a direct violation of the Constitution of the
7 United States and should not, I repeat, should
8 not at any cost, be allowed to take place. Thank
9 you.

10 ASSEMBLY MEMBER MCENENY: Thank you very
11 much. Reginald Bowman. Reginald Bowman
12 [phonetic]. Joyce Henry. Joyce Henry.

13 MS. JOYCE HENRY: Good afternoon,
14 gentlemen, lady. My name is Joyce Henry. To the
15 members of New York State Legislative Task Force
16 on Demographic Research and Reapportionment,
17 LATFOR, good day. Again, my name is Joyce Henry
18 and I'm a member of Brooklyn. I have lived and
19 worked in the 11th congressional district for
20 many years.

21 I thank you for providing me this
22 opportunity to testify. I support the proposed
23 map for the 11th congressional district of New
24 York that was originally submitted to you by

1 Demographic Research and Reapportionment, 2-1-12

2 Congresswoman Yvette D. Clarke, on August 2nd,
3 2011. The proposed 11th congressional district
4 adheres to all the congressional and voting right
5 acts, redistricting guidelines. I am submitting
6 a copy of the proposed map in addition to my
7 testimony.

8 Please give this map your utmost
9 consideration. The current district includes
10 many sections of the historic 12th congressional
11 district which was originally represented by
12 Honorary Shirley Chisholm, the first African
13 American female elected congress person. This
14 district is covered by section 5 of the Voting
15 Right Act and adheres to the Voting Right Act's
16 principle for redistricting.

17 The proposed district is defined and by
18 shared interest such as social, economic,
19 cultural, linguistic and other factors that
20 indicate communities of interest. Once again,
21 thank you for giving me this opportunity.

22 ASSEMBLY MEMBER MCENENY: Thank you.
23 Valery Jean. Valery Jean.

24 MS. VALERY JEAN: Good morning. My

1 Demographic Research and Reapportionment, 2-1-12

2 name is Valery Jean. I'm the Executive Director
3 of FUREE which stands for Families United for
4 Racial and Economic Equality. We also sit on
5 specific engagement work groups have right to the
6 city to push back network at a New York State
7 Civic engagement table.

8 We are here in support of redistricting
9 plan for New York State assembly districts 50 and
10 57 and we understand the concerns of other
11 residents that are impacted by the drawing of
12 these lines but we're hearing concern of uniting
13 Fort Greene Public Housing residents into Voting
14 Right Act protected district.

15 Our organization is a non partisan
16 Brooklyn based multi-racial organization that
17 mobilizes low income communities to promote
18 equality, improve economic conditions and
19 building collective power to win systemic changes
20 on a local, regional and national level. We are
21 primarily led by women of color with an emphasis
22 on community and family and we do that through
23 direct action, leadership development, community
24 organizing, civic engagement and political

1 Demographic Research and Reapportionment, 2-1-12

2 education to help our members reach their vision
3 and goals.

4 And we also represent a base of more
5 than 10,000 individuals from our organizing work
6 in the past ten years and have successfully
7 turned out thousands of residents who are
8 unengaged voters to come out and vote and
9 exercise their political power. And we come here
10 today in support of redistricting the assembly
11 districts 57 and 50 to consolidate and restore
12 houses into the 57th district.

13 Census data from the 2010 Census shows
14 that Ingersoll and Whitman lie in the second
15 poorest census tracked in all of New York City
16 and the poorest census tracked in Brooklyn. And
17 as a community organization we've seen an influx
18 of our members losing their jobs or having to
19 move out of retirement to go into work or have
20 seen adults having to move in with their parents
21 because of all of that has been happening from
22 the economic meltdown.

23 And until quite recently we face a lack
24 of access to food for over five years and a lack

1 Demographic Research and Reapportionment, 2-1-12

2 of access to a community center for over eight
3 years. And while our members in the communities
4 we served have faced displacement, loss of
5 housing and jobs, they've also worked hard to
6 hold decision makers accountable to their needs.

7 And through our efforts and working with
8 other local stakeholders, we helped to secure a
9 new affordable supermarket across the street from
10 public housing that hires locally, which is
11 really important for our members and our
12 communities. And so the redrawing of these lines
13 would consolidate Fort Greene public housing
14 residents into the one district and will serve
15 this community interest at a time when it's
16 critical to build political power for low income
17 communities in New York State.

18 And our communities and families that
19 courageously face battles right with developers
20 who are interested in profit and have very little
21 interest or zero interest in building sustainable
22 communities for everyone. And as an organization
23 that is led by its members, our power is not in
24 money.

1 Demographic Research and Reapportionment, 2-1-12

2 Our power is in civic participation from
3 voting, to accountability forums and meeting with
4 our representatives to ensure that our voices are
5 heard and our needs are met. And uniting public
6 housing developments that are the target of
7 aggressive development, upcoming federal
8 regulations that threaten to privatize public
9 housing and continued personal and community
10 impacts resulting from the economic crisis seems
11 to be a natural progression considering the state
12 of our area. The Fort Greene public housing
13 residents are increasingly surrounded by high end
14 luxury housing resulting from the 2004 rezoning
15 plan of downtown Brooklyn at the edges of Fort
16 Greene along Flatbush Avenue.

17 And the subsequent population boom of
18 wealthy residents had led to one of the most
19 extreme frontiers of inequality in New York City.
20 The redistricting will help to reverse the voter
21 dilution of public housing residents and increase
22 their power in allow them to be more effective in
23 advocating for their own interest in the face of
24 these drastic demographic shifts.

1 Demographic Research and Reapportionment, 2-1-12

2 And so consolidating the voice and votes
3 of public housing residents is just one step
4 further to empower low income people of color in
5 Fort Greene to better address the issues of
6 racial, economic inequity, which are all central
7 to our mission.

8 ASSEMBLY MEMBER MCENENY: Thank you.
9 Catherine Smith. Catherine, there we go.

10 MS. CATHERINE SMITH: Good morning. My
11 name is Catherine Smith. I represent the--I live
12 in Fort Greene and they need to keep the people
13 together in Fort Greene that they're trying to
14 take the apartment from the people and the
15 schools. We need the schools for the kids. We
16 need the schools for the kids.

17 They want to change it over to charter
18 school and they want to put the people out the
19 projects but we need to stay in there. People
20 work together and live together, united together.
21 Since these new coops, they want to change
22 everything. So I'd like to see a change in Fort
23 Greene. I would like to see the people stay in
24 Fort Greene and want the kids, their schools.

1 Demographic Research and Reapportionment, 2-1-12

2 ASSEMBLY MEMBER MCENENY: So you're
3 agreeing with Ms. Jean--

4 MS. SMITH: Yes.

5 ASSEMBLY MEMBER MCENENY: On having a
6 concentration of the public housing?

7 MS. SMITH: Yes, yes.

8 ASSEMBLY MEMBER MCENENY: Thank you.
9 Thank you very much. Cory Provost.

10 MR. CORY PROVOST: Good afternoon.
11 Greetings distinguished members of LATFOR. My
12 name is Cory Provost and I'm going to really try
13 and keep my remarks very brief as I just really
14 wish to echo a few of those that spoke before me.
15 I'm in complete support of the congressional
16 district 11 as proposed by Congresswoman, Yvette
17 Clarke.

18 As a community activist for the past ten
19 years in my community I believe the most
20 important thing is to keep us together. I heard
21 congressional--her draft of the congressional
22 district does just that. I believe some of the
23 draft proposals as they were stated are a far cry
24 from that. Especially as one of the individuals

1 Demographic Research and Reapportionment, 2-1-12

2 that spoke before us, when you look at senate
3 district 20, that is not keeping the community
4 together.

5 It makes no sense in my own eyes to see
6 that people that want to represent the
7 constituents of Brooklyn have to vie from one
8 side of the borough to the other. That makes no
9 sense to me at all and I don't know what
10 mathematics was used to come up with that
11 equation. But just, real lastly, I think that
12 the drafts as they were definitely need to be
13 revisited and

14 I know that's why we're here today but I
15 did have one question, is there a proposed round
16 three of public hearings or is this the final
17 round of hearings?

18 ASSEMBLY MEMBER MCENENY: This will be
19 the final round of public hearings and one of the
20 reasons is we are under the gun the draw the
21 congressional districts which are not yet drawn
22 and we have to have this pretty well done by the
23 end of February because of the federally
24 established June 26th primary.

1 Demographic Research and Reapportionment, 2-1-12

2 MR. PROVOST: So there won't be any
3 public hearings on the congressional lines?

4 ASSEMBLY MEMBER MCENENY: So far none
5 have been scheduled and I'm not sure when we
6 could do them with the amount of time here.
7 There wasn't the last time either.

8 MR. PROVOST: Okay. Thank you but once
9 again, I am in complete support of congressional
10 district 11 as it was proposed by Congresswoman,
11 Yvette Clarke.

12 ASSEMBLY MEMBER MCENENY: Thank you.

13 MR. PROVOST: Thank you.

14 ASSEMBLY MEMBER MCENENY: Evelyn Cruz.
15 We've received a number of very good suggestions
16 including specific maps. Congresswoman, Yvette
17 Clarke's being just one example. There are a
18 number of ideas that have flown into the Task
19 force and we do invite, particularly during this
20 next couple of weeks or so, if you have
21 additional thoughts, please send them in.

22 MS. EVELYN CRUZ: Good morning or good
23 afternoon, gentlemen. My name is Evelyn Cruz, I
24 represent Congresswoman, Nydia Velazquez, of New

1 Demographic Research and Reapportionment, 2-1-12

2 York's 12th congressional district. Also voting
3 rights district or a protected district as we
4 call it.

5 I am here on behalf of the Congresswoman
6 to extend the support of the recommendation
7 that's presented here today by our constituents
8 from Cooper Park houses in Greenpoint Brooklyn.
9 Those concerns were presented by Ms. Diane
10 Jackson, Ms. Karen Leader, Ms. Laura Hofmann and
11 the 200 letters that you received today from our
12 congressional district members of Cooper Park in
13 Greenpoint as stated before.

14 We're here to urge the Commission to
15 reject and revisit the proposed maps for the 50th
16 and the 53rd assembly district. The community of
17 Cooper Park in Greenpoint deserve to have a
18 district that is contiguous not divided. As
19 public servants, the goal of this Commission
20 should be to maintain a community compacted and
21 whole. As presented, the map of the 50th and the
22 53rd splits a community by a few blocks for
23 interest unknown.

24 The concerns raised by Ms. Jackson, Ms.

1 Demographic Research and Reapportionment, 2-1-12

2 Leader and Common Cause regarding the boundaries
3 of the 53rd and the 50th are valid and should be
4 considered. The Congresswoman urges this
5 Commission to revisit it to keep Cooper Park and
6 the adjacent community again whole and compacted
7 by extending the assembly district lines to
8 Metropolitan Avenue and not to Skillman Avenue.
9 For too long the Cooper Park community, the area
10 of Greenpoint, particularly that area, which his
11 underserved, predominantly minority, have been
12 disenfranchised by government. And it is
13 critical that we do not, as a Commission,
14 continue to perpetuate that.

15 So they deserve fair and equal
16 representation and we're urging the Commission to
17 revisit, to read cautiously these submissions by
18 the Cooper Park community and others that you
19 will be hearing from today. Thank you and have a
20 good day.

21 ASSEMBLY MEMBER MCENENY: As you know,
22 there are mathematical mandates that we have to
23 live with.

24 MS. CRUZ: Absolutely.

1 Demographic Research and Reapportionment, 2-1-12

2 ASSEMBLY MEMBER MCENENY: If the area in
3 question which is a development area right now
4 with great potential is put together, does the
5 Congresswoman suggest it be put in the 51st
6 instead of the 53rd or vice versa?

7 MS. CRUZ: We are urging that it remains
8 in the 50th assembly district.

9 ASSEMBLY MEMBER MCENENY: We're talking
10 about the newly drawn ones.

11 MS. CRUZ: Right now it's not in the
12 50th. The Greenpoint campus is a super block.
13 It is adjacent to the Cooper Park community.

14 ASSEMBLY MEMBER MCENENY: So you want it
15 put together and put entirely in the 50th?

16 MS. CRUZ: Absolutely. It's fair, it's
17 a fair thing to do.

18 ASSEMBLY MEMBER MCENENY: Thank you.

19 MS. CRUZ: Thank you.

20 ASSEMBLY MEMBER MCENENY: I'm going to
21 go through the list. Is there anyone else before
22 I do that who would like to get on the list who's
23 not on here already, hasn't testified? Hearing
24 none, I'm going to go through the list that we

1 Demographic Research and Reapportionment, 2-1-12

2 went through this morning and early this
3 afternoon of the people whose names were here and
4 were not able to answer the call.

5 That doesn't mean that they haven't sent
6 something in or they didn't have somebody that
7 was essentially speaking for them. Jerry
8 Vatamala, Esmeralda Simmons. Would you like to
9 speak? Come on up.

10 MS. ESMERALDA SIMMONS: Good afternoon,
11 members of LATFOR. My name is Esmeralda Simmons
12 and I serve as the Executive Director of the
13 Center for Law and Social Justice of Medgar Evars
14 College of the City University of New York. The
15 center is a legal advocacy and research
16 institution that focuses on racial justice
17 issues, particular those affecting the New York
18 City resident.

19 The center is also one of the co-authors
20 of the Unity plan maps submitted to LATFOR as a
21 model for redistricting of the New York State
22 Assembly, the New York Senate and New York State
23 Congressional districts in compliance with the
24 Voting Rights Act. I testified today on two

1 Demographic Research and Reapportionment, 2-1-12

2 topics, LATFOR process and its products.

3 LATFOR's actions, and even more, it lack of
4 action are toying with the precious voting rights
5 of New Yorkers.

6 There has been nothing commendable about
7 the bodies official behavior. Rather there has
8 been gross dereliction of duty and such extreme
9 official tardiness that the timely success of the
10 process is at now at severe risk. Even the first
11 round of hearings across the state were held more
12 than six months late. At this critical point,
13 New York State's congressional redistricting is
14 greatly at risk of not occurring through the
15 representative process.

16 Although the primary is less than five
17 months away, LATFOR has not even released its
18 draft congressional plans, and no explanation.
19 In addition, because of the political
20 gerrymandering that is obvious in LATFOR's
21 assembly and state senate plans, those plans will
22 probably not be enacted. Further, the process
23 continues to be a closed process.

24 These public hearings are only a pretext

1 Demographic Research and Reapportionment, 2-1-12

2 of openness. LATFOR's redistricting criteria has
3 never been made public. The correct population
4 data, the basis of redistricting, was only
5 released in late 2011 when the Census data was
6 finely adjusted for the prison data.

7 The lateness of releasing the corrected
8 data, in effect, rendered futile, the public's
9 attempt to be civically engaged in this process
10 since many of the suggested plans were drawn on
11 the earlier release, 2010 Census data, which were
12 then rendered inaccurate.

13 Unlike other states, New York neither
14 provided downloadable redistricting software or
15 online mapping software to be made available to
16 the public. Although LATFOR's members raised the
17 issue in August of last year until LATFOR
18 actually released its plans in late January,
19 LATFOR never informed the public whether it was
20 going to draw 62 or 63 senate seats.

21 Thus, thousands of hours were expended
22 by New Yorkers drawing senate district plans
23 based upon 62 seats, which were squandered toward
24 the wrong aim and the resulting product were

1 Demographic Research and Reapportionment, 2-1-12

2 rendered less persuasive. There have been no
3 rationales or explanations given behind the
4 proposed senate or assembly plans.

5 The plans were released less than two
6 weeks ago, yet the public is expected to review
7 these complex facts immediately and rearrange our
8 lives to testify at these hearings. LATFOR's
9 flawed draft redistricting plan, I have submitted
10 this in writing so I'm going to be brief. First,
11 as I stated before, there is no congressional
12 plan.

13 The draft senate plan, the Center for
14 Law and Social Justice remains focused on the
15 effect that any draft plan would have on the
16 protected groups, in New York State, under the
17 Voting Rights Act. There is no clear advantage
18 to the protected communities in LATFOR 63
19 district senate plans as configured. In fact,
20 the Unity Plan, which drew 62 seats did a better
21 job than LATFOR's 63c Plan. In a Unity Plan, the
22 shapes of the LATFOR's map invite Shaw versus
23 Reno based attacks, particularly senate district
24 20, which many people have spoken about.

1 Demographic Research and Reapportionment, 2-1-12

2 In addition, LATFOR continues its mount
3 apportionment of downstate senate districts by
4 creating a record standard deviation and a record
5 average deviation between upstate districts and
6 downstate districts. This is hardly in the
7 spirit, a one person, one vote requirement of the
8 United States Constitution. Though it may meet
9 the letter of the law. LATFOR's deviation range
10 is from -5% to +3.8%.

11 The range of the Unity maps was only
12 from -1.4 to -1.8 for 63 district plan.
13 According to a recent Nyberg study, the senate
14 district had no--in 1992, had no districts that
15 had greater than 3% deviation. In 2002, had 19
16 districts that have deviations of 3% or greater
17 but in 2012 has 50 districts that have deviation
18 that are greater than 3%.

19 Furthermore, the Center for Law and
20 Social Justice remains unpersuaded that the New
21 York State Constitution even requires 63 senate
22 seats. At this point in history, the size of New
23 York's upper legislative body, which appears to
24 be merely a political pawn in a highly charged

1 Demographic Research and Reapportionment, 2-1-12

2 political game.

3 A pawn that can be mutated to further
4 the political desires of the controlling party.
5 The Empire State should be above such low
6 political shenanigans. Such evident disrespect
7 to the state legislature but its own elected
8 members engenders broader disrespect to our
9 legislative bodies by citizens. Isn't the
10 disrespect already directed toward Albany broad
11 enough? District 20, we call it the hammer tail
12 cow.

13 ASSEMBLY MEMBER MCENENY: Is that the
14 Asian district?

15 MS. SIMMONS: No.

16 ASSEMBLY MEMBER MCENENY: I'm sorry.

17 MS. SIMMONS: This is the district in
18 Brooklyn that has a tail swinging down and goes
19 across Brooklyn. This district, would be
20 compact--this district would have been a compact
21 district of largely black communities of similar
22 interest but for the fact that it stretches
23 across Brooklyn via a very narrow tail to link it
24 with the Borough Park community in the western

1 Demographic Research and Reapportionment, 2-1-12

2 part of Brooklyn.

3 These geographic areas are remote from
4 each other. In fact, there is no subway and not
5 even a direct bus route that links these
6 communities. This only weakens the black voting
7 strength of this Crown Heights east New York
8 Flapper District which currently has a - - voting
9 age population of 55.5. District 19, why has
10 Brownsville, a very large community district been
11 separated from its next door neighborhood,
12 Canarsie, which has a large and growing black
13 community.

14 The eastern part of Brooklyn has a
15 series of dense black communities, east New York,
16 Brownsville, and its closest southern neighbor,
17 Canarsie. The latter is a neighborhood with a
18 burgeoning black population which has elected
19 several black representatives. In the Unity plan
20 we continue to tie these neighborhoods together.

21 In the LATFOR plan, however, Canarsie
22 has been separated from Brownsville and the other
23 parts of the eastern coast and combined with Mill
24 Basin, a largely white community. District 31 in

1 Demographic Research and Reapportionment, 2-1-12

2 Manhattan, why is the farthest northern Manhattan
3 community of Washington Heights put into a map
4 that stretches deep down through the western most
5 area of the upper west side almost to midtown

6 This results in a dilution of the voting
7 strength of the Latinos and Blacks in Washington
8 Heights and could impair their ability to elect a
9 candidate of their choice. This Assembly plan,
10 in general, the assembly districts are smaller in
11 New York City and larger upstate but the
12 variation is not as great as that of the senate
13 plan.

14 In conclusion, the LATFOR senate plan
15 appears to violate the Voting Rights Act as it
16 creates greater electoral opportunities but fails
17 to provide for greater opportunity for the
18 protected groups in New York City to elect the
19 candidates of their choice, even where population
20 has grown significantly.

21 The LATFOR assembly plan skews towards
22 smaller districts downstate but does not create
23 clearly electable districts in all cases.

24 Clearly at this time, even more time must be

1 Demographic Research and Reapportionment, 2-1-12

2 spent by LATFOR to create assembly, senate and a
3 congressional plan that will abide by the spirit
4 and the letter of the United States Constitution
5 and the Voting Rights Act. Thank you.

6 ASSEMBLY MEMBER MCENENY: Thank you.
7 Councilman David Greenfield. Roslyn--no, she
8 came. Thelma Moore. Joanne Simon.

9 MS. JOANNE SIMON: Thank you, members of
10 the Commission. How are you today? My name is
11 Joanne Simon and I'm the State Committee person
12 from the 52nd assembly district here in Brooklyn.
13 My comments will be addressed fairly broadly. I
14 think that you've heard from many people that the
15 lines as proposed seem to underscore the
16 popularity of non partisan redistricting.

17 As presently proposed, and I want to
18 just say that in terms of the 52nd, I'm not
19 complaining about the lines in the 52nd but I do
20 understand that many people have difficulties
21 with the assembly lines for a variety of reasons
22 that I think resonate with myself and I believe
23 should resonate with this Commission.

24 But as presently proposed, the lines

1 Demographic Research and Reapportionment, 2-1-12

2 really don't reflect the affects of a transparent
3 process. They don't kept communities together.
4 They don't reflect well on the legislature's
5 role, underscoring the public's dissatisfaction
6 and belief that the people don't matter.

7 And it doesn't advance any public policy
8 that I can think of, neither transparency, one
9 person, one vote or the protection of minority
10 rights. I think obviously a lot of the
11 discussion has revolved around the senate
12 districts. I think that the proposed lines do
13 divide by what looks to be the interest of one
14 party over another. They divide communities of
15 interest as well as physical communities.

16 They pit one incumbent against another
17 for no reason that appears to be consistent with
18 public policy. I think the 18th and the 20th
19 have come up as examples of that. I know
20 certainly my state senator would now be running
21 against state senator who is also part of the
22 52nd assembly district. I also want to say that
23 I think that an answer to one of the questions
24 that was asked, somebody previously, why it would

1 Demographic Research and Reapportionment, 2-1-12

2 matter to housing and development.

3 I think it does very much matter that
4 either the assembly lines or the senate lines are
5 not pitting people against each other because it
6 really does come down, in many cases, to state
7 funding and to state funding programs and that
8 makes all the difference in the world as to
9 whether or not we're going to have affordable
10 housing or not have affordable housing so I think
11 it does matter that it's important to keep those
12 communities together.

13 I think that Common Cause has done a
14 very good job, a very credible job of showing
15 that you can keep communities together, you can
16 do it in a transparent way and it can be done
17 fairly. And so for that reason, I urge the
18 Governor to veto the present lines and I look
19 forward to seeing lines that are more consistent
20 with public policy coming out of the Commission.
21 Thank you.

22 ASSEMBLY MEMBER MCENENY: Thank you very
23 much. David Debose. Dena Reutman. Reginald
24 Bowman. Daniel Tates [phonetic]. Is there

1 Demographic Research and Reapportionment, 2-1-12

2 anyone here who needs to testify now, would like
3 to testify, yes, come forward. State your name
4 and if you represent an organization, please say.

5 DR. VONI JOHYN: Good morning. My name
6 is Dr. Voni Johyn and I am a representative from
7 the 11th district from the group of Women for
8 Fairness and Politics and Public Service. I'm
9 here this morning to basically piggy back on some
10 of the comments which were made earlier with
11 regards to Yvette--our Congresswoman, Yvette D.
12 Clarke. To advocate on behalf of the
13 Congresswoman, D. Clarke, that represents the
14 Shirley Chisholm district and for the reenactment
15 of the voter's right and that it be remembered
16 that this is the central Brooklyn and that she
17 represents the largest Caribbean and American
18 communities and also the newly arriving
19 immigrants within that district.

20 Congresswoman is being sensitive of the
21 needs of these immigrants, herself being a child
22 of immigrants. Therefore, I urge you wonderful
23 panel, to please adopt the district that is being
24 presented by Congresswoman and take into

1 Demographic Research and Reapportionment, 2-1-12

2 consideration her sensitivity of the situations
3 and the concerns of the Caribbean American
4 immigrants within these communities. Thank you
5 for listening.

6 ASSEMBLY MEMBER MCENENY: Doctor, I
7 didn't catch your first name, Joan I got. I
8 messed it up on the last name. What is your
9 first name?

10 DR. JOHYN: My first name is Vonni, V-O-
11 N-I. And the last name is spelled, J-O-H-Y-N.

12 ASSEMBLY MEMBER MCENENY: Thank you very
13 much for your testimony.

14 DR. JOHYN. Thank you. And I can give
15 you a copy of the voting map.

16 ASSEMBLY MEMBER MCENENY: Is there
17 anyone else who would like to testify? We Thank
18 you very much for your participation, we thank
19 you for your criticism, both positive and
20 negative and we look forward to seeing some of
21 you or your representatives throughout this
22 process. This is our 17th public hearing, the
23 third with these maps prepared.

24 The schedule, for those who are

1 Demographic Research and Reapportionment, 2-1-12

2 following it, is to have a hearing tomorrow in
3 Manhattan, one in Queens on Tuesday, one in Long
4 Island on Thursday and then in the third week,
5 Syracuse, Rochester and Buffalo, in that order,
6 on Tuesday, Wednesday, and Thursday.

7 All of the scheduling is on the LATFOR
8 web site and we continue to welcome input that is
9 read, taken serious, looked at and considered
10 very closely, sending it in to LATFOR. You can
11 send it in electronically or by traditional mail.
12 We hope to be drawing these districts with
13 recommended changes in many cases. These maps
14 are never the last maps.

15 They've always been changed toward the
16 end and put together legal descriptions during
17 President's week. That's a break for the State
18 Legislature, at least for some of us, but not us.
19 And then when the legislature comes back, if all
20 goes well, we hope to have legislation to be
21 voted on. Thank you so much for your input.

22 (The public hearing concluded)

C E R T I F I C A T E

I, April Jones, do hereby certify that the foregoing typewritten transcription, consisting of pages number 1 to XXX, inclusive, is a true record prepared by me and completed from materials provided to me.



Elaine Wylie, Transcriptionist

February 6, 2012

NEW YORK STATE
LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND
REAPPORTIONMENT

PUBLIC HEARING
CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING

Assembly Hearing Room
250 Broadway, 19th Floor
New York, New York 10007
Thursday, February 2, 2012
10:43 a.m.

Demographic Research and Reapportionment, 02-02-12

TASK FORCE MEMBERS PRESENT:

ASSEMBLY MEMBER JOHN M. McENENY, Co-Chair

SENATOR MICHAEL F. NOZZOLIO, Co-Chair

SENATOR MARTIN M. DILAN

ASSEMBLY MEMBER ROBERT OAKS

DEBRA LEVINE

ROMAN HEDGES

WELQUIS LOPEZ

LEWIS HOPPE

INDEX

	Page
CHRISTINA CHANG Spokesperson Asian American Community Coalition on Redistricting and Democracy (ACCORD)	9
FRANZ LEICHTER Former New York State Legislator	16
GLENN MAGPANTAY Director Asian American Legal Defense and Education Fund (AALDEF)	24
ANNETTE ROBINSON Assembly Member 56 th Assembly District	33
BARBARA ZUCKER Women's City Club of New York	38
DEBRA COOPER Democratic State Committeewoman 67 th Assembly District	41
ALLISON TUPPER ACT NOW	49
HENRY STERN President New York Civic	50
SUSAN RUBENSTEIN Board Chair Common Cause	58
SUSAN LERNER Common Cause	75
BETSY MALCOLM Organizing Committee ACT NOW	82

Demographic Research and Reapportionment, 02-02-12

HEATHER ROBERSON	86
Chair of the Board of Directors	
ACT NOW	
CAROLYN STEVENS	104
Board Member	
Westchester County League of Women Voters	
CURTIS ARLUCK	110
Democratic District Leader	
69 th Assembly District	
MAE LEE	115
Executive Director	
Chinese Progressive Association	
ALEX CAMARDA	122
Citizen's Union	
RACHEL FAUSS	126
Citizen's Union	
GALE BREWER	143
Council Woman, NYC	
RUBEN DARIO VARGAS	147
PLACIDO RODRIGUEZ	150
GAIL ADDIS	153
MARISOL ALCANTARA	157
MARIA LUNA	159
MIOSOTIS MUÑOZ	164
JUMAANE WILLIAMS	167
NYC City Council	
45 th District	
DIANE LAPSON	170
Independent Tenants Association	
FANYA VASILEVSKY	175
CARMEN ACOSTA	183

Demographic Research and Reapportionment, 02-02-12

SIDNEY PARKER 192
On Behalf of Congresswoman Yvette Clarke

MICHAEL MCKEE 199
Tenants Political Action Association

1 Demographic Research and Reapportionment, 2-2-2012

2 (The public hearing commenced at 10:43
3 a.m.)

4 ASSEMBLY MEMBER JOHN J. McENENY, CO-
5 CHAIR, NEW YORK STATE LEGISLATIVE TASK FORCE ON
6 DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT: Good
7 morning. If you'd please take your seats. Thank
8 you very much for coming to--for this hearing.
9 This is not the last hearing in the City of New
10 York. There will be one on Tuesday in Queens,
11 one in Long Island next Thursday and three more
12 hearings in upstate in Syracuse, Rochester and
13 Buffalo in that--in that order, the final week,
14 at which point it is our intention to change the
15 maps in one way or another based upon some of the
16 input that we've gotten at these hearings.
17 During the President's Day break when the State
18 Legislature is not in session, they should be
19 back in their districts, and draw up legal
20 descriptions for the presentation of a piece of
21 legislation to be voted on by the full body when
22 they return after the President's Day break.

23 One other thing is that the deadline of
24 when Congressional districts should be done is

1 Demographic Research and Reapportionment, 2-2-2012

2 one that has crystallized now by court order from
3 Judge Sharpe and the primary, at least for the
4 Congress, will be on June the 26th. So we don't
5 have an awful lot of time to do that. Those
6 Congressional lines are not yet done, not yet
7 completed and we will work on it during the
8 period of the three weeks of public hearings and
9 probably the next week thereafter as well.

10 My name is Jack McEneny. I'm a member
11 of the Assembly from Albany, New York. I am the
12 Democratic Co-chair, the Assembly Co-chair on
13 this panel. The, to my immediate right, also
14 representing the Assembly is my Republican
15 ranker, if you will, another member of the
16 Assembly Bob Oaks. And to his right is Dr.
17 Roman Hedges who is the citizen appointee who is
18 here who has a great deal of expertise in this
19 field of redistricting and reapportionment. And
20 to the far right, Lewis Hoppe is the Co-executive
21 Director of the Task Force. And with that I'd
22 like to introduce and turn it over for further
23 introduction and remarks to my Co-chair who is
24 Senator Mike Nozzolio.

1 Demographic Research and Reapportionment, 2-2-2012

2 SENATOR MICHAEL F. NOZZOLIO, CO-CHAIR,
3 NEW YORK STATE LEGISLATIVE TASK FORCE ON
4 DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT: Thank
5 you very much Assemblyman McEneny and I
6 appreciate all your great work over the months
7 leading to this day. That the plans proposed are
8 plans that we put forward as a Commission and
9 welcome the testimony as this is now our 18th
10 hearing, public hearing, our 2nd one in--in this
11 location where we have taken testimony. And
12 those plans are now--this is the 4th hearing that--
13 --where the plans have been put forward and that
14 we're taking input in--in order to make plans as
15 compatible and as acceptable as possible and that
16 reflect as many of the communities of interest
17 that can be affected here in a positive way by
18 the drawing of these maps. The--it is a
19 transparent process so the testifiers today will
20 be testifying on video. That video is being
21 recorded. The recording is available to those
22 citizens who wish to view it. Those individuals
23 anywhere in the world, really, that wish to view
24 it only have to go to the LATFOR website, it's L-

1 Demographic Research and Reapportionment, 2-2-2012

2 A-T-F-O-R, and that website contains a video
3 record of every hearing.

4 Let me introduce the Senate
5 representatives on the Task Force. To my
6 immediate left, your right is the Senator from
7 Brooklyn, Senator Martin Dilan. To his left is
8 the citizen representative on this Senate side of
9 the Task Force and that's Welquis Ray Lopez. And
10 to his left is the Co-executive Director of the
11 Task Force, Debra Levine. The--we have a number
12 of testifiers today. There are 35 that have
13 signed up. Anyone who wishes to speak and has
14 not signed up to date, please go to the tables
15 that are out front and we welcome that
16 opportunity.

17 Without further ado I'd like to ask
18 members of the Task Force if they wish to make
19 any statements. That's Debra Levine, not Levine.
20 Debra Levine. I apologize for that. I apologize
21 for that. Any--hearing no requests for
22 testimony, the first witness is Christina Chang.

23 ASSEMBLY MEMBER McENENY: Let me say
24 that if you have placards of posters do not hold

1 Demographic Research and Reapportionment, 2-2-2012

2 them up to block the view of anybody behind you.
3 That was a problem in some of our other hearings.
4 Just keep them down below your nose level. We
5 can read them. There's no reason to hold them
6 way up in the air. This is not a demonstration.
7 We have a list of people testifying but if Ed
8 Koch walks in the door, he's next.

9 SENATOR NOZZOLIO: I'm not so sure about
10 that--

11 [Laughter]

12 SENATOR NOZZOLIO: --Mr. Co-chair, we'll
13 have to vote on that procedure. We have Franz
14 Leichter; a former colleague who I think trumps
15 Mayor Koch any day. But for the record, please
16 be so kind as to state your name, if you
17 represent and organization, do that as well.

18 MS. CHRISTINA CHANG, SPOKESPERSON, ASIAN
19 AMERICAN COMMUNITY COALITION ON REDISTRICTING AND
20 DEMOCRACY (ACCORD): Okay. Well good morning
21 members of the Task Force. My name is Christina
22 Chang and I'm a spokesperson for the Asian
23 American Community Coalition on Redistricting and
24 Democracy also called ACCORD. First of all thank

1 Demographic Research and Reapportionment, 2-2-2012

2 you for your presence here today and for your
3 serious consideration of our past statements and
4 recommendations.

5 ACCORD members will be making more
6 comprehensive statements next week at the Queens
7 hearing and I would like to make some brief
8 remarks today regarding the Asian American
9 community affecting--affected in Manhattan as
10 well as the process used by LATFOR in the
11 redistricting process. ACCORD is a Pan-Asian
12 coalition of social service agencies, civil
13 rights organizations, legal advocates and civic
14 associations joined together around the critical
15 issue of redistricting and its impact on our
16 democracy. And in particular whether democracy
17 is realized for minority communities, especially
18 Asian American communities, in New York.

19 One of our core communities is in the
20 Borough of Manhattan where the oldest and most
21 historic of the City's Chinatowns exists. There
22 is by and large continuity in the Assembly and
23 Senate districts that subsume Manhattan's
24 Chinatown. We strongly and fully support

1 Demographic Research and Reapportionment, 2-2-2012

2 Chinatown's integrity in these district plans.

3 This is one of the most compact and dense
4 communities with Asian populations and any degree
5 of fragmentation would be a tremendous setback
6 for the Asian American voters in this community
7 of interest.

8 We do however continue to feel that the
9 Lower East Side is a better companion
10 neighborhood to Chinatown than the Financial
11 District, Battery Park City or TriBeCa. These
12 latter areas are vastly different from Chinatown.
13 The Lower East Side is a community with far more
14 in common with Chinatown in terms of residents,
15 socioeconomic status, housing issues, and their
16 need for language access to name a few concerns.

17 With regard to the redistricting process
18 and LATFOR's handling of public input, we first
19 of all want to applaud the step taken in Queens
20 and in the Bronx to improve access to the public
21 hearings by beginning them at 3:00 p.m. on a
22 weekday rather than 10:00 or 10:30 a.m. in the
23 morning. While this is still a little too early
24 for working individuals to attend without

1 Demographic Research and Reapportionment, 2-2-2012

2 inconvenience, it is nevertheless a significant
3 and positive step--

4 SENATOR NOZZOLIO: [Interposing] And on
5 that point, I apologize for interrupting--

6 MS. CHANG: [Interposing] Sure.

7 SENATOR NOZZOLIO: --but that was, to
8 move them, to move--some of the hearings into the
9 later afternoon was a result of actually the
10 Asian American community's suggestion, where--at
11 one of our earlier hearings. And we found
12 ourselves in the Bronx well past 8:00 o'clock the
13 other night and we expect we'll--we'll probably
14 be the same in Queens so that the--the meetings
15 usually last four or five hours.

16 MS. CHANG: We want to thank you again
17 for--

18 ASSEMBLY MEMBER McENENY: [Interposing]
19 And you have the actual count in the difference
20 is in the preliminary hearings it was 50 people
21 who testified in the Bronx. When we switched the
22 time it was 49 so that's... that's a dead heat.

23 MS. CHANG: Okay.

24 ASSEMBLY MEMBER McENENY: Yeah.

1 Demographic Research and Reapportionment, 2-2-2012

2 SENATOR NOZZOLIO: See how Queens fares.

3 MS. CHANG: Okay.

4 SENATOR NOZZOLIO: Next week.

5 MS. CHANG: We are as many others
6 extremely disappointed by the fact that a mere
7 schedule of events was not give to the public and
8 the timing of practically everything in this
9 process has come as a surprise from the date the
10 maps would be released to the times and the dates
11 of the public hearings. This is not to mention
12 the late release of the final data and the last
13 minute change in the number of Senate districts.
14 The results of redistricting profoundly affect
15 the dynamics of State government and local
16 elections for an entire decade.

17 And the people of New York State were
18 given literally a single working day between the
19 release of these draft maps and our only chance
20 to comment on these plans began with the hearings
21 in Albany. We think that at a minimum the Task
22 Force needs to offer printed materials and a
23 website each with translations or interpretation
24 in compliance with the Voting Rights Act and

1 Demographic Research and Reapportionment, 2-2-2012

2 Title IV.

3 These materials and the website should
4 offer a detailed explanation of the agency's
5 process for redistricting including criteria used
6 for drawing district lines, the agency's timeline
7 and schedule for redistricting, announcements of
8 public hearings made no less than 90 days before
9 the event, maps and data for proposed districts
10 available no less than 90 days before public
11 hearings, and in addition, the locations, dates
12 and times of public hearings should be arranged
13 to maximize the public's participation.

14 Thank you again for your willingness to
15 show flexibility in the public hearing times for
16 Queens. We hope this commitment to the public
17 can be more fully expressed going forward in
18 terms of procedure and of course in your
19 revisions of the proposed district lines. Thank
20 you.

21 SENATOR NOZZOLIO: Thank you. Could you
22 tell me what languages you want to use? In the
23 case of the Asian Coalition which has evolved, we
24 have heard testimony, especially in Queens, that

1 Demographic Research and Reapportionment, 2-2-2012

2 the Asian community considers itself one,
3 including Koreans, Bangladeshi, Indians,
4 Pakistani, Guyanese, Chinese, et cetera, et
5 cetera. How many translations should we have
6 gone into?

7 MS. CHANG: If you don't mind, I'm going
8 to defer that answer to my colleague James Hang
9 [phonetic] who will be speaking at the Queens
10 public hearing--

11 ASSEMBLY MEMBER McENENY: [Interposing]
12 Okay.

13 MS. CHANG: --your question is well
14 noted and I will--

15 ASSEMBLY MEMBER McENENY: [Interposing]
16 Thank you.

17 MS. CHANG: --communicate that.

18 SENATOR NOZZOLIO: Before you leave I
19 just want to thank ACCORD and members of the
20 Asian American community for continued input.
21 That the--particularly the meeting in Queens and
22 the hearing in Queens, the seven hours of it, as
23 well as a number of hear--meetings afterward, let
24 to the development of the first Asian American

1 Demographic Research and Reapportionment, 2-2-2012

2 Senate seat, New York State Senate seat, in the
3 history of our State. And that in terms of Asian
4 majority Senate seat. And that--that's something
5 that--that I appreciate very much, your input,
6 the input of all the supportive organizations.

7 MS. CHANG: Thank you.

8 SENATOR NOZZOLIO: Any questions? Thank
9 you very much. Franz Leichter.

10 ASSEMBLY MEMBER McENENY: Is Franz
11 speaking?

12 [Off mic discussion]

13 SENATOR NOZZOLIO: You--you're--

14 MR. FRANZ LEICHTER, FORMER NEW YORK
15 STATE LEGISLATOR: [Interposing] Thank you. My
16 name is Franz Leichter. I'm a former member of
17 the Legislature, both the Assembly and the
18 Senate. And it's a delight for me to, huh,
19 appear before you and see some of my former
20 colleagues and Senator Nozzolio, you and I had
21 many debates. I don't think we ever persuaded
22 each other but you were always very amiable and
23 civil and I appreciate that and, of course, Jack
24 McEneny who has represented with such distinction

1 Demographic Research and Reapportionment, 2-2-2012

2 the city of Albany and environments.

3 I could be really like the poster child
4 for how reapportionment is used in a very
5 political way. I was elected to the Assembly in
6 1968. In the 1972 reapportionment both the
7 Democratic and the Republican leadership thought
8 the Assembly would be a better place if I wasn't
9 there. And they drew a line which put my
10 district outside my home, my district under these
11 lines started at 106th Street and lo and behold I
12 lived on 104th Street.

13 Well I ran anyhow. I won. But I didn't
14 get a full ten years because the Justice
15 Department required a reapportionment in 1974.
16 And again with the aim of bettering the Assembly,
17 both the Republican and Democratic leadership
18 this time decided that instead of running the
19 Assembly districts, north-south, they would run
20 it east-west, and they cut my district into three
21 parts. It was known that I was likely to
22 challenge the Democratic leader of the New York
23 State Senate. I'd moved, as I had to once my
24 Assembly lines had changed, to 111th Street. Lo

1 Demographic Research and Reapportionment, 2-2-2012

2 and behold the new Senatorial district started at
3 112th Street. So it's clear and I think to
4 everyone on this panel that reapportionment is a
5 very political process. And understandably so
6 because what you're dealing with is the
7 preservation of members' seats, the preservation
8 of the majority. And as my distinguished former
9 colleague and City Council and as Park
10 Commissioner stated recently while money may be
11 the mother's milk of politics, district lines are
12 the arteries through which blood runs. I think
13 it was a somewhat apt statement.

14 I understand the self-interest that's
15 involved here. And I want to say if I had to
16 make the decision on reapportionment lines and my
17 staff came to me and said we've drawn a terrific
18 plan. It complies with all the laws. It keeps
19 communities but I've got to tell you Leichter,
20 your district is awful. But we've got this other
21 plan which manipulates lines and does a little
22 gerrymandering and you've got a great district.
23 Which would I choose? So I don't want to cast
24 aspersion on anyone. Clearly the Senate

1 Demographic Research and Reapportionment, 2-2-2012

2 Republicans drew these lines to maintain their
3 majority. And I suspect that if the Democrats in
4 the Senate had been in power those lines would
5 have certainly had in mind the maintenance of
6 Democratic majority rule there. I must say in so
7 far as I've looked and understood the lines, I
8 think it is disturbing the degree to which
9 minority districts have been dismembered and
10 reduced and possibly eliminated.

11 ASSEMBLY MEMBER McENENY: All right.
12 Are you talking political minority or racial
13 minority?

14 MR. LEICHTER: I'm talking racial
15 minority--

16 SENATOR NOZZOLIO: [Interposing] Okay.

17 ASSEMBLY MEMBER McENENY: --Assemblyman.
18 I think there's only one real way to do
19 reapportionment and that's by an independent
20 commission. I realize it requires a degree of
21 sacrifice by the members of the Legislature.
22 I've taken this position for many years. I--I've
23 been known to tilt at windmills up at the--Albany
24 but I think this year there's such a strong

1 Demographic Research and Reapportionment, 2-2-2012

2 coalition of good government groups, editorial
3 writers, former distinguished public officials,
4 as well as the Governor of the State of New York
5 who have urged that we have an independent
6 commission.

7 I think it's the only way that we can
8 avoid the self-interest of politics determining
9 how district lines are drawn. I strongly urge
10 you to do what I think is in the public interest
11 and which is not easy to do but I think it's the
12 right thing to do and to say there needs to be an
13 independent commission. You could certainly--you
14 certainly have enough time for the Legislative
15 seats, the Congressional seats presents a
16 different problem because of the court mandated
17 primary date. But maybe even there we could do
18 something.

19 The Governor has committed himself to an
20 independent commission. He's said all the right
21 things. I hope this is not a Kabuki or a Noh
22 play where the Governor's going to veto the lines
23 that are presented to him and then there'll be
24 some minor adjustments and then the lines will be

1 Demographic Research and Reapportionment, 2-2-2012

2 reenacted and signed into law by the Governor.

3 I--I think this is the year that we ought to
4 commit ourselves to an independent commission to
5 draw the lines.

6 I know there's some arguments against
7 independent commission, there probably isn't a
8 100% perfect way to draw district lines but I
9 think the way it's done now where political
10 considerations predominate, where the Legislature
11 has to draw its own line and where it becomes a
12 matter of self-preservation for members of the
13 Legislature and the majority, that that's the
14 wrong way to go. I thank you very much for
15 giving me this opportunity and it's so good to
16 see some of my former colleagues. Thank you.

17 SENATOR NOZZOLIO: Franz, before you
18 leave, I have a couple of questions. We took our
19 responsibilities under the Voting Rights Act ex--
20 very, very seriously. And I know that with the
21 challenges we've had, over 100,000 fewer Blacks
22 in the City of New York today than there were 10
23 years ago according to the United States Census,
24 made the challenges significant. But nonetheless

1 Demographic Research and Reapportionment, 2-2-2012

2 every district is maintained, minority-majority.
3 There is absolutely no retrogression. And in the
4 Borough of Queens as we indicated before that
5 we've created an additional Asian American seat
6 in the Senate. Which districts do you claim have
7 seen an--you called it an elimination, I believe,
8 of either minority representation or a disregard
9 for the Voting Rights Act?

10 MR. LEICHTER: Well. As I've looked at
11 the map and I haven't studied in detail because
12 as you can tell from my testimony, my interest is
13 in seeing a commitment to an independent
14 commission rather than move this line a few
15 blocks or change this district. I think, as I
16 understand it, I think there are problems in--in-
17 -in the Bronx. I--I think there are some
18 problems in Manhattan.

19 This is not to deny that it's difficult
20 to draw these districts. But I think that only
21 affirms the point that I've made that with an
22 independent commission I don't think that you
23 would find the charges that are being made
24 against the reapportionment plan that is

1 Demographic Research and Reapportionment, 2-2-2012

2 presently--that--that has presently been
3 presented.

4 SENATOR NOZZOLIO: So Franz, you haven't
5 independently identified any problems
6 specifically?

7 MR. LEICHTER: No, I--

8 SENATOR NOZZOLIO: [Interposing] With
9 the, with the compliance with the Voting Rights
10 Act.

11 MR. LEICHTER: I cannot say whether or
12 not you've complied with the Voting Rights Act
13 and I'm sure if these plans go through, there's
14 going to be challenges in the courts and so on.
15 But that's not my message. My message is that
16 this should be done by an independent commission.

17 SENATOR NOZZOLIO: Any other questions
18 by Senator--to Senator Leichter? Thank you very
19 much Franz--

20 MR. LEICHTER: [Interposing] Sure, thank
21 you.

22 SENATOR NOZZOLIO: --very nice to see
23 you again.

24 SENATOR NOZZOLIO: Glenn Magpantay.

1 Demographic Research and Reapportionment, 2-2-2012

2 Sorry.

3 [Laughter]

4 SENATOR NOZZOLIO: Mag-pan-tay. Glenn,
5 I already will apologize for mispronouncing your
6 name. Could you be so kind as to, for the
7 record, pronounce it as I should have?

8 MR. GLENN MAGPANTAY, DIRECTOR, DEMOCRACY
9 PROGRAM, ASIAN AMERICAN LEGAL DEFENSE AND
10 EDUCATION FUND: Sure. My name is Glenn
11 Magpantay; I'm the Director of the Democracy
12 Program at the Asian American Legal Defense and
13 Education Fund.

14 Thanks for giving me the opportunity to
15 testify. I need to recognize the staff who are
16 here, the members of the Commission, of LATFOR,
17 who have just been really great, Mr. Head--of
18 course the Co-chairs, I worked with Mr. McEneny
19 many years ago on city funding and Mr. Hedges and
20 Ms. Levine and our colleagues who are out outside
21 have been really great in this process. Really
22 trying to be accessible, to let the community
23 know about some of the issues and concerns that
24 there are, and bringing our concerns and the--the

1 Demographic Research and Reapportionment, 2-2-2012

2 mandates of the Federal Voting Rights Act along
3 with the Constitution of the United States to the
4 fore so that we can work it out for a better
5 plan.

6 We were a little pessimistic as to
7 whether we could get a plan so we sued you. You
8 know, you are our defendants. We--I am counsel
9 in our--the Asian American Intervention in Favors
10 [phonetic]. So we are in litigation on that
11 plan. But I think that there are opportunities
12 and ways to work better. And I think there are
13 ways to developing a plan those works to
14 enfranchise all of New Yorkers, in our great
15 State, in our increasingly diverse State. And so
16 my comments here are tailored towards identifying
17 the impact of the proposed State Assembly and
18 State Senate redistricting plans and its impact
19 on Asian Americans in the City of New York.

20 I want to preface my comments by talking
21 about some of the materials that we had given
22 you. Before Asian American Legal Defense Fund
23 had put in a study to really look at Asian
24 American neighborhoods and try to define in a

1 Demographic Research and Reapportionment, 2-2-2012

2 spatial context where are Asian American
3 communities of common interest. And we submitted
4 those plans. My colleague Jerry Vattamala has
5 been working with you on that. And then we also
6 worked with our colleagues in the African
7 American and the Latino community to propose a
8 unity map. A plan for both the Senate and the
9 Assembly that we believe represents accurately
10 and very well, if I do say so myself, the
11 representation of racial and ethnic minorities in
12 New York City.

13 Your plan came out. We are currently
14 and still analyzing it in great detail. I am
15 studying it up until this morning in preparation
16 for these comments but the analysis is this: we
17 think that the--the--the goals that the Senate
18 and the Assembly majorities are trying to
19 accomplish are laudable. We're delighted with
20 where you were trying to go. We have some
21 questions, concerns, and suggestions for
22 improvements. Some things, I think, need to be
23 worked out in the details. And so, you know, and
24 I will tease those out if you'll allow me to do

1 Demographic Research and Reapportionment, 2-2-2012

2 that for particular jurisdictions but again the
3 maps as they are presented and as they are--what
4 they are trying to do, I think, is moving very
5 much in the right direction and again we comment
6 the Senate majority and the Assembly majority for
7 doing that.

8 Senate District 16, now, in my testimony
9 the last page, you will actually find the map. I
10 always think it's hard to do redistricting
11 without having a map, [laughing], and I'm trying
12 to understand where's 49? Where's 52? So here's
13 the map. And so we--I want to temper my comments
14 to say, we are looking at jurisd--districts that
15 are compliant to the Federal Voting Rights Act,
16 that give racial and ethnic minorities,
17 particularly Asian Americans, a full and fair
18 opportunity to elect candidates of their choice.
19 But also the district is compliant with Shaw and
20 the Con--14th Amendment of the United States
21 Constitution. And we used our communities of
22 interest study to try to identify how to do that.

23 Senate District 16 is an Asian majority
24 district and we're delighted that the Senate

1 Demographic Research and Reapportionment, 2-2-2012

2 heard the cries and concerns of the Asian maj
3 [phonetic] community and moved in that direction.
4 And so it keeps the Asian American population
5 concentration in Flushing whole. And that's a
6 very good thing. We had suggested that the
7 Senate move the district to include Flushing and
8 Bayside. We still believe that there is a common
9 community of interest and that is probably the
10 more preferable plan. But what the Senate had
11 done here with trying to bring the Asian American
12 community in Flushing and Elmhurst together is
13 very interesting and we'll be studying that more,
14 particularly in its racial demographics.

15 We did want to note that the little tail
16 at the very top of the district, and I'm showing
17 for the record... the top of the district
18 [laughing] in Bay Terrace is probably something
19 that we may want to try to take out of the
20 district. That mostly White, upper middle income
21 community, suburban dwellers, are very different
22 from Downtown Flushing or Elmhurst. It's not
23 akin to the rest of the jurisdiction--rest of the
24 district.

1 Demographic Research and Reapportionment, 2-2-2012

2 And what we want to do is a district
3 that is not as contorted as this district is.
4 And so that we can know that we can fit very much
5 past Constitutional muster and we can defend it
6 under Shaw: Shaw v. Reno, 1993. So we're hoping
7 that we can make some adjustments in the upper
8 part of that district. And we'd be interested to
9 look at that lower part of the district about
10 some changes and adjustments that can be made.
11 But again creating an Asian majority district is
12 something that we're delighted with and we are
13 looking very closely at.

14 Second, I mean on the Assembly side, the
15 Asian majority districts in Flushing, 40 and 25,
16 were very good. We're delighted with what the
17 Senate had done. We were in the redistricting
18 process, in the last process, I was here ten
19 years ago, I think in this room, talking about
20 the Asian majority district that we had in
21 Assembly District 22. And so 40 and 40--40 and
22 25 are great.

23 We want to look more at Assembly
24 District 26 which is not an Asian majority but we

1 Demographic Research and Reapportionment, 2-2-2012

2 think we can do a little bit of shifting in that
3 district to try to enhance the different
4 communities that exist. There's an Asian
5 population up--excuse me, there's a Chinese
6 population, a Korean population. We think we can
7 improve some of those numbers a little bit and
8 we'll try to do a little bit of analysis.

9 I also want to commend the Assembly on
10 Assembly District 24. It is not an Asian
11 majority district. It is an Asian influenced
12 district at 34% of mostly South Asians. And that
13 district is becoming increasingly interesting to
14 us. We think that it really does try to capture
15 the large and growing South Asian American
16 community of Queens. And so either by intent or
17 by happenstance, the Senate--the Assembly did a
18 very good job.

19 In Brooklyn, we are delighted with
20 Senate--Assembly District 49. there is an Asian
21 majority district, an Asian majority district
22 which is mostly Chinese, mostly Cantonese
23 speaking. And if you remember our litigation in
24 Diaz v. Silver, we actually argued that there was

1 Demographic Research and Reapportionment, 2-2-2012

2 a unique and--and legally defensible community of
3 interest in the Sunset Park Benson Hurst area.
4 We are very happy--delighted to see that those
5 maps are legally defensible and are compliant
6 with Diaz v. Silver, consistent with Diaz v.
7 Silver.

8 The Senate district's a little bit more
9 challenging there. We understand the--the racial
10 demographics and issues. We do believe that
11 there is a more compact and regular area and that
12 Sunset Park Benson Hurst area and we think it
13 could have been drawn there. So a number of my
14 colleagues from Brooklyn had complained about
15 some of the concerns in Brooklyn with the Senate
16 plan. And we're hoping that the--that the Task
17 Force can take those concerns into consideration.

18 With that, I'm open to your questions
19 and comments. Oh, and the materials that I
20 distributed are my comments but also I thought it
21 would be instructive to do an over--a map, your
22 maps, with Asian population overlays to sort of
23 demonstrate the communities that were divided or
24 were kept together. And that's also available to

1 Demographic Research and Reapportionment, 2-2-2012

2 the public.

3 SENATOR NOZZOLIO: Will you have--Glenn,
4 will you have those available to us today?

5 FEMALE VOICE 1: I have a--I have his
6 submission--

7 SENATOR NOZZOLIO: [Interposing] Oh,
8 they're in--they're in the submission.

9 FEMALE VOICE 1: --it's--yeah.

10 MR. MAGPANTAY: Page 3, there it is.

11 SENATOR NOZZOLIO: Got it. Thank you.

12 FEMALE VOICE 1: Glenn, is this the same
13 document you gave us yesterday or no?

14 MR. MAGPANTAY: No.

15 ASSEMBLY MEMBER McENENY: Well I want to
16 say that's the kind of advice that we look
17 forward to at this kind of a hearing that is
18 specific and it's helpful and it explains the
19 good and maybe the not so good and maybe the
20 possible. That's very helpful and we appreciate
21 the entire coalition of groups, especially your
22 own, for the hard work that they have done in
23 this endeavor.

24 MR. MAGPANTAY: May I just, at the end,

1 Demographic Research and Reapportionment, 2-2-2012

2 just make one other comment. Congressional
3 redistricting, we need to do it. You have our
4 plan. We have submitted a coalition plan for the
5 Congressional districts. There are very
6 difficult issues there but we think we were able
7 to draw a plan that is compliant with the Federal
8 Voting Rights Act and the Constitution. We know
9 and--and hope that you'll take that into
10 consideration. And we're happy to work with you
11 on redrawing Congressional districts which we
12 know we need to do very, very soon.

13 ASSEMBLY MEMBER McENENY: Thank you.

14 SENATOR NOZZOLIO: Thank you very, very
15 much.

16 ASSEMBLY MEMBER McENENY: Thank you.

17 Assemblywoman Annette Robinson.

18 [Pause]

19 ASSEMBLY MEMBER McENENY: Good morning

20 ASSEMBLY MEMBER ANNETTE ROBINSON, 56th

21 ASSEMBLY DISTRICT: Good morning. Good morning
22 to the Commission. I'm just coming to reiterate
23 some of the comments that were made yesterday in
24 regards to the--the rally that was held outside

1 Demographic Research and Reapportionment, 2-2-2012

2 in terms of how the voting rights are being
3 abused within the State of New York by the
4 drawing of the lines that have taken place.

5 When I testified earlier in the year, I
6 testified in regards to how we wanted to--to
7 strive to continue to maintain communities of
8 interest so that the people within those
9 communities would be able to--they would be able
10 to elect the representatives of their choice.
11 And as it appears with some of the lines that
12 have been drawn thus far, that does not allow for
13 the people in the communities to be able to do
14 that. And so on behalf of the people, not only
15 the people that I represent in the 56th Assembly
16 District, but also the people of the State of New
17 York represented by the New York State Council of
18 Black Elected Democrats, I want to speak on their
19 behalf as well because I believe that we have
20 created a situation that would be untenable for
21 many of the people that live in and around the
22 communities of the State of New York.

23 And so I'm asking that we look more
24 diligently at what has taken place, especially

1 Demographic Research and Reapportionment, 2-2-2012

2 within the Brooklyn community, as I recognize,
3 that we have some disparities. And we need to be
4 able to fix those disparities. So I'm just
5 hoping that we are able to look more closely at
6 what we have done in terms of abusing the voting
7 rights of the people of the State of New York.
8 Thank you.

9 ASSEMBLY MEMBER McENENY: Assemblywoman,
10 thank you for your testi--testimony again and the
11 hard work that you put in regularly on behalf of
12 your constituents both in your district and
13 beyond. Just on the Assembly plan, we have three
14 majority Asian seats, which is two more than we
15 had the last time, 15 African American majority
16 list--seats, 17 majority Hispanic seats, 15
17 majority-minority combined where there's a
18 dominance but one--one group over another.

19 And I think we need to see--hear some
20 specific suggestions and solutions for where you
21 feel, you know, it's a pretty heavy charge to say
22 that voting rights are being violated because we
23 have made every effort to conform even to the
24 point of drawing, as everyone will agree, very

1 Demographic Research and Reapportionment, 2-2-2012

2 odd-shaped districts because of federal law which
3 requires that sometimes geographically diverse
4 communities be united to recognize the need of--
5 of minority groups to create minority-majority or
6 minority opportunity district. So if you can
7 tell me which districts you feel need improvement
8 and you don't have to do it right now, that would
9 be helpful because these maps will be redrawn to
10 one extent or another and the more specific that
11 information is, the more helpful it is.

12 ASSEMBLY MEMBER ROBINSON: Well
13 certainly I know that there have been diligent
14 efforts on behalf of the New York State Assembly
15 to be able to draw--to draw equitable lines and
16 to be able to have equitable representation of
17 all of the people. However there are some lines
18 that have specifically in terms of the--on--on
19 the Senate side which was representative of my
20 district, the 18th and the 20th Senatorial
21 districts, are totally out of line and they need
22 to be--they be--able to look at--be looked at
23 more--more closely. Certainly I will come back
24 to you with more specific recommendations in

1 Demographic Research and Reapportionment, 2-2-2012

2 regards to that. And I'm certainly--thank you
3 for your efforts that the Assembly has initiated
4 thus far to be able to make sure that we have
5 some--some decent and equitable lines within the
6 Assembly.

7 SENATOR NOZZOLIO: Assemblywoman, I echo
8 the comments of Assemblyman McEneny and I implore
9 you that if there are specifics that are within
10 your review, we would welcome the opportunity to
11 review those--those concerns and it's the sooner
12 the better and that we very much want to address
13 every concern possible. So thank you for coming
14 today.

15 ASSEMBLY MEMBER ROBINSON: Mm-hmm.

16 SENATOR NOZZOLIO: And please let us
17 know within the next few days--

18 ASSEMBLY MEMBER ROBINSON: [Interposing]
19 Certainly.

20 SENATOR NOZZOLIO: --what your specific
21 concerns are.

22 ASSEMBLY MEMBER ROBINSON: I certainly
23 will and thank you.

24 SENATOR NOZZOLIO: Thank you.

1 Demographic Research and Reapportionment, 2-2-2012

2 ASSEMBLY MEMBER McENENY: Thank you.

3 SENATOR NOZZOLIO: Roger Herz

4 [phonetic]. Roger Herz. Roger Herz. Barbara
5 Zucker. Barbara...

6 ASSEMBLY MEMBER McENENY: She's right
7 here.

8 SENATOR NOZZOLIO: Good morning Ms.
9 Zucker.

10 MS. BARBARA ZUCKER, WOMEN'S CITY CLUB OF
11 NEW YORK: Good morning.

12 ASSEMBLY MEMBER McENENY: Good morning.

13 MS. ZUCKER: Okay. I'm Barbara Zucker.
14 I represent the Women's City Club of New York.
15 We're nonprofit, nonpartisan, multi-issue. And
16 we have been concerned with--with redistricting
17 for many decades. We're actually a 95-year old
18 organization. Currently we're one of the many
19 civic groups that's in the Reshape New York
20 Coalition. I testified before you previously in
21 2010 and '11 and both times stated our belief
22 that redistricting should be performed by an
23 independent commission. A Task Force such as
24 LATFOR, although you're--you're certainly doing

1 Demographic Research and Reapportionment, 2-2-2012

2 your best, but if it includes current pol--office
3 holders as it does, you can't possibly create
4 district lines that encourage competitive
5 elections.

6 So it's simply a flawed process to our
7 way of thinking. We're very disappointed in the
8 many legislators who's--failed to fulfill the
9 pledges that they signed to make--to enact
10 redistricting reform. And we're disappointed but
11 not surprised by the proposed lines that you've
12 drawn.

13 I can't comment on specific district
14 lines. We haven't been able to analyze them in
15 this short period of time since they came out.
16 But--but I would like to comment on a couple of
17 points. One is the equal population standard.
18 In previous redistrictings, the pattern was that
19 the downstate districts had more people than
20 whatever the average was for the district and
21 upstate had less. Now in the 2000s, downstate
22 gained population, upstate lost population. But
23 nevertheless there's this new 63rd Senate district
24 and it's being placed upstate. This simply

1 Demographic Research and Reapportionment, 2-2-2012

2 exacerbates the imbalance. Downstate residents
3 in New York City and its suburbs are not being
4 accorded fair representation under this plan.

5 Also there is the goal of compact
6 districts. And that seems to have been
7 overlooked. I looked on the internet and
8 bloggers are--are already competing to name the
9 strangely shaped districts.

10 And if these strange shapes at least
11 fulfilled the principle of preserving communities
12 of interest, that might be acceptable, and I hear
13 that you're trying very hard but--but there's
14 still a ways to go. It seems clear to us that
15 these lines are entirely designed to protect
16 party interests. We're not surprised considering
17 the process involved. I understand you're going
18 to redo it but if this is the best that LATFOR
19 can produce then we urge the Governor to follow
20 through on his pledge to veto the plan.

21 SENATOR NOZZOLIO: Ms. Zucker, do you
22 have any specific recommendations?

23 MS. ZUCKER: I think--

24 SENATOR NOZZOLIO: [Interposing] For any

1 Demographic Research and Reapportionment, 2-2-2012

2 of the districts that were proposed?

3 MS. ZUCKER: I don't have specific
4 recommendations just that it continues the--the
5 usual practice of having many more people per
6 district for those in New York City and the
7 suburbs and many fewer people upstate.

8 SENATOR NOZZOLIO: Any questions of Ms.
9 Zucker? Thank you very much. Henry Stern.
10 Henry Stern.

11 ASSEMBLY MEMBER McENENY: What'd he say?

12 SENATOR NOZZOLIO: Debra Cooper. Debra
13 Cooper.

14 MS. DEBRA COOPER, DEMOCRATIC STATE
15 COMMITTEEWOMAN, 67th ASSEMBLY DISTRICT: Can you
16 hear me? Okay. I'm Debra Cooper. I'm the
17 Democratic State Committeewoman for the 67th AD
18 which is the Upper West Side. I usually tell
19 people I represent the Upper West Side and most
20 people know exactly what I'm talking about.
21 That's because the Upper West Side is an easily
22 identifiable, historical, social, and political
23 entity. It's the very definition of a community
24 of interest.

1 Demographic Research and Reapportionment, 2-2-2012

2 Those of us who live there think of
3 ourselves in many of the terms used to
4 characterize the neighborhood. The Upper West
5 Side has just about the highest auditing
6 [phonetic] performance in the City and so the
7 state. It is a historically progressive
8 district. The list of community organizations is
9 very, very long. They all see themselves as part
10 of the Upper West Side community groups with
11 Upper West Side values.

12 It has long been a political powerhouse.
13 But what has LATFOR done in terms of the State
14 Senate districts? Is there a political district
15 that has been more cannibalized than this one?
16 It has been carved up like a Thanksgiving turkey
17 into five; count them, five separate just about
18 irrational districts, that violates most tenets
19 of the idea of a community of interest. I want
20 to point out that in the prior redistrict--
21 redistricting so the Upper West Side had two--two
22 Senate districts.

23 I live at 74th and West End which is one
24 of the worst gerrymandered districts in the

1 Demographic Research and Reapportionment, 2-2-2012

2 States, the 29th. About a tiny 15 blocks from 72nd
3 to 86th Street with a line across to the Upper
4 East Side and then a little jig up to Spanish
5 Harlem and then a long skinny side up the river,
6 on the--on the Manhattan side to the South Bronx.
7 What community of interest is that but--is that
8 but meant to disempower a potentially politically
9 powerful community?

10 The district has been dismembered into
11 the 27th, the 28th, the 29th, the 30th and the 31st
12 district. I have already described the farcical
13 29th district which I'm just going to show you the
14 map which looks like--like this. There's
15 absolutely no rationale of interest between these
16 communities other than people live there.

17 The 29th breaks one of the long-standing
18 geographical rules in the City. It goes from
19 East Side, the--the East River to take a chunk,
20 all the way to the Hudson. It seems also to have
21 been given the same part of Central Park to two
22 districts and two Senators. The southern part--
23 part of the park is divided--is given away twice.
24 It also seems to have--I am sure the park is

1 Demographic Research and Reapportionment, 2-2-2012

2 grateful for such solicitude.

3 The 31st, now that is a gem. It is a
4 skinnier version of the country of Chile.

5 [Laughter]

6 MS. COOPER: And much of it is barely a
7 block or less wide. It begins at the top of the
8 island at 287th Street and squeezes its way south
9 to West 24th Street. So what community of
10 interest is there? Oh yes, I know, the fishermen
11 of Manhattan. This map, for this part of the
12 City is a farce. But it's just not all that
13 funny except maybe to upstate Republicans who
14 want to make a powerful political entity into a
15 whip, to turn them into a 20--to go from a
16 powerful community into a 98-pound weakling.

17 To be serious, the hundreds of
18 community, social, and cultural groups in the
19 Upper West Side find that their voices and their
20 needs will not have any one person or even two to
21 advocate for them. So the designed outcome
22 because such a map can only be called unnatural
23 is to make the district voiceless politically and
24 with no one to champion their interests. Even

1 Demographic Research and Reapportionment, 2-2-2012

2 the good government map does not recognize the
3 Upper West Side as a complete and sufficient
4 neighborhood. But it's certainly at least only
5 divides it into two or three.

6 The Upper West Side must be treated as a
7 significant, indivisible unit by any future
8 mapmakers, whether it's LATFOR or a court. I
9 don't know if you have any questions. I think
10 I've never--the only other district I think
11 that's been divided as much is Park Slope in
12 Brooklyn. My daughter lives there. And I--and
13 it's been divided into four districts. And it's
14 interesting that it's sort of also an emerging
15 progressive community of significant voting
16 strength. And I think that that was the purpose,
17 is to disempower a politically powerful group.
18 And I find that--I find that purpose to be
19 illegitimate. Thank you.

20 SENATOR NOZZOLIO: Any members? Any
21 members of the panel have questions? I--I have a
22 comment.

23 MS. COOPER: Okay.

24 SENATOR NOZZOLIO: Thank you Senator.

1 Demographic Research and Reapportionment, 2-2-2012

2 District 31 that you criticized sharply.

3 MS. COOPER: Yes. Well it's just
4 amusing that's all--

5 SENATOR NOZZOLIO: [Interposing] Is...
6 well you might find it amusing but I'm sure the
7 compliance that you don't find compliance with
8 the Voting Rights Act amusing and that this
9 district is very similar to the current district
10 that exists today, that's represented by Senator
11 Espaillat--

12 MS. COOPER: [Interposing] I--

13 SENATOR NOZZOLIO: --and that this
14 district is drafted in strict conformance with
15 the United States government's Federal Voting
16 Rights Act.

17 MS. COOPER: Well.

18 SENATOR NOZZOLIO: That this district
19 has to maximize Hispanic representation as it has
20 and is next to a district that also has to comply
21 with the Voting Rights Act. And that those
22 shapes that you recognize are maybe amusing but
23 the fact of the matter is, it is the way that New
24 York must comply with Federal law.

1 Demographic Research and Reapportionment, 2-2-2012

2 MS. COOPER: Okay. I'll make three
3 points. One, Senator Espaillat's district does
4 not go down to 24th Street. It stops somewhere on
5 the Upper West Side and it's a lot fatter up
6 north. The--the 30th District is the one I think
7 you're referring to is also is a--

8 SENATOR NOZZOLIO: [Interposing] No, 31
9 is--

10 MS. COOPER: --is--is--is a district--
11 both of those districts were subject to the
12 Voting Rights Act in 1990 and 19--and in 2000 and
13 we did not get these configurations--

14 SENATOR NOZZOLIO: [Interposing] But
15 there were 100,000 fewer, there are 100,000 fewer
16 Blacks in the City of New York today than there
17 were 10 years ago.

18 MS. COOPER: Okay.

19 SENATOR NOZZOLIO: So, so that those
20 dynamics are not as direct as you infer.

21 MS. COOPER: Okay. Well let me make a--
22 a political point which is that I think that one
23 of the rationalizations rather than the rationale
24 for carving districts into--dividing up other

1 Demographic Research and Reapportionment, 2-2-2012

2 communities of interest, would be the creation of
3 minority districts. And the--and I think that
4 that is a rationalization because there are obv--
5 obviously other ways to have drawn these
6 districts even with 100,000 people. I don't know
7 that there are 100,000--I don't know that the
8 Hispanic population exists at 30th and 24th Street.

9 And I think that that is--there--if you
10 look at the--at 29 where I live, which has always
11 been a very coherent community above and below
12 the 70s, it just makes no sense that I--that the
13 29th district should have part of the Upper West
14 Side where Zabars and Citarella is and then
15 Spanish Harlem and the sidle all the way up to
16 the Bronx. It makes no sense whatsoever.

17 And I personally object to not--to
18 feeling that I will feel that the groups that
19 exist above and below that little block on the
20 Upper West Side will have no one person to--or
21 even two, to represent them as they have in the
22 past. And I think that the use of minority
23 districts, I'm sure, one could draw a much more
24 coherent district for minority purposes if one

1 Demographic Research and Reapportionment, 2-2-2012

2 wanted to. And it's a question of desire rather
3 than a question of need.

4 SENATOR NOZZOLIO: Well certainly we
5 welcome any additional suggestions you may have.

6 MS. COOPER: Okay.

7 SENATOR NOZZOLIO: On--on the drafting
8 of--of the maps. Any additional comments or
9 questions to the speaker? If not, thank you very
10 much.

11 MS. COOPER: Thank you.

12 SENATOR NOZZOLIO: Allison Tupper.

13 [Off mic discussion]

14 SENATOR NOZZOLIO: Do you think we
15 should call back - - ?

16 ASSEMBLY MEMBER McENENY: I don't know I
17 think Howard Stern--

18 MS. ALLISON TUPPER, ACT NOW:

19 [Interposing] Good morning, thank you for the
20 opportunity to testify this morning. I'll be
21 very brief. We, the--these district have gotten
22 quite a bit of attention in the press. And it's
23 clear that they are in large part outrageous and
24 that the Governor will be bound to veto them as

1 Demographic Research and Reapportionment, 2-2-2012

2 he has promised to do. So I'm urging you to use
3 the districts, go--go back to the drawing board
4 or use the districts that Common Cause has drawn
5 up or--or another organization, or I urge the
6 Governor to do so. I--I'm afraid that this is
7 going to go to the courts and I hope that the
8 courts will use the Common Cause districts. We
9 need to have districts the same size and they
10 need to be compact and they need to respect the
11 demogra--demographic characteristics and the
12 communities of interest. Thank you.

13 SENATOR NOZZOLIO: Thank you very much.
14 We don't usually do this but is--his friend said
15 he was temporarily away, is Mr. Stern back from
16 his trip? However brief. There he is. Okay.
17 Mr. Stern.

18 MR. HENRY STERN: Well I can assure you
19 it was a trip of necessity.

20 [Laughter]

21 MR. STERN. PRESIDENT, NEW YORK CIVIC:
22 I'm here and I'm Henry Stern. I'm President of
23 New York Civic which is a 10-year old civic
24 group. And I have frequently written on the

1 Demographic Research and Reapportionment, 2-2-2012

2 subject of redistricting as some of you may know.
3 And I understand the complexities of this issue.
4 And I understand that lines may accomplish
5 certain purposes but not all purposes because to
6 some extent the goals of redistricting are
7 mutually inconsistent. And there is therefore
8 some latitude for the people who draw the lines
9 to do their work. There is no one absolute set
10 of lines which is perfect.

11 Nonetheless I believe that LATFOR has
12 gone way over the edge in proposing a set of
13 lines which cannot stand up and it's only a
14 question of who will knock them down first,
15 whether it will be the Legislature itself,
16 whether it'll go to the Governor and the Governor
17 will have to veto, or whether the Department of
18 Justice will be required to finish the task.

19 So the lines, I believe, have absolutely
20 no chance of being the--the final lines. Now
21 then the question is what to do. And I don't
22 want to go into the individual districts and show
23 why this line and that line is wrong because
24 that's--that's why God made staff. And...

1 Demographic Research and Reapportionment, 2-2-2012

2 [Laughter]

3 Mr. STERN: And I'm sure you have very
4 capable people who work for you, can--this
5 certainly remind me, the--the--the biology
6 teacher who was interviewed for a job, teaching
7 in a southern school and he answered all the
8 questions correctly. He knew all about bio--how
9 it was done and they said just one more question.
10 Do you--do you teach evolution or do you teach
11 divine creation? And he knew that whether he'd
12 get the job would depend on his answer. So he
13 said I'm a professional teacher I can teach
14 either one. And that is the situation with
15 regard to that. You gentlemen are professionals.
16 You can draw the lines any which way which will
17 achieve the best--the best result.

18 I think that--I don't know at what level
19 the decision was made, but I think the decision
20 was made to go for broke, drawing these lines to
21 entirely satisfy political considerations. And
22 that way if they're not accepted someplace down
23 the line, the draftsmen will be able to say to
24 the Legislators, look we tried, we did our best

1 Demographic Research and Reapportionment, 2-2-2012

2 for you, and these bad guys threw it out. And I
3 don't know that there's any--I don't know that
4 that's the worst of motives when you consider
5 that the lines are likely to be thrown out.

6 Now I would like to see lines which are
7 proper and have approximately equality of
8 population and community of interest and all the
9 good things that we want in lines and are compact
10 and contiguous and contiguous should be at a high
11 tide as well as a low tide, like I refer to
12 Queens district which has caused some problems
13 because of the acts of nature in raising the
14 waters twice a day and then having them ebb and
15 flow.

16 Now I--this obviously requires more work
17 and will receive more work. I just want to say
18 why this is important. Some people derogate
19 working on--on districting and saying this is,
20 you know, why don't you do important things like
21 crime and schools and things which really affect
22 people's lives, than quibbling over whether a
23 line should go on this block or that block or the
24 other block. And there are a number of answers.

1 Demographic Research and Reapportionment, 2-2-2012

2 One is that when lines are drawn with
3 entirely political motives, it degrades the
4 integrity of the Legislature and the whole
5 legislative process and everything you do. It--
6 it creates a what you call today a super-fix that
7 transcends all the other fixes on individual
8 legislation which it can be defended as
9 management and bargaining and sense and mutuality
10 and the things that are needed to reach
11 consensus. And I know things are required to
12 reach consensus.

13 And not every prearranged transaction is
14 necessarily bad or not in the public interest. I
15 think Governor Cuomo has shown some examples of
16 taking leadership and taking--trying--to achieve
17 prior settlements of leaders and reduce the
18 number of items in dispute. So far so good but..
19 I don't know how far he will get when he has to
20 deal with people's real interests. And no one's
21 real interest is--is--is stronger than the
22 interest of staying in office.

23 I was a City Council Member for nine
24 years. I was elected twice. Once on the liberal

1 Demographic Research and Reapportionment, 2-2-2012

2 line, once on the liberal and republican lines.
3 And I was driven from office by the Federal
4 courts and their--odd--what I though odd
5 interpretation of district--population equality.
6 And actually it turned out all right for me
7 because I got a better job in the Parks
8 Department. But still, you know, you go through
9 a lot in that transaction.

10 Now I don't know what I can--whether I
11 can suggest that you share--I--I don't know that
12 you should change the lines you've--you've
13 driven--you've drawn because you--you--you made
14 your bed and perhaps should lie on it and leave
15 the two other authorities to do what has to be
16 done. And I'm not terribly angry at people for
17 acting like people because self-preservation is
18 the fist law of nature and you want to do some--
19 you--you--you--you like being there on the other
20 side of the fence or the railing. It's all right
21 with me being here for now.

22 But I under--I--I assent [phonetic].
23 But just because I understand it doesn't mean
24 that it's right. And I don't know how far you

1 Demographic Research and Reapportionment, 2-2-2012

2 can go in a situation where you don't have the
3 final say as to what the lines will be. It's
4 like you're at batting practice, a pitcher.
5 You're serving them up and other people will do
6 their best to knock them down. And I hope they
7 are knocked down for the sake of--sake of reason.

8 But I--I just think it in some way
9 judging from a distance it is a pity that we have
10 to go through this process every ten years and in
11 a way it's not so bad because it brings out the
12 civics and the good people and you have more
13 attention than you would get if the lines were
14 driven properly. But it--it's not--I can't
15 believe that this is the best way--way to decide
16 questions like what the lines--what the lines
17 should be.

18 And therefore I hope that by the time
19 the Constitution is amended and we do it the next
20 time; there will at least be a legal framework
21 for doing it right. Because as of now there is
22 no such legal framework and it's--it's just as
23 legal to do it wrong as it is to do it right
24 which removes a powerful incentive for truth and

1 Demographic Research and Reapportionment, 2-2-2012

2 justice.

3 So, you know, go to it. You have to
4 listen to everybody and we witnesses don't. So
5 that' one advantage that we have. But I hope
6 that whatever attention you give to this in the
7 future, you--you do it with a point of being as
8 fair as you can be and leaving as little to be
9 corrected as possible. I--I don't think it's
10 right to just, you know, draw your most partisan
11 lines and then leave it to others to clean up the
12 mess. Thank you for your polite attention.

13 SENATOR NOZZOLIO: Yes, Sir. Thank you
14 very much--

15 ASSEMBLY MEMBER McENENY: Thank you.

16 SENATOR NOZZOLIO: --any--any questions
17 from the panel? Thank you Sir.

18 ASSEMBLY MEMBER McENENY: Thank you
19 Commissioner.

20 MR. STERN: Thank you.

21 ASSEMBLY MEMBER McENENY: It's good to
22 see you again.

23 SENATOR NOZZOLIO: Ken Paskar. Ken
24 Paskar. Susan Rubenstein.

1 Demographic Research and Reapportionment, 2-2-2012

2 MS. SUSAN RUBENSTEIN, BOARD CHAIR,

3 COMMON CAUSE NEW YORK: Good morning. I'm Susan
4 Rubenstein, currently serve--serving as Board
5 Chair of Common Cause New York. The organization
6 that has drawn the much referred to and highly
7 praised, I might add, by many sources reform maps
8 of the Senate, Assembly, and Congressional
9 districts in New York State. I want to thank you
10 first for the opportunity to testify about an
11 issue that has been high on Common Cause's
12 importance list for a number of years because it
13 affects two basic principles on which our
14 democracy is based.

15 First the ability of citizens to elect
16 people who will represent their collective
17 interests in government and second their right to
18 hold those people accountable at the ballot box.

19 ASSEMBLY MEMBER McENENY: Excuse me.

20 MS. RUBENSTEIN: And. Yes.

21 ASSEMBLY MEMBER McENENY: Who's that
22 person?

23 SENATOR NOZZOLIO: Our--is that for our
24 benefit 'cause I think--

1 Demographic Research and Reapportionment, 2-2-2012

2 ASSEMBLY MEMBER McENENY: [Interposing]

3 We can't see it. Is it for--?

4 SENATOR NOZZOLIO: --the - - is for the
5 audience--

6 MALE VOICE 1: [Interposing] You have
7 these maps included in the testimony, this is for
8 the people assembled to understand what we're
9 referring to.

10 SENATOR NOZZOLIO: Can I recommend that
11 you come on this side of the pillar so that we
12 can see it at the same time the audience can see
13 it? That's fine right there. Thank you.

14 ASSEMBLY MEMBER McENENY: Is--is that
15 map with your testimony--

16 MALE VOICE 1: [Interposing] Yes, it's--

17 MS. RUBENSTEIN: [Interposing] Yes. The
18 maps are--

19 MALE VOICE 1: [Interposing] Page 5.

20 MS. RUBENSTEIN:--have been appended to--
21 to the testimony. The drawing of Legislative
22 districts--

23 SENATOR NOZZOLIO: [Interposing] Why
24 don't you have that fellow put it on a chair

1 Demographic Research and Reapportionment, 2-2-2012

2 instead of having him stand up?

3 MALE VOICE 1: Okay. Go ahead--

4 MS. RUBENSTEIN: [Interposing] Okay.

5 FEMALE VOICE 1: [Interposing] You can
6 put it on an easel actually.

7 SENATOR NOZZOLIO: Just put it on a
8 chair, that's good.

9 MS. RUBENSTEIN: Okay.

10 SENATOR NOZZOLIO: That's good. Okay.

11 MS. RUBENSTEIN: The way in which
12 Legislative districts are drawn is critical in
13 terms of their ability to protect the fundamental
14 principles that are integral to the legitimate
15 functioning of our democratic system. Our New
16 York State Legislators have unfortunately failed
17 to live up to these precepts and the latest set
18 of LATFOR maps are no effect--are no exception.

19 In fact in some ways they're even more
20 self-serving than the set of maps they're
21 designed to replace. For years the Legislature
22 has carved up their districts and chosen their
23 constituents rather than having the constituents
24 choose them, to protect their own interests and

1 Demographic Research and Reapportionment, 2-2-2012

2 their party's interests rather than the other way
3 around.

4 I think it's time for our
5 representatives to be reelected because they have
6 served the public well, which I think many of you
7 have, rather than because their districts have
8 been gerrymandered to guarantee their jobs. New
9 Yorkers hoped actually that this would finally
10 happen when the vast majority of you signed a
11 pledge to establish an independent dist--
12 redistricting commission when they were
13 candidates for office. But it was not to be.
14 The pledge was promptly ignored when the election
15 was over.

16 I, along with a lot of other people, are
17 incensed at the blatant disregard that was shown
18 for a pledge that was signed. However I really
19 have to point out I wasn't surprised. In 2008
20 many signed a similar pledge by Common Cause
21 vowing to support independent redistricting,
22 campaign finance, and election reform, and that
23 pledge was subsequently ignored as well.

24 I actually attended the first meeting of

1 Demographic Research and Reapportionment, 2-2-2012

2 the group that Ed Koch called together that
3 ultimately became Reshape New York. And the
4 discussion was about which issues to pursue
5 first. The standard ones came up: redistricting,
6 campaign finance reform, ethics reform, and a--
7 and a couple of others. The decision was made to
8 focus on redistricting because it was of the most
9 immediate importance and not only that but the
10 result would be in place for the next ten years.

11 What happened, unfortunately, the plan
12 that was proposed was to get legislators to sign,
13 who are running for office, to sign a pledge that
14 they would support an--and establish an
15 independent redistricting commission. I
16 immediately said it was a complete waste of time.
17 Common Cause had been there and done that before.
18 And I do want to in--in an aside comment for the
19 moment, the hope was that an independent
20 redistricting commission would be better able to
21 produce fair, nonpartisan districts than the
22 Legislature since we've all see how difficult
23 that is to do.

24 But I also want to point out that the

1 Demographic Research and Reapportionment, 2-2-2012

2 criteria by which the districts are drawn,
3 whether by the Legislature or by an independent
4 commission, are crucial to producing a fair,
5 nonpartisan result. And that was why Governor
6 Cuomo not only called for an independent
7 commission but clearly laid out the criteria by
8 which he expected that independent commission to
9 draw districts. And one of the criteria left out
10 was incumbent protection.

11 The public is justifiably angry and
12 distrustful of government at all levels, the
13 State being no exception. We only need to look
14 at the two most recent New York State
15 Gubernatorial elections in which both Governor
16 Cuomo and former Governor Elliot Spitzer ran on
17 very strong reform platforms and received roughly
18 70% of the vote. New Yorkers deserve to be heard
19 and respected. And a fair, nonpartisan
20 redistricting plan that actually enables the
21 public to choose its representatives would be a
22 very good start.

23 Since the Legislature failed to take
24 action, we at Common Cause took matters into our

1 Demographic Research and Reapportionment, 2-2-2012

2 own hands and drew independent nonpartisan
3 redistricting plans for the entire State. I want
4 to take this opportunity presented at--at the
5 Manhattan hearings to examine the LATFOR drafts
6 for this Borough and compare them to the Common
7 Cause reform maps which you'll see here.

8 I'll begin with the Assembly and first
9 I'd like to recognize that compared to the
10 current maps the LATFOR Assembly Draft for
11 Manhattan does appear to be an improvement over
12 the last version. The districts seem more
13 compact and based on neighborhoods
14 geographically. However there is certainly room
15 for further improvement in both minority
16 representation and in keeping communities of
17 interest together.

18 We have detailed descriptions of how
19 those could--that could be accomplished in the
20 written testimony which also includes pictures of
21 our maps but in the interests of brevity and also
22 in the interest of the most egregious--of
23 highlighting the most egregious errors, I'm going
24 to move on to the Senate.

1 Demographic Research and Reapportionment, 2-2-2012

2 As was the case with the Bronx and
3 Brooklyn, we never thought we'd see a
4 redistricting plan that could make the current
5 lines look good by comparison. But here you've
6 succeeded. In our Manhattan testimony, for the
7 first round of LATFOR hearings, Common Cause New
8 York pointed out that the injustice done to the
9 communities of the Upper West Side where three
10 Senate districts, 29, 30 and 31, currently
11 converge and divide the neighborhood. We
12 suggested that it would not be difficult to
13 resolve this issue and keep the neighborhood in a
14 single Senate district. Now LATFOR has done the
15 opposite and actually made the fragmentation of
16 the community worse.

17 The proposed LATFOR plan for Senate
18 District 29 now runs from the South Bronx through
19 East Harlem in a jagged shape, then extends
20 across Central Park to the Upper West Side. And
21 I'd like to call your attention to a couple of
22 facts. There is also a block in Manhattan in the
23 East Side that was carved out which--on 70th
24 and 71st Streets that includes the Frick Museum,

1 Demographic Research and Reapportionment, 2-2-2012

2 art galleries, and Woody Johnson, the Jets'
3 owner. And it's very difficult to understand why
4 this particular block has been put into--carved
5 out and put into District 29. And I call your
6 attention, if you want to read the editorial in
7 the Daily News today, which is quite amusing in
8 terms of what's happened, but unfortunately also
9 true.

10 District 31, the Senate District 31, is
11 now even more elongated and in addition to
12 dividing the Upper West Side, it extends a
13 curving block wide corridor all the way into
14 Chelsea. The proposed Senate District 28 now
15 extends a block wide appendage for an entire mile
16 south from the Upper East Side into Kips Bay and
17 Gramercy.

18 The proposed Senate lines are truly
19 insulting to the communities of Manhattan. But
20 obviously we're not here to criticize; we are
21 offering an alternative set of maps that comply
22 with all of the Federal guidelines as well as the
23 State guidelines.

24 I want to switch now from the community

1 Demographic Research and Reapportionment, 2-2-2012

2 problems to the upstate/downstate problems. And I
3 want to make it clear that we do agree with the
4 premise behind the addition of a 63rd Senate
5 District. But if one has to be added--

6 MALE VOICE 1: [Interposing] Do not
7 agree.

8 MS. RUBENSTEIN:--I said--

9 MALE VOICE 1: [Interposing] Okay.

10 MS. RUBENSTEIN:--do not agree--disagree.

11 MALE VOICE 1: [Interposing] Right,
12 right.

13 MS. RUBENSTEIN: We do not agree. If it
14 has to be done, it should be done in accordance
15 with the actual population district in the State.
16 This would place it in New York City in the first
17 place rather than in upstate, adding an
18 additional 63rd Senate District upstate would make
19 the existing malapportionment between upstate and
20 New York City even worse.

21 SENATOR NOZZOLIO: Excuse me. I've been
22 reminded by a member of the audience that a
23 number of people have taken time off from work.
24 There is officially a 5-minute limit--

1 Demographic Research and Reapportionment, 2-2-2012

2 MS. RUBENSTEIN: [Interposing] Okay.

3 I'm almost finished.

4 SENATOR NOZZOLIO: --and--and if you're
5 reading from a single spaced piece of paper--

6 MS. RUBENSTEIN: [Interposing] No, I'm
7 just about done.

8 SENATOR NOZZOLIO: --then--well.

9 MS. RUBENSTEIN: I'm just about done.

10 SENATOR NOZZOLIO: Please wrap it up.
11 Thank you.

12 MS. RUBENSTEIN: I'm wrapping it up.
13 Currently the LATFOR plan draws 26 upstate
14 districts with a mean deviation of minus 4.5% and
15 28 New York City, southern Westchester districts
16 at a mean deviation of plus 3.3%. This
17 essentially gives the upstate voter nearly 8%
18 more voting power in the Senate than the
19 downstate voter.

20 In contrast putting that district in
21 Lower Manhattan would create 25 districts upstate
22 and 28 downstate districts with virtually equal...

23 MALE VOICE 1: It's okay, go ahead.

24 MS. RUBENSTEIN: Equal population.

1 Demographic Research and Reapportionment, 2-2-2012

2 Specifically we've recommended that the 63rd
3 District be placed in Lower Manhattan since each
4 Brooklyn district would have 5,000 fewer voters,
5 Senate District 26, Squadron's district, would
6 move entirely out of Manhattan, opening the space
7 for a completely new, Lower Manhattan district to
8 be drawn. The district would be highly compact
9 and include all of the Lower East Side, the
10 Financial District, TriBeCa, and the East
11 Village.

12 For Manhattan the difference between a
13 nonpartisan, independently drawn map and LATFOR's
14 draft is striking. Clearly the proposed Senate
15 lines are a prime example of why Governor Cuomo
16 has promised to veto--

17 ASSEMBLY MEMBER McENENY: [Interposing]
18 Okay, thank you.

19 MS. RUBENSTEIN:--this overtly--

20 MALE VOICE 1: [Interposing] Yep.

21 ASSEMBLY MEMBER McENENY: --if you'd be
22 so kind as to--

23 [Crosstalk]

24 MS. RUBENSTEIN:--overtly partisan map.

1 Demographic Research and Reapportionment, 2-2-2012

2 ASSEMBLY MEMBER McENENY: --summarize,
3 please.

4 SENATOR NOZZOLIO: Thank you--let me ask
5 you--

6 MS. RUBENSTEIN: I thank you for the
7 opportunities to testify--

8 ASSEMBLY MEMBER McENENY: [Interposing]
9 Thank you very much.

10 MS. RUBENSTEIN:--and I hope that you
11 will give New Yorkers the maps they deserve.

12 SENATOR NOZZOLIO: If I may ask you one
13 question. The, one of the criticisms is that
14 when lawmakers draw maps they become incumbent
15 protection. How many incumbents did you pit
16 against one another in the Common Cause plan?

17 MS. RUBENSTEIN: We...

18 SENATOR NOZZOLIO: Do you have a--I just
19 want a number.

20 MS. RUBENSTEIN: First of all, I want to
21 tell you we didn't pit any against each other
22 because--

23 SENATOR NOZZOLIO: Well do the maps pit-
24 -okay. How many do the maps pit against each

1 Demographic Research and Reapportionment, 2-2-2012

2 other?

3 MS. RUBENSTEIN: How many do the maps
4 pit...?

5 MALE VOICE 1: I think it's 10 in the
6 Senate and somewhere in the 25-range in the
7 Assembly.

8 SENATOR NOZZOLIO: So 35 people?

9 MALE VOICE 1: Sure.

10 SENATOR NOZZOLIO: Will be running
11 against another incumbent if they choose to run?

12 MALE VOICE 1: Well the law does give
13 you an opportunity to move, next cycle, to move
14 into a different district--

15 SENATOR NOZZOLIO: [Interposing] Yeah,
16 you can sell your home and you can--

17 ASSEMBLY MEMBER McENENY: [Interposing]
18 No, it doesn't. No it doesn't. It, we'll debate
19 that at another day. It's not accurate.

20 SENATOR NOZZOLIO: Yeah. So you do
21 realize that Legislatures run by seniority. And
22 I you're, for example, in an impoverished
23 minority neighborhood, where you have somebody
24 who's been there for a little while, there's a

1 Demographic Research and Reapportionment, 2-2-2012

2 good chance that they have tremendous influence
3 and you have a very strong voice. They may be a
4 committee chair. They may hold a leadership
5 position. They may have waited eight or ten
6 years to get that. And replacing them with a
7 freshman, do you think that that voice of that
8 community is as strong as it was?

9 MS. RUBENSTEIN: It may not be and I do
10 think that some of the rules in the Senate and
11 the Assembly should be changed so that the
12 individual--

13 SENATOR NOZZOLIO: [Interposing] Well

14 MS. RUBENSTEIN: --members have more of
15 a voice but on the other hand, what I do want to
16 say is that at some point we have to get the
17 process right. And there are going to be winners
18 and losers and it may be harder from some
19 communities but ultimately the question is are
20 people getting a representative who represents
21 them to whom they are it--to whom they give their
22 trust and have a right to either reelect or not--

23 SENATOR NOZZOLIO: [Interposing] It--I'm
24 just saying that those--

1 Demographic Research and Reapportionment, 2-2-2012

2 MS. RUBENSTEIN:--I--I'm not--

3 SENATOR NOZZOLIO: --those who would say
4 income protection plan; there is also an
5 incumbent destruction plan.

6 MS. RUBENSTEIN: I--I--one thing should
7 be clear--

8 SENATOR NOZZOLIO: [Interposing] If you
9 did it deliberately or--

10 MS. RUBENSTEIN: [Interposing] No.

11 SENATOR NOZZOLIO: --accidentally, it's
12 an--it's an incumbent destruction plan.

13 MS. RUBENSTEIN: We specifically drew
14 the maps without any--we didn't know where any of
15 the incumbents live. So the maps were blind--
16 incumbent-blind.

17 SENATOR NOZZOLIO: No, you didn't.

18 MS. RUBENSTEIN: That we drew.

19 SENATOR NOZZOLIO: You didn't care. I
20 understand.

21 MS. RUBENSTEIN: It's not that... well--

22 SENATOR NOZZOLIO: [Interposing] Thank
23 you.

24 MS. RUBENSTEIN:--we--we didn't--okay.

1 Demographic Research and Reapportionment, 2-2-2012

2 SENATOR NOZZOLIO: You didn't care where
3 they lived.

4 MS. RUBENSTEIN: I don't think we
5 should.

6 SENATOR NOZZOLIO: Okay. Thank you very
7 much.

8 MR. ROMAN HEDGES, NEW YORK STATE TASK
9 FORCE ON DEMOGRAPHIC RESEARCH AND
10 REAPPORTIONMENT: May I follow up on that please?

11 SENATOR NOZZOLIO: Yes, go ahead, yep.

12 MR. HEDGES: How many instances was it
13 an incumbent minority individual that--

14 MALE VOICE 1: [Interposing] We have not
15 done that analysis.

16 MR. HEDGES: --was placed. By my count,
17 16.

18 MALE VOICE 1: Okay.

19 MR. HEDGES: That, to me, is something
20 that ought to have been part of your thought
21 process--

22 MALE VOICE: [Interposing] Well there's-

23 -

24 MR. HEDGES: --destroying leadership of

1 Demographic Research and Reapportionment, 2-2-2012

2 the minority communities is an abhorrent thing.

3 And you're proud of it. I'm--I'm very--

4 MALE VOICE 1: [Interposing] There's no
5 way to be incumbent-blind--

6 MR. HEDGES:--sad.

7 MALE VOICE 1: --and only look at
8 particular incumbents.

9 MS. RUBENSTEIN: Incumbents.

10 MALE VOICE 1: And I do not think the
11 majority of folks in those neighborhoods are
12 happy with the way Albany is working right now.

13 MR. HEDGES: So by your choice, you
14 would eliminate leadership of the minority
15 community of the State of New York as a plan.
16 That's abhorrent.

17 MALE VOICE 1: Okay--

18 MS. SUSAN LERNER, COMMON CAUSE NEW YORK:
19 [Interposing] Your assumption that the leadership
20 having to run against somebody means that they
21 would be--

22 MS. RUBENSTEIN: [Interposing] They
23 don't - - .

24 MS. LERNER: --not be reelected I think

1 Demographic Research and Reapportionment, 2-2-2012

2 is really not a valid statement--

3 MR. HEDGES: [Interposing] No, they are-

4 -

5 MS. LERNER: --if they are strong--

6 MR. HEDGES: [Interposing] Then maybe
7 knock off another--

8 MS. LERNER: --then they will be
9 reelected by the community.

10 MR. HEDGES: I believe with one
11 exception in every instance it's minority
12 individuals pitted against other minority
13 individuals--

14 MS. LERNER: [Interposing] Well we'll
15 take a look at that--

16 MR. HEDGES: --the one exception is--

17 MS. LERNER: [Interposing] But again--

18 MR. HEDGES: --an upstate Black Democrat
19 who is elected in an overwhelming White
20 neighborhood and you pit him against a White
21 incumbent from the same community--

22 MS. LERNER: [Interposing] And we also
23 create--

24 MR. HEDGES: --for what purpose?

1 Demographic Research and Reapportionment, 2-2-2012

2 MS. LERNER: We also create a--an
3 increased number of minority districts which are
4 open. So that the community has an opportunity
5 to choose its representatives--

6 MR. HEDGES: [Interposing] The community
7 has a chance to start over.

8 MS. LERNER: --which is exactly--and the
9 community has a--

10 MR. HEDGES: [Interposing] No, no, the
11 community--

12 MS. LERNER: --chance to bring the same
13 people back.

14 MR. HEDGES: --has a chance to start
15 over. That's your plan. That's abhorrent--

16 MS. LERNER: [Interposing] The community
17 has a chance to reelect the leaders who are in--
18 in district or to create new leaders in the
19 districts. It is a very community-driven plan
20 not an incumbent leadership-driven plan. That is
21 absolutely correct--

22 MR. HEDGES: [Interposing] It--it's--

23 MS. LERNER: --and I think it creates a
24 contrast--

1 Demographic Research and Reapportionment, 2-2-2012

2 MR. HEDGES: --it's very clearly
3 intended to wipe out the minority leadership and
4 that--

5 [Crosstalk]

6 MS. RUBENSTEIN: [Interposing] That is
7 absolutely--

8 MR. HEDGES: --and that is abhorrent.

9 MS. RUBENSTEIN: --that is absolutely
10 not the case--

11 MS. LERNER: [Interposing] Not true but
12 you can make that argument. I think it very
13 clearly shows the distinction between the
14 approaches. And I think it is absolutely a
15 discussion we should be having, what is the
16 correct balance between a guaranteed reelection,
17 as you know, New York has one of the very highest
18 reelection rates in the country. And we believe
19 that the way in which the maps are drawn are a
20 contributor to that. And when you have a
21 Legislature which has a very low approval rating,
22 I don't think it is because the voters are so
23 enchanted with everybody--

24 ASSEMBLY MEMBER McENENY: [Interposing]

1 Demographic Research and Reapportionment, 2-2-2012

2 Do you know of a legislature with a high approval
3 rating--

4 MS. LERNER: --so it's a very complex
5 factor.

6 ASSEMBLY MEMBER McENENY: --including
7 the United States Congress?

8 MS. LERNER: At the moment, legislators,
9 unfortunately--

10 ASSEMBLY MEMBER McENENY: [Interposing]
11 There aren't any.

12 MS. LERNER: --are not doing very well
13 in public opinion. And I think that maps like
14 this are part of the contributing factor.

15 ASSEMBLY MEMBER McENENY: Historically,
16 legislators are always rated--the Legislature is
17 always rated below the Executive but historically
18 individual legislators usually do just fine in
19 their own district where people know them by
20 name--

21 MS. LERNER: [Interposing] But I think
22 that we need to be having exactly this discussion
23 which is how do you deal with incumbency in
24 setting up the criteria. Is there a way to deal

1 Demographic Research and Reapportionment, 2-2-2012

2 with it that is somewhere between it being
3 completely incumbent-blind or only having the
4 process be driven by incumbency? We haven't
5 found it yet but that doesn't mean it doesn't
6 exist. But we need to have this discussion.

7 We need to have this discussion in
8 public. We need to be having hearings about how
9 to change our Constitution because once we finish
10 with the maps, once they are finalized, if they
11 end up in court or not, what we need to be
12 talking about is how do we improve this process
13 so you're not sitting here, hearing person after
14 person after person complaining about the
15 process. And we are discussing how to change it
16 and what the right criteria should be before we
17 amend our Constitution.

18 ASSEMBLY MEMBER McENENY: Since 1965,
19 the United States government with the Voting
20 Rights Act felt that minority concerns: turn out,
21 leadership, the minority voice, was so important
22 that it mandated districts that often have odd
23 shapes, both in your plan and in ours.

24 MS. LERNER: Indeed.

1 Demographic Research and Reapportionment, 2-2-2012

2 ASSEMBLY MEMBER McENENY: And over--
3 pushes over certain concerns for contiguousness,
4 et cetera, et cetera, because that is such an
5 important issue.

6 MALE VOICE 1: Mm-hmm.

7 ASSEMBLY MEMBER McENENY: And what the
8 Common Cause--Cause plan does is it does
9 extraordinary damage to leadership within that
10 same protected minority community.

11 MS. LERNER: And the Voting Rights Act
12 is not designed to protect any one individual
13 elected official. It is designed to give the
14 community a vigorous and equal voice in choosing
15 the representative of their choice. And our map
16 creates more minority districts, both majority-
17 minority districts and coalition districts,
18 influence districts than the recommended LATFOR
19 map.

20 We're very conscious of the Voting
21 Rights Act. And we believe that it is important
22 as the Voting Rights Act tries to do--to be sure
23 that communities are well represented and have a
24 fair opportunity to elect the representative of

1 Demographic Research and Reapportionment, 2-2-2012

2 their choice.

3 ASSEMBLY MEMBER McENENY: Thank you. In
4 the interest of time we'll move on to the next
5 speaker.

6 SENATOR NOZZOLIO: Council Member
7 Jumaane Williams--

8 MS. LERNER: [Interposing] Oh. And we--
9 we are happy--we are happy to leave the map up if
10 other speakers would find it useful--

11 SENATOR NOZZOLIO: [Interposing]
12 Council--

13 MS. LERNER: --to point to.

14 SENATOR NOZZOLIO: --thank you, Susan,
15 now please put it in the corner. Please take it
16 down and put it in the corner or put it be--
17 behind, put it wherever you want, in the hall, by
18 the sign-up desk so everybody can adequately see
19 it out there. Jumaane Williams. Jumaane
20 Williams. Betsy Malcolm. And Ms. Malcolm?

21 MS. BETSY MALCOLM, ORGANIZING COMMITTEE,
22 ACT NOW: Yes.

23 SENATOR NOZZOLIO: And all members who
24 will be testifying, we will be keeping time from

1 Demographic Research and Reapportionment, 2-2-2012

2 now on.

3 MS. MALCOLM: Okay. I only have three
4 paragraphs.

5 SENATOR NOZZOLIO: And we ask that you
6 be as concise as possible.

7 MS. MALCOLM: Okay.

8 SENATOR NOZZOLIO: Thank you very much.

9 MS. MALCOLM: Thank you. As a member of
10 the organizing committee of ACT NOW, one of New
11 York's largest grassroots mobilization
12 organizations, I testified at one of your first
13 series of hearings in White Plains.

14 I testified that it was improper for
15 legislators and their appointees to be creating
16 their own district lines and that we needed an
17 independent process. Now that I have seen the
18 districts that you have created I am more
19 convinced than ever that an independent process
20 is needed right now in time for this decade's
21 elections.

22 Most of the Legislature signed a pledge
23 to support independent redistricting. Some of
24 you have claimed that this pledge will be

1 Demographic Research and Reapportionment, 2-2-2012

2 fulfilled by passing a Constitutional amendment
3 creating a new independent redistricting process
4 in time for 2022. But ten years is too long to
5 wait for fair representation and honest
6 elections. If we cannot get an independent
7 process this year as well as a Constitutional
8 amendment to be in place for 2022 then Governor
9 Cuomo should veto your proposed lines and let the
10 court draw the map.

11 This may have to be done quickly since
12 you have dragged out the process of drawing your
13 maps but if some confusion and the time crunch
14 are the price we have to pay for fair elections,
15 then so be it. Common Cause and other
16 organizations have drawn nonpartisan maps that
17 follow the guidelines of compact, contiguous
18 district that keep communities of interest
19 together and conform to the Voting Rights Act.
20 These maps can be used as a starting point.

21 The districts you have drawn are neither
22 compact nor universally contiguous with contests
23 popping up all over to name the most absurdly
24 shaped districts. It's never a good sign when

1 Demographic Research and Reapportionment, 2-2-2012

2 you're a laughingstock. One of my main concerns
3 however is being less discussed: the upstate
4 Republican trending State Senate Districts all
5 represent approximately 293,000 in population.
6 The smallest is District 57 at 292,081.

7 The New York City Districts all have
8 over 315,000 population with the largest being
9 District 10 of 319,116. The Upper West Side of
10 Manhattan where I live is represented by 4
11 districts, actually Debra Cooper said it was 5
12 and I'm sure she did a better job of checking, I
13 tend to be a little technologically maladept,
14 drawn with no logic that I can discern.

15 My district, 30, represents 18,021
16 people. My vote is worth 8.8% less than that of
17 someone in District 10. Do you think I feel
18 disenfranchised? You bet. The lines are
19 terrible and I hope Governor Cuomo does what he
20 has said he will do and vetoes them. We need
21 objectively drawn lines with equal population all
22 across the State. New Yorkers deserve no less
23 than fair elections.

24 ASSEMBLY MEMBER McENENY: Thank you.

1 Demographic Research and Reapportionment, 2-2-2012

2 SENATOR NOZZOLIO: Thank you very much.

3 MS. MALCOLM: Thank you.

4 SENATOR NOZZOLIO: Heather Roberson.

5 Heather Roberson. Heather Roberson.

6 MS. HEATHER ROBERSON, CHAIR, BOARD OF
7 DIRECTORS, ACT NOW: Hello again. Good morning.
8 My name is Heather Roberson. And I'm the Chair
9 of the Board of Directors of ACT NOW. We are a
10 New York-based, all volunteer, grassroots
11 organization with over 1,000 dedicated volunteers
12 including myself, who work together to support
13 progressive issues and candidates. We have been
14 actively involved in the cause of Albany reform
15 over the past several years and in the fight for
16 nonpartisan redistricting for the past year.

17 The last time I testified before this
18 panel it was September 21st, before any lines had
19 been drawn, and at that time we were calling for
20 a nonpartisan redistricting commission. To that
21 end we had organized rallies, reached out to
22 voters across the State, traveled to Albany to
23 speak with our Legislators face to face, and so
24 on. We did this because we believed then as we

1 Demographic Research and Reapportionment, 2-2-2012

2 believe today that it is simply bad for democracy
3 when political incumbents are in charge of
4 drawing their own electoral districts.

5 We're not the only ones who believe
6 this. As you know a poll of New Yorkers in
7 August, way back in August, revealed that 80%
8 wanted a nonpartisan redistricting process. And
9 another poll in December revealed about the same
10 thing, the numbers of people who support a
11 nonpartisan redistricting process are actually
12 growing. But of course, as you know, also
13 nothing actually happened with this.

14 Our Legislators ignored the wishes of
15 their voters by failing to resolve this issue and
16 LATFOR went on with fulfilling its mandated role.
17 The first draft has only helped to prove our
18 point. Oh. The early reports show that--and--
19 and I should preface this by saying I'm not an
20 elections lawyer, I'm not an expert on drawing
21 electoral districts, there are people who are,
22 and this is--this is my understanding so far is
23 that there is a large variance in the size of
24 State Senate districts and that this variance

1 Demographic Research and Reapportionment, 2-2-2012

2 favors upstate Republican-leaning districts and
3 shortchanges Democratic-leaning downstate
4 districts.

5 According to one report almost every
6 district north of Westchester is more than 4.5%
7 smaller than the average district while every
8 district in New York City is more than 3% larger
9 than the average district size. Also the new
10 lines that are for--for existing Democratic State
11 Senators to run against one another, while the
12 same has not been done to existing Republican
13 State Senators.

14 Although of course we encourage
15 competition including competition between
16 existing Legislators, this appears to have been
17 the case of gerrymandering, of the State Senate
18 Republicans acting in bad faith with the purpose
19 of making electoral gains.

20 So what is left to be done at this
21 point? Due to the inaction of our Legislators,
22 it is too late for an independent process, in
23 time for this redistricting round--round, or so
24 they say. But the LATFOR process has proven

1 Demographic Research and Reapportionment, 2-2-2012

2 insufficient for producing fair lines. So what's
3 left?

4 At this stage we would ask the Governor
5 to veto these lines and to veto any such lines
6 that result from a process that is so tainted
7 with partisanship, until we get the fair lines
8 that New Yorkers deserve. We shouldn't stop
9 until we get it right.

10 Now as I mentioned before ACT NOW is an
11 all volunteer organization. And as such, our
12 work is not in engaging big donors to contribute
13 to our campaigns or in cutting deals behind
14 closed door--doors. Our work is engaging
15 ordinary New Yorkers as political actors and in
16 educating them and talking to them about the
17 issues that matter to them most. And from that
18 vantage point I would like to share with you an
19 observation.

20 When we started our work to reform
21 Albany about five or six years ago, the problem
22 of dysfunction in Albany was not terribly well-
23 known among ordinary New Yorkers. With each
24 voter or potential volunteer we encountered, we

1 Demographic Research and Reapportionment, 2-2-2012

2 had to start at the very beginning in explaining
3 it to them step by step. But now thanks to
4 Senators Espada and Monserrate and thanks to
5 issues like marriage equality and hydro fracking,
6 that have focused attention on politics here in
7 our State and thanks to this redistricting
8 fiasco, New Yorkers are paying attention. People
9 know that there is a problem in our State
10 government and they want something done about it.

11 So in closing I would ask for all of you
12 and all of the Legislators and community leaders
13 who have taken the time to attend these hearings
14 today and how have already worked so arduously on
15 this issue to not just continue your work, but to
16 redouble your efforts. The people of New York
17 are behind you every step of the way. They are
18 still looking for heroes of Albany reform and
19 they are counting on you. Thank you very much
20 for your time.

21 SENATOR NOZZOLIO: Thank you very much.

22 I have a question.

23 MS. ROBERSON: Yes, of course.

24 SENATOR NOZZOLIO: You made some very

1 Demographic Research and Reapportionment, 2-2-2012

2 pointed allegations indicating that ACT NOW
3 believes that the partisanship in the Senate and
4 then you said the Assembly too but you--you--in
5 the partisanship pointed argument that you
6 raised--

7 MS. ROBERSON: [Interposing] Mm-hmm.

8 SENATOR NOZZOLIO: --has ACT NOW done
9 any type of electoral analysis about the
10 districts that were proposed in the Senate?

11 MS. ROBERSON: Yes. I mean what we do
12 as I--as I--

13 SENATOR NOZZOLIO: [Interposing] And in
14 that analysis did you look at enrolled voters and
15 how many of those districts that were proposed in
16 the Senate plan last week, how many of them have
17 more enrolled Republicans than Democrats?

18 MS. ROBERSON: No, we--we did not do
19 that.

20 SENATOR NOZZOLIO: How can you claim
21 that it is a partisan plan? You--you based your--
22 --your statement that it is a pointedly partisan
23 plan, that was your comment.

24 MS. ROBERSON: Mm-hmm.

1 Demographic Research and Reapportionment, 2-2-2012

2 SENATOR NOZZOLIO: Now I want to know,
3 for the record, what analysis has been undertaken
4 by your organization to make that claim?

5 MS. ROBERSON: Mm-hmm. Well. As I--as
6 I attempted to explain, as an all volunteer
7 organization, we--we don't have paid political
8 staff. We don't have a team of analysts sitting,
9 you know, and--and looking over the maps on a day
10 to day basis. We just simply don't have that
11 capacity. What we do--

12 SENATOR NOZZOLIO: [Interposing] The how
13 can you make that--

14 MS. ROBERSON: --what we do--

15 SENATOR NOZZOLIO: --what evidence--

16 MS. ROBERSON: [Interposing] Well we are
17 able to--

18 SENATOR NOZZOLIO: --let me ask you
19 this.

20 MS. ROBERSON: Yes.

21 SENATOR NOZZOLIO: You made a statement.

22 MS. ROBERSON: Yes.

23 SENATOR NOZZOLIO: And I think that you--
24 --you seem like a very honest person. And then it

1 Demographic Research and Reapportionment, 2-2-2012

2 seems as though that statement would have to be
3 based in some type of fact.

4 MS. ROBERSON: Mm-hmm.

5 SENATOR NOZZOLIO: What is the--what is
6 the analysis that--that led you to make that
7 statement?

8 MS. ROBERSON: Well--

9 SENATOR NOZZOLIO: [Interposing] And--
10 and if you--you haven't looked at it--the
11 enrollments of those districts, you--you haven't
12 appeared to analyze the individual demographics
13 of those districts, then how can you make a
14 statement that's not based on any electoral or
15 enrollment data?

16 MS. ROBERSON: Right, of course. It's
17 a--it's a legitimate question. What we do is we
18 rely on organizations that do have the staff to
19 do that kind of analysis. We do have to rely on--
20 on analysis that is done by organizations that
21 have the capacity to do it. So for instance, if
22 you're denying that the upstate districts are
23 smaller and that the downstate districts are
24 larger in population size, I mean I would love to

1 Demographic Research and Reapportionment, 2-2-2012

2 hear that. I would love to hear that--

3 SENATOR NOZZOLIO: [Interposing] No, I--

4 MS. ROBERSON: --that the reports I've
5 read are wrong--

6 SENATOR NOZZOLIO: [Interposing] No, so,
7 no but--

8 MS. ROBERSON: --but this is my
9 understanding--

10 SENATOR NOZZOLIO: [Interposing] --then--
11 --then tell me this--

12 MS. ROBERSON: --from what I've read.

13 SENATOR NOZZOLIO: --so I understand.

14 MS. ROBERSON: Okay.

15 SENATOR NOZZOLIO: And you're making
16 your pointed partisan mapping drawing allegation
17 based on what you believe other organizations
18 have said. Would you tell me which organization
19 conducted an analysis, Republican to Democrat,
20 you said partisan--

21 MS. ROBERSON: [Interposing] Mm-hmm.

22 SENATOR NOZZOLIO: --Republican to
23 Democrat, indicating that there are districts
24 that are pointedly partisan in their creation.

1 Demographic Research and Reapportionment, 2-2-2012

2 So tell me what groups have said that or what
3 basis of your allegation you--what--what--what--
4 even what allegations are you basing your
5 allegation on?

6 MS. ROBERSON: Well we have done from
7 the very beginning is to call for an independent
8 process and the reason that we do that is because
9 it's really impossible to know what happens
10 behind closed doors. It's really impossible to
11 know if you are making these decisions based on
12 partisan aims--

13 SENATOR NOZZOLIO: [Interposing] So, so
14 saying then you don't know--

15 MS. ROBERSON: [Interposing] Absolutely
16 we don't know--

17 SENATOR NOZZOLIO: --would be--

18 MS. ROBERSON: --how could I possibly
19 know--

20 SENATOR NOZZOLIO: --would be a very--

21 MS. ROBERSON: --for sure.

22 SENATOR NOZZOLIO: --would be a very
23 accurate assessment. Let me, let me share with
24 you--

1 Demographic Research and Reapportionment, 2-2-2012

2 MS. ROBERSON: [Interposing] Mm-hmm.

3 SENATOR NOZZOLIO: --the--someone just
4 gave me enrollment that--of the 63 Senate
5 districts that we put forward last week, now I'm
6 not sure this is accurate but I certainly think
7 it's--it--it should be... analyzed for accurate.
8 There were 63 Senate districts created, 48 of
9 them have a majority Democrat enrollment; 15 of
10 them by voter registration have a majority
11 Republican enrollment: 48 Democrat, 15
12 Republican. Do you have any information that
13 counters that?

14 MS. ROBERSON: No but I--I haven't
15 actually looked at that particular information
16 but I'd love to know where you--

17 SENATOR NOZZOLIO: [Interposing] But,
18 again, you're making a--an argument--

19 MS. ROBERSON: --got it.

20 SENATOR NOZZOLIO: --about partisanship.
21 And to me partisanship is defined as
22 Republican/Democrat. The word party is--is in
23 the root of partisanship. And that's political
24 party. I guess I--I--I, I'm disappointed,

1 Demographic Research and Reapportionment, 2-2-2012

2 frankly, that you would be making such a pointed
3 charge without having done any independent review
4 yourself. And, you know, the size of the
5 districts, the shapes of the districts, whatever
6 you want to claim is--is at least the assessment
7 you can make but the--the fact of the matter is
8 you said partisanship. And I think it's unfair
9 to--to say that this is a loaded partisan
10 question when in fact if these facts are accurate
11 that it's--it's more than 2 to 1 Democrat
12 majorities in--in the 63 districts that were put
13 forward.

14 MS. ROBERSON: Okay. I can't imagine
15 this is the first time you've heard that this is
16 considered to be a partisan process. The reason
17 that 80% of New Yorkers have said they would like
18 a nonpartisan process is because they assume that
19 the process as it exists is partisan. And..

20 SENATOR NOZZOLIO: I guess--I guess--

21 MS. ROBERSON: [Interposing] What I
22 haven't heard you say--

23 SENATOR NOZZOLIO: [Interposing] I guess
24 you heard--

1 Demographic Research and Reapportionment, 2-2-2012

2 MS. ROBERSON: --is I'm not correct that
3 the upstate districts are smaller, that the
4 downstate districts are larger. Is--is that
5 incorrect?

6 SENATOR NOZZOLIO: That--that's not
7 based on partisanship. The--the--

8 MS. ROBERSON: [Interposing] But is it
9 correct? Is that the case? Are they smaller
10 upstate--

11 SENATOR NOZZOLIO: [Interposing]
12 They're--each district--

13 MS. ROBERSON: --or--and they larger
14 downstate.

15 SENATOR NOZZOLIO: Each district that
16 the Senate proffered are in full compliance with
17 the deviations accepted by the United States
18 Supreme Court for State Legislative districts.
19 They also are in full compliance with the State
20 Constitution and the Federal Constitution. Those
21 are laws that are--know no partisanship.

22 They require strict compliance and that
23 we believe the plan strictly complies with those
24 tenets. But the question that you raise,

1 Demographic Research and Reapportionment, 2-2-2012

2 basically, is giving a party advantage to one
3 district or a series of districts over another.
4 I only asked you what your source was. Obviously
5 you had no source or obviously you didn't do that
6 analysis. That I think that's the--the issue at
7 hand and I--that's why I--I raised the question
8 because it's a very loose charge based on
9 absolutely no factual basis.

10 MS. ROBERSON: How would somebody prove
11 your motivations? How--how would somebody know?

12 SENATOR NOZZOLIO: Look at the numbers--

13 MS. ROBERSON: [Interposing] I have
14 looked at the numbers.

15 SENATOR NOZZOLIO: --the--the numbers, I
16 think, disprove--these numbers disprove the very
17 motivation that you're alle--alleging that--

18 MS. ROBERSON: [Interposing] How so?
19 How so?

20 SENATOR NOZZOLIO: I--I think that you
21 claim that there was a--the Senate drew these
22 lines. The Senate majority is Republican. I
23 indicated to you the number of districts that
24 were Democrat, the majority of the district--

1 Demographic Research and Reapportionment, 2-2-2012

2 MS. ROBERSON: [Interposing] But how do
3 the numbers disprove partisanship?

4 SENATOR NOZZOLIO: I think that--I asked
5 what--how do the numbers disprove partisanship?
6 Well if there was a--

7 ASSEMBLY MEMBER McENENY: [Interposing]
8 - - accuser.

9 SENATOR NOZZOLIO: --I--I think the--
10 you're the one that made the partisan charge. I
11 mean I think that that's the question. I--you
12 come to making this charge without any evidence
13 whatsoever and I guess that's--any independently
14 developed evidence, based on allegations of other
15 organizations. I think that's the point.

16 You're the one that made the charge.
17 Where is your proof? Where is your indication
18 that there is a partisan taint to these--to this
19 line--to the--the product that was produced by
20 this. Other than to say it was done by--by those
21 who are elected and that it was not done by an
22 independent commission who maybe may--or judges
23 who by the way are elected as well. So I think
24 that it--it--the--if you're making a statement,

1 Demographic Research and Reapportionment, 2-2-2012

2 making a charge, making an allegation at the very
3 least, you have the--the responsibility of--of
4 backing that allegation up. Go ahead.

5 SENATOR MARTIN M. DILAN, NEW YORK STATE
6 LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH
7 AND REAPPORTIONMENT: Yes. I think that what I
8 heard, traditionally and currently in this plan,
9 and you correct me if I'm wrong, you indicate
10 that the upstate districts are smaller in terms
11 of population and the numbers in the book that I
12 have bear you out in that in the northern regions
13 or the--the most upstate regions, district up
14 there have a deviation that range anywhere from
15 14,000 to 15,000 negative the population they
16 should have compared to, let's say, Brooklyn
17 where you would have a population that ranges
18 10,000 or that is 10,665 above what it should
19 have. You tend to have more districts where you
20 have more population so if you multiply that
21 10,000 by 22 districts. That is very
22 significant.

23 You do the same thing in the Bronx where
24 the population is about 11,000-plus what it

1 Demographic Research and Reapportionment, 2-2-2012

2 should be. I think what you're trying to get
3 across to this panel is that all districts should
4 be equal and represent 1 person, 1 vote. That
5 way the purpose of redistricting is to make sure
6 that all districts are equal in size, is that
7 correct?

8 MS. ROBERSON: Precisely.

9 SENATOR DILAN: All right.

10 SENATOR NOZZOLIO: In--in all due
11 respect to all, I think our five minute rule
12 disappeared--

13 SENATOR DILAN: [Interposing] Well, no,
14 no, wait; I have a right to ask questions.

15 SENATOR NOZZOLIO: --quite some time
16 ago. You do--you do indeed.

17 SENATOR DILAN: I have a right to ask
18 questions. I haven't asked any--

19 SENATOR NOZZOLIO: [Interposing] Yeah,
20 no--

21 SENATOR DILAN: --the previous panel
22 stayed up there for half an hour--

23 SENATOR NOZZOLIO: [Interposing] --
24 you're fine, go ahead, ask the question.

1 Demographic Research and Reapportionment, 2-2-2012

2 SENATOR: DILAN: --and you extended them
3 by another 20 minutes--

4 SENATOR NOZZOLIO: [Interposing] I--I
5 don't mean that as a criticism--

6 [Crosstalk]

7 SENATOR DILAN: --you're not going to
8 try to cut me off.

9 SENATOR NOZZOLIO: --you're not cut off.

10 SENATOR DILAN: Every time I try to
11 speak this happens. But I think I've proven my
12 point. And the word partisanship has been used
13 not only by you but by many others. The tactic
14 of reducing the population upstate where
15 communities may tend to elect a Republican
16 Senator or Assembly Person has happened for 50
17 years.

18 In the City where it's traditionally
19 Democratic with respect to the Senate, the
20 numbers have always been higher so you would get
21 less individuals in that part elected. The
22 addition of the 63rd seat should have happened in
23 the City of New York where you had a greater
24 growth in population than the other--any other

1 Demographic Research and Reapportionment, 2-2-2012

2 region of the State. That did not happen.

3 Actually New York City may be robbed of 2 seats
4 in this plan if the numbers were done correctly.

5 Also you were correct in indicating that the only
6 place where incumbent Senators running against
7 each other is from minority party in the New York
8 State Senate and when I say minority I mean
9 political minority. Thank you.

10 MS. ROBERSON: Anything else? Thank
11 you.

12 SENATOR NOZZOLIO: Thank you. Carolyn
13 Stevens.

14 MS. CAROLYN STEVENS, BOARD MEMBER,
15 WESTCHESTER COUNTY LEAGUE OF WOMEN VOTERS: Good
16 afternoon. Members of LATFOR, my name is Carolyn
17 Stevens. And I am a member of the Board of the
18 Westchester County League of Women Voters. And
19 I'm here speaking on behalf of the Board. As I,
20 as I am sure you are aware, the League of Women
21 Voters is a nonpartisan organization that
22 encourages informed and active involvement in
23 government and influences public policy through
24 edvo--education and advocacy. We appreciate the

1 Demographic Research and Reapportionment, 2-2-2012

2 opportunity to comment on the recently released
3 lines for the State Legislative districts.

4 As you are no doubt aware from our prior
5 statements, the League was and continues to be
6 disappointed in the process and the lack of an
7 independent commission for redistricting. The
8 League believes the results in Westchester County
9 only serve to demonstrate the need for such an
10 independent body. Analysis makes evident the
11 process has resulted in even more gerrymandered
12 lines for State Senate districts.

13 A look at the 37th District with lines
14 drawn through Yonkers, New Rochelle and White
15 Plains, splitting these communities into pieces
16 in such a manner as to carve all--almost all
17 minorities out of the 37th District only serves to
18 further demonstrate this concept. The concept of
19 community of interest was clearly abandoned in
20 dividing these municipalities.

21 The lack of adherence to the concept of
22 community of interest is further demonstrated by
23 putting a community like Scarsdale which was
24 previously in the 37th now into the 35th with west-

1 Demographic Research and Reapportionment, 2-2-2012

2 -with the--with the river towns in the western
3 part of the county when its community of interest
4 lies with the other side of the county,
5 especially when it comes to significant issues
6 like flooding and storm water management which
7 are real problems in our county. Also part of
8 Scarsdale's school district is actually in
9 Mamaroneck and again the community of interest
10 lies in that direction.

11 And then we really have the example of
12 Ossining. Ossining has been moved into a Senate
13 district on--that basically is located entirely
14 on the other side of the river in Rockland
15 County. This is really outrageous. There is no
16 community of interest in Ossining with any of the
17 surrounding communities or--or--sorry, with the
18 communities is now being associated with. On
19 the--it's now basically Ossining is completely
20 isolated from its Westchester neighbors.

21 The League is also quite frankly deeply
22 concerned and disappointed with what we regard as
23 the back loading of this process. The lines were
24 released only last Thursday on January 26th and

1 Demographic Research and Reapportionment, 2-2-2012

2 the hearings for comments on the liens were
3 commenced on Monday, January 30th. And this
4 hearing today is only a week after the lines have
5 been made public. This clearly does not allow
6 for sufficient time for communities and voters to
7 do the in-depth analysis and review in order to
8 provide comments that are really meaningful and
9 in many cases does not even allow for the
10 distribution of materials to the public in a
11 meaningful way.

12 By way of example, Westchester--the
13 Westchester Municipal Officials Association which
14 is mad up of--of all the municipalities in
15 Westchester County is only able to have a meeting
16 today to begin to discuss this issue. We are now
17 being told that there's little or no time to make
18 changes because the Federal courts setting of the
19 Congressional primary dates and the lines must be
20 adopted. We find the release date and the
21 present urgency all too convenient and an attempt
22 at a fait accompli.

23 The public wants and deserves an
24 independent commission to draw the State

1 Demographic Research and Reapportionment, 2-2-2012

2 Legislative and Congressional districts according
3 to fair and objective criteria with meaningful
4 public input. We urge the Governor to veto the
5 lines and appoint an independent commission. The
6 people of the State of New York deserve better
7 than a system that allows politicians to draw
8 lines that ensure their continuance in power at
9 the expense of the public's right to fair
10 representation.

11 SENATOR NOZZOLIO: Before you leave I'd
12 like to--to know and ask for the League of Women
13 Voters' assistance in letting all citizens know
14 that proceedings today and throughout the hearing
15 process are on the LATFOR website to review.
16 There's nothing to preclude a citizen from
17 dropping a comment. It doesn't need to be a--a--
18 a lengthy treatise, drop a comment to the website
19 address. Any type of input is available from now
20 until the end of the process which will be at
21 least a few weeks from now. So through this next
22 month it would be imperative to get the word out
23 and anything you can do to help get that word out
24 as an organization dedicated to informing the

1 Demographic Research and Reapportionment, 2-2-2012

2 voting public, please do so. And any want to--to
3 make those comments are certainly very welcome to
4 do so.

5 MS. STEVENS: We will obviously. I mean
6 that is our mission Senator Nozzolio to--to
7 inform the public and to try and--and--and shape,
8 also, good government policies. I can't stress
9 strongly enough how the League feels about the--
10 the concept of an independent commission and the
11 need for this State to have one. The... it--it's a
12 little hard to look at--to look at the map and
13 not feel as the last speaker did that there was
14 indeed some partisanship in the drawing of some
15 of these lines.

16 And I understand your sensitivity on
17 that issue but particularly when I look at
18 Rochester and--and I'm not from that part of the
19 State but I--but I certainly have questions with
20 respect to--to Rochester being basically divided
21 up into six different parts.

22 SENATOR NOZZOLIO: We're having a
23 hearing in Rochester--

24 MS. STEVENS: [Interposing] I understand

1 Demographic Research and Reapportionment, 2-2-2012

2 that.

3 SENATOR NOZZOLIO: --next--two weeks

4 from now.

5 MS. STEVENS: [Interposing] I understand

6 that.

7 SENATOR NOZZOLIO: --and would welcome

8 the League's participation at that time by--

9 MS. STEVENS: [Interposing] I'm sure

10 that the upstate members will--

11 SENATOR NOZZOLIO: --members of the

12 League who are familiar with Rochester.

13 MS. STEVENS: Yes.

14 SENATOR NOZZOLIO: Thank you.

15 MS. STEVENS: I'm sure some of them will

16 participate.

17 SENATOR NOZZOLIO: Excellent. Thank you

18 very much. Curtis Arluck.

19 MR. CURTIS ARLUCK, DEMOCRATIC DISTRICT

20 LEADER, 69th ASSEMBLY DISTRICT: Mr. Chair thanks

21 for getting me on and I'll try not to twitch

22 'cause I think that was a matter of some concern

23 while I was sitting there. My name is Curtis

24 Arluck. I have served as Democratic District

1 Demographic Research and Reapportionment, 2-2-2012

2 Leader in the northern part of the 69th Assembly
3 District since the early 1980s. I'm here today
4 to commend LATFOR for keeping the Manhattan
5 Valley neighborhood in the 69th Assembly District
6 as it has been for the entire time I've been
7 District Leader and for many years before that.

8 I urge you to resist the misguided
9 efforts of outside groups such as Common Cause to
10 remove Manhattan Valley from its traditional
11 neighborhood Assembly district and place it
12 instead in a remote Assembly district much more
13 inaccessible to every single one of Manhattan
14 Valley's residents. First an extremely important
15 and overlooked concept: in our city, Assembly
16 districts are the smallest unit of representative
17 government. The State Assembly member is the
18 person people in need of assistance are most
19 likely to turn to if they need the kind of help
20 their government can give them. It is proximity-
21 -it is therefore essential that the Assembly
22 district lines be drawn to assure the closest
23 possible physical proximity between the people
24 and their Assembly Member. Even in this computer

1 Demographic Research and Reapportionment, 2-2-2012

2 age, even assuming equal access to computer
3 technology, which of course there isn't for most
4 poorer people, people with constituent problems
5 are likely to be inundated with documents which
6 must be presented in person to a Member's office.

7 These districts--to their local
8 representative's office, it doesn't matter as
9 much if a person doesn't live near their
10 Congression--their Congress member's office.
11 These districts are so large that most people
12 don't live near their Congress Member. But not
13 being able to easily get to their Assembly
14 Member's office can often be the difference
15 between keeping your home or--or being evicted
16 from it, getting public assistance benefits or
17 losing them, learning about the best public
18 school options or having your child go to a
19 school that's not right for him or her. I would
20 suggest that the Voting Rights Act is interested
21 in these kinds of considerations as well.

22 Manhattan Valley is located between 100th
23 and 110th Streets, Broadway to Central Park West.
24 It is a diverse area but primarily minority and

1 Demographic Research and Reapportionment, 2-2-2012

2 lower income. It has one very large NYCHA
3 complex, Frederick Douglas Houses and numerous
4 smaller and mixed income developments. It is in
5 the same police, fire, sanitation, school and
6 community planning board districts as adjacent
7 areas in the Upper West Side. All these
8 districts are different from those in the
9 Assembly districts to which the outside
10 organizations wish to relocate Manhattan Valley.

11 The current 69th Assembly District Member
12 has a full-time office within 100 yards of some
13 of Manhattan Valley's residents, is within a
14 quarter of a mile of most of them, and six-tenths
15 of a mile of all of them. The Common Cause plan
16 would place Manhattan Valley in the Central
17 Harlem AD where the Assembly Member's District
18 Office is in the remote Harlem State Office
19 Building, more than a mile away from Manhattan
20 Valley residents and not easily accessible by
21 mass transit to most of them.

22 The original LATFOR lines also suggested
23 by outside groups place Manhattan Valley in the
24 East Harlem 68th Assembly District, across Central

1 Demographic Research and Reapportionment, 2-2-2012

2 Park where the Assembly Member's District Office
3 is at least 1.5 and often 2 miles away from all
4 Manhattan Valley residents and is in general
5 further removed, even further removed, from where
6 they go to as they conduct their lives.

7 Over the years the Assembly district
8 lines keeping Manhattan Valley in the Upper West
9 Side Bay 69th Assembly District have survived
10 numerous legal challenges and passed multiple
11 Justice Department reviews. These new lines are
12 substantially similar to the old ones. There is
13 no reason to believe they would meet a different
14 fate.

15 Keeping Manhattan Valley in the 69th AD
16 is strongly supported by its current Assembly
17 Member Daniel O'Donnell and the Assembly Members
18 who would be the recipients of the mistaken
19 efforts to shift it, Keith Wright and Robert
20 Rodriguez. They do not do this for political or
21 incumbent protection reasons. They do it because
22 they understand what community representation is
23 all about. That especially for Assembly
24 Districts--for Assembly districts, people should

1 Demographic Research and Reapportionment, 2-2-2012

2 be represented by elected officials near to where
3 they live, close to the institutions that make up
4 their lives. Please listen to the people who
5 know Manhattan Valley best and keep it in the 69th
6 AD. Thank you.

7 SENATOR NOZZOLIO: Thank you very much.

8 Mae Lee. Mae Lee.

9 MS. MAE LEE, EXECUTIVE DIRECTOR, CHINESE
10 PROGRESSIVE ASSOCIATION: Good afternoon. My
11 name is Mae Lee. I am the Executive Director of
12 the Chinese Progressive Association, located in
13 the eastern end of Canal Street, the Chinese
14 Progressive Association primarily serves those
15 who live and--live or work in Manhattan's
16 Chinatown and Lower East Side. The majority of
17 our constituents are low to moderate income
18 immigrant families.

19 Our work includes teaching English to
20 new immigrants, helping parents navigate the
21 public school system, building youth leadership
22 skills, a housing clinic, protecting our
23 community's environment and health. We help our
24 neighborhood to become more civically involved by

1 Demographic Research and Reapportionment, 2-2-2012

2 helping these new immigrants become American
3 citizens and by registering new voters. And we
4 also, you know, got more, you know, residents to
5 answer the--just the last Census.

6 We're also a member of ACCORD which
7 stands for the Asian American Community Coalition
8 on Redistricting and Democracy. ACCORD is a
9 nonpartisan coalition of organizations and
10 individuals committed to advancing the
11 opportunities of Asian Pacific Americans and all
12 the minority communities so that they can
13 meaningfully participate in the political
14 process. ACCORD supports redistricting plans
15 that keep together communities of interest that
16 exist and around the ethnic neighborhoods in all
17 of New York City or, you know, mainly in New York
18 City.

19 I will make a few comments about the
20 proposed State Assembly and State Senate plans
21 for the Chinatown area. So that's the proposed
22 State Assembly District 65 and the proposed State
23 Senate District 26. In the--in these two
24 proposed districts, you know, I just wanted to

1 Demographic Research and Reapportionment, 2-2-2012

2 comment that the Chinatown neighborhood below
3 Houston Street has been kept as one, in one
4 district. So we want to comment LATFOR for, in
5 this particular instance at least, for adhering
6 to the principle of keeping neighborhoods intact.

7 But in addition to keeping neighborhoods
8 intact, in September, we had testified that when
9 combining neighborhoods into a district, we
10 talked about the importance of combining
11 neighborhoods with common interests as defined by
12 a range of social and economic indicators
13 including income levels, social status, race,
14 educational levels, immigration and citizen
15 status.

16 So in these proposed districts we would
17 have liked to see greater efforts to combine
18 Chinatown and the Lower East Side. Years ago our
19 constituents--constituents mainly lived in the
20 traditional core of Chinatown, you know, the Mott
21 Street, Mulberry, Bayard Street area. And then
22 in the 90s we saw residents moving across Bowery,
23 further east, into the Lower East Side. In more
24 recently years, in the 2000s, we've seen

1 Demographic Research and Reapportionment, 2-2-2012

2 residents and also the new immigrants that settle
3 in our neighborhood also move up past Houston and
4 a little bit more east in what is also the Lower
5 East Side, you know, some people--I call it East
6 Village, you know, we still call it the Lower
7 East Side. But they have mainly moved into the
8 public housing projects or else rent-regulated
9 apartments, you know, where the housing is more
10 affordable.

11 And--but they also still shop and work
12 and do business in the area south of Houston. So
13 there's this travel and connection between the
14 two areas. So while Chinatown, you know, we will
15 always, you know, the organizations and
16 institutions will always strive to work and
17 collaborate with all of our surrounding
18 neighbors, no matter who they are, more attention
19 must be paid to the concept and definitions that
20 I just described about communities of interest so
21 that all of us can be represented fairly and
22 adequately at all levels of government. Thank
23 you.

24 SENATOR NOZZOLIO: Thank you. I

1 Demographic Research and Reapportionment, 2-2-2012

2 understand you--you'd love to see Chinatown
3 combined with the Lower East Side but what do I
4 do with the Financial District? I mean
5 Manhattan's an island.

6 MS. LEE: Right.

7 SENATOR NOZZOLIO: There--if you take
8 Chinatown away then you're going to be short
9 people so are--are the Financial Districts--
10 where--where do I put them?

11 MS. LEE: Yeah. Well we--I mean, you
12 know, we have someone else that has played around
13 with these maps and I know it's very complicated.
14 It's all--

15 SENATOR NOZZOLIO: [Interposing] It's
16 very--

17 MS. LEE: --nothing is in isolation and
18 it's like a piece--only a piece of the jigsaw
19 puzzle so--

20 SENATOR NOZZOLIO: [Interposing] Going
21 south is very wet.

22 MS. LEE: Right [laughing]. Right,
23 right, we'd be--yeah, we would be--we'd have to
24 learn how to swim, right?

1 Demographic Research and Reapportionment, 2-2-2012

2 SENATOR NOZZOLIO: No Wall Street would
3 have to learn how to swim.

4 MS. LEE: Okay [laughing]. Yeah, so I
5 am just speaking of some trends that I see
6 happening in terms of the residents in our
7 community and it's something to look forward to
8 in the future.

9 SENATOR NOZZOLIO: Thank you.
10 Councilman--err, are there any other questions?
11 Councilman David Greenfield. There are two, Alex
12 Camarda and Rachel Fauss, who have signed up from
13 Citizens Union. Would they like to be called up
14 together? Thank you.

15 MR. ALEX CAMARDA, CITIZENS UNION: Good
16 afternoon members of LATFOR. My name is Alex
17 Camarda. I'm the director of public policy and
18 advocacy at Citizens Union. I'm joined by Rachel
19 Fauss, our policy and research manager. On
20 Monday, Citizens Union testified before you in
21 Albany, and we stated in our testimony then, and
22 continue to believe upon further analysis, that
23 the primary motivation in drawing these proposed
24 maps was to maximize the power of the majority

1 Demographic Research and Reapportionment, 2-2-2012

2 parties in each house.

3 SENATOR NOZZOLIO: Excuse me Alex,
4 pardon me. Were you and Rachel before us
5 yesterday?

6 MR. CAMARDA: Not yesterday, no.

7 SENATOR NOZZOLIO: Monday?

8 MR. CAMARDA: Monday in Albany.

9 SENATOR NOZZOLIO: Monday in Albany.

10 MR. CAMARDA: Yes.

11 MR. JOHN J. MCENENY, CO-CHAIR, NYS

12 LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH
13 AND REAPPORTIONMENT: I want to make it clear
14 that the LATFOR is ascribing generally to the
15 policy that was set forward by the Department of
16 Environmental Conservation in hearing testimony
17 in multiple locations in the state, that we would
18 not welcome someone coming to each hearing and
19 testifying. We certainly are not changing that
20 policy, but in the case of your organization and
21 others, like the League and like Common Cause,
22 who have statewide networks and statewide
23 organization membership, that certainly there
24 could be exceptions to the overall general

1 Demographic Research and Reapportionment, 2-2-2012

2 policy, and there will be in this case. We'd ask
3 you to use your time, and again, make that time
4 focused to use your time on the area near the - -
5 of this hearing.

6 MR. CAMARDA: Okay.

7 MR. MCENENY: There are 30 other
8 speakers who are listed. We have your testimony,
9 so if you could avoid repeating past testimony,
10 introductory remarks, that's already part of the
11 record, anyone can watch it on their computer.

12 MR. CAMARDA: Okay, this will be the
13 last time we testify, and I will say we're
14 commenting on different criteria than Monday.

15 SENATOR NOZZOLIO: - - on some newer
16 points that we haven't heard already, that hasn't
17 already been submitted, at least in respect to
18 the other people.

19 MR. CAMARDA: Okay.

20 SENATOR NOZZOLIO: Thank you.

21 MR. CAMARDA: So as I mentioned, we
22 testified before you in Albany. Upon further
23 review, we still believe that the primary
24 motivation in drawing these proposed maps was to

1 Demographic Research and Reapportionment, 2-2-2012

2 maximize the power of the majority powers in each
3 house. We believe that's the inevitable
4 consequence of a process that is rife with
5 conflicts of interest and should have been
6 reformed when there was time to do so, as the
7 legislators had pledged during the last two
8 years.

9 SENATOR NOZZOLIO: Some legislators.

10 MR. CAMARDA: Yes, 184 of them.

11 SENATOR NOZZOLIO: Not this one.

12 MR. CAMARDA: Of the 212.

13 SENATOR NOZZOLIO: No, no, there's also
14 a piece of legislation--

15 MR. CAMARDA: [interposing] Right, that
16 encompasses co-sponsorships of legislations,
17 signing onto pledges, exhibiting some expression
18 of support for redistricting.

19 SENATOR NOZZOLIO: That's not a pledge.

20 MR. CAMARDA: Regardless, I think it's
21 overwhelming, the support for the reform. Our
22 testimony today looks at the maps according to
23 other recognized redistricting criteria than we
24 mentioned on Monday, finding that LATFOR has

1 Demographic Research and Reapportionment, 2-2-2012

2 failed to live up the principles of legislations
3 supported by the 184 legislators in the following
4 areas: allowable population deviation, between
5 state legislative districts is manipulated to
6 enable the senate republicans to create an
7 additional seat upstate, and by the assembly
8 democrats to add a seat downstate. Two, the New
9 York State Legislature does not currently reflect
10 the diversity of the state's population as well
11 as it should, and our testimony provides further
12 analysis of whether districts are drawn in such a
13 manner to promote a diverse legislature
14 representative, and adhering to the Voting Rights
15 Act. In order to address these concerns,
16 Citizens Union calls on LATFOR to create more
17 equally sized districts in order to ensure that
18 the state is not regionally under-represented in
19 either house of the legislature, and to eliminate
20 partisan advantage, build on its improvements in
21 creating opportunity to elect districts for
22 Asian-Americans, and draw districts that enhance
23 diversity even when it is not politically
24 convenient to do so, make efforts to create more

1 Demographic Research and Reapportionment, 2-2-2012

2 opportunities to elect Latino legislators in the
3 assembly in New York City, and also draw
4 districts in Long Island to keep minority
5 communities whole, and provide for opportunities
6 for minorities to elect candidates of their
7 choice, irrespective of whether that is legally
8 required of the Voting Rights Act. And I did
9 want to note that we do appreciate these
10 hearings, which I understand have not been done
11 as fully, as thoroughly, in the last 30 years.
12 So we thank you for that, and I'll turn to Rachel
13 now for the analysis on population deviation.

14 MS. RACHEL FAUSS, CITIZENS UNION: As
15 you know, there's much leeway under federal case
16 precedent regarding the size of districts, the
17 plus or minus 5% deviation. For senate
18 districts, this amounts to 31,000 people; in
19 assembly districts, about 13,000 people. And
20 again, though reducing the current deviation was
21 supported by 184 legislators, no reforms were
22 enacted, and we see continued reliance by LATFOR
23 on this deviation for partisan gain. The number
24 of districts, 3% from the average, increased to

1 Demographic Research and Reapportionment, 2-2-2012

2 50 in 2012 from 19 in 2002 in the senate, and you
3 know, while it's commendable that the assembly's
4 overall average deviation dropped a bit from
5 2.67% in 2002 to 2.56%, few districts still live
6 up to the standard within 1% of the average,
7 which is 26 of the 150 assembly districts; only
8 that number do so. And I think it's been a
9 discussion a lot today about the regional
10 deviation. We provide a map in the testimony of
11 the senate in terms of districts that were under
12 populated and over populated. For the state
13 senate, districts one through 37 are over
14 populated by 9,000 people, and districts 28 to
15 63, which are in Upstate New York, are under-
16 populated by 355,000 people. This population is
17 more than the size of the senate seat, and
18 presumably was done in conjunction with creation
19 of the 63rd senate seat. And the reverse is true
20 in the senate; districts one through 87, which
21 are Long Island through the Bronx, have 198,000
22 fewer people, and districts 88 through 150, which
23 is Westchester and Rockland counties, all the way
24 up through the rest of the state, have 198,000

1 Demographic Research and Reapportionment, 2-2-2012

2 additional people. And again, this is more than
3 the population size of an assembly seat, which is
4 130,000 people. And overall, this has meant the
5 inclusion of an additional seat in Long Island at
6 the expense of Upstate New York in the assembly.
7 We also looked at this deviation in terms of the
8 districts that are currently held by incumbents.
9 Fortunately we only had data for the senate, not
10 the assembly on this, but we will follow up with
11 further information in written form. But just
12 generally speaking, nearly all of the Downstate
13 incumbent democrats in the senate, 23 were placed
14 in districts that were over-populated by more
15 than 3%, and in the case of the majority party
16 for the Republicans, 19 districts were under-
17 populated. So we see this as a trend to maximize
18 the majority party in the senate, and we, like I
19 said, we have not done this analysis for the
20 assembly. But what we did look at for the
21 assembly and the senate, I think this follows up
22 on something that a previous speaker talked
23 about, about voting trends and how you actually
24 determine whether this is partisan, we looked at

1 Demographic Research and Reapportionment, 2-2-2012

2 districts that voted for Barack Obama and John
3 McCain for both the senate and the assembly in
4 2008, and for the assembly, we see an under-
5 population of districts that voted for Barack
6 Obama, and an over-populated of districts that
7 voted for John McCain, and the reverse is true in
8 the senate. So I'd just like to note that I
9 think, looking at specific voting information, we
10 do see that there is a partisan trend this way,
11 and our testimony provides further information
12 about this. I'm not going to read through all
13 the numbers. And I'm going to pass it over to
14 Alex now to speak about some of the ethnic and
15 racial issues.

16 MR. CAMARDA: The goal of Citizens Union
17 is to see a more diverse legislature that mirrors
18 the population. New York State's legislature is
19 not nearly as diverse as the people it represents
20 currently, as indicated on the chart in our
21 testimony. 75% of our legislators are white,
22 when the white population in New York State is
23 just 58%. 18% of the state's population is
24 Hispanic or Latino; only 9% of the legislature's

1 Demographic Research and Reapportionment, 2-2-2012

2 members are Hispanic or Latino. The Asian-
3 American population is 15 times greater than the
4 proportion of legislators of Asian-American
5 decent. In total, minority legislators represent
6 just 25% of state legislative seats, yet
7 minorities are 42% of the state's population.
8 The New York City delegation is more reflective
9 of its residents than the legislature as a whole,
10 but yet, only has one Asian-American legislator,
11 and the proportion of Latinos in the population
12 significantly exceeds that. I'm sorry, I'm
13 referring to the senate, exceeds that in the
14 assembly delegation. But both the senate and the
15 assembly, the proportion of Latino legislators is
16 lower than that in the population for the New
17 York City delegation. We believe that this can
18 be traced to partisan redistricting. We believe
19 that partisan redistricting is a major reason New
20 York State has a legislative body that looks
21 significantly different than the demographics of
22 the state. Because lines are drawn to retain
23 majority power and preserve the seats of
24 incumbent legislators, the state is constantly

1 Demographic Research and Reapportionment, 2-2-2012

2 stuck in the past, slow to adapt to the changing
3 demographic trends. While the Voting Rights Act
4 does provide protections for minorities from
5 having their vote diluted by having their vote
6 compressed into small number of districts called
7 packing, or spread thinly across various
8 districts, called cracking, proving
9 discrimination is a high bar with several
10 threshold tests. However line drawers have
11 discretion in drawing lines that promote
12 opportunities for minority representation,
13 particularly when minority groups in a particular
14 area do not clearly vote as a cohesive unit, or
15 when one minority group does not comprise a
16 majority of a district. So pertaining to the
17 proposed maps and diversity, the critical
18 question is, did map makers use their line
19 drawing discretion to promote minority
20 representation, or did they instead prioritize
21 their own partisan interest? When it comes to
22 Asian-American representation in New York City,
23 we see improvement. I mentioned earlier that
24 there was only one Asian-American legislator in

1 Demographic Research and Reapportionment, 2-2-2012

2 the assembly, zero in the senate. The new lines
3 appear to create four total districts in the
4 legislature; one in the senate in district 16,
5 three in the assembly, so we commend LATFOR for
6 recognizing that and acting on it. We do think
7 that the senate district 16 in Flushing could be
8 made more compact and more whole, especially with
9 regard to Flushing itself, and that the community
10 enrichment - - should be kept whole. Moving on
11 to--

12 FEMALE VOICE 1: [interposing] Mr.
13 Camarda, you've exceeded your five minutes, so if
14 you don't mind.

15 MR. CAMARDA: Okay, I'll quickly wrap up
16 then. Regarding Latino representation, we
17 believe that the assembly could create a district
18 in Queens by looking at the VAP in district 38,
19 30 and 37, and potentially creating a new
20 majority/minority Latino district there. And
21 the, you know, while we are a New York City based
22 group, we are concerned with Long Island, in
23 particular with relation to the senate, that the
24 communities there, the minority communities, have

1 Demographic Research and Reapportionment, 2-2-2012

2 long been divided for decades, sometimes using
3 the same exact borders between districts, and we
4 would call for a change for that. We realize
5 that's politically difficult to do for the senate
6 Republicans, but we think it's the right thing to
7 do, irrespective of the law, and whether it
8 complies with the Voting Rights Act. So thank
9 you.

10 MR. MCENENY: Thank you. The bill that
11 was introduced at the request of the governor by
12 Shelly Silver, co-sponsored by myself and others,
13 has a number of flaws in it. One of which I
14 think Common Cause and others learned that a 1%
15 variance is impossible, given the constitutional
16 constraints of not splitting towns in Upstate New
17 York, and that's why the Common Cause maps
18 commonly go up 2-3% variance in honor of the
19 constitution, otherwise you'll get thrown out in
20 the courts. That bill was introduced. The
21 senate did not feel that it was a fair bill, they
22 felt it was a two thirds democrat, one third
23 republican bill. We waited six months hoping
24 that the governor could come to terms with the

1 Demographic Research and Reapportionment, 2-2-2012

2 senate to reassure them; he did not. And then we
3 did what the constitution requires, which is why
4 we're here today for the legislative drawn
5 district. But that bill, had it been passed with
6 1%, was totally unenforceable and impossible.
7 You did mention the 1%, and I think that bill was
8 in there for openers. It would have needed some
9 change. But when you've got, I can think of, one
10 upstate district where the next nearest town was
11 thousands above, and if you added it you had a
12 problem. If you didn't add it in, you still had
13 a problem. So that district was lighter than
14 adjoining districts.

15 SENATOR NOZZOLIO: And let me emphasize,
16 for Citizens Union, for whatever organizations
17 are talking about deviations, what is acceptable
18 and what is not. The constitution of the state
19 of New York forbids the severance of towns,
20 unless the town is bigger than an assembly
21 district or a senate district, depending on how
22 you're doing it. It says so in the constitution.
23 Now we could argue today, but we can't change
24 today, the state constitution. That's why the

1 Demographic Research and Reapportionment, 2-2-2012

2 permissible variations are different from local
3 governments and states than they are for the
4 congressional, because the congressional oversee,
5 overrides, the United States law, rule of law,
6 overrides the state constitution, and allows for
7 the severance of towns. We have things like town
8 on border, which is a complex system, but it's
9 also what is required in the state constitution.
10 Now the city, which you are more familiar with,
11 the cities you can draw lines by census blocks.
12 You can actually cut census blocks. So it is
13 much more difficult to obtain, if not impossible,
14 to accurately, within the town on border and
15 block on border rules, to upstate to achieve
16 those deviation that you suggest.

17 MR. MCENENY: I think you meant you
18 can't cut census blocks.

19 SENATOR NOZZOLIO: I'm sorry, you can't
20 cut census blocks, but census blocks are much
21 more smaller in population than towns. So the
22 constitution certainly, in order to achieve the
23 objective that you are espousing, you need to
24 change the state constitution in order to

1 Demographic Research and Reapportionment, 2-2-2012

2 adequately address that particular issue.

3 MS. FAUSS: I think there are a lot of
4 pieces to that, so I'm going to do my best to
5 respond to all of them. But I think Common
6 Cause, in drawing their maps, they have a lower
7 deviation than the LATFOR maps do. So I
8 certainly think there's a lot of room for
9 improvement. We're particularly troubled by the-
10 -

11 SENATOR NOZZOLIO: [interposing] Now
12 this was the--was this, Rachel, Ms. Fauss, was
13 this the first or second draft? Because they
14 blew over town on border questions in their first
15 submission, and I think that--and I'm not sure
16 what their second submission, whether or not that
17 adequately followed those rules. The issues of
18 the Voting Rights Act are also very questionable
19 on some of the submissions made. So I guess what
20 I'd like you to think about is if you want to
21 change the rule, don't say it easily can be
22 changed by a submission. Show us that that
23 submission was, in fact, accurate.

24 MS. FAUSS: Well I certainly can't speak

1 Demographic Research and Reapportionment, 2-2-2012

2 for Common Cause, but it was my understanding
3 that it--

4 SENATOR NOZZOLIO: [interposing] But you
5 are.

6 MS. FAUSS: It was a lower deviation and
7 you know, I think there are a lot of competing
8 factors at work, and that's why we supported the
9 governor's bill, which had prioritized criteria.
10 And I just note the specific language on the 1%
11 deviation in the governor's bill was to the
12 extent practicable, recognizing that there are
13 other criteria, but putting it first and foremost
14 because it represented a democracy and equality
15 in the size of districts was something
16 understandably the governor - - and the voters of
17 New York are very concerned about. And you know,
18 we are, of course, very open to changing the
19 antiquated principles of the constitution, and
20 look forward to seeing that happen. And I think
21 we're also disturbed by the difference,
22 regionally, from the senate to the assembly; that
23 the deviation was used differently in the
24 assembly than the senate. And I think, you know,

1 Demographic Research and Reapportionment, 2-2-2012

2 my testimony looks at that in terms of voting, in
3 terms of incumbent legislators. So I think, you
4 know, we've seen a partisan trend, and that's one
5 thing that a lower deviation--the goal of it is
6 to minimize that wiggle room. And like I said,
7 we know there are many competing goals, and
8 that's why the governor's bill had prioritized
9 criteria.

10 MR. CAMARDA: Yeah I would just - - that
11 last point, which is, you know, it's one thing to
12 say that you need more than a 1% deviation, but
13 it's quite another when you look at the maps and,
14 for the senate, all the districts, or virtually
15 all the districts, upstate are under-populated.
16 The opposite downstate, and the assembly does the
17 reverse. I mean, that's why the perception, if
18 not the reality, is that this is done for
19 partisan reasons to give each house and their
20 majority power an additional seat.

21 MR. MCENENY: Did you consider the
22 possibility the population deviation might have
23 some other purpose?

24 MR. CAMARDA: Well you mentioned the

1 Demographic Research and Reapportionment, 2-2-2012

2 town on border and the block on border.

3 MR. MCENENY: The population deviations
4 in the city of New York are, within counties - -.
5 You can't get them smaller because we followed
6 the state constitution requirement for equal
7 population. The reason that the district borders
8 are important in the city and the deviations are
9 important in the city is to try to consider other
10 factors like advancing the Voting Rights Act
11 objectives. We were able, because of the
12 population deviations, able to create several new
13 minority opportunities. We were able to keep
14 minority communities together. And I think
15 that's actually something that you lively skip
16 over, and I think that's too bad.

17 MR. CAMARDA: Well looking at senate
18 district 16 for example, in Queens, which breaks
19 the--

20 MR. MCENENY: [interposing] I was
21 speaking specifically about the assembly
22 districts.

23 MR. CAMARDA: Okay, well I'm speaking
24 about senate districts 16 and--if you let me

1 Demographic Research and Reapportionment, 2-2-2012

2 finish, I'll explain what I'm going to say.

3 MR. MCENENY: No, no, I'm asking you--
4 no, let me ask my question.

5 MR. CAMARDA: I think you did.

6 MR. MCENENY: I asked you whether you
7 considered population deviations pursuant to the
8 Voting Rights Act a legitimate objective.

9 MR. CAMARDA: We do, but I don't think
10 it's necessarily the two are always at odds in
11 the way that you portray that they are.

12 MS. FAUSS: And the governor's bill,
13 again, had the Voting Rights Act very strong
14 language, first and foremost, a criteria before
15 population deviation.

16 MR. CAMARDA: Now I would also note, we
17 testified on Monday and pointed out how nearly 40
18 upstate counties were split beyond what their
19 population would suggest should be divided. So
20 to say that you're taking account of other
21 criteria upstate, and it's not the case, I don't
22 see how you can make that argument. I mean we--

23 SENATOR NOZZOLIO: They're not - -

24 MR. CAMARDA: [interposing] If

1 Demographic Research and Reapportionment, 2-2-2012

2 population deviation was used to adhere to
3 political subdivisions upstate, than why are so
4 many counties and cities divided?

5 SENATOR NOZZOLIO: There are no towns
6 divided, with one exception, in Upstate New York.

7 MR. CAMARDA: Well I mean, as you
8 pointed out, that's required by the constitution.

9 SENATOR NOZZOLIO: But that's why the
10 population deviations are what they are.

11 MR. MCENENY: Also, three counties in
12 the city of New York get an automatic review from
13 the Justice Department, as does the entire plan
14 now, because they are Voting Rights counties; the
15 Bronx, New York County and Kings County.

16 MS. FAUSS: And I would just say again
17 to--

18 MR. MCENENY: [interposing] One of
19 which, by the way, is above the average. Two are
20 below.

21 MS. FAUSS: I would say again, to the
22 town on border and block on border rules, you
23 know, recognizing that they're in the
24 constitution, then why is there over-populated

1 Demographic Research and Reapportionment, 2-2-2012

2 and under-populated reversed in the senate and
3 the assembly?

4 SENATOR NOZZOLIO: Manhattan is actually
5 higher, more like some of the upstate ones.

6 MR. CAMARDA: Right, but that's one of
7 the--that's one of the lone exceptions, and I
8 understand that's because of block on border.

9 SENATOR NOZZOLIO: No, it's because of
10 Voting Rights, when we made the decision to stay
11 within the borough lines. We combined Richmond
12 with Kings county, and the others are, which you
13 have to do because you have a few hundred
14 thousand people going back and forth. They have
15 to go somewhere on the mainland, but the others
16 we respect the county line, and we believe that
17 that helps in those minority districts. It's one
18 of the reasons why we have been able to add two
19 assembly districts that are Asian. We've been
20 able to preserve African-American districts
21 despite the fact that there's been a loss of
22 100,000 blacks in the city of New York. It works
23 out better for Voting Rights goals than if you
24 crossover. We thank you very much for your

1 Demographic Research and Reapportionment, 2-2-2012

2 testimony.

3 MR. CAMARDA: Thank you for your time.

4 SENATOR NOZZOLIO: Councilwoman Gale
5 Brewer? And I also recognize assemblywoman Amy
6 Paulin, whom I forgot to mention, and former
7 council, or assemblyman Mike Benjamin, who is
8 here in another capacity, taking notes; which I
9 imagine we'll read about sooner or later.
10 Councilwoman, good morning.

11 MS. GALE BREWER, NEW YORK CITY

12 COUNCILWOMAN: Thank you very much. I am Gale
13 Brewer and I represent the city council district
14 on the west side, from 54th Street to 96th
15 Street. I've been there since 2002, and I have a
16 couple of issues. I think you're going to hear
17 the same thing from some of us, but obviously I'd
18 like to add my voice to the folks who are really
19 concerned about what we consider the lack of
20 transparency in the map drawing process. I know
21 that you'll be discussing this all day and for
22 some days to come, and I know that the governor
23 will weigh in with his threat to veto. So I know
24 that's ongoing. I don't quite understand, and

1 Demographic Research and Reapportionment, 2-2-2012

2 I'm sure this is also going to be discussed in
3 the court, the addition of the 63rd senate
4 district. I don't think we can add another
5 council district in New York City, so I leave
6 that to your discretion. What I am concerned
7 about is the neighborhood--

8 SENATOR NOZZOLIO: [interposing] Well
9 you just left it to your discussion councilwoman,
10 with all due respect.

11 MS. BREWER: No I mentioned that I'm
12 concerned about it. I know there's some of you
13 up there who are. But I'm just saying these are
14 things that are concern to me, but not something
15 that I am as familiar with as I am my own
16 neighborhood, and I'll talk specifically about my
17 own neighborhood. I do think that we have, under
18 your proposal, four different senate districts.
19 The trouble is that it's my opinion that district
20 lines should not dissect traditional
21 neighborhoods. You know, neighborhoods in our
22 city have distinct personalities and to the
23 greatest extent possible, these neighborhoods
24 should be represented by elected officials who

1 Demographic Research and Reapportionment, 2-2-2012

2 are familiar with the unique issues. On the west
3 side is an example; west-siders and east-siders,
4 I know they may not seem such, but we're
5 different, and the interests are different. And
6 there are great people in both, but I believe
7 that only the west side elected official really
8 understands local issues, and the same is on the
9 east side. On the state side, the current
10 proposals would divide my council district, for
11 instance, into four state senate districts and
12 three assembly districts. The assembly districts
13 seem to be fairly drawn, however on the senate
14 side, they are very bizarrely shaped. Proposed
15 senate district 31 runs from north of West 225th
16 Street all the way down to West 25th Street; 225
17 to 25. It's a very thin line along the west
18 side. Even more awkward is proposed senate
19 district 29, which runs from the south Bronx
20 through parts of the upper east side, contains
21 all of Roosevelt Island [phonetic] and Central
22 Park, and then dances into the West Side from
23 West 70th Street to West 88th Street. And senate
24 district 28 is proposed to include parts of the

1 Demographic Research and Reapportionment, 2-2-2012

2 Upper East Side and many buildings on the West
3 Side. These districts, to me, don't make any
4 sense. And sadly are not even some of the worst,
5 I think, proposed by those that are proposed. I
6 do hope that you will go back to the drawing
7 board and take seriously the idea that residents
8 in New York deserve to be represented by elected
9 officials who understand the communities they
10 campaign to serve. The south Bronx and the upper
11 west side are both wonderful communities, but
12 they have different needs. And I must admit, I
13 really worry about the following, which is that
14 when you have a district like that, and I know my
15 colleague Melissa Margarito [phonetic] has a
16 really tough district now, in the council. She
17 has the south Bronx, she has East Harlem, and she
18 has the upper west side. That's an example of a
19 challenging district. I'll be honest with you,
20 my constituents are pushy and tough, and they
21 want everything yesterday. And it makes it hard
22 when you have all these different kinds of
23 constituencies vying for the attention of the
24 same elected official. We all want to serve our

1 Demographic Research and Reapportionment, 2-2-2012

2 constituents as best as possible. So I do think
3 it's really challenging to have the same person
4 serve these kinds of very different areas, and I
5 hope that you will go back to the drawing board,
6 obviously taking into consideration the issues of
7 the Justice Department, I'm very familiar with
8 them, and I hope that the outcome will be
9 something that is A. easier to represent, and B.
10 better for the constituents. Thank you very
11 much.

12 SENATOR NOZZOLIO: Councilwoman, thank
13 you. Any questions? Thank you very much.
14 Michael McKee? Michael McKee? Lou Sapersky
15 [phonetic]? Lou Sapersky? Max Levide
16 [phonetic]? Max Levide? Ruben Dario Vargas?
17 Good afternoon.

18 MR. RUBEN DARIO VARGAS: Good afternoon
19 members of the panel, and good afternoon
20 everyone. My name is, as you say, I'm Ruben
21 Dario Vargas, and I'm also a retired member of
22 the armed forces of the United States. I served
23 24 years, obeying every instruction that was
24 given to me pursuant to defending democracy, the

1 Demographic Research and Reapportionment, 2-2-2012

2 constitution, and the way of life of the United
3 States of America. Each community deserves a
4 fair representation at all levels of government,
5 and the way the matter has been done since
6 Columbus or since the 4th July of 1776, a young
7 nation that soon became the most powerful nation
8 in the world. The main contribution to the
9 factor to this happening was the immigrants.
10 These trends in immigration--the contribution
11 that immigration has made to this great nation,
12 and all of you, or all of us here, to ask
13 ourselves whether or not we have ancestry outside
14 of the United States. We will answer, we will
15 realize that our answer to every one of us,
16 earlier or later, our ancestors have come here to
17 the United States, and that - - but have been the
18 major contribution of the power that we are, and
19 that we continue to be. There is a Latino
20 population that for many years has been growing
21 and been making contribution to the success of
22 our economy. However, the way that the district
23 has been withdrawn and taken more in
24 consideration, the interest of the people in

1 Demographic Research and Reapportionment, 2-2-2012

2 power, or the elected officials, parties'
3 interest, have not make the best contribution to
4 our society. As it was said, the Voting Rights
5 Act of 1965, I'd like to add to the Voting Rights
6 Act of 1965 the affirmative action law also to be
7 taken consideration when drawing the districts.
8 Districts should be drawn, taken in consideration
9 the values of the individual, the cultures, the
10 common interests, and common cause, the
11 traditions, their customs, and the way of life.
12 It hasn't been done with those parameters taken
13 mostly in consideration. The community of the
14 Northern Manhattan, the West Bronx, and Corona
15 Queens, they have those values in common. They
16 greatly share those values, cultures, traditions,
17 even in every walk of life. It is important to
18 have a district, to draw up a district, a
19 congressional district that united these three
20 communities, these three areas; the Northern
21 Manhattan, the West Bronx, and Corona Queens. It
22 would be a great contribution to reinforce even
23 our economy that we now need to revitalize our
24 economy, if you made a contribution in the sense

1 Demographic Research and Reapportionment, 2-2-2012

2 that people work harder, people work with more
3 motivation and inspiration. As a result of that,
4 we would have more productive citizenship. I
5 finally want to reemphasize and urge this panel
6 in presenting a proposal that brings together
7 those three communities in a congressional
8 district. And those are, as I said before,
9 Northern Manhattan, West Bronx, and Corona
10 Queens. Thank you very much.

11 SENATOR NOZZOLIO: Thank you. Before
12 you leave, Mr. Vargas, I would just like to thank
13 you for your service to our nation. We
14 appreciate your service as a veteran. What
15 branch of service were you in?

16 MR. VARGAS: Air Force. I retired from
17 the Air Force after 24 years of service.

18 SENATOR NOZZOLIO: Thank you for your
19 service, and thank you for your testimony today.

20 MR. VARGAS: Thank you.

21 SENATOR NOZZOLIO: Placido Rodriguez?

22 MR. PLACIDO RODRIGUEZ: Good afternoon.
23 With the respect to all members of the committee,
24 I, Placido Rodriguez, member of the Washington

1 Demographic Research and Reapportionment, 2-2-2012

2 Heights community and a businessman for more than
3 40 years, president of the Dominican-American
4 Travel Agency, member of the Highbridge Lion
5 Club, member of the Northern Manhattan Democrats
6 for Change, member of the New York State Chamber
7 of Commerce; I believe, as many others, that our
8 community as we have been deprived of the
9 representation, especially in congress. Our
10 community deserves fair representation on all
11 level of government, and we will not be able to
12 accomplish this if we do not have a fair state
13 and congressional district. For too long,
14 communities of common interest have been divided
15 for partisan and incumbency reasons. From fewer
16 resources to not great attention to the issues we
17 care most about, the lack of fair districts has
18 brought real substantial disadvantages to our
19 communities. Communities that share business,
20 similar culture, and religious institution, as
21 well as important resources including
22 transportation, healthcare, and education, be
23 represented in the same district. Communities in
24 the west Bronx, Northern Manhattan, and Corona

1 Demographic Research and Reapportionment, 2-2-2012

2 Queens have been such in common. And of course,
3 I do agree with Mr. Vargas that the West Bronx,
4 Northern Manhattan, and Corona need a new
5 congressional district. In fact, growing
6 Dominican-American population regularly interact
7 with each other and share important resources and
8 socio-economic tendencies. A district connecting
9 these communities would represent important
10 progress such as district could easily be created
11 without negatively impacting other communities,
12 or violating any principles of fair distribution.
13 Adding a new Latino congressional district with a
14 sensible Dominican-American population will be an
15 appropriate response to the tremendous growth of
16 our community in New York City, and beyond. In
17 addition to making history, creating this new
18 Latino district will bring more resources in
19 favor of most deprived people. We urge you to
20 present a proposal that includes this new Latino
21 congressional district, and also keep communities
22 in common interest together, when considering
23 senate and assembly lines. We deserve a
24 congressional district that reflects our

1 Demographic Research and Reapportionment, 2-2-2012

2 community in general, and I respectfully give
3 thanks to all those involved in implementing a
4 fair decision for a better future for all people
5 in our community. Thank you.

6 SENATOR NOZZOLIO: Any questions for Mr.
7 Rodriguez?

8 MR. RODRIGUEZ: And of course, I have
9 this map over here, that I thought you had it,
10 and as you can see, 66.6 Hispanic are in district
11 seven, so that would be a very good opportunity
12 for minority people to be represented as an
13 additional seat in a congressional - - thank you.
14 I appreciate your attention.

15 SENATOR NOZZOLIO: Reverend Diego
16 Delgado? Reverend Diego Delgado? Gail Addis?
17 Good afternoon.

18 MS. GAIL ADDIS: Good afternoon sir - -.
19 Hello, my name is Gail Addis and I live in
20 Inwood, in Manhattan, in the corner of Park
21 Terrace West and 218th Street, upstate Manhattan.
22 I'm an architect, a teacher, and presently a
23 graduate student in New York City Political
24 History at the Cuny Graduate Center. Thank you

1 Demographic Research and Reapportionment, 2-2-2012

2 for allowing me to speak in support of the
3 creation of a congressional district that unites
4 Spanish speaking New Yorkers across upper
5 Manhattan, parts of the Bronx, and into Corona
6 and College Point Queens. Gerrymandering, the
7 practice of redistricting electoral districts to
8 dilute minorities and disenfranchise voters has
9 been called politics at its worst. Today
10 distinguished committee members, you have a
11 chance to demonstrate politics at its best by
12 supporting redistricting that enfranchises and
13 strengthens these under-represented growing
14 Spanish speaking communities. Presently I'm in
15 private practice. Previously I was the
16 supervising architect for the New York City
17 Police Department Safe Street, Safe Cities
18 program, in support of community policing. Cops
19 on the beat is part of a larger community based
20 crime reduction program. In that capacity, I
21 participated in the creation of the new 33rd
22 precinct to respond to the needs of the increased
23 Dominican population of Washington Heights. It
24 was also in response to the rise of Dominican

1 Demographic Research and Reapportionment, 2-2-2012

2 political power, as shown by the election of the
3 first city council member of Dominican birth. In
4 the course of creating the precinct, I witnessed
5 how effective a united Spanish speaking community
6 with Common Cause and clear leadership can effect
7 positive change in the governance that improves
8 the quality of life of all the communities,
9 regardless of race. All of northern Manhattan is
10 safer because my Dominican neighbors spoke in
11 unison for an additional police precinct. The
12 creation of the new precinct was a microcosm of
13 what creating a large congressional district
14 would do for Spanish speaking residents in
15 Washington Heights, Kingsbridge, University
16 Heights, and Corona. A unified district is a
17 powerful district. A powerful district
18 progresses when speaking with a united voice and
19 common cause. A unified community flourishes.
20 An empowered district becomes a partner in
21 community development that directs growth to
22 include better schools, safe neighborhoods, and
23 civic infrastructure improvements for a larger
24 community with a larger vision. However, an un-

1 Demographic Research and Reapportionment, 2-2-2012

2 unified community becomes the victim of a
3 scrupulous predatory and divisive development,
4 has schools that are poorly performing and
5 unresponsive to community concerns. When
6 communities lack clear vision of itself and its
7 place it in its city, it's asked for, and
8 receives fewer civic improvements, and ultimately
9 fails. The long sad history of disenfranchising
10 Spanish speaking immigrant communities has been
11 well documented in scholarly research. I'm
12 citing Elena Devila [phonetic] and Robert
13 Courtney Smith, to name two researchers who've
14 documented the difficulties in their books. It
15 is well known and clearly documented that Spanish
16 speaking New Yorkers are underrepresented. It's
17 time to correct that in our city and in our
18 country. Several supreme court decisions in the
19 1980s and 1990s strongly and correctly attack the
20 excesses of the unfairness of racial
21 gerrymandered political districts. This is your
22 opportunity to correct this unfairness. By
23 supporting the creation of this additional
24 district, I believe you'll be acting with

1 Demographic Research and Reapportionment, 2-2-2012

2 prudence, honesty, and fairness. I thank you, it
3 was an honor to have an opportunity to speak, and
4 I thank you for your kind attention.

5 SENATOR NOZZOLIO: Thank you very much.
6 Any questions for Ms. Addis? Thank you. Fidel
7 Molida [phonetic]? Fidel Molida? Marisol
8 Alcantara? Good afternoon.

9 MS. MARISOL ALCANTARA: Good afternoon,
10 and thank you for giving us the opportunity to
11 come here and speak before each one of you guys.
12 My name is Marisol Alcantara. I'm a newly
13 elected district leader in West Harlem in the
14 70th assembly district, part D. And as a matter
15 of fact, with the new plans you are proposing,
16 just my little block has been carved out of the
17 district. Having said that, I am here to
18 advocate on behalf of creating a new
19 congressional district that reflects the Latino
20 population in the state of New York. As we all
21 know, the state of New York has one of the
22 largest Latino population in the United States,
23 but our numbers are not reflected in city or
24 state politics. We lack behind places such as

1 Demographic Research and Reapportionment, 2-2-2012

2 California, Texas, New Mexico, and even New
3 Jersey in having Latino representation across the
4 state. It is sad to say that in the state of New
5 York, which has had one of the longest and
6 largest Latino community, we only have two Latino
7 congressional leaders; Nila Velasquez [phonetic]
8 and Jose Cerrano [phonetic]. I'm here to testify
9 on why is it important that for us as an
10 immigrant community to get a congressional
11 district that reflects that large Latino
12 population. Not only Dominican, but people of
13 all other Latin American. By creating a
14 congressional district that includes Northern
15 Manhattan, the West Bronx, Corona, Jackson
16 Heights, it would be a great opportunity to
17 encourage Latino immigrants all throughout the
18 city to participate in politics and to believe in
19 the political process of a country. Adding this
20 district to the community it would create great
21 opportunity for these communities to work
22 together as they already do. The same businesses
23 that you have in Washington Heights are also in
24 Corona Queens. The same physicians that practice

1 Demographic Research and Reapportionment, 2-2-2012

2 medicine in the West Bronx are also located in
3 Washington Heights. The largest medical
4 facility, Columbia Presbyterian, if you check the
5 rosters, they see patients of Dominican-Americans
6 from all over the city of New York, and we are
7 here to urge and for you guys to consider the
8 creation of a congressional district that
9 reflects, and is fair to, the Latino population
10 in the state of New York.

11 SENATOR NOZZOLIO: Thank you very much.

12 Any questions? Thank you for your comments.

13 Ariel Fiera [phonetic]? Maria Luna? Good
14 afternoon.

15 MS. MARIA LUNA: Good afternoon. - - I
16 came up in that microphone, so I'm gonna move to
17 the other one. Buenos tardes. My name is Maria
18 Luna, and I am here once again as I have
19 testified before in the Bronx some time ago.
20 Just briefly, I am the first vice chair of the
21 New York State democratic party, I'm a democratic
22 national committee, I'm a district leader on the
23 71st assembly district, which the person that
24 just testified before me, Marisol Alcantara, ran

1 Demographic Research and Reapportionment, 2-2-2012

2 for district leader recently and - - she's my
3 district. God only knows what's going to happen
4 now. Anyway, I'm also a member of the community
5 - - in Manhattan for over 30 years. I serve many
6 similar boards of directors of community based
7 organizations. I am all over the place. But I
8 would like to speak not only on my behalf, but
9 also on behalf of the Northern Manhattan, West
10 Bronx coalition for a fair representation. Last
11 year, we presented a map for a congressional
12 district and we are now urging you to do a little
13 tweak here and tweak there. But anyway, our goal
14 is that, as a commission, we are asking your
15 commissioners that taking so much and heat over,
16 you know, many, many months of listening to
17 testimony from interested parties, and those that
18 are like community people that really are
19 concerned about what is happening as far as
20 representation is concerned. But we want to let
21 you know that at this time, and after getting the
22 result of the 2010 census, we would like you to
23 consider these recommendations of creating a
24 majority minority, you know, Hispanic

1 Demographic Research and Reapportionment, 2-2-2012

2 congressional district from our areas. Our areas
3 are the Upper Manhattan area, the Washington
4 Heights going into the Bronx, and then here in
5 Corona. It looks a little, you know, fishy
6 looking, but for us Latinos, it looks great.
7 This particular congressional district, and we
8 know that in New York we lost two congressional
9 districts, but if we readjust many areas, we will
10 be able to see a Latino Hispanic congressional
11 district. Wouldn't that be wonderful? I think
12 that this will not violate the adjacent district,
13 the Jose Cerrano, the - - we just want to be a
14 voice in our democratic society. The Hispanic
15 speaking population areas have grown, as you
16 know, in the last 10 years. - - to elect someone
17 of their choice. We always had - - electing
18 someone, but it would be really important for us
19 to - - to include one more of our people into the
20 halls of congress. We have the same common
21 interests, we have the religious, natural origin,
22 economic family ties. I know for sure, being a
23 member of so many community based organizations,
24 how our people are located all over the place.

1 Demographic Research and Reapportionment, 2-2-2012

2 We're just not focused in one particular area.

3 But they come together because of services needs,

4 and I say that a new congressional district will

5 serve that purpose. This particular district

6 will also make history. It will also recognize

7 the contribution of the Hispanic Latino,

8 especially Dominicans. As a Dominican, I was

9 born in Dominican Republic, but I'm a proud

10 American citizen. We would like to participate,

11 and as you know, with all my titles, I've been

12 participating in the political process. But I

13 want more people to do the same thing, even if we

14 fight with each other within our district. The

15 largest number of Hispanic immigrants are from

16 the Dominican Republic, and as we, so many people

17 have said, and you know, the single interest is

18 just to be together, to share the issues and the

19 interests, and to be represented by someone that

20 probably looks like me, like me. Look at me. So

21 I would like to see a district run from upper

22 Manhattan areas, into the Bronx and Queens, and I

23 think that that would be a fantastic thing for

24 America for New York. The majority of the New

1 Demographic Research and Reapportionment, 2-2-2012

2 York City elected officials that are Dominican
3 decent, are really doing a fantastic job. One
4 more will do a greater, greater job, and
5 opportunity for all of us to reach the American
6 dream. I'm urging you commissioners please to
7 consider to support our petition. Our proposal
8 is fair, it's the correct thing to do. The facts
9 are there. We count on your fair decision.
10 Dominicans especially will appreciate the
11 constitutional process. In addition, please
12 consider redrawing some of those senate seats
13 that you have proposed lately. They are really
14 not beneficial, especially the 31st, you know - -
15 district. It just looks like a little baseball
16 bat. Now you know that we love baseball, but
17 this looks a little ridiculous, alright? So
18 here, keeping this community interests together,
19 I'm making one of our people to go to congress.
20 I mean, this would be a major thing for all of
21 us, and for the American society to be inclusive,
22 to give us that opportunity. I think, especially
23 right now, February, which is black history
24 month, and January we celebrated Dominican month.

1 Demographic Research and Reapportionment, 2-2-2012

2 What else can we ask for? Just your support, and
3 I will appreciate anything that you can do for
4 us. Thank you so much.

5 SENATOR NOZZOLIO: Thank you so much.

6 Any questions for Ms. Luna?

7 MS. LUNA: Any questions?

8 SENATOR NOZZOLIO: Very charming, and
9 thank you for your input. Victor Solas
10 [phonetic]? Victor Solas? Julie Kubilenti
11 [phonetic]? Julie Kubilenti? Miosotis Muñoz?
12 Miosotis Muñoz? Muñoz. Muñoz?

13 MS. MIOSOTIS MUÑOZ: Gracias.

14 SENATOR NOZZOLIO: Thank you for
15 pronouncing your name correctly so you could
16 certainly correct me. Thank you for your
17 comments.

18 MS. MUÑOZ: Well thank you for making
19 the effort. I just wanted to mention, my dad was
20 kind of humorous in calling me forget-me-not,
21 which is what Miosotis means. So that's the
22 humor behind it. Most people will call me
23 mitosis or meiosis, so I thank you for not
24 calling me that. I stand before you as a member

1 Demographic Research and Reapportionment, 2-2-2012

2 of - - and I am also here to support my district
3 leader, Maria Luna. As she mentioned, we don't
4 always get along, but in times like this and this
5 wonderful system that we call our American
6 system, we must look into fairness, and this is
7 why I am here as well. Greetings to all. As our
8 brave founders of our great nation, and I am both
9 African-American and Dominican, so I get to
10 benefit from the greatest nation in the world
11 that brings everyone together, and this is what
12 our district represents. I am calling for what
13 is taxation with representation. For this
14 reason, I am calling that you please consider,
15 kindly consider, a new Latino district. We can
16 no longer be heard by the division that can often
17 come about when there isn't the kind of fairness
18 in the ability to be represented not only at the
19 state level or at the city level, but also at the
20 federal level. I'll just give you, and I'll speak
21 from the heart, a few years ago I recall when we
22 just had a black and Puerto Rican caucus. Then
23 it became the black, Puerto Rican and Latino
24 caucus. Then it became the black, the Puerto

1 Demographic Research and Reapportionment, 2-2-2012

2 Rican, the Latino, and the Asian caucus. Just to
3 give you a sense of how much we've grown, as our
4 fast growing Dominican population, we've gone
5 beyond Ellis Island or Washington Heights, and
6 everyone here knows Washington Heights has become
7 our Ellis Island. And we would like to be able
8 to be connected with neighboring communities such
9 as West Bronx, not only Northern Manhattan, but
10 also Corona Queens. We share similar grounds in
11 the areas of cultural, business, civic
12 institutions, and we want a seat that does not
13 create any disruption to our neighboring
14 communities, but will further strengthen our
15 democratic system by having fair apportionment.
16 It will make a huge difference for future
17 generations with regards to spending, and the
18 need for us to have representation on the federal
19 level in terms of having economic development, an
20 increase in housing programs that are more
21 reflective of the specific communities. So
22 again, I would like to urge you to please take
23 this brave historical step of creating a new
24 Latino district and keeping alive the belief of

1 Demographic Research and Reapportionment, 2-2-2012

2 our founding founders who believe in taxation
3 with representation, which is all we're coming
4 here to do today is ask the same of you. Thank
5 you very much.

6 SENATOR NOZZOLIO: Thank you very much.
7 Elizabeth Bonila? Elizabeth Bonila? Council
8 member Jumaane Williams?

9 MR. JUMAANE WILLIAMS, NEW YORK CITY
10 COUNCIL, 45TH DISTRICT: Afternoon.

11 SENATOR NOZZOLIO: Good afternoon.

12 MR. WILLIAMS: Thank you for the
13 opportunity. I've got to give a shout out to my
14 Brooklyn center - - I'm going to be brief, just
15 make a few comments. Also, I'm by no means an
16 expert on this, I'm still learning as I'm going
17 along, and I'm still trying to figure out what
18 the maps mean and what they mean for everybody in
19 New York City. Still just having peripherally
20 gone over and looked over some data, I'm sort of
21 dismayed at what I've seen. By the way, my name
22 is Jumaane Williams. I'm a council member for
23 the 45th district in Brooklyn, representing
24 Flatbush, parts of Millwood - -. Under the

1 Demographic Research and Reapportionment, 2-2-2012

2 proposed new lines, the average vote for the
3 state senate by New York City resident weighs
4 7.3% less than the average vote cast upstate. I
5 believe this weakens New York City voters' voice
6 in Albany, and it particularly weakens the voice
7 of communities of more color. In the task force
8 proposed map, every district in New York City is
9 more than 3% larger than the average district
10 size. My proposed state senate district, the
11 21st, deviates 3.47% from the average. By
12 contrast, the population of almost every district
13 north of Westchester is more 4.5% smaller than
14 the average sized district. Governor Cuomo was
15 right to propose a 1% deviation. This limits the
16 ability of partisan politics and parlor tricks
17 like the maps presented last week. It is evident
18 that politics, above anything else, played a part
19 in these negotiations. After so many Albany
20 legislators, including senate minority leader - -
21 pledged to be heroes of the reform. Legislators
22 were deliberately drawn out of the districts they
23 represent are running to represent to benefit
24 political interests, that I think should come

1 Demographic Research and Reapportionment, 2-2-2012

2 after the voting population. Communities were
3 divided by lines that anyone who doesn't
4 understand how manipulative this business
5 unfortunately gets sometimes, makes no sense. My
6 suggestion is to go back completely to the
7 drawing board and focus on compactness, and the
8 one person, one vote principle. In addition, as
9 a representative of the 45th council district, I
10 support keeping these neighborhoods together so
11 as not to dilute the voice of its large Caribbean
12 community. What I saw particularly in the state
13 senate lines wasn't even gerrymandering. We need
14 a new name, maybe gerrymassivemandering or gerry-
15 it's power by any means necessary mandering. It
16 was absurd and obscene, I believe, to the voters
17 of the state. Now I do have to say, if it was a
18 majority democrat, some of the same behavior may
19 have been displayed. The fact of the matter,
20 it's not, so the discussion can only be where it
21 is, that is with the Republican majority. I do
22 know that there was some funky districts in
23 assembly as well upstate, but nothing even
24 remotely close to what's being done in the state

1 Demographic Research and Reapportionment, 2-2-2012

2 senate level. And what--I felt like it was just
3 a flip of the bird to voters, like we don't even
4 care. We're not even trying to hide it, we're
5 not even going to pretend that we're trying to do
6 one vote, one person, or compactness. We're just
7 going to do whatever humanly possible, by any
8 means, to keep power. And I think that, as I
9 said, is obscene, absurd, and needs to be
10 reviewed. Thank you very much.

11 SENATOR NOZZOLIO: Thank you.

12 MR. MCENENY: Thank you councilman.

13 SENATOR NOZZOLIO: Diane Lapson?

14 MS. DIANE LAPSON, INDEPENDENT TENANTS
15 ASSOCIATION: First I have to say I don't know
16 how you have the patience to do this because I'm
17 ready to have a nervous breakdown. So
18 congratulations. Thank you very much for this
19 opportunity. I'm the president of a very large
20 tenant association in lower Manhattan, where we
21 have over 3,500 people. It's sort of like a
22 small city. And I'm a member of the community
23 board, number one. I work with the Department of
24 Health on many 9/11 issues. I have a lot of

1 Demographic Research and Reapportionment, 2-2-2012

2 titles downtown, so I don't really just represent
3 my tenant association. I'm talking about lower
4 Manhattan, which is, according to the new map,
5 the west side is sliced off, and I'm particularly
6 concerned with from Canal Street down.

7 SENATOR NOZZOLIO: Which senate
8 assembly? Which one?

9 MS. LAPSON: We are now in district 25,
10 and this is proposed district 26.

11 SENATOR NOZZOLIO: Senate you're into?

12 MS. LAPSON: Senate, yes, sorry. I and
13 many other people downtown strongly feel that
14 lower Manhattan has special needs. I know people
15 are sick of hearing about 9/11, but truthfully,
16 although over 10 years has passed, the damage
17 from being witness to the worst attack on
18 American soil ever is never going away. I mean,
19 I and thousands of people who live here or worked
20 here or went to school here, there isn't one day
21 that goes by that we do not remember 9/11. I see
22 it in my head when I go to sleep, I see it when I
23 wake up. Yes I've moved on, because everyone's
24 back to work and whatever, but this is just the

1 Demographic Research and Reapportionment, 2-2-2012

2 reality. And lower Manhattan, we share this
3 bond. It's almost impossible for people who
4 didn't live here or go to school or work here, to
5 understand even what we went through. I have so
6 many people who have told me, even my friends
7 from the Upper West Side, okay, well now time has
8 passed, you have to get on with it. I don't know
9 how many generations, maybe three, before we get
10 on with it downtown. We're rebuilding, we have
11 constant construction going on, so it's really
12 hard to forget what happened. But you know, the
13 images that we saw will stay forever. So
14 separating lower Manhattan into two different
15 districts suddenly, with one district being a
16 small strip on our West Side, my building,
17 Independence Plaza, is part of that cut off. To
18 me it's very insensitive, and it's really--it
19 must have been decided by people who do not live
20 or work downtown, because if you knew what we've
21 been through since 9/11, you would understand
22 that the community heals, it was the community
23 that healed us. We didn't have any assistance
24 from anyone. We had to fight for every single

1 Demographic Research and Reapportionment, 2-2-2012

2 thing, and our elected officials were there for
3 us. We had to fight for the environment, we had
4 to fight for this health bill, we had to fight
5 for rebuilding schools. Every single thing
6 that's happened downtown, sadly, much to my
7 disappointment, was not a gift saying you know
8 what, you're American citizens and you've been
9 victims, you're still on your own. And we've
10 been on our own. So my plea is to keep lower
11 Manhattan together. We can't afford to be two
12 different districts. There's certain things we
13 still need to fight for together. We've been
14 through so much together, and separating a sliver
15 off the west side is--it's incomprehensible. I
16 don't know who was thinking of this to do this.
17 It means Battery Park City, my building--it means
18 literally that the people across the street from
19 me are in a different district, which is bizarre.
20 So I'm just urging that people consider what
21 happened to lower Manhattan, and you want to call
22 it special needs? It's special needs. We are a
23 district that has been damaged, and we really
24 need to tall work together with our elected

1 Demographic Research and Reapportionment, 2-2-2012

2 official who's been educated in so many of the
3 problems we have, and it's terrible if we have to
4 start from scratch with somebody new who hasn't
5 been involved in all these things. And that
6 includes the rebuilding the World Trade Center.
7 I mean, we're a part of their cut off as well.
8 I'm just urging you to think about it because
9 it's very important to us, and we've had a very
10 hard time, and we would love to have a little
11 better time. Thank you very much.

12 SENATOR NOZZOLIO: I just want to thank
13 you, Ms. Lapson, for your testimony, and unless
14 there are questions to the panel, I want to say
15 that although I come from a very faraway place
16 for you, we never forget, and always remember
17 what occurred that day, and what happened after
18 that day. I serve, also, as chairman of the
19 Crime Victims, Crime and Corrections committee,
20 and please know that I always believe that was
21 the most horrific crime ever to take place on
22 American soil. I've held many victims in my
23 arms, just as I know you probably have too. And
24 that was--participated in every September 11th

1 Demographic Research and Reapportionment, 2-2-2012

2 ceremony in my region since that fateful day.

3 And thank you for keeping the honor of those

4 victims alive by remembering them, and we

5 certainly do too. And your comments are

6 certainly appropriate. We thank you for making

7 them known.

8 MS. LAPSON: Thank you.

9 SENATOR NOZZOLIO: Robert, I cannot read

10 handwriting, it looks like Trentlan. Robert

11 Trentlan? Merril McClendonson? Merril

12 McClendonson? Joan Lavibe? Lavem? Lavide?

13 FEMALE VOICE 1: You're killing me.

14 SENATOR NOZZOLIO: Let's print these

15 where I can read them.

16 FEMALE VOICE 1: It's Lavine.

17 SENATOR NOZZOLIO: Lavine? Joan Lavine?

18 Fanya Vasilevsky? Vasilevsky? How close was I

19 Fanya?

20 MS. FANYA VASILEVSKY: Yeah, Fanya was.

21 SENATOR NOZZOLIO: Please help me for

22 the record. Please state your full name.

23 MS. VASILEVSKY: My name is Fanya

24 Vasilevsky.

1 Demographic Research and Reapportionment, 2-2-2012

2 SENATOR NOZZOLIO: Now see, Vasilevsky.

3 MS. VASILEVSKY: Yes, good afternoon.

4 SENATOR NOZZOLIO: Good afternoon.

5 MS. VASILEVSKY: And thank you for the
6 opportunity to speak at such a distinguished
7 panel. Before I talk about my concern about the
8 redistricting, I would like to make a note. It's
9 a distinguished panel, and the task force
10 members, that consist of six people, and I cannot
11 help noticing that there is no woman on your task
12 force. And on this panel, there are eight
13 members, and only one woman. And sadly, Ms.
14 Lavine is not active. I did not hear anything
15 from you. I'm sitting here since 10:30. I would
16 like your participations also.

17 MS. LAVINE: - - members, but thank you.

18 MS. VASILEVSKY: Okay, I'm sorry. But
19 now I want to go back to issue that brought me
20 here, the redistricting. I want first to tell
21 you who I am, so you know what I am coming from.
22 I am a volunteer since 1975, and I'm registered
23 since 1981, the year that I became a US citizen.
24 I have 21 years work and experience in federal

1 Demographic Research and Reapportionment, 2-2-2012

2 government as a civil service. Right now, I'm
3 retired and enjoy and exercise my right to be
4 politically involved, because working for the
5 federal government, I was not allowed to actively
6 involve in politics. As you, I don't know if you
7 know of the Hedge Act. This is one of the
8 senators from Utah. He introduced the bill that
9 we were not allowed to be politically involved.
10 Right now I am okay. I am a president of
11 Sisterhood of - - Brighton Beach, I am a former
12 president of - - associations in Brighton Beach.
13 I was working there for seven years as a
14 volunteer. I worked on several elections, door
15 to door, registering votes, collecting
16 signatures, advising citizens to vote. So I know
17 my community, I talk to people, they know me. I
18 want to describe briefly the community that I am
19 representing. It's a Russian speaking community
20 that encompasses not only immigrants from Russia,
21 but from the former Soviet Union, which includes
22 another 15 independent states right now. Plus,
23 we are not enjoying influx of people from
24 immigrants from Eastern Europe that also have

1 Demographic Research and Reapportionment, 2-2-2012

2 shared the same background that we are, which
3 means life under totalitarian regime. Now we do
4 enjoy our life in the United States. We share
5 the same background, the same interests. We are
6 Russian speaking and people who come from Eastern
7 Europe consist of more than 40% of the population
8 in our community. And this community consists,
9 I'm talking right now only about Brighton Beach
10 area. It's Brighton Beach area, it's Coney
11 Island area, it's Manhattan Beach, it's Shipshead
12 Bay, and it's Millwood [phonetic]. Right now I'm
13 talking, because there are - - of Brooklyn and
14 Manhattan that--there are other packets, but
15 right now I am talking about area where I live.
16 We were actively involved in political life, and
17 believe me, we vote. We made a difference in
18 last several elections. We made a difference in
19 mayoral elections to elect our mayor. I don't
20 know whether we were right or wrong, but we did
21 it at this point. We made a difference electing
22 US congressman from our district. So I urge you
23 to listen to us. Last time, I testified I was
24 very timid because it was new for me. You have

1 Demographic Research and Reapportionment, 2-2-2012

2 to understand although I am almost 40 years in
3 the United States, this process still overwhelms
4 me because looking at what's going on right now
5 in Russia, and compare what we can do, at least
6 you're listening to me. I don't know how you're
7 going to react to it, but at least I have a voice
8 to say what I want to say, and not be afraid to
9 be put in jail or to be exiled or whatever. And
10 unless Putin resigns, we're going to have a lot
11 of people coming from the former Soviet Union and
12 from Russia. So I urge you to look. I made
13 several maps, and actually I have a question for
14 you. After looking at proposed senate district
15 seat number 23, which includes Brighton Beach and
16 Coney Island Avenue where I live, I have several
17 copies, if you would please look and give me an
18 answer, what was the reason of our region, our
19 district to be sliced in four parts, and my home
20 connected to--I don't know, is this Staten Island
21 or Richmond? Far, far away. Can I show you?
22 Can I?

23 SENATOR NOZZOLIO: Sure.

24 MS. VASILEVSKY: Thank you. - - from

1 Demographic Research and Reapportionment, 2-2-2012

2 what I understand, the Republicans have more say
3 in senate.

4 SENATOR NOZZOLIO: Yeah. Would you
5 please repeat--

6 MS. VASILEVSKY: [interposing] The
7 question?

8 SENATOR NOZZOLIO: The question.

9 MS. VASILEVSKY: Yes, if you can look at
10 the map, you can see where there is, down on the
11 south, there is a small community that has
12 crossed - - like you know, that's where I live.

13 SENATOR NOZZOLIO: X marks the spot?

14 MS. VASILEVSKY: Yes, X. What is the
15 reason why my community is connected to a large--
16 I don't know, what is it, Staten Island or where
17 Richmond is?

18 SENATOR NOZZOLIO: Staten Island.

19 MS. VASILEVSKY: Why my community is
20 connected to so far away community?

21 SENATOR NOZZOLIO: That's a very
22 appropriate question and I hope I can give you a
23 partial answer.

24 MS. VASILEVSKY: Okay.

1 Demographic Research and Reapportionment, 2-2-2012

2 SENATOR NOZZOLIO: The county of
3 Richmond, Staten Island, has more population than
4 one senatorial district. So there's the yellow
5 portion that you highlighted. It's a portion
6 that has--a district was created, and this would
7 be the additional population. You have to do
8 something with that additional population, you
9 can't put it in Staten Island because it's
10 already over the limit. So you have to connect
11 it with the nearest county, and that's Kings.
12 This district was connected with your home, and
13 because your home is right on the border, and
14 that's the reason.

15 MS. VASILEVSKY: Well what happened, our
16 community right now, according to proposed map,
17 is split into four different districts, and just
18 being a volunteer activist, I know how difficult
19 it would be for us to have a voice if we are
20 split. For example, Oriental Boulevard, which is
21 Manhattan Beach, is connected to downtown
22 Brooklyn. We would like together to be intact,
23 Brighton Beach, Coney Island, Manhattan Beach,
24 Shipshead Bay, and Millwood. These would be a

1 Demographic Research and Reapportionment, 2-2-2012

2 very solid block, and believe me, our community
3 contributed, as it exists right now--it has been
4 existing for 30 years, since 1975, that I came to
5 this country. That community was very, like,
6 broken. There was not much taxpayer's money
7 coming out, there were no businesses, they were a
8 dying community. When immigrants like myself
9 came, we built up this community into driving,
10 full-fledged democratic community. Why do you--
11 please, we're asking you not to split it, and
12 keep us together so we can contribute to this
13 beautiful country.

14 SENATOR NOZZOLIO: Well thank you for
15 your testimony, and you have placed your opinion
16 on the official record, and that is certainly
17 part of it, and thank you very much for making
18 your opinions known.

19 MS. VASILEVSKY: Yes, I hope it that it
20 will be not only placed on my record, I hope that
21 you as a panel will consider and redraw the
22 lines.

23 SENATOR NOZZOLIO: It certainly will be
24 considered. I can't promise that it will be

1 Demographic Research and Reapportionment, 2-2-2012

2 resolved to your satisfaction, but it certainly
3 will be considered.

4 MS. VASILEVSKY: Okay, thank you.

5 SENATOR NOZZOLIO: Thank you very much
6 for your input. Henry Calderone? Henry
7 Calderone? Reverend Conrad Tillard? Reverend
8 Conrad Tillard? Carmen Acosta?

9 FEMALE VOICE 1: Bingo.

10 SENATOR NOZZOLIO: Good afternoon, good
11 afternoon.

12 MS. CARMEN ACOSTA: Good afternoon lady
13 and gentlemen.

14 SENATOR NOZZOLIO: I hope you're
15 referring to all of us in terms of the gentlemen.

16 MS. ACOSTA: Gentlemen, of course. But
17 particularly to the lady who highly represents
18 us, and I'm with my Russian friend counterpart
19 here. I said that previously, my last testimony,
20 and I want to thank you for supporting that. And
21 I'm here today. My name is Carmen Acosta, and I
22 just want to mention that there's some things
23 that I've been hearing. I understand that the
24 proposed district map, they call it for district

1 Demographic Research and Reapportionment, 2-2-2012

2 31, they've called it Chile. Maria Luna called
3 it like a small skinny bat. And I don't know
4 what other names have been given to the lines
5 that have been drawn there, but what I really
6 think happened was that you guys were influenced
7 by Tiny Tim, and his song that said, tiptoe
8 through tulips, through the garden. Because
9 obviously someone who, you know, is being--that
10 music's being pumped, might affect the lines
11 itself. So I think that's what happened in my
12 opinion. Greetings to everyone here, and I know
13 it's late, but I thank you for the opportunity to
14 participate in this great democracy. For the
15 record, like I said, I previously submitted
16 testimony before you on the matter of drawing
17 district lines that are consistent, and do adhere
18 to the principles set forth in the Voting Rights
19 Act. Today I am here because this committee,
20 which was charged with making sure that those
21 principles were conclusively adopted, has failed
22 minority communities across the boroughs. Many
23 have come before you, like myself, imploring for
24 fairness. You heard, recorded, I'm sure you

1 Demographic Research and Reapportionment, 2-2-2012

2 revisited the documentations, but you failed to
3 listen with an open mind and a willing attitude,
4 to do the right thing for communities which have
5 waited for this opportunity to make their mark on
6 the political discourse of the state, and
7 ultimately the nation. I support the lines drawn
8 on the map submitted by the Northern Manhattan
9 and West Bronx Coalition for fair representation.
10 My remarks or an addendum, or modification if you
11 will, to the testimony that I previously
12 submitted, where we supported a previous map,
13 which has not been modified. What is imperative
14 is that at the end, the spirit of fairness
15 prevails. We're all going to go through this
16 wish-washy, we're going to wash the clothes,
17 we're going to put them back in the wash, and
18 finally fairness will prevail. I invoke the
19 spirit of the Voting Rights Act, reviewing this
20 committee's tentative maps, there is a lapse of
21 this resolve. Perhaps it is the committee's
22 intent to abide by the Voting Rights Act minimum
23 standard, but given the proposed maps, we find
24 that the change is too little to even reach this

1 Demographic Research and Reapportionment, 2-2-2012

2 level, and we still await on a congressional
3 district, which we'll call number seven for now.
4 We look at, specifically, the senatorial district
5 in New York, number 31. Definitely the process
6 failed to maintain or increase the ability of
7 minorities to elect their candidates of choice.
8 To say it simply, this is unacceptable. We have
9 to go back to the drawing board, and we urge the
10 committee to seriously consider the map submitted
11 and spoken for at yesterday's Bronx hearing,
12 please reconsider your approach of trying to
13 crack and dilute and tiptoeing through lines,
14 many years of community building, and please
15 adopt a more compact and solid, for the Northern
16 Manhattan, and West Bronx Coalition, for fair
17 representation, which is attached to the
18 testimony. And others have come here testifying
19 to that.

20 SENATOR NOZZOLIO: Excuse me, excuse me.

21 MS. ACOSTA: Yes sir?

22 SENATOR NOZZOLIO: Ms. Acosta?

23 MS. ACOSTA: Yes?

24 SENATOR NOZZOLIO: I don't know if I

1 Demographic Research and Reapportionment, 2-2-2012

2 heard you correctly, did you say that your
3 concern is with the Voting Rights compliance in
4 district number 31?

5 MS. ACOSTA: I am concerned because--
6 yes, yes, exactly so. I am concerned because
7 instead of increasing the level of
8 representation, it has been lowered, at least for
9 the Hispanic community. And in your maps itself,
10 it indicates--

11 SENATOR NOZZOLIO: [interposing] Could
12 you--do you have any numbers in terms of what it
13 currently was and what it looks forward to?

14 MS. ACOSTA: Let me just--let me--

15 SENATOR NOZZOLIO: Let me--

16 MS. ACOSTA: I know what you're trying
17 to say, that you want the numbers, and I do have
18 the numbers.

19 SENATOR NOZZOLIO: Well my numbers show
20 it being--

21 MS. ACOSTA: [interposing] The Hispanic,
22 the total population right now--

23 SENATOR NOZZOLIO: [interposing] Please
24 just bear with me, what our numbers indicate is

1 Demographic Research and Reapportionment, 2-2-2012

2 that the 31st district, of those who are the
3 total, is that the Hispanic population within
4 that district is 56.32%.

5 MS. ACOSTA: 56, correct.

6 SENATOR NOZZOLIO: And you're saying
7 that that's a minority district.

8 MS. ACOSTA: It could increase. If
9 tiptoeing and carving out little spots here and
10 there would not have happened. Instead of having
11 56, we would gone up to who knows? 60-75, you
12 don't know, right?

13 SENATOR NOZZOLIO: Could that be called
14 packing?

15 MS. ACOSTA: I'm not sure if that would
16 be called packing given the fact that this
17 community reflects that. I'm not sure because
18 packing is when you add a different element to
19 make it, you know, to make it look like it is.
20 But if the population is there, and it can be
21 reflected, why not do that? That is my only
22 concern. Why was that looking at improving and
23 not just keeping that level, that minimum level,
24 just to satisfy--

1 Demographic Research and Reapportionment, 2-2-2012

2 SENATOR NOZZOLIO: You know what it was
3 before? Do you have any information in terms of
4 what it was before the district was changed, and
5 what it was?

6 MS. ACOSTA: Well that's, like I said,
7 these maps, and let me just go back and try to
8 clarify that we have not had significant time to
9 really do the research in an in-depth, you know,
10 way. So we're actually looking at a broad
11 spectrum of numbers that were generated by the
12 new lines that has been proposed. I know these
13 are tentative lines, and they're proposed in a
14 way that I'm sure had the best heart, you know,
15 the best interest at heart. But obviously we're
16 saying these do not reflect our community. We
17 know it can be better, we know we can have a
18 higher percentage of involvement if the community
19 is tight, okay? If the community is given those
20 tools, and the support that it needs to make a
21 decision in unison.

22 SENATOR NOZZOLIO: Does that take
23 Hispanic population away from another district
24 and make that other district, by definition,

1 Demographic Research and Reapportionment, 2-2-2012

2 weaker, according to your assessments, and less
3 of a majority minority? I guess it's not a one
4 way or another.

5 MS. ACOSTA: And I understand that. I
6 understand that dynamic, that we're trying to
7 please everybody, and some of us will not be
8 pleased. But take into consideration the hard
9 work of this community for many years, and the
10 kind of exponential growth that we've had. And
11 if we just tie, if we look at it much more
12 closely, in a more microscopic way, and
13 understand where the flow is going, I think we
14 can do a better job. Do you not agree that a
15 better job can be done? I know this is
16 tentative.

17 SENATOR NOZZOLIO: Absolutely, and we're
18 trying to improve--that's the purpose of this
19 hearing is trying to improve every district that
20 we can.

21 MS. ACOSTA: Absolutely.

22 SENATOR NOZZOLIO: But I guess I'm just
23 asking you to help us in terms of how, as long as
24 we don't hurt another district.

1 Demographic Research and Reapportionment, 2-2-2012

2 MS. ACOSTA: And I'm with you there, and
3 I see that that is exactly what you need. You
4 need for us to come to you, and that's why I'm
5 here, and say you know what, Michael, please look
6 at this. We have this data that can support a
7 stronger, a more unified, you know, district.

8 SENATOR NOZZOLIO: Feel free, if you
9 don't have that information today, to submit it
10 as soon as you can.

11 MS. ACOSTA: Absolutely, and I did get
12 the information from the ladies outside to send
13 in more information, because this is a work in
14 progress, and I know that we're going to be
15 helping each other in this progress. But I want
16 you to listen and to be more inclined, not to
17 stand on your own grounds when the whole
18 community is coming to you and saying look, it
19 can be better, we can do this. So that's all I'm
20 asking. I want to thank you for the opportunity.
21 This is--okay yeah, okay Maria Luna has just told
22 me that it was 57.3%, and that it's now 56%.
23 Yeah I understood it's just 1% variance, and
24 that's not a big thing. But let me tell you

1 Demographic Research and Reapportionment, 2-2-2012

2 something, it is when it comes a Hispanic
3 population that we have nurtured for years, and
4 rebuilding and working, and working to bring it
5 to the level where it can maximize participation
6 in a process that needs our participation.

7 SENATOR NOZZOLIO: And I want you to
8 feel free to continue that participation. Your
9 testimony today is very helpful, and please feel
10 free to continue to provide information to the
11 task force. Again, we're out here trying to
12 improve every plan, every district within the
13 plan, that we possibly can.

14 MS. ACOSTA: Thank you so much for the
15 hard work you've been asked to do, and we're
16 going to help you with that hard work. And
17 Debra, keep here, keep present.

18 MS. DEBRA COOPER: Thank you.

19 MR. MCENENY: Thank you for coming.

20 SENATOR NOZZOLIO: Thank you very much.
21 Dr. B.M. Marcus? Dr. B.M. Marcus? Sidney
22 Parker? Good afternoon Mr. Parker.

23 MR. SIDNEY PARKER, ON BEHALF OF

24 CONGRESSWOMAN YVETTE CLARKE: Good afternoon. To

1 Demographic Research and Reapportionment, 2-2-2012

2 the members of the New York State Task Force on
3 Demographic Research and Reapportionment, good
4 afternoon, my name is Sidney Parker. I thank you
5 for allowing me this opportunity to testimony and
6 to submit testimony on behalf of Congresswoman
7 Yvette D. Clarke. I'm basically going to give
8 her response. I would also like to take this
9 time to express my support for, and to submit for
10 your consideration, the proposed 11th
11 congressional district, which was originally
12 presented to you on August 4, 2011, and again on
13 September 20, 2012, by Congresswoman Yvette D.
14 Clarke. The statement of representative Yvette
15 D. Clarke reads as follows.

16 SENATOR NOZZOLIO: Excuse me Mr. Parker,
17 is this the exact same thing that was read at the
18 last hearing, verbatim?

19 MR. PARKER: I don't believe so.

20 SENATOR NOZZOLIO: Okay, thank you.

21 MR. PARKER: Thank you for allowing Mr.
22 Sidney Parker to read my statement in my
23 absences. As you are aware, congress is
24 presently in session and I am currently in

1 Demographic Research and Reapportionment, 2-2-2012

2 Washington D.C. I would like to begin by
3 expressing my gratitude to you for providing an
4 additional opportunity to testimony before this
5 body. This is my third opportunity to submit a
6 proposed map for the 11th congressional district
7 to you. In addition to providing further support
8 of the maps previously submitted, and in the
9 spirit of fairness and expediency, I would like
10 to encourage LATFOR to complete its drawing of
11 congressional boundaries in time for the 2012
12 primary election cycle. I trust that LATFOR will
13 continue on in its commitment to transparency and
14 fairness in the conclusion of this process. A
15 number of proposed maps depicting proposals for
16 the 11th congressional district have been
17 presented to this body for your consideration.
18 However, after careful consideration and
19 consultation, the attached proposed map includes
20 the map that maximizes the black voting age
21 population of Brooklyn in such a way that it
22 strengthens both the 11th and 10th congressional
23 districts, and adheres the most to the tenets of
24 the Voting Rights Act of 1965. In addition to

1 Demographic Research and Reapportionment, 2-2-2012

2 the documents and files depicting a proposed
3 draft the 11th congressional district recently
4 submitted, I am also submitting the following
5 documents and files, which depict alternative
6 solutions to the proposed 10th and 12th
7 congressional districts. These proposals are
8 being presented as examples of how the proposed
9 11th congressional district may be adopted as
10 illustrated, while simultaneously maximizing the
11 number of black voting age populations in the
12 10th congressional district, and maintaining the
13 Hispanic voting age population of the 12th
14 congressional district. 10th congressional
15 district proposed district, 10th congressional
16 district data - - 12th congressional district
17 proposed district Queens County New York, and
18 Kings County. It should be noted that the most
19 demographic change lies with the 11th
20 congressional district. As you already know, the
21 11th congressional district has increased by
22 nearly 90,000 in order to meet the population
23 requirements of 717,707. Upon a review of 2010
24 census data and all related census supporting

1 Demographic Research and Reapportionment, 2-2-2012

2 documents, I have concluded that the best method
3 to achieve the goals of the Voting Rights Act and
4 expand the population would be to maintain
5 communities of interest by increasing - - to the
6 southwest. In the interest of time, I direct you
7 to see my proposed testimony before the New York
8 State Legislative Task Force on Demographic
9 Research and Reapportionment on August 4, 2011,
10 and September 20, 2011, respectively. At the
11 September 20, 2011 LATFOR hearing, I submitted
12 further testimony before LATFOR to present,
13 advocate, and defend the proposed configuration
14 for the 11th congressional district as initially
15 submitted on August 4, 2011. In addition to my
16 testimony, a contingent of your colleagues in the
17 New York State government likewise confirmed, on
18 the record, their public support for the proposed
19 11th congressional district, as introduced by me.
20 A number of community leaders also expressed
21 their support for the proposed 11th congressional
22 district with either written or oral testimony,
23 or both, at the September 20, 2011 hearing, as
24 well as on yesterday at the Brooklyn hearing.

1 Demographic Research and Reapportionment, 2-2-2012

2 The support for the proposed 11th congressional
3 district has been overwhelming clear as rumors of
4 this existence continue to permeate the
5 community. Other civic groups who have embarked
6 on - - proposed versions of various New York
7 State proposed state and federal districts have
8 requested copies of the proposed 11th
9 congressional district that I submitted before
10 this honorable committee for review and
11 consideration, to use as a guide for their own
12 proposed lines. The map, as proposed, is the
13 epitome of congressional that is free from
14 political gerrymandering, discriminatory effects,
15 retrogression, and holds true to - - tenets of
16 the Voting Rights Act of 1965. I have presented
17 to you a proposed configuration of the 10th
18 congressional district that maximizes the black
19 voting age population within the proposed
20 district. This map represents a stronger
21 solution for achieving a Voting Rights Act
22 compliant district than other proposed maps.
23 There are configurations that have been presented
24 with a black - - for the proposed 10th

1 Demographic Research and Reapportionment, 2-2-2012

2 congressional district is merely 53.4%. Although
3 this number satisfies the minority majority
4 requirement of the Voting Rights Act, it does so
5 at its bare minimum, and represents a significant
6 decrease from the - - percentages achieved in the
7 2000 redistricting cycle. There's case law that
8 follows the proposition that a deviation from
9 prior redistricting cycles is evidence of a
10 violation of section five requirements. Section
11 five covered districts such as the 11th
12 congressional district is prohibited from
13 adopting voting changes that hare a retrogressive
14 effect, as well as districts that potentially
15 places black voters in a worse position than if
16 the change did not occur, proposed 12th
17 congressional district. Attached for your review
18 is a proposed configuration for the 12th
19 congressional district. The proposed
20 configuration is presented mainly as an example
21 that it is possible to achieve three section five
22 compliant congressional districts, with voting
23 age populations that are greater than the other
24 proposed models that have been submitted for

1 Demographic Research and Reapportionment, 2-2-2012

2 consideration. I respectfully request that this
3 honorable committee give the attached districts
4 your utmost consideration in your deliberation.

5 As stated above, I would like to urge LATFOR to
6 complete its drawing of congressional boundaries
7 in time for the 2012 primary election cycle.

8 Very truly yours, Yvette D. Clarke, member of
9 congress. That's it.

10 SENATOR NOZZOLIO: Thank you very much.

11 Robert Jackson? Robert Jackson? Doherty
12 Joredan [phonetic]? Doherty Joredan? That
13 concludes the list as we have read. I will call
14 those who were called earlier, but have not
15 responded. Roger Hers [phonetic], Ken Pescar
16 [phonetic], Councilman David Greenfield, Michael
17 McKee. Thank you Mr. McKee.

18 MR. MICHAEL MCKEE, TENANTS POLITICAL
19 ACTION ASSOCIATION: Thank you Senator. Good
20 afternoon gentlemen, ladies, lady. My name is
21 Michael McKee. I'm the treasurer of the Tenants
22 Political Action Committee. When I testified
23 before this task force last September, I
24 expressed a good deal of skepticism about what

1 Demographic Research and Reapportionment, 2-2-2012

2 you were already planning behind closed doors.

3 Now it turns out that I was not skeptical enough.

4 The legislative lines recently released by this
5 task force leave observers grasping for adequate
6 adjectives and nouns to describe your process and
7 your product; hutzpah, gall, maddening, insane,
8 blatant, all deficient to express the appropriate
9 outrage. I guess up to your old tricks is also
10 inadequate, as the proposed district lines are
11 even more outrageous this time than in the last
12 several decades. While my testimony will focus
13 on the state senate lines, the assembly majority
14 must share the blame. It was no surprising that
15 assembly member McEneny was recently quoted as
16 acknowledging the reality of this bipartisan
17 gerrymandering exercise. "As a practical matter,
18 they draw their lines, we draw our lines." Not
19 surprising, but appalling. What the LATFOR
20 proposal amounts to is robbing New Yorkers of our
21 rights to choose our representatives. Instead,
22 as expected, you are protecting incumbents of the
23 majority parties and unfairly tilting the playing
24 field to help the majority parties preserve in

1 Demographic Research and Reapportionment, 2-2-2012

2 the case of the state senate Republicans, or
3 enhance in the case of the state assembly
4 democrats, their majorities. Some comments on
5 your proposed state senate districts: 1. LATFOR
6 proposes to pit six democratic incumbent senators
7 against each other. As I testified last
8 September, the locations of residences of
9 incumbent legislators should not be considered in
10 drawing lines. A fair independent process of
11 redrawing districts might well result in two
12 incumbents finding themselves in the same
13 district. But what this task force has done is
14 clearly partisan. Only democratic senators have
15 been so treated, and so many of them. 2. The
16 shapes of some of the senate district defy
17 description. Reporters have done a wonderful job
18 of giving these operational shapes great
19 nicknames, but it's not funny, and the issue is
20 not the shapes. The issue is the fact that the
21 absurd lines are unrelated to anything other than
22 scooping up every possible voter of a particular
23 party, regardless of how much that distorts the
24 result. 3. You have taken the variations in

1 Demographic Research and Reapportionment, 2-2-2012

2 district sizes to extremes. Even in the 2002
3 gerrymandering, only 19 of 62 senate districts
4 had variations exceeding 3%. In your new plan,
5 50 of 63 proposed districts are more than 3%
6 larger or smaller than the average population
7 size. 4. This manipulation of population
8 clearly is designed to deny fair representation
9 to New York City. You over-populate New York
10 City districts and you under-populate all senate
11 districts north of Westchester County, in a clear
12 attempt to preserve the narrow Republican
13 majority. 5. The proposed 63rd senate district
14 is perhaps the most blatant example of how this
15 process has been corrupted to help protect the
16 Republican majority. Whether the courts rule
17 that adding a 63rd seat is legal or illegal, your
18 proposal is politically indefensible. Upstate
19 New York has lost population in the last decade.
20 New York City population has grown. The problem
21 is not which region grew faster, the problem is
22 relative population distribution between the
23 regions. By this test, the LATFOR plan fails
24 utterly to provide fair representation. Fairness

1 Demographic Research and Reapportionment, 2-2-2012

2 would require that a 63rd district be in New York
3 City. And now we are told by informed sources
4 that there are other, somewhat less
5 objectionable, district lines being held in
6 reserve to be released later, after you
7 supposedly listen to comments by the public. If
8 that is indeed what is going on with this task
9 force, you are adding to the disrespect that the
10 public already feels toward the state
11 legislature. We are extremely grateful that
12 Governor Cuomo has promised to veto these lines,
13 and we look forward to the Governor's employing
14 his considerable persuasive powers to get across
15 to the public just how wrong this process, and
16 this product, have proved to be. Again, not
17 surprising, but nevertheless appalling. We
18 comment Common Cause New York for drawing fair
19 and impartial lines for the next decade, and
20 suggest that this task force should adopt the
21 Common Cause lines as your own; not only for the
22 state legislature, but for congress as well,
23 since you don't seem to be able to deal with that
24 part of the task in a timely manner. The public

1 Demographic Research and Reapportionment, 2-2-2012

2 anger with this task force will continue until we
3 finally achieve fair and honest reapportionment.

4 Thank you very much.

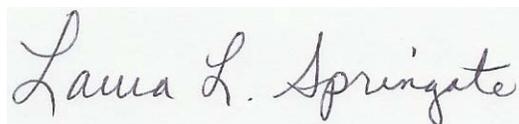
5 SENATOR NOZZOLIO: Thank you. Lou
6 Spersky [phonetic]? Supersky, Lou Supersky? Max
7 Lavine? Fidel Molida? Ariel Fiera? Julie
8 Kubilenti? Elizabeth Bonila? Sidney Parker?
9 Robert Trentlan? Merrill McClendonson? Joan
10 Lavine? Henry Calderone? Reverend Conrad
11 Tillard? And Dr. B.M. Marcus? Anyone else
12 wishing to testify? Hearing no one else, this
13 hearing is adjourned. Thank you.

14 MR. MCENENY: 30 people testified, if
15 anybody's keeping score. And others submitted
16 testimony in addition.

Demographic Research and Reapportionment, 02-02-12

C E R T I F I C A T E

I, Laura L. Springate, do hereby certify that the foregoing typewritten transcription, consisting of pages number 1 to 121, inclusive, is a true record prepared by me and completed from materials provided to me.

A handwritten signature in cursive script that reads "Laura L. Springate". The signature is written in black ink on a light-colored background.

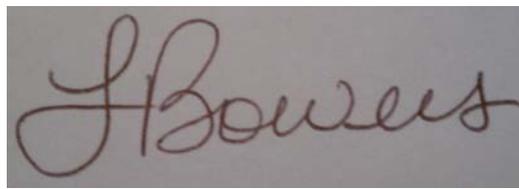
Laura L. Springate,
Transcriptionist

February 7, 2012

Demographic Research and Reapportionment, 02-02-12

C E R T I F I C A T E

I, Lindsey Bowers, do hereby certify that the foregoing typewritten transcription, consisting of pages number 1 to 89, inclusive, is a true record prepared by me and completed from materials provided to me.

A rectangular box containing a handwritten signature in dark ink. The signature is written in a cursive style and appears to read "L Bowers".

Lindsey Bowers, Transcriptionist

February 7, 2012



**NEW YORK STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT
PUBLIC HEARING ON CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING 02/02/2012– 10:30 A.M.
250 BROADWAY, 19TH FLOOR ASSEMBLY HEARING ROOM, NEW YORK, NY 10007**

SPEAKERS LIST:

1. CHRISTINA CHANG, ACCORD
2. FRANZ LEICHTER, FMR SENATOR
3. GLENN MAGPANTAY – DIRECTOR OF DEMOCRACY PROGRAM, ASIAN AMERICAN LEGAL DEFENSE AND EDUCATION FUND
4. ASSEMBLY MEMBER ANNETTE ROBINSON, 56TH AD
5. BARBARA ZUCKER, WOMENS CITY CLUB OF NY
6. DEBRA COOPER, DEMOCRATIC STATE COMMITTEEWOMAN 67TH A.D.
7. ALLISON TUPPER, ACT NOW
8. HENRY STERN
9. SUSAN RUBENSTEIN, CHAIR, COMMON CAUSE, NEW YORK BOARD
10. SUSAN LERNER, COMMON CAUSE NY
11. BETSY MALCOLM, ACT NOW
12. KEN PASKAR, VICE PRESIDENT, LOWER MANHATTAN DEMOCRATS
13. HEATHER ROBERSON, CHAIR, BOARD OF DIRECTORS, ACT NOW
14. CAROLYN STEVENS, WESTCHESTER COUNTY LEAGUE OF WOMEN VOTERS
15. CURTIS ARLUCK, DEMOCRATIC DISTRICT LEADER, 69TH AD
16. MAE LEE, EXECUTIVE DIRECTOR, CHINESE PROGRESSIVE ASSOCIATION, ACCORD (ASIAN AMERICAN COMMUNITY COALITION ON REDISTRICTING AND DEMOCRACY)
17. ALEX CAMARDA, CITIZENS UNION
18. RACHEL FAUSS, CITIZENS UNION
19. COUNCIL WOMAN GALE BREWER
20. RUBEN DARIO VARGAS

21. PLACIDO RODRIGUEZ
22. GAIL ADDIS
23. MARISOL ALCANTARA
24. MARIA LUNA
25. MIOSOTIS MUÑOZ
26. JUMAANE WILLIAMS, NYC CITY COUNCIL, 45TH DISTRICT
27. DIANE LAPSON, INDEPENDENT TENANTS ASSOCIATION
28. FANYA VASILEVSKY
29. CARMEN ACOSTA
30. SIDNEY PARKER, ON BEHALF OF CONGRESSWOMAN YVETTE CLARKE
31. MICHAEL MCKEE, TENANTS POLITICAL ACTION ASSOCIATION

NEW YORK STATE
LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND
REAPPORTIONMENT

PUBLIC HEARING
CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING

Queens Borough Hall, Rm 213
120-55 Queens Boulevard
Kew Gardens, New York
Tuesday, February 7, 2012
3:00 p.m.

Congressional/State Legislative Redistricting 2-7-12

TASK FORCE MEMBERS PRESENT:

SENATOR MICHAEL F. NOZZOLIO, Co-Chair

ASSEMBLY MEMBER JOHN J. MCENENY, Co-Chair

SENATOR MARTIN M. DILAN

ASSEMBLY MEMBER ROBERT OAKS

DEBRA LEVINE

ROMAN HEDGES

WELQUIS LOPEZ

LEWIS HOPPE

INDEX

	Page
HELEN MARSHALL QUEENS BOROUGH PRESIDENT	8
MIKE GIANARIS NYS SENATE, WESTERN QUEENS	11
TONY AVELLA NYS SENATE	18
MARK WEPRIN NYC COUNCIL MEMBER	23
RUBEN WILLS NYC COUNCIL MEMBER	28
JAMES HONG SPOKESPERSON ASIAN AMERICAN COMMUNITY COALITION ON REDISTRICTING AND DEMOCRACY	33
JERRY VATTAMALA STAFF ATTORNEY ASIAN AMERICAN LEGAL DEFENSE AND EDUCATION FUND	38
MACKENZIE YANG MEMBER OCA-NY	52
BRIGHT LIMM KOREAN AMERICANS FOR POLITICAL ADVANCEMENT	58
ANTHONY NUNZIATO	62
DANIEL HALLORAN NYC COUNCIL MEMBER	64
ALI NAJMI COMMUNITY ORGANIZER SEVA NY	70

Congressional/State Legislative Redistricting 2-7-12

GARTH MARCHANT PUBLIC CITIZEN	73
LINDA LEE KOREAN COMMUNIUTY SERVICES	77
EMMANUEL CARUANA	79
VISHNU MAHADEO PRESIDENT RICHMOND HILL ECONOMIC DEVELOPMENT COUNCIL	82
JOHN PARK DIRECTOR OF COMMUNITY DEVELOPMENT, YWCA OF QUEENS, MEMBER, ASIAN AMERICAN COMMUNITY COALITION ON REDISTRICTING AND DEMOCRACY	86
CAROL HUANG MEMBER ASIAN AMERICAN COMMUNITY COALITION ON REDISTRICTING AND DEMOCRACY	88
ANJALI CHAUDHRY ON BEHALF OF SEEMA AGNANI, CHAAYA	91
ROBERT FRIEDRICH PRESIDENT GLEN OAKS VILLAGE CO-OP/EASTERN QUEENS UNITED	96
WARREN SCHRIEBER PRESIDENT BAY TERRACE COMMUNITY ALLIANCE	101
KENNETH COHEN REGIONAL DIRECTOR NAACP	104
MICHAEL FRAGIN	107
STEVEN CHOI EXECUTIVE DIRECTOR MINKWON CENTER FOR COMMUNITY ACTION	111
DUK SUN CHANG OWNER DUK CHANG GEMSTONE CUTTER	115

Congressional/State Legislative Redistricting 2-7-12

ROBERT JACKSON NYC COUNCIL MEMBER	117
ANGELA AUGUGLIARO PRESIDENT QUEENS COLONY CIVIC ASSN	123
TOBY STAVISKY NYS SENATOR	126
JERRY WIND PRESIDENT BELLEROSE HILLSIDE CIVIC ASSOCIATION	130
DARREL SUDKHEO VOLUNTEER & COMMUNITY ACTIVIST INDO-CARIBBEAN ALLIANCE	131
NORMAN SILVERMAN BAYSWATER CIVIC ASSN	135
STEVEN GREENBERG	141
GEORGE STAMATIADIS STEINWAY ASTORIA PARTNERSHIP	143
RICHARD THUZAMI MEMBER QUEENS GENERAL ASSEMBLY	146
JOSEPH LYNCH	149
CAROL SARANO DISTRICT LEADER ASSEMBLY DISTRICT PART B	153
GEORGE MALANDRAKIS DIRECTOR OF DEPENDENCY PROGRAM HANAC	155
FRANK TONER PRESIDENT ROCKY HILL CIVIC ASSOCIATION	157
DR. ARTHUR FLUG EXECUTIVE DIRECTOR THE HARRIET & KENNETH KUPFERBERG HOLOCAUST CENTER	162

Congressional/State Legislative Redistricting 2-7-12

ARAVELLA SIMOTAS NYS ASSEMBLYMEMBER	165
DAVID WEPRIN NYS ASSEMBLY MEMBER	171
AMINTA KILAWAN RESIDENT	177
RICHARD S. DAVID EXECUTIVE DIRECTOR INDO-CARIBBEAN ALLIANCE INC.	181
DONNA RAYMOND PRESIDENT NORTH QUEENS HOMEOWNERS CIVIC ASSOCIATION OF JACKSON HEIGHTS	186
RACHANA SHAH TAKING OUR SEAT	190
FRANCES LUHMANN MCDONALD COMMUNITY ACTIVIST	196
ALBERT BALDEO PRESIDENT UNITED COMMUNITIES ALLIANCE, DISTRICT LEADER 38TH AD	200
ASHOOK RAMSARRAN GLOBAL ORGANIZATION OF PEOPLE OF INDIAN ORIGIN	207
KRIS GOUNDEN COMMUNITY ACTIVIST	212
ROHAN NARINE SHRI TRIMURTI BHAVAN MANDIR	219
MICHAEL O'KEEFFE PRESIDENT CREEDMOOR CIVIC ASSOCIATION	224
STEVEN ANTHONY BEHAR, ESQ.	226
MOHAMMED SADIQ, DIRECTOR, TAKING OUR SEAT	231

Congressional/State Legislative Redistricting 2-7-12

ELIAS TSEKERIDES PRESIDENT FEDERATION HELLENIC SOCIETIES	233
SAMUEL MASSOL ASSOCIATE DIRECTOR COMMON CAUSE NY	235
KAWAL TOTARAM, ESQ.	241
PHIL KONIGSBERG VICE PRESIDENT BAY TERRACE COMMUNITY ALLIANCE	244
BARBARA JACKSON LEFRAK CITY	246
JAMES TRIKAS VICE PRESIDENT - EAST FLUSHING CIVIC ASSOCIATION, BOARD MEMBER - ZONING AND LAND USE CHAIR - HOLLY CIVIC ASSOCIATION MEMBER - QUEENSBORO HILL ASSOCIATION BOARD MEMBER - KISSENA CORRIDOR PARK CONSERVANCY	247
LEROY GADSEN PRESIDENT JAMAICA BRANCH NAACP	255
REV. CHARLES NORRIS BETHESDA MISSIONARY BAPTIST CHURCH	275
PETER CIPRIANO CONCERNED CITIZEN	279
MAF MISBAH UDDIN PRESIDENT ALLIANCE OF SOUTH ASIAN AMERICAN LABOR	287
RONNIE K. MINOR COMMUNITY ADVOCATE/ASTORIA	290
MARIA BECCE BROADWAY HOMEOWNERS ASSOC.	294
JAE KYUNG SONG MEMBER MINKWON CENTER	299

Congressional/State Legislative Redistricting 2-7-12

MINDI JACOBS MEMBER BRIARWOOD ACTION NETWORK	302
HENRY EUTER AUBERNDALE CIVIC ASSOC.	306
JOHN BUDNICH	309
BETTY BRATON CHAIRPERSON COMMUNITY BOARD 10	314
CLAUDIA COGER RESIDENT ASTORIA HOUSES	318
COSTA CONSTANTINIDES DEMOCRATIC LEADER ASTORIA	320
MURRAY BERGER RESIDENT	324

1 Congressional/State Legislative Redistricting 2-7-12

2 (The public hearing commenced at 3:14
3 a.m.)

4 ASSEMBLY MEMBER JACK McENENY, CHAIRMAN
5 LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH
6 AND REAPPORTIONMENT: Clear the aisle.
7 Photographers please clear the aisle.

8 My name is Jack McEneny, I'm a member of
9 the Assembly, co-chair of this committee known as
10 LATFOR, which is the Legislative Task Force on
11 Redistricting. I am joined by my equivalent and
12 colleague co-chairman Mike Nozzolio from the
13 Senate. We are also joined on the Assembly side
14 by Dr. Roman Hedges, who is the citizen
15 participant. To his left is the Co-Executive
16 Director Lou Hoppe (phonetic). We may be joined
17 later by somebody who's working now in Albany and
18 that would be Bob Oaks. I'll introduce him
19 should he come here in time. And I'll pass it
20 over now to Senator Nozzolio.

21 SENATOR NOZZOLIO: Thank you very much
22 Assemblyman McEneny.

23 Good afternoon, ladies and gentleman.
24 My name is Mike Nozzolio and I am honored to be

1 Congressional/State Legislative Redistricting 2-7-12

2 the co-chair of this task force, along with
3 Assemblyman McEneny. The Senate representatives
4 on this task force are to my right Senator Martin
5 Dilan. To his right Welquis Ray Lopez and to his
6 right the executive director of the commission
7 and that's Debra Levine.

8 This is wonderful to see such a great
9 turnout today. It's democracy in action and it
10 is the result of a suggestion made in Queens by
11 some of you who are here today. Our second
12 hearing in Queens, our 18th -- 19th hearing
13 altogether across every corner of the state.

14 The suggestion made in Queens was that
15 we have a meeting later in the day, in the
16 afternoon. And this was made by members of the
17 Asian American committee from Queens who said,
18 "Let's have this testimony opened up in the
19 afternoon, and evening," and we will be here
20 through this process.

21 The process we ask everyone, including
22 the elected officials to keep this testimony
23 orally to five minutes. Your written testimony
24 can be 500 pages, but that written testimony will

1 Congressional/State Legislative Redistricting 2-7-12

2 be submitted for the official record of the task
3 force. Your testimony is being recorded; there's
4 a camera there and a camera there that will
5 record your testimony as part of the official
6 record of the LATFOR review.

7 I'd just like to say two more things: t
8 the first is that the lines that were put out are
9 meant for your review. We know that no plan is
10 perfect and that the purpose of the hearings is
11 to take testimony from those that are most
12 affected to hear their opinions. I'm also very
13 proud, from the Senate perspective, again an
14 issue that was germinated here in this room by
15 members of the Asian American community from
16 Queens who told us last year that they wish to
17 have a Senate seat with a majority Asian
18 population. The lines as presented establish
19 that objective for the very first time in our New
20 York State's history. There is an Asian majority
21 district, Senate district in Queens as a part of
22 this proposal.

23 Other than our Borough President
24 Marshall, and we appreciate very much your

1 Congressional/State Legislative Redistricting 2-7-12

2 courtesies, your attention, your support, all the
3 work that took place to -- that you and your
4 staff engaged in to prepare this meeting room
5 today we are extremely grateful. We hear you and
6 we are going to leave it up to the elected
7 officials from the state, that normally it is a
8 courtesy that legislators present to legislators
9 when there is a hearing that legislators receive
10 the opportunity to choose when they speak. We
11 are going to leave it up to the senators and
12 assemblymen in this room, who, whether they
13 should speak in early order or whether or not
14 they should defer to the rest of the community.
15 That will be the senators and the assemblymen's
16 decision, not the panels'. Is that understood by
17 everyone?

18 Lastly we ask you to keep your comments,
19 again, to five minutes so that everyone has that
20 opportunity to speak. Thank you very much,
21 Madame Borough President. Again especially
22 thanks to you and your staff for the courtesies
23 you've extended us.

24 Oh, I'm sorry, Senator Dilan would like

1 Congressional/State Legislative Redistricting 2-7-12

2 to speak.

3 SENATOR MARTIN DILAN: I would just like
4 to say good afternoon to all and I'm very eager
5 to listen to what you have to say. And I just
6 sincerely hope that this panel does listen to you
7 and that your voices does get heard by this panel
8 and produces a final product that is fair for
9 all. Thank you.

10 SENATOR NOZZOLIO: Mr. Lopez, Mr. Hedges
11 any comments? Without further ado thank you
12 Madame Borough President.

13 ASSEMBLY MEMBER McENENY: The Honorable
14 Helen Marshall.

15 MS. HELEN MARSHALL, QUEENS BOROUGH
16 PRESIDENT: Thank you. I'm not going to read
17 from notes because (inaudible).

18 SENATOR NOZZOLIO: Madame? We really
19 need you to speak into the microphone, Helen.

20 MS. MARSHALL: Well we need one that we
21 can pick up because I want to look at you when I
22 talk to you, okay? This is a very important --
23 in the whole politics of our city this is
24 probably one of the most important meetings we've

1 Congressional/State Legislative Redistricting 2-7-12

2 ever had. I went down to Foley (phonetic) Square
3 and fought for a decent district and I also
4 helped integrate Southeast Queens, all right?
5 And it was very interesting.

6 Now the reason they put the three panel,
7 the three-judge panel in was because the past,
8 the race before, it was for a council seat and
9 they could not agree on the -- oh yeah, okay.
10 This is the wrong kind of -- all right I'll just
11 hold it, okay? Well I told you I want to see
12 their faces when I talk to them, okay?

13 Minority votes should count. It should
14 count, okay? Because this Queens is the most
15 ethnically diverse county in the whole United
16 States of America and one of the main things I
17 did here was bring together a Queens general
18 assembly to bring the people together. And we
19 live next door to one another and that's the
20 right things to do. And I know many shenanigans
21 can go on with this redistricting. I never
22 ignored redistricting. I never ignore it because
23 it's a very important time.

24 Now we're not -- we -- the last thing

1 Congressional/State Legislative Redistricting 2-7-12

2 that I did I brought it under this, under the
3 Voting Rights Act. This whole procedure, I
4 brought it into the, into the federal court and
5 the judges, the three-judge panel was very good,
6 in fact they even established a special master
7 with all the computers and everything in the
8 world. And I've been all over this borough, all
9 over it. And we moved here in 1957 and I came
10 from the Bronx, I was roaring then and I'm still
11 roaring, okay? We've got to make sure that the
12 lines are drawn properly; that's very, very
13 important. And I want to thank each and every
14 one of you to take your time out to come and
15 testify here. I think as long as we have a civil
16 discussion we'll go on, okay? I want to thank
17 you again for coming. Okay that's it.

18 ASSEMBLY MEMBER McENENY: Thank you very
19 much.

20 SENATOR NOZZOLIO: Any questions of our
21 borough president? Hearing none thank you very
22 much for your testimony.

23 The next witness -- again, there are
24 one, two senators and one, two, three -- three

1 Congressional/State Legislative Redistricting 2-7-12

2 senators and three assemblymen and council
3 members. I'll call up the first senator, Senator
4 Gianaris; it will be up to him to decide whether
5 he wishes to speak.

6 SENATOR MIKE GIANARIS, SENATOR WESTERN
7 QUEENS: I will keep to my five-minute limit and
8 just for the information I'm as interested in
9 hearing what everyone else has to say as this
10 panel that's listening to you and I'm going to
11 stay for several hours listening to the entire
12 community. So I will be here with you every step
13 of the way. Let me address my comments to the
14 panel and do this as succinctly as I can so we
15 can move on; I know there's a lot of people here
16 today.

17 I want to begin my testimony today by
18 explaining what I will not do: I will not sit
19 here and plead for this panel to change its mind
20 and include my home within the boundaries of my
21 current district, which was left overwhelmingly
22 intact in the draft plan released two weeks ago.
23 There will be plenty of community residents who
24 will testify to the sheer partisanship and

1 Congressional/State Legislative Redistricting 2-7-12

2 absurdity of the approach you have taken in that
3 regard but I'm less concerned about myself; I'm
4 more concerned about the community I represent
5 and all the people in this room. I for one will
6 not take the bait.

7 It is clear that Senate Republicans' aim
8 is to use blatant gerrymanders like that as straw
9 men to distract the public from your true
10 intentions to create artificial problems that you
11 can so generously solve in your next draft while
12 still achieving the disenfranchisement that is
13 the ultimate goal of the Senate Republicans.

14 Today you're being called out -- called
15 out for your disgraceful manipulation of the
16 democratic process to prevent communities
17 throughout this state from achieving the
18 representation their numbers warrant. We often
19 comfort ourselves in the notion that New York is
20 a progressive state, home to a proud tradition of
21 standing up for the rights of minority
22 communities. Yet the Senate Republicans belie
23 that tradition and belie us to a time long gone
24 when we saw the worst abuses of our democracy in

1 Congressional/State Legislative Redistricting 2-7-12

2 vain attempts to deny political power to entire
3 segments of our community.

4 This time the public will not be fooled,
5 not by cosmetic changes that mask the true
6 atrociousness of Senate Republicans' plans and not by
7 hollow promises of change a decade from now. The
8 only changes that could salvage this debacle
9 would entail a wholesale revision of Republicans'
10 draft map to allow minority communities the
11 representation they deserve. I'm going to offer
12 a few specific examples, I'm going to cut short
13 the number of examples I brought because I want
14 to get through this quickly but it is best
15 illustrated by showing you some maps.

16 This is a map showing what was done in
17 the draft plan to the Town of Hempstead. Color-
18 coded by minority population the deeper the blue
19 the more populace in terms of minority population
20 these districts are. The gerrymandering you've
21 done in Hempstead should be help up to students
22 throughout the nation as a prime example of
23 redistricting being use to crack minority
24 communities into multiple districts to prevent

1 Congressional/State Legislative Redistricting 2-7-12

2 them from achieving political power. Surgical
3 incisions were performed to ensure the density of
4 Hempstead's minority population is spread among
5 no fewer than four different Senate districts all
6 represented by white men. This in a town that
7 has African American representation in the
8 Assembly and two African Americans in the county
9 legislature. If you could see the map this is in
10 one district, this is in another, this is in yet
11 another, this and this are in another. This is
12 all one town, in the Town of Hempstead, yet it's
13 divided unnecessarily simply to deny
14 representation to the community there.

15 I'm going to show you Westchester as
16 well. Now in Westchester there were three
17 different cities and one Senate district that
18 were split up. What could possibly be the reason
19 Senate Republicans went to such great lengths to
20 subdivide not one, not two, but three cities in a
21 single Senate district? The City of White
22 Plains, the City of New Rochelle and the City of
23 Yonkers, the attached map reveals the answer.
24 Again you can notice how carefully District 37 is

1 Congressional/State Legislative Redistricting 2-7-12

2 expunged of minority population which goes from
3 40 percent in its current manifestation to 32
4 percent under LATFOR's proposal. Meanwhile the
5 neighboring 35th District gets packed with a
6 population removed from the 37th. Hardly a
7 coincidence. You did the same thing in
8 Rochester, you did the same thing in Suffolk
9 where the Latino community in Islip and Brentwood
10 was split three ways. You get the idea. I won't
11 go through all the maps in the interest of time.

12 But what do all these examples have in
13 common? They all use the notorious tactics
14 known as cracking and packing, where minority
15 populations are cracked among several districts
16 to prevent their political power from being
17 harnessed into one district, thus diluting the
18 power of their votes.

19 Cleverly, Senate Republican talking
20 points speak of strengthening minority districts.
21 Let's put that lie to rest as well. The
22 corollary to cracking is the tactic of packing,
23 in areas where the minority population is so
24 large that cracking would be ineffective, those

1 Congressional/State Legislative Redistricting 2-7-12

2 who seek to prevent minority representation pack
3 as much of that population as they can into as
4 few districts as possible, giving the false
5 impression of strengthened voting power.

6 Finally, additional tools in Senate
7 Republican's arsenal include the unconstitutional
8 addition of an entirely new 63rd Senate district
9 which is currently the subject of a legal
10 challenge and the abuse of population deviation
11 among districts between upstate and downstate,
12 thus diluting voting power for those of us who
13 live south of the Hudson Valley.

14 The final map I'm going to put up is
15 very telling and it's relevant to everyone in
16 this room because it is what allowed the outrages
17 you have conducted in Queens to take place.

18 FEMALE VOICE: Senator you have five
19 minutes.

20 SENATOR GIANARIS: Really quickly the
21 purple up here shows a maximum population
22 deviation which means these populations are
23 undercounted down here in New York City and the
24 suburbs it is overpopulated which means a vote

1 Congressional/State Legislative Redistricting 2-7-12

2 upstate is worth more than a vote downstate.

3 It's outrageous, it's unconstitutional and
4 hopefully you won't let it stand.

5 If I could have just 30 more seconds I
6 will conclude. The top nine districts measured
7 by African American population in your plan would
8 contain 2,864,000 residents while the top ten
9 white districts would contain 2,925,000
10 residents, a number that is essentially equal
11 with a difference of only 2 percent. This means
12 that for every nine senators to which African
13 American communities are entitled white
14 communities would receive ten. In other words
15 the vote of an African American New York under
16 your plan would be worth nine-tenths that of a
17 white resident. How can you possibly propose
18 such a thing with a straight face? Abuses like
19 these belong in the dust bin of history and I'm
20 sure most people believe they're already a thing
21 of the past. Sadly you have proven them wrong.

22 Gentlemen and ladies your actions have
23 embarrassed yourselves and brought shame to the
24 State of New York. If you're serious about

1 Congressional/State Legislative Redistricting 2-7-12

2 making substantive changes to this ridiculous
3 proposal these are the areas we would look for
4 progress, not in the fabricated abuses meant to
5 distract us from your goal of denying democracy
6 to millions of New Yorkers and communities of
7 color for the benefit of 32 white Republicans.
8 Thank you.

9 SENATOR NOZZOLIO: Any questions of
10 Senator Gianaris? Hearing none, thank you
11 Senator Gianaris; very nice to see you, as
12 always. Senator Avella?

13 SENATOR TONY AVELLA: You know I happen
14 to agree with the members of the community who
15 got up and said that the public should speak
16 first, not elected officials. This is a public
17 hearing after all. So I'm not going to read my
18 speech but I just want to make, because it will
19 be entered into the record but I just want to
20 make a couple of comments.

21 We all campaigned on an independent
22 redistricting commission so that the politicians
23 would not be drawing the lines. And yet here we
24 are, here we are with a plan where the

1 Congressional/State Legislative Redistricting 2-7-12

2 politicians have drawn the lines. Senator
3 Nozzolio, Senator Nozzolio can I have your
4 attention? Senator? Can I have your attention
5 while I'm speaking? I could sit here as long --

6 SENATOR NOZZOLIO: It's running,
7 Senator.

8 SENATOR AVELLA: Well I'd like to have
9 your attention. You're the co-chair of this
10 committee.

11 SENATOR NOZZOLIO: I can do two things,
12 Senator. All right continue, your time is
13 running.

14 SENATOR AVELLA: All right I'll
15 continue. But this goes to show, and that
16 attitude just goes to show why we're here, as it
17 relates to the Senate, the State Senate: the
18 Republicans have drawn a totally partisan plan to
19 protect themselves. And I've always said in the
20 past part of the problem is the Democrats and the
21 Republicans. But in this case Senator the
22 Republicans have done something that is
23 absolutely disgraceful, and that is to protect
24 your majority in the Senate at the exclusion of

1 Congressional/State Legislative Redistricting 2-7-12

2 every ethnic, every neighborhood in the State of
3 New York. And in Queens it is especially
4 egregious and you should be ashamed of
5 yourselves. And I hope -- let me finish now,
6 Senator.

7 SENATOR NOZZOLIO: Which districts are
8 you referring to, Senator?

9 SENATOR AVELLA: Every single district
10 in Queens. Every single district in Queens.

11 SENATOR NOZZOLIO: And which district --

12 SENATOR: (Interposing) And you know
13 exactly --

14 SENATOR NOZZOLIO: (Interposing) Which
15 district, which districts, in your opinion, are
16 in fact --

17 SENATOR AVELLA: (Interposing)
18 Gerrymandered?

19 SENATOR NOZZOLIO: Changed -- you made a
20 charge, Senator -- where's your documentation?

21 SENATOR AVELLA: You have it, Senator.
22 You know I'm not going to --

23 SENATOR NOZZOLIO: (Interposing)
24 Senator, Senator (crosstalk) --

1 Congressional/State Legislative Redistricting 2-7-12

2 SENATOR AVELLA: (Interposing) Look in
3 my testimony Senator.

4 SENATOR NOZZOLIO: Are you submitting --
5 Senator are you submitting documentation of this
6 charge --

7 SENATOR AVELLA: (Interposing) Come on,
8 Senator.

9 SENATOR NOZZOLIO: -- for the record?

10 SENATOR AVELLA: Yes I will submit
11 documentation. You have it.

12 SENATOR NOZZOLIO: Do you have it today,
13 Senator?

14 SENATOR AVELLA: Read my testimony. You
15 have it. Come on, Senator.

16 SENATOR NOZZOLIO: I'm asking you to
17 read, answer your own, your, the question you
18 posed.

19 SENATOR AVELLA: We can provide it. We
20 can provide it. But you know darn well, Senator
21 --

22 SENATOR NOZZOLIO: (Interposing) I look
23 forward to that -- I look forward to that
24 provision.

1 Congressional/State Legislative Redistricting 2-7-12

2 SENATOR AVELLA: You know darn well,
3 Senator.

4 SENATOR NOZZOLIO: If you're ready to
5 provide it, Senator, I'll be glad to read it.

6 SENATOR AVELLA: I'm sure you will, and
7 it'll go right in the wastepaper basket I'm sure.
8 Senator, this is a disgrace and I hope every
9 single person that comes up to speak tells them
10 that it is a disgrace and we want the governor to
11 live up to his commitment to veto these lines.

12 SENATOR NOZZOLIO: Senator Avella will
13 you submit to answering questions, Senator?

14 SENATOR AVELLA: Absolutely.

15 SENATOR NOZZOLIO: Did you submit
16 written testimony to this?

17 SENATOR AVELLA: Yes.

18 SENATOR NOZZOLIO: We do not have it,
19 Senator, and that may be -- that is a problem
20 that -- did you submit written testimony to the -
21 -

22 SENATOR AVELLA: (Interposing) We have
23 it here; we have plenty of copies.

24 SENATOR NOZZOLIO: None have been given

1 Congressional/State Legislative Redistricting 2-7-12

2 -- have any members of the panel received this?

3 SENATOR AVELLA: It might have been
4 given to the staff outside. I don't know if
5 they've given to you direct.

6 SENATOR NOZZOLIO: Fine Senator. Thank
7 you very much. Any other questions? Hearing
8 none, Councilman Mark Wepburn. And while
9 Councilman Wepburn is coming forward I'd like to
10 announce the presence of Assemblyman Robert Oaks
11 as a member of the LATFOR taskforce. Thank you
12 Assemblyman, for your continued efforts on this
13 behalf. Councilman Wepburn?

14 MR. MARK WEPBURN, NYC COUNCIL MEMBER:
15 Thank you, Senator, assembly members and senators
16 and members of the panel. Thank you for having
17 me here today. You know, I have long supported
18 independent redistricting commission, as many of
19 you did last year in a pledge. And the reason I
20 think it makes most sense is that it instills
21 some sort of public confidence that the
22 redistricting process is not done for partisan
23 purposes. The anger you hear today and the
24 outbursts you hear all across this state are

1 Congressional/State Legislative Redistricting 2-7-12

2 based in part because people don't trust us in
3 elected office these days. And that's
4 unfortunate. And by creating a partisan
5 redistricting commission which has districts that
6 do seem gerrymandered in so many ways, and in
7 particular in the Senate districts does create a
8 lack of confidence in the people that we
9 represent here in Queens.

10 Let me talk about specific things in
11 absence of that. I represent a district in the
12 city council now, the 23rd council district which
13 has a large portion of the current 24th council
14 district and in that district many of the
15 communities of eastern Queens are divided. And
16 it's a source of a lot of frustration. The state
17 constitution requires that you make an effort to
18 keep towns and counties together throughout the
19 state; here in New York City we're treated
20 differently, I understand. But we have
21 communities like the ones that are represented
22 here today, many of them wearing white shirt and
23 Eastern Queens that their neighborhoods have been
24 divided up. And when you're part of a

1 Congressional/State Legislative Redistricting 2-7-12

2 neighborhood, when you live in a community you
3 want to be together in that same district.

4 There are arguments, as Councilman
5 Gianaris said, as the Constitution of the United
6 States says that you can't divide up communities
7 of a certain race or a certain minority or
8 ethnicity and that is a problem as well, and
9 efforts I know have been made in some areas to
10 try to unite minority communities but in other
11 areas like that in Belrose and Floral Park and
12 separately in the area of Richmond Hill where
13 there is a large growing South Asian community
14 those communities have been divided as well.

15 So unfortunately we fail two different
16 tests here. One test was to keep communities
17 together, one test is to try to keep minority
18 representation together and in areas in Eastern
19 Queens we failed both. I just think it adds to
20 the feeling out there that this has been done for
21 only partisan reasons. And I compliment -- and
22 I've known Jack McEneny a long time and he works
23 incredibly hard and he's a dedicated thing. But
24 the problem is Jack is that we can't, you know,

1 Congressional/State Legislative Redistricting 2-7-12

2 this is an area that feels like we're getting the
3 short end of the stick. And I know you've bent
4 over backwards in some areas to try to make the
5 districts look united. But when they start
6 looking like Rorschach tests in parts of the
7 state and not like district lines people lose
8 faith in the process. And that's why an
9 independent restricting commission would have
10 made the most sense because we could say, "Look,
11 it was done by an independent group who isn't
12 doing it for partisan purposes.

13 So on behalf of my colleagues in the
14 Senate from Queens who feel like they've gotten
15 especially slighted, as we heard here today, but
16 on behalf of the people in this room who you've
17 heard some from in the audience and other people
18 who feel like their communities out in Eastern
19 Queens have been divide and areas in Belrose and
20 Floral Park in particular which have been divided
21 hurting an area and hurting a South Asian
22 population there as well both at the same time I
23 think we should look at how to address that issue
24 here in Queens. So thank you all very much for

1 Congressional/State Legislative Redistricting 2-7-12

2 hearing from me.

3 SENATOR NOZZOLIO: Councilor thank you.

4 Thank you very much.

5 ASSEMBLY MEMBER McENENY: Thank you.

6 Mark I have to comment that if you take a look at
7 what Common Cause did and some of the other
8 groups they look like Rorschach tests too. And
9 the reason is the Federal Voting Rights Act of
10 1965 requires us to wander around and gather in
11 groups from different neighborhoods of like
12 complexion, if you will, Asian, African American,
13 Hispanic, et cetera and people don't live in
14 little square boxes of neighborhoods. So they're
15 odd shapes, odd shapes.

16 MR. HEPBURN: I understand that. I
17 understand that, Assemblyman McEneny, but like I
18 said, if you can't draw the nice boxes that look
19 like fair districts then you should be drawing
20 them in order to protect a certain community; in
21 our area you didn't do either, that's all. Thank
22 you.

23 ASSEMBLY MEMBER McENENY: Thank you.

24 The Honorable Aravella Simotas. Aravella?

1 Congressional/State Legislative Redistricting 2-7-12

2 Councilmember Karen Klassowitz (phonetic)?

3 SENATOR NOZZOLIO: Councilmember Daniel

4 Halloran? Councilmember Daniel Halloran.

5 Councilmember Reuben Wills.

6 REUBEN WILLS, NYC COUNCIL MEMBER: Good

7 afternoon.

8 SENATOR NOZZOLIO: Afternoon.

9 MR. WILLS: I actually did not come to
10 testify today. I'm in total agreement that the
11 public should speak first. We have a lot of
12 different organizations here and I'm hoping that
13 Reverend Norris and the Honorable (inaudible) and
14 others can speak. The issue that we're facing is
15 there's more than just fragmenting of communities
16 and I just want to put it as clear as possible:
17 whether it's intentional or not intentional the
18 procedure and the way that it was done and the
19 product of the procedure has been taken as
20 borderline racism in our communities. And I'm
21 not saying Senator Nozzolio and Senator Dilan or
22 anyone else has that intention but when you have
23 a process and you have a product that ends up in
24 the way it has it's easy for someone to extract

1 Congressional/State Legislative Redistricting 2-7-12

2 that.

3 When you look at southeastern Queens and
4 if you look at my area in particular you have a
5 community that is majority-minority but the
6 communities have been spread around three or four
7 different Senate districts. And then if you take
8 the map that you had on (inaudible) to give you a
9 specific example if you look at Senate district
10 10, Senate district 10 was drawn all the way down
11 from Adelaide Park and St. Albans and other
12 districts and taken all the way out to Far
13 Rockaway, which we have no understanding of why
14 that could have possibly been done. And when you
15 can say that you can read your district so
16 drastically and still separate the cluster of the
17 district as far as minorities are concerned over
18 the same amount of Senate districts you're not
19 doing anything except breaking up the voting
20 power of those areas.

21 So when you have a district that is made
22 up of African Americans, a growing South Asian
23 population and a growing Latino population that
24 was spread out over four districts and you take

1 Congressional/State Legislative Redistricting 2-7-12

2 the one district that you could have impacted and
3 brought more into and you spread that all the way
4 out to Far Rockaway it begs the question of what
5 is the real rationale behind this commission.

6 So we would just like you to understand
7 exactly what you've done with these first maps.
8 I do believe that these first maps (inaudible).
9 I don't believe this is really what you guys have
10 intended. I don't believe that this is a final
11 result. Going back to the drawing board if you
12 look at it, Senator Nozzolio you can see --
13 Senate district 10 is what I'm talking about. Do
14 you see the way that the map was redrawn? You
15 see that it came all the way down from Adelaide
16 Park, St. Albans, took out a lot of Hollis, came
17 all the way and you stretch it all the way out to
18 Far Rockaway -- that district has never been
19 before. And when Senator Mike Gianaris was
20 speaking Senate district 14 now goes up into
21 almost Hempstead.

22 So this is -- if you really look at the
23 maps this is the point of frustration of people.
24 It's not giving the new immigrant populations any

1 Congressional/State Legislative Redistricting 2-7-12

2 voting power, it's not giving them any true
3 representation in the body of the Senate or the
4 Assembly with these new maps. That is my
5 testimony. Thank you very much

6 SENATOR NOZZOLIO: Councilman thank you
7 for your specific testimony. One of the things I
8 would like to point out is that on the Senate
9 district that you focused on, and we will look
10 further into this issue and I appreciate you
11 bring it up today but the percentage of non-
12 Hispanic black population remains over 51
13 percent, almost 52 percent in district number 10.

14 MR. WILLS: No we understand the numbers
15 -- we can move the numbers around as much as
16 possible but when Senator Gianaris --

17 SENATOR NOZZOLIO: (Interposing) Just to
18 point out, it's still a black majority district.

19 MR. WILLS: But it's about, it's about
20 density. And it's not just about -- I'm not here
21 just to represent African Americans; I have a
22 large South Asian and a large Latino population
23 in my district also. So when we speak of
24 minorities we can't allow minorities to be

1 Congressional/State Legislative Redistricting 2-7-12

2 divided up into black against Indo-Caribbean,
3 against South Asian, against Latino. Minorities
4 are minorities are minorities are minorities. So
5 when we -- wait, wait -- we're not doing it for
6 that; we're doing it to make sure we have
7 representation, not for applause. So when we go
8 to work every single day -- I go to work making
9 sure that every single citizen in my district is
10 represented no matter where they're from. So
11 that's just what I want to highlight today.
12 That's what I want to highlight. I want to put a
13 spotlight on the density and I want to put a
14 spotlight on the communities that the
15 redistricting to this point has broken up.

16 And I can't fault you because I don't
17 know if you were there before and I can't fault
18 the rest of this committee, even though some of
19 you were there. But the same communities that
20 were broken up the last time have remained
21 shattered, even though their growth has
22 increased. So that's all I want you guys to take
23 away today. Thank you.

24 SENATOR NOZZOLIO: Thank you very much.

1 Congressional/State Legislative Redistricting 2-7-12

2 Going to our list: James Hong?

3 MR. JAMES HONG, SPOKESPERSON ASIAN
4 AMERICAN COMMUNITY COALITION ON REDISTRICTING AND
5 DEMOCRACY: Good afternoon members of the
6 taskforce. My name is James Hong and I'm a
7 spokesperson for the Asian American Community
8 Coalition on Redistricting and Democracy, also
9 called ACCORD. First of all thank you very much
10 for your presence here today and your serious
11 consideration of our past statements and
12 recommendations. ACCORD is a non-partisan Pan-
13 Asian coalition of social service agencies, civil
14 rights organizations, legal advocates and civic
15 associations from around the city joined together
16 around the critical issue of redistricting and
17 its impact on our democracy and in particular
18 whether democracy is realized for minority
19 communities, especially Asian American
20 communities of New York.

21 There are a lot of us in Queens and I'd
22 like some of them to stand here today just for a
23 moment and I'd like to point out the hundreds of
24 petitions that we have gather from this

1 Congressional/State Legislative Redistricting 2-7-12

2 community, saying that they support our coalition
3 and the work that we are doing on redistricting.

4 The justice that we seek in
5 redistricting is not and has never been about
6 maximizing the number of Asian Americans included
7 in a district, nor is it about getting Asian
8 Americans elected into office. It is about the
9 ability, the potential of our democratic system
10 to properly represent the people. And when you
11 draw districts to reflect communities of interest
12 you empower people.

13 In light of this the proposals by the
14 task force have mixed results for the Asian
15 American community, that is to say our support as
16 well as our criticism of the proposals is
17 specific to neighborhoods in either the Senate or
18 Assembly maps. None of our comments should be
19 interpreted as support for an entire map.

20 Now in the Assembly's proposal three
21 majority Asian districts have been drawn. This
22 is a tremendous step toward equality and fairness
23 for our community. We applaud this achievement.
24 Yeah, you can clap. You can clap. The 49th

1 Congressional/State Legislative Redistricting 2-7-12

2 District in southwest Brooklyn in particular is a
3 great district for our community in Sunset Park
4 and Bensonhurst. The adjacent 47th is also very
5 well-drawn. The proposed District 25 of Queens
6 is a vast improvement from the current district,
7 which was extremely problematic for our
8 communities.

9 District 24 is a clear and positive step
10 toward recognizing the vibrant South Asian
11 community of Queens. We applaud this effort as
12 well. However, the district is drawn in such a
13 way that it includes chunks of three distinct
14 neighborhoods, each with high Asian population.
15 So even though it creates a strong Asian
16 influence district this district splits up many
17 voters from their own neighborhoods. That is to
18 say Richmond Hill must no longer be fragmented.
19 It and South Ozone Park should be unified into
20 one Assembly district while the entirety of
21 Belrose and Briarwood be kept together in the
22 proposed Assembly District 24.

23 Now in the Senate's proposal the long-
24 anticipated majority Asian Senate district has

1 Congressional/State Legislative Redistricting 2-7-12

2 been drawn. Our coalition was one of the
3 foremost proponents of a major majority Asian
4 district and we appreciate that the Senate plan
5 recognizes that such a district is warranted and
6 necessary. But the current proposal,
7 groundbreaking as it is divides the neighborhood
8 of Flushing, not only a residential center but a
9 social, commercial and cultural center of
10 activity for Asian Americans. It is a major
11 Chinatown and the heart of the Korean American
12 community.

13 Dilution of the Asian American vote
14 between Senate District 11 and Senate District 16
15 has been and continues to be unacceptable.
16 Rather than tweak the configurations of these
17 districts the taskforce should rearrange them to
18 more fully respect communities of interest while
19 maintaining the majority status of Senate
20 District 16. We suggest Bay Terrace as a
21 starting point in your visions. Now the Senate's
22 plan for District 22 of southwest Brooklyn
23 continues an egregious gerrymander and we
24 adamantly oppose the Senate plan for that area.

1 Congressional/State Legislative Redistricting 2-7-12

2 On a side note I'd like to mention the
3 word diversity and what it means for
4 redistricting. Some people have brought up the
5 word diversity of a district as if it were some
6 way or some noble principle in drawing district
7 lines but actually districts should be built
8 around commonalities and common interests. This
9 is the essence of what it means to respect
10 communities of interest.

11 Lastly, ACCORD members have heard that
12 LATFOR has defended certain district
13 configurations on the basis that it was compelled
14 by the Voting Rights Act or the creation of
15 majority Asian districts. Our community should
16 not be put in this position. Adhering to the
17 Voting Rights Act can be done without
18 gerrymandering as shown by the Unity map, maps by
19 Good Government groups and even maps drawn from
20 redistricting competitions in New York. No one
21 should give a rationale about district lines that
22 pits the advancement of the Asian American
23 community against principles of fairness,
24 impartiality, representation or good

1 Congressional/State Legislative Redistricting 2-7-12

2 redistricting in this process. Thank you.

3 SENATOR NOZZOLIO: Thank you, Mr. Hong.
4 Jerry Vattamala. Thank you very much.

5 MR. JERRY VATTAMALA, STAFF ATTORNEY
6 ASIAN AMERICAN LEGAL DEFENSE AND EDUCATION FUND:
7 Good afternoon. My name is Jerry Vattamala and I
8 am staff attorney of the democracy program for
9 the Asian American Legal Defense and Education
10 Fund known as AALDEF. AALDEF is a 38-year-old
11 non-partisan organization based in New York City
12 that protects and promotes the civil rights of
13 Asian Americans through litigation, advocacy,
14 community education and organizing. In the area
15 of voting rights AALDEF works on enforcement of
16 the Federal Voting Rights Act, bilingual ballots,
17 electoral reform, anti-Asian voter discrimination
18 and redistricting. We submit this testimony to
19 comment on the proposed state assembly and state
20 senate redistricting plans' impact on the ability
21 of Asian Americans to elect candidates of their
22 choice in accordance with the Voting Rights Act
23 of 1965 and the U.S. Constitution.

24 Our analysis shows that in the proposed

1 Congressional/State Legislative Redistricting 2-7-12

2 Assembly plan Asian American voting strength was
3 equalized with other voters in certain districts
4 but not in other neighborhoods. In the Senate
5 plan Asian American voting strength was diluted
6 in some districts but an attempt was made to
7 preserve Asian American voting strength in
8 Flushing, Queens.

9 Since 1982 AALDEF had commented on
10 redistricting plans, worked with community groups
11 to develop proposed maps and litigated cases,
12 challenging redistricting plans that violate the
13 Voting Rights Act. AALDEF represented Asian
14 American voters, has defended as intervenors in
15 DSV Silver (phonetic), a case from 1997 in the
16 Eastern District of New York a case that
17 recognized that Asian Americans in Manhattan's
18 Chinatown and Brooklyn Sunset Park were a
19 community of interest that should be kept
20 together within the 12th Congressional District.
21 The court articulated several factors that could
22 establish a community of common interest
23 including cultural background, economic status,
24 common media markets, shared community services

1 Congressional/State Legislative Redistricting 2-7-12

2 and organizations including health clinics,
3 stores, public transportation and workplaces,
4 voting patterns, common languages and dialects
5 and common country of origin.

6 We urged this task force to take a close
7 look at several neighborhoods in Queens, Brooklyn and
8 Manhattan to ensure that Asian American communities,
9 many of which have grown substantially over the last
10 decade were kept together within newly-drawn
11 districts. To assist LATFOR in this process AALDEF
12 prepared two documents. The first was the Asian
13 American neighborhood maps that was submitted at the
14 first public hearing in Queens by me. It included
15 detailed maps of 15 Asian American neighborhoods in
16 New York City as defined by community groups and
17 residents who live and work in those geographic areas.
18 They include and I'll just list the ones for Queens:
19 Flushing, Bayside, Elmhurst, Jackson Heights,
20 Woodside, Floral Park, Queens Village, Belrose and
21 Glen Oaks, Richmond Hills, South Ozone Park, Ozone
22 Park, Briarwood and Jamaica Hills.

23 For each of these maps we indicated the
24 total population of these community-defined

1 Congressional/State Legislative Redistricting 2-7-12

2 neighborhoods and their racial and ethnic background
3 breakdown. At the Manhattan hearing Margaret Fong
4 executive director of AALDEF submitted the Asian
5 American communities of interest survey. We met with
6 community groups and residents throughout New York
7 City, especially in neighborhoods experiencing the
8 fastest Asian American population growth. They were
9 asked to draw their neighborhood street boundaries on
10 a map and describe their most common concerns and
11 issues in their neighborhoods.

12 Among the top concerns cited by the
13 groups we surveyed were the need for Asian language
14 assistance, immigrants' rights, social services,
15 health care, education, affordable housing and
16 workers' rights. Finally we asked the groups to
17 identify the surrounding neighborhoods that were most
18 similar and most different to their neighborhoods. As
19 you know we submitted those, we asked this panel, this
20 taskforce to use those two documents in drawing the
21 new districts.

22 Then on October 4th, 2011 AALDEF along
23 with Latino Justice, PERDEF, Center for Law and Social
24 Justice (inaudible) and National Institute for Latino

1 Congressional/State Legislative Redistricting 2-7-12

2 Policy submitted State Senate and Assembly plans for
3 New York City to this task force called the Unity
4 Plan.

5 The Unity Plan was submitted to LATFOR
6 with the expectation that the suggested districts
7 would be considered by LATFOR in the redistricting
8 process which brings us to the proposed lines for the
9 assembly. LATFOR has taken steps to equalize the
10 voting power of Asian Americans in Assembly District
11 40, Assembly District 25 and Assembly District 49 as
12 was suggested in the Unity Map. However we are
13 disappointed that the community of Richmond Hills,
14 South Ozone Park and other Asian American communities
15 of common interest continue to be splintered in
16 numerous districts.

17 AALDEF is pleased with Assembly District
18 40 which is 62 percent Asian American and maintains a
19 substantial portion of the existing Asian American
20 majority district in Flushing, the residents of
21 Flushing have common concerns and interests and should
22 be together in one assembly district. AALDEF is also
23 pleased with Assembly District 25 which is 52.7
24 percent Asian American and is (inaudible) in the

1 Congressional/State Legislative Redistricting 2-7-12

2 communities of Flushing and Bayside. AALDEF proposed
3 a similar assembly district in the Unity Map that
4 combined portions of Flushing and Bayside into on
5 assembly district. Residents of both neighborhoods
6 share common interest and are linked culturally,
7 economically and socially for assembly district 34
8 which is almost 34 percent Asian American the
9 communities of Queens Village, Belrose, Glen Oaks,
10 Floral Park, Briarwood, Jamaica Hills and Richmond
11 Hill are joined together in one assembly district.
12 The Hillside Avenue corridor is the main thoroughfare
13 that links these Asian American communities in Queens
14 similar to the Northern Boulevard corridor that links
15 the communities of Flushing, Bayside, (inaudible) Neck
16 and Douglaston. Assembly district 24 can be improved
17 to include more of the neighborhood boundaries of
18 these communities that were submitted to LATFOR by
19 AALDEF.

20 Now the neighborhood of Elmhurst,
21 Elmhurst is divided into five assembly districts in
22 this proposal, it's currently divided into five
23 assembly districts and this proposal continues to
24 dilute Asian American voting strength in this

1 Congressional/State Legislative Redistricting 2-7-12

2 neighborhood. Elmhurst has a large Asian American
3 immigrant population with shared needs and struggles.
4 The Unity Plan drew Elmhurst into one Asian American
5 majority assembly district and equalized Asian
6 American voting strength in this community.

7 Now for the neighborhood of Queens
8 Village, Belrose, Glen Oaks and Floral Park. This
9 community is divided among assembly district 33,
10 assembly district 24 and assembly district 26. AALDEF
11 advocated for this community, this one community to
12 not be divided at any legislative district level.

13 Which brings us to Richmond Hill South
14 Ozone Park. This community is divided among proposed
15 assembly district 38, 24, 31, 23 and 32 continuing the
16 minority vote dilution of this community.

17 SENATOR NOZZOLIO: Excuse me, Jerry,
18 you're over seven minutes. Could you summarize
19 and submit -- make sure your written testimony is
20 submitted to every member of the panel?

21 MR. VATTAMALA: Sure. Absolutely. And
22 if I quickly comment on the Senate proposal. We
23 believe that equal Asian American representation
24 in the New York State Senate can be achieved

1 Congressional/State Legislative Redistricting 2-7-12

2 while also drawing compact district lines as
3 demonstrated in the Unity Map. There's been much
4 talk in the press and public arena regarding the
5 first ever proposed Asian American majority
6 senate district in New York and the odd shape of
7 the district. We believe the district could be
8 improved but reject the notion that this proposed
9 district was drawn in this odd shape to capture
10 Asian American population. The U.S. Supreme
11 Court ruled in Shaw V. Reno that race cannot be
12 the predominant factor in drawing district lines.
13 We believe that senate district 16 is compliant
14 with Shaw because the district was not drawn from
15 scratch to accommodate the Asian American
16 community. The proposed senate district 16 is
17 substantially similar to the current senate
18 district 16 illustrated in the attached figure
19 one that I submitted to this taskforce. The
20 almost identical proposed lines for senate
21 district 16 should not be mischaracterized as the
22 result of trying to capture Asian American
23 population, it's just not the case.

24

1 Congressional/State Legislative Redistricting 2-7-12

2 Proposed Senate District 16 includes
3 portions of three Asian American [background
4 Noise]. All right. [background Noise]

5 I'll summarize. I'll summarize here.

6 SENATOR MICHAEL F. NOZZOLIO, CO-CHAIR,
7 NEW YORK STATE LEGISLATIVE TASK FOR ON
8 DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT: Excuse
9 me. Please, please respect the speaker. To the
10 speaker, please respect the, please respect,
11 please, you do not have the floor sir. And if
12 you continue those kind of outbursts, I'm going
13 to have to ask you to leave. I'm saying to the
14 speaker, please listen to the request made two
15 minutes ago to conclude. Thank you very much.

16 MR. VATTAMALA: Okay. So, Senate
17 District 16 includes Elmhurst, parts of Flushing
18 and parts of Bayside, which we believe the three
19 communities have inter-related concerns, which is
20 outlined in my testimony. Our suggested
21 revisions to Senate District 16 are to eliminate
22 the Northern appenditure that goes into Bay
23 Terrace. And replace that with the equal amount
24 of population, which is about 16,000 people from

1 Congressional/State Legislative Redistricting 2-7-12

2 the community defined Flushing. That's our
3 suggestions, you know. I have the rest submitted
4 here and I thank you for all your hard work on
5 this.

6 SENATOR NOZZOLIO: Thank you very much
7 Jerry. And if you would make sure that we all
8 have a copy of your written testimony. Thank
9 you. Mackenzie Yang. Mackenzie Yang.

10 MS. MACKENZIE YANG, MEMBER, OCA-NY: Hi,
11 good afternoon Committee members. My name is
12 Mackenzie Yang and I'm testifying on behalf of
13 OCA-NY as a member and its redistricting intern.

14 Founded in 1976, OCA-NY is a non-profit,
15 non-partisan organization dedicated to protecting
16 and advancing the political, economic and
17 cultural rights of Asian Americans. OCA-NY
18 represents the five boroughs in New York City and
19 is a founding member of ACCORD.

20 OCA-NY's work in Queens includes holding
21 naturalization trainings in Elmhurst and
22 Flushing, that attracted over 100 people,
23 conducting voter registration drives and
24 organizing community education forums.

1 Congressional/State Legislative Redistricting 2-7-12

2 We co-sponsored candidate forums for
3 Queens City Council District 20, State Assembly
4 District 22 and State Senate Districts 11 and 16,
5 at Flushing Public Library. OCA-NY organized
6 community meetings with the Queens District
7 Attorney, involving crimes against Asian
8 Americans.

9 Flushing based groups like Min Quan
10 Center for Community Action, Chinatown Planning
11 Council, Queens Division, Korean Community
12 Services and Flushing Chinese Business
13 Association partner with OCA-NY on events and
14 issues. OCA-NY participates international dragon
15 boat races in Flushing Meadows and marches in the
16 Flushing Lunar New Year Parade.

17 We have leafleted throughout Queens
18 regarding OCA-NY's advocacy efforts on private
19 DNA Chin's case and OCA-NY's hate crimes, our
20 prevention contest.

21 OCA-NY's former President, Jerry Chang,
22 testified in the previous LATFOR hearing in
23 Queens on September 7th, 2011. Today I will
24 speak on OCA-NY's positions regarding LATFOR's

1 Congressional/State Legislative Redistricting 2-7-12

2 proposed maps.

3 I do still live in Auburndale, Bayside
4 area. That is contained in proposed Assembly
5 District 26 and proposed Senate District 11. I
6 now live in downtown Flushing, which is part of
7 proposed Assembly District 40 and proposed State
8 Senate District 16.

9 I've also visited several schools
10 throughout Queens as part of my job as a
11 presenter for the Office of Emergency Management.
12 Support from statement is also based on other
13 OCA-NY Queens members, data from the American
14 Community Survey and the 2010 Census.

15 The 2010 Census demonstrates Asian
16 Americans now comprise 13% of the cities
17 population. The number of Asians have reached a
18 million, with over half a million in Queens
19 alone. So with respect to the Queens State
20 Assembly District, OCA-NY supports LATFOR's
21 proposed State Assembly District 40. This
22 district keeps intact the heart of downtown
23 Flushing, which is heavily commercial with
24 Flushing Library, Flushing shopping malls, many

1 Congressional/State Legislative Redistricting 2-7-12

2 ethnic restaurants, grocery stores and schools.
3 More than 60% of the residents in this proposed
4 district are Asian.

5 OCA-NY supports proposed State Assembly
6 District 25, which contains sections of Flushing
7 and Bayside. We appreciate LATFOR's recognition
8 of the migration and growth that has initiated in
9 Flushing and flowed towards Bayside and Fresh
10 Meadows, as immigrant communities become more
11 established.

12 There's a transactional flow of
13 residents traveling between Flushing and Bayside,
14 passing through Murray Hill and Auburndale, for
15 shopping and restaurants. The Q-12, Q-13, Q-26,
16 Q-27 and Q-31 buses connect the southern end of
17 Flushing to the southern end of Bayside.

18 Residents in Bayside take the bus to
19 Flushing to connect to the number 7 subway. Many
20 Bayside residents attend church, participate in
21 civic organizations and do business in Flushing.
22 The variety of authentic Asian restaurants and
23 Asian products that can only be found in Flushing
24 attract Bayside residents to Flushing. In

1 Congressional/State Legislative Redistricting 2-7-12

2 addition, many business people from Bayside
3 commute 20 minutes daily by car to Flushing.

4 So with respect the Queens State Senate
5 lines, it is feasible to draw State Senate
6 Districts that keep communities of interest with
7 a high concentration of Asian Americans together.
8 While proposed State Senate District 16 reflects
9 the growth in the Asian American population, over
10 the past decade and shared socio economic
11 concerns between certain neighborhoods, Bay
12 Terrace should not be included in this district.

13 Bay Terrace is 70% non-Hispanic white
14 and 19% Asian. Compared to Flushing and
15 Elmhurst, Bay Terrace has a significantly higher
16 socio economic level, smaller household size and
17 does not face the same issues of crime, nor need
18 the same social services, such as language
19 access.

20 Unlike Bayside and Flushing's
21 transactional traffic and interdependent economic
22 bases, Bay Terrace has its own express buses, QM-
23 2 and QM-20 that transfer Bay Terrace residents
24 straight into Manhattan. While Flushing has a

1 Congressional/State Legislative Redistricting 2-7-12

2 Sky View Center, Queens Crossing Mall and the
3 Flushing Mall, Bay Terrace has its own well known
4 Bay Terrace Shopping Center. Thus there's
5 relatively little need for interaction between
6 Flushing and Bay Terrace residents.

7 Okay. I'm going to be quick. If Bay
8 Terrace is not included then Flushing should be
9 kept whole in District 16. Of all the
10 neighborhoods in Queens, Flushing has the most
11 dense Asian American population, with strong
12 shared interests between them.

13 To divide Flushing's Asian American
14 community is to dilute their ability to elect a
15 candidate of their choice. Who would advocate
16 for their shared interests and concerns. Thanks.
17 Thank you.

18 SENATOR NOZZOLIO: Thank you very much.
19 Midway Diyang [phonetic], Midway Diyang.

20 MALE VOICE 1: She's not here.

21 SENATOR NOZZOLIO: Midway Diyang.
22 Bright Limm.

23 MR. BRIGHT LIMM, KOREAN AMERICANS FOR
24 POLITICAL ADVANCEMENT: Thank you and good

1 Congressional/State Legislative Redistricting 2-7-12

2 afternoon. My name is Bright Limm. I am the
3 President and Steering Committee Co-chair of
4 Korean Americans for Political Advancement, also
5 called KAPA.

6 KAPA is also a proud member of ACCORD,
7 the Coalition of 13 Asian American organizations
8 that have come together to advocate with a
9 unified voice on the critical issue of New York
10 State's redistricting process. Now in the, out
11 of respect for the others who have to testify,
12 particularly the large contingent from Eastern
13 Queens United, as well as out of respect for the
14 Task Force, I'm going to focus my comments on one
15 district in particular today, which is the
16 proposed Senate District 16. And I'm just going
17 to also talk briefly about its neighbor to the
18 East, which is proposed District 11.

19 As you know, Flushing is an unmistakable
20 community of interests. We also know that by
21 itself Flushing constitutes half of entire Senate
22 District population. Given the tremendous
23 population growth of the Asian American
24 communities of interest, both in Flushing as well

1 Congressional/State Legislative Redistricting 2-7-12

2 as in the surrounding neighborhoods, particularly
3 Queensboro Hill and the neighborhoods along the
4 Northern Boulevard corridor, it is clear that the
5 2012 State Senate map for this vicinity should
6 include one district with an Asian American
7 majority. And another nearby district with a
8 substantial Asian American constituency.

9 Like other members of ACCORD, KAPA's
10 reaction to proposed Senate District 16 is mixed.
11 On the one hand, we welcome the Task Force
12 recognition that the State District that includes
13 Flushing ought to be an Asian American majority
14 Senate District. However, regrettably we must
15 also criticize the Task Force decision to divide
16 Flushing between proposed Senate District 16 and
17 11. And we urge the Task Force to keep Flushing
18 whole.

19 Anyone who looks at proposed SD-16 can
20 see that Flushing is the center or anchor around
21 which the rest of the proposed district is based.
22 Yet the very anchor of this proposed district, as
23 in the current Senate map, is once again divided.
24 KAPA sees absolutely no need, and therefore, no

1 Congressional/State Legislative Redistricting 2-7-12

2 justification for dividing in half this well
3 known residential community, booming commercial
4 center and icon of New York City culture.

5 Accordingly, in the event that the
6 Governor does not veto the Task Force maps, KAPA
7 offers this Task Force the following two specific
8 recommendations. We believe that these
9 recommendations are at once more consistent with
10 sound redistricting principles, in the interest
11 of all affected communities and politically
12 feasible.

13 Recommendation number one, we ask that
14 Bay Terrace be made part of Senate District 11
15 and that a corresponding proportion of the
16 population of Flushing that's currently located
17 in District 11 be incorporated into District 16.
18 In short, basically, this recommendation asks for
19 a swap between these two districts, Bay Terrace
20 for more of Flushing. Both the community of
21 Flushing and the community of Bayside would no
22 doubt welcome such a modification, as would good
23 government and civil rights groups.

24 Recommendation number two, in order to

1 Congressional/State Legislative Redistricting 2-7-12

2 include nearly all of Flushing into Senate
3 District 16, we also recommend that the Eastern
4 most portion of the proposed Senate District 16
5 be made part of Senate District 11 and that a
6 corresponding proportion of Flushing that's not
7 currently included in 16 be made so. In short,
8 this is another swap where the parts of Oakland
9 Gardens, Bayside, Bayside Hills, that are
10 currently part of 16 be part of 11, and that more
11 of Flushing be included in 16.

12 Together with the modification proposed
13 in the first recommendation, this modification
14 would not only make Flushing nearly whole, it
15 would also make the Bayside, Bayside Hills,
16 Oakland Gardens region nearly whole, while
17 simultaneously making both Senate District 16 and
18 Senate District 11 more compact.

19 Finally, let me conclude by urging this
20 Task Force to consider these recommendations in
21 light of the unity map, which was developed by
22 Asian American, Latino and Black community
23 advocates, as well as the communities of interest
24 study that ACCORD member Aldiff [phonetic]

1 Congressional/State Legislative Redistricting 2-7-12

2 conducted and submitted to the Task Force on
3 September 21st. I'm confident you will agree
4 that our recommendations are principled,
5 reasonable and feasible. Thank you very much for
6 your time and consideration.

7 SENATOR NOZZOLIO: Thank you very much
8 Mr. Limm. Anthony Nunziato. Anthony Nunziato.

9 MR. ANTHONY NUNZIATO: Good afternoon.

10 SENATOR NOZZOLIO: Good afternoon.

11 MR. NUNZIATO: Thank you. My name is
12 Anthony Nunziato and I'm a business owner and
13 resident of - - for over 25 years. I am very
14 familiar with the neighborhood and the
15 surrounding areas of Queens as a whole. I wish
16 to thank the Task Force for proposed
17 redistricting maps, as I know it was a difficult
18 job.

19 Looking at new district map in Senate
20 District 15, it is clear you've done diligence,
21 researched a part of Queens and put together as a
22 district that unites communities of interest. I
23 am impressed that you kept - - Village, Glendale,
24 Howard Beach, the Rock Ways together, since

1 Congressional/State Legislative Redistricting 2-7-12

2 neighborhoods are very similar to mine. And the
3 only thing that separates us is water.

4 All these communities are working class
5 communities and similarities. Also the economy
6 of small business is the same. Many
7 firefighters, police, city workers and teachers
8 reside in these communities. We have the same
9 district similar, we would like to have the same
10 district similar to the Congressional District,
11 so if there are pressing matters that we all
12 share.

13 But as pleased as I am with the Senate,
14 I am displeased with the 30th Assembly District.
15 You left out half the town of Middle Village.
16 And the appendix of all Woodside, Sunnyside and
17 Astoria is just hanging there in the 30th
18 Assembly District from the old gerrymandering.
19 And if you look at the old maps - - word came
20 from, gerrymander, this district makes that look
21 ridiculous.

22 It looks like a rowboat dog. The way it
23 just hangs there, has nothing in common as far as
24 the similarity of the homes, the transportation,

1 Congressional/State Legislative Redistricting 2-7-12

2 the quality of life issues, has nothing in
3 comparison. And it's unfair to the people there
4 as it is to the people in - - Middle Village and
5 Glendale.

6 I thank you for listening to my
7 testimony. I submitted it. Thank you very much.

8 SENATOR NOZZOLIO: Thank you Mr.
9 Nunziato. Council Member Daniel Halloran.
10 Council Member Daniel Halloran.

11 COUNCIL MEMBER DANIEL HALLORAN, NYC
12 COUNCIL MEMBER: Good afternoon Senators, members
13 of the Task Force, I appreciate your time in
14 being here. Thank you.

15 I represent the 19th Councilmatic
16 District, which is perhaps the only natural
17 looking district in the City of New York.
18 Because it's bounded on one side by Long Island
19 Sound. It's bounded on the other side by Nassau
20 County. And it shares a border of the Long
21 Island or Grand Central Expressways and the
22 Vanwick Expressway.

23 So unlike most of my colleagues, I
24 actually live in a community that is bordered

1 Congressional/State Legislative Redistricting 2-7-12

2 properly in terms of how a district should look.

3 The communities of North Flushing, which is

4 called Orbendale, Bayside, Whitestone, College

5 Point, Little Neck, Douglas and Orbendale are

6 almost entirely within the community. There are

7 only small portions of South Bayside. Flushing

8 itself, Flushing Proper, that are not wholly

9 within my Council District.

10 I think it's incumbent on us to strip

11 away some of the rhetoric. I've heard much

12 disparagement of the Senate's proposal. But

13 meanwhile, in my Councilmatic District, the 26th

14 was cut in half, the Assembly District. The 40th

15 was created. The 25th was pushed completely

16 South and none of those districts look natural

17 either.

18 And certainly I think my Asian

19 constituents, particularly the Chinese and Korean

20 community, who have for a very long time, sought

21 to have a seat that was theirs, both in the

22 Senate and the Assembly, have a vital interest in

23 doing so. I would simply request that the

24 commission continue to look to closing borders,

1 Congressional/State Legislative Redistricting 2-7-12

2 stripping away corridors that exist within. Some
3 of the communities, as mentioned, the community
4 of Bay Terrace as something that should naturally
5 be part of the 11th SD, I agree.

6 The community of Bay Terrace should be
7 and the corridor to it should be closed. It
8 simply existed to protect one incumbent Senator
9 who lived in the corridor in the middle of what
10 would otherwise be the 11th SD.

11 Now whether or not that's something that
12 the Task Force finds reasonable, is something of
13 course, for you to decide. However, it certainly
14 creates an odd looking district. I also think
15 that the 11th SD should probably be cut off at
16 some place below the, above the Grand Central
17 because it naturally falls into whole communities
18 then.

19 However, I understand the balancing act
20 that you have to undertake. I would like to make
21 a note going forward. The United States is a
22 melting pot. It's a nation that is going to be
23 full of immigrants year after year, who are going
24 to become part of the fabric that is the United

1 Congressional/State Legislative Redistricting 2-7-12

2 States. We cannot continue to gerrymander
3 districts to suit any particular whim and create
4 unnatural districts.

5 Our founders did not intend to do that.
6 They set up district systems for a reason. So
7 that everybody could be represented and that they
8 could be represented equally and fairly. I would
9 hope that in the future that this commission
10 looks to adopt rules that will enable this state
11 in particular to look to the future to create
12 radius based districts. Where you start from an
13 epicenter, go out a certain distance and include
14 all of the communities as intactly as possible
15 from that radius, with a standard deviation that
16 is set by the commission, to a reasonable number.

17 I appreciate the hard work you're doing
18 and I know many people have given you grief in
19 the process of doing it. I would just like to
20 say I appreciate the hard work that you've done.
21 And I hope that you will continue to take input
22 from those of us who have vested interests in
23 these communities, particularly the communities
24 of color, who have a vital interest in my

1 Congressional/State Legislative Redistricting 2-7-12

2 community at least, in being represented in the
3 State Senate. Thank you very much for your time
4 Commissioner.

5 SENATOR NOZZOLIO: Councilman before you
6 leave, it certainly welcomes and appreciates your
7 input. Thank you for taking the time to testify.
8 Whether or not anyone agrees or disagrees with
9 law, it's not important. What's important is
10 that we follow the law.

11 And that has been the attention of the
12 Task Force that a number of individuals have
13 spoken that share your concerns. But the fact of
14 the matter is the Federal law, the Federal Voting
15 Rights Act, requires the state to expressly,
16 implicitly comply, both the letter and spirit of
17 that law. And that's, unfortunately Assemblyman
18 Macanny indicated earlier, that creates sometimes
19 odd shapes, sometimes it runs over certain
20 communities of interest that you'd much rather
21 not interfere with. And the fact is you must
22 maintain the Voting Rights Act strength, in
23 particular, counties directly covered by it.

24 So your points are certainly expressed

1 Congressional/State Legislative Redistricting 2-7-12

2 well and we thank you for your testimony.

3 COUNCIL MEMBER HALLORAN: Mr. Chair, I
4 appreciate it. Senator you've done a great job.
5 But I would just like to say on that point that
6 you've raised, simply because the Voting Rights
7 Act exists in Federal law does not necessarily
8 make it the ideal. Once you create
9 discrimination in attempt to remedy
10 discrimination, you open a Pandora's box of
11 problems.

12 And certainly, there are many
13 communities which would not have been served had
14 that Act not been passed. However, as we move
15 forward into the future, I would hope to find a
16 day one day when we're all simply Americans. And
17 as Teddy Roosevelt said, there's no room to be
18 anything but America, American in America. And
19 perhaps at that point we would no longer need
20 that sort of a situation.

21 But for now, I understand why we have it
22 and I appreciate that you have to follow the law.

23 SENATOR NOZZOLIO: Councilman, thank you
24 very, very much. Richana [phonetic] Shaw.

1 Congressional/State Legislative Redistricting 2-7-12

2 Richana Shaw. Richana Shaw. Richana Shaw. Ali
3 Najmi. Ali. Ali, would you please correct me in
4 the pronunciation of your name for the record
5 state it and thank you for being here today.

6 MR. ALI NAJMI, COMMUNITY ORGANIZER, SEVA
7 NY: Thank you. It was an honest attempt. The
8 last name is Najmi, first name is Ali, much like
9 the boxer.

10 My name is Ali Najmi. I'm an attorney
11 and community organizer with SEVA. SEVA is a
12 community based non-profit organization founded
13 and located in Queens, New York. SEVA engages in
14 community organizing in two distinct sections of
15 Queens, where we have substantial membership.

16 The first is the Richmond Hill and South
17 - - Part community. And the other is the Glen
18 Oaks, Bell Rose and Floral Park community of
19 interests.

20 SEVA's proud to be a member of two
21 separate community based coalitions from each of
22 these distinct communities, both of which are
23 very substantially represented here today. The
24 first is Unite Richmond Hill. And the other is

1 Congressional/State Legislative Redistricting 2-7-12

2 Eastern Queens United.

3 Both of these campaigns have been
4 completely let down by your proposed maps. It is
5 clear that LATFOR and the State Legislature do
6 not care about our neighborhoods.

7 The message conveyed to our membership
8 by the proposed maps is that keeping our
9 communities united is not a real priority. In
10 Eastern Queens, the neighborhoods of Glen Oaks,
11 New Hyde Park, Floral Park, Bell Rose and Queens
12 Village continue to be gerrymandered by three
13 Assembly Districts.

14 The community of interest there totals
15 75,000 people. And it could be anchor for one
16 single Assembly District. The Richmond Hill and
17 South - - Park community of interest continues to
18 be divided by multiple Assembly and Senate
19 districts.

20 In the current proposed maps, the
21 Richmond Hill and South - - Park communities
22 divided by upwards of five Assembly Districts and
23 two State Senate Districts. SEVA identified the
24 community of interest here that totals about

1 Congressional/State Legislative Redistricting 2-7-12

2 240,000 people, which we all know is more than
3 well enough for at least one Assembly District
4 and could be the anchor for a single State Senate
5 District.

6 This body, LATFOR, was provided with
7 specifically identified community boundaries. A
8 listing of specific center tracts that should be
9 kept together. Maps and petitions. You knew
10 what the right thing to do was and you still
11 didn't do it.

12 SEVA has organized community rallies and
13 workshops on the topic of redistricting for
14 almost two years. We have used art and music to
15 increase interest in the topic of redistricting
16 among our membership. We have created coalitions
17 with organizations that transcend ethnic, racial
18 and religious labels.

19 Our efforts have been highlighted in the
20 mainstream media and the immigrant press. With
21 our coalition partners we have succeeded in
22 creating an unprecedented level of awareness on
23 redistricting in both of these communities.
24 However, your proposed maps have created an

1 Congressional/State Legislative Redistricting 2-7-12

2 unprecedented level of resentment towards the
3 political process and disenchantment with the
4 status quo.

5 This entire task force has failed the
6 people of New York. And all of you should be
7 exiled to New Jersey. Our community is now look
8 to Governor Cuomo to veto this proposal and
9 reform this process. Only with a truly
10 independent redistricting process will this state
11 achieve the level of reform that we are all
12 desperate for. Thank you.

13 SENATOR NOZZOLIO: Garth Marchant.

14 Garth Marchant.

15 MR. GARTH MARCHANT, PUBLIC CITIZEN:

16 Good afternoon. My name is Garth Marchant. I'm
17 the Chairman of the Civil Rights Coalition for
18 Southeast Queens.

19 First, community of interest. The way
20 these maps are drawn, I'm addressing the Assembly
21 first. It is very racial in nature. I'll show
22 you for example. Far Rockaway, where you took,
23 look at these two divided districts. They don't
24 even connect.

1 Congressional/State Legislative Redistricting 2-7-12

2 The 23rd runs around the 31st. That's
3 because you want to create a racial district for
4 the 23rd. That whole part of Far Rockaway should
5 be in one Assembly District, which was the 31st.

6 It's no way that this makes sense and
7 this - - connection. It doesn't make sense. It
8 doesn't connect. Now, the same area is also the
9 City Council. That same area is one district.
10 The State Senate in that area is one district.
11 And the Congressional District is one district.

12 Why do that for the State Assembly? And
13 we take the same 31st Assembly District and we
14 take it into Rosedale. You split Rosedale up
15 into two districts. Why?

16 Because to protect other districts. So
17 what I'm saying to you, go back to the map and
18 take Rosedale as a whole community and make it
19 one part of the 31st Assembly District. And you
20 take the Far Rockaway portion of it and make it
21 the 31st District. And you take the 31st
22 District that goes into South - - Park and
23 Richmond Hill and make, take that out of there
24 and make some of the Asians get a district. They

1 Congressional/State Legislative Redistricting 2-7-12

2 deserve it.

3 It's racial gerrymandering when you do
4 that. When you create in Richmond Hill, five
5 different Assembly Districts. What is the
6 purpose of that? Or six. What's the purpose of
7 that?

8 Come on. We need a community of
9 interest community of whole. And there's no way
10 that we will stand for that kind of
11 gerrymandering. No way, no how.

12 Secondly, is that when we look at the
13 State Senate District, all of Far Rockaway, for
14 the last 30 years, was in the 14th Senatorial
15 District. All of a sudden Senator you're going
16 to split it up into two.

17 And send part of Far Rockaway all the
18 way to Astoria. That don't even make no sense
19 unless you're taking the A train to connect to
20 the R train.

21 Come on. It doesn't make sense. We
22 want all of Far Rockaway back into one district,
23 not split it into.

24 Now let's go because I couldn't go to

1 Congressional/State Legislative Redistricting 2-7-12

2 Long Island. They didn't have a hearing in
3 Nassau County. Let's look at what you did for
4 Nassau County.

5 Nassau County, where is the black belt
6 and brown belt population. What the Senate did,
7 they took all of the black and Hispanic
8 neighborhoods and part of Asian neighborhood and
9 split them up into four different Senatorial
10 Districts. Freeport, Roosevelt, Baldwin,
11 predominantly black and Hispanic.

12 You're put into the Senate Majority
13 Leader's district. Come on. Split up the
14 district.

15 Now you talk Hampstead and you put it
16 into another district. Now you take Almont and
17 you take Valley Stream and you put it into
18 another district. Those are common districts.
19 The minority population in Nassau County is over
20 30% and you can't find a district to put 30% of
21 the population? Does not make sense.

22 So we are fighting on that. And we are
23 saying to you, ladies and gentlemen, that you got
24 to go back to the drawing board and you got to

1 Congressional/State Legislative Redistricting 2-7-12

2 draw these lines for Southeast Queens. And you
3 got to, I support the Unity district, here it is.
4 That's a Unity map for the district in Richmond
5 Hill, Southeast Queens. So I'm suggesting this
6 is what you do.

7 Do it right. Do it right.

8 SENATOR NOZZOLIO: Thank you very much
9 Mr. Marchant. Linda Lee. Linda Lee.

10 MS. LINDA LEE, KOREAN COMMUNITY

11 SERVICES: Good afternoon everyone.

12 SENATOR NOZZOLIO: Hi Linda Lee.

13 MS. LEE: I wish I was that dynamic of a
14 speaker. I'm here today as the Associate
15 Executive Director of KCS, Korean Community
16 Services. And also, personally I was, as
17 mentioned before, born in Upstate, lived in Long
18 Island for 20 years and now live in Queens. And
19 I see how the neighborhoods have been changing.
20 And so, that is pretty much why we're here today,
21 as an Asian, as part of the Asian Coalition,
22 ACCORD.

23 We want to encourage you guys to please
24 keep in mind communities of interest, especially

1 Congressional/State Legislative Redistricting 2-7-12

2 when looking at the Senate District 16 and 11.

3 And not divide us and keep our communities
4 together. A lot of our constituents, a lot of
5 our clients live in those areas.

6 I represent the Korean community. We've
7 been around for 38 years, our organization. And
8 provide social services all throughout Queens, as
9 well as Manhattan and Staten Island. So we ask
10 that you please look at our recommendations.
11 Look at the Unity maps and the lines that we've
12 drawn and try to keep communities of interest
13 together.

14 On a side note, I just want to echo what
15 one of our other members had stated before, which
16 is that we appreciate and applaud the fact that
17 you heard some of our testimonies previously and
18 have attempted to create an Asian majority
19 district. However, those lines are a bit skewed
20 in terms of what we thought those lines should be
21 that represent our communities. You know, it has
22 happened in the media where we have been sort of
23 pitted against other groups, and please we don't
24 want to be the scapegoat. We just want to keep

1 Congressional/State Legislative Redistricting 2-7-12

2 our communities of interest together, so we hope
3 that you listen to our recommendations and look
4 at the maps. Thank you.

5 SENATOR MICHAEL F. NOZZOLIO, CO-CHAIR,
6 NYS LEGISLATIVE TASK FORCE on DEMOGRAPHIC
7 RESEARCH AND REAPPORTIONMENT: Thank you, Miss
8 Lee. Emmanuel Caruana.

9 EMMANUEL CARUANA: - - President and
10 members of the legislative task force, good
11 afternoon. I'm going to read this, and then I'd
12 like a few quick comments at the end of this. I
13 have recently had an opportunity to participate
14 in the campaign for state assembly in the 30th AD.
15 With high expectations and a belief in our
16 political system, I threw myself into this
17 endeavor. Having seen nothing being done to help
18 my community and a representative who was on the
19 list of missing persons, I wanted change. Well,
20 surprise. This will never happen. Not in the
21 30th Administrative Assembly District. As
22 presently districted or gerrymandered, it is
23 impossible to run against an incumbent.

24 In the 30th AD, Maspeth and Middle

1 Congressional/State Legislative Redistricting 2-7-12

2 Village are predominantly one and two family
3 homes while Woodside, Sunnyside, parts of Astoria
4 and Long Island City are predominantly apartment
5 houses, large condo developments, and public
6 housing. An incumbent can spend public funds in
7 the guise of public information mailings or look
8 what I've done for you lately pamphlets and
9 target these large complexes very effectively all
10 year long. Throw in a street fair or fund a
11 group in these large complexes, and the vote is
12 yours. Talk about buying votes.

13 Maspeth and Middle Village must be
14 separated from Woodside, Sunnyside, Astoria, and
15 Long Island City. We have nothing in common, and
16 our votes are overwhelmed by them. They say the
17 proof is in the pudding. Just look at the last
18 election results from the assembly race in the
19 30th AD. In Maspeth and Middle Village, the
20 challenger received an overwhelming majority of
21 votes. In the areas that have been gerrymandered
22 to the advantage of the incumbent, the reverse
23 happened. Note that the population of Long
24 Island City, Astoria, Woodside, and Sunnyside is

1 Congressional/State Legislative Redistricting 2-7-12

2 far greater than that of Maspeth and Middle
3 Village. It is impossible to electioneer in
4 large buildings. Access is prohibited. The 30th
5 AD looks on the map like a - -. It can be used
6 as a poster child for gerrymandering. Something
7 needs to be done.

8 Now, this is the 30th. If anyone can
9 possibly explain to me why this was even allowed
10 to happen, I'd be more than willing to spend a
11 lifetime listening. It is a disgrace. The fact
12 of the matter is that not only can someone
13 looking to run for political office in the 30th
14 Assembly District not be able to compete
15 financially because the incumbent certainly has
16 the power to use their office for mailings...it
17 is impossible to raise the money to put the
18 mailings into these areas. So all I ask is that
19 you take a look at this. I think that the 30th
20 Assembly District should be boarded on the north
21 by Queens Boulevard and on the south by Woodhaven
22 Boulevard. This would make the population of
23 that area all having the same interests, the same
24 needs, and be able to go to their elected

1 Congressional/State Legislative Redistricting 2-7-12

2 officials and get what they need, not have the
3 elected official go to the needs of the people
4 where they think they're going to get the most
5 votes. I don't believe that this is the politics
6 that our founding fathers had in mind. Thank
7 you.

8 SENATOR NOZZOLIO: Thank you, Mr.

9 Caruana. Vishnu Mahadeo.

10 VISHNU MAHADEO, PRESIDENT RICHMOND HILL

11 ECONOMIC DEVELOPMENT COUNCIL: Good afternoon.

12 My name is Vishnu Mahadeo. I am the President of
13 the Richmond Hill Economic Development Council,
14 which is a de facto - - chamber of commerce and a
15 social umbrella of Richmond Hill. Richmond Hill
16 EDC is a not for profit organization of
17 merchants, businesses, service providers, elected
18 officials, and other community members working
19 together to advance the business, cultural,
20 social, educational, and civic welfare of the
21 South Asian neighborhood of Richmond Hill, South
22 Ozone Park, and Ozone Park. Before I get in, I
23 will not go to my testimony. I'll give you just
24 pieces of it.

1 Congressional/State Legislative Redistricting 2-7-12

2 There is an item that you will hear from
3 time to time in the presentations to follow, and
4 that is the word Indo-Caribbean. Who is an Indo-
5 Caribbean? Indo-Caribbean are a community of
6 about 500,000 people in the United States, people
7 who came from India to the Caribbean since 1883
8 and made a second migration to the United States
9 starting about 50 years ago. Although they come
10 mainly from Guyana, Trinidad and Tobago and
11 Suriname, we have a distinct mixture of
12 Indian/Caribbean culture and a heritage with a
13 distinctive and pronounced Indian influence.
14 There are over 150,000 Indo-Caribbean in Queens
15 alone and more than 60,000 in the area that I'm
16 going to highlight to you.

17 Now, one of the reasons why I bring up
18 this information is that we have a lot of
19 presentations today, and you drew maps that
20 confused the life out of everybody. So as a
21 grade school teacher I want to draw my own map.
22 This here is a map of Richmond Hill. On one side
23 here, we have Van Wyck Expressway. On the north
24 side of it, we have an area that's called

1 Congressional/State Legislative Redistricting 2-7-12

2 Hillside Avenue and Jamaica Avenue. Then, on the
3 west side of it we have Woodhaven Boulevard.

4 Then, on the north side of this map is Belt
5 Parkway. It is a continuous area of people of
6 common interests, culture and heritage. When I
7 say I am from Guyana, in the census track, people
8 down I'm Indo-Guyanese or Indo-Trinidadian.

9 There is no such category for the census, so I
10 become an other.

11 So if you take the Asian Indian and the
12 other population...because if you go on Liberty
13 Avenue you'll be surprised to know there are so
14 many like me. Now, we have about 43% of this
15 area here, yet this - - of Richmond Hill if you
16 open it you will find that this is one assembly
17 district. This is a second assembly district.
18 Then we have a third assembly district here.
19 Then when you finish, we have a fourth assembly
20 district here. Then, when you finish, there's a
21 fifth assembly district here. Now - - because
22 out there there's another piece, but if you look
23 at your map very carefully, what you have
24 done...you are disenfranchising a large

1 Congressional/State Legislative Redistricting 2-7-12

2 community. Look at the dense concentration of
3 our population, yet despite the fact we are so
4 highly concentration, you had the audacity to
5 actually chop us up. We have five, and we were
6 complaining about having too many chop up. Now,
7 you went and chopped us up into six. This has to
8 stop.

9 We are a people of common interests. We
10 and the Punjabi and the South Asians are all the
11 majority population in this area here. We're
12 just asking for the opportunity for us to become
13 part of the mechanism here in America. We have
14 been knocking on the doors. The councilman who
15 was here even said that. Everyone here who has
16 been talking - -. We're looking...the connection
17 of these districts. This has enough information
18 in here to have an assembly district by itself.
19 We are asking just for us to have an assembly
20 district by itself. Make this - -. Grow it all
21 the way over, so the people in Rockaway are
22 happy. The people up there in Glendale and all
23 the way up in Union Turnpike are happy...so that
24 we will have togetherness here. In closing, I

1 Congressional/State Legislative Redistricting 2-7-12

2 would like to say one thing. We respect this
3 body. We came here because we respect you, but
4 please show us some respect. We have been making
5 these testimonies time after time after time. We
6 are looking for your help. Please, do what is
7 good. Thank you.

8 SENATOR NOZZOLIO: Thank you very much.

9 John Park.

10 JOHN PARK, DIRECTOR OF COMMUNITY
11 DEVELOPMENT - YWCA OF QUEENS, MEMBER - ASIAN
12 AMERICAN COMMUNITY COALITION ON REDISTRICTING AND
13 DEMOCRACY: Hello members of the task force.
14 Thank you for this opportunity to speak. I think
15 my statement isn't as fiery as some people or as
16 nuanced, but I'll just begin.

17 Established in 1978, the YWCA of Queens,
18 who I am representing as the Director of
19 Operations and Community Development, is an
20 influential non-profit that meets the needs of
21 low income individuals and immigrants that
22 provides the necessary resources and tools for
23 families to overcome language, cultural and
24 professional barriers and become economically

1 Congressional/State Legislative Redistricting 2-7-12

2 self sufficient. As many of you are already
3 aware, the Asian American population is 15 times
4 greater than the proportion of legislators who
5 are Asian American. Although we should not view
6 fair access and representation strictly by
7 numbers, a large disparity in numbers is one of
8 the easiest and clearest systemic indicators
9 pointing to voting dilution. Our organization,
10 the YWCA of Queens, is also part of the Asian
11 American Community Coalition on Redistricting and
12 Democracy Accord. We also agree with a unity map
13 that is supported by diverse coalitions and
14 communities.

15 The YWCA of Queens acknowledges the
16 efforts that LATFOR has made to create more
17 opportunities for Asian American communities of
18 interest. However, further improvements must be
19 made. Regarding the specific maps proposed by
20 LATFOR, especially in the Queens area, we commend
21 the foresight and effort in terms of creating a
22 new Senate District with an Asian American
23 majority. However, the borders in keeping the
24 communities together don't make a lot of sense,

1 Congressional/State Legislative Redistricting 2-7-12

2 to be honest...to be very frank. A lot of our
3 constituents will be divided between these two
4 districts when they should clearly be part of the
5 same community, part of the same district. For
6 example, the Northern Boulevard corridor is
7 divided in half, and that just makes no sense to
8 anybody who lives in the area, like myself, when
9 it should be kept intact....so that we ask that
10 the Senate District lines be reconsidered to keep
11 Flushing whole.

12 In conclusion, on behalf of the YWCA of
13 Queens and our constituents, we support the
14 recommendations of the unity map developed by
15 Asian American, Latino, and Black community
16 members and representatives. We urge the task
17 force to further consider and adopt those lines,
18 which we feel best reflects the communities of
19 interest and keeps them whole. Thank you.

20 SENATOR NOZZOLIO: Thank you, Mr. Park.
21 Carol Huang.

22 CAROL HUANG, MEMBER - ASIAN AMERICAN
23 COMMUNITY COALITION OF REDISTRICTING AND
24 DEMOCRACY: Good afternoon members of the task

1 Congressional/State Legislative Redistricting 2-7-12

2 force. My name is Carol Huang, and I'm a
3 Professor at the City College of New York and - -
4 board member of Asian American and Asian Research
5 Institute of CUNY. Here, I represent myself and
6 as a member of Accord. As James Hong indicated
7 earlier, Accord is organized - - maximizing the
8 number of Asian Americans included in a district
9 and to get Asian Americans elected to public
10 offices. It is about keeping the community of
11 interest intact to empower all people. With this
12 pretext, I would like to cheer the first Asian
13 American majority Senate District ever drawn, but
14 taking an initial look at the map I was shocked
15 to see the shape. District 11...District 16 is
16 like a lobster with two huge claws holding a big
17 huge ball...District 16...District 11...and
18 swinging his tail into Elmhurst. I asked myself
19 why one area is kept so compact and the other one
20 is so spread out.

21 After carefully studying the map, I
22 found the map divided neighborhoods of Flushing
23 and Elmhurst. It breaks Flushing Chinatown and
24 the Korean American community by including part

1 Congressional/State Legislative Redistricting 2-7-12

2 of Elmhurst that also breaks its community in
3 several districts. I appreciate LATFOR, the
4 Senate plan, recognized that an Asian majority
5 district is warranted and necessary, but dilution
6 of Asian American vote between District 11 and
7 District 16 is unacceptable. I believe that
8 LATFOR can draw a better map that I propose to
9 make district 11 more compact like the unity map
10 produced by Asian American, Latino American, and
11 African American. The Senate district plan for
12 District 22 in southwest Brooklyn continued to
13 gerrymander it, and I opposed the Senate plan for
14 this area. In district 22, neighborhood had the
15 fastest and highest Asian population growth rate
16 among the entire city, about 57% between 2000 and
17 2010. With this growth trend, the Asian
18 population will be a majority before the next
19 redistricting. Keeping the community interests
20 intact in this - - redistricting is very
21 important for the development of our democracy.
22 I propose that also follow that unity map line.
23 Thank you very much.

24 SENATOR NOZZOLIO: Thank you very much.

1 Congressional/State Legislative Redistricting 2-7-12

2 Seema Agnani.

3 ANJALI CHAUDHRY: Good afternoon. My
4 name is Anjali Chaudhry, if you want to change it
5 for the record, but myself and - - will be
6 speaking on behalf of Seema Agnani and CHHAYA
7 Community Development Corporation.

8 SENATOR NOZZOLIO: You're speaking
9 together. That's five minutes.

10 MS. CHAUDHRY: Okay. We are.

11 SENATOR NOZZOLIO: Okay. Thank you.

12 MS. CHAUDHRY: Good afternoon. We are
13 here to testify on behalf of CHHAYA CDC and as
14 local residents residing in the proposed Assembly
15 District 24 and Assembly District 34.

16 SENATOR NOZZOLIO: Sorry. For the
17 video, would you state both names again, please?

18 MS. CHAUDHRY: Yes. My name is Anjali
19 Chaudhry.

20 MALE VOICE: - - .

21 SENATOR NOZZOLIO: Thank you.

22 MS. CHAUDHRY: It's on the top of the
23 testimony.

24 SENATOR NOZZOLIO: Your names are not on

1 Congressional/State Legislative Redistricting 2-7-12

2 the list.

3 MS. CHAUDHRY: Yes. We're speaking on
4 behalf of an organization. Seema wasn't able to
5 come today.

6 SENATOR NOZZOLIO: Alright. So you're
7 replacing Seema?

8 MS. CHAUDHRY: Exactly, on her behalf.

9 SENATOR NOZZOLIO: Go ahead.

10 MS. CHAUDHRY: Thank you. Based in
11 Queens, New York, CHHAYA, meaning shelter or
12 shade, is dedicated to creating more stable and
13 sustainable communities by increasing civic
14 participation and addressing the housing and
15 community development needs of New York's South
16 Asians and people of South Asian origin, new
17 immigrants, and their neighbors. Our work
18 encompasses tenant rights, home ownership,
19 foreclosure prevention, housing rights, civic
20 engagement, and advocating for the affordable
21 housing opportunities as well as research and
22 advocacy around community needs. We work
23 predominantly with South Asian communities in
24 both southeastern and northwestern Queens in the

1 Congressional/State Legislative Redistricting 2-7-12

2 neighborhoods of Jackson Heights, Elmhurst,
3 Woodside, Sunnyside, Astoria, as well as in
4 Richmond Hill, South Ozone Park, and
5 Jamaica/Briarwood.

6 South Asians are immigrants from the
7 regions and borders and areas of Bangladesh,
8 India, Nepal, Pakistan, and Sri Lanka as well as
9 the diaspora from the Caribbean and other
10 areas...are one of New York City's newest
11 immigrant groups and also one of the fastest
12 growing ethnic populations. I'm going to skip
13 over.... CHHAYA is a member of Accord, so we
14 also endorse the unity maps. I'm just going to
15 turn your attention to the second page where we
16 talk a little bit about the foreclosure in our
17 communities.

18 If you look at the back, we've attached
19 a map, which is developed in part by CHHAYA and
20 also the Neighborhood Economic Development and
21 Advocacy Project, or NEDAP. The map reflects
22 foreclosure filings in the borough in 2010 for
23 Queens, and as you can see, two communities of
24 particular need are Briarwood/Jamaica Hills and

1 Congressional/State Legislative Redistricting 2-7-12

2 Jamaica and Richmond Hill and Ozone Park.

3 SENATOR NOZZOLIO: We don't have what
4 you're talking about. I'm just looking for it.
5 I don't see it.

6 MS. CHAUDHRY: You didn't get it? Well,
7 you should get it from the...we submitted it to
8 the front.

9 SENATOR NOZZOLIO: It's probably under
10 Seema's name.

11 MS. CHAUDHRY: Yeah, it's under Seema's
12 name.

13 SENATOR NOZZOLIO: Yeah. Thank you.
14 Continue.

15 MS. CHAUDHRY: Okay, so based on this
16 analysis, you can see that we looked at owners
17 who received default notices over a six month
18 period of time and identified South Asian
19 families. The analysis found that in 2008 over
20 6000 foreclosures were filed in Queens, making
21 the borough the epicenter of the foreclosure
22 crisis in New York City. The highest numbers of
23 foreclosures were recorded in the neighborhoods I
24 just talked about, so that's Jamaica/Briarwood,

1 Congressional/State Legislative Redistricting 2-7-12

2 Richmond Hill, and South Ozone Park among others.

3 The findings indicated that in some of the zip

4 codes of Queens South Asians made up as much as

5 50% of the owners who received default notices.

6 The zip codes where South Asians made up the

7 highest percentage of all owners in default were

8 11432, which includes Briarwood/Jamaica and

9 Jamaica Estates. That was 53%...and South Ozone

10 Park, which was 50%.

11 MALE VOICE: We support the creation of

12 South Asian - - district in the - - district

13 maps. While District 24 is a clear and positive

14 step towards recognizing the vibrant South Asian

15 community of Queens, the district is drawn in

16 such a way that it includes a small portion of

17 Richmond Hill. While it is true that these

18 communities both have high concentrations of

19 South Asians, the Richmond Hill and South Ozone

20 Park community should be kept as one district as

21 it functions as one neighborhood...income levels,

22 schools, - - commercial districts and ethnic

23 communities are distinct from the Briarwood and

24 Bellerose.

1 Congressional/State Legislative Redistricting 2-7-12

2 With the proposed district lines,
3 Richmond Hill and South Ozone Park are currently
4 split in two to three different - -. Richmond
5 Hill and South Ozone Park should be unified into
6 one - - community that must be kept together. We
7 are - - to take a closer look at these
8 neighborhoods and ensure that South Asian and
9 Asian American communities are kept together and
10 not splintered - - newly drawn districts. Thank
11 you for the opportunity to testify. Thank you.

12 SENATOR NOZZOLIO: Thank you very much.
13 Eli Shapiro [phonetic]. Harvey Gordon
14 [phonetic]. I am very sorry that you'll be
15 testifying at number 20. Mr. Gordon is not here,
16 and Mr. Shapiro's name was called and he is not
17 here. I apologize, Mr. Fragin, but we need to go
18 through the list. Robert Friedrich.

19 ROBERT FRIEDRICH, PRESIDENT - GLEN OAKS
20 VILLAGE CO-OP/EASTERN QUEENS UNITED: Good
21 afternoon. My name is Bob Friedrich, and I'm the
22 President of Glen Oaks Village, which is the
23 largest - - apartment co-op in New York with
24 10,000 residents, which you have chopped directly

1 Congressional/State Legislative Redistricting 2-7-12

2 in half. So the residents on one side of the
3 street are no longer in the same district as the
4 residents on the other side of the street, AD 24.
5 I am also the founder of Eastern Queens United, a
6 coalition of more than a dozen civic associations
7 representing 75,000 residents in Eastern Queens.

8 Now, Eastern Queens United wants to make
9 it very clear...we are appalled by the new
10 legislative district maps that you have produced
11 for our area in Queens. The proposed legislative
12 district lines tear at the fabric of our
13 communities and our neighborhoods. Rather than
14 seeking to break up our community along ethnic
15 boundaries as others advocated, Eastern Queens
16 United simply sought to maintain the unity of our
17 diversely enriched neighborhoods that have worked
18 together harmoniously on civic issues for years.
19 So when community leaders of all ethnicities from
20 Bellerose, Floral Park, Glen Oaks, New Hyde Park,
21 and Queens Village came together to create
22 Eastern Queens United, we did not identify
23 ourselves as Catholics, Jews, Muslims, Sikhs,
24 Hindus, South Asians, Italians, or Irish...but as

1 Congressional/State Legislative Redistricting 2-7-12

2 Americans first seeking to remain united and
3 continue working together as we have in the past.
4 This powerful pro-community message of unity was
5 summarily rejected by LATFOR.

6 Earlier this year, LATFOR promised to
7 respect communities of interest. It insisted
8 that an independent commission was not necessary
9 to draw lines since LATFOR would draw them free
10 of political considerations. What did you do?
11 All of you? You have treated our civic leaders
12 with contempt, publicly pretending to care about
13 our concerns and then privately going about your
14 business ignoring them. Your broken promises are
15 trumped only by your brazen and breathtaking
16 gerrymandering of our districts. The New York
17 Daily News described your maps as "a mugging of
18 democracy that cannot stand." The shameless
19 gerrymandering of our community has been an
20 insult to the honest efforts and hard work of our
21 civic groups. Eastern Queens United asked that
22 you respect our desire to remain united in a
23 single legislative district. We provided you
24 with carefully detailed maps, community names,

1 Congressional/State Legislative Redistricting 2-7-12

2 and census tracks. Instead, you chose to ignore
3 our request in its entirety and then carved up
4 our neighborhoods into unidentifiable blobs on a
5 map. The new legislative lines are an
6 abomination. You have taken the 24th Assembly
7 District and sliced and diced communities
8 haphazardly along a narrow corridor that
9 stretches across Queens. Communities that have a
10 rich history of working together have been
11 disjointed...have been divided into disjointed
12 clumps of territory that no longer share a
13 community board, police precinct, or school
14 district.

15 These lines were drawn by bureaucrats
16 and rogue politicians with no knowledge and no
17 evidence of concern for our communities. The
18 lines do not follow natural boundaries and were
19 purposely drawn along small residential streets,
20 deliberately dividing neighbors and splitting
21 communities to serve the needs of politicians and
22 political parties. Instead of respecting our
23 request for unity, our neighborhoods have been
24 eviscerated by LATFOR. We have come together

1 Congressional/State Legislative Redistricting 2-7-12

2 stronger than ever to stand up for our rights and
3 to again ask you to go back to the drawing board
4 and keep the communities of eastern Queens
5 united, a very simple request, a community of
6 75,000 people that can easily fit in an assembly
7 district. If you cannot do this, we'll call upon
8 the governor to carry out his pledge to veto your
9 gerrymandered lines because at the end of the day
10 voters should choose their representatives.
11 Politicians should not choose their voters.
12 Thank you so much.

13 SENATOR NOZZOLIO: Mr. Friedrich, did
14 you submit a written copy of that testimony, your
15 testimony?

16 MR. FRIEDRICH: Yes, I did. You have a
17 written copy of the testimony. You also have
18 from previous letters that we sent to you, census
19 tracks, names of communities and maps showing the
20 communities of Eastern Queens United.

21 SENATOR NOZZOLIO: Thank you very much.

22 MR. FRIEDRICH: You're very welcome.

23 SENATOR NOZZOLIO: Warren Schrieber.

24 WARREN SCHRIEBER, PRESIDENT - BAY

1 Congressional/State Legislative Redistricting 2-7-12

2 TERRACE COMMUNITY ALLIANCE: My name is Warren
3 Schrieber. I'm President of the Bay Terrace
4 Community Alliance, a civic group representing
5 5000 households in Bay Terrace, Queens. That's
6 not 5000 people; that's 5000 households, which
7 represents a lot of people. It might be more
8 people than you even have in Seneca Falls,
9 Senator, so we are a large community. To my
10 friends, my good friends in the Asian community,
11 I have a message. Let's work together. Let's
12 not fight each other. Let's not...they want to
13 use the tactic of divide and conquer. Let's show
14 them that that's not going to work.

15 Look at a map, a current map of the 11th
16 Senate District in New York State and you can't
17 help but notice it contains what appears to be an
18 empty hole. It's almost like a puzzle with a
19 missing piece. That intentionally created gap is
20 the northeast Queens community of Bay Terrace,
21 which is currently part of the 16th Senate
22 District. Why would a community such as Bay
23 Terrace be excluded from a Senate District?

24 The 11th Senate District was originally

1 Congressional/State Legislative Redistricting 2-7-12

2 gerrymandered in a manner designed to protect the
3 seat of, be it that time, Republican state
4 senator. Bay Terrace with its large Jewish
5 population and many co-ops and condos was not
6 viewed as Republican friendly. It should be
7 pointed out that contrary to popular belief, Bay
8 Terrace is a diverse neighborhood with a
9 multiplicity of different religions, ethnicities
10 and political leanings. This is not meant to be
11 a criticism of the Republicans, who merely
12 followed common practice and did what was
13 politically expedient under similar district
14 configurations. Democrats do the same things.
15 But no matter how you try to package it, it's
16 still discriminatory in nature. Excluding Bay
17 Terrace because of its large Jewish population
18 from being part of the 11th Senate District is
19 wrong.

20 There is simply no way to justify this.
21 Some voters may be surprised to learn that Fort
22 Totten was included as part of the 11th Senate
23 District by using the high water mark in Little
24 Bay. The high water mark in the bay, that's how

1 Congressional/State Legislative Redistricting 2-7-12

2 that District was set up. The story gets even
3 more confusing when we look back 10 years ago and
4 find Bay terrace being represented by Senator
5 George Anarato, a Democrat from Astoria. Anarato
6 was a nice, capable gentleman, but invitations
7 for him to visit Bay Terrace always included
8 travel directions. You just can't make this
9 stuff up.

10 Unfortunately, as we can all see, the
11 current partisan method of setting district lines
12 is entirely self-serving, and only benefits our
13 elected officials. They get to choose their
14 voters when it should be the other way around.

15 For those of you who are not familiar
16 with Bay Terrace, we are not part of Flushing.
17 Not that there's anything wrong with Flushing.
18 Flushing is a wonderful place. Bay terrace is
19 not part of that community, we are part of the
20 community of Bayside, we're part of the fabric of
21 Bayside, and we always have been, and we always
22 will be.

23 My message to the LATFOR task force is
24 twofold. End discriminatory redistricting

1 Congressional/State Legislative Redistricting 2-7-12

2 practices and allow Bay Terrace to take its
3 rightful place in the 11th Senate District and
4 number two, don't steal our votes. And
5 gentlemen, ladies and gentlemen, just in case
6 anybody is wondering, I'm a lifelong Democrat who
7 believes that a strong two-party system is vital
8 to a Democratic form of government. Thank you
9 for your time.

10 (applause)

11 CHAIRMAN NOZZIOLO: Thank you very much
12 Mr. Schrieber. Kenneth Cohen. Good afternoon,
13 Mr. Cohen.

14 MR. KENNETH COHEN: Good afternoon,
15 Committee. My name is Kenneth Cohen, I'm the
16 Regional Director for the NAACP New York State
17 Conference, Metropolitan Council. Today I'm here
18 not to read my testimony, but to give some brief
19 history of this great organization, which turns
20 103 on Sunday.

21 The mission of the NAACP is to ensure
22 the political, educational, and social and
23 economic quality of rights of all persons to
24 eliminate race-based discrimination. To inform

1 Congressional/State Legislative Redistricting 2-7-12

2 the public of the adverse effects of racial
3 discrimination, and to seek its elimination. To
4 educate persons as to their constitutional
5 rights, and to take all lawful action to secure
6 the exercise thereof, and to take any other
7 lawful action in furthering these objectives
8 consistent with the NAACP's articles of
9 incorporation, and their constitution.

10 Today we have a full audience of people
11 from mostly the county of Queens. It is divisive
12 when you pull ethnic groups, religious groups
13 together to fight for just a small parcel of
14 their right when not working together and bring
15 in to create a common cause.

16 In our 103 years of existence, we have
17 met the challenge for all people, not one group,
18 not one small faction, and we have remained non-
19 partisan. We have fought for the rights of every
20 person in this room, and all the people in this
21 room have benefited from our actions. But yet,
22 we continually come back to these every 10 years
23 to fight for the same thing. And that's the
24 drawing of lines to keeping certain districts

1 Congressional/State Legislative Redistricting 2-7-12

2 intact, keeping communities together, not to
3 enfranchise those communities or individuals, not
4 to take away the power of the civic groups or
5 community groups that exist.

6 The lines that were proposed on February
7 2nd do just that. We are appalled at those
8 actions, and we figure you guys must have been
9 out for blood as our State Conference President
10 said, because these lines do not do justice for
11 any one real group.

12 We ask that you redraw these lines or as
13 was said by the Governor, we will go to Albany
14 and demand that he veto these lines. These lines
15 were supposed to be an open choice for all people
16 of like minds and like direction. But in certain
17 communities you have disenfranchised them. You
18 have actually taken people that will probably no
19 longer vote in the same polling sites that they
20 voted for the past 50 years.

21 You have re-drawn lines where you have
22 drawn people out of communities by a half a
23 block. In fact, in one community in our
24 district, in Northeast Queens, you have drawn the

1 Congressional/State Legislative Redistricting 2-7-12

2 only African-American elected statewide out of
3 the picture by a half a block. Now if that's not
4 coincidence, then I call it racism. Thank you.

5 CHAIRMAN NOZZOLIO: Thank you very much,
6 Mr. Cohen. Michael Fragin. Thank you very much.

7 MR. MICHAEL FRAGIN: Thank you.

8 Senator, and as I mentioned before, Mr. Harvey
9 Gordon was here earlier, he got pulled away by a
10 family emergence, so I can have him actually sign
11 a testimony if you want, and re-submit it, but I
12 am going to testify on his behalf. Thank you,
13 and I mention we, even though it's an I.

14 CHAIRMAN NOZZOLIO: I'd like the
15 conversation in the middle of the room to stop.
16 Two gentlemen that are standing, please feel free
17 to talk outside. Not here. Please provide--I
18 know this is a long process--respect those who
19 are speaking. And we are going to insist on
20 order. Thank you very much. Please continue.

21 MR. FRAGIN: Thank you, Senator. As I
22 said, I'll mention the we, even though my
23 colleague is not here. We would like to begin by
24 thanking the committee and the esteemed Chairman,

1 Congressional/State Legislative Redistricting 2-7-12

2 Senator Nozzolio, and Assemblyman McEneny for
3 coming to Queens County today for this hearing.
4 Reapportionment is clearly a difficult and
5 complex undertaking, and we are sure that you're
6 relieved that the next iteration is not due for
7 another decade.

8 My Name is Michael Fragin, I'm a board
9 member of two important Far Rockaway
10 institutions, Yeshiva Darchei Tora, and Achiezer
11 Community Resource Center. I am joined here
12 today by Harvey Gordon, who's served for more
13 than a decade as Executive Director in the Jewish
14 Community Council of the Rockaway Peninsula, and
15 is now Director of the Safety and Security at
16 Yeshiva Darchei Tora. Harvey also currently
17 serves as a member of Community Board 14, that
18 represents all of the communities under a single
19 banner, and is on the board of the Adabo Family
20 Health Center.

21 Darchei Tora is a comprehensive
22 educational campus that today educates more than
23 1,800 boys and men, and is the third largest
24 employer in the Rockaways. Since time is short,

1 Congressional/State Legislative Redistricting 2-7-12

2 let us get directly to the point. For the past
3 decade, our neighborhood and the entire Rockaway
4 Peninsula has been ably represented by Senator
5 Malcolm Smith of the 14th Senate District. The
6 current LATFOR New York State Senate maps would
7 move our community to the Southwest Queens
8 district of Senator Huntley, the 10th Senate
9 District.

10 This would sever our neighborhood from
11 the western part of the Rockaways. Our current,
12 and apparently future assembly district 23,
13 includes Breezy Point, Bell Harbor, and other
14 areas at the other end of the Rockaway Peninsula.
15 As well as Ozone Park, Broad Channel, and Howard
16 Beach. With the exception of Far Rockaway, all
17 of these other communities have been consolidated
18 into the new Senate District 15. We believe that
19 creating this type of overlap between the Senate
20 and Assembly districts is ideal.

21 The Far Rockaway community has interests
22 and concerns that are not necessarily felt by the
23 mainland southeast Queens communities that
24 dominate the 10th Senate District. We are a

1 Congressional/State Legislative Redistricting 2-7-12

2 coastal community with a beautiful beach and
3 boardwalk. We have significant challenges of
4 long commuting times, lack of transportation
5 infrastructure, as well as concerns of
6 overdevelopment. This summer, Hurricane Irene
7 raised concerns very specific to those living on
8 the Peninsula.

9 A very recent example of a Rockaway
10 issues was the proposal to end the Cross Bay
11 Bridge toll for Rockaway residents. It is an
12 issue that unites neighborhoods to the west of
13 us, but not those to the north on the mainland.
14 Those common interests that have been enhanced by
15 our shared representation in the State Assembly
16 would not carry over to our senate representation
17 under the current proposal.

18 Our neighborhood at the far southeast
19 edge of New York City is often forgotten in terms
20 of government resources in response to our
21 concerns. If we are subsumed with a mainland-
22 dominated Senate District, our unique issues may
23 not be addressed as needed.

24 We, as long-time activists in our

1 Congressional/State Legislative Redistricting 2-7-12

2 neighborhood, respectfully ask the task force to
3 take another look, and urge you to unite Far
4 Rockaway with the other coastal communities in
5 the proposed Senate District 15. Thank you for
6 providing us with this opportunity to speak
7 today, and we hope that you will be responsive to
8 the concerns of our Far Rockaway community.
9 Thank you.

10 CHAIRMAN NOZZOLIO: Thank you very much.
11 Steven Choi. Steven Choi.

12 MR. STEVEN CHOI: Good afternoon, my
13 name is Steven Choi, and I'm the Executive
14 Director of the Minkwon Center for Community
15 action. On behalf of the Minkwon Center and the
16 communities that we work with, I'm here to
17 comment on the proposed State Senate and State
18 Assembly Districts that this task force has
19 offered, specifically for those districts that
20 cover the areas in the greater Flushing area in
21 which we are based.

22 As a proud member of ACCORD, the Asian-
23 American Community Coalition on Districting and
24 Democracy, Minkwon Center has been active on this

1 Congressional/State Legislative Redistricting 2-7-12

2 redistricting issue, because we believe that fair
3 and equitable redistricting is absolutely
4 critical to our goal of increasing civic
5 engagement of our communities.

6 These community's voters have
7 historically been disempowered and
8 disenfranchised by complicated procedures, the
9 lack of translator materials, and simple
10 intimidation and sheer harassment. The Minkwon
11 Center has sought to empower our communities by
12 registering new voters and education them about
13 the process, mobilizing them to vote and then
14 protecting them at the polls. I want to
15 emphasize that the goal of our efforts is
16 completely non-partisan.

17 We do not support or endorse any
18 politicians or parties. Nor is our goal to elect
19 an Asian-American or Korean-American candidate.
20 We do not believe that there is any correlation
21 between the race of an elected official and the
22 ability to represent his or her constituents.
23 Instead, our goal is to help empower our
24 communities that we work with.

1 Congressional/State Legislative Redistricting 2-7-12

2 And if districts are drawn properly in
3 ways that respect natural communities of
4 interest, and that uphold the voting rights act,
5 then we are rewarded with competitive elections,
6 politicians who are accountable to their
7 communities, and the protection of
8 disenfranchised minorities.

9 These are the principles that underlie
10 our advocacy efforts on redistricting. My
11 comments today will relate specifically to the
12 Flushing and Bayside areas where many of our
13 community members reside. In my September
14 testimony, I stated that Flushing and Bayside are
15 not only clear communities of interest, they're
16 also closely linked, not only by geography, but
17 also by close cultural, familial, and economic
18 ties.

19 For example, the border between District
20 16 and District 11 cuts the aforementioned
21 Northern Boulevard Quarter almost exactly in half
22 instead of keeping this area whole. The proposed
23 Asian Area District, District 16 also contains an
24 unmistakable and unfortunate gerrymander to

1 Congressional/State Legislative Redistricting 2-7-12

2 include Bay Terrace. The gerrymander makes no
3 sense.

4 And more importantly it runs afoul of the
5 principles we are fighting for. And we believe
6 that this Task Force can revisit these District
7 lines in a way that more closely respects the
8 Communities of Interest in Flushing and Bayside
9 that we have outlined.

10 And on the Assembly side we applaud the
11 creation of Proposed Assembly District 25 which
12 is a clear improvement on the existing District.
13 And we also approve of Assembly District 40 which
14 preserves the older District 22, a District of
15 historic import for the Asian American community.

16 I close by again referring to the Unity
17 Maps developed through a painstaking process by
18 Latino, Black, Asian American, and community
19 advocates. We are proud to have participated in
20 their creation. And we believe that these Unity
21 Maps truly reflect our principles of equality and
22 fairness in keeping Communities of Interest
23 whole.

24 The Minkwon Center for Community Action

1 Congressional/State Legislative Redistricting 2-7-12

2 will continue to advocate so that the Korean
3 American, Asian American, and marginalized
4 communities are heard and that our political
5 rights are protected. We are committed to making
6 sure that this re-districting process helps
7 strengthen democracy and not undermine it. Thank
8 you.

9 ASSEMBLY MEMBER JOHN J. MCENENY,
10 CO-CHAIR, NEW YORK STATE LEGISLATIVE TASK FORCE
11 ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT:

12 Thank you.

13 SENATOR MICHAEL F. NOZZOLIO, CO-CHAIR,
14 NEW YORK STATE LEGISLATIVE TASK FOR ON
15 DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT: Thank
16 you very much. Duk Sun Chang. Good afternoon.

17 DUK SUN CHANG, OWNER, DUK CHANG GEMSTONE
18 CUTTER: Good afternoon. My name is Duk Sun
19 Chang. Since immigrating to the United States
20 from Korea in the 1980s, I have been - - and a
21 proud New Yorker. I have lived Flushing since
22 2002. And I bought a home in Flushing in 2004.
23 I am here today to voice my concerns on the Maps
24 as a Korean American community member and as a

1 Congressional/State Legislative Redistricting 2-7-12

2 voter.

3 As you well know, most Korean American
4 New Yorkers who live in the Northeast Queens and
5 in the Korean American community, I have worked
6 hard in this country to give my children a better
7 life. I have done this by running a small
8 business, buying a home, and sending my kids to
9 good schools.

10 And today I am here to exercise my civic
11 rights and demand that my community's voice be
12 presented in these Maps. Korean Americans should
13 have a voice in the Queens political landscape.
14 But for many years our community's political
15 power has been diluted by these district lines.

16 On the Assembly level, I am glad to see
17 progress and some improvement. In the ten years
18 that I have lived in Flushing, I have seen the
19 Chinese, Korean, and South Asian population grow
20 and it is great to see this reflected by the
21 addition of another Asian Majority District to
22 the one that we had before. The same goes for
23 the Asian Majority District 16 in the Senate.
24 However on the whole the Senate Maps do not make

1 Congressional/State Legislative Redistricting 2-7-12

2 sense for Flushing.

3 In the Whole Maps I was considered and
4 registered over in District 11. In the Proposed
5 Maps, I live in District 16. This order between
6 District 11 and District 16 is dividing the heart
7 of Flushing in half. The way that the Maps are
8 now I will be the same District as people all the
9 way up in Bay Terrace and cut off from my
10 neighbors here in Flushing.

11 Bay Terrace and Flushing are very
12 different neighborhoods. I have seen the Common
13 Cause and Unity Maps and I support either of
14 these Maps as they keep my community whole.
15 Thank you for your time.

16 SENATOR NOZZOLIO: Thank you very much,
17 Council Member Robert Jackson.

18 NEW YORK CITY COUNCIL MEMBER ROBERT
19 JACKSON: Good afternoon Task Force. How are
20 you? It is pretty hot in here and pretty
21 crowded. But let me take this opportunity to
22 thank you for what you are doing in order to try
23 to bring appropriate representation throughout
24 our great city and our great state.

1 Congressional/State Legislative Redistricting 2-7-12

2 My name is Robert Jackson and I represent
3 the 7th Councilmanic District in Manhattan
4 consisting geographical areas of Harlem,
5 Washington Heights, and Inwood. And I apologize
6 that I did not testify in Manhattan. But as a
7 Chair of the Education Committee, I was chairing
8 a committee meeting from 10:00 a.m. until about
9 3:30 p.m. that afternoon which the Senate voted
10 on recently allowing churches to use the schools
11 in off-hours.

12 Besides chairing the Education Committee,
13 I also served as a Co-Chair of the New York City
14 Council's Black, Latino, and Asian Caucus. There
15 are 27 members of the Caucus. Every member that
16 is Black, Latino, or Asian is a member of the New
17 York City's Black, Latino, and Asian Caucus.

18 And this is the second time that I am
19 submitting testimony to this Body. And once
20 again I urge you to please consider the growing
21 population and participation of different
22 minority ethnic groups in our city when
23 submitting your recommendations for truly fair
24 and equitable joining of Congressional Lines.

1 Congressional/State Legislative Redistricting 2-7-12

2 As contributing members of our great
3 City, these groups deserve equitable
4 representation in government that is both logical
5 and precisely supportive of their goals,
6 interests, values, cultures, and socioeconomic
7 needs from representation on the local school
8 boards to the White House and of course,
9 everything in between.

10 An unjust approach to rejoin the Lines
11 would splinter off communities that are otherwise
12 fused by shared businesses, civic, cultural, and
13 religious institutions as well as important
14 resources including transportation, healthcare,
15 and education. Rejoining the Lines to keep such
16 communities lined together could easily be
17 created without negatively impacting other
18 communities or violating any principles of fair
19 apportionment.

20 Within each community throughout the city
21 is a vibrancy civic historical cultural richness
22 of many diverse groups that deserve to be
23 preserved through political empowerment.
24 Rejoining Congressional Lines without

1 Congressional/State Legislative Redistricting 2-7-12

2 understanding the many contributions brought
3 forth by the influence of minority and ethnic
4 groups will have a lasting and possible
5 detrimental impact on future generations to come.

6 For example, in the area that I live in
7 and that I represent, Northern Manhattan
8 including Washington Heights and Inwood,
9 Dominicans have been a longstanding and integral
10 part of our neighborhood. The increase of not
11 for profit serving this particular population and
12 Dominican-owned small business together with
13 representational community boards, school parents
14 association, and the like are testaments of the
15 civic power and potential.

16 And I looked at someone's testimony
17 earlier about the elected officials at the local
18 level as far as City Council, State Assembly, and
19 State Senate it clearly reflects that. And that
20 also if you look at, over the last decade due to
21 the pricing out residents in Northern Manhattan
22 because of the high rents, many Dominicans and
23 others have moved over to the Bronx. And thus
24 also the Dominican American population in Corona,

1 Congressional/State Legislative Redistricting 2-7-12

2 Jackson Heights, and Queens has also been
3 flourishing and continues to have strong
4 socioeconomic ties to their counterparts in the
5 two boroughs of the Bronx and Manhattan. And
6 thus, I ask you to consider fusing that together
7 to have a strong Latino representation in
8 Congress.

9 Another example is the vibrant ethnic
10 group earning the preservation of its voting
11 power is the African American community.
12 Historically, the 15th Congressional District
13 which I live in which includes at the heart of it
14 Harlem and stretches into Northern Manhattan and
15 parts of the upper Westside. Understanding the
16 historical aspects of that particular District,
17 which has been represented by, then Adam Clayton
18 Powel, Jr., the first African American to be on a
19 Congressional Committee, and then of course our
20 current Congress Member, Charles Rangel who is
21 the only African American, as a Chairman of the
22 Ways and Means Committee, I ask you to look at
23 that in order to preserve the legacy and preserve
24 the heart of this particular Congressional

1 Congressional/State Legislative Redistricting 2-7-12

2 District.

3 And it has been talked about by me and
4 previous submissions and also by others, NAACP
5 and others elected as far as moving that District
6 into the Bronx and up in Westchester County in
7 order to maintain that type of unity within the
8 15th Congressional District. And also to be
9 supportive of overall the type of diversity that
10 we want to see in our great city.

11 And obviously last but not least, Mr.
12 Chair and Members of the Panel, the Asian
13 community and some people do not know when I tell
14 them --

15 FEMALE VOICE [1]: [Interposing] Five
16 minutes.

17 COUNCILMAN JACKSON: I am sorry. I will
18 wrap up, just give me one minute if you do not
19 mind.

20 FEMALE VOICE [1]: Okay.

21 COUNCILMAN JACKSON: I appreciate it very
22 much. The Asian Community--many of you do not
23 know that my dad was Chinese. People look at me
24 and say what you do not look Chinese. Well, my

1 Congressional/State Legislative Redistricting 2-7-12

2 dad was Chinese and I am part Asian also.

3 And looking at the growing Asian
4 population in New York City especially in the
5 downtown area and the Queens area, I ask you to
6 look at that as far as empowering from an
7 electoral point of view a Congressional seat for
8 the Asian Community.

9 Panel Members, I thank you for the
10 opportunity to testify in front of you. And I
11 look forward to your deliberations. And
12 hopefully they will be inclusive of all of the
13 communities of our great city. Thank you very
14 much.

15 ASSEMBLY MEMBER MCENENY: Thank you.

16 SENATOR NOZZOLIO: Thank you Councilman.
17 Angela Augugliaro.

18 ANGELA AUGUGLIARO, PRESIDENT, QUEENS
19 COLONY CIVIC ASSOCIATION: Good afternoon Panel
20 Members. My name is Angela Augugliaro. I am
21 here today as the President of the Queens Colony
22 Civic Association in Bellerose, Queens.

23 On January 27, 2012, the new Assembly and
24 Senatorial Lines were release to the public to

1 Congressional/State Legislative Redistricting 2-7-12

2 see. I was especially shocked and outraged when
3 I saw what has been proposed for the 24th
4 Assembly District. The new Maps are horrendous
5 and are gerrymandered to break up our communities
6 rather than to comply with our request to be
7 united.

8 The Members of LATFOR have totally
9 rejected Eastern Queens United's Pro-Community
10 Message of Unity. The civic associations and
11 other organizations that make up Eastern Queens
12 United have worked together for many years on
13 issues of major concern that affect the quality
14 of life of our members and share a commonality of
15 interests and issues.

16 Rallies were held and we have met with
17 elected officials in an effort to impress upon
18 them a desire to remain united within a single
19 Assembly and Senatorial Legislative District.
20 Our platform stated that we did not wish to
21 divide district lines along racial, ethnic, or
22 religious boundaries.

23 Eastern Queens United has asked that our
24 communities that are civic minded and ethnically

1 Congressional/State Legislative Redistricting 2-7-12

2 diverse be respected and that we be united into
3 one Assembly District during the redistricting
4 process. Currently we are divided in to three
5 Assembly Districts, which leaves us on the
6 outskirts of all three and results in poor
7 Assembly representation for us and our causes.

8 The members of Eastern Queens United
9 provided LATFOR with detailed maps, names of
10 communities, and census tracks that desired to
11 remain together in single Assembly District.
12 Instead of considering and granting Eastern
13 Queens United's request, LATFOR ignored it
14 entirely and carved up a dozen or so civic
15 associations of Eastern Queens in way that will
16 continue to dramatically neutralize their ability
17 to be heard as one voice and work together on
18 quality of life issues.

19 On an aside, Queens Village which is part
20 of Eastern Queens United and the 11th Senatorial
21 District has been cut in half. And some of the
22 streets--literally the District goes up one side
23 of the street and comes down the other for
24 several streets. The new 24th Assembly District

1 Congressional/State Legislative Redistricting 2-7-12

2 breaks apart many communities that have a long
3 history of working together for the betterment of
4 their areas. And unbelievably runs along the
5 entire length of Queens covering neighborhoods
6 that are many different community boards, police
7 precincts, and school districts.

8 It is felt that the members of LATFOR did
9 this to benefit elected officials rather than the
10 voting public. Eastern Queens United is
11 strenuously opposed to this destructive attempt
12 by LATFOR to obliterate and/or neutralize the
13 voting power of residents in our communities.

14 We would very much like to have this
15 District modified to reflect our request for
16 unity. We have collected many letters in our
17 position to this proposal that are being sent to
18 the Governor that are also being given to you
19 today. Thank you very much.

20 ASSEMBLY MEMBER MCENEY: Thank you.

21 SENATOR NOZZOLIO: Thank you very much.

22 Senator Toby Stavisky. Good afternoon Senator.

23 NEW YORK STATE SENATE MEMBER TOBY

24 STAVISKY: Thank you. Good afternoon. It is

1 Congressional/State Legislative Redistricting 2-7-12

2 good to see you all again. We spent some time
3 together this morning in the - -

4 A couple of weeks ago I saw this ad in
5 the New York Times. It says become involved,
6 help us draw the lines. It was ad in the New
7 York Times and I am here gentlemen to help you
8 draw the lines, because they have to be better
9 than the lines that you have started out with.

10 You have copies of my statement, but let
11 me skim through it very briefly and say that I
12 have always been a supporter of fair and
13 independent redistricting. We need fair
14 Districts not more Districts. I supported and
15 co-sponsored legislation promoting independent
16 redistricting. I also signed former Mayor Ed
17 Koch and New York Uprising's Fair Independent
18 Redistricting. And my position is simple.

19 Legislative Districts should be
20 continuous, compact, and represent a community of
21 interests, and enhance minority voting. In
22 short, voters should choose their representatives
23 not the other way around. To do otherwise is not
24 only unfair to our constituents, but also an

1 Congressional/State Legislative Redistricting 2-7-12

2 assault on our Constitution the foundation of our
3 democracy.

4
5 My current District, the 16th Senate
6 District is a prime example of what not to do.
7 It is reminiscent of a raw shock inkblot test
8 with shape that defies easy description. And
9 your new lines are not any better. My current
10 District begins as the Astoria Power Plant on the
11 East River and meanders in a wobbly X-shape
12 through Central Queens. And it's Eastern most
13 edge is a section of the Cross-Island Parkway
14 very close to Nassau County.

15 It can be complicated to balance the
16 needs and concerns of the current residents of
17 Flushing and those of new arrivals or needs of
18 the Orthodox Jewish Community in Q Garden Hills
19 with those of more secular Jews in Whitestone or
20 to craft legislation that benefits the District
21 as a whole. I would like to see more compact and
22 continuous Districts so that I am not
23 representing a slice of Elmhurst, a snippet of
24 Whitestone, and smidge of Bayside.

1 Congressional/State Legislative Redistricting 2-7-12

2 Fair Districts would keep neighborhoods
3 together instead of slicing them up. Under the
4 current proposal, the neighborhood of Flushing is
5 split in to two separate Senate Districts, and
6 Forest Hills in to three Districts. Slicing and
7 dicing Districts this way makes it overly
8 confusing and complicated for constituents to
9 figure out whom their representative is.

10 There are many reasons to push for
11 redistricting and independent redistrict in New
12 York and the chief among them is fairness and
13 equality in representation. It is the right
14 thing to do, and we cannot wait ten years for
15 fairness and equality. I strongly believe that
16 voters should be easily able to understand where
17 their Districts begin and where they end; that
18 neighborhoods should be treated with integrity in
19 drawing these lines; and that new communities be
20 recognized for their voices.

21 My voting record on the issue is clear
22 and speaks for itself. So I have summarized my
23 testimony. And I am not going to read the whole
24 thing, but I do thank you. And I certainly thank

1 Congressional/State Legislative Redistricting 2-7-12

2 the people in the room for coming, for expressing
3 their concerns. This is not something where we
4 are going to sit idly by and have another fiasco.
5 It is time to pay attention to the Notice that
6 you put in the paper.

7 SENATOR NOZZOLIO: Thank you Senator.
8 Jerry Wind. Good afternoon.

9 JERRY WIND, PRESIDENT, BELLEROSE HILLSIDE
10 CIVIC ASSOCIATION: Good evening. My name is
11 Jerry Wind and I am President of the Bellerose
12 Hillside Civic Association. I along with my
13 neighboring civic associations have worked
14 together for many years to better our community.
15 We have common interests and problems. We speak
16 with a common voice. We attend each other's
17 civic meetings.

18 We joined Eastern Queens United because
19 we do not want our areas sliced and diced between
20 several elected officials as has been done in the
21 past. The officials who only have a small part
22 of our area tend to ignore us. The preliminary
23 Maps that were recently released are a disgrace,
24 and appear to be politically--

1 Congressional/State Legislative Redistricting 2-7-12

2 SENATOR NOZZOLIO: [Interposing] There is
3 a murmur of constant conversation in the back of
4 the room. Please take those conversations out
5 into the hall. I am sorry Mr. Wind, please
6 proceed.

7 MR. WIND: That is quite all right. The
8 preliminary Maps that were recently released are
9 a disgrace, and appear to be politically
10 motivated rather than following the mandate of
11 the community. I suggest strongly that LATFOR
12 literally go back to the drawing board and listen
13 to the people and not to political interests.
14 Thank you for your time.

15 SENATOR NOZZOLIO: Thank you. Darrel
16 Sudkheo. Good evening.

17 DARREL SUDKHEO, VOLUNTEER AND COMMUNITY
18 ACTIVIST, INDO-CARIBBEAN ALLIANCE: Good
19 afternoon to you all. I am Darrel Sudkheo. I
20 have lived in Richmond Hill for the past 15
21 years, in fact more than 15 years. I was part of
22 the last Task Force during the 2000 Census that
23 advocated for new district lines. Nothing was
24 done.

1 Congressional/State Legislative Redistricting 2-7-12

2
3 I have been a community organizer and
4 advocator since 1998 and have worked long and
5 hard to bring out the vote, build connections of
6 associations, and help foster the tremendous
7 growth and civic participation that now exists in
8 South Koreans particularly in Richmond Hill,
9 Ozone Park, and South Ozone Park.

10 I am here today to advocate for one
11 District for Richmond Hill, Ozone Park, and South
12 Ozone Park. The current Lines on the proposed
13 Maps do not do that.

14 I have been a community activist for more
15 than 12 years and I represent several local
16 organizations, including the - - Cultural
17 Center, the Indo-Caribbean Alliance, the Richmond
18 Hill Economic Development Corporation, Taking Our
19 Seat, Aqueduct Free Market Vendors Association,
20 the Hindu Festivals Committee, the Progressive
21 Hindu Movement, the City Coalition, Grow Richmond
22 Hill, the American Cancer Society as well as
23 several citywide agencies that represent our
24 community; including from whom you have heard,

1 Congressional/State Legislative Redistricting 2-7-12

2 the Asian American and Asian Research and See
3 Truth of the City University of New York, from
4 whom you have also heard; Saki for South Asian
5 Women, Families for Freedom, South Asian Youth
6 Action.

7 And by a conservative estimate, all of
8 these organizations have served more than 13,000
9 residents of these three communities; Richmond
10 Hill, Ozone Park, and South Ozone Park. We also
11 reached 60,000 people.

12 SENATOR NOZZOLIO: Are you referring to
13 Senate or Assembly just for the record?

14 MR. SUDKHEO: Both.

15 SENATOR NOZZOLIO: Both.

16 MR. SUDKHEO: Yes.

17 SENATOR NOZZOLIO: Thank you.

18 MR. SUDKHEO: Our proposed district
19 lines, which you have received from Taking Our
20 Seat-- by the way, just a point of notice Rachana
21 Shah from Taking Our Seat was in an accident.
22 You called her name earlier. I hope you will
23 give her an opportunity to speak when she does
24 get here. She is still going to try to get here.

1 Congressional/State Legislative Redistricting 2-7-12

2
3 SENATOR NOZZOLIO: With anybody that we
4 have missed, we go over the list before we leave.

5 MR. SUDKHEO: Our proposed district lines
6 as outlined by Taking Our Seat is much more
7 equitable and includes more than 30 gerrymanders,
8 more than a dozen Mosques and at least 6 - - .

9 As immigrants with first generation
10 children, we need new representation because the
11 existing politicians do not help these
12 communities. An examination of the discretionary
13 funds of these representatives shows that no
14 allocations have been made to the South Asian
15 community within the proposed Districts of
16 Richmond Hill, Ozone Park, and South Ozone Park.

17 Our proposed neighborhoods have
18 significant common characteristics. This
19 neighborhood is home to a large South Asian
20 population, including the Indo-Caribbean
21 community, Bengali's, Bangladeshi's, and many
22 other South Asians with a strong identity which
23 are currently disenfranchised.

24 We are a significant part of the fabric

1 Congressional/State Legislative Redistricting 2-7-12

2 of America. President Bill Clinton said and I
3 quote, "The most important family policy, urban
4 policy, labor policy, minority policy, and
5 foreign policy to America, is to have and to
6 ensure representation by all peoples." Currently
7 the proposed Maps do not afford that for all
8 peoples.

9 I am here today to ask you to help us to
10 move toward more fair representation for South
11 Asians and all immigrants here in New York City.
12 We are vital part of the economic engine of New
13 York State. We pay more taxes; spend more money;
14 and certainly need more resources than the
15 average numbers for all of New York State.
16 Please look closely at your proposed district
17 lines and make these adjustments so that we can
18 contribute further to New York State with one
19 district encompassing Richmond Hill, Ozone Park,
20 and South Ozone Park. Thank you for your time.

21 ASSEMBLY MEMBER MCENEY: Thank you.

22 SENATOR NOZZOLIO: Norman Silverman.

23 Good evening.

24 NORMAN SILVERMAN, BAYSWATER CIVIC

1 Congressional/State Legislative Redistricting 2-7-12

2 ASSOCIATION: I am Norman Silverman. I am the
3 former Secretary of the Ore Rockaway Planning
4 Council and that is the position in which I feel
5 is most closely related to the issue which I
6 would raise today. I am currently a Board Member
7 of Bayswater Civic Association, Good Government,
8 the Regular Democratic Club. I served as
9 Political Action Chair of the Far Rockaway NAACP
10 and the Democratic State Committeemen.

11 I will address myself of course to all of
12 our elected officials who are up here, but just
13 to see the people in the room; is there anyone
14 from the Rockaway portion of the new 31st
15 Assembly District who is here? If I see any
16 hands, I will be so proud. As I look around-- is
17 there?

18 MALE VOICE 1: He is here.

19 FEMALE VOICE 2: I am here.

20 MR. SILVERMAN: Okay. I will be happy to
21 meet with you later. Yes I am going to say
22 something about that that they way in which this
23 District was drawn, we have taken all of the
24 public housing developments and other

1 Congressional/State Legislative Redistricting 2-7-12

2 developments with similar demographic features
3 and put them into one district and adjacent areas
4 in which higher income and educational levels are
5 separated in these areas.

6 I do not believe that this is an issue
7 which is often raised in forums like this. And I
8 understand very well and I have worked on the
9 efforts to increase minority representation. I
10 never heard of anyone advocating having areas of
11 poverty and areas in which the people, if they
12 are successful in their educational and
13 employment and rise with income, are forced to
14 move out. And you leave the remaining people as
15 a legislative district.

16 Most of the people in the district would
17 not be aware that this is going on. They
18 probably are not aware of the subject of
19 reapportionment and anything like this. A
20 community works best when the whole community
21 works together. I mentioned an Ore Rockaway
22 Planning Council when in the past we had brought
23 together the people from different parts of the
24 community; people who have different abilities,

1 Congressional/State Legislative Redistricting 2-7-12

2 different backgrounds, and work to solve the
3 problems of all of them.

4 ASSEMBLY MEMBER MCENEY: Oh, okay.

5 MR. SILVERMAN: The situation now where
6 groups would be divided puts people out of mind.
7 People who have the ability to work with others
8 find themselves in a different milieu, in
9 different political clubs.

10 Everyone on the dais obviously knows that
11 New York State political clubs are organized by
12 Assembly District and if you are in a different
13 Assembly District, you may not be welcome; you
14 cannot even sign a petition in somebody else's
15 Assembly District even if that district is the
16 one that is closest to you and is trying to work
17 on your issues, so people tend to be drawn apart.

18 I believe America works best when people
19 are brought together, not separated. And lines
20 that have been drawn not only separate people by
21 race, but you are separating those who are
22 successful. I will give examples without using
23 the names; a Councilman in the District who would
24 have been in the 31st bought a home and moved in

1 Congressional/State Legislative Redistricting 2-7-12

2 to what is now the 23rd. A Congressman who lived
3 in what would be the new 31st moved to someplace
4 on mainland of Queens and it is a controversial
5 issue on the home, but he is no longer within the
6 area that you are making for the 31st Assembly
7 District in Rockaway.

8 There is a place, what we call the
9 Mainland there, which I believe is South Ozone
10 Park or Rosedale in that area, but those areas do
11 not interact with those in Rockaway. At the very
12 best they would only be supporting the same
13 candidate but do not work together. And it would
14 be very hard to get them together, people do not
15 travel across, go through Nassau County, and come
16 around to that area.

17 Much has been written on the subject of
18 separation of economic and ethnic groups in
19 America. It poses a situation where you are
20 drawing people apart. I believe that everything
21 that we do should bring people in; bring them
22 together so that they can work together and
23 benefit from those around them. And I would say
24 in this area, I would--

1 Congressional/State Legislative Redistricting 2-7-12

2 FEMALE VOICE 1: [Interposing]

3 Mr. Silverman?

4 MR. SILVERMAN: Have very few people with
5 professional backgrounds; lawyers, architects,
6 engineers, accountants. How will we get the
7 organization necessary to do--

8 FEMALE VOICE 1: Mr. Silverman, you have
9 exceeded your five minutes, please sum up.

10 MR. SILVERMAN: Okay.

11 FEMALE VOICE 1: Thank you.

12 MR. SILVERMAN: At this point, I will
13 hope find, I appreciate your attention and I
14 realize that I have raised a little different
15 than is usually mentioned here. I hope that you
16 can find a way to improve this situation. If
17 there is no improvement, I will hope that the
18 Governor sticks to his word and details the
19 entire plan and we start over, which others which
20 I see here I have not studied--

21 SENATOR NOZZOLIO: [Interposing] Okay.

22 MR. SILVERMAN: That I see are available.

23 FEMALE VOICE 1: Thank you.

24 MR. SILVERMAN: I appreciate your time -

1 Congressional/State Legislative Redistricting 2-7-12

2 -

3 SENATOR NOZZOLIO: Thank you Mr.
4 Silverman. Steven Greenberg.

5 MR. STEVEN GREENBERG: Thank you
6 gentlemen, and thank you for your hard efforts
7 here. I know that this is not a fun thing to
8 have to go through. My name is Steve Greenberg.
9 I represent the 28,037 shareholders of Breezy
10 Point Cooperative, a private cooperative
11 community on the far west end of the Rockaway's.
12 I am a past Chairman of the Board of that
13 organization.

14 I also served as a Member of the
15 Community District 27 School Board for 13 years
16 of which I was President for five years. That
17 community encompasses the Rockaway's, Broad
18 Channel, Howard Beach, Ozone Park, South Ozone
19 Park, Woodhaven, and Richmond Hill, and I may
20 have missed a town, I do not know.

21 And most recently I served on Mayor
22 Bloomberg's Task Force for the Rockaway's. I
23 tried to put together a list of things that
24 Rockaway needed as to-- previous people have said

1 Congressional/State Legislative Redistricting 2-7-12

2 that Rockaway is a disenfranchised place, and I
3 think that we have made some progress with the
4 Mayor on some of these issues.

5 Frankly, we are now served in Senatorial
6 District 14. Malcolm Smith is a wonderful man.
7 He has served us very well. But the fact of the
8 matter is if I were today advocating Rockaway, I
9 think that Rockaway should be one district for
10 all, there should be one district for every
11 branch. But the fact of the matter is our
12 Assembly, our Council, our Congressional Seat;
13 Rockaway is split in half. There are two
14 Congressmen, two Assembly people, and two--

15 FEMALE VOICE 1: Senators.

16 MR. GREENBERG: Congressmen represented--

17 SENATOR NOZZOLIO: Mr. Greenberg will you
18 stop for a brief interruption please, not on your
19 time. There is a lot of noise that is filtering
20 out here that is distracting the Speaker. I
21 think if that continues, we will have to shut the
22 doors [background noise] [crosstalk]. Thank you,
23 Mr. Greenberg.

24 MR. GREENBERG: Thank you. What I am

1 Congressional/State Legislative Redistricting 2-7-12

2 asking here tonight is that the people of Breezy
3 Point are happy; that you have included us in
4 District 15. And that we feel that we are
5 represented, that you will give us equal
6 representation with the people in the Mainland as
7 far as our, once again, our Congressman, our
8 Councilman, and our Assembly people are
9 concerned.

10 Once again, I advocate that Rockaway be
11 one. But if Rockaway is not, it is best for our
12 community that we be part of District 14-- number
13 15. Thank you very much.

14 SENATOR NOZZOLIO: Thank you.

15 ASSEMBLY MEMBER MCENEY: Thank you.

16 SENATOR NOZZOLIO: Marie Torniali.

17 ASSEMBLY MEMBER MCENEY: He does not look
18 like Marie Torniali.

19 FEMALE VOICE 1: Are you Marie?

20 GEORGE STAMATIADIS, STEINWAY ASTORIA
21 PARTNERSHIP: No I am not. Hi I am not Marie
22 Torniali. My name is George Stamatiadis. Marie
23 is the Executive Director of Central Astoria
24 Local Development Coalition. I am the President;

1 Congressional/State Legislative Redistricting 2-7-12

2 she had to get back to the office so she asked me
3 to step in for her.

4 You have heard about 35 different reasons
5 why this plan is not good for the Borough of
6 Queens. So I am not really going to make it 36.
7 I will go 36 1/2.

8 Astoria Long Island City is one
9 community. We work together. We play together.
10 We eat together. We fight together. And when we
11 are done fighting, we kiss and make up together.
12 And that is what makes Astoria great, being one
13 community, not two as the proposed lines are now
14 attempting to do.

15 We are one community. We were one
16 community when we fought the State takeover of
17 Rikers Island. We were one community when we
18 fought the power plants burning coal, which
19 affected the entire City of New York. We fought
20 for the City of New York. We were one community
21 when we fought the expansion of LaGuardia Airport
22 that would have brought havoc onto the community.
23 We are one community every single day.

24 There is one thing for sure about this

1 Congressional/State Legislative Redistricting 2-7-12

2 plan; if you look on the map very carefully, what
3 is being done, if you look at it real carefully,
4 you are going to see it is in the shape of an F.
5 Just look at it. It is an F. Any grammar school
6 principal would have given--

7 SENATOR NOZZOLIO: Senate or Assembly?

8 MR. STAMATIADIS: Senate.

9 SENATOR NOZZOLIO: Okay.

10 MR. STAMATIADIS: I am sorry it is
11 District 12. It is the shape of an F. Any
12 grammar school principal would have given this
13 course an F, and you guys did it.

14 ASSEMBLY MEMBER MCENEY: Thank you.

15 MR. STAMATIADIS: Thank you very much.

16 SENATOR NOZZOLIO: Thank you [background
17 noise] [crosstalk]. Debra Markel-Klinert
18 [phonetic] [background noise] [crosstalk].
19 Assembly Woman Samotis [phonetic] is here?

20 FEMALE VOICE 1: I do not know who she
21 is.

22 SENATOR NOZZOLIO: Oh, okay. She is not
23 back from Albany yet. Matthew Silverstein.

24 ASSEMBLY MEMBER MCENEY: Okay, now we are

1 Congressional/State Legislative Redistricting 2-7-12

2 talking Turkey here.

3 SENATOR NOZZOLIO: Okay. Mustafa El
4 Sheik [phonetic] [background noise]. Richard
5 Thuzami [background noise] [crosstalk].

6 FEMALE VOICE 1: It is number 37.

7 RICHARD THUZAMI, MEMBER, QUEENS GENERAL
8 ASSEMBLY: Yes, Panel my name is Richard Thuzami
9 and I am a Member of Helen Marshall's, Alumni
10 Member, of her General Assembly, which was an
11 organization put together to foster good
12 relations and communications between different
13 ethnic groups in Queens. But today I am actually
14 speaking to you more as a resident of Astoria and
15 specifically the districting that you have put
16 together.

17 It is important that you understand that
18 the Astoria community is best served by keeping
19 Astoria whole and contained in one district so
20 that its community members can be represented by
21 someone who understands what the various groups
22 need and how to serve them. Splitting the
23 community apart would weaken Astoria's
24 community's voice in government and form being

1 Congressional/State Legislative Redistricting 2-7-12

2 served fairly and with the community's best
3 interest at heart.

4 Separating the community in to two
5 different districts would also hurt the
6 harmonious relationships currently existing
7 between the various ethnic, racial, and religious
8 groups that live in Astoria by separating them in
9 to different districts with different groups that
10 have no real relationship with each other. These
11 groups also have different interests and are
12 served differently by their representatives.

13 In recent history, if ever, Astoria has
14 never been split in to two districts. Astoria
15 and Long Island City, as was stated before, is an
16 entity onto itself with a common shoreline; with
17 a common mentality, and is also known as one of
18 the most vibrant areas in New York City.

19 Astoria is a community of interest also
20 with an extremely large Eastern Mediterranean,
21 Muslim, and immigrant population that should be
22 kept whole. Splitting these communities apart
23 would hurt residents whose needs would not be
24 fulfilled by someone who represents other

1 Congressional/State Legislative Redistricting 2-7-12

2 communities. And also Astoria has been a well
3 defined community. Splitting it apart would hurt
4 individuals and business here.

5 My thoughts are that gerrymandering to
6 keep incumbency I think leads to a legislative
7 gridlock that we find throughout the country
8 today in the National government also. When you
9 do not have to worry about re-election, your
10 priority becomes a special interest. You are not
11 accountable to the people. And also the
12 possibility of corruption increases many times.

13 To this end Senator Gianaris, our
14 Senator, has been a strong critic of energy
15 providers. He has been a strong advocate for
16 green and safe energy. And your new plan is
17 removing all these plants from his District. I
18 do not know what the motive behind this is, but I
19 do not like the implications that it creates.
20 You know Astoria has over 60% of the energy
21 provided in New York City; it is in plants in
22 Astoria.

23 Now also historically, separating
24 cultures and different ethnic groups politically

1 Congressional/State Legislative Redistricting 2-7-12

2 has long been a means of disenfranchising people.
3 And not only is their political influence
4 reduced, they spend most of their time and energy
5 competing with each other and with other local
6 groups instead with those who hold the real
7 political power.

8 In history, this is a favorite tactic
9 with the British in the Middle East creating
10 artificial countries such as Iraq to pit
11 different ethnic and religious groups against
12 each other. The results have been a catastrophe
13 for both America and the whole world. This
14 mentality must end. Our common interests must
15 again be our priority. Keep the integrity of our
16 communities. This is our strength.

17 The Governor must veto any lines drawn
18 through this Panel's process since it is
19 absolutely unfair and only serves as centering
20 the Republican's interests over the interests of
21 the people in this community and of New York
22 State. Thank you.

23 SENATOR NOZZOLIO: Joseph Lynch.

24 MR. JOSEPH LYNCH: Good evening. My name

1 Congressional/State Legislative Redistricting 2-7-12

2 is Joseph Lynch and I have resided in the
3 Rockaway community for over 50 years. Rockaway
4 is indeed a close knit community of hardworking
5 middleclass families who have always supported
6 the City and the State when called upon
7 financially, economically, or in any other way.
8 We also pay our fair equity share of taxes.

9 I currently serve on the Board of
10 Directors and I am also the Chairman of the
11 Breezy Point Cooperative, the largest cooperative
12 of single family residential homes in the City
13 and the State. Our cooperative is nested on the
14 extreme western tip of the Rockaway Peninsula.

15 It consists of 2,837 paying middleclass
16 families. This includes families from the
17 People's Association of Roxbury, the Rockaway
18 Point Association, and the Point Breeze
19 Association.

20
21 Our community has a very historically
22 positive record on voter turnout in past
23 elections. I speak tonight on behalf of myself
24 and our cooperative.

1 Congressional/State Legislative Redistricting 2-7-12

2 Two quick points, I feel strongly that a
3 district should be comprised of neighborhoods
4 that include common agendas and uniformity of
5 issues and values. It seems only equitable to me
6 that our community be included in district lines
7 with other Queens areas with similar goals and
8 objectives.

9 The goal of redistricting must always be
10 the better representation of the citizens and the
11 individual communities have all be included in
12 the changes. Redistricting must not be based on
13 a political agenda or politics but must
14 prioritize what is best for the individually
15 involved communities and the citizen base.

16 I know that it takes a lot of effort to
17 come up with a fair, equitable and effective
18 redistricting plan. I commend and wanted to
19 thank for the proposed draft of redistricting
20 State Senate District 15, which in my opinion
21 meets those three objectives. The plan also
22 appears to prioritize the needs of the involved
23 communities, which to me should be the only real
24 objective of any plan.

1 Congressional/State Legislative Redistricting 2-7-12

2 The grouping of homogeneous and similar
3 communities in a district is only logical. It is
4 also positive in the representation process. It
5 makes only common sense to include Breezy Point
6 and the Rockaway community with other inland
7 sections of Queens such as Middle Village and
8 Glendale with similar beliefs in a redistricting
9 plan or realignment. The people and citizen base
10 of these four communities reflect a commonality
11 that should be the goal of any redistricting
12 plan.

13 The four communities represent
14 middleclass families with a historical,
15 documented work ethic; real involved in their
16 communities; pride in their country; similar
17 ethnic and religious beliefs; and an ongoing
18 commitment to the protection of their families'
19 homes and neighborhoods.

20
21 Many City workers, firefighters, police
22 in cities as they are in Breezy Point are the
23 true backbone of these communities. I have never
24 really understood how the past Senate District

1 Congressional/State Legislative Redistricting 2-7-12

2 evolved nor how it could be perceived to be real
3 positive for the residents of Breezy Point.

4 To include a shoreline community in a
5 district with other inland communities with very
6 little if any similar homogeneous traits appears
7 counterproductive to our interests and is also
8 smacking of politics.

9 I believe that the new updated district
10 that we have recommended, especially the
11 commonalities of the communities will be an
12 improved district and positive for the residents
13 of Breezy Point. I thank you for your impartial
14 and equitable efforts in this regard. And I
15 strongly encourage you to keep Breezy Point in
16 District 15. I appreciate the opportunity to
17 talk to you tonight.

18 SENATOR NOZZOLIO: Thank you Mr. Lynch.

19 ASSEMBLY MEMBER MCENEY: Thank you.

20
21 SENATOR NOZZOLIO: Carol Sarano. Good
22 evening.

23 CAROL SARANO, DISTRICT LEADER, ASSEMBLY
24 DISTRICT PART B: Good evening. My name is

1 Congressional/State Legislative Redistricting 2-7-12

2 Carolyn Sarano and I am the female lead in the
3 36th Assembly District and the 12th Senatorial
4 District and I have lived in this vicinity all of
5 my life. I was born and raised there. I am
6 strongly opposed to the proposed Senate lines for
7 District 12.

8 Astoria is a multicultural community and
9 it consists of a large Greek, Muslim, and
10 immigrant population. Astoria has always been a
11 community of harmony between various ethnic,
12 religious, and racial groups.

13 Splitting this community apart is not in
14 the best interests of the individuals residing
15 within the district. It would weaken the Astoria
16 community's voice in government and keep the
17 voters from being served fairly. This must
18 community must be represented by a legislator who
19 understands the needs of the various groups
20 living within this district and how best to serve
21 them.

22 Astoria has always been a well defined
23 community and splitting it apart is not in the
24 best interests of the businesses or the people

1 Congressional/State Legislative Redistricting 2-7-12

2 residing within this district. Once again, I
3 would like to voice my strong opposition to the
4 lines proposed to this district. Thank you very
5 much.

6 ASSEMBLY MEMBER MCENEY: Thank you.

7 SENATOR NOZZOLIO: George Malandrakis.

8 Good evening.

9 GEORGE MALANDRAKIS, DIRECTOR OF
10 DEPENDENCY PROGRAM, HANAC: Good evening. Good
11 evening Panel and everyone in the room. My name
12 is George Malandrakis. I reside in Astoria. I
13 am very grateful to share that I also work with
14 Hanac, a community group located in Astoria for
15 the last 23 years. I am born and raised in
16 Astoria. I live in a district that seems to be
17 looked at to be changed. I live in the upper
18 Ditmars area.

19 I have submitted testimony also from our
20 Executive Director who is not here today, his
21 written testimony. I was told not to read it,
22 but just to give my testimony today in how
23 uncomfortable I am knowing that this is a change
24 that could happen to me and my neighborhood.

1 Congressional/State Legislative Redistricting 2-7-12

2 To begin in recent history, if ever,
3 Astoria has always been a well defined community
4 and splitting it apart would hurt individuals and
5 businesses here. The Astoria community is best
6 served by keeping Astoria whole and contained in
7 one district so that its community members can be
8 represented by someone who understands what the
9 various groups here need and how to best serve
10 them.

11 I am hopeful that the Governor will veto
12 any lines drawn through this Panel's process
13 since it is absolutely unfair and only serves
14 your political interests over the interests of
15 the people of this community. Splitting the
16 community apart would weaken our voice in
17 government and all of us from being served
18 fairly.

19 Separating the community in to two
20 different districts would also hurt the
21 harmonious relationships currently existing
22 between the various groups living in Astoria. By
23 separating some groups in to a different district
24 with different groups that have no real

1 Congressional/State Legislative Redistricting 2-7-12

2 relationship with each other would undermine the
3 concept of communities of interest.

4 This is a community with an extremely
5 large Greek, Muslim, and immigrant population.
6 As such, it is a community of interest and should
7 be kept whole. Splitting the community apart
8 would hurt the residents here whose needs would
9 not be fulfilled by someone who represents
10 different communities of interest.

11 I live in upper Ditmars and would like to
12 see the lines stay where they are. Do not change
13 something that works. Thank you.

14 ASSEMBLY MEMBER MCENEY: Thank you very
15 much.

16 SENATOR NOZZOLIO: Thank you. Joseph
17 Connelly [phonetic]. Joseph Connelly. Patricia
18 Babbar [phonetic]. Patricia Babbar. Joe
19 DiPiatro [phonetic]. Joe DiPiatro. Frank Toner.
20 Good evening.

21 FRANK TONER, PRESIDENT, ROCKY HILL CIVIC
22 ASSOCIATION: Good evening Task Force Members.
23 My name is Frank Toner, President of the Rocky
24 Hill Civic Association, an association of over

1 Congressional/State Legislative Redistricting 2-7-12

2 900 homeowners which is located in Bellerose
3 Manor and Eastern Queens.

4 I suppose my testimony is similar to some
5 of the other testimony give already by members of
6 the Bellerose United, Eastern Queens United
7 rather. But that is the point, we have similar
8 interests. I come to you today as a citizen, a
9 civic leader, and a member of the coalition
10 called Eastern Queens United.

11 My purpose is to strongly encourage you
12 to keep within one Assembly District and one
13 Senate in the area of Eastern Queens that is
14 represented by the 11 civic associations in this
15 Coalition. I have supplied the details of that
16 area on the attachment to my speech that I
17 submitted.

18 I have been President of Rocky Hill Civic
19 Association for six years. When I assumed the
20 job the former President, Bernard Akaleno
21 [phonetic] told me that the job did not pay much,
22 zero dollars to be exact with a pension that
23 fully matched my salary, and a yearly cost of
24 living increase, anything I want. He did say

1 Congressional/State Legislative Redistricting 2-7-12

2 that it would be rewarded by the knowledge of the
3 good things that I would accomplish for the
4 others in our community. And that I would also
5 have the opportunity, as he had, to work with
6 some of the best and most committed people I will
7 every meet, the officers of the surrounding
8 civics.

9 Over the years, this has proven to be
10 true; we found that we have multiple common
11 interests. We are all communities of primarily
12 one and two family homes, and of course the co-
13 ops of Glen Oaks. We have the same issues with
14 many City agencies; Sanitation, Fire, Department
15 of Transportation, and Police.

16 We go to the same meetings with the 105th
17 Precinct, Community Board 13, and each other's
18 civics. We share notes with one another on crime
19 issues, often emailing one another to alert
20 others of crimes in the area, or comparing notes
21 of what someone in the Buildings Department told
22 us.

23 When I send my notes my Monthly Bulletin
24 to members to my Association, it is also sent to

1 Congressional/State Legislative Redistricting 2-7-12

2 my neighboring civics. We are a community of
3 similar interests. We are not one ethnic group.
4 We are many. I do not want us divided by ethnic
5 lines. I for one love the diversity that we
6 have. This is what America is all about. But
7 most of all, I do not want the area split up
8 because it is politically expedient.

9 I read an article recently from an
10 Australian paper that talked about the
11 redistricting process in the United States. It
12 talked of how the United States often lectures
13 other countries on democracy. But that every 10
14 years goes through a redistricting process that
15 is against the democratic process since it is
16 done in a way whereby he politicians pick the
17 people who vote for them rather than the people
18 picking the politicians whom they want to vote
19 for.

20 I visited Australia when I was on R&R
21 from my year of Army service in Vietnam. It is a
22 nice country. It has always been a good ally.
23 But it bothers me that persons outside of our
24 country could see such flaws in our democracy.

1 Congressional/State Legislative Redistricting 2-7-12

2 It has been a long time since I served in
3 Vietnam.

4 I served not because I believed in war.
5 I served as a Medic and hopefully did some good.
6 I served because of a strong desire to support
7 democracy because I believed in the great
8 democracy that I felt was practiced in the United
9 States. I find that after all of these years, I
10 feel compelled to fight to improve this
11 democracy.

12 I am here today to ask that you make
13 primary the interests of the people. To keep
14 together groups of people who have common
15 interests such as all of the civic groups of
16 Eastern Queens United. To do so I believe will
17 give our communities a stronger voice in
18 government; a stronger sense of empowerment. I
19 ask that you do all that you can to make the
20 democratic process stronger. That is your duty.
21 It is a duty of all of us. Thank you.

22 ASSEMBLY MEMBER MCENEY: Thank you.

23 SENATOR NOZZOLIO: Mr. Toner, before you
24 leave I just want to thank you for your service

1 Congressional/State Legislative Redistricting 2-7-12

2 to our Nation. [Break in audio] Probably some
3 of them will have arrived or decide to say
4 something.

5 ASSEMBLY MEMBER MCENEY: Well said.

6 SENATOR NOZZOLIO: I believe 10 years
7 ago, this went to midnight. I do not want to
8 overly intimidate anybody. We are here for the
9 duration whatever it is. Dr. Arthur Flug.

10 DR. ARTHUR FLUG, EXECUTIVE DIRECTOR, THE
11 HARRIET & KENNETH KUPFERBERG HOLOCAUST CENTER:
12 Good evening Members of the Committee and thank
13 you for giving us the opportunity to meet with
14 you tonight. My name is Arthur Flug. I am the
15 past President of the Jamaica Estates Association
16 and I am here tonight representing our president
17 Martha Taylor.

18 As anticipated, the residents of Jamaica
19 Estates knew the redistricting of the New York
20 State District 11 would not be beneficial to our
21 community. What we did not expect was that it
22 would be most destructive to our neighborhoods.

23 The lines presented in the New York State
24 Redistricting Plan of 2012 have divided the

1 Congressional/State Legislative Redistricting 2-7-12

2 Jamaica Estates community into a series of
3 pockets that are noncontiguous. These pockets
4 have created a disunity that will undermine any
5 sense of belonging to a functioning community by
6 the 1800 Jamaica Estates residents.

7 While LATFOR has used Grand Central
8 Parkway as boundary for separating the northern
9 part of the Jamaica Estates Community Senate
10 Districts 11 and 15, it is further decimated our
11 community by dividing the area south of Grand
12 Central Parkway in to two distinct Senatorial
13 Districts, 11 and 14. Hence a community that has
14 long functioned as a single effective unit is now
15 torn apart in to three unrelated sections, each
16 to be represented by a New York State Senator.

17 These three separate districts that have
18 been created have deprived the 1800 families of a
19 single point of contact for our community with
20 Senatorial responsibility. With our district
21 ripped in to three separate Senatorial entities,
22 we are now faced with such operational questions
23 as one, how do we establish the unity in
24 addressing the issues confronting our community?

1 Congressional/State Legislative Redistricting 2-7-12

2 Every neighborhood has to be addressed
3 three times over. This is a guarantee to see
4 that our neighborhood will fail. How can a
5 Jamaica Estates resident respond to a community
6 concern when he or she lives in different
7 district from their neighbor across the street?
8 This is not a once in a while redistricting plan
9 for Jamaica Estates. It is a pattern that
10 replicates itself throughout the entire LATFOR
11 plan for our community.

12 With this disgraceful structuring of the
13 Jamaica Estates Senatorial to be blamed on
14 incompetence, we as residents could understand
15 that. Were it to be based upon New York State or
16 Federal mandates, we could also understand that.
17 And were it based upon some judicial decision
18 attempting to rectify past injustices created by
19 past district lines, such actions would also be
20 understandable.

21 But incompetence has no hand in this.
22 State and Federal mandates do not exist for such
23 actions, nor are there any judicial rulings
24 governing such actions available to this action.

1 Congressional/State Legislative Redistricting 2-7-12

2 It is a deliberate attempt by the majority party
3 to punish the Senate of the minority party
4 currently representing our community.

5 And in seeking retribution for past
6 political scores, they have effectively and
7 deliberately undercut and disenfranchised the
8 residents of Jamaica Estates. We urge you, the
9 Committee Members, to stop this blatant
10 gerrymandering of the Jamaica Estates community,
11 which will unjustly punish the citizens of
12 Jamaica Estates.

13 We ask you to maintain a unified and
14 cohesive Senatorial District that has always been
15 with our borders. Thank you.

16 SENATOR NOZZOLIO: Thank you. Honorable
17 Aravella Simotas.

18 ARAVELLA SIMOTAS, NYS ASSEMBLY MEMBER:
19 Okay, good evening Honorable Members of the
20 Committee. And I apologize for being late. We
21 had session until the late hours in the
22 afternoon. But I am happy to be here to talk
23 about something that is very important, an issue
24 that is really of central concern right now to

1 Congressional/State Legislative Redistricting 2-7-12

2 Western Queens.

3 Voters should pick their elected
4 officials, not the other way around. This is a
5 principle that politicians of all stripes have
6 paid lip service to in recent years, yet now
7 Senate Republicans will flaunt it in the name of
8 holding on to power.

9 In their proposed redistricting lines,
10 the Senate majority has carved out part of
11 Astoria, dividing Western Queens to accommodate
12 an obviously partisan agenda, and threatening to
13 destroy the unity of a longstanding community of
14 interest. The proposed lines for District 12
15 represent a brazen attempt to exclude Senator
16 Michael Gianaris from a district that he has
17 represented as both a Member of the State
18 Assembly and the State Senate.

19 It is no coincident that Senator Michael
20 Gianaris has been an outspoken opponent of the
21 partisan nature of the reapportionment process
22 and has called on Members of the Senate Majority
23 to uphold their campaign promises and establish
24 an independent system of redistricting.

1 Congressional/State Legislative Redistricting 2-7-12

2 For his actions, the Senate Republicans
3 have sought retribution. But the true penalty is
4 visited upon the residents of Western Queens.
5 The deliberate division of a cohesive community
6 will cost its residents the unified
7 representation they long have enjoyed.

8 Lifelong neighborhoods will be separated
9 by absurd district lines. Parents with children
10 in the same school will not be able to approach
11 their elected representatives together. Seniors
12 and individuals with disabilities will be unable
13 to travel to far-flung district offices.

14 It is their voice that will be sacrificed
15 due to the Republican Majority's brazen attempts
16 to their grasps at State government.

17 Senator Mike Nizzolio, a Republican
18 colleague from Seneca County and Co-Chair of
19 LATFOR said you have to maintain communities of
20 interest. I could not agree with you more.
21 Astoria clearly forms a community of interest
22 with Long Island City, East Elmhurst, Woodside,
23 and Sunnyside. And to split the neighborhood in
24 two further exposes the selective partisan nature

1 Congressional/State Legislative Redistricting 2-7-12

2 of this process.

3 Long Island City which historically
4 consisted of Astoria, Hunters Point, Steinway,
5 and Ravenswood was the fourth municipality
6 incorporated in to what is not New York City. In
7 the years since Western Queens welcomed
8 immigrants from Ireland and Germany; Italy and
9 Greece; and more recently from the Middle East,
10 Southeast Asia, and Latin America.

11 In recent years, we have also seen an
12 influx of young professionals from Manhattan who
13 have made their own significant contributions to
14 our community. These diverse groups from a
15 multicultural tapestry in which distinct
16 identities are maintained, but neighborhood
17 cohesion is strengthened; should the proposed
18 Senate lines be enacted, that tapestry will be
19 ripped in two. I hope that Senate Republicans
20 will restore unity to the Western Queens
21 community in its final lines. And should they
22 not, I call on Governor Cuomo to veto any lines
23 that reflect partisan politics rather than the
24 interests of Western Queens residents.

1 Congressional/State Legislative Redistricting 2-7-12

2 And you should also know that this is
3 quite personal to me as well because my home, my
4 parents' home, and family's home are within the
5 lines you seek to remove from the 12th Senatorial
6 District. Thank you very much.

7 SENATOR NOZZOLIO: Thank you.

8 ASSEMBLY MEMBER MCENEY: Thank you
9 Councilwoman, if you would--

10 ASSEMBLY MEMBER SIMOTAS: [Interposing]
11 Assembly Member, one more point. There is one
12 more point that I want to make.

13 ASSEMBLY MEMBER MCENEY: Will you answer
14 my question?

15 ASSEMBLY MEMBER SIMOTAS: Of course.

16 ASSEMBLY MEMBER MCENEY: Thank you. What
17 neighborhood is that? Would you describe the
18 addresses that you just described?

19 ASSEMBLY MEMBER SIMOTAS: In Astoria.

20 ASSEMBLY MEMBER MCENEY: Your mother's
21 home, your home?

22 ASSMEBLY MEMBER SIMOTAS: Twenty First
23 Avenue--42nd Street between 21st Avenue and
24 Ditmars Boulevard. And my family also lives on

1 Congressional/State Legislative Redistricting 2-7-12

2 Steinway Street between 21st Avenue and Ditmars
3 Boulevard. And we also have members that live
4 further west.

5 ASSEMBLY MEMBER MCENEY: Okay, thank you.

6 ASSEMBLY MEMBER SIMOTAS: And all of
7 those have been carved out. The other point that
8 I want to make is some of our representatives and
9 some of community residents had to leave because
10 obviously this is a very important issue. And
11 clearly you are all here and listening
12 attentively to the concerns and comments from
13 residents. I hope that you come back and visit
14 Queens.

15
16 We are a very large community. We have
17 many outspoken advocates. And I would hate that
18 their voice is not heard during this very
19 important process. Thank you very much.

20 ASSEMBLY MEMBER MCENEY: Thank you
21 Councilwoman.

22 ASSEMBLY MEMBER SIMOTAS: I would like to
23 hand in a petition that so far we have 400
24 residents that have signed that advocate the

1 Congressional/State Legislative Redistricting 2-7-12

2 points that I have made. There is more to come,
3 but I would like to hand this in right now.

4 SENATOR NOZZOLIO: Assemblywoman let me
5 assure you that a number of people from Astoria
6 have viewed similar thoughts and they were
7 listened to. Assemblywoman, thank you very much.
8 Honorable David Weprin.

9 DAVID WEPRIN, NEW YORK STATE ASSEMBLY
10 MEMBER: Good afternoon Chairman McEney, Chairman
11 Nozzolio, Senator Dylan, Assemblyman Oaks,
12 Executive Directors, Staff people. Thank you for
13 the opportunity to speak today. I am Assembly
14 Member David Weprin representing the 24th
15 Assembly District in Northeast Queens, which
16 currently encompasses parts of Auburndale,
17 Bayside, Bayside Hills, Bellerose, Douglaston,
18 Floral Park, Glen Oaks, Hollis, Fresh Meadows,
19 Hollis Hills, Holliswood, Jamaica Estates, Little
20 Neck, New Hyde Park, and Queens Village.

21 An integral and essential factor in
22 ensuring that any redistricting plan is fair and
23 that it empowers local communities is the need
24 for communities of interest to be kept together.

1 Congressional/State Legislative Redistricting 2-7-12

2 Communities of interest are generally defined as
3 groups of stakeholders that share common needs
4 and concerns in their respective communities.

5 It is imperative that any Maps drawn
6 reflect the shared values, concerns, and
7 interests of the constituents that reside in that
8 specific district. In keeping these groups
9 together, we ensure that their political power is
10 not diluted and that they enjoy the benefits of
11 mutual civic participation.

12 I am here today advocating for a Map that
13 truly represents the unique character of
14 Northeast Queens. Northeast Queens is a special
15 and distinct geographical area whose residents
16 have voiced their desire to be kept together in a
17 compact and contiguous district rather than be
18 divided.

19 Currently my Assembly District 24 is
20 compact and rectangular in shape. It covers
21 neighborhoods, including Jamaica Estates,
22 Auburndale, Holliswood, Bellerose, Douglaston,
23 Little Neck, Glen Oaks, Floral Park, and Bayside.
24 It also covers three community Boards, 8, 11, and

1 Congressional/State Legislative Redistricting 2-7-12

2 13. Much of Glen Oaks and Floral Park, for
3 example, share the same zip code, and the western
4 section of Glen Oaks share the same zip code as
5 Bellerose.

6 The proposed district map is much less
7 compact than my current one. It would begin in
8 Richmond Hills, encompassing only part of the
9 area and then follow the Grand Central Parkway
10 east through Jamaica Hills, Jamaica Estates,
11 Holliswood and Hollis Hills, Windsor Park before
12 ending in Bellerose, Floral Park, and Glen Oaks.

13 This Map would also divide Richmond Hill
14 cracking the South Asian community. This is a
15 proposed map of my new district. The old
16 district was relatively compact in this general
17 area of the current district. Obviously this
18 district is much less compact and obviously goes
19 from one end of Eastern Queens to Western Queens.

20 From just looking at the map, you can see
21 the different shape; it would be long and thin
22 and barely meets the criteria for being
23 contiguous compared to my current district which
24 is more rectangular in shape and compact.

1 Congressional/State Legislative Redistricting 2-7-12

2 The proposed Map for Assembly District 24
3 would pull in more community boards across my new
4 district and delude the ability of community
5 boards to ensure their voices are heard. As we
6 all know, community boards are important by which
7 communities exert political power and ensure
8 their voices are heard within local government.

9 The new Map would thus breakup
10 communities of interest that share a history of
11 collaborative advocacy and civic engagement.
12 Instead legislative districts would now include
13 numerous community boards, police precincts and
14 school districts splitting these groups among
15 numerous legislators.

16 The Eastern Queens portion of my district
17 is already somewhat divided splitting communities
18 in to several Assembly Districts. Currently,
19 Glen Oaks, New Hyde Park, Bellerose, Floral Park,
20 and Queens Village are represented by three
21 different Assembly Representative, Ed Bruinstein
22 [phonetic], Barbara Clark, and myself.

23 Glen Oaks Village located within Glen
24 Oaks, one of the largest cooperative housing

1 Congressional/State Legislative Redistricting 2-7-12

2 developments in New York State with a population
3 of about 3,000 families is also divided. The
4 group represents over 75,000 Queens residents
5 who, while diverse in their makeup, have a long
6 history of shared political advocacy and civic
7 participation.

8 Many representatives of civic
9 associations across Eastern Queens affected and
10 divided by the proposed new district lines will
11 be testifying today. In the aforementioned area
12 of Eastern Queens another community of interest
13 emerges that of the South Asian community.

14
15 Today you will also hear from groups who
16 have identified various clusters of South Asian
17 communities within New York State. According to
18 the 2010 Census, they are almost 351,000 South
19 Asian Americans living in New York City.

20 FEMALE VOICE 1: Conclusion.

21 ASSEMBLY MEMBER WEPRIN: Of that
22 population almost 60% live in Queens County.
23 Emerging clusters of South Asian Americans
24 identified is found within the communities in the

1 Congressional/State Legislative Redistricting 2-7-12

2 East, Bellerose, Queens Village, Floral Park, and
3 my current district, and the proposed district
4 liens split this emerging cluster of South Asian
5 American voters almost in the middle.

6 I have always been a voice for a voice
7 for an advocate of an independent redistricting
8 commission. I continue to voice my support for
9 the creation of such a commission in order to
10 ensure that communities of interest are kept
11 together and the lines are drawn in a non-
12 politicized way.

13 Many have come here today and have
14 previously testified at the various hearings
15 across New York State to voice their concern at
16 the way in which these Maps were drawn. A set of
17 lines within Queens have been blatantly
18 gerrymandered. One key example is the way in
19 which Woodhaven, a one square mile neighborhood
20 has been split among three different State
21 Senators. Another is the Flushing has been
22 carved up. I am going to sum up.

23 The proposed draft map for my Assembly
24 District is a gerrymandered map which fails to

1 Congressional/State Legislative Redistricting 2-7-12

2 live up to criteria set forth by this Committee.
3 It does not keep communities of interest
4 together, and divides the Eastern part of the
5 district.

6 I look forward to continuing to work with
7 my colleagues in government and communities
8 across Queens and New York City to create maps
9 that are better representative of the communities
10 of interest indentified across the Borough. I
11 thank you for your attention and I would be happy
12 to answer any questions.

13 SENATOR NOZZOLIO: Thank you.

14
15 ASSEMBLY MEMBER MCENEY: Thank you very
16 much Assemblyman.

17 SENATOR NOZZOLIO: Aminta Kilawan
18 [background noise] [crosstalk]

19 AMINTA KILAWAN, RESIDENT: Honorable - -
20 Helen Marshall, Members of the Task Force, good
21 evening. My name is Aminta Kilawan, you got that
22 right on the money, and I have a passion for
23 justice that is for that which is right. And
24 with all due respect, I do not believe that the

1 Congressional/State Legislative Redistricting 2-7-12

2 lines you have drawn are right.

3 For the last 20 years, I have been a
4 resident of Queens County. And for the last 20
5 years I have yet to live in a distinct and
6 unified district with regard to both the Assembly
7 and the State Senate.

8 I speak before you today with one concern
9 in mind namely that Richmond Hill and South Ozone
10 Park be kept together. When your Task Force goes
11 back to the drawing board, and puts pen to paper,
12 and redraws those lines. These areas
13 collectively represent a community of interest
14 which has already been defined by several
15 speakers before me, so I will not get in to that.
16 But the reality is Richmond Hill and South Ozone
17 Park collectively embodies each and every one of
18 the aforementioned factors as I will detail.

19 And as many of the people in my community
20 have already voiced, and as I will echo today, I
21 ask that you do not splinter us. Firstly with
22 regard to economic status; generally we are
23 middleclass.

24 We migrated to New York for a promise of

1 Congressional/State Legislative Redistricting 2-7-12

2 opportunity. We have made this land namely
3 Richmond Hill and South Ozone Park our own land,
4 opening up small businesses that reflect our
5 cultural. We run countless Roti [phonetic] shops
6 and we sale countless ethnic garbs in countless
7 stores.

8 We even have beautified the neighborhoods
9 we live in by renovating them; renovating our
10 structures and our landscapes and we take pride
11 in our neighborhood. We utilize common media
12 markets. We several local newspapers circulating
13 across the areas of Richmond Hill and South Ozone
14 Park, including the West Indian and the Caribbean
15 New Yorker.

16 Members of our communities of interest
17 also host radio programs targeted to the needs of
18 our population. We share community services and
19 organizations.

20 When I get on the A-train where I go to
21 school at Fordemoix [phonetic], by 59th
22 Street/Columbus Circle, I can tell by looking at
23 the sign on the A-train whether it is a Leopards
24 Boulevard A-train just by the people that are on

1 Congressional/State Legislative Redistricting 2-7-12

2 that train.

3 We use the same means of transportation,
4 buses and trains alike. We also congregate in
5 the same places of worship heavily populating
6 Mundirs [phonetic], Mosques, Gudwars [phonetic]
7 dispersed all across Richmond Hill and South
8 Ozone Park. We go to the same High Schools
9 namely John Adams and Richmond Hill. We share a
10 common country of origin, language, and dialect.
11 We identify as Americans who can trace our
12 ancestry back to South Asian or the South Asian
13 Diaspora to the Caribbean, which includes the
14 place that I am from, Guyana, Trinidad Tobago,
15 and Surinam.

16 We speak the same languages, Creoles and
17 Hindi. And talking all of this as a cohesive
18 whole, you can see that we share the same
19 cultural background. We share the same identity.
20 The bottom line is that we are a community of
21 interest; bottom line, if Richmond Hill and South
22 Ozone are not kept together, your Task Force will
23 be egregiously deluding our voting power under
24 Section 2 of the Voting Rights Act.

1 Congressional/State Legislative Redistricting 2-7-12

2 Thank you. And I thank you for affording
3 me this opportunity to speak today. I ask that
4 you please fulfill your civic duty by allowing us
5 to fairly partake in ours.

6 SENATOR NOZZOLIO: Thank you very much.
7 Richard David. Good evening.

8 RICHARD S. DAVID, EXECUTIVE DIRECTOR,
9 INDO-CARIBBEAN ALLIANCE INC.: Good afternoon to
10 each of you and thank you for giving us this
11 opportunity to testify before you. And at this
12 point I feel like I am going to be beating a dead
13 horse because almost every speaker that has come
14 up before you have pointed out the gerrymandering
15 that has happened in Richmond Hill.

16 And I, unfortunately, am not afraid to
17 continue for a full five minutes and repeat that
18 same message because we have come before you in
19 numerous occasions, and we feel like we have been
20 completely ignored.

21 I sincerely hope this reflects a genuine
22 effort to listen to the communities and people
23 impacted by your decisions. Based on my
24 testimony today and those of my colleagues, I

1 Congressional/State Legislative Redistricting 2-7-12

2 believe it will be fair to make further
3 adjustments in some cases, significant
4 adjustments to the proposed 2012 New York State
5 Assembly and Senate District Maps.

6 I am Richard David. I am a resident of
7 Ozone Park. I am a Member of Community Board 9,
8 and I have the privilege of being the Executive
9 Director of the Indo-Caribbean Alliance or ICA.

10 ICA is a leading nonprofit organization
11 dedicated to empowering South Asian residents of
12 Indo-Caribbean origin. We are a 501c3 Nonprofit
13 Nonpartisan Organization. As I mentioned,
14 previously submitted testimony asking that this
15 Task Force follow its own guidelines and keep the
16 neighborhoods of Richmond Hill and South Ozone
17 Park in a single Assembly and Senate District, in
18 fact we have five.

19 And by my account in every single
20 testimony that we have had today, we are the
21 winner if you are counting who has the most
22 gerrymandered district in New York City.

23 I am here to inform you of the importance
24 of keeping the neighborhood of Richmond Hill and

1 Congressional/State Legislative Redistricting 2-7-12

2 South Ozone Park, both in Southeast Queens,
3 significantly together in the Assembly and Senate
4 Maps. In fact we have organized to have several
5 of our residents attend the hearing here today,
6 and to demonstrate visibly before you the need
7 that we felt for so long to have this community
8 unified.

9 And I am so flattered and inspired by all
10 the residents and students and community
11 organizations who have joined us in Richmond Hill
12 United to come out testify here before you today.
13 I ask if any of you have actually been to
14 Richmond Hill or South Queens. I think you will
15 see a lot of the description that I am going to
16 go in to.

17 The South Asian community of Indo-
18 Caribbean origin has the largest presence in New
19 York City, larger than anywhere else in the world
20 with the exception of the Caribbean where a lot
21 of our people are from. These residents and
22 their families have called the neighborhoods of
23 Richmond Hill and South Ozone Park home since the
24 1960s.

1 Congressional/State Legislative Redistricting 2-7-12

2 Today this community contributes more
3 heavily to the socioeconomic and political
4 vibrancy that we see in New York City than in any
5 other time in the history of New York City.
6 While many have heard of Chinatown or Little
7 Italy, all here in New York City, we have what
8 has been called popularly, so-called Little
9 Guyana in South East Queens.

10 This so-called Little Guyana is anchored
11 by a commercial strip that runs along Liberty
12 Avenue from the Vanderk [phonetic] Express Way to
13 Woodhaven Boulevard. The surrounding areas
14 between Jamaica Avenue to the North, Bell Parkway
15 to the South, Woodhaven Boulevard to the West,
16 and Vanderk Express Way to the East, is an
17 expansion of this so-called Little Guyana of
18 cultural and commerce hub.

19 Residents in these areas attend churches,
20 Mundirs, which are Hindu places of worship, and
21 Mosques within this area. It creates a
22 relatively homogeneous area with residents having
23 similar education backgrounds, transportation
24 options, and income ranges similar to the

1 Congressional/State Legislative Redistricting 2-7-12

2 testimony that you just heard form Aminta
3 Kilawan.

4 This is a cohesive area where residents
5 are networked together and families send their
6 children to school; where they come to
7 organizations like mine, the Indo-Caribbean
8 Alliance for social services like youth programs.

9 The Maps as they are currently proposed
10 completely ignore these similarities. In fact
11 they are contradictory to those similarities.
12 They split our area in to five Assembly Districts
13 and two Senate Districts. It is difficult to
14 understand the logic behind these divisions, and
15 it is contrary to the purpose of your
16 organization.

17 You have made it so easy for people to
18 label this Body as a gerrymandering organization
19 simply by looking at Richmond Hill, Queens and
20 South Ozone Park. How else would it be plausible
21 that a homeowner in the course of their shopping
22 on a Sunday afternoon can walk with their
23 children through five different Assembly
24 Districts on the way through shopping; going to

1 Congressional/State Legislative Redistricting 2-7-12

2 bank, and going to a park?

3 I appeal to each of you to further adjust
4 these maps to keep these families together in the
5 neighborhoods. The consequences of your actions,
6 as you know and everyone in this room knows will
7 have a lasting impact until 2022.

8 The last time these lines were drawn the
9 neighborhoods were completely divided. Ten years
10 later the impact of those decisions are before
11 us. We have failing High Schools. We have high
12 crime rates. And we believe that there is a
13 direct correlation between the continued
14 disenfranchisement of residents in Richmond Hill
15 and the social problems that we continue to see
16 before us.

17 Again, I appeal to this Body to adjust
18 the proposed Map to keep Richmond Hill and South
19 Ozone Park together or significantly together. I
20 thank you for your time. And I thank you for
21 your consideration.

22 SENATOR NOZZOLIO: Thank you very much.
23 Donna Raymond [crosstalk].

24 DONNA RAYMOND, PRESIDENT, NORTH QUEENS

1 Congressional/State Legislative Redistricting 2-7-12

2 HOMEOWNERS CIVIC ASSOCIATION OF JACKSON HEIGHTS:

3 Hello. My name is Donna Raymond. I am the
4 President of the North Queens Homeowners Civic
5 Association and I am here to speak to you about
6 the new proposed Assembly lines and in particular
7 the 34th Assembly District.

8 We love our community and we are grateful
9 that LATFOR has kept the 34th Assembly District
10 pretty much in tack. Jackson Heights, East
11 Elmhurst, and Woodside are made up of residents
12 representative of over 70 countries.

13 By the way, our section of East Elmhurst
14 is not East of Elmhurst and in fact from the
15 early 1900s and until a few years ago when the
16 Postmaster General changed the designation of our
17 zip code from 11370 to East Elmhurst, our
18 community was also called Jackson Heights.

19 My organization and other civic groups
20 are still fighting to get back our identity and
21 our designation of being called Jackson Heights.

22 Jackson Heights has a long established
23 history of being one of the most ethnically
24 diverse Districts, and I submitted newsletters

1 Congressional/State Legislative Redistricting 2-7-12

2 and a State report with my testimony.

3 We are also the home to the largest LGBT
4 population outside of Manhattan's Greenwich
5 Village. The housing stock includes; Garden
6 Apartments, co-ops and condos; attached and semi-
7 detached private homes. The business sector is
8 mostly comprised of what we call Mom and Pop
9 stores locally and are mostly immigrant owned and
10 operated small businesses.

11 A recent study by the New York State
12 Controller, Thomas Senopoly [phonetic] states
13 that the Northwestern Queens neighborhoods of
14 East Elmhurst, Woodside, and Jackson Heights have
15 one of the greatest concentrations of immigrants
16 in all of New York city, and have experienced
17 strong economic growth during the years leading
18 up to the Recession due largely to its diverse
19 immigrant owned small businesses.

20 Our business community reflects the
21 diverse heritage of the residents; Judaism,
22 Islam, Sikhism, Hinduism, and many Christian
23 denominations make up this area. Just imagine a
24 locate Jewish Center hosting Muslim and Islamic

1 Congressional/State Legislative Redistricting 2-7-12

2 services, and a Methodist Church serving as a
3 community center where groups of every religious,
4 cultural, and ethnic backgrounds hold their
5 meetings and functions.

6 We have learned to support each other's
7 rights to religious freedom and our community of
8 tolerance and acceptance. According to a New
9 York Times article, Jackson Heights, a
10 middleclass neighborhood is so ethnically and
11 culturally diverse that some people call it a
12 Utopia of diversity. A New York news article
13 decries that Jackson Heights is the cutest Hood
14 in the Borough. My organization agrees.

15 However there are a couple of blocks
16 where members of my organization lived that has
17 moved and place in another district. 70th and
18 30th Avenues, 71st Street also between 25th and
19 30th Avenues currently are within the boundaries
20 of the existing 34th Assembly District.

21 It really serves no purpose to have these
22 few residents ostracized from the rest of the
23 neighborhood and their membership in our
24 organization. I ask that you rezone them back

1 Congressional/State Legislative Redistricting 2-7-12

2 into the 34th Assembly District.

3 We are happy with our community and wish
4 to keep it as it is. Thank you for allowing me
5 this time, and thank you for your consideration
6 to our request.

7 SENATOR NOZZOLIO: Thank you. Rachana
8 Shah.

9 RACHANA SHAH, TAKING OUR SEAT: Thank you
10 very much for letting me speak. Good evening.
11 My name is Rachana Shah and I am with Taking Our
12 Seat. Taking Our Seat is a Queens based
13 nonpartisan, not for profit civic organization.

14 We were founded to empower South Asian
15 Americans in this electoral process by
16 eliminating South Asian voter delusion through
17 the registering process. Taking Our Seat is also
18 a Charter Member of the Asian American Community
19 Coalition on Redistricting and Democracy, and we
20 thank you for the opportunity to speak this
21 evening.

22 SENATOR NOZZOLIO: You had an accident on
23 your way here?

24 MS. SHAH: Yes.

1 Congressional/State Legislative Redistricting 2-7-12

2 SENATOR NOZZOLIO: We are very glad--you
3 look fine.

4 MS. SHAH: I am fine, everything is okay.
5 So thank you for letting me come in now.

6 SENATOR NOZZOLIO: Just relax and give us
7 your testimony.

8 MS. SHAH: You have heard about the many
9 issues for regarding voter dilution in the
10 neighborhoods from all other people who have
11 spoken today. I am going to jump straight in to
12 the section of our testimony that talks about the
13 actual lines and our recommendations on the
14 changes to those lines.

15 SENATOR NOZZOLIO: More specific.

16 MS. SHAH: More specific, yes. For the
17 purposed 24th Assembly District; now LATFOR has
18 proposed a number of districts that cover South
19 Asian American neighborhoods. This new 24th
20 District does hold the promise of uniting three
21 distinct South Asian American neighborhoods such
22 as Richmond Hills, Briarwood, and Bellerose.

23 In this particular proposed district the
24 Asian non-Hispanic population is nearly 33%. And

1 Congressional/State Legislative Redistricting 2-7-12

2 we know that from our own analysis that the vast
3 majority of this Asian non-Hispanic number is
4 actually South Asian, South Asian American. We
5 think that the final boundaries may actually
6 offer a viable opportunity to maximize the value
7 of South Asian American voters, but we suggest a
8 few changes.

9 First we recommend that portions of the
10 proposed 24th District found in its Western
11 terminus in Richmond Hill be removed and added to
12 a District that is entirely and exclusively
13 encompassing Richmond Hill and South Ozone Park.
14 Our analysis shows that the area that we seek to
15 remove from the proposed 24th District
16 encompasses approximately 41,000 people.

17 To account for the loss of population
18 from loosing sections in Richmond Hill, we
19 propose the 24th District be expanded in Queens
20 Village in Bellerose by adding the following
21 boundaries. Where Hillside Avenue intersects
22 with Francis Lewis Boulevard, move the boundaries
23 South on Francis Lewis Boulevard until it
24 intersects with Jamaica Avenue.

1 Congressional/State Legislative Redistricting 2-7-12

2 And then move that boundary east on
3 Jamaica Avenue to the Nassau County Line. And
4 then at the proposed Union Turnpike boundary,
5 extend that boundary to the Nassau County Line.

6 The small modification to the 24th
7 District will add approximately 46,000 people
8 from Bellerose and Queens Village and it will
9 account for the total loss in population in
10 removing the Richmond Hill sections. The
11 alterations will result in a District that is
12 within the accepted deviations.

13 This reconfiguration reduces the number
14 of communities of interest in the 24th from three
15 to two. Briarwood and Bellerose share a common
16 thoroughfare on Hillside Avenue, which is the
17 main arterial road and the location of two subway
18 lines, and numerous bus lines.

19 The boundaries of the 24th as Taking Our
20 Seat proposes is also home a large immigrant
21 populations who share the same concerns about
22 education, employment, and access to government
23 services.

24 For the Richmond Hill Assembly District,

1 Congressional/State Legislative Redistricting 2-7-12

2 Richmond Hill and South Ozone Park together
3 should be the home of one distinct and unified
4 Assembly District. We are look at it is a home
5 of a large Indo-Caribbean Community and a large
6 Sikh community among others.

7 The boundaries compact and contiguous and
8 share a common thoroughfares with Atlantic
9 Avenue, Jamaica Avenue, Liberty Avenue, Woodhaven
10 Boulevard. There are common transportation
11 characteristics with A, J, and Z subway lines and
12 the Q7, 8, 10, 11, 21 and it goes on.

13 Also as you heard the community high
14 schools are Richmond Hill High School and John
15 Adams High School which has a significant number
16 of its population coming from this distinct
17 neighborhood. Moving forward now towards the
18 proposed Senate District 16; we support the need
19 to reflect the growth in the Asian American
20 population in Queens County by drawing in concept
21 a legislative district that encompasses a
22 majority of Asian Americans.

23 Although the proposed Senate District 16
24 achieves the majority population requirement, it

1 Congressional/State Legislative Redistricting 2-7-12

2 does so by disregarding neighborhood lines.

3 Commentarily the proposed boundary of Senate
4 District 16 also dilutes the South Asian American
5 vote by only partially key South Asian American
6 neighborhoods in Jackson Heights and Elmhurst.

7 Taking Our Seat joins a number of groups
8 present today in asking that the proposed Senate
9 District 16 be reconfigured with proposed Senate
10 District 11 to keep downtown Flushing and its
11 surrounding neighborhoods whole while maintaining
12 the Asian American majority.

13 With regards to Senate District 11; the
14 proposed Senate District 11 in Queens continues
15 to dilute the South Asian American vote.

16 Although the neighborhoods of Bellerose, Glen
17 Oaks, and Floral Park are kept whole, the
18 adjacent neighborhood of Queens Village is
19 shredded with jagged boundaries and it works--
20 Yes.

21 PRESIDENT MARSHALL: Time please.

22 MS. SHAH: Okay, certainly. The boundary
23 in Queens Village has diluted the South Asian
24 American vote in the proposed district. We also

1 Congressional/State Legislative Redistricting 2-7-12

2 propose a way to keep these major South Asian
3 American clusters together on the Senate level by
4 including the Richmond Hill area; the Briarwood
5 through the Jamaican Hills area; and the
6 Bellerose, Queens Village Floral Park, and Glen
7 Oaks cluster and we see that as a way of moving
8 forward keeping the South Asian American
9 communities together in a larger Senate District.
10 Thank you so much for your time and the exact
11 boundaries are here. Thank you.

12 ASSEMBLY MEMBER MCENEY: Thank you.

13 Thank you for your input.

14 SENATOR NOZZOLIO: Thank you very much.

15 Frances Luhmann McDonald.

16 FRANCES LUHMANN MCDONALD, COMMUNITY

17 ACTIVIST: I applaud all of the speakers who came
18 before me and I promise I will not reiterate. I
19 did make a little finding that people from North
20 Queens, East Queens, West Queens, and South
21 Queens do not like your plan. There was one guy
22 that kind of liked it and he was from Manhattan.

23 [Laughter]

24 MS. MCDONALD: My name is Francis

1 Congressional/State Legislative Redistricting 2-7-12

2 McDonald. I reside in what currently the 12th
3 Senatorial district and this is about my seventh
4 or eighth reapportionment hearing. Yes I am that
5 old and there is old saying that says the more
6 things change the more they remain the more it
7 remains the same. I am a master of clichés and
8 also telling you what they are saying behind your
9 back. That is my strong suit the plan begs to
10 question what were they thinking. Usually the
11 answer is they were not thinking. Let me tell
12 you, I know what you are thinking. What for?
13 You know that you cannot play that word on Words
14 with Friends. What for?

15 Our demographic research and
16 reapportionment-- the Task Force I believe was
17 created by the New York State legislature. Their
18 task is to redraw the current lines, which the
19 same legislators were elected under. In other
20 words, their own lines. I can be appalled, but I
21 am not surprised.

22 About Queens; at your own public hearing
23 earlier many local residents testified that they
24 wanted their neighborhoods to remain in tack.

1 Congressional/State Legislative Redistricting 2-7-12

2 Divisions of the neighborhoods reduces political
3 accountability. Queens is as a diverse county
4 with diverse ethnicity; it is diverse
5 economically; it is diverse age related; and it
6 is even diverse sexually oriented. You are not
7 going to get more diverse than that.

8
9 Now about State Senate District 12, where
10 I reside. Now that is going to change and I am
11 not moving. There is something wrong with this
12 picture.

13 Astoria Long Island City Sunnyside and
14 Woodside as classic example; almost a role model
15 for ethnic diversity; middle working classes;
16 about 30 or 40 years ago, that community welcomed
17 the community from Greece. It became the largest
18 concentration of Greek population this side of
19 Athens.

20 Currently, we have a little district, not
21 too little on Steinway Street that is referred
22 to, quite accurately, as Little Egypt. And in
23 general, Astoria does not have any trouble with
24 that. The whole situation especially in the

1 Congressional/State Legislative Redistricting 2-7-12

2 State Senatorial Districts is clearly unbroken
3 and does not need to be fixed, especially for
4 political power purposes.

5 I want you to go back to your drawing
6 board and look at you pallet. Remove from you
7 pallet personal political power; personal
8 political incumbency; and personal political
9 revenge so that New York State--our voters will
10 not have to call Governor Cuomo to veto this
11 plan. Because he is going to have to veto it in
12 order to attempt to restore confidence in New
13 York State government.

14 If you want to know how to do it better,
15 I will give you my email address. Email me and I
16 will come and help you. My email address, not
17 surprisingly is politicaljunky2011@hotmail.com.
18 [Applause] [Laughter]

19 ASSEMBLY MEMBER MCENEY: Before you sit
20 down, Ms. McDonald--you have not sat down.
21 Before you leave, we would welcome your specific
22 suggestions. The time is gone tonight to do
23 that, but feel free; that your candid and
24 uplifting testimony is very welcome as would be

1 Congressional/State Legislative Redistricting 2-7-12

2 our specific suggestions.

3 MS. MCDONALD: My specific is about the
4 12th Senatorial District.

5 ASSEMBLY MEMBER MCENEY: Whatever
6 specific suggestions you have, the Task Force
7 would welcome your opinion.

8 MS. MCDONALD: Thank you very much.

9 ASSEMBLY MEMBER MCENEY: Thank you very
10 much.

11 SENATOR NOZZOLIO: Thank you. Albert
12 Baldeo.

13 ALBERT BALDEO, PRESIDENT, UNITED
14 COMMUNITIES ALLIANCE, DISTRICT LEADER 38TH AD:
15 Good evening Members of this Honorable
16 Commission. Good evening everyone. I am an
17 elected Democratic District Leader of the 38th
18 Assembly District, a Delegate of the Judicial
19 Convention, County Committeeman, political
20 advocate, and an Attorney at Law. I am also the
21 President of United Communities Alliance and
22 organization that empowers and improves the
23 quality of life of all residents regardless of
24 race, religion, or National origins; living in

1 Congressional/State Legislative Redistricting 2-7-12

2 Queens the place that best defines us as a Nation
3 of immigrants.

4 I also share a common heritage of with
5 our President, Helen Marshall. She was here
6 earlier.

7
8 Our goals are to consolidate residents of
9 a district in to active participation for the
10 betterment of the district; to fight unfair
11 redistricting and social injustice, and to
12 develop coalitions on neighborhood organizations
13 and groups; to foster a greater civic voice for
14 the community; and to solve common issues and
15 problems confronting our family of neighborhoods;
16 Richmond Hill, Ozone Park, Woodhaven, Briarwood,
17 Jamaica Hills, Jamaica Estates, Bellerose, Queens
18 Village, Floral Park, and Glen Oaks. I refer to
19 Exhibits A, B, and C. The maps are with my
20 testimony.

21 I have run for office several times
22 before and my interaction with residents in these
23 communities both as an attorney and grassroots
24 organizer, and as a community leader has given me

1 Congressional/State Legislative Redistricting 2-7-12

2 a deep understanding of the common issues,
3 problems, concerns, and solutions that concern
4 there residents collectively.

5 Gerrymandering has cracked these natural
6 communities of interests in to unrecognizable
7 portions with incumbency suppression from
8 politicians on the basic structures of
9 government. Common problems abound, but common
10 issues are ignored, and common solutions are
11 impossible to achieve.

12 Rampant home foreclosures; closure of
13 hospitals, medical centers and schools; kids
14 being subjected to filthy overcrowded trailer
15 parks and locker rooms for classrooms; spiraling
16 unemployment; increased taxes; and the cost of
17 living have marginalized communities of interest
18 from government services and funding.

19 Their need for representation at all
20 levels of government has never more compelling.
21 Our plight is best understood with the closures
22 of our area hospital like Mary Immaculate and St.
23 Johns; the threatened closures of our high
24 schools; 10% rate of unemployment; high home

1 Congressional/State Legislative Redistricting 2-7-12

2 foreclosures and small business closures in our
3 districts.

4 We did not even have health clinics,
5 community centers, daycare centers, senior
6 centers, social service centers, or even job
7 training centers. No other community comes close
8 to this paradigm of utter despair, yet I am
9 living testimony that people looking at someone
10 like me as electable and serve the public
11 interests in this majority/minority district.

12 In 2006, we almost won a State Senate
13 seat. When I came within 1% of 483 votes on
14 defeating a 20-year old incumbency, Senator
15 Serphin Maltese; I repeat in 2006, we almost won
16 a State Senate seat when I came within 1% of
17 defeating a 20-year old incumbency, Senator
18 Serphin Maltese.

19 In fact if the election was governed by
20 the rules applied to other states, my worthy
21 opponent could not have combined the third-party
22 lines or the votes from the smaller parties. And
23 at is main party line and as the Daily News and
24 the New York Times and so on, if you Google it

1 Congressional/State Legislative Redistricting 2-7-12

2 you can see it, he speaks past me.

3 Currently, original Ozone Park, South
4 Ozone Park, Woodhaven, Briarwood, and these
5 communities are cracked in to numerous City
6 Council Districts, Assembly and Congressional
7 Districts. Consequently they have reduced the
8 effectiveness of problem solving. Share bonds
9 are destroyed and constituents are reduced to
10 mere statistics. Richmond Hill, Ozone Park,
11 South Ozone Park, and Woodhaven should constitute
12 one Assembly District. And Briarwood, Jamaica
13 Hills, Jamaica Estates, Bellerose, and Queens
14 Village, Floral Park, and Glen Oaks should
15 constitute another adjoining Assembly District.

16 And I have shown the maps there and the
17 date that it supposed that. Therefore it is
18 respectfully submitted that office has not fully
19 complied with all of the factors. The Supreme
20 Court has recognized in the drawing of districts,
21 one compactness and contiguity; respect in
22 political subdivision; preserving communities of
23 interest's raised; meeting political goals.

24 Federal Courts have recognized cultural

1 Congressional/State Legislative Redistricting 2-7-12

2 background; economic status; common media
3 markets; shared community services; other
4 organizations, including health clinics, stores,
5 public transportation; - - places; voting
6 patterns; common language and dialects; and
7 common country of origin as factors; and shared
8 community concerns in drawing district lines.

9 The sanction that propose 83rd and 24th
10 only short changes these vibrant communities of
11 interests. Here we are not asking you to
12 configure districts in two counties or three as
13 it was done in Congressional Districts 7th and
14 12th, respectively, where the Courts upheld the
15 community of interest adoption as legal, and have
16 kept these communities across different county
17 lines of Queens and the Bronx, and Queens and
18 Manhattan, and Brooklyn, respectively.

19 In Diaz & Silva and the Constitutional
20 Challenge of New York's 12th Congressional
21 District, it was successfully argued that Asian
22 American in Manhattan's Chinatown and Brooklyn's
23 Sunset Park neighborhoods constituted a community
24 of interest that should be kept together within a

1 Congressional/State Legislative Redistricting 2-7-12

2 single district across county lines.

3 Rather, we are merely advocating raised
4 rhythms that you have heard today that you keep
5 this one, keep Richmond Hill, Ozone Park, South
6 Ozone Park, and Woodhaven together utilizing this
7 map. And if I can hear from the audience, is
8 there anyone in agreement with me that we keep
9 Ozone Park, Richmond Hill, and South Ozone Park?
10 [applause] [crosstalk], there you have very
11 strong chorus from them. They really want you to
12 keep this community of interest together. And I
13 thought that would be the best way of defining
14 the clamor for it.

15 And secondly, to make Briarwood, Jamaica
16 Hills, Jamaica Estates, Bellerose, Queens
17 Village, and Floral Park, and Glen Oaks another
18 Assembly District with another 185,000
19 constituents. And logically you can create a
20 State Senate District by adding these two
21 communities of interest, plus using both of these
22 Assembly Districts which conforms to size,
23 compactness, and contiguity with 377,000
24 constituents, give or take.

1 Congressional/State Legislative Redistricting 2-7-12

2 This where the critical mass of this
3 community of interest is, and I challenge the
4 same Panel to produce and more compact and
5 contiguous district.

6 SENATOR NOZZOLIO: Mr. Baldeo it is over
7 six minutes, could you attend to summarize?

8 MR. BALDEO: Sure. I just want to
9 mention to that in Richmond Hill we have two
10 district leaders. And you know that two
11 districts leaders constitutes and Assembly
12 District. We have Dr. Taj Rajkumar, District
13 Leader in this same district and myself. So if
14 you wanted to the math demographically or
15 otherwise. You have enough statistics. You have
16 enough stuff. You have heard Assemblyman David
17 Weprin testify also to keep Richmond Hill whole.

18 And I therefore behoove this Panel that
19 you keep that community together. Inasmuch as we
20 have been legally advised that we have legal
21 ground for redress, I have confidence that this
22 Committee will do the right thing. And it will
23 draw us a Map that is contiguous, concise, and
24 compact. And that you will do what you are

1 Congressional/State Legislative Redistricting 2-7-12

2 legally mandated to do. I thank you very much.

3 ASSEMBLY MEMBER MCENEY: Thank you Mr.
4 Baldeo.

5 SENATOR NOZZOLIO: Thank you. Ashook
6 Ramsarran. You will be happy to know that you
7 are the 50th person to testify.

8
9 ASHOK RAMSARRAN, GLOBAL ORGANIZATION OF
10 PEOPLE OF INDIAN ORIGIN: I thought that it was
11 51, but thank you for reducing it.

12 SENATOR NOZZOLIO: Thank you.

13 MR. RAMSARRAN: Co-Chairman, Members of
14 the Redistricting Task Force, ladies and
15 gentlemen, thank you for this opportunity to for
16 me to speak at this Hearing today. I would have
17 liked the speakers for the respective communities
18 be lumped together so the audience can have a
19 better understand of the respective communities,
20 but that is moot right now.

21 I would have also liked an independent
22 Panel rather than what it is now. But beyond
23 that, my name is Ashook Ramsarran. I was born in
24 Guyana and I am a longtime resident of Queens for

1 Congressional/State Legislative Redistricting 2-7-12

2 45 years.

3 I am President for the Global
4 Organization of People of Indian Origin, also
5 known as GOPO, with worldwide chapters and
6 membership advocating fairness and equitable
7 rights of people of Indian origin globally. I am
8 a Board Member of the Fresh Meadows City
9 Homeowners Association, and I am on the Board of
10 several local, regional, and global civic
11 organizations, academic institutions, and member
12 of several others.

13 GOPO has been requested to support its
14 initiative to keep the neighborhoods of Richmond
15 Hill, Ozone Park, and South Park in tack, and we
16 are gladly doing so. I have previously testified
17 at several hearings, including RTA Rezoning of
18 Fresh Meadows and the Land marking of Brinkerhoff
19 Cemetery, and others.

20 Regarding the South Asian community of
21 Richmond Hill, Ozone Park, and Woodhaven I am
22 advocating and adding to those who have spoken
23 before and that will speak afterwards on the
24 critical need to retain a single contiguous,

1 Congressional/State Legislative Redistricting 2-7-12

2 compact, cohesive community for fair equitable
3 and effective representation of people with
4 similar backgrounds and interests; families and
5 friends with shared interests, concerns, shared
6 values, shared culture, history aspirations, and
7 community spirit in a singular district in order
8 to keep community area in tack socially,
9 culturally, economically, and politically.

10 Your proposal as shown would split that
11 community six ways. The United States
12 Constitution would be traverse if you were to do
13 that. The United Nations Universal Declaration
14 of Human Rights, Articles, 21,27, and 29 affirm
15 the rights of people to take part in government
16 of its country directly or through freely chosen
17 representatives--underline freely chosen.

18 People choose their representatives. The
19 representatives should not be choosing the
20 people. What better way to be in compliance than
21 to provide the means for chosen representation by
22 keeping the community in tack. In California the
23 Citizen Redistricting Commission states that it
24 is critical to ensuring district lines are drawn

1 Congressional/State Legislative Redistricting 2-7-12

2 to keep a community whole and grouped with nearby
3 communities with similar interests.

4 That ensures that your voice is heard by
5 your elected leaders in certain decisions as
6 equality of your child's schools or high or low
7 your taxes should be.

8 Recently several New York Editorials have
9 voiced their support for retaining communities in
10 tack. The New York Times said, draw a
11 straightforward fair Maps for State Legislative
12 Districts by keeping communities in tack and
13 respecting local jurisdictional lines. News Day
14 said, also proven that the same boundaries are
15 possible. The Daily News said, a glimpse of that
16 alternative reality and it looks good, damn good.

17 You have a tough job. We will help you.
18 We are here to help you. Listen to all the
19 speakers asking for the same thing and use their
20 support, use their advice. It is critical to
21 keep and unified compact district with natural
22 and sensible boundaries. It makes no sense to
23 partition and divide this community, ripping
24 apart neighborhoods, and destroying long

1 Congressional/State Legislative Redistricting 2-7-12

2 partnerships shared by those who live in this
3 community. It is the right thing to do.

4 New York State must not become Texas.
5 Please do not divide, dilute, or disrupt. Do not
6 draw dizzying lines. It is not in the people's
7 interest. I am hopeful that you will consider
8 this in a positive way and give us the in tack
9 community that we require. Thank you.

10 SENATOR NOZZOLIO: Thank you very much.
11 Vishnu Bisram [phonetic]. Vishnu Bisram.
12 Michael Duncan. Michael Duncan. Kris Gounden.
13 Kris Gounden. Good evening Mr. Gounden.

14 KRIS GOUNDEN, COMMUNITY ACTIVIST: Good
15 evening ladies and gentlemen. I would like to
16 thank you for giving me this opportunity to speak
17 on a matter that everyone has been very
18 boisterous about. My testimony is basically when
19 it does not work, when the redistricting does not
20 work. And Ozone Park, Richmond Hill is a
21 community that my family has been in since 1976.
22 And we have been victims of redistricting that
23 redistricting that did not work. I going to move
24 on with my testimony.

1 Congressional/State Legislative Redistricting 2-7-12

2 My family has been in South Ozone Park
3 since the mid-1970s. My wife's family has been
4 in Ozone Park since 1976. The Caribbean, West
5 Indian community has grown throughout Ozone Park
6 through our will to live together. Because of
7 the shape of the voting district, we cannot vote
8 to elect someone who is born of us. We cannot
9 vote for someone who is more likely to speak of
10 our interests.

11 We can raise our children together, but
12 we cannot vote together for one of us born of us
13 who all raises children in the community.
14 Instead the schools in our community do not talk
15 to our child about how we came to America many
16 years ago.

17 The schools in our community act like we
18 have no history and no voice in the City Council
19 to demand that our past be included in our
20 curriculum so that we can have pride and self-
21 respect. This is what school is supposed to be
22 about; self-esteem, self-respect, self-
23 confidence. It is just not other people's
24 history that makes them feel good about

1 Congressional/State Legislative Redistricting 2-7-12

2 themselves. We deserve to feel good about
3 ourselves too.

4 Right now, part of my property has been
5 taken without compensation. Former City
6 Councilman of Howard Beach, Joseph Addabbo, the
7 land grabber--there was no easement on my
8 property on official map as required by law.
9 There was no hearing on the taking of my property
10 as required by law. There was no notice on the
11 taking of my property as required by law.

12 Eminent Domain Law §208 was never
13 complied with and these local politicians and the
14 judges act like the Law does not have to be
15 complied with when it comes to the Caribbean
16 community.

17 I took my case to Court. Michael
18 Difernio [phonetic], a City employee, got up on
19 the witness stand and admitted to the Court;
20 admitted to the City; admitted to all of you that
21 he had no knowledge of the facts of an Affidavit
22 that he signed.

23 That is perjury. Judge Cogan did
24 absolutely nothing about the perjury. The City

1 Congressional/State Legislative Redistricting 2-7-12

2 did nothing about the perjury. The now State
3 Senator, Joe Addabbo, did nothing about that.
4 The current City Councilman, Eric Ulrich did
5 nothing about the land-grab on my property.

6 This is what had been done to the
7 American Indian, now it is being done to the West
8 Indian. And if we do not get some representation
9 that we can trust, it is going to keep happening.
10 We need districting that allows us a voice in the
11 machine.

12 You have heard the case about Ms.
13 Persaud; it was an outright business grab, grand
14 larceny. The crime was perpetrated by a sitting
15 Judge. Where is our voice to speak out on the
16 conspiracy between the Judges and those outside
17 of our community?

18 Our voice is in the redistricting of the
19 voting lines. Our voice is ourselves. Our voice
20 must be heard just like Councilman Barron's voice
21 is heard in his community. As matter of fact,
22 Councilman Barron came out of his district to my
23 house to put a stop to the White Supremacy that
24 is running rampant.

1 Congressional/State Legislative Redistricting 2-7-12

2 We need to select our own Councilman who
3 can go out of his or her district to his or her
4 house when he is under attack by who will not
5 represent him; harassed, abused, tortured by
6 politicians; City agencies without repercussions.
7 We have no way to address our concerns other than
8 doing a lawsuit.

9 The police do their job as per community
10 meetings, which we are not part of. The District
11 Attorney rubber stamps the behavior of which the
12 Judges have zero tolerance attitude for our
13 people. We have lived on this reservation-type
14 neighborhood to the point that we self-deport
15 ourselves to other U.S. States and other
16 countries.

17 We come together on the Internet to share
18 our experiences of the discrimination by the
19 ruling class that is presented during the John
20 Gotti crime spree that goes back before JFK
21 Airport was Idlewild Airport. NYPD 106 Howard
22 Beach Precinct disbanded for assisting these
23 individuals.

24 Politicians are profiting from their

1 Congressional/State Legislative Redistricting 2-7-12

2 relationships with these activities; politicians,
3 criminals, police within blocks of each other,
4 co-existing with each other all of the same color
5 and kind.

6 The Federal Government had to come in and
7 stop this blatant abuse of Civil Human Rights to
8 the minority community here in Richmond Hill and
9 Ozone Park. We have been victims of this for
10 much too long of this abuse. Our community needs
11 representation. Our voice is falling on deaf
12 ears without political presence.

13 Our children need to be empowered to see
14 a future here instead of elsewhere. Our people
15 have been bled of our aspirations with the
16 ongoing barrage of ticketing, Summons,
17 violations; and disciplinary action the City
18 wants to impose on us selectively.

19 This system only hurts us when this
20 system is supposed to help us and protect us.
21 Police have memory problems and refuse to enforce
22 the Law. The City refused to produce foiled
23 documents and create damaging paperwork.

24 The District Attorney sleeps on our cases

1 Congressional/State Legislative Redistricting 2-7-12

2 and moves quickly to punish us.

3 PRESIDENT MARSHALL: Mr. Gounden you need
4 to summarize, please. [Break in audio] I can
5 assure you that your written testimony becomes
6 part of the record.

7 MR. GOUNDEN: Yes Ma'am. If the Borough
8 President were here, she would actually concur
9 with me that we had meetings and it just got
10 worse. It is blatant without representation. I
11 have to go to Harlem. I have to go to Eastern
12 New York. I have to go wherever a politician
13 might even listen to me and give me advice that
14 your people have no representation; I cannot go
15 against the established politicians that bend the
16 Law, that twist the law.

17 I have to go to the Federal Court of
18 Appeals. I have become a lawyer now. I am not a
19 lawyer. I am an airman. I am a aircraft
20 technician. I am an instructor. I am an
21 inspector. I made inspector. I made inspector
22 with the FAA.

23 We are professional people. We are law
24 abiding citizens. We have family in law

1 Congressional/State Legislative Redistricting 2-7-12

2 enforcement. My father retired from the City.
3 We are honest hardworking people, but we see not
4 fruits of our labor. And this is passionate
5 because it has taken everything that I ever
6 worked for this. It is being made into a
7 documentary, and you will see that Holding Out
8 for Justice; the named it Holding Out for
9 Justice. That is all I want is justice. All I
10 have asked for is equal treatment. Equal
11 treatment, that is all that I have asked for.

12 That is all everyone here has ever asked
13 for is that you keep the lines so that we can be
14 productive individuals, not leave the country and
15 say how bad it was here. We are the type of
16 people from the Caribbean, wherever we go we will
17 survive. That is my testimony. Thank you very
18 much.

19 SENATOR NOZZOLIO: Thank you very much.

20 ROHAN NARINE, SHRI TRIMURTI BHAVAN

21 MANDIR: Good evening.

22 ASSEMBLY MEMBER MCENEY: Good evening.

23 MR. NARINE: How is everyone today?

24 ASSEMBLY MEMBER MCENEY: Good how are

1 Congressional/State Legislative Redistricting 2-7-12

2 you?

3
4 MR. NARINE: I am not bad. I am in Sales
5 so I tend to establish a very good rapport with
6 the people look at. Just to comment briefly on
7 Kris' testimony. It was my dad that actually
8 interviewed him for the newspaper and listened to
9 his story. And I see partly where he is coming
10 from.

11 I am here to deliver a message of good.
12 The burial of our ideas will in time cease to
13 exist. As you can tell, I am somewhat of an
14 Orator. I have got this timed. I only have one
15 shot. And I am resurrecting my ego only for four
16 minutes. So trust me, this message of good will
17 be good.

18 In my past life, I was buried upside
19 down. I saw with my Third Eye what lied deep
20 underneath the earth. I saw bones; insects
21 eating those bones; and bacteria eating away at
22 those insects. This is my metaphor for our
23 current political system here in Richmond Hill
24 and Ozone Park.

1 Congressional/State Legislative Redistricting 2-7-12

2 Our politicians have shaken too many
3 hands at the top. And it has trickled down from
4 their bacteria to our own. As for me though, I
5 carry antibacterial. I did not know much of what
6 was going on in my own backyard. That soon
7 changed. I listened with two ears, and spoke
8 only when spoken to.

9 My two ears brought me all the way here.
10 I represent the Indo-Caribbean people who have
11 descended from India; from the Indus Valley; from
12 Krishna. My backyard is no longer a foreign
13 land. I know what is going on now. I know what
14 has to be done, Briarwood and Bellerose for a
15 Senate seat.

16 I hear that we should, and I agree,
17 according to the non-profit organization taking
18 our seat advocate for the creation of an entirely
19 new Assembly District in Richmond Hill. This in
20 theory grants access to resources that are
21 currently unavailable to us. However if that
22 theory does not turn into fact, the burial of our
23 ideas will in time cease to exist.

24 As we utilize the political equity in the

1 Congressional/State Legislative Redistricting 2-7-12

2 term South Asian American. We will unify to
3 achieve our goal, which after many generations is
4 finally now a common one.

5 With that said, I kindly ask you, Senator
6 Nozzolio and Assemblyman McEney to remember our
7 testimonies when you begin to gerrymander our
8 neighborhoods.

9 You are all smart people. You do what is
10 right not only at work, but also in social
11 settings, and at family gatherings. It takes
12 extraordinary character to do that. I know
13 because I see this happening in my own community.

14 Richmond Hill comprising of a large
15 population of Punjabis, and South Ozone Park
16 comprising of a large population of Guyanese and
17 Trinidadians will unite to create a majority of
18 the minority.

19 Must we come together and begin to call
20 ourselves a community of interest? Must we do
21 what is right not only at work, but also in
22 public and in private? Is this the answer?
23 Wait, it is not as simple as that, is it?

24 To conclude in my present life my

1 Congressional/State Legislative Redistricting 2-7-12

2 greatest fear is being buried upside down. I am
3 scared to death of it. So now I only do things
4 to ensure that I will get buried right side up.
5 I say only good thing? I eat only the right
6 foods. I live a descent life like all of you.

7 One day last week, my dad got a phone
8 call and someone told him that his son should run
9 for public office. When my dad called me and
10 told me that, I replied to him in utter
11 confusion, did she mean run for office now? I
12 thank you for taking the time to listen to my
13 timed speech. Have a pleasant evening. And I
14 wish you fortitude for the remaining hearings in
15 Smithtown and Syracuse. Thank you again.

16 ASSEMBLY MEMBER MCENEY: Thank you very
17 much.

18 SENATOR NOZZOLIO: Thank you very much.
19 Thank you for your wishes regarding Smithtown and
20 Syracuse. I hope you extend good wishes to us
21 for Rochester and Buffalo as well because we are
22 going to be there too. Thank you very much.
23 Rodi Sarchese [phonetic]. Rodi Sarchese.
24 Michael O'Keefe.

1 Congressional/State Legislative Redistricting 2-7-12

2 MICHAEL O'KEEFFE, PRESIDENT, CREEDMOOR

3 CIVIC ASSOCIATION: Good evening. My name is
4 Michael O'Keefe. I am President of the
5 Creedmoor Civic Association. It is in Eastern
6 Queens. My civic is part of Eastern Queens
7 United, which is a coalition that you have heard
8 a lot about today, seeking to united communities
9 of common interest and contiguous borders within
10 both the Senate and Assembly Districts.

11 Not to depart too far from the text for a
12 second. This will be pretty quick. District 24
13 has been talked about a lot tonight and I think
14 there is one point I would like to make and it
15 kind of echoes what David Weprin said about a
16 half an hour ago.

17 It is a very long narrow district and it
18 runs through five separate community boards and
19 precincts.

20 And in life in Queens you know being part
21 of the community board is very important. The
22 civic leaders that I work with in Easter Queens
23 are all part Community Board 13 and we go to the
24 meetings. A lot of us are on the Board and the

1 Congressional/State Legislative Redistricting 2-7-12

2 precinct is the other kind of central hub hat we
3 work, and we are also in the same precinct.

4 The 24th District as drawn; actually
5 there was five other precincts also. I think the
6 important part of being an elected official is to
7 have a rapport with important people in the
8 community. I think that a community board
9 chairperson is one of those people.

10 And I think that it is very hard for an
11 Assembly person to have the kind of rapport with
12 five separate community boards so I think on that
13 basis the ideas of reconsidering the 24th and
14 possibly making it less long might be a
15 worthwhile proposition.

16 And just again to reiterate a lot of
17 people from different persuasions, different
18 ethnic backgrounds have asked to unify Bellerose,
19 Floral Park, Glen Oaks, Hyde Park, and Queens
20 Village and I would like to add my voice to that
21 group and you have my testimony and that is it.

22 ASSEMBLY MEMBER MCENEY: Thank you.

23 SENATOR NIZZOLIO: Thank you very much.

24 MR. O'KEEFFE: Thank you. Boshanan

1 Congressional/State Legislative Redistricting 2-7-12

2 Ramarran [phonetic]. Boshanan Ramarran. Steven
3 Anthony

4 STEVEN ANTHONY BEHAR, ESQ. Good--I guess
5 it is evening, good evening and thank you for
6 letting me testify. In 1987 as young Political
7 Science Undergraduate student at University at
8 Albany, I wrote a paper whereby I suggested that
9 New York State implement a system of independent
10 redistricting of State and Congressional
11 Districts.

12 At that time, the State of Iowa was the
13 only state with such a system. Today in the year
14 2012, I would like to thank LATFOR for
15 unquestionably proving the thesis of my college
16 paper. LATFOR by proposing these lines has shown
17 the citizens of New York that our government in
18 Albany is incapable of controlling itself. And
19 the New York State Senate and the New York State
20 Assembly are incapable of representing their
21 constituents and are instead more interested in
22 political self-dealing and political self-
23 preservation.

24 The district lines proposed by LATFOR are

1 Congressional/State Legislative Redistricting 2-7-12

2 despicable. Over the years, the Brennan Center
3 for Justice has called our New York State
4 legislature most dysfunctional State government
5 in the Nation. The district lines we are
6 discussing today are prima facie evidence that
7 this dysfunction is still alive and well.

8 In a state where it seems every other
9 week, an elected official in Albany is either
10 indicted or convicted. It is time for our
11 legislators to show some interest in good
12 government. Albany has become a cesspool of
13 corruption.

14 The lines that have been produced by
15 LATFOR are clearly designed incumbents from being
16 challenged. To protect majorities in each House
17 of the legislature and to punish the political
18 enemies of the Party in each House.

19 This is no way to resolve the
20 dysfunction that prepays our government. In 2010
21 when I was a candidate for the New York State
22 Assembly, I signed a pledge to a group led by
23 former Mayor Ed Koch that if I was elected, I
24 would support independent redistricting.

1 Congressional/State Legislative Redistricting 2-7-12

2 Nearly every member of the Senate and the
3 Assembly signed that pledge. Where is the
4 independent redistricting that you promised? Do
5 you have to make it some obvious that you
6 promises mean nothing?

7 The New York State Constitution
8 establishes that the Districts must be in as
9 compact form as practicable. Does anyone in his
10 or her right mind believe that these districts
11 are compact in any sense of the word? These
12 lines represent a complete departure from any
13 understanding of compactness using the words of
14 the 1972 Decision in Snyder v. Rockefeller, the
15 citizens of New York deserve districts that are
16 compact.

17 The State Legislature also requires that
18 the State Legislative Districts be comprised of
19 contiguous territory. A contiguous district is
20 one in which it is possible to travel from any
21 point in the district without crossing a district
22 boundary. Historically LATFOR has twisted this
23 idea of contiguity using highways and
24 inaccessible shorelines to connect unrelated

1 Congressional/State Legislative Redistricting 2-7-12

2 towns and neighborhoods into one district.

3 The citizens of New York deserve
4 districts that are contiguous. New York State
5 districts are also supposed to be drawn with
6 great deference to municipal boundaries and
7 county boundaries. And in Queens this should
8 extend to our distinct neighborhoods in Queens,
9 which are very different traveling from one
10 neighborhood to the next.

11 The lines drafted by LATFOR clearly have
12 not given such deference to such boundaries.
13 Districts have been drafted to cross boundaries
14 for nothing other than political gain. The
15 citizens of New York deserve districts that show
16 deference to these boundaries.

17 So where does this leave us today? Since
18 we are up against the time constraints brought
19 about by the upcoming primaries, LATFOR must go
20 back to the drawing board and draft new lines
21 that not only follow the New York Constitution,
22 but also draft lines that are not politically
23 motivated, and show the rest of the Nation that
24 New York is no longer interested in being the

1 Congressional/State Legislative Redistricting 2-7-12

2 most dysfunctional government in the Nation.

3 If this proves impossible for the
4 Legislature, then the Governor must veto these
5 districts. Frankly, a Court drawn Map is better
6 than a politically motivated gerrymandered Map
7 drawn by LATFOR.

8 Going forward New York State needs to
9 pass a Constitutional Amendment taking control
10 over the ridiculous redistricting process away
11 from the Legislature and giving it to and
12 independent commission.

13 PRESIDENT MARSHALL: Mr. Behar please
14 summarize.

15 MR. BEHAR: Okay, I am on my last two
16 sentences.

17 PRESIDENT MARSHALL: Thank you.

18 MR. BEHAR: Many states including Iowa
19 can serve as the model. Independent
20 Commissioners should be appointed from a pool of
21 qualified candidates. And no district lines
22 should be drawn based upon party enrollment of
23 the voters or of the incumbent Legislators.
24 Districts should be compact, contiguous, give

1 Congressional/State Legislative Redistricting 2-7-12

2 deference to boundaries, and continue the
3 protections of the United States Constitution and
4 of the Voting Rights.

5 It is time for the citizens of New York
6 to stand up and say enough is enough, we want
7 good government now.

8 FEMALE VOICE: Thank you.

9 SENATOR NOZZOLIO: Mohammed Sadiq.

10 MOHAMMED SADIQ, DIRECTOR, TAKING OUR
11 SEAT: Good evening. My name is Mohammed Sadiq
12 and I am a Board Member of the organization
13 called Taking Our Seat. I would like to put my
14 testimony about the proposed Assembly District
15 34.

16 I worked with the Census 2000. And as a
17 Member of the Community Board and a civic member
18 in 2001, I testified during the Redistricting
19 Hearing where I had drawn the lines for Southeast
20 Queens boundary by the - - back in the North, - -
21 to the South, Vanderk Expressway to the West, and
22 a City line to the East.

23 After 10 years, these reasons of Queens
24 Village, Hollis Hills, Bellerose, Floral Park,

1 Congressional/State Legislative Redistricting 2-7-12

2 Glen Oaks, Hollis, Jamaica Hills, Briarwood has
3 seen tremendous growth of the community of
4 interest from the South Asians, including Indian,
5 Bangladeshi, Pakistani as well as Guyanese,
6 Trinidadians, and Indo-Caribbean of South Asian
7 descent. Today, when I see the boundary lines of
8 LATFOR proposed Assembly District 24, which very
9 close to what I proposed in my redistricting on
10 the 2001.

11 I would like to thank that 2001 Panel
12 Committee for their support, but this does not
13 bring me any surprise, but instead gives me some
14 peace of mind that common people with common
15 interests are going to live in a common district.

16 The economic network has a very vital for
17 this neighborhood as well as for the religious
18 institutions. I have seen more and more that our
19 neighborhood people are participating in the
20 civic associations and take leadership roles on
21 the Community Boards, - - , and recognizable
22 religious leaders all have made some progress to
23 getting involved as a representative of their
24 community.

1 Congressional/State Legislative Redistricting 2-7-12

2 There is more to be done, but as with any
3 new immigrant community, there is a learning
4 curve and more resources needed to have a voice
5 in order to take a stand. Finally, I would like
6 to request the Committee to redraw and the extend
7 the lines a little more South and bring the
8 people of common interests by adding Bellerose,
9 Queens Village, and Hollis within the boundary
10 line of the proposed Assembly District 24 with a
11 cut line of Jamaica Avenue.

12 And also to take out the Richmond Hill
13 west of the Vanderk Expressway. Thank you.

14 ASSEMBLY MEMBER MCENEY: Thank you very
15 much.

16 SENATOR NOZZOLIO: Elias Tsekerides.

17 ELIAS TSEKERIDES, PRESIDENT, FEDERATION
18 HELLENIC SOCIETIES: My name is Elias Tsekerides
19 and I am President of the Federation Hellenic
20 Societies created in New York with offices on 22-
21 51 29th Street, in Astoria Queens.

22 A lot of people talked about the same
23 things of what I am going to say, but it is worth
24 repeating, I believe. Astoria community is best

1 Congressional/State Legislative Redistricting 2-7-12

2 served by keeping Astoria whole and contained in
3 one district so that its community members can be
4 represented by someone who understands what the
5 various groups here need and how to best serve
6 them.

7 Splitting the community apart will weaken
8 Astoria community's voice in government and keep
9 it from being served fairly and with community's
10 best interest at heart. Separating the community
11 in to two different districts would also hurt the
12 harmonious relationship currently existing
13 between the various groups, ethnic, racial, and
14 religious, that live in Astoria.

15 Those groups also have different
16 interests and are served differently by their
17 respective representatives.

18
19 In recent history, if ever, Astoria has
20 never been split in to two different districts.
21 Astoria is a community of interest with and
22 extremely large Greek, Muslim , and immigrant
23 population that should be kept whole. Splitting
24 the community apart would hurt the residents

1 Congressional/State Legislative Redistricting 2-7-12

2 whose needs would not be fulfilled someone who
3 represents a different community of interest.

4 Astoria has always been a well defined
5 community and splitting it apart would tear the
6 fabric of this community and hurt the individuals
7 and business in Astoria.

8 I hope that you go back the drawing board
9 and do something with redistricting. And if you
10 do not, I hope that the Governor keeps his
11 promise and veto your bill. Thank you.

12 SENATOR NOZZOLIO: Thank you Mr.
13 TSEKERIDES. Paul Halvatis [phonetic]. Paul
14 Halvatis. Terry Hughes. Terry Hughes. Samuel
15 Massol. Good evening.

16 SAMUEL MASSOL, ASSOCIATE DIRECTOR, COMMON
17 CAUSE NEW YORK: Good evening. My name is Sam
18 Massol and I am the Associate Director of Common
19 Cause New York. I want to thank you for the
20 opportunity to testify here in Queens.

21 At each LATFOR meeting Common Cause has
22 provided testimony comparing the LATFOR draft to
23 Common Cause's Reform Plan. Today I would like
24 to start with a discussion of the criteria of

1 Congressional/State Legislative Redistricting 2-7-12

2 that guides Common Cause's Reform Plan and inform
3 our criticism of the LATFOR draft lines.

4 Although discussion of our criteria has
5 been available on our Website for many months, we
6 realize that we have not detailed these criteria
7 in testimony to LATFOR and we apologize for any
8 confusion that this may have caused.

9 First we seek to follow all the
10 applicable Federal and State Constitutional Laws.
11 On the Federal side, this includes compliance
12 with the Voting Rights Act and the principle of
13 one person one vote. On the State side, this
14 includes binding rules like Block on Border and
15 Town on Border as well as the guidelines to
16 minimize the division of counties, maintain
17 strict contiguity, and draw districts that are as
18 compact as practical.

19 We take these guidelines very seriously.
20 The Federal Principle of one person one vote is
21 reinforced on the State Constitution by the words
22 each district shall contain as nearly as may be
23 an equal number of inhabitants as practical. In
24 the Common Cause Reform Plans we follow strict

1 Congressional/State Legislative Redistricting 2-7-12

2 numerical standards, no district may deviate by
3 more than plus or minus 3% with the ideal value
4 and the Mein absolute deviation from the entire
5 plan must be less than 1.5%.

6 These rules prevent the kind regional
7 apportionment that Upstate and New York City
8 LATFOR lines have drawn. The majority party in
9 both Houses, we take the State's Constitutional
10 Guidelines to respect county and town boundaries
11 as step further. The Common Reform Plan also
12 maintains respect for City, Village, and school
13 district boundary lines whenever possible.

14 Respecting these important local
15 jurisdictions is part of our over-arching
16 emphasis on communities of interest. The Common
17 Cause Reform Plan seeks to protect communities of
18 interest by joined district lines that reflect
19 the social, cultural, ethic, and economic
20 interest common to the population of an area.

21 We find a community of interest as a
22 local population with common social and economic
23 interests that would benefit from the unified
24 political representation provided by inclusion

1 Congressional/State Legislative Redistricting 2-7-12

2 within a single political district.

3 Within New York City this principle often
4 translates in to respect for the neighborhood and
5 the neighborhood boundaries keeping distinct
6 local communities together and in one district so
7 they can effectively engage in civic life.

8 In public meetings we have heard the
9 members of this Panel voice support for all of
10 these criteria in principle. And we encourage
11 you all to look carefully at what we provide
12 here.

13 The key difference between the plans
14 produced by this Panel and the Common Cause
15 Reform Maps; the Common Cause plans do not let
16 partisanship or incumbent protection get in the
17 way of keep neighborhoods together and ensuring
18 that every New Yorker across the State gets a
19 chance at fair representation and participation.

20 We follow a rigorous incumbent-blind
21 process and do not use any political data
22 whatsoever in drawing our lines. Only after
23 completing the plans, did we examine the affect
24 on incumbents.

1 Congressional/State Legislative Redistricting 2-7-12

2 In light of last week's testimony in
3 Manhattan we would like to make it clear for the
4 record that Common Cause's Reform Plan does not
5 target specific incumbents of any race,
6 ethnicity, or political affiliation. Incumbent
7 pairings are spread across all regions of the
8 State and do not follow any pattern. Let me know
9 turn to the analysis of the LATFOR Queens draft
10 starting with the Assembly.

11 First we would like to recognize the
12 improvements to the 25th Assembly District in
13 Eastern Queens. Reorienting the District to run
14 East to West instead of North to South leads to a
15 significant improvement to Asian American
16 representation and better reflects how these
17 communities live and associate. But there are
18 still numerous areas on Queens in which this
19 draft stands for improvement.

20 This Panel received testimony from
21 numerous community representatives in Bellerose
22 and Richmond Hill asking that their neighborhoods
23 be kept together in a single district. In
24 Bellerose, this draft plan shows not improvement

1 Congressional/State Legislative Redistricting 2-7-12

2 from the current plan in this regard. In
3 Richmond Hill there is some improvement, but the
4 area is still sliced in to four districts.

5 We know how difficult to be to balance--

6 PRESIDENT MARSHALL: Samuel you are
7 exceeding five minutes, you need to summarize
8 please.

9 MR. MASSOL: Okay. So we are going to
10 skip to the Senate to make it really fast, and I
11 can talk really fast if you like.

12 PRESIDENT MARSHALL: Five minutes.

13 MR. MASSOL: Okay.

14 SENATOR NOZZOLIO: And I think what you
15 should do is certainly submit your written
16 testimony for the record, and just summarize it.

17 MR. MASSOL: Absolutely, so let me just
18 summarize in saying partisan politics is not
19 allowed to trump a community's interest. And
20 this is the key difference between the LATFO
21 lines-- I am sorry. Go want to go all the way up
22 there? That is all right. You want to go up
23 here then? All right, fair enough. I am going
24 to follow my esteemed colleague here.

1 Congressional/State Legislative Redistricting 2-7-12

2 The partisan gerrymandering of Senate
3 Districts 11 and 15 has a domino effect on the
4 rest of Queens, of the Queens Senate Districts
5 causing Senate Districts 12, 14, and 16 to twist
6 and turn in contorted jigsaw shapes.

7 The long tail of Senate District 12 that
8 stretches all the way into Woodhaven and Astoria
9 looks drawn to more democratic leaning voting
10 Block form Senate District 15. And the Northern
11 tentacle of Senate District 16 into Bay Terrace
12 is clearly drawn to allow Senate District 11 to
13 lean more conservative.

14 Neighborhoods across the Borough from
15 Richmond Hill to Forest Hills to Astoria are
16 awkwardly chopped up and disenfranchised in order
17 to maximize the Senate Majority's Party chances
18 at re-getting a seat in Queens. Thank you.

19 PRESIDENT MARSHALL: Thank you.

20 SENATOR NOZZOLIO: Thank you very much.

21 Emile Vudi [phonetic]. Kwal Tortaram. Good
22 evening.

23 KAWAL TOTARAM, ESQ.: Good evening.

24 Thank you Mr. Chairman and Members of the

1 Congressional/State Legislative Redistricting 2-7-12

2 Committee. My name is Kawal Tortaram and I live
3 in South Ozone Park. I have been a practicing
4 attorney for over 25 years. My office is located
5 on Liberty Avenue. I live three minutes away
6 from my office, yet still am divided within two
7 Assembly Districts.

8 We are comprised of our--I am testifying
9 here on behalf of the Queens Caribbean Bar
10 Association of which I am currently the
11 President. The past president was Trevor Rupnarin.
12 The Public Relations Officer is the next guy
13 here.

14 Our Bar Association has 30 lawyers,
15 collectively over three hundred years of legal
16 experience. We have practicing in Richmond Hill
17 for over 25 years, and we are very cognizant of
18 the community.

19 We know the ills. We know the problems
20 of this community. We know are failing schools.
21 We know the of the health problems. We know of
22 the lack of community centers and services, poor
23 and deplorable sanitation conditions, and
24 traumatic question of foreclosure that recently

1 Congressional/State Legislative Redistricting 2-7-12

2 articulated it the New York Times. And we also
3 know of successes in the community.

4 But Richmond Hill has been unfairly
5 truncated into several, 80 districts. I
6 personally and our association do not believe
7 that you have a political agenda. I just think
8 that you have misaddressed and you have not
9 looked at it properly.

10 There were over 10 people who spoke in
11 favor of holding Richmond Hill together, South
12 Ozone Park, Ozone Park, and Woodhaven. Not a
13 single member came here and testified against
14 that. Therefore I urge you to look at it so they
15 can bring a community of interest. Richmond Hill
16 is not an Indo-Caribbean area, it is also
17 Hispanic, in fact I have the latest figure here;
18 it is 22% Asian, which includes us; 13% Black;
19 30% Latino; 15% White; and 12% other.

20 So it is a community of interest of
21 people of all races coming together, immigrants
22 and whatnot coming together. I recall testifying
23 before you a decade ago. At that time our
24 community was divided in to seven districts,

1 Congressional/State Legislative Redistricting 2-7-12

2 today it is five.

3 It was asked of me by a Member of the
4 Committee of the more the merrier. The more the
5 merrier has resulted in the fracturing of this
6 community. And therefore I urge you to go back
7 and look at the Map. And the Bar Association is
8 prepared that if we do not have a favorable Map,
9 we are prepared to challenge this right up to the
10 Supreme Court. I thank you for our time.

11 SENATOR NOZZOLIO: Thank you very much.
12 Gerpaul Singh [phonetic]. Gerpaul Singh.
13 Gerpaul Singh. Frank Singh. Frank Singh. Taj
14 Racokmahr [phonetic]. Taj Racokmahr. Pritha
15 Singh [phonetic]. Pritha Singh. Karpeet Singh
16 [phonetic]. Karpeet Singh. Phil Konigsberg.

17 PRESIDENT MARSHALL: Bingo.

18 [Laughter]

19 SENATOR NOZZOLIO: Good evening.

20 PRESIDENT MARSHALL: Good evening.

21 PHIL KONIGSBERG, VICE PRESIDENT, BAY
22 TERRACE COMMUNITY ALLIANCE: Good evening. Hello
23 everyone. I wanted to before I go into my brief
24 statement, I wanted to endorse the people that

1 Congressional/State Legislative Redistricting 2-7-12

2 have spoken for combining or keeping the
3 neighborhoods of Richmond Hill, Rockaway,
4 Astoria, and the Eastern Queens United
5 communities that have spoken before.

6 I live in Bay Terrace Queens. I am part
7 of Community Board 7 and also the Vice President
8 of the Bay Terrace Community Alliance Club, but
9 that is not really relevant here. Someone said
10 politics is local and I am just feeling in this
11 case that politics has to be completely separated
12 from this issue, which is local; local to me.

13 Bay Terrace has been in--I am taking
14 about the Senate, Senate District 16 previously
15 was part of 12 and Warren Schreiber who is the
16 President of the Civic Association that I am Vice
17 President with, has suggested to you about a
18 Senator who lived in Astoria and when we as an
19 organization have these candidates assigned as a
20 public service for our community, we had to
21 basically explain where Bay Terrace was coming
22 from the district being so stretched out.

23 Bay Terrace should be part of Eastern
24 Queens. It should be part of District 11 and I

1 Congressional/State Legislative Redistricting 2-7-12

2 am hoping that you will take back all of the
3 testimony that you have heard tonight; and it
4 sounds like you got a lot more to follow after I
5 do. So what I would suggest is--here all we have
6 to say is go back to the drawing board and please
7 listen to what you have heard here tonight.
8 Thank you.

9 SENATOR NOZZOLIO: Thank you very much.
10 Flores Lords [phonetic]. Flores Lords. Barbara
11 Jackson. Barbara Jackson.

12 BARBARA JACKSON, LEFRAK CITY: Good
13 evening.

14 SENATOR NOZZOLIO: Good evening.

15 MS. JACKSON: My name is Barbara Jackson.
16 I am a District Leader in the 35th Assembly
17 District, Part B. My State Senate District is
18 Senate 13. And I think that you heard a lot from
19 the people of Astoria earlier on that these two
20 Senate Members have been drawn in to the same
21 District.

22 What I am asking is that you leave their
23 District in tack, and leave our District in tack.
24 So I come to you today to request that you

1 Congressional/State Legislative Redistricting 2-7-12

2 consider this proposed New York State Senate
3 Line.

4 The process of redistricting should be
5 done equally and with fairness. This should not
6 be about political fights, but about what is good
7 for the people of New York State. These lines
8 are a mockery of the State wide effort to have a
9 fair redistricting process.

10 They disenfranchised the voters; this is
11 wrong it is a flawed process. Therefore I am
12 requesting that you please go back over the
13 proposed lines and keep communities of interests
14 together.

15 I stand with Governor on vetoing the
16 proposed United States Senate Lines. So my
17 testimony here today is to please that you
18 straighten to two Senate Districts, the Garnairis
19 District and the Parnell District. I thank you
20 so much for your kind attention.

21 SENATOR NOZZOLIO: James Trikas.

22 JAMES TRIKAS, VICE PRESIDENT OF THE EAST
23 FLUSHING, CIVIC ASSOCIATION, BOARD MEMBER -
24 ZONING AND LAND USE, CHAIR FOR HOLLY CIVIC

1 Congressional/State Legislative Redistricting 2-7-12

2 ASSOCIATION, MEMBER - QUEENSBORO HILL

3 ASSOCIATION, BOARD MEMBER - KISSENA CORRIDOR PARK

4 CONSERVANCY: Good evening. My name is JAMES

5 TRIKAS. I will just get right to it, because

6 there is a lot to talk about. I will not go

7 through my titles and the many civic associations

8 I represent and the many people in the community.

9 The Assembly, the Senate, and future
10 Congressional Districts in all burroughs must be
11 redrawn fairly and equally to all nationalities.

12 No district should be created to have any
13 nationality be the dominant nationality in the
14 district so that their own can get elected--
15 creating biased communities and resentment in
16 commuinities and promoted segregation.

17 It is imperative that districts be
18 created politically balanced and should be--and
19 shouldn't be dominated by any political party.
20 All need to work together or they will continue
21 to oppose each other causing issues not to be
22 addressed or resolved.

23 No elected offical should be asked or say
24 how they want the lines drawn to favor their own

1 Congressional/State Legislative Redistricting 2-7-12

2 or reelection. Elected officials should represent
3 everyone fair and equal, not create districts to
4 cater to one nationality or their own.

5 Many different nationalities make up
6 communities. All nationalities and political
7 parties need to work together to vote for one
8 representative for everyone, not create districts
9 dominated by one nationality to guarantee the
10 candidate of the same nationality win.

11 The behavior to promote one nationality
12 or group to be more dominant may encourage others
13 to promote and display other foreign languages--
14 to also want their language more dominant on
15 store information signs, like in Flushing, New
16 York.

17 Store signs must be displayed at least
18 60% or more in our primary English language and
19 second foreign languages no more than 40% and I
20 direct you to page 6 so you can see what the
21 Asian community and the Korean community have
22 done, destroying Flushing.

23 Creating foreign dominated areas change
24 the character and appearance of communities,

1 Congressional/State Legislative Redistricting 2-7-12

2 promote foreign looking areas on the streets of
3 New York, ignoring our primary English language
4 displayed, implying they dominate the area,
5 catering to their own. English is a universal
6 language, taught and known worldwide and should
7 be displayed for the benefit of all
8 nationalities. The official language of 31 states
9 and 4 pending proposed states of the United
10 States. It is the official language of those 31
11 states and 4 pending. Unfortunately New York is
12 not one of them.

13 It appears most New York elected
14 officials don't support English to be the
15 official language of New York and some have voted
16 no. Voters should not reelect them. Districts
17 with one nationality dominance promotes store
18 information signs to be used to display the
19 nationality catered to and the cultural display
20 of one's nationality dominance.

21 Regardless of one's nationality, we
22 should be blank Americans. The key word is
23 Americans--not divide districts to be dominated
24 by one, separating all other nationalities in the

1 Congressional/State Legislative Redistricting 2-7-12

2 district.

3 The creation of a district dominated by
4 any nationality promotes racism and biased
5 behavior to segregate other nationalities by
6 those that created influence or support the new
7 districts or by those that do not verbally oppose
8 them and must be redrawn.

9 The only fair and nonbiased solution is
10 to create districts by balancing adjacent
11 districts to spread as equal as possible a fair
12 distribution of all nationalities and political
13 parties to have a balanced district, where that
14 representative can truly represent all members in
15 the district and segregate, well it should be--and
16 not segregate by nationality or party.

17 Examples, adjoining senate districts and assembly
18 districts. I

19 f you look at your figures that we have
20 on the next adjoining pages, it says take Whites
21 from the proposed Senate District 11, add to 14
22 and 16 to be balanced. Take Asians from the
23 proposed Senate District 16 and add to 11 and 14
24 to be balanced. Take Blacks from the proposed

1 Congressional/State Legislative Redistricting 2-7-12

2 Senate District 14 and add to 11 and 16 to be
3 balanced.

4 Take Asians from the proposed Assembly
5 District 40 and add to Districts 25, 26, and 27.
6 Now let us look at the numbers so you get a good
7 idea. Senate District 11, 1.89 Whites to 1
8 Asian, 3.48 Whites to 1 Hispanic; Senate District
9 14, 1.26 Asians to 1 White, 1.44 Hispanics to 1
10 Asian, 4.86 Blacks to 1 White, 3.86 Blacks to 1
11 Asian; Senate District 16, 1.95 Asians to 1
12 White, 3.22 Asians to 1 Hispanic, 17.36 Asians to
13 1 Black.

14 Now all these adjoining areas in the
15 Assembly District 40, 3.69 Asians to 1 White,
16 3.91 Asians to 1 Hispanic, 23.57 Asians to 1
17 Black. All these adjoining areas clearly can be
18 moved over slightly to get a balanced area and
19 that is the only way to get a truly effective
20 one.

21 I know I do not have any time but I
22 address you to look at the page 6 showing the
23 signs store signs that are in foreign languages
24 that have been destroying Flusing and I am very

1 Congressional/State Legislative Redistricting 2-7-12

2 upset that you are listening to the Asian
3 community as Asian Americans knowing this is
4 their intent and you guys have your eyes closed
5 to not see it. You need to drive down Main
6 Street, drive down Northern Boulevard--see what
7 they are doing and you tell me they are thinking
8 of only--everyone. No. They are creating
9 districts solely for their own. Now the other
10 thing too, we have an Asian in the Assembly, an
11 Asian in the City Council, Asian in the
12 Controller's Office, and now they want an Asian
13 in the Senate District.

14 What right do the Asian community have to
15 monopolize every elected official? I have lived
16 in Flushing for 53 years. How dare you allow
17 lines to be drawn up like this, to allow this to
18 take place. This is totally ridiculous. You
19 need to read what Theodore Roosevelt wrote in
20 1907 that you have on your pages because none of
21 you are abiding by it. He would roll over in his
22 grave if he saw what you guys are doing. This is
23 ridiculous.

24 You are not for fairness and equality and

1 Congressional/State Legislative Redistricting 2-7-12

2 this makes it very biased for anybody to
3 represent a community fairly because you are
4 clearly making it so that only one group get
5 elected. How dare you do that. Now you guys
6 must have been sleeping because this is very
7 annoying and I ran for District Leader last year
8 and lost by 36 votes among this heavy Asian
9 community, heavy Asian community. So how dare
10 you destroy it and think that the Asian Americans
11 or ALDEF is influencing you the wrong way. You
12 are definitely out of touch and you are listening
13 to the wrong people.

14 You need to change these lines, make it
15 more fair, make it balanced, and do the right
16 thing because people like me are going to be out
17 there-- already notified Cuomo two weeks ago to
18 knock down this line because this is totally
19 ridiculous and I want you to change it and I have
20 a lot more to say, but apparently I cannot talk,
21 but this is quite ridiculous.

22 ASSEMBLY MEMBER MCENEY: Mr. Trikas,
23 thank you very much. It is about 3 minutes over
24 your allotment.

1 Congressional/State Legislative Redistricting 2-7-12

2 MR. TRIKAS: Well, at least it was not
3 like ALDEF and took 9 minutes.

4 ASSEMBLY MEMBER MCENEY:

5 If you would submit whatever you have for
6 the record we would be--

7 MR. TRIKAS: [Interposing] I have
8 submitted it--

9 ASSEMBLY MEMBER MCENEY: [Interposing] We
10 would be glad to entertain it and thank you very
11 much for your testimony.

12 MR. TRIKAS: You are welcome.

13 SENATOR NOZZOLIO: Mr. George Stamitedes
14 [phonetic]. Manny Karijuana [phonetic]. (ela
15 Morat [phonetic]. Kashi Thomas[phonetic].
16 Sarif Ali [phonetic]. Council Member Karen
17 Koslosowitz[phonetic]. (Council Woman
18 Koslosowitz. Where is she? However you
19 pronounce it, she is not here. Virginia Salow
20 [phonetic]. Leroy Gadsen. Good evening.

21 LEROY GADSEN, PRESIDENT-JAMAICA BRANCH
22 NAACP: Good evening. I am LEROY GADSEN,
23 President of the Jamaica Branch of the NAACP.
24 First and foremost I must say I remain offended

1 Congressional/State Legislative Redistricting 2-7-12

2 as an American that this body with such an
3 awesome legislative task and duties of the
4 highest standard is devoid of any African
5 Americans and only one woman is seated on this
6 panel. Truly we have evolved beyond the 1950s.
7 If we were to turn back the hands of time 100
8 years to 1912, this is exactly how this panel
9 would look. This is a troubling indictment upon
10 the leadership of the state and I do not fault
11 you for answering the call of serving in this
12 capacity; however, I question the manner of
13 composing a segregated panel with the purpose of
14 creating and making redistricting decisions in
15 the just and fair interests of all the citizens
16 of New York State. This is a terrible indictment
17 upon the great state of New York.

18 How are we expected to have trust in a
19 system that discriminated against us in the very
20 onset of it's creation, excuse me.

21 We had very little expectations of this
22 panel and you have failed to live up to those
23 expectations. I thank you. I give you my upmost
24 respect for agreeing to serve in such a capacity,

1 Congressional/State Legislative Redistricting 2-7-12

2 but you failed.

3 In this democracy, the most sacred and
4 cherished part is the right to vote or the right
5 to pick the people who govern you. There is no
6 greater right than that right to vote in a
7 democracy. Here in the NAACP, we view and
8 cherish this concept of good government.

9 Since our inception some 102 years ago
10 until the present minute, we have always
11 recognized and valued the right to vote. America
12 has always valued this choice of good government.

13 In fact the nation was based and founded
14 on this principle. However, when it comes to
15 African Americans or black folks, America has
16 always had a double-standard of what is good and
17 beneficial to the rest of the country as opposed
18 to what is good and beneficial for African
19 Americans.

20 So while the colonists and the eventual
21 Americans were enjoying the fruits of a
22 representative government, people of color were
23 still living in a so-called--usually democracy
24 with no right to vote and though not restricted,

1 Congressional/State Legislative Redistricting 2-7-12

2 such existence was usually found on the
3 plantation. Prior to the Civil War, the South
4 wanted to count Black slaves for representation
5 in Congress, but deny them representation or any
6 right to participate in government.

7 In this recent New York State Senate
8 redistricting proposal, you have basically
9 duplicated the attitude of the South. Now, when
10 we look back on our past, we see first we could
11 not vote and then when it was legal to vote, we
12 were denied the opportunity to vote.

13 There were all kinds of rivers and
14 hurdles to cross, such as Coon and Gibbon, etc.,
15 but the right to vote is only half of the answer.
16 Full participation means the ability to cast a
17 deciding and meaningful vote and influence who
18 will represent you and have a say so in the
19 government of structure.

20 We are looking at this 63rd seat that you
21 have proposed to create. In 1965, the United
22 States Congress passed the Voting Rights Act. In
23 your action, you trivialize the Voting Rights
24 Act. This Act did not come by as a good will

1 Congressional/State Legislative Redistricting 2-7-12

2 gesture, but this Act was a result of many tears,
3 the shedding of blood, and even the loss of
4 property and life.

5
6 Our ballot, unlike any other ballot, was
7 covered with blood of those both White and Black
8 of a greater conscience who layed down their
9 lives just to show that we only have access to
10 the ballot box, but no meaningful access and
11 involvement in deciding who is going to represent
12 us in government.

13 Key wording in this landmark 1965 Voting
14 Rights legislation includes wording which
15 attempts to dilute African American voting
16 strength. We remind you that the need and the
17 intent of the 1965 Voting Rights Act was to
18 protect and ensure the constitutional voting
19 rights of those persons in America who were
20 traditionally discriminated against at the ballot
21 box.

22 This Act is still on the books and in
23 full effect and the people whom those laws were
24 designed to protect are still here and in need of

1 Congressional/State Legislative Redistricting 2-7-12

2 that same protection and guarantees of their
3 right to vote.

4 The creation and addition of an upstate
5 seat in a predominantly White area dilutes the
6 voting strength of the downstate predominantly
7 Minority area, thus in direct contradiction to
8 the 1965 Voting Rights Act.

9 Your redistricting of gerrymandering
10 proposal for New York State weakens the heavily
11 populated downstate Minority voting strength
12 while strengthening the less populated
13 predominantly White, I am sorry, the less
14 populated White upstate voting district in the
15 violation of one, the Equal Protection Clause of
16 the 14th Amendment of the United States
17 Constitution, as well as the Voting Rights Act of
18 1965.

19 Keep it in mind, the New York - - State
20 the requires 62 Senate seats. We strongly
21 believe that any deviation or departure from the
22 62 Senate seats will be in violation of the
23 Voting Rights Act. We also remind you that
24 according to the laws of New York State, all

1 Congressional/State Legislative Redistricting 2-7-12

2 prisoners must be counted in the city of home
3 jurisdiction.

4 Redistricting lines should have been
5 drawn in compliance with this new population
6 shift from upstate to downstate. We fail to
7 understand how we can have nearly a 50,000
8 population shift in count and that same area
9 upstate has an increase in seats and downstate
10 has a decrease in seats. We cannot understand
11 that population count.

12 PRESIDENT MARSHALL: Mr. GADSEN, please
13 summarize.

14 MR. GADSEN: We challenge you to remain
15 true to the intent of the Equal Protection Clause
16 of the 14th Amendment and also the Voting Rights
17 Act of 1965.

18 If such lines were drawn, they should
19 reflect the population change. We should have
20 seen a decrease in upstate representation and an
21 decrease in downstate representation. Any
22 deviation from that, we believe is in violation.
23 We ask you to go back to the board. We will ask
24 the Governor, have asked the Governor to veto

1 Congressional/State Legislative Redistricting 2-7-12

2 this proposal.

3 We are going to stay on that, if we have
4 to go to court to try to stop this. We believe
5 this discrimination, just like it was in 1965, we
6 see here in New York in 2012. We ask you to go
7 back and draw legislative districts that will not
8 dilute the ability of Minority group voters to
9 elect the representatives of their choice or to
10 influence electoral outcomes. Thank you for
11 giving us this opportunity.

12 PRESIDENT MARSHALL: Thank you.

13 ASSEMBLY MEMBER MCENEY: Mr. Gadsen, I
14 believe with the exception of the issue of the 62
15 versus 63, you basically gave the same speech
16 that you gave in the Preliminary Hearing. Is
17 that right?

18 MR. GADSEN: To the extent we asked you,
19 we give you reasoning--

20 ASSEMBLY MEMBER MCENEY: [Interposing]
21 Well--

22 MR. GADSEN: [Interposing] We will hold
23 that--not--be in violation--

24 ASSEMBLY MEMBER MCENEY: [Interposing]

1 Congressional/State Legislative Redistricting 2-7-12

2 Well, as far as the make up of this panel, I do
3 not know of any person of color who is a member
4 of the New York State Assembly who wanted this,
5 basically thankless job, or had 40 years
6 experience as I have. As a long time member of
7 the NAACP, I am not going to apologize for either
8 my skin color or my anatomy.

9 I represent, as a member of the New York
10 State Senate, a very diversified group of people,
11 Black, White, Hispanic, Asian. The people that
12 work, that do the gut work of checking the math
13 and putting these maps together, again and again,
14 come from an integrated group, both in gender and
15 in race, and I think that is a cheap shot and as
16 a member of the NAACP, I think I want you to know
17 I take offense.

18 MR. GADSEN: Well Sir, we understand you
19 might feel that way. Keep in mind, I have been
20 Black all my life and when I see a panel composed
21 of an all White panel, we never insulted you
22 personally. We call issue to the fact that here
23 in 2012, we cannot find one African American to
24 serve on the panel. You sit Sir and you come

1 Congressional/State Legislative Redistricting 2-7-12

2 back and tell us you will make laws we have to
3 live with for the next 10 years, yet still not
4 one of us, not one of my people that looks like
5 me is not qualified to serve. Yes Sir, I must
6 say something. As long as I am a member of the
7 NAACP, we will say something. Sir, since we
8 first got here on the first boat, it was a panel
9 make up like yours that was on the boat, that ran
10 the boat, that owned the boat, that owned the
11 plantation that got us here Sir. So therefore,
12 it was not for you to take personal.

13 As I said, I thank you all for serving.
14 I did not blame you, I blame a system that put
15 you all here. I never called any of you a
16 negative, derogatory term. I do question that
17 system Sir and that, I also will not apologize
18 for--We think there should be diversity. If we
19 are taking about justice and equality and
20 liberty, the right to vote, the most important
21 thing in America.

22 If we must live by it, it must be
23 diversified. We found out when other people make
24 decisions for us we do not get the benefit of the

1 Congressional/State Legislative Redistricting 2-7-12

2 doubt, we get the short end of the stick Sir.

3 That is why we raised that issue; we want to send
4 a message loud and clear. When any kind of panel
5 comes in the future, we want it diversified.

6 We are not questioning the integrity of
7 you individuals, we never did that--We questioned
8 the make up of the panel, and the fact that--why
9 we cannot serve. Are we not good enough? Did we
10 not die for this country? Did we not build this
11 country for free--

12 SENATOR NOZZOLIO: [Interposing] MR.
13 GADSEN--

14 MR. GADSEN: [Interposing] Did we not
15 fight in the every war Sir?--

16 SENATOR NOZZOLIO: [Interposing] MR.
17 GADSEN--

18 MR. GADSEN: [Interposing] I am
19 responding to his question Sir. He asked me a
20 question--

21 SENATOR NOZZOLIO: [Interposing] Let us
22 know what you are--

23 MR. GADSEN: [Interposing] I am trying to
24 explain Sir--

1 Congressional/State Legislative Redistricting 2-7-12

2 SENATOR NOZZOLIO: [Interposing] I have
3 other questions and I do not want to spend all
4 the time having you give additional speeches--

5 Mr. GADSEN: [Interposing] Sir, wait a
6 minute Sir, I'm sorry. I am not trying to
7 disrespect you--

8 SENATOR NOZZOLIO: [Interposing] You made
9 your point--

10 MR. GADSEN: [Interposing] Answer me one
11 last thing--

12 SENATOR NOZZOLIO: [Interposing] You made
13 your point--

14 MR. GADSEN: [Interposing] Do you think
15 African Americans are qualified to serve on this
16 panel and make decisions for us?

17 SENATOR NOZZOLIO: I asked you was--

18 MR. GADSEN: I asked you a question.
19 Please answer my question. I answered your
20 question, now answer my question sir. Are we
21 qualified to serve on this panel?

22 ASSEMBLY MEMBER MCENEY: I think that
23 there might be. I do not remember anyone coming
24 up forward and--

1 Congressional/State Legislative Redistricting 2-7-12

2 MR. GADSEN: [Interposing] But that was
3 not my question.

4 ASSEMBLY MEMBER MCENEY: [Interposing]
5 Asking the Speaker for the appointment. And
6 there are no African Americans in the minority.

7 MR. GADSEN: You took my position the
8 wrong way. I asked you the question, sir. Do
9 you think that African Americans of the great
10 State of New York are qualified to serve on this
11 Panel?

12 ASSEMBLY MEMBER MCENEY: The great State
13 of New York?

14 MR. GADSEN: Yes sir.

15 ASSEMBLY MEMBER MCENEY: I am talking
16 about the two elected positions.

17 MR. GADSEN: You have not answered my
18 question sir.

19 ASSEMBLY MEMBER MCENEY: In the great
20 State of New York, you mean an African American
21 Assembly person?

22 MR. GADSEN: A Senator, do you think
23 there is one qualified to serve on this Panel.

24 ASSEMBLY MEMBER MCENEY: I do not speak

1 Congressional/State Legislative Redistricting 2-7-12

2 for the Senate and the Senate does not have one
3 single African American that could take the
4 Senator's position.

5 MR. GADSEN: Can I ask one little
6 question sir and then I will leave the issue--

7
8 ASSEMBLY MEMBER MCENEY: Where did you
9 get this from?

10 SENATOR NIZZOLIO: We are still on this I
11 mean I think you have asked a couple of
12 questions. You have also had about eight minutes
13 to speak. I would like to a question, a series
14 of question, a series of comments that you threw
15 a lot of blanket in terms of charges over there.
16 I first want to touch base on the issue of the
17 prisoner count.

18 SENATOR NOZZOLIO: You came here last
19 September?

20 MR. GADSEN: Yes sir.

21 SENATOR NOZZOLIO: And told us of you
22 prior to see this established, and this Task
23 Force without any owner's manual, without any
24 regulations, without any definitions in this law,

1 Congressional/State Legislative Redistricting 2-7-12

2 which I think is a very questionable law in terms
3 of its specific, in terms of its guidance, in
4 terms of its direction.

5 It was hatched out of a budget bill and
6 back door of a Rider that the Governor put on
7 without hearings, without any type of review, yet
8 it became a law of this State. And it was a law
9 that you advocated for and that is the relocation
10 of prisoners to the place of their last known
11 address. We have spent literally months on
12 complying with this law, counting every single
13 prisoner, inmate we could possibly identify and
14 their last known address, which for many because
15 of the lack of regulations; the lack protocols;
16 the lack of understanding of this statute was
17 even in affect by the Department of Corrections,
18 we Geocoded to the last known address the vast
19 majority of prison inmates in our prison system.
20 And if they could not be found at their last
21 known address, they were not counted at all at
22 your request, which I think was a tremendously
23 inadequate--you basically, in advocating for that
24 law said to those prisoners if you could not find

1 Congressional/State Legislative Redistricting 2-7-12

2 their address, they did not exist. Where's the
3 humanity in that?

4 The second issue that I need to address
5 with you is the issue of the compliance of the
6 Voting Rights Act of which you and I are in total
7 agreement that I believe very strongly as we must
8 comply with prisoner counting issue; we
9 absolutely must comply with the Federal Voting
10 Rights Act.

11 There are 100,000 even with--and by the
12 way, to answer one of your questions these lines
13 were drawn with that prison recount and
14 relocation.

15 Even with that there were 100,000 more
16 blacks in New York City today than there were 10
17 years ago, yet there is not one single district
18 that has proposed in this Plan for the Senate,
19 and I can only speak for the Senate on this
20 issue.

21 But for the Senate there is not one
22 single district that retrogresses for black
23 majority to black minority because of the lines
24 that were drafted.

1 Congressional/State Legislative Redistricting 2-7-12

2 And those who are complaining about
3 shapes and sizes, many of those complaints; I
4 certainly understand them, but many of those
5 complaints are based on the compliance strictly
6 with this Voting Right Act as we needed to do.
7 Tell me, sir, what specific Districts do you
8 contend that there was any black retrogression in
9 the City of New York?

10 MR. GADEN: Can I speak now, sir?

11 SENATOR NOZZOLIO: That is the question.

12 MR. GADSEN: You asked me three
13 questions, let me respond to all three issues.
14 First of all--

15 SENATOR NOZZOLIO: Let us start with that
16 one.

17 MR. GADSEN: No wait a minute, you asked
18 me three questions, sir.

19 SENATOR NOZZOLIO: What were the other
20 two?

21 MR. GADSEN: First you attacked me on the
22 prison gerrymandering.

23 [Crosstalk]

24 SENATOR NOZZOLIO: I think it is a good

1 Congressional/State Legislative Redistricting 2-7-12

2 point; the gentlemen makes a good point. I guess
3 what I would ask you as you leave the podium
4 today provide this Task Force with your specific
5 answers to those three questions.

6 MR. GADSEN: Okay sir.

7 SENATOR NOZZOLIO: That we would be glad
8 to take them and to review them and place them on
9 the record.

10 MR. GADSEN: Okay.

11 SENATOR NOZZOLIO: And I thank you for
12 your time.

13 MR. GADSEN: Sir, that is unfair to the
14 NAACP. We were invited here to give testimony.
15 And it is my understand of all the purpose was
16 that you all would listen to us. I did that on
17 behalf of the organization.

18 You all have questioned me. You have
19 accused of me of misleading the people. It is
20 only fair that I have a chance to respond.

21 SENATOR NOZZOLIO: No one accused you of
22 misleading anyone [crosstalk]. Let me summarize
23 the question.

24 MR. GADSEN: Okay can I answer that, go

1 Congressional/State Legislative Redistricting 2-7-12

2 ahead sir.

3 SENATOR NOZZOLIO: You know what why
4 don't you summarize them for me.

5 MR. GADSEN: Okay. Sir you had final say
6 so. I wanted to respond. It would be very
7 unfair for you make whatever you want to call,
8 let's say don't call it that, call it whatever.
9 Let say the things you said and I did not have a
10 chance to respond - -

11 SENATOR NOZZOLIO: And please if you
12 cannot do it in two minutes or less, submit those
13 responses for the record.

14 MR. GADSEN: The prison gerrymandering,
15 sir, regardless of whether you like it or not,
16 that was a law of New York State. And what we
17 asked for was that was being held and considered
18 in the count. That was the first issue, what you
19 talked about. The second thing was sir you said
20 yourself, in your words that you did take the
21 prison count. If you took just one from Upstate
22 to Downstate, sir, that is a decrease in
23 population.

24 We fail to know if you have a decrease in

1 Congressional/State Legislative Redistricting 2-7-12

2 population Upstate how you can have an increase
3 in representation Upstate. That is what we
4 raised that issue on. And third about the equal
5 issue on the Voting Rights Act, if Downstate is
6 heavily populated, minorities including African
7 Americans we are not equal when it comes to
8 Upstate. A person Upstate sir base on this
9 proposal has more voting right and power than a
10 minority person Downstate. If anybody can add
11 sir, that is in plain black and white. That is
12 plain fourth grade math, simple as that.

13 You have taken the less populated
14 District Upstate, you created that seat. That
15 District should have been Downstate. If w are
16 going to be equal in voting rights and power,
17 that District should have been Downstate where if
18 it is only one prison power, if we increase the
19 population in increasing representation, sir
20 should of went Downstate. That's my response.

21 SENATOR NOZZOLIO: Thank very much.

22 MR. GADSEN: Thank you sir and ma'am

23
24 SENATOR MICHAEL F. NOZZOLIO: Archie

1 Congressional/State Legislative Redistricting 2-7-12

2 Springer. Archie Springer. Spigner. Spigner.

3 Is Mr. Spigner here?

4 FEMALE VOICE: He's not here.

5 SENATOR MICHAEL F. NOZZOLIO: Thank you.

6 Reverend Charles Norris.

7 REVEREND CHARLES NORRIS: Good evening.

8 Good evening. My name is Reverend Charles L.

9 Norris Sr. I'm the pastor - - of Bethesda

10 Missionary Baptist Church of Jamaica. I also

11 serve as the executive secretary for Clergy

12 United for Community Empowerment. Since that

13 rainy day at SUNY Old Westbury, it seems as

14 though this task force has not listened to any of

15 the requests that were made there by those of us

16 who testified. One of the things, I see you have

17 added a woman to the task force; I don't know if

18 she's staff or senate. You were there? Bless

19 your heart. But what we're trying to say, and I

20 don't want to get into what Mr. Gadsen was

21 talking about, but we still feel, I guess because

22 there are no African-Americans on the panel,

23 because there are no African-American Republican

24 Senators, and that's understandable, and that may

1 Congressional/State Legislative Redistricting 2-7-12

2 need to be changed by trying to get someone or
3 get some Republicans--I beg your pardon? I can't
4 hear you.

5 MALE VOICE: Or assembly.

6 REVEREND CHARLES NORRIS: Or assembly,
7 yeah. But let me say this. It seems as though
8 what we made, the suggestions that we made in Old
9 Westbury didn't amount to a hill of beans,
10 because we got lines that were drawn. In fact,
11 the line that was drawn in the 10th Senatorial
12 District, all but gerrymandered my senator, State
13 Senator Shirley Huntley, out of her district.
14 They really had to look at it again and put her
15 street back in the District so she would remain
16 in the District. It seems as though this scheme
17 that the Republicans have going is really not a
18 plan, it's a scheme for them to maintain their
19 power as a majority in the Senate. And the
20 Senate Republicans are willing to disenfranchise
21 voters across New York State simply to protest--
22 to protect their own interest. I think that's a
23 shame in this country that's supposed to be a
24 democracy, where we should really have equal

1 Congressional/State Legislative Redistricting 2-7-12

2 protection under the law. We're going to really
3 support the Governor, and I may make my testimony
4 short, because you really have listened to a
5 number of things that are really saying the same,
6 that I don't know who came up here and really
7 complimented or commended this task force for the
8 job that you've done, which indicates that you've
9 done a lousy job. That's what it indicates. And
10 because of that, because of that, we're going to
11 try to get at least 40 or 50 thousand people to
12 send a statement like this to our Governor. And
13 I want to put his on the record. "Dear Governor
14 Cuomo, Thank you for all your hard work and
15 dedication to New York State. I am writing to
16 ask you to stop the State Legislature from
17 continuing to draw unfair district lines. They
18 are taking away the power of my vote. Please
19 hold politicians accountable for their promises
20 to enact fair and independent redistricting for
21 this year's election. We cannot wait ten more
22 years for their action. District lines must be
23 drawn by an independent body, and not following
24 the requirements laid out in the legislature."

1 Congressional/State Legislative Redistricting 2-7-12

2 There are several other things, but we're going
3 to try to get at least 50,000 people to sign a
4 statement similar or same as this, and send it to
5 the Governor, so that he will veto the bill that
6 you may submit for him to sign for redistricting.
7 Finally, I would trust, and I made this request
8 then, that there be no district that will combine
9 Queens and Nassau together. The last time that
10 was done, we had a State Senator from one of the
11 five towns, and I say one of the five towns,
12 because we always called it four towns plus one,
13 and that one town is Inwood where African-
14 American's live. And this State Senator did not
15 come from Inwood. She either came from Hewlett,
16 Woodmere, Cedarhurst or Lawrence, but not from
17 Inwood. And she did nothing to benefit St.
18 Ulvin's, or that area of Queens that was covered
19 by her, or even that part of Inwood where she was
20 also the Senator. Beg your pardon?

21 MS. DEBRA LEVINE: You need to sum up,
22 please.

23 REVEREND CHARLES NORRIS: Thank you,
24 ma'am, will do that. I'm only saying that we

1 Congressional/State Legislative Redistricting 2-7-12

2 don't need a district that will encompass Queens
3 and Nassau. I thank you very much for your time,
4 and I would trust that you will be able to at
5 least hear some of what all of us have said. And
6 again, I repeat, I haven't heard one person come
7 up and commend this task force for the work that
8 you've done. Maybe for the service you've
9 rendered, but not for the work. Thank you very
10 much. God bless you.

11 SENATOR MICHAEL F. NOZZOLIO: Thank you
12 very much. Peter Cipriano.

13 MR. PETER CIPRIANO: I notice the
14 Assemblyman Oaks isn't here anymore. Is he
15 coming back or--

16 SENATOR MICHAEL F. NOZZOLIO: I'm not
17 sure.

18 MR. PETER CIPRIANO: No? Okay.

19 FEMALE VOICE: - -

20 MR. PETER CIPRIANO: He does, okay.
21 Well I do hope that he sees it. Firstly, thank
22 you so much, gentlemen, and gentle lady, for
23 still being here this evening. Originally I'd
24 written good afternoon, but that seems obsolete

1 Congressional/State Legislative Redistricting 2-7-12

2 now. In the 2010 election, I ran for the New
3 York State Assembly in the 49th District in
4 Southwest Brooklyn, so notably I'm going to be
5 changing the topic quite a bit here. I couldn't
6 make it to the Brooklyn hearing.

7 ASSEMBLY MEMBER JOHN J. MCENENY: Anyone
8 can talk about anything in the whole state.

9 MR. PETER CIPRIANO: Okay, thank you,
10 Chairman.

11 ASSEMBLY MEMBER JOHN J. MCENENY: And
12 usually do.

13 MR. PETER CIPRIANO: As a candidate I
14 signed on to former Mayor Ed Koch's reform
15 pledges, and ran proudly as a hero of reform.
16 While I did not win my election, it is in honor
17 of that pledge that I speak before you this
18 evening. Unfortunately, it is clear to most of
19 us that the process utilized by the legislature
20 and carried out by this task force is broken.
21 There can be little question that despite the
22 legislature's insistence to the contrary, New
23 York's reapportionment process is driven by
24 partisan ambition. One of the most blatant

1 Congressional/State Legislative Redistricting 2-7-12

2 examples of this lies in my community in
3 Southwest Brooklyn. Firstly, let me point out
4 that the 49th Assembly District, which is my--the
5 District that I ran in, has been completely
6 dismantled in this first round of maps. The 49th
7 A.D. has existed in roughly the same geographic
8 orientation for decades, simply shrinking around
9 the edges every ten years to account for
10 population increase. The 49th has existed for so
11 long that even our still-living Assemblyman from
12 the 1950s can tell you that when he represented
13 us, his District was virtually the same to the
14 one I ran in in 2010. The Republicans were
15 actually in the majority at that time,
16 Assemblyman McEneny, so to give you an idea of
17 how long that is. Despite its long history and
18 functionality, however, this task force has
19 ripped the 49th A.D. apart. I understand that
20 the explanation provided is that the Assembly
21 felt an Asian majority district was in order, and
22 Southwest Brooklyn was the place to put it.
23 While I understand this argument in the context
24 of the current law, I must say, and, you know,

1 Congressional/State Legislative Redistricting 2-7-12

2 this has become all the more important after
3 sitting here since 3 o'clock listening to all the
4 testimony. I see, unfortunately, a strong racial
5 charge in a lot of people's comments. And I
6 don't look at this racially. And going back to
7 my testimony, I must say that as a proud
8 American, I truly do not look at my neighbors as
9 Asian, black, white, or other. I look at them
10 simply as neighbors. Likewise, I do not vote
11 according to race, never have, nor would I ever.
12 I vote according to ideas, and if an Asian
13 American with good ideas asked for my vote to
14 join you gentlemen in the legislature, I would
15 not hesitate to grant it to him or her. Rather,
16 I would hope that he'd get to Albany and give you
17 all as much - - as possible. That being said, I
18 believe the real problem lies in the surrounding
19 Assembly Districts and the obvious partisan
20 agenda behind their creation. For starters,
21 let's be quite frank: The current incarnation of
22 Assembly Districts 47 and 49 in Brooklyn
23 delivered winning margins for the Republican
24 presidential candidate in 2008. The new

1 Congressional/State Legislative Redistricting 2-7-12

2 districts, however, would have delivered a
3 Democrat victory in 2008. Again, it has been
4 established that the 49th had to change due to
5 necessity. I accept that. But it is clear that
6 the surrounding neighborhoods were divided to
7 dilute Republican votes. Case in point, the new
8 47th A.D., of which I am apparently now a
9 resident, encompasses the entire Bath Beach
10 neighborhood, going down Bath Avenue. That's the
11 first sign that that's happened in many decades,
12 in living memory. However, there is one enclave
13 of Bath Beach, which constitutes--Senator
14 Nozzolio, I want you to take particular notice of
15 this--it constitutes just a few blocks, you have
16 the entire neighborhood, except for a few blocks
17 which are adjacent to the golf course, that have
18 been left out of the District. Now, the Assembly
19 can suggest any number of reasons, I would
20 imagine, as to why this happened, VRA, or
21 whatever else. This is a white majority
22 district, so I don't see how VRA would have
23 anything to do with it. But as a lifelong
24 resident of the community and somebody who's been

1 Congressional/State Legislative Redistricting 2-7-12

2 electioneering since he's 14 years old, I know
3 exactly why it is. It's because those few blocks
4 contain multiple single-family homes that have a
5 very high Republican vote turnout, and putting
6 those blocks in the District would have made this
7 new proposed map a slight Republican favorite,
8 ever so slightly. I mean, we're really talking
9 about a very fair competitive District either
10 way, but under the current lines it's 50%--50 and
11 some change for the Democrat in the last
12 presidential election. If you put those blocks
13 in, it becomes 50 and change for the Republican,
14 and 49 for the Democrat. So, I mean, it's an
15 obvious partisan ploy in my--from what I can see.
16 Unfortunately, that's only the tip of the
17 iceberg. The aforementioned abomination--well,
18 aforementioned, going back to my speech, the 46th
19 Assembly District, which is where those blocks
20 that I'm describing go to, they go into the 46th
21 Assembly District, is a grotesque example of
22 gerrymandering. How on earth could this task
23 force claim that the southern-most election
24 districts of Dyker Heights, which once again are

1 Congressional/State Legislative Redistricting 2-7-12

2 heavily populated by single-family homes, share a
3 link with Coney Island? How on earth can this
4 task force seriously propose yet again, or maybe
5 more appropriately, I should say, how can the
6 Assembly propose, the Assembly majority propose
7 that a map which connects Dyker Heights and Bay
8 Ridge to Coney Island by way of one lane of the
9 Belt Parkway, rather than simply joining it to
10 neighboring Bath Beach and Bensonhurst? I do not
11 understand the Assembly majority's agenda, or
12 Speaker Silver's agenda, other than to conclude
13 clearly that it's partisan, Assemblymen. I'm
14 being quite frank with you. And if you can
15 provide another argument, I'd be happy to hear
16 it, but I would find it hard to believe.
17 Partisan intent is clearly the culprit. Any
18 sensible person would recognize that the creation
19 of the new Asian majority District in Southwest
20 Brooklyn provided an opportunity to unite the
21 rest of Dyker Heights, Bath Beach, Bensonhurst
22 and possibly even Gravesend to a neat and
23 cohesive district.

24 MS. DEBRA LEVINE: Mr. Cipriano, you

1 Congressional/State Legislative Redistricting 2-7-12

2 need to summarize.

3 MR. PETER CIPRIANO: I'm almost done.

4 But this task force in the assembly
5 instead decided to play games and do anything
6 they could to break it up. Senator Nozzoli, I
7 saw your recent interview on New York NOW with
8 Karen DeWitt. In it you spoke of the importance
9 of communities of interest in maintaining them
10 throughout the process. I realize that in the
11 press it is you and Senate Republicans who have
12 gotten most of the heat. While I do not condone
13 the current redistricting process for either
14 party or either chamber, I do feel that the
15 Assembly Democrats deserve a lot more criticism
16 than they've been getting. My community is a
17 prime example of their handiwork. And
18 Assemblyman McEneny, would I see you go back and
19 look at Southwest Brooklyn and see what I'm
20 talking about. Assemblyman Oaks, if he were
21 here, I would tell him that I would ask that he
22 show these maps to his colleagues and explain to
23 them this is exactly why Republicans will always
24 be the minority conference in the assembly.

1 Congressional/State Legislative Redistricting 2-7-12

2 Prove to New Yorkers that this process is not
3 broken nor crooked. Redraw Southwest Brooklyn
4 and the 46th AD to make more sense and show my
5 community and the people of this State the
6 goodwill they deserve as indeed you all have been
7 granted the goodwill of thousands of New Yorkers
8 and it is you that you have to thank for the
9 opportunity to sit where you are this evening.
10 Again thank you for being here so late and
11 Godspeed in your work.

12 SENATOR NOZZOLIO: Thank you Mr.
13 Cipriano. Maf Misbah Uddin.

14 MR. MAF MISBAH UDDIN: Finally. Good
15 evening to you all. All and Community Members.

16 SENATOR NOZZOLIO: How close was I in
17 pronouncing your name correctly?

18 MR. UDDIN: Yes, you did very well. I
19 think that--

20 SENATOR NOZZOLIO: [interposing] Well
21 thank you very much.

22 MR. UDDIN: According to the Senator,
23 he's presumed thanks to Senator Martin Malave
24 Dilan. It is good to have a friend on a

1 Congressional/State Legislative Redistricting 2-7-12

2 committee how [phonetic] do you testify. My name
3 is Maf Misbah Uddin. I am the Founder and
4 President of the Alliance of South Asian American
5 Labor (ASAAL). I'm also the President of Local
6 1407, New York City Accountants, Statisticians &
7 Actuaries and also the Treasurer of District
8 Council 37, the largest Municipal Union in the
9 City of New York and that of the State of New
10 York. A solid community-based organization whose
11 membership include trade unions that are of South
12 Asian Heritage. Our mission is to increase the
13 culture of civic participation in the largest
14 South Asian American Community based on our
15 organizing experience in the labor movement.
16 ASAAL's membership dispend the five bottles
17 [phonetic] of the city and our membership is the
18 largest in the bottle of Queens. Our
19 organization has been advocating for the
20 empowerment of South Asian Americans in the
21 redistricting processes at 2010. History Galim
22 [phonetic] - - Senate Districts have - -
23 neighborhoods whose substantial concentration of
24 Saudization [phonetic] Americans. Our community

1 Congressional/State Legislative Redistricting 2-7-12

2 has been very involved in the current process
3 hoping to see a different outcome. Under the
4 current proposed - - Assembly District 24 is the
5 first district ever created with the heaviest
6 Saudization Concentration. The District is 34%
7 Asian. This statistic incurs mostly South Asians
8 as evidence by the demographics of the
9 neighborhoods of Richmond Hill, Jamaica Hill, and
10 Bellerose [phonetic], which are all included in
11 this District. This creation of a Saudization
12 improves District by this - - is commendable.
13 And is an unprecedented level of political
14 empowerment for the South Asian American
15 Community. Notwithstanding this historic
16 outcome, the Richmond Hill and South Ozone Park
17 communities and the Bellerose and - - Park
18 communities that is still divided. More than
19 they should be. The ball is in your court. We
20 humbly ask legislature [phonetic] to be mindful
21 of this communities and should unite them rather
22 than divide them. Thank you very much.

23 SENATOR NOZZOLIO: Thank you very much.

24 Ronnie Minor. Ronnie Minor.

1 Congressional/State Legislative Redistricting 2-7-12

2 MR. RONNIE K. MINOR: How are you doing?

3 Good evening everyone. Could you hear me there?

4 SENATOR NOZZOLIO: Thank you.

5 MR. MINOR: My name is Ronnie K. Minor.

6 I'm a resident of Astoria Houses. I'm the
7 Community Advocate and the President of the Child
8 Advisory Committee for the How to Cope [phonetic]
9 Child Development Center for the Parents Advisory
10 Committee. I was want to just...I'm going to be
11 very brief in regards to the words that we heard
12 this evening. Everybody's badgering the Task
13 Force in regards to the lines. I took a look at
14 the lines myself. There is some problems with
15 the lines but these particular problems are not
16 un-repairable. We can just go back simply so
17 everybody can calm down. And show them that we
18 have a Task Force that we can work in unison
19 together and come about to make this change. And
20 I also just want to say briefly about the Federal
21 Voting Rights Act, which is intended to protect
22 the voting power of certain classes such as
23 ethnic, racial language, and minority groups.
24 This is what the Task Force is about. In my

1 Congressional/State Legislative Redistricting 2-7-12

2 District when we come at 11:00 where you talk
3 about State Senator Mike Gianaris whose done so
4 much work over here in Western Queens and we need
5 to keep him there. And we need to keep all our
6 politicians that we have currently in these
7 Districts to keep them and near primary
8 districts. This way we don't have all this
9 bickering that we are having now. We have to cut
10 through the chase. We have to..we have to eat a
11 little bit of cheese and little bit of crackers.
12 We can't just re-eating all the cheese and don't
13 mix it with the crackers. We have to do that.
14 So lets try to work together in this regard and
15 that's what I'm here for. I also want to say
16 splitting up these communities especially in
17 Astoria, a neighborhood that was predominant at
18 one time called the hub of the Greeks. Now is a
19 multi-cultural community. We have everybody from
20 across the world living in Long Island City in
21 Astoria. It's a wonderful place. If you take a
22 look at our waterfront, I'm going to be really
23 brief on this. You take a look at our waterfront
24 and you can see what I'm talking about. But I

1 Congressional/State Legislative Redistricting 2-7-12

2 also want to say for the purposes of
3 redistricting the protected classes today
4 includes African Americans, Asian Americans,
5 Native Hawaiians, Latino Hispanics, Native
6 American, Alaskan Natives, and language also of
7 the minority groups. And quickly just to touch
8 base on the prisoner situation, the one-person
9 one vote requirement is that election district
10 should be nearly equal in their total
11 populations. The populations of an area is
12 defined by the latest United State Census count
13 which we had in 2000 to-date which is 2010; every
14 decennial, which is ten years. The children as
15 well as non-citizens including un-document
16 individuals are to be counted as part of that
17 total population as long as they were counted in
18 the decennial census. Prison inmates, criminal
19 felons serving their sentences may be excluded
20 under some circumstances. I think if we look at
21 the Voting Rights Act and the primary purpose of
22 the redistricting is to ensure that the election
23 districts have equal population sizes and that
24 all the other legally requirements be met as well

1 Congressional/State Legislative Redistricting 2-7-12

2 when we're doing these border line boundaries.

3 Just to sum it up quickly about my community,

4 which is Astoria Queens. I want to say that we

5 are a community of interests, we always have

6 been. We have never been divided in that

7 neighborhood far as two Astoria. It's always

8 been one Astoria in conjunction with those three

9 other neighborhoods, Sunnyside and Long Island

10 City and Woodside. So on that note, I want to

11 say that in all fairness to all of you there and

12 you are all a bunch of professionals, I have been

13 in here since 3:00 so I heard most of everything.

14 You know I got soar rear end for sitting in a

15 hard chair for that - -. But anyway, I you know,

16 I just want to say with all the blessings and I

17 know everybody is upset. Hey, you know sometimes

18 you spill the milk, you have to, you know you

19 have to clean it up and have to pour a new glass.

20 Just like this when you write down directions you

21 make a mistake on it, you cross it out, and write

22 another one. So lets just go back and everybody

23 just be calm and look at what everybody is saying

24 and lets try to accommodate as much as we

1 Congressional/State Legislative Redistricting 2-7-12

2 possibly can to keep it fair on the United States
3 Constitution, that's what makes us a great
4 country. And I say please keep our Senator Mike
5 Gianaris at where he's at please. Because we
6 need our Senator there, okay. And also I just
7 have to give this one shot, I have to say this
8 because I can't go home without saying. I want
9 to say all the blessings and all the thanks to
10 the 14 Congressional District to the Honorable
11 Carolyn B. Maloney for all the assistance and the
12 love that she has given and also Peter Vallone,
13 Jr. as well over there at Long Island City in
14 Astoria Queens. They have been great to us and
15 we try to work out a lot more things. So just
16 please, just...you take it easy. You know put your
17 feet up and let's just look at it again. God
18 Bless you all. Okay. Thank you so much.

19 SENATOR NOZZOLIO: Mr. Minor, thank you
20 very much. Thank you. Mel Siegel [phonetic],
21 Mel Siegel.

22 MS. MARIA BECCE: Good evening. I'm
23 sorry I'm not Mel Siegel. Mel was here a lot
24 earlier today. He had to leave I apologize for

1 Congressional/State Legislative Redistricting 2-7-12

2 that. I hope you'll let me just confirm--

3 ASSEMBLY MEMBER MCENENY: Please state
4 your name for the record.

5 MS. MARIA BECCE: Thank you. My name is
6 Maria Becce, B-E-C-C-E and Mel, I know, had
7 submitted testimony that's part of the record. I
8 just hope you will allow me just a couple of
9 personal notes. I've been—I've been sitting here
10 since 3:30 as well and, and I—I appreciate all of
11 your efforts. I already mentioned that my name
12 is Maria and I'm a—I'm a lifelong resident of
13 Queens, believe it or not, Astoria. So I was
14 really paying quite a bit of interest to—and I
15 hope you don't separate Queens Astoria—but I'm
16 not going to be here talking about that tonight.
17 I am now a homeowner and a resident for the last
18 30 years in a neighborhood called Broadway
19 Flushing.

20 Broadway Flushing, whose boundaries are
21 from 155th Street to 170th Street North of
22 Northern Boulevard, is a community of 1,300
23 single, mostly single family homes, in an
24 incredibly diverse neighborhood, who share the

1 Congressional/State Legislative Redistricting 2-7-12

2 commonality of preserving this incredible oasis
3 of grace and tranquility in New York City. We
4 are certainly a community of interest.

5 Broadway Flushing is fortunate to have a
6 homeowner's association that was formed about 50
7 years ago, whose sole mission is to preserve the
8 neighborhood by assisting our elected officials
9 and city agencies with enforcing zoning and
10 building department laws and regulations.

11 Broadway Flushing Homeowners Association
12 is a homeowner's association and not a civic or
13 political organization. Broadway Flushing is
14 currently listed on the National and New York
15 State Register of Historic Places. We are
16 currently seeking landmark by the City of New
17 York. Broadway Flushing is zoned for single
18 family detached homes on no less than 40-by-100
19 feet of property. The area can be described as
20 low density and suburban like—actually, quite
21 unique for New York City. That's why I call it
22 an, an oasis.

23 The new redistricting plan would include
24 Broadway Flushing, along with the higher density

1 Congressional/State Legislative Redistricting 2-7-12

2 and urban like setting of downtown Flushing-of
3 multiple dwellings and very high density.

4 The concerns of homeowners in-in
5 Broadway Flushing-to preserve one family homes
6 and the landscaping that goes along with that-are
7 not the same as the concerns of the residents of
8 downtown Flushing. In addition to the low
9 density New York City zoning, sections of
10 Broadway Flushing are covered by-I'm sorry-are
11 covered by a, a private covenant known as the
12 Rickert Finlay Covenant. Broadway Flushing was
13 one of the first planned communities of New York
14 City, and many of the architects are similar to
15 the homes that are built-that were built in
16 Douglas Manor.

17 The multi-ethnic residents of Broadway
18 Flushing are committed to preserve our one family
19 homes and we respectfully request that our
20 neighborhood of one family homes be included in a
21 similarly designed neighborhood of Douglas Manor,
22 Bayside and Whitestone.

23 In closing and I sincerely mean this,
24 Broadway Flushing Homeowner Association welcomes

1 Congressional/State Legislative Redistricting 2-7-12

2 the opportunity to meet with this panel and any
3 downtown Flushing organization to help preserve
4 our one family homes. Broadway Flushing welcomes
5 anyone who wishes to live in a beautiful single
6 family, tree lined neighborhood.

7 I also want to take this opportunity to
8 thank Assemblyman Rory Lancman, who's done a
9 wonderful job representing our neighborhood,
10 along with our other elected officials—former
11 Senator Frank Padavan, and now current Senator
12 Tony Avella.

13 We—Broadway Flushing Homeowner
14 Association was founded 50 years ago by some very
15 far sighted people. I'm going to summarize. And
16 we have built our foundation on working with our
17 elected officials. We are trying so hard to
18 preserve a, a very unique neighborhood within the
19 City of New York. We fear that our concerns may
20 not be addressed with the similar concerns that
21 the residents of downtown Flushing need to
22 address—the very important issues that they need
23 to address. We, we just don't feel that we have
24 the same similarities because of the different

1 Congressional/State Legislative Redistricting 2-7-12

2 types of homes. And that is the only reason why
3 I'm here today--to see if you will help us to
4 preserve this--this beautiful neighborhood.

5 DEBRA LEVINE: Thank you.

6 MS. BECCE: Thank you.

7 MAN: Thank you.

8 MAN: Thank you very much.

9 MS. BECCE: You're welcome.

10 MAN: Paul Graziano [phonetic]. Chesser
11 Frager [phonetic]. Chesser Frager here? Jerry
12 Batondi [phonetic]. Jerry Batondi. Jae Kyung
13 Song.

14 JAE KYUNG SONG: Good evening.

15 KATHERINE PARK: Okay, good evening. My
16 name is Katherine Park [phonetic] and I'll be
17 translating for Mr. Song.

18 MR.SONG: Hi. Good evening everybody.
19 [Foreign audio 05:36:24].

20 MS. PARK: Hello. My name is Jae Kyung
21 Song. I am a Korean American resident of Bond
22 Street in Flushing, New York. I have lived in
23 Flushing for 14 years. Through my participation
24 in Minkwon Center for Community Actions general

1 Congressional/State Legislative Redistricting 2-7-12

2 meetings, I became aware of how important
3 redistricting is for my community, and that is
4 what brought me to speak here.

5 MR. SONG: [Foreign audio 05:37:09].

6 MS. PARK: I've looked at the two maps
7 for a State Senate and State Assembly, and I want
8 to comment on how these maps affect my
9 neighborhood.

10 I am okay with the Assembly maps
11 however, I don't think the Senate maps make any
12 sense for Flushing.

13 MR. SONG: [Foreign audio 05:37:50].

14 MS. PARK: First of all, Flushing ends
15 up being in both Senate District 16 and 11.
16 District 16 is supposed to be the first Asian
17 majority district, but not all of Flushing will
18 be in it. Flushing is the heart of the Korean
19 American community in New York City, and even now
20 my community is divided almost evenly into these
21 two Senate Districts 16 and 11.

22 That's the current situation in
23 Flushing, and the proposal doesn't make it any
24 better and actually makes less sense than before

1 Congressional/State Legislative Redistricting 2-7-12

2 because the boundaries between the two are jagged
3 and twisted, especially around my residence.

4 According to the plan, I am in District
5 11 but I am like an island. On three sides of my
6 block everyone else is in District 16. Please
7 see the map I provided you. And the shape of
8 District 16 means that people from Bay Terrace,
9 which is very different neighborhood, will have
10 the same Senator as all my neighbors but I won't.

11 MR. SONG: [Foreign audio 05:40:04].

12 MS. PARK: I've looked at the - - map by
13 - - and it does a much better job of keeping
14 communities unified. I've also looked at the
15 Flushing boundaries submitted by - - . I've
16 included them with my statement. This is--this at
17 least should be included in an Asian American
18 Majority District.

19 MR. SONG: [Foreign audio 05:40:43].

20 Thank you.

21 MS. PARK: You shouldn't divide
22 Flushing. If you draw the lines--draw these
23 lines, it means our community cannot have a
24 strong voice in, in the government--in our

1 Congressional/State Legislative Redistricting 2-7-12

2 government, and our voices should be heard in
3 Queens. Thank you.

4 MALE VOICE: Thank you very much.

5 MALE VOICE: Celia Merrarro [phonetic].

6 Celia Merraro. Marguerita Vasquez [phonetic].

7 Ernest Curry [phonetic]. Felix Suerro

8 [phonetic]. Ariel Ferrara [phonetic]. Quenya

9 Abru [phonetic]. Roberto De La Rosa [phonetic].

10 Carmen Perez [phonetic]. Miguel Rodriguez

11 [phonetic]. Jalissa Quigma [phonetic]. Karina

12 Claudio Beckincourt [phonetic]. On to the next.

13 MALE VOICE: Mindi Jacobs. Mindi

14 Jacobs.

15 MALE VOICE: There she is.

16 MINDI JACOBS: Good evening, or should
17 it be good night. I'm not sure.

18 MALE VOICE: Good evening.

19 MS. JACOBS: It feels like I've been
20 here very long—for a very long time. My name is
21 Mindi Jacobs. I'm a resident of Briarwood and a
22 member of the Briarwood Action Network.

23 Briarwood is a dense, compact and distinct

24 neighborhood. We're just behind this building

1 Congressional/State Legislative Redistricting 2-7-12

2 and perhaps approximately two and half square
3 miles.

4 MALE VOICE: These two.

5 MS. JACOBS: Briarwood is split between
6 two Assembly districts in both the current 25th
7 and 27th and the proposed 24th and 27th maps.
8 Splitting the neighborhood dilutes the
9 neighborhood vote and voice in the legislature.
10 This is a common theme. You've heard it tonight.
11 We don't want our voices diluted.

12 Briarwood is grouped together with
13 neighborhoods such as White Stone and College
14 Point, which is disparate from our neighborhood
15 in Briarwood—and also Pomonok. Places that have
16 little in common with Briarwood. Neighborhoods
17 should be grouped with other neighborhoods whose
18 populations have similar interests based on
19 common similarities.

20 The New York State Assembly is the one
21 legislative body where Briarwood is represented
22 by Northern Queens politicians. In the State
23 Senate and the Federal Congress, we're
24 represented by Southern Queens politicians. This

1 Congressional/State Legislative Redistricting 2-7-12

2 creates problems as Briarwood is more politically
3 aligned with Southern Queens, creating a lack of
4 continuity in policies and actions taken in the
5 different levels of government. An example is
6 the new Racino Project at Aqueduct.

7 What we're asking from you is that the
8 entire neighborhood be represented by a single
9 Assembly person—not two. Again, we're compact.
10 We're distinct. We're small. It makes no sense
11 to be represented by two Assembly people. We
12 want to be in the same Assembly District as
13 neighborhoods that have a common and vested
14 interest in the same things, such as public
15 transportation and schools. Such neighborhoods
16 that we're neighbors with are Kew Gardens—who we
17 were originally part of—Jamaica Hills and
18 Richmond Hill—and to have uniformity and
19 continuity among the representation within the
20 area.

21 What we propose is the reorientation of
22 either the 27th Assembly District to be fully
23 contained with Briarwood, Kew Gardens, Jamaica
24 Hills, Richmond Hill, and Kew Garden Hills—or the

1 Congressional/State Legislative Redistricting 2-7-12

2 24th Assembly District expanding to include all
3 of Briarwood and Kew Gardens, while shedding
4 Bellerose, Queens Village and Hollis in the East.
5 We're flexible. We want to be together. We want
6 our voices to be heard, and we want to be in
7 similar neighborhoods, not disparate neighbors.

8 And my understanding—and next my
9 understanding—the inclusion of a new 63rd Senate
10 District was based on population growth in Staten
11 Island, Suffolk, Naussau, and of course Queens.
12 The district should be added to the New York City
13 area, and not the Albany area. So the one thing
14 I ask—and I don't know if this is out of
15 protocol—I've been here since 2:30 so if there's
16 any exchange—if you could help me to understand
17 how if the growth is in down state, it's not.
18 You're saying that growth is not—how the, the,
19 it's added.

20 MALE VOICE: Queens just—we were talking
21 up right while you were talking—that Queens
22 basically stayed the same. But that's—

23 MS. JACOBS: [Interposing] okay but—

24 MALE VOICE: - - You're welcome to look

1 Congressional/State Legislative Redistricting 2-7-12

2 at the numbers.

3 MS. JACOBS: Okay, so the growth was not
4 down state. It was up state.

5 MALE VOICE: The fastest growing areas
6 of the state were in the mid-Hudson through the
7 capitol district.

8 MS. JACOBS: Okay. We will look at that
9 and if I have questions on it, can we come back
10 and ask?

11 MALE VOICE: Certainly.

12 MS. JACOBS: Justice Potter Stewart once
13 said, and I—please forgive me for not quoting—
14 that ethics is the difference between having the
15 right to do something and doing the right thing.
16 It doesn't that what was done with these
17 districts' line is the right thing. I'm going to
18 ask that, again, an independent panel look at
19 this because that's the right thing. And I thank
20 you very much for your patience.

21 MALE VOICE: Thank you very much.
22 Scottie Codes [phonetic], H. Scottie Codes.
23 Azelia Toweris [phonetic]. Azelia, I'm sorry,
24 Arelia Toweris. Arelia Toweris. Henry Euter.

1 Congressional/State Legislative Redistricting 2-7-12

2 HENRY EUTER: Good evening. My name is
3 Henry Euter. I'm a civic activist in the Bayside
4 and Auburndale communities, and I'm concerned as
5 an—as an ordinary citizen. I, I'm looking at
6 these lines. They don't look right. They look
7 gerrymanded to the average person like me. I
8 think they should be uniting local communities,
9 not dividing them. As an example, I was looking
10 at the 16th Senatorial District. It stretches
11 from Oakland Gardens all the way into sections of
12 Woodside. It snakes around into Bay Terrace.
13 These communities are geographically separate
14 entities. Because they are so far apart,
15 residents of each community also have different
16 sets of issues.

17 And I agree with the people that came
18 from Bay Terrace that that should be part of the
19 11th Senatorial District. That's a more natural
20 fit. They have more in common with Bayside and
21 Auburndale than they do with the other
22 communities in the 16th District.

23 Even when I looked at the Assembly lines
24 in my own area of Bayside and Auburndale, I, I, I

1 Congressional/State Legislative Redistricting 2-7-12

2 was just astonished that Northern Boulevard was
3 used as a dividing line. You're separating that-
4 those communities in half that really are
5 together. They act together, they're united
6 together, and it really is a problem that they're
7 separated in that manner.

8 I agree with the person that spoke from
9 Broadway Flushing. Broadway Flushing is being
10 cut in half in its Assembly District. It
11 shouldn't be. I, I, I am wearing a shirt here
12 that somebody gave me from Eastern Queens and-and
13 I, I completely sympathize with that-those
14 communities. Those communities should have their
15 own Assembly District, their own Senatorial
16 District.

17 I listened tonight to people from
18 Richman Hill, Ozone Park and South Ozone Park.
19 They should-they are adjacent communities. They
20 should have their own representation. So should
21 communities like Astoria and all the other
22 people.

23 The people that spoke today are, are
24 experts of their own communities, and I'm very

1 Congressional/State Legislative Redistricting 2-7-12

2 upset that we didn't have a more independent
3 commission because if we had a more independent
4 commission with input from community leaders,
5 from community board members, from civic leaders,
6 we would have had a better plan.

7 So I hope you do go back and, and, and
8 pay attention to all of the ideas that were
9 talked about today, and look them over, and make
10 the necessary changes. And if the changes are
11 not made, I hope that Govern Cuomo will veto this
12 plan, and I think, you know, we really need to
13 work in the interest of the people and the
14 communities that they live in throughout our
15 entire state. Thank you so much.

16 MALE VOICE: Thank Mr. Euter. Aubrey
17 Phillips [phonetic]. Aubrey Phillips. Pamela
18 Thorer [phonetic]. Pamela Thorer. Katherine
19 Muzu [phonetic]. Lizell [phonetic]. Katherine
20 Lizell. John Budnich. John Budnich.

21 JOHN BUDNICH: Good evening. Senator
22 Nozzolio, Senator Dilan, Assemblyman McEney,
23 Commissioner Lopez, if I may, and those who have
24 survived to this far point. God bless you all.

1 Congressional/State Legislative Redistricting 2-7-12

2 And I, I give you my commendation, and I, I, just
3 for having put up all that you've had to put up
4 with, including me for about another couple of
5 minutes.

6 I bring your attention as a resident of
7 Massapequa Park. That was in the East end of
8 Queens County up until about a century ago.
9 Somehow, the Western part of that village, that
10 incorporated village, has been separated from the
11 body of the rest of the village. I spoke to the
12 mayor and other people who couldn't seem to get
13 here. They're going to try and see if they can
14 get out, but they didn't whether they could on
15 this Thursday, out to the Rogers Building out in
16 - - .

17 The Western part of Massapequa Park,
18 half of one street, the West end of Lakeside, and
19 one section of about four or five blocks, and one
20 section of about 15 or 20 blocks in the South,
21 about four or five blocks from the North, have
22 been cut off from the rest of the 9th Assembly
23 District. I think it may have been because
24 somebody thought that that was the village line.

1 Congressional/State Legislative Redistricting 2-7-12

2 The village line goes to the West of Lakeshore,
3 and it goes to the Easterly line of the
4 Massapequa Preserve property, okay, that goes
5 down between Western Massapequa and Massapequa
6 Park.

7 We also have a number of people who are
8 distressed, including some village officials I
9 spoke to, that Massapequa is being broken off—the
10 Western part of Massapequa is being broken off
11 from the rest of the Massapequa School District,
12 and being placed into, I think, it's the 17th
13 Assembly District, if I recall, yeah 17th
14 Assembly District. In fact, you can see perhaps
15 a little bit better where, if you look at the
16 map, the 17th Assembly District, where these
17 areas up around Violet Street, Walker Street in
18 the town, along Lakeshore, and down into the
19 Southern part of Massapequa Park, are all cut,
20 cut off from the 9th District, which apparently
21 the rest of Massapequa's are in it. And then, of
22 course, we've taken Massapequa South of Jerusalem
23 Avenue to the water, and put that in the 17th
24 Assembly District.

1 Congressional/State Legislative Redistricting 2-7-12

2 Some people are very, very concerned
3 about that. Alright? I understand that
4 something—everything has to go someplace and some
5 places sometimes its difficulties, and I hope
6 that you can try and take a very close look at
7 this.

8 I, I must also say that some of the
9 distressing speakers that you've had to listen
10 to, I applaud you for being so calm and clear
11 headed and attempting to focus, them and
12 yourselves, upon what your real task is. Really,
13 you really, guys, kind of put out your all.

14 I must also say two more things. I have
15 been in many community groups, political groups.
16 My grandfather was a Democratic Assembly District
17 Leader until 1940, when our family became
18 Republican saying no third term for FDR. Okay?
19 But I've never let partisanship interfere with
20 the realization that everybody is a human being,
21 and we all have to treat each other as human
22 beings because if we don't, I don't know what's
23 going to happen to this ball of mud we've got—
24 we're on.

1 Congressional/State Legislative Redistricting 2-7-12

2 I am distressed at a number of the
3 incredibly weird looking districts in the
4 Assembly part of the National County. There's
5 one thing that looks like a horse shoe, another
6 thing that looks like a drill press, another
7 thing that looks like an electric saw, a hand
8 saw, a huge V, a standing ghost running around,
9 and something that looks like a dragon with a
10 huge neck and a large head, and something that
11 looks just like an amoeba stretching out here and
12 there and everywhere—

13 MS. LEVINE: Excuse me. You need to
14 summarize please.

15 MR. BUDNICH: Okay. I want to thank you
16 all very much for listening to me. God bless
17 you. Good luck. And may the good Lord bless and
18 keep you all. Thank you for your time.

19 MALE VOICE: Thank you very much, Mr.
20 Budnich. Let's see, Senator Avella signed up
21 again. Is Senator Avella here? He said he was
22 going to be here all night. I don't see him. Is
23 he here? Senator Avella? Hannah Doddid
24 [phonetic].

1 Congressional/State Legislative Redistricting 2-7-12

2 MALE VOICE: Dutin.

3 MALE VOICE: Dutin.

4 MALE VOICE: Dutin.

5 MALE VOICE: Deutch? D-E-U-T-C-H.

6 Hannah Deutch.

7 MALE VOICE: Nope.

8 MALE VOICE: Johanna Garcia [phonetic].

9 Johanna Garcia. John Cateris [phonetic]. John
10 Cateris.

11 MALE VOICE: Cateris.

12 MALE VOICE: Cateris. Cateris. We have
13 his testimony. Raynard Hoovier [phonetic]. Ry-
14 it's Richard. Richard Hoovier.

15 MALE VOICE: Hoovier?

16 MALE VOICE: Hoovier? Richard Hoovier.

17 Someone that just signed Harold. Harold, no last
18 name. Rohan Sooklall [phonetic]. Sooklall. S-
19 O-O-K-L-A-L-L. Rohan Sooklall. Betty Braton.
20 Betty Braton.

21 BETTY BRATON: --distinct areas. It's
22 got a large area North of Forest Park in the
23 Cemetery Corridor, a reasonably contiguous
24 middle, and now a large area of the Rockaway

1 Congressional/State Legislative Redistricting 2-7-12

2 Peninsula and the Island of Broad Channel
3 separated from the mainland by Jamaica Bay. In
4 the North it also extends out to the east where
5 there are further geographical separations
6 created by major highways and more parkland.

7 Neighborhoods located in—and continue to
8 be split into different districts and that is
9 simply wrong. It makes no sense whatever to now
10 add on a Southern segment on the other side of
11 Jamaica Bay into Senate District 15. The
12 Rockaway Peninsula was all in one Senate
13 district, and not it is split among two.

14 In the middle section of the new Senate
15 District 15, the Howard Beach area that was split
16 among two Senate districts is still split among
17 two—they just happen to be different. The Ozone
18 Park area was intact in one Senate district under
19 the old lines. Now it is in three. Woodhaven is
20 now also split. It makes no sense geographically
21 to extend the Northern part of Senate District 15
22 East, past Flushing Meadow, Corona Park, and the
23 Grand Central Parkway, and create further
24 neighborhood splits.

1 Congressional/State Legislative Redistricting 2-7-12

2 MS. LEVINE: Ms. Braton, please
3 summarize your statement.

4 MS. BRATON: Sure.

5 MS. LEVINE: Thank you.

6 MS. BRATON: Senate District 15 should
7 be a fully mainland district under the new lines
8 as it was under the old lines, and the
9 neighborhoods within it on the mainland should be
10 kept intact within one district as much as
11 possible by keeping zip codes all in the same
12 district. I certainly want to see my
13 neighborhood whole, and I'm sure everyone else
14 does. If you'd like, I can add some testimony.
15 If you'd like me to it as a separate comment, you
16 know, as the Community Board—

17 MALE VOICE: [Interposing] It is
18 contained in your statement?

19 MS. BRATON: It's contained in my
20 written but—

21 MALE VOICE: Trust me, we pour over
22 these things—

23 MS. BRATON: [Interposing] you can read
24 it. I attached some pretty little maps for you,

1 Congressional/State Legislative Redistricting 2-7-12

2 but you know, I, I would offer to you, as I heard
3 earlier this evening, it was a considerable
4 amount of talk about Richman Hill.

5 MALE VOICE: Right.

6 MS. BRATON: Some of the geographical
7 boundaries that were used by some people in
8 defining Richman Hill were rather loose, you
9 know, Richman Hill deserves not to be split up
10 the way it is. But in rectifying that situation,
11 you've got to be careful that you're not
12 splitting up other neighborhoods and, you know, I
13 think just to sum it up, you know, in terms of
14 Queens, our Borough President said at the start,
15 this is the most ethnically and racially diverse
16 county on the planet. How on earth you can
17 create districts that respect everybody's
18 ethnicity and racial background is going to be
19 virtual impossibility. I think if you do it by
20 neighborhoods, you will see that you will end up
21 with representation in the legislation that will
22 represent that diversity. Thank you.

23 MALE VOICE: Thank you very much.

24 MALE VOICE: Thank you, Ms. Braton.

1 Congressional/State Legislative Redistricting 2-7-12

2 Claudia Coger. Three more. C-O-G-E-R. Coger.

3 CLAUDIA COGER: Good evening. My name
4 is Claudia Coger, and I'm the Resident
5 Association President for the Astoria Houses, a -
6 - resident, and I'm here to speak on behalf of
7 the residents which is approximately a population
8 of about 3,200 that live in Astoria Houses. And
9 I've lived in Astoria Houses for approximately 56
10 years in this—on the peninsula or Northwest in
11 Queens.

12 I, we strongly believe that the proposed
13 redistricting would destroy instead of bound in
14 our energy, power and relationships, which I
15 believe are the values of a good sound
16 neighborhood, of which Northwestern Queens is. I
17 believe that this plan will divide and conquer
18 destruction the foundation of our neighborhood
19 that has worked so—that we have worked so hard to
20 build over the many years.

21 The line that was drawn are down Ditmars
22 Boulevard, divides our resources out—our
23 presenters, our representatives—that line takes
24 away our—the working source between our State

1 Congressional/State Legislative Redistricting 2-7-12

2 Senator and our City Councilman, which
3 automatically our—it disturbs us somewhat because
4 our—with our—we have an older population that
5 live in that Northwestern Queens, and as well as
6 young, and the redistricting sometimes can bring
7 confusion, and it will automatically give people
8 a discouragement to even—to go out to the polls
9 to vote.

10 So we are saying that our—we would like
11 for you to at least look at that border line
12 because we are, are as has been said so many
13 times this evening, in Astoria we work hard over
14 the years to overcome a lot of obstacles. We've
15 agreed to disagree and we fought in the
16 backyards, and we've done these things but in
17 that, we have a very—our networking community and
18 we've accomplished a lot of things over the
19 years.

20 Our State Senator at this time, the part
21 that bothers me is that this happened after we
22 had gone to the polls and elected our State
23 Senator, and now all of a sudden we are facing
24 the possibility of losing our, our—his

1 Congressional/State Legislative Redistricting 2-7-12

2 representing that segment of people that is so
3 important, which is us. I think that that was a
4 slap in the face for our community, for the
5 voters as well as our elected officials who have
6 vowed to represent a certain segment of important
7 people, meaning us, that have worked, built,
8 sweated, and networked together in this beautiful
9 district of which I've lived for 56 years. I
10 cast my vote—my first vote—I cast it in this
11 district and it really means a lot to me that
12 this district stays whole. My children grew up
13 here—cast their first vote in there, and I still
14 have grandchildren and great grandchildren that's
15 growing in this district. It is very, very
16 important to me, and I would cast my vote again
17 for our Senator Gianaris to stay in this district
18 to represent the people that he loves so much.
19 Thank you.

20 MALE VOICE: Thank you very much. Juan
21 Persod [phonetic]. Juan Persod. Eduardo Geraldo
22 [phonetic]. Eduardo Gera—Geraldo. Geraldo.
23 Costa Constantinides. Jack, I think rather than—

24 COSTA CONSTANTINIDES: Hi. Good

1 Congressional/State Legislative Redistricting 2-7-12

2 evening. Thank you for the opportunity to
3 testify today. I know it's been a long day for
4 everyone, so I'll do my best not to belabor. I
5 won't read my entire written testimony that you
6 have in front of you.

7 I'm actually a Democratic District
8 Leader in Astoria Queens, and a lifelong Astoria
9 resident. And if you look at Senate District 12,
10 I mean I have—I've been a lifelong resident of
11 Astoria. You can sort of—it's not long that, 37
12 years, but I remember certain things.

13 I remember that, you know, the hospital
14 that we have, it's now Mount Sinai. It used to
15 be called Astoria General. I remember that the
16 big drug store that we have that's now CVS, used
17 to be a Woolworth. We could get a milk, milk
18 shake and on the other side was a Genovese.

19 What I don't remember is a community
20 that was ever divided on the state level. We've
21 never been divided before. We're a cohesive sort
22 of—sort of tight knit community and we're not
23 just—we're sort of the grand tapestry of what New
24 York really is. It's not—we're not a united

1 Congressional/State Legislative Redistricting 2-7-12

2 community based on ethnicity. We have sort of
3 every ethnicity in Astoria, whether it's Latino,
4 Muslim, Greek; we have sort of wonderful
5 populations that have all found a way to live
6 together.

7 And I you look at our natural borders—if
8 you look on the East, we have LaGuardia Airport.
9 If you look onto the South, you have Northern
10 Boulevard. If you look to the West and North,
11 you have the water. But what this proposal has
12 basically done, is taken away those natural
13 borders and it's divided our community.

14 And now it's made us—instead of, you
15 know, where we were before, we had sufficient
16 political clout and we had a State Senator that
17 was out there fighting for us, we're now in two
18 separate Senate districts which is deeply
19 troubling for the people of the neighborhood.
20 We're now—we're an appendage to both the 12th
21 Assembly—the 12th Senate District and the 13th
22 Senate District.

23 No longer are we one cohesive community
24 where they'll have to listen to our concerns, but

1 Congressional/State Legislative Redistricting 2-7-12

2 we're now sort of a small piece of two separate
3 districts, one of which, if you look at Senate
4 District 12, which I know Councilman Peter
5 Vallone is named the alien popping out of a
6 baby's stomach, it's, it's, it sort of goes from
7 Astoria all the way down to Shore Boulevard in
8 the Rockaways. That's not a cohesive community.
9 We're a small part of that, where before in
10 Senate District 12 we were a cohesive community.

11 So I ask this Commission to please go
12 back to the drawing boards. Make sure our
13 communities are one. Reunite Astoria, and
14 regardless of the politics, please make sure that
15 community—our voices continue to be heard. And
16 if that can't happen, I urge Governor Cuomo to
17 veto these lines and any other lines that are put
18 forth if that's not going to happen. Thank you.

19 MALE VOICE: Thank you very much.

20 MALE VOICE: We would normally at this
21 time go through the entire list and mention every
22 name, but I think in the interest of time and
23 consideration for everyone in the room, I'm going
24 to ask if there is anyone out there who would

1 Congressional/State Legislative Redistricting 2-7-12

2 like to come and speak. You sir?

3 MURRAY BERGER: Yep. I signed up 3:00.

4 MALE VOICE: You're next.

5 MR. BERGER: Thank you.

6 MALE VOICE: What is your name sir,

7 because—

8 MR. BERGER: Murray Berger.

9 MALE VOICE: Murray Berger?

10 MR. BERGER: Correct. Dominick Pastoni,
11 our President, signed up with me and he had to
12 leave.

13 MALE VOICE: Thank you, Mr. Berger.

14 MR. BERGER: Thank you.

15 MALE VOICE: For the record, when you
16 begin your testimony, would you let everyone know
17 who you are and where you're from?

18 MR. BERGER: Sure.

19 MALE VOICE: And was there any written
20 testimony given by you?

21 MR. BERGER: - - written testimony.

22 MALE VOICE: We have it. Okay, thank
23 you.

24 MR. BERGER: I am Murray H. Berger,

1 Congressional/State Legislative Redistricting 2-7-12

2 Executive Chairman of the Kew Gardens Civic
3 Association. Kew Gardens is a small community in
4 Queens. This building is in Kew Gardens. So may
5 I say on behalf of our Civic Association, welcome
6 to Kew Gardens.

7 Kew Gardens was founded in 1910, 102
8 years ago. The Civic Association was founded in
9 1914, and I was born ten years later. You have
10 in front of you—I hope you all have one now—the
11 Kew Gardens Civic Association newsletter which
12 you may choose to read on your way home later
13 perhaps, but it contains a map of Kew Gardens as
14 we understand it, and that was the map that I
15 inherited basically when I came to Kew Gardens 55
16 years ago.

17 So that we have some tenure—some vested
18 interest in—we're not a Johnny Come Lately. We
19 have four—we are an area of under a square mile,
20 and that includes the Long Island Railroad right-
21 of-way, which runs right through Kew Gardens as
22 you can see on this—on the map. We have four
23 Democratic State Legislators, two in the
24 Assembly, two in the Senate. So they're white,

1 Congressional/State Legislative Redistricting 2-7-12

2 they're black, they're Christian and Jewish. So
3 we're not fighting for any particular retention
4 or change of anything. We want—we want something
5 that makes sense.

6 Ten years ago, and even 20 years ago,
7 when I appeared before a similar committee—and
8 ten years ago it was at York College where we—it
9 was a lot more comfortable in a way—a little less
10 intimate. We tried to get Kew Gardens
11 represented by one less Senator and one
12 Assemblyman, and we failed obviously.

13 A sliver of Kew Gardens was sliced off
14 and given to another Senator and Assemblyman.
15 What it's—what it's meant over the last ten years
16 is whenever we've had an Albany issue, we pretty
17 much ignored the guy who had the one block on the
18 Western side of Kew Gardens—or on the Southwest
19 side in the case of the Senate—that was
20 originally before he was retired, was - -.

21 What we're looking for today, gentlemen
22 and Miss Levine, is to try to get Kew Gardens to
23 be one piece. In any case, whether we're one
24 piece, two pieces, or nine pieces, we are a very

1 Congressional/State Legislative Redistricting 2-7-12

2 small, almost immaterial segment in the course of
3 the—in the totality of a Senate or Assembly
4 District. We recognize that, but to have to go
5 to—to have to ignore one legislator or be a
6 meaningless constituency to, to a legislator, it
7 does not strike us as being right and should be
8 corrected.

9 And we would suggest to you that the
10 adjustment is an easy one. Solving all the
11 problems both here today and elsewhere, whether
12 by you or by the Court, will be difficult. But
13 Kew Gardens' problems are not difficult. If you
14 look at the maps and compare them with your
15 proposal, you will see that moving the border
16 line by, in some cases one block, in some cases
17 two blocks, in one case four short blocks, would
18 solve our problem. It would make us a contiguous
19 community of Kew Gardens which would be across
20 the water—across the—across Queens Boulevard from
21 Briarwood, which the previous speaker spoke
22 about, which would be another connected community
23 but separate from Kew Gardens.

24 With that, if you have any questions,

1 Congressional/State Legislative Redistricting 2-7-12

2 I'll be happy to answer them. If not, I thank
3 you for being patient and waiting for me all day.

4 MS. LEVINE: Thank you.

5 MALE VOICE: Thank you for waiting all
6 day, and we appreciate your input very much.
7 Thank you.

8 MR. BERGER: Thank you.

9 MALE VOICE: Sir, you're next. Please
10 state your name.

11 MALE VOICE: My name is Joseph - -

12 MALE VOICE: Oh yes.

13 MALE VOICE: They should have asked you
14 to do that when you were at the microphone.
15 Please-

16 JOSEPH DEPIETRO [phonetic]: My name is
17 Joseph DePietro. I was called two hours ago
18 while I was in the bathroom, so one of those
19 things, when nature calls.

20 MS. LEVINE: Yeah, that's right.

21 MR. DEPIETRO: Anyway, my statement is
22 not long but the point of the matter is, let's
23 leave my district the way it is. We have three
24 wonderful elected official like Senator Gianaris,

1 Congressional/State Legislative Redistricting 2-7-12

2 Peter Vallone and - -.

3 You know what they say. If it works,
4 don't fix it. Thank you for your time and your
5 patience. Your head--your head is wider than mine
6 so you must have more patience than me. Thank
7 you and good night.

8 MALE VOICE: Thank you.

9 MALE VOICE: Thank you very much.

10 Anyone else wish to testify?

11 MALE VOICE: Mr. Berger, let me talk to
12 you before you go.

13 MALE VOICE: And it--hearing no one else,
14 let me just ask one more time. Does anyone else
15 wish to testify, present testimony?

16 Well thank you very much. I hear - -
17 this Queens hearing at the hour is 9:37. We've
18 been at this for six and a half hours, and we
19 thank all those who have participated. The
20 meeting is adjourned.

21 (The public hearing concluded.)

1 Congressional/State Legislative Redistricting 2-7-12

C E R T I F I C A T E

I, Brian Henderberg, do hereby certify that the foregoing typewritten transcription, consisting of pages number 1 to 45, inclusive, is a true record prepared by me and completed from materials provided to me.



Brian Henderberg, Transcriptionist

February 15, 2012

Committee on Governmental Employees, 3-3-2010

C E R T I F I C A T E

I, Wanda Ellis, do hereby certify that the foregoing typewritten transcription, consisting of pages number 46 to 73, inclusive, is a true record prepared by me and completed from materials provided to me.

Wanda Ellis

Wanda Ellis, Transcriptionist

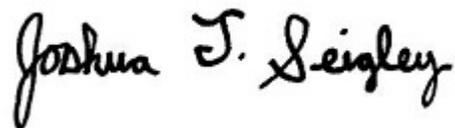
2/15/2012 Date

Committee on Governmental Employees, 3-3-2010

C E R T I F I C A T E

I, Joshua Seigley, do hereby certify that the foregoing typewritten transcription, consisting of pages number 74 to 98, inclusive, is a true record prepared by me and completed from materials provided to me.

Joshua Seigley, Transcriptionist

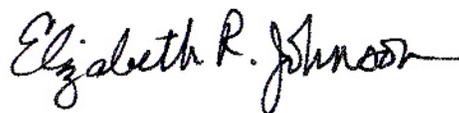
A handwritten signature in black ink that reads "Joshua J. Seigley". The signature is written in a cursive style with a large initial 'J' and 'S'.

February 15, 2012

Committee on Governmental Employees, 3-3-2010

C E R T I F I C A T E

I, Elizabeth Johnson, do hereby certify that the foregoing typewritten transcription, consisting of pages number 99 to 112, inclusive, is a true record prepared by me and completed from materials provided to me.

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Elizabeth Johnson, Transcriptionist

February 15, 2012

Committee on Governmental Employees, 3-3-2010

C E R T I F I C A T E

I, Rebecca Meunier, do hereby certify that the foregoing typewritten transcription, consisting of pages number 133 to 275, inclusive, is a true record prepared by me and completed from materials provided to me.



Rebecca Meunier, Transcriptionist

March 15, 2012 _____ Date

Committee on Governmental Employees, 3-3-2010

C E R T I F I C A T E

I, Julie Davids, do hereby certify that the foregoing typewritten transcription, consisting of pages number 276 to 285, inclusive, is a true record prepared by me and completed from materials provided to me.



Julie Davids, Transcriptionist

February 16, 2012 Date

C E R T I F I C A T E

I, Maria Eglund, do hereby certify that the foregoing typewritten transcription, consisting of pages number 286 to 295, inclusive, is a true record prepared by me and completed from materials provided to me.

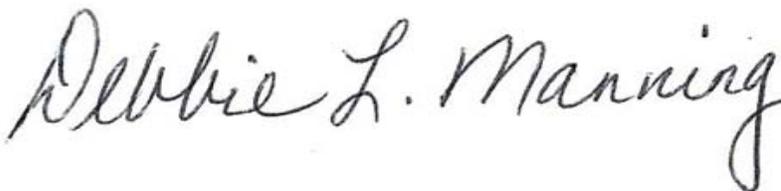
Maria Eglund

Maria Eglund, Transcriptionist

February 16, 2012 _____ Date

C E R T I F I C A T E

I, Debbie L. Manning, do hereby certify that the foregoing typewritten transcription, consisting of pages number 296 to 330, inclusive, is a true record prepared by me and completed from materials provided to me.

A handwritten signature in cursive script that reads "Debbie L. Manning". The signature is written in black ink on a white background. The signature is enclosed in a thin black rectangular border.

Debbie L. Manning, Transcriptionist

February 14, 2012



**NEW YORK STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND
REAPPORTIONMENT
PUBLIC HEARING ON CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING
02/07/2012 QUEENS-3:00 P.M. QUEENS BOROUGH HALL ROOM 213 KEW GARDENS, NY 11424**

SPEAKERS LIST:

1. HELEN MARSHALL , QUEENS BOROUGH PRESIDENT
2. MIKE GIANARIS, NYS SENATOR, WESTERN QUEENS
3. TONY AVELLA, NYS SENATOR
4. MARK WEPRIN, NYC COUNCIL MEMBER
5. RUBEN WILLS, NYC COUNCIL MEMBER
6. JAMES HONG, SPOKESPERSON
ASIAN AMERICAN COMMUNITY COALITION ON REDISTRICTING AND DEMOCRACY
7. JERRY VATTAMALA, STAFF ATTORNEY
ASIAN AMERICAN LEGAL DEFENSE AND EDUCATION FUND
8. MACKENZIE YANG, MEMBER, OCA-NY
9. BRIGHT LIMM, KOREAN AMERICANS FOR POLITICAL ADVANCEMENT
10. ANTHONY NUNZIATO
11. DANIEL HALLORAN, NYC COUNCIL MEMBER
12. ALI NAJMI, COMMUNITY ORGANIZER, SEVA NY
13. GARTH MARCHANT, PUBLIC CITIZEN
14. LINDA LEE, KOREAN COMMUNIUTY SERVICES
15. EMMANUEL CARUANA
16. VISHNU MAHADEO, PRESIDENT RICHMOND HILL ECONOMIC DEVELOPMENT
COUNCIL
17. JOHN PARK, DIRECTOR OF COMMUNITY DEVELOPMENT, YWCA OF QUEENS,
MEMBER, ASIAN AMERICAN COMMUNITY COALITION ON REDISTRICTING AND
DEMOCRACY

18. **CAROL HUANG, MEMBER, ASIAN AMERICAN COMMUNITY COALITION ON REDISTRICTING AND DEMOCRACY**
19. **ANJALI CHAUDHRY (spoke on behalf of Seema Agnani, CHAAYA)**
20. **ROBERT FRIEDRICH, PRESIDENT, GLEN OAKS VILLAGE CO-OP/EASTERN QUEENS UNITED**
21. **WARREN SCHRIEBER, PRESIDENT, BAY TERRACE COMMUNITY ALLIANCE**
22. **KENNETH COHEN, REGIONAL DIRECTOR, NAACP**
23. **MICHAEL FRAGIN**
24. **STEVEN CHOI, EXECUTIVE DIRECTOR, MINKWON CENTER FOR COMMUNITY ACTION**
25. **DUK SUN CHANG, OWNER, DUK CHANG GEMSTONE CUTTER**
26. **ROBERT JACKSON, NYC COUNCIL MEMBER**
27. **ANGELA AUGUGLIARO, PRESIDENT, QUEENS COLONY CIVIC ASSN**
28. **TOBY STAVISKY, NYS SENATOR**
29. **JERRY WIND, PRESIDENT, BELLEROSE HILLSIDE CIVIC ASSOCIATION**
30. **DARREL SUDKHEO, VOLUNTEER & COMMUNITY ACTIVIST, INDO-CARIBBEAN ALLIANCE**
31. **NORMAN SILVERMAN, BAYSWATER CIVIC ASSN**
32. **STEVEN GREENBERG**
33. **GEORGE STAMATIADIS, STEINWAY ASTORIA PARTNERSHIP**
34. **RICHARD THUZAMI, MEMBER, QUEENS GENERAL ASSEMBLY**
35. **JOSEPH LYNCH**
36. **CAROL SARANO, DISTRICT LEADER, ASSEMBLY DISTRICT PART B**
37. **GEORGE MALANDRAKIS, DIRECTOR OF DEPENDENCY PROGRAM, HANAC**
38. **FRANK TONER, PRESIDENT, ROCKY HILL CIVIC ASSOCIATION**
39. **DR. ARTHUR FLUG, EXECUTIVE DIRECTOR, THE HARRIET & KENNETH KUPFERBERG HOLOCAUST CENTER**
40. **ARAVELLA SIMOTAS, NYS ASSEMBLYMEMBER**

41. DAVID WEPRIN, NYS ASSEMBLY MEMBER
42. AMINTA KILAWAN, RESIDENT
43. RICHARD S. DAVID, EXECUTIVE DIRECTOR, INDO-CARIBBEAN ALLIANCE INC.
44. DONNA RAYMOND, PRESIDENT, NORTH QUEENS HOMEOWNERS CIVIC ASSOCIATION OF JACKSON HEIGHTS
45. RACHANA SHAH, TAKING OUR SEAT
46. FRANCES LUHMANN MCDONALD, COMMUNITY ACTIVIST
47. ALBERT BALDEO, PRESIDENT, UNITED COMMUNITIES ALLIANCE, DISTRICT LEADER 38TH AD
48. ASHOOK RAMSARRAN, GLOBAL ORGANIZATION OF PEOPLE OF INDIAN ORIGIN
49. KRIS GOUNDEN, COMMUNITY ACTIVIST
50. ROHAN NARINE, SHRI TRIMURTI BHAVAN MANDIR
51. MICHAEL O'KEEFFE, PRESIDENT, CREEDMOOR CIVIC ASSOCIATION
52. STEVEN ANTHONY BEHAR, ESQ.
53. MOHAMMED SADIQ, DIRECTOR, TAKING OUR SEAT
54. ELIAS TSEKERIDES, PRESIDENT, FEDERATION HELLENIC SOCIETIES
55. SAMUEL MASSOL, ASSOCIATE DIRECTOR, COMMON CAUSE NY
56. KAWAL TOTARAM, ESQ.
57. PHIL KONIGSBERG, VICE PRESIDENT, BAY TERRACE COMMUNITY ALLIANCE
58. BARBARA JACKSON, LEFRAK CITY
59. JAMES TRIKAS, VICE PRESIDENT OF THE EAST FLUSHING CIVIC ASSOCIATION, BOARD MEMBER - ZONING AND LAND USE , CHAIR FOR HOLLY CIVIC ASSOCIATION, MEMBER - QUEENSBORO HILL ASSOCIATION, BOARD MEMBER - KISSENA CORRIDOR PARK CONSERVANCY
60. LEROY GADSEN, PRESIDENT-JAMAICA BRANCH NAACP
61. REV. CHARLES NORRIS, BETHESDA MISSIONARY BAPTIST CHURCH
62. PETER CIPRIANO, CONCERNED CITIZEN

- 63. MAF MISBAH UDDIN, PRESIDENT, ALLIANCE OF SOUTH ASIAN AMERICAN LABOR**
- 64. RONNIE K. MINOR, COMMUNITY ADVOCATE/ASTORIA**
- 65. MARIA BECCE, BROADWAY HOMEOWNERS ASSOC.**
- 66. JAE KYUNG SONG, MEMBER MINKWON CENTER**
- 67. MINDI JACOBS, MEMBER, BRIARWOOD ACTION NETWORK**
- 68. HENRY EUTER, AUBERNDALE CIVIC ASSOC.**
- 69. JOHN BUDNICH**
- 70. BETTY BRATON, CHAIRPERSON, COMMUNITY BOARD 10**
- 71. CLAUDIA COGER, RESIDENT, ASTORIA HOUSES**
- 72. COSTA CONSTANTINIDES, DEMOCRATICE LEADER, ASTORIA**
- 73. MURRAY BERGER, RESIDENT**

NEW YORK STATE
LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND
REAPPORTIONMENT

PUBLIC HEARING

CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING

Thursday, February 9, 2012
Suffolk County Legislature
William H. Rogers Legislative Building - Auditorium
725 Veterans Memorial Highway
Smithtown, New York
Thursday, February 9, 2012
11:00 a.m.

Demographic Research and Reapportionment, 2-9-2012

TASK FORCE MEMBERS PRESENT:

SENATOR MICHAEL F. NOZZOLIO, Co-Chair

ASSEMBLY MEMBER JOHN M. McENENY, Co-Chair,

SENATOR MARTIN M. DILAN

ASSEMBLY MEMBER ROBERT OAKS

DEBRA LEVINE

ROMAN HEDGES

WELQUIS LOPEZ

LEWIS HOPPE

INDEX

	Page
ANDREW RAIA NEW YORK STATE ASSEMBLY MEMBER 9th ASSEMBLY DISTRICT	8
JOSEPH SALADINO NEW YORK STATE ASSEMBLY MEMBER 12 TH ASSEMBLY DISTRICT	17
DANIEL P. LOSQUADRO NEW YORK STATE ASSEMBLY MEMBER 1ST ASSEMBLY DISTRICT:	18
WILLIAM HENDRICK MAYOR LYNBROOK VILLAGE	21
FRANK SPROUSE MAKE THE ROAD NEW YORK	25
PHIL HEALY PRESIDENT BILTMORE SHORES CIVIC ASSOCIATION	29
JEFFREY GREENFIELD VICE PRESIDENT OF GOVERNMENT AFFAIRS LYNWOOD CHAMBER OF COMMERCE	32
MARCOS MALDONADO RESIDENT BRENTWOOD, NEW YORK	36
DAVID H. STONEHILL, ESQ. PRESIDENT DAVID H. STONEHILL, PC.	40
STEVE LABRIOLA TOWN CLERK OYSTER BAY	45
KEN DALY RESIDENT SUFFOLK COUNTY, NEW YORK	49

Demographic Research and Reapportionment, 2-9-2012

CHARLES GUCCIARDO RESIDENT MASSAPEQUA, NEW YORK	52
MS. VIOLET SMITH BRENTWOOD	58
MR. GIL BERNADINO	62
MR. MANNY VIDAL JR. BRENTWOOD	65
MS. BESSIE ORTEGA	66
DR. ANDREW BEVERIDGE QUEENS COLLEGE, CUNY	69
PASTOR RODERICK A. PEARSON PRESIDENT ISLIP TOWN NAACP	79
MR. RICHARD MCGRATH	85
MR. M.J. FITZGERALD COLD SPRINGS HARBOR	89
MS. DENISE SANDOVAL COMMUNITY ORGANIZER LONG ISLAND PROGRESSIVE COALITION	93
MR. NICHOLAS RAMCHARITAN	96
MR. TOM DONNELLY BABYLON TOWN COUNCILMAN	98
COMMANDER JOSEPH MCCARTHY 3350 ROBERT GARRISON POST	101
BRIAN PAUL COMMON CAUSE	102
STEPHEN D. WANGEL VP MEMBERSHIP LYNBROOK CHAMBER OF COMMERCE	110
LES WRIGHT	114

Demographic Research and Reapportionment, 2-9-2012

MAURICIO GAVIRIA RESIDENT OF HAMLET OF RONKONKOMA	116
HAZEL SCOTTIE COADS CIVIC ENGAGEMENT CHAIR NAACP-NYS CONFERENCE	120
ROSA QUILES PARENT, MEMBER NEW YORK COMMUNITIES FOR CHANGE PUERTO RICAN COALITION FOR A BETTER COMMUNITY HEMPSTEAD HISPANIC CIVIC ASSOCIATION	125
JOSEPH SALADINO ASSEMBLY MEMBER 12 th ASSEMBLY DISTRICT	127
ELZIE ROSS RESIDENT OF VALLEY STREAM	133
DR. DANIEL ALTSCHULER COORDINATOR LONG ISLAND CIVIC ENGAGEMENT TABLE	135
TODD BREITBART RESIDENT	141
KEVIN MICHAEL NELSON MEMBER NEW YORK COMMUNITIES FOR CHANGE	146
LUCIUS WARE PRESIDENT EASTER LONG ISLAND NAACP	148
JOANN FINK RESIDENT OF HUNTINGTON	152
MS. RENEE ORTIZ VICE PRESIDENT ISLIP NAACP, LEEP	155
MS. MIMI PIERRE-JOHNSON NY COMMUNITIES FOR CHANGE	160
MR. DENNIS TERRY	164

Demographic Research and Reapportionment, 2-9-2012

MR. PAUL JOHNSON NAACP	168
MR. KERRY TRAINOR	170
MR. ROBERT LIFSON	173
MS. TERRY SCOFIELD	176
MR. JOHN F. CARUSO COMMISSIONER MASSAPEQUA WATER DISTRICT	179
MR. ROBERT BARRET	183
MR. ROBERT SUMMERVILLE	187
MR. JOHN BUDNICH DRUG FREE MASSAPEQUA	189

1 Demographic Research and Reapportionment, 2-9-2012

2 (The public hearing commenced at 11:06
3 a.m.)

4 ASSEMBLY MEMBER JOHN J. MCENENY, CO-
5 CHAIR, NYS LEGISLATIVE TASK FORCE ON DEMOGRAPHIC
6 RESEARCH AND REAPPORTIONMENT: Good morning, and
7 thank you very much for coming to this meeting of
8 LATFOR. There will be three more public hearings
9 on the lines. And all of these hearings you may
10 discuss Congress, Senate, Assembly, anything
11 related to the drawing of lines, particularly
12 with the latest map, which is a draft, and will
13 change to one extent or another before it becomes
14 final.

15 My name is Jack McEneny. I'm the
16 Assemblyman who is the Co-Chair. I represent
17 parts of Albany city and several towns in Albany
18 County. And on the Assembly side, I am
19 accompanied with a long-time friend and
20 classmate. Bob Oaks represents the Republican
21 Minority in the Assembly, and a citizen
22 representative, Dr. Roman Hedges. There are six
23 people who are on the committee. There's also
24 co-directors, executive directors.

Demographic Research and Reapportionment, 2-9-2012

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2 We will be limiting people to five-
3 minute comments. Now, we rarely get upset if
4 somebody goes to a six minute. But, given the
5 number of people who have requested an
6 opportunity to speak, which is now at 44, and
7 there may be others coming in the door, we will--
8 we will enforce that if it goes too far beyond
9 the five minutes.

10 Giving a history of your organization
11 usually takes up too much time. We know, pretty
12 much, who the organizations are if you've already
13 spoken at a previous public hearing. Please
14 concentrate on your critique of the lines and any
15 solutions that you might recommend for LATFOR to
16 adjust these lines, hopefully, during the week of
17 President's week. We're on a tight schedule
18 here. I'm going to turn it over now to my Co-
19 Chair, Mike Nozzolio, who will introduce his side
20 of the panel.

21 SENATOR MICHAEL F. NOZZOLIO, CO-CHAIR,
22 NEW YORK STATE LEGISLATIVE TASK FOR ON
23 DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT: Thank
24 you very much, Assemblyman McEneny, and my friend

1 Demographic Research and Reapportionment, 2-9-2012

2 and colleague. We've now been--this is our 20th
3 hearing as we have approached the dynamics and as
4 we have met with many constituent groups and
5 individuals across this great state of New York.

6 We wish to thank the county government
7 of Suffolk for allowing us to use this wonderful
8 facility. And without further ado, I wish to
9 recognize the senate appointees to this task
10 force.

11 On my immediate left is Senator Martin
12 Dilan. To his left is Citizen Representative,
13 appointed by the Senate, Welquis Ray Lopez. And
14 to his left is the co-executive director of the
15 task force, Debra Levine.

16 As this is our 20th session to hear from
17 the citizens of this state, we want each of you
18 to know that your testimony is being recorded.
19 It's part of the official record of the
20 proceedings. It is video recorded by the cameras
21 that we have here. Those cameras will place the
22 record of this hearing--along with all the other
23 hearings--on the LATFOR website for all to view.

24 We ask you to be concise. We ask you to

1 Demographic Research and Reapportionment, 2-9-2012

2 summarize your written testimony, submit that
3 written testimony for the record, but utilize
4 your time in describing your major concerns.
5 That--we appreciate the opportunity to hear those
6 concerns.

7 And, without further ado, Assemblyman, I
8 appreciate your comments and your work. It's
9 been wonderful to work with you in this process.
10 Any members of the task force wishing to make an
11 opening statement?

12 Not at this time?

13 ASSEMBLY MEMBER MCENENY: Thank you,
14 Senator. We have a number of elected officials
15 here. Some will speaking and have already
16 indicated that.

17 I do not think they're speaking, so I
18 will introduce Assembly Member, Mike Fitzpatrick,
19 Mike Montesano, Steve Labriola, who is a former
20 member of the Assembly, and now Clerk of Oyster
21 Bay, and should he show up--just because he has
22 served with me a long time ago--Joe Sawicki, the
23 comptroller of Suffolk County is a former member
24 of the Assembly.

Demographic Research and Reapportionment, 2-9-2012

1

2 Please advise me of any other elected
3 officials that wish to be recognized and we'll
4 move ahead with those who are speaking. And I'll
5 ask Assembly Member Andy Raia to come forward.

6 Now this is a tricky situation. You
7 have to keep your finger on the microphone and
8 the little green light goes on, so--

9 ASSEMBLY MEMBER ANDREW RAIA, 9th
10 ASSEMBLY DISTRICT: [Interposing] Is that like
11 walking and chewing gum?

12 ASSEMBLY MEMBER MCENENY: Yeah. While
13 you talk and--

14 ASSEMBLY MEMBER RAIA: [Interposing] I
15 can figure it out.

16 ASSEMBLY MEMBER MCENENY: --it probably
17 keeps the speakers down because their fingers get
18 tired.

19 ASSEMBLY MEMBER RAIA: Thank you. Well,
20 it's a good way to keeping everybody under five
21 minutes. But, I'd like to welcome my colleagues
22 to Suffolk County, and I'd like to thank the
23 Legislative Task Force on Demographic Research
24 and Reapportionment, LATFOR, for holding this

Demographic Research and Reapportionment, 2-9-2012

public hearing in Suffolk County.

As the current representative for the 9th Assembly District and a resident of the proposed 12th Assembly District, I am compelled to offer constructive criticism on LATFOR's proposed lines for the the 12th and 9th Assembly Districts.

When drawing new assembly districts, LATFOR's legal and social responsibility is to ensure newly districts--newly drawn districts reflect population changes while remaining compact and keeping intact communities of interest. Unfortunately, LATFOR failed to reach this objective in both the proposed 9th and 12th Assembly Districts.

The decision to transform one predominantly North Shore centered district and one predominantly South Shore centered district into two districts meandering through portions of multiple towns, spanning from the Atlantic Ocean in the south to the Long Island Sound in the north, violates the very spirit of LATFOR's mission and legal responsibility.

Demographic Research and Reapportionment, 2-9-2012

Both districts span over 25 miles from end to end. While that may not seem like a long distance for an assembly district in Upstate New York a recent drive through the proposed 12th Assembly District--starting at Gilgo Beach in the southern portion of the district, and ending at Mackimaw [phonetic] Beach in the northern portion of the district--took this seasoned Long Island driver an hour in the middle of a weekday with very little traffic.

As a representative and a public servant, I'm expected to attend multiple events in the district on any given day and night. Such an expansive district will clearly limit the public's opportunity to interact with me or their future legislator.

Maintaining the continuity of local community should be paramount when conceiving new districts. Unlike the rest of the state, Long Island is heavily dependent on numerous local governments, or special districts, as they are often referred to.

Through special--through school

1 Demographic Research and Reapportionment, 2-9-2012

2 districts, fire districts, library districts, and
3 dozens of community organizations, we have
4 managed to maintain a wonderful sense of
5 community and feeling of civic pride.

6 These proposed district lines will
7 undoubtedly fracture all that has been gained
8 over the past 350 years, because that's how old
9 the towns of Huntington and Babylon are.

10 With multiple legislators often come
11 multiple opinions and positions on local and
12 state issues important to those communities thus
13 preventing communities from speaking in a unified
14 voice.

15 Instead of strengthening representation,
16 LATFOR is diminishing it. The current 9th
17 Assembly District encompasses four entire zip
18 codes and three partial zip codes. Conversely,
19 the proposed 12th Assembly District does not
20 encompass any zip codes in their entirety as the
21 district cuts a narrow swath through the towns of
22 Huntington, Babylon and Islip.

23 The town of Huntington, which has
24 traditionally contained two assembly districts

1 Demographic Research and Reapportionment, 2-9-2012

2 for nearly 100 years, would now be represented by
3 three legislators. And the town of Babylon,
4 which is approximately the same size would now
5 see their number of assembly districts increased
6 from four to an astonishing five districts under
7 LATFOR's 2012 proposed district lines.

8 Multiple districts within one town, not
9 only arbitrarily and unnecessarily splits
10 communities within a town, but also undercuts the
11 communities voice with regards to qualifying
12 candidates for the ballot.

13 As New York State's future fiscal
14 condition remains uncertain LATFOR should make
15 every effort to minimize the costs of the
16 redistricting process to taxpayers while adhering
17 to its primary goal of conceiving districts that
18 maintain a continuity of community.

19 It is important to note that should the
20 proposed 9th and 12th Assembly Districts become
21 law, it is the taxpayers that will have to pay
22 the bill to relocate two new district offices.
23 As proposed, the current 12th Assembly District
24 will no longer be located in the entirely new

1 Demographic Research and Reapportionment, 2-9-2012

2 12th Assembly District and the current district
3 office for the 9th Assembly District is located
4 so far north in the district that residents from
5 Massapequa would have to travel over an hour to
6 see their representative.

7 Long Island has very little mass transit
8 and we pay the highest prices for gasoline in the
9 state. Such circumstances may very well prevent
10 senior citizens, the disabled, and the poor
11 direct access to their assembly representative
12 and the many services that a district office
13 provides.

14 This task force has transformed well-
15 balanced and collective communities into entirely
16 new districts. Creating unnecessary confusion
17 for residents as to who represents a specific
18 area. It will complicate joint meetings with
19 multiple levels of government and make extremely-
20 -and make it extremely difficult to maintain the
21 current productive level of communication that
22 exists between our elected officials,
23 constituents, community leaders, and business
24 leaders.

Demographic Research and Reapportionment, 2-9-2012

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In fact, in a recent press interview, Governor Cuomo stated, "Redistricting in New York is a system that has prioritized incumbency and partisan interests over democratic representation." The governor went on to say, "This process needs to be about the people and not the politics. And to help restore faith in our state government, we need to reform the system."

I could not agree more. Thank you for your time.

ASSEMBLY MEMBER MCENENY: Any questions from the panel? Thank you.

ASSEMBLY MEMBER RAIA: Thank you much.

ASSEMBLY MEMBER MCENENY: Thank you.

Assembly Member Joe Saladino.

ASSEMBLY MEMBER JOSEPH SALADINO, 12TH
ASSEMBLY DISTRICT: - -defer to other members of the community and come and speak at a later time today?

SENATOR NOZZOLIO: Certainly.

ASSEMBLY MEMBER MCENENY: Certainly.

ASSEMBLY MEMBER SALADINO: Thank you.

Demographic Research and Reapportionment, 2-9-2012

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SENATOR NOZZOLIO: Thank you.

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ASSEMBLY MEMBER MCENENY: Assembly

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Member, Dan Losquadro.

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ASSEMBLY MEMBER DANIEL P. LOSQUADRO, 1ST

6

ASSEMBLY DISTRICT: Thank you, members, and

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unfortunately, I'm very familiar with this

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microphone system, having served seven years here

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in the - - legislatures to welcome to my old

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stomping grounds.

11

I come before you today to offer

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commentary on the proposed changes to the 1st

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Assembly District. The 1st Assembly District is

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unique in many ways. First and foremost--and I

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knew this coming in as an elective last year--it

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has the largest population of any assembly

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district in New York State, 149,700 residents.

18

We knew that this district would have to

19

change substantively--to lose 21,000 residents--

20

in order to maintain a parity with the

21

surrounding districts.

22

When looking at a map of the district,

23

furthest from anyone's mind, was cutting the

24

North Fork of Long Island in half to achieve that

Demographic Research and Reapportionment, 2-9-2012

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2

goal. Splitting Southold and Riverhead towns--
3 two townships that share a long history--share
4 common interests with agriculture, agri-tourism,
5 open space, and land preservation, primary home
6 ownership. As opposed to the South Fork where
7 there are many more second-home owners.

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There are very different issues on the
South Fork than on the North Fork. Having these
two districts separate and distinct from each
other gives the East End twice the voice in the
New York State Assembly. It is imperative that
we keep those voices strong and contiguous with
each other in these areas.

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Many local groups have spoken out in
opposition to this. I have a letter that I will
not read, but I will submit into written
testimony from five different civic associations.
Stating substantively similar comments that I
have made here, concerned about the quality of
life on the North Fork, having those areas along
the North Shore congruent with each other,
contiguous to each other, and having those needs
met by and individual from that district.

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There's also the additional problem of logistics when it comes to the east end of Long Island. We are an island, and we are split into two forks. The residents from the town of Southold, which is proposed to be removed from the 1st Assembly District and put in as part of the 1st--the current 2nd Assembly District, on the South Fork, would either have to take two ferries and cross Shelter Island or drive more than an hour around the twin forks to visit their state assembly person.

We know--and I look to my colleagues on the assembly side--that we are the more local of the state representatives. Our districts are smaller. We pride ourselves on making our offices very accessible to the public. I think that this is a logistical nightmare for the extreme east-end residents who have found it very easy to access my office now that I relocated it, centrally, in my district, in the county seat, here in Suffolk County, in the town of Riverhead.

Cutting the east end of Long Island off from the North Fork, putting it in with the South

Demographic Research and Reapportionment, 2-9-2012

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2

Fork, I think does a tremendous disservice to the

3

residents of that district. And I think

4

diminishes the voice of a small township that

5

feels they will get lost in a sea of issues that

6

are very different from their own on the North

7

Shore by putting them in with a district that

8

would primarily be on the South Shore.

9

So, I thank you for your comments. I

10

will be submitting the written comments of the

11

civic associations, and I hope that you take

12

these and the public's comments into account when

13

making your final decision. Thank you for your

14

time.

15

ASSEMBLY MEMBER MCENENY: Thank you,

16

Assemblyman.

17

SENATOR NOZZOLIO: Thank you very much,

18

Assemblyman.

19

ASSEMBLY MEMBER LOSQUADRO: Thank you.

20

ASSEMBLY MEMBER MCENENY: Mayor William

21

Hendrick.

22

That's correct.

23

WILLIAM HENDRICK, MAYOR, LYNBROOK

24

VILLAGE: Ladies and gentlemen, thank you very

Demographic Research and Reapportionment, 2-9-2012

1

2 much--

3 SENATOR NOZZOLIO: [Interposing] Not
4 hearing him.5 MAYOR HENDRICK: I'm Bill Hendrick and
6 I'm the mayor of Lynbrook. There you go. I'm
7 Bill Hendrick, and I'm the mayor of Lynbrook.
8 I've been associated with village government for
9 over 21 years, as a trustee, then Deputy Mayor,
10 and for the last year, the Mayor of this village.
11 And I'm very proud of that.12 Lynbrook is two miles, approximately,
13 square. It has about 20,000 residents, 6500
14 homes. I have a small but active police
15 department, a very active but small fire
16 department, a department of public works and
17 various village employees--about 200--besides
18 that.19 Lynbrook always was represented, first
20 by the 14th District. It's now proposed that
21 Lynbrook will be sliced in half by the 21st and
22 now the 22nd. This is really unacceptable to us.
23 Thank you.

24 Our current assemblyman is Brian Curran

1 Demographic Research and Reapportionment, 2-9-2012

2 and he's a former mayor of Lynbrook. You could
3 understand how Lynbrookites love having a former
4 mayor being their advocate in Albany. He's been
5 very, very helpful in state matters and we do not
6 want that to change.

7 The way the new district is drawn--his
8 office is now no longer in his district, neither
9 is my house. Everybody from the north side of
10 Sunrise Highway will now remain in the 21st with
11 Brian.

12 Everybody from the south side of Sunrise
13 Highway, including my very, very active business
14 district--which is represented here today by
15 members of the chamber of commerce, and I hope
16 will be speaking to you as well--will not be in
17 the district.

18 We now have--we how have their interest
19 being pulled apart, and it's unacceptable to me.
20 The new district will be mainly Rockville Centre
21 and no longer be centered in Lynbrook. And
22 Brian's district--I'm sorry will be Rockville
23 Centre--the new one will be mainly Valley Stream.

24 We feel we've been orphaned by this

1 Demographic Research and Reapportionment, 2-9-2012

2 district that is drawn, which I think is very,
3 very gerrymandered and does not benefit my
4 residence at all.

5 I'm going to--I said I'd be brief today.
6 And I want you to be our advocate in the state
7 and go and tell the legislators and the governor
8 this should not be accepted and he should not
9 sign for these two new districts.

10 Lynbrook does not want to be divided.
11 And, ladies and gentlemen, please, when you go
12 back to Albany report that to them. I'm not
13 going to take any more of your time. Just know
14 our disappointment with this district. And I
15 thank you for listening and working for a small,
16 very home-like community on the South Shore.
17 Thank you so much. Is there any questions?

18 SENATOR NOZZOLIO: Thank you very much,
19 Mr. Mayor.

20 ASSEMBLY MEMBER MCENENY: Thank you,
21 Mayor.

22 MAYOR HENDRICK: Bye, bye.

23 ASSEMBLY MEMBER MCENENY: I have a good
24 relationship with your historian down there. Art

Demographic Research and Reapportionment, 2-9-2012

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2 Maddox? I acknowledge the presence of Assembly
3 Member Al Graf. Happy to see you here. And our
4 next speaker is Frank Sprouse. And, Frank, I
5 think you wanted a translator?

6 MALE VOICE 1: Yes.

7 ASSEMBLY MEMBER MCENENY: Is there
8 anyone else who would be needing translator
9 services?

10 INTERPRETER: - - anywhere, and - - can
11 speak into the microphone.

12 [Foreign Language]

13 ASSEMBLY MEMBER MCENENY: This one will
14 stay on. He has to hold this one down to speak.
15 You've got to keep your finger on. Okay?

16 INTERPRETER: Okay. Thank you. Bye,
17 bye. Okay, so--

18 [Foreign Language].

19 MR. FRANK SPROUSE, MAKE THE ROAD NY
20 (Through Interpreter): Thank you very much, and
21 thank you for letting me [audio gap].

22 INTERPRETER: Okay. Okay.

23 MR. SPROUSE (Through Interpreter):

24 Thank you very.

Demographic Research and Reapportionment, 2-9-2012

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2 SENATOR NOZZOLIO: [Interposing] You
3 don't have to hold that, it will stay on.

4 INTERPRETER: Oh, okay. Okay.

5 MR. SPROUSE (Through Interpreter):

6 Thank you and--thank you--good morning, and thank
7 you very much for letting me testify today. My
8 name is Frank Sprouse, and I am a member of - -
9 in New York, in Long Island. And I am a resident
10 of Brentwood since 2005 when I came from
11 Dominican Republic.

12 MALE VOICE 1: Here's your copy.

13 INTERPRETER: Okay. Oh, thank you.

14 MR. SPROUSE: Last year I join Make the
15 Road New York, an organization that defend the
16 rights of Latino immigrants in low-income
17 communities.

18 We are an organization of working
19 families who work tirelessly to make New York a
20 better place.

21 Last year, I also became a citizen, and
22 was able to participate in November 2011 county
23 elections.

24 It was an honor for me to be part of the

1 Demographic Research and Reapportionment, 2-9-2012

2 electoral process, as an immigrant, as a Latino,
3 and also as a father of two children.

4 I was so excited to be part of this
5 process that I even volunteer with the Suffolk
6 County Board of Elections helping and orienting
7 fellow voters.

8 I also participate as a volunteer in a
9 campaign led by Make the Road New York and the
10 Long Island Civic Engagement Table to increase
11 the participation of communities of color in
12 Suffolk County elections.

13 I am a citizen just as any other in this
14 county and I abide by my citizenship and pay my
15 taxes as anyone else.

16 So, I don't understand why politicians
17 in Albany want to undermine the power and
18 influence of my vote and the vote of Latino and
19 African-American communities can have in upcoming
20 elections.

21 After having worked with Make the Road
22 New York in the past elections, I was really
23 happy to see that our work influenced and
24 increase voters participation. And that,

Demographic Research and Reapportionment, 2-9-2012

1
2 finally, after years of anti-immigrants, anti-
3 worker policies, we have a county government that
4 is willing to be accountable to communities of
5 color in Suffolk County.

6 But now, I found out that what LATFOR
7 maps want to do on a state level, specify - -
8 District 3 and 4 in Central Islip and Brentwood,
9 and I realize that our struggle is not over.

10 The power of people of color community
11 lies in their ability to participate in the
12 electoral process.

13 In order to have a full democracy,
14 communities of color need to be part of this
15 process.

16 Our voices need to be heard and our
17 interests need to be taken into account.

18 - - LATFOR maps are clear example of how
19 politicians in office want to abuse the power and
20 take advantage of communities of color to - - the
21 interest over ours. And we are here to stop
22 that. If the interest of the people are damaged
23 to advance the interest of politicians, we have
24 to say no.

Demographic Research and Reapportionment, 2-9-2012

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2 It is obvious that this maps want to
3 divide and conquer the Latin and African-American
4 communities of Brentwood and Central Islip by
5 undermining and dissolving our power as an
6 electoral block.

7 We are able--we are today to stop this
8 injustice and to ask Governor Cuomo to - - to the
9 proposed LATFOR maps and assign an independent
10 body that could trace these electoral lines
11 democratically.

12 My children, my community, and all the
13 residents of New York deserve respect and
14 dignity. And we will fight until the end of it.
15 Thanks for your attention. Yes, we can.

16 ASSEMBLY MEMBER MCENENY: [Foreign
17 Language]. Phil Healy.

18 MR. PHIL HEALY, PRESIDENT, BILTMORE
19 SHORES CIVIC ASSOCIATION: How's that? Is it on?
20 All right. My name is Phil Healy. How's that?
21 Okay. We're on.

22 MALE VOICE 1: - - to stand or to sit -
23 -.

24 MR. HEALY: I'm here.

Demographic Research and Reapportionment, 2-9-2012

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2

MALE VOICE 1: - -.

3

MR. HEALY: - - My name is Phil Healy.

4

I'm a resident of Massapequa. I'm the President

5

of the Biltmore Shores Civic Association.

6

Massapequa currently in the 12th Assembly

7

District. I think it's important--

8

SENATOR NOZZOLIO: [Interposing] Just a

9

minute. May I just interrupt you for second?

10

Are you any relation to Former Assemblyman Phil

11

Healy?

12

MR. HEALY: --I want to--yes. Thank

13

you. Thank you.

14

SENATOR NOZZOLIO: I served - - father,

15

brother? Father?

16

MR. HEALY: Correct.

17

SENATOR NOZZOLIO: I served with

18

Assemblyman Healy for a number of years and he

19

was a very fine man. And I just wanted you to

20

know that we in the assembly respected him a

21

great deal.

22

MR. HEALY: Definitely threw off my game

23

by saying that. I do appreciate you remembering

24

him. And thank you for saying that. I

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2 appreciate it.

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But on that note, I come here as a civic leader, no political ties as a committeeman or a zone leader or anything. And I think that's important. And I don't want to reiterate what the elected officials said before us about the logistical nightmare or what Frank said so perfectly about creating the political chaos and devaluing democracy by what's the intent of these new districts.

But I think, at the nuts and bolts of it is you've got to understand from our level, the difficulty to keep neighborhoods together and the work we put into it as volunteers. But, what you're doing here is segregating us so we're irrelevant--everybody is irrelevant.

The intent is--I understand the intent of what the committee is trying to do. But, to take us apart--to take anybody apart--whether it's in Central Islip or in Massapequa is destroying our communities. And you really--you really have to--I hope you would put your foot down and say this is unacceptable.

1 Demographic Research and Reapportionment, 2-9-2012

2 You elected officials know how difficult
3 it is to work. And you have my prepared
4 statement. I don't want to take up any more
5 time.

6 Please feel free to contact me with any
7 of the addresses I gave you.

8 ASSEMBLY MEMBER MCENENY: Thank you, Mr.
9 Healy. We also acknowledge and listed to speak
10 at some point, Tom Donnelly of the Babylon Town
11 Council. Jeffrey Greenfield.

12 MR. JEFFREY GREENFIELD, VICE PRESIDENT
13 OF GOVERNMENT AFFAIR, LYNBROOK CHAMBER OF
14 COMMERCE: Good morning. Good morning, Senators,
15 Assemblymen, and members of the task force. My
16 name is Jeff Greenfield. I'm the real Jeff
17 Greenfield, not the guy on CBS news that uses my
18 name under license.

19 And I'm not--I've appeared before some
20 of the members in Albany on insurance matters and
21 as Chairman of the Nassau County Planning
22 Commission.

23 But, I appear here today in keeping with
24 Tip O'Neill's famous statement, "All politics is

1 Demographic Research and Reapportionment, 2-9-2012

2 local." I'm here as Vice President of the
3 Lynbrook Chamber of Commerce, Vice President and
4 for Government Relations.

5 The Lynbrook Chamber of Commerce works
6 hand in hand to build a better community with the
7 village of Lynbrook. We are the voice. Hold - -
8 . In the middle? - -. Okay. Green for
9 Greenfield. Okay.

10 We worked hand in hand with the village
11 of Lynbrook. We are the voice of the business
12 community, we are obvious on behalf of our
13 members and try to inform the elected and
14 appointed officials in the community of positions
15 relevant to our business community constituents.

16 We have enjoyed a strong working
17 relationship with our public officials because
18 what is good for the chamber is good for the
19 Village of Lynbrook. The prospect of our village
20 being split into two legislative districts will
21 affect the manner in which we operate and govern.

22 Anything that is going to split our
23 village into two districts gives an opportunity
24 for matters pertinent to our constituents to

Demographic Research and Reapportionment, 2-9-2012

become convoluted.

The division would affect our applications for state grants and revitalization projects. It would make it more difficult to deal with the state government, not knowing which legislator to turn to. We implore this body to preserve the totality of our village and our community.

The dividing the village would be dividing us and not allowing us to operate with the unity we strive for. Lynbrook's relationship with our current assemblyman, Brian Curran has deep roots. Before he was our assemblyman, he was our mayor. You heard our current mayor tell you that.

He attended all our meetings in his prior capacity and in his current capacity he has a strong personal investment and bond between the community and the Lynbrook Chamber of Commerce.

We have worked with our Senate and assembly legislative representatives - - as well as [audio gap] concerning downtown revitalization for the dilapidated properties under the Long

Demographic Research and Reapportionment, 2-9-2012

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2 Island Rail Road under the control of the [audio
3 gap]. However, - - are a 100% complete and a
4 change of the district lines will not allow the
5 same focus of energies to see them through
6 completion.

7 We are concerned that these projects
8 that benefit the Lynbrook community will not have
9 the same level of success implementation. But, I
10 urge this task force to consider the needs of our
11 community over the political drawing of lines.

12 Certainly, no good could come from
13 dissecting a close-knit community and diluting
14 resources. In these tough, turbulent [audio gap]
15 we need a better and stronger communications.
16 And we have to force the--a working relationship
17 with our assemblymen and senators.

18 Having two assemblymen serving the same
19 community can lead to disorientation and
20 confusion. Inadvertent as it may seem, we don't
21 want things to fall through the cracks. And we
22 will not get the same level of attention that
23 we'll get from one voice, one leader, one elected
24 official.

Demographic Research and Reapportionment, 2-9-2012

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Please help the Lynbrook Chamber of Commerce continue to serve the community, working hand in hand, building that better community. Thank you very much.

ASSEMBLY MEMBER MCENENY: Thank you. Marcos Maldonado.

MR. MARCOS MALDONADO, CLEAN STREETS COMMITTEE: Dear ladies and gentlemen, of LATFOR, thank you for your time today. I want to start of my time and comments here with the simple statement--

ASSEMBLY MEMBER MCENENY: [Interposing] Excuse me. Please introduce yourself by name and if there's--your representing an organization say so, because this goes into the official record.

MR. MALDONADO: Absolutely. My name is Marcos Maldonado. I'm a resident of Brentwood, New York--lifelong resident. And I come today representing myself as a resident.

So, again, thank you for your time today. And I want to start of my comments here today with a simple statement.

Please keep our communities together.

Demographic Research and Reapportionment, 2-9-2012

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2

Please keep our communities as one voice. And

3

keep our community strong.

4

You see, I am the future of my

5

community, our country, and our great State of

6

New York. And I would like to stress the

7

importance of keeping our political districts in

8

line with our population and demographic trends.

9

Over the last ten years, while the

10

majority of Suffolk County was losing people due

11

to a number of reasons, one region continued its

12

phenomenal growth. Bay Shore, Brentwood and

13

Central Islip, today, now account for over

14

144,000 of the total number of people living in

15

the town of Islip today.

16

Our community is growing more civically

17

minded every day. And while this is not the

18

beginning, it is most--it most certainly will not

19

be the end of our civic consciousness. We are

20

tired of being cut up into different sections to

21

benefit everyone else but us.

22

I currently live in a part of Brentwood

23

that is in every way a part of the greater

24

community, the town and the school district. But

1

2 yet, when I have issues--when I need to have
3 issues addressed in my community--let's say in
4 the Senate--I either have to go to Manhasset,
5 which is the seat of the 3rd Senate District or
6 Babylon, the seat of the 4th Senate District.

7 And while I'm not suggesting that the
8 local officials are completely ignoring my
9 community, I am stating that it is very, very
10 hard for them to pay attention to my community
11 when it is cut up so it is a small piece in
12 different districts.

13 One glaring example, or two, the
14 Heartland Mega-project is located in the current
15 4th Senate District, while the majority of
16 Brentwood is in the 3rd Senate district. That's
17 a \$4 billion project that's going on that has to
18 be decided, you know, by a lot of people there.

19 Also, the Brentwood school district is
20 in two separate senate districts, making advocacy
21 tough when you have to go to two completely
22 different places to advocate for our young youth.

23 I'm not necessarily trying to make this
24 an issue of should we have a minority district.

Demographic Research and Reapportionment, 2-9-2012

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2 But Brentwood is home to a very diverse
3 population. And we all feel, together, that this
4 is an issue of keeping us together, keeping us
5 stronger, and giving us the tools to help make
6 our community gain greater importance, greater
7 empathy, and a greater voice is the only way to
8 ensure that more young people, like myself, are
9 inclined to stay in Suffolk County and in New
10 York State.

11 Bay Shore, Brentwood, and Central Islip
12 contribute greatly to the region and to the
13 entire state. For years, we have shouldered
14 political ambitions, dreams, state mandates,
15 violence, issues with our schools, neighborhoods
16 and every other entity that wants our communities
17 to make a concession for the greater good.

18 Again, I'm asking you all today, to do
19 what we, here in our communities have been doing
20 for you all for years. Let's make a concession,
21 let's move forward into the next ten years with a
22 unified community.

23 Again, please keep our community
24 together, keep our community as one voice, and

Demographic Research and Reapportionment, 2-9-2012

1

2 keep our community strong. I want to stay here.

3 Thank you.

4 ASSEMBLY MEMBER MCENENY: Thank you.

5 David Stonehill.

6 MR. DAVID STONEHILL, ESQUIRE, PRESIDENT,

7 DAVID H. STONEHILL PC: My name is David H.

8 Stonehill--

9 ASSEMBLY MEMBER MCENENY: [Interposing]

10 Press the mic--

11 SENATOR NOZZOLIO: [Interposing] You

12 have to hold the button.

13 ASSEMBLY MEMBER MCENENY: And keep your

14 finger on it.

15 MR. STONEHILL: I'll hold on to it.

16 Suffolk County, what can I say? Okay. No, no,

17 no, no. I like Suffolk. All right. Good

18 morning, everyone. My name is David H.

19 Stonehill. This is my third appearance before

20 this committee. I hope that you have enjoyed

21 your visits to Long Island, just as I look

22 forward to my occasional visits to Albany.

23 I'm speaking today because I wished, as

24 an interested citizen, to make some observations

Demographic Research and Reapportionment, 2-9-2012

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2 regarding the redistricting process as it now
3 stands.

4 I should begin by noting that your
5 committee has unfortunately neglected to schedule
6 a public meeting in Nassau County. Each Long
7 Island county was provided with a hearing last
8 October, as you may recall, and would have been
9 in the public interest have done so again this
10 time around.

11 Long Island is indeed long. And for
12 many a potential testifier or observer a day
13 trip--a day-time trip to this particular venue,
14 as charming as it may be, may have been out of
15 the question.

16 I personally have the interest and the
17 ability to travel anywhere within this state to
18 attend this kind of a forum, but others lack the
19 means to do so.

20 It is also distressing to learn that no
21 public hearings are contemplated regarding an
22 analysis of the redistricted congressional
23 district lines. We expected to vote for our
24 representatives, yet we have no say regarding who

1 Demographic Research and Reapportionment, 2-9-2012

2 their constituents should be. Very ironic, I
3 think.

4 I have previously remarked that
5 following the guidelines established by the New
6 York State Constitution, the latest census data
7 compels us to determine that the composition of
8 the state senate should be 62, not 63.

9 I again defer to the superb examinations
10 of this issue by my colleagues, Paul Evans and
11 Todd Breitbart. This issue will have to be
12 resolved by the court system.

13 The continued expenditure of time,
14 effort, and money, by all concerned could have
15 been employed to better purposed had this
16 committee followed the previous practice in
17 determining the senate's number.

18 I will simply note that the addition of
19 a 63rd senator would entail additional office and
20 staff expenses for the state government. This
21 increased expenditure is supported by a political
22 party, which allegedly advocates a smaller and
23 less intrusive government--another irony.

24 The 63rd senate seat would be allocated

1 Demographic Research and Reapportionment, 2-9-2012

2 Upstate, although the state's population growth
3 is greatest in the downstate area--irony again.

4 However, in my view, a permanent
5 solution to determining the number of state
6 senators would necessitate a state constitutional
7 amendment fixing the number of senators in the
8 same way the assembly is set at 150 members. 60
9 senators is a nice round number and easy to
10 remember. Unfortunately, we still have to get
11 through this round of redistricting.

12 Assuming *arguendo* for the purposes of
13 this testimony that the new redistricted senate
14 should have 63 senators, the way the legislative
15 lines have been drawn presents us with perfect
16 examples of gerrymandering, and why the
17 redistricting process needs thoughtful, unbiased,
18 and independent input.

19 Influential newspapers, such as the *New*
20 *York Times*, *Newsday*, and the *Albany Times Union*
21 have all denounced extreme gerrymandering and
22 have provided relevant examples from around the
23 state.

24 There will certainly be much testimony

Demographic Research and Reapportionment, 2-9-2012

1
2 today regarding Long Island and how the new
3 senate districts ignore communities' and minority
4 needs.

5 Both Nassau and Suffolk counties have
6 potential majority minority areas, which if drawn
7 into a state senate district or two, would
8 further the goal of increased democratic
9 participation in the political process.

10 Ultimately, more ever--moreover, an
11 attempt to preserve the past political
12 arrangement in Long Island will fail, due to
13 demographics. New York State, even Long Island,
14 is becoming more multi-ethnic and multi-cultural.

15 We cannot recreate the Long Island of
16 1960, even if we wanted to. That is why the
17 proposed senate lines do not make any sense.
18 They represent a vanished projection of what Long
19 Island was.

20 The major problem involved with the
21 proposed senate districts, is that they fit in
22 with the low public perception of government and
23 its competency.

24 There is the appearance of cynical

Demographic Research and Reapportionment, 2-9-2012

1
2 political manipulation of the process in order to
3 perpetuate power. The shape of many of these
4 gerrymandered districts invokes amusement,
5 because they do not seem rational.

6 This may not be the committee's actual
7 intent, but it certainly seems that way to the
8 general public. Don't believe me? Try some
9 polling of average informed citizens.

10 My suggestion to this committee is to
11 appeal to your enlightened self-interest. Please
12 carefully review these lines, and make the
13 changes you are certain to be informed about
14 today. Let's avoid a veto by the governor, and
15 more litigation.

16 New York State deserves a redistricting
17 process better than this. Thank you for giving
18 me the opportunity to speak today.

19 ASSEMBLY MEMBER MCENENY: Thank you.

20 SENATOR NOZZOLIO: - - .

21 ASSEMBLY MEMBER MCENENY: Yeah. Steve.
22 Steve Labriola, Oyster Bay Town Clerk.

23 MR. STEVE LABRIOLA, TOWN CLERK, OYSTER
24 BAY: Thank you, members of the task force, for

Demographic Research and Reapportionment, 2-9-2012

1
2 giving me the opportunity to be heard on your
3 proposed plan to reapportion the assembly and the
4 senate district.

5 So, I'm here specifically to speak about
6 the proposed plan for the 12th Assembly District.
7 As some of you may know, I had represented the
8 12th Assembly District for four elections, and
9 served with some of you on this board. And so, I
10 certainly do understand and appreciate the very
11 difficult task that you have before you.

12 And it is my hope that the comments that
13 you're hearing throughout New York State are
14 being, are being taken extremely seriously and
15 being taken into that back room. And I hope that
16 it will not be, ultimately, three men in a room.
17 And I hope that you will take into consideration
18 the concerns from my community and the town of
19 Oyster Bay.

20 In particular, you're hearing from many
21 people today from the Massapequas, a community
22 that I represented in Albany. And was very proud
23 to represent a district that for everyone who
24 could see this, it is a picture--what I believe

Demographic Research and Reapportionment, 2-9-2012

1
2 the definition of what a compact district is
3 supposed to look like--that keeps communities
4 together with commonality, same interests,
5 geographically, politically, our schools, our
6 villages, our town, even our county. All
7 represented in this one beautiful district.

8 And now, I see the proposal, in my hand
9 here today, and I really do hope that this is
10 just what you would call the battle lines being
11 drawn and that it will change substantially, and
12 hopefully, to revert to something very similar to
13 this.

14 Because this--I guess I could poke a
15 little fun at it--I looked at the *Newsday*
16 editorial today and the headline was time to be
17 mad and vocal. And although I'm not so sure that
18 I'm mad, and I know that--how this process will
19 play out. I think, ultimately, if these lines
20 are drawn, there are going to be a lot of people
21 that will be mad.

22 But I do think that, as far as time is
23 concerned, we are out of time. And we're running
24 perilously close to a deadline that's been

Demographic Research and Reapportionment, 2-9-2012

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imposed upon us.

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And when I looked in the *Newsday* article, they talk about this looking like a Rorschach Blot. So, I decided to take *Newsday's* test. And I took the district and I looked at and stared at it, tried to come up with something--something relevant that it means. And then, when I turned it upside down, it strangely reminds me of that character ET, who only wanted to phone home.

And I think if this district were to be adopted as it is proposed, many of us will not have a home, geographically and representatively, that would be represented in the New York State Assembly, because our interests will be too diverse to be represented by one member of the state assembly.

And I think there is where the danger lies in adopting something like this. Now, I think the public has come to expect a certain amount of one-upmanship between the parties that are drawing these lines. Think that a certain amount of it is acceptable.

Demographic Research and Reapportionment, 2-9-2012

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But when you're doing things like this, I think that gets people angry. And I think it divides communities. And I think it causes a lack of--for this institution, that I hold personally in the highest--in the highest esteem for what you do.

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And so, I hope that this is really just the first step and that you will come back to a district that more closely represents this, where my friend and colleague, Assembly Saladino does a fine job in representing the suburban interests of Southeastern Nassau County. And I hope that it remains that way.

15

16

Thank you very much for your time and attention.

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ASSEMBLY MEMBER MCENENY: Thank you.

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SENATOR NOZZOLIO: Very good to see you again, thank you.

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ASSEMBLY MEMBER MCENENY: Ken Daly.

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MR. KEN DALY, RESIDENT, SUFFOLK COUNTY:

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Good morning. My name is Ken Daly. I'm here representing myself as a resident of Suffolk County.

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It's the first time I've felt compelled to come and testify at any hearing on any subject. This one here hits home because Senator LaValle is our current senator. And I wanted to come and shed a little light on this that these aren't just lines on a piece of paper to the communities. They're people.

In a time where, you know, most regular guys feel, kind of, disenchanting and disenfranchised, Senator LaValle has gone out of his way to be part of our community and to represent us as a member of the community serving in Albany. Not as someone serving in Albany, but as a member of a community serving in Albany. It's important I make that distinction.

I wanted to tell a personal story from a different angle. So when you guys are looking at this--ladies and gentlemen, are looking at this--there will be more of a personal touch, I hope.

I run a business on Long Island for 30 years. We have health insurance and everyone knows the pitfalls of that. We had a situation recently where our health carrier decided to

Demographic Research and Reapportionment, 2-9-2012

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2 cancel us. They weren't really allowed to, and,
3 you know, we were a little guy fighting a big
4 guy.

5 And as a last resort I called Ken
6 LaValle's office. Not only did he fight on our
7 behalf, he copied us on the emails, he let us--
8 his staff let us know every day what--that, you
9 know, they were working on this, that it was a
10 really important thing for him that the 62 souls
11 that are insured by this policy were taken care
12 of.

13 So, I wanted to come here to today and
14 be brief, and just tell you that to a regular
15 working class guy in the community, I don't
16 pretend to understand the politics and the
17 reasons why these redistrict things need to
18 happen.

19 But, I do understand one thing, in all
20 the years I've been in business, and all the
21 years I've worked in Suffolk County, it's really
22 important to have a personal touch and to have a
23 community attached to these districts.

24 And I just wanted to make that statement

Demographic Research and Reapportionment, 2-9-2012

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here today. And I appreciate you hearing me.

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Thank you.

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ASSEMBLY MEMBER MCENENY: Thank you.

5

SENATOR NOZZOLIO: Thank you very much.

6

ASSEMBLY MEMBER MCENENY: Charles

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Gucciardo.

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MR. CHARLES GUCCIARDO: Good morning.

9

My name is Charles Gucciardo. I live in

10

Massapequa. I've been a resident of Massapequa,

11

I guess, for the past 42 years or so. We moved

12

there when I was about 12.

13

Listen, we have a lot of people and I

14

have a lot of friends in Massapequa. We have a

15

lot of people that respect our government and the

16

way it's working, and we want to, you know, first

17

thank you for all of your consideration, whatever

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you do.

19

However, we take a look at--and we look

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at what's going on with this. And I just had to

21

come here today to just make a statement. And

22

so, I'm not going to be long. But I do with that

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you'd take this to the bank, so to speak, when

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you go back there and try to make your decisions.

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You know, there's a certain pride that we have as Massapequans. Now, you can say that's a selfish motive or not, but the truth of the matter is, is that the people in Massapequa-- whether it's North Massapequa or South Massapequa, East Massapequa or Central Massapequa--all have this certain pride when we say that we're from Massapequa.

Why is that? Because the community that we live in is cohesive, and even the people from north of the track, south of the tracks or wherever they are, are all of the same opinions when it comes down to how we want to be governed.

Now, I know people from all over Massapequa. Living there for so long, you just can't help it. And the truth of the matter is that we have common interests. Whether it be our taxes, our library service, the water, the sewer, law enforcement--we have a great police force that takes care of us. We have great fire departments that take care of us. Our library is second to none. And I really give the people of the government credit for putting all that

Demographic Research and Reapportionment, 2-9-2012

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together and keeping it that way.

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But, we need to be able to run to the same individuals, the same people that we have in the past when we need things.

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Now, I understand--and I don't know much about this--and I promise you that I don't have the wisdom to tell you how to do these things. I give--my hat is off to all of you who can figure out how to run this government. I don't have that capacity.

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But, I do know that in Massapequa Park where I original came from 42 years ago--where my father still lives and my sister still lives, and most of my friends also live--that we don't need to have, if you will, to have our government in Massapequa Park split up. And that's one of the things that's going to happen here.

19

20

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23

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I don't know how that makes things easier. All I know about government is is that it's become very, very complex. And the needs of people to voice their opinion to get it done, through the people that they elect is getting more and more complex. And it makes it harder

1 Demographic Research and Reapportionment, 2-9-2012

2 for us to understand where we're going.

3 Listen, I feel bad for my children who
4 are now 15, 12, and 10--where they're going in
5 this community. How you going to be able to
6 afford to live the way we live? To have the
7 dream that my father had for me to be here, for
8 me to have the same for my child--my children.

9 Now what does that have to do with
10 anything? Let me tell you. If we can't have the
11 people who are taking care of our politics, and
12 the people who we elect, that we can get to and
13 know where we're going with this, then it's going
14 to make it that much more difficult for us to
15 stay here. You know, more and more people are
16 moving out of Long Island. More and more people
17 are moving out of New York State. We can't have
18 this. I don't know what's going to happen in the
19 future, but it doesn't look good to me. So most
20 respectfully, I ask you to take all of this into
21 consideration. Once you divide this, once you
22 put all of this in different divide, you're
23 taking the cohesiveness of a community, and
24 you're destroying it. Most respectfully to all

Demographic Research and Reapportionment, 2-9-2012

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of you, when you do this, if the needs of the

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Massapequans are united, and they are, our water

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ways, the difference between the North Shore and

5

the South Shore, people that live here, that use

6

our water ways, our beaches, the whole nine

7

yards, if all of that becomes mashed in with

8

somebody from the North Shore, or the communities

9

form the North Shore, there is different

10

environmental concerns. There are different

11

neighborhood concerns. There is different

12

traffic concerns. I heard something here

13

earlier, that it takes 25 minutes, you have to go

14

25 miles, took an hour and 10 minutes or so to

15

get from the South Shore to the North Shore.

16

That's absolutely true. And I do appreciate, and

17

I love Upstate New York. It's a whole different

18

ball game up there. It really is beautiful. And

19

you can have, and you need the people of

20

different districts and different counties in

21

order to be, you know, to have the requisite

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votes. However, down here, this place has gone

23

from, Massapequa has gone from when I first moved

24

out there, where a lot of the land was still

Demographic Research and Reapportionment, 2-9-2012

1 swamp and being filled in, to a major concern.
2 This, Massapequa is just a major concern in the
3 state of New York. And I've got to tell you
4 something. I'm very proud of the leaders that we
5 have and what they're doing. But in any event,
6 listen, I don't want to take up anymore of your
7 time. I speak for the people that I know. I
8 know a lot of people in Massapequa. I can't help
9 it. I've been there for a long time. The needs
10 of the people are similar. Our desires to be
11 represented are similar. There is no reason to
12 chop this thing up. And with, from the bottom of
13 my heart I ask you most respectfully to consider
14 that everyone that I know from Massapequa is of
15 the same opinion that I am. And I don't
16 represent anybody, but I can tell you what their
17 concerns are. I thank you very much for the
18 opportunity to speak, and I wish you, really, the
19 best of luck in this endeavor. I'm glad I'm not
20 you.
21

22 ASSEMBLY MEMBER JOHN J. MCENENY, CO-
23 CHAIR, NYS LEGISLATIVE TASK FORCE ON DEMOGRAPHIC
24 RESEARCH AND REAPPORTIONMENT: Thank you.

Demographic Research and Reapportionment, 2-9-2012

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2 MALE VOICE: Thank you very much.

3 ASSEMBLY MEMBER MCENENY: Robert
4 Summerville [phonetic], Robert Summerville,
5 Violet Smith.

6 MS. VIOLET SMITH: - - hello.

7 MALE VOICE: - - the button. Make sure
8 - - . There you are.

9 MALE VOICE: And hold it.

10 MALE VOICE: Hold it.

11 MS. SMITH: Hello.

12 MALE VOICE: - - hold it.

13 MS. SMITH: Oh, I got it. Okay, good
14 morning everybody. My name is Violet Smith. I
15 am a resident of Brentwood. I've been living in
16 Brentwood for over 20 years. I don't see myself
17 as a, don't laugh; but I don't see myself as a
18 black person, a minority. I see myself, you
19 know, as a resident of Brentwood. That being
20 said, I do believe that, you know, our Senators
21 and our representative are listening to us, not
22 as a Black person, or as a minority person, as a
23 Hispanic person, but as a Long Island resident, a
24 Brentwood, whether it's Brentwood, Bay Shore or

Demographic Research and Reapportionment, 2-9-2012

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CI, it really doesn't matter. I have never been

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to any of these offices where they identified me

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as this label that, I really feel that, you know,

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this has become a racial issue. They are making

6

it a racial issue. As, when I think that, you

7

know, it's, it's a community issue. It's a, it's

8

issues that we are all concerned about, whether

9

we are black, whether we are white or Hispanic,

10

the issues really are the, you know, the job in

11

the community. The issues are our schools. The

12

issues are our, you know, taxes, quality of life.

13

It's not a racial issue. It's a Long Island

14

issue. So our Senators have been fighting, you

15

know what I mean, for the same issues without

16

separating, you know, Hispanic, White or Black,

17

all right. And also, there is an assumption

18

that, you know, Black and African American and

19

Hispanic, you know, when it comes to voting, that

20

we all vote for the same thing. As a minority

21

person, you know, as a African American, you

22

know, woman, I think, you know, that is not as

23

true as they want us to believe. We can see the

24

example in the election in 2008, where the

Demographic Research and Reapportionment, 2-9-2012

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majority of Hispanic vote went to Senator, you

3

know, Clinton, and the majority of African

4

American vote went to former Senator, current

5

President Obama. So I don't want to make this,

6

you know, I don't agree for this to be a racial

7

issue. I don't want to be divided. We have

8

fought, you know, in our society, you know, for

9

so long, for, for the unity, for our community to

10

be one voice, okay, that being, you know, African

11

American, Hispanic or White. Now I feel that,

12

you know, I mean the, we, we want, they're going

13

to separate us like, you know, I mean, okay,

14

like, go back, you know, I mean, to being the

15

little group, Hispanic and Black, rather than

16

being a full community of Long Island. It's

17

about Long Island. It's not really about, you

18

know, our race. And I don't agree with it, okay.

19

So I would like, you know, I mean, to support the

20

non-division of this, you know, I mean, of our

21

community. I do not want our community to, to,

22

to divide. I don't want to be seen like, you

23

know, I mean, the, oh this is the minority group.

24

This is the Hispanic group. Oh this is the

Demographic Research and Reapportionment, 2-9-2012

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quote, unquote, White group, okay. I don't want

3

that. We are one community no matter what our

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race is okay. Let's make our Senators,

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Assemblymen, all our elected officials

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accountable, okay. Let them, you know, I mean,

7

hear all our voices, not just like, you know, I

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mean, oh, okay, so you don't listen to us. We'll

9

make our little own group. That's again separate

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us again. I don't want to be separated. My

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community doesn't want to be separated. We want

12

to be one voice. And we want whether we

13

represent by our, somebody of our race, or

14

somebody, or which, regardless of race, we want

15

to be heard for who we are, the person, the

16

resident we are, mother, okay, or a teacher,

17

whoever, a father, you know, a coach, you know,

18

that work with our kids. I, I've been coaching

19

in the community of Brentwood, you know, I mean,

20

for the soccer club for 17 years, okay. And I've

21

seen it all, you know, whether they are White,

22

Hispanic, or Black, we all have one problem, the

23

concern for our kids' education, the concern for

24

our kids' future, okay. And I have, I have

Demographic Research and Reapportionment, 2-9-2012

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2 coaches that are, you know Caucasian. I have
3 coaches that are Black, that are African
4 American. I have coaches that are Hispanic. And
5 we all have one concern. Let's make our elected
6 officials accountable for all of us. Don't
7 separate us. That's what I would like to say on
8 behalf of my community, Brentwood and a Long
9 Island resident. And as what they would call an
10 African American woman, okay, thank you very much
11 for the time.

12 ASSEMBLY MEMBER MCENENY: Thank you.

13 MALE VOICE: Thank you very much.

14 ASSEMBLY MEMBER MCENENY: Gil
15 Bernadino.

16 MR. GIL BERNADINO: Good morning, oh,
17 okay, my name is Gil Bernadino. I am the founder
18 and the Secretary Director of - - , a non-profit
19 organization established over 30 years ago with
20 offices in Long Beach and Hampstead. Our
21 organization offers the community over 20
22 different programs, including educational
23 programs, domestic violence services, HIV/AIDS
24 and health programs, - - services and youth

Demographic Research and Reapportionment, 2-9-2012

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services. These programs reach many thousands of

3

residents from National County, including

4

Hispanics, as well as non-Hispanics. In 2010 our

5

organization celebrated the opening of a center,

6

a green facility of over 33 thousand square feet.

7

This facility, built in Hampstead, is the first

8

facility of its kind in the United States, and

9

the first community based organization to have

10

achieved gold status for this lead facility. In

11

addition, three years ago, our organization

12

sponsored - - Charter School, offering public

13

school, serving elementary school children

14

English - - to five. This center helps hundreds

15

of national - - Hispanics and non-Hispanics as

16

well, youth and adults every year. So now that

17

you know something important about what I do, and

18

the organization I represent, I want to tell you

19

why I'm here. It happens that the organization

20

was established over 30 years ago in the ninth,

21

New York State Senatorial District. This

22

district has selected our current New York State

23

minority leader, Dean G. Skelos, as a Senator for

24

more than 25 years. Within all these years,

Demographic Research and Reapportionment, 2-9-2012

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2

Senator Skelos has supported programs and

3

projects that have benefited, have helped the

4

National County Hispanic community, as well all

5

Long Island communities. The center I just

6

mentioned began with a seed grant of \$1.5

7

Million, from Senator Skelos. This happened over

8

15 years ago where Hispanic cultures, needs and

9

aspirations were not popular, and we did not

10

count as Hispanics in Long Island, for Long

11

Island community leaders. We Hispanics were not

12

invited to the table at all for anything. We

13

simply did not count. Senator Skelos, by his

14

actions to support Hispanic cultures many years

15

ago, when it was not popular to do so, took a

16

political risk by providing support for the, to

17

the National County Hispanic community needs.

18

Senator Skelos actions to support our center, as

19

well as other Hispanic causes, will impact

20

hundreds of individuals and families - - for many

21

generations to come. In my experience, I know of

22

no other elected official in National County,

23

that has supported Hispanic causes for so many

24

years in so many ways. His leadership has been

Demographic Research and Reapportionment, 2-9-2012

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2 important to our community, and for this reason,
3 I support Senator Skelos and LATFOR proposal,
4 Senate, Estate Senate decision for Long Island.
5 Thank you for your attention.

6 MALE VOICE: Thank you.

7 ASSEMBLY MEMBER MCENENY: Thank you very
8 much, Manny Vidal Junior.

9 MR. MANNY VIDAL JR: Hello, my name is
10 Manuel Vidal. I'm a Bay Shore resident. I'm
11 here to testify in support of the proposed state
12 senate district, redistricting lines. My review
13 doesn't show much of a change for my district.
14 I'm between the third and the fourth. My current
15 Senator is Owen Johnson. Without no question,
16 he's always been around to hear our problems, to
17 pay attention to us, and each and every one
18 person in the community and stuff. It's always
19 easy to get in touch with him. He's not, he's
20 no, he's been great with us, really. Also,
21 standing witness to Owen Johnson, and the lines
22 that they, the way they are, we have Owen Johnson
23 and Lee Zeldin. They are both very community
24 oriented. We have two people to go to when we

Demographic Research and Reapportionment, 2-9-2012

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need somebody. The lines don't really change so

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I really feel that the change won't be that major

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to us. And I'm short and sweet and I really

5

appreciate it. Thank you very much.

6

ASSEMBLY MEMBER MCENENY: Thank you,

7

Bessie Ortega.

8

MS. BESSIE ORTEGA: Having my little one

9

here, you know I'm very happy that I'm up next.

10

I only had so many Cheerios. My name is Bessie

11

Via [phonetic] Nueva [phonetic], and I am a

12

resident of North Bay Shore, and I have, I am a

13

homeowner, and I am representing myself, and I

14

have been a resident in the community for about,

15

I would say a little over 23 years I've owned my

16

home there. And I also, at the beginning of my

17

career, worked for a non-profit organization that

18

served both third and fourth district. And I do

19

understand that there is talk currently of

20

changing the current lines to, redrawing the

21

lines, and I have come to testify that I am

22

against redrawing the lines. I have seen out of

23

my whole time that I have been living in North

24

Bay Shore, I have seen the growth, and I have

Demographic Research and Reapportionment, 2-9-2012

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seen the, both senate offices give to the

3

community and hear the community concerns. Back

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then when I did work as a non-profit

5

organization, they were very much involved in

6

community needs. And as you all know, both

7

Brentwood, North Bay Shore, and Central Islip,

8

those are high need communities, and they were

9

there. They were there listening to our

10

responses and providing services as needed, and

11

supporting local non-profit organization. The

12

non-profit organizations that are located in

13

those areas are very grass root organizations.

14

They are not, they don't have those big bucks to

15

pay those lobbyists to go to Albany. They are

16

very grass roots. They solely depend on the

17

voice of the people in the community, and the

18

senators and political representatives that serve

19

the communities. Now, as a mom at home, my

20

biggest concern, as another mom spoke before form

21

Brentwood, is my school district, is my

22

neighborhood, is my community where my children

23

grow and we live in. And I have to say that I do

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not feel as a mom that I am not heard. When I do

Demographic Research and Reapportionment, 2-9-2012

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call the offices and I have questions about some of the things I'm hearing or things that are going on, I do feel that I'm represented. I do see the benefit of having two offices involved, because when it comes to pooling funds for community projects, such as the wastelands that they recently invested monies in, across from Suffolk Community College, which is now a soccer field, which is a safe soccer field, which at one point was like an illegal soccer field, people were just going there, now it's fenced in; it's clear; it's an area where families who enjoy the sport can go to. And that was done possible by offices pooling money together, two offices. It was simple. There was good communication. It was done. That's what I want to see in my neighborhood, I want to continue to see. I feel that if we are redistricting, I am afraid that we are going to lose a voice. As a Hispanic woman, I do not feel that I am under-represented in any shape, way or form. I feel that my kids are represented. I do, as another mom said, I do not feel that this is a racial issue. I, my children

1 Demographic Research and Reapportionment, 2-9-2012

2 in the school districts, they do not feel that
3 they are segregated or mistreated in any shape,
4 way or form. The lines should stay as they are.
5 There is nothing wrong with them. If it isn't
6 broke, don't fix it. Thank you for your time.

7 ASSEMBLY MEMBER MCENENY: Thank you, Dr.
8 Andrew Beveridge. Good afternoon.

9 DR. ANDREW BEVERIDGE: Good afternoon,
10 my name is Andrew Beveridge. I live in Yonkers,
11 and I'm a professor of Sociology Queens College,
12 and the Graduate Center of CUNY. I'm also a
13 President and Co-founder of Social Explorer,
14 which supplies data to a large range of clients
15 through a web-based service. Since the early
16 1990s, I've been involved in redistricting in New
17 York State. In 1993, I assisted in drawing the
18 plans for the Yonkers City Council. In 2003 I
19 assisted with the new plan for the Yonkers City
20 Council. This year I helped draw the plans for
21 the Westchester County Board of Legislators and
22 the New York - - City Council. I've also been
23 involved in redistricting litigation. I was an
24 expert witness, the successful suit against the

1 Demographic Research and Reapportionment, 2-9-2012

2 town of Hampstead, which resulted in drawing
3 districts for the first time. I was an expert in
4 the challenge to the current state senate lines,
5 2002 to 2004. I was an expert witness in the
6 successful litigation against - - in 2003/2004,
7 and against the village of Port Chester in 2009.
8 I testified in a case involving the Suffolk
9 County Board of Legislators in 2002, and assisted
10 in redistricting Nassau County in 2003. I was
11 also involved in the 2011 federal court challenge
12 to the proposed district lines Nassau County, now
13 suspended by a state court ruling. Today I rise
14 to analyze the proposed state senate plan from a
15 voting rights perspective. I've compared the
16 plan to the current lines, which were adopted in
17 2002, and updated the demographic information to
18 use current data. I also compare the proposed
19 plan to that proposed by common cause, to that
20 proposed by the so-called Unity Group, and to
21 another plan crafted by Todd Breitbart
22 [phonetic], who gained expertise in redistricting
23 while working for the State Senate Majority for
24 many years before he retired. I should note all

Demographic Research and Reapportionment, 2-9-2012

1
2 of the block assignments of these plans are
3 publicly available, but if you have trouble
4 getting them, we can, I'm certain we can
5 facilitate that.

6 MALE VOICE: Excuse me, I thought I
7 heard you indicate that Mr. Breitbart worked for
8 the Senate Majority.

9 DR. BEVERIDGE: Minority, for many years
10 before he, he retired. It said minor-, I said
11 minority. At the White Plains hearing, I called
12 upon - - 40s, citizens of voting age population,
13 rather than voting age population, for all their
14 calculations with respect to the Voting Rights
15 Act for this round of redistricting. Despite the
16 fact that using voting age population plainly
17 includes many people who cannot legally vote, as
18 many as two-thirds in some cases, LATFOR and
19 majorities of both houses have apparently
20 continued to use VAP, event though C-VAP, the
21 Citizen of Voting Age Population was adopted in
22 the last round of litigation about the state
23 senate plan itself, as well as by federal courts
24 reviewing plans for - - , Porchester and Suffolk

Demographic Research and Reapportionment, 2-9-2012

1

2

County. When one uses a standard based upon C-

3

VAP, where a minority group is in the majority,

4

often considered a minimal standard for showing

5

that a district has an effective majority,

6

effective majority of a minority group the

7

results are very telling. First, with respect to

8

non-Hispanic African Americans, or black

9

population, all five plans analyzed, create seven

10

districts with an effective majority. However,

11

when one uses C-VAP to examine the number of

12

Hispanic districts with an effective majority,

13

the plans vary greatly. The proposed plan has

14

two Hispanic districts both in the Bronx. The

15

third plan has two Hispanic districts both in the

16

Bronx. The Common Cause Plan has three Hispanic

17

districts, two in the Bronx, and one in Queens.

18

The Unity Plan has three Hispanic districts in

19

the Bronx, and the Breitbart [phonetic] Plan has

20

two Hispanic districts, using the 2005 to 2009

21

ACS C-VAP, but has five using the more up to date

22

2006 to 2010 C-VAP data. Plainly this

23

demonstrates that an array of plans exist that

24

goes much further towards protecting Hispanic

1 Demographic Research and Reapportionment, 2-9-2012

2 minority voting rights, than the proposed Senate
3 plan. And I haven't yet had time since the plans
4 were released very recently, to analyze the
5 Assembly Plan. It's now clear why those
6 proposing the Senate Plan have chosen to confuse
7 matters by not using the appropriate standard.
8 When one looks at the potential for coalition
9 districts between African Americans and
10 Hispanics, the proposed Senate Plan has one such
11 district, as does the current plan. The Common
12 Pause Plan creates two such districts, one of
13 which is in Nassau. The Breitbart Plan creates
14 four such districts, including one in Nassau, and
15 one in Westchester County. I understand that
16 there has been an assertion that there is no
17 evidence of coalition between Hispanics and
18 African Americans in Long Island or Nassau
19 County, so therefore such a plan should not be
20 drawn. However, working on the litigation
21 regarding the Nassau Board of Legislators, there
22 was ample evidence--

23 MALE VOICE: [Interposing] - - .

24 DR. BEVERIDGE: Yes, I'll be done in

1 Demographic Research and Reapportionment, 2-9-2012

2 about one minute, or less, that Blacks and
3 Latinos who live near one another vote together.
4 That was further demonstrated that when African
5 Americans and Latinos together helped cause the
6 defeat of an incumbent member of the Nassau
7 Board. In sum, the current proposal does much to
8 diminish the voting power of Hispanics, as well
9 as Hispanics and Blacks living near one another.
10 In short, it is depriving these groups of their
11 rights. I expect that the plan eventually, that
12 eventually goes into effect will not engage in
13 these blatant denials of rights. Instead, the
14 plan the eventually comes into effect will be the
15 result of a veto by the governor and, or a - -
16 that will not trample on the voting rights of
17 minorities. And I have appended to the data of
18 my analysis of all five plans. Thank you very
19 much.

20 ASSEMBLY MEMBER MCENENY: Thank you very
21 much. Alisha--

22 MALE VOICE: [Interposing] I think I
23 have a question.

24 ASSEMBLY MEMBER MCENENY: Oh, I'm sorry.

Demographic Research and Reapportionment, 2-9-2012

1

2

Sir, Senator Dilan has a question.

3

4

5

6

SENATOR MARTIN MALAVE DILAN: Yeah, you mentioned that you were involved in the Nassau plan. Can you very quickly explain to me what happened there?

7

8

9

10

11

12

13

14

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16

17

18

19

20

21

DR. BEVERIDGE: Well what happened in the Nassau situation was that we had filed a federal case on voting rights, and there was also a case going on with respect to whether or not they'd violated the charter the way they'd draw the lines. And eventually the Court of Appeals, the highest court in the state, ruled that they had, and so they kept the current lines in place. So the case is currently suspended, and if the, if the law, you know, if, depending on how they ultimately draw the lines, it may come back into, into play. And one legislator who actually would, was representing this kind of mixed district lost and was replaced by a person who actually is of mixed, minority descent.

22

23

24

MR. WELQUIS LOPEZ, NYS LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT: Let me ask you a question, - -

1

2

?

3

DR. BEVERIDGE: I think it's three.

4

It's the one over by--

5

MR. LOPEZ: [Interposing] - - .

6

DR. BEVERIDGE: Yeah.

7

MR. LOPEZ: - - voting - - have a

8

statistic about that right.

9

DR. BEVERIDGE: Well, the, the expert in

10

the case who did the voting rights analysis,

11

which is Michael McDonald, who is at CUNY - - who

12

actually also did the voting, the voting analysis

13

in the case, the original Goosby case, the case

14

that forced Hampstead to withdraw the lines, and

15

then, so he did the analysis, and yes that is

16

what we found. And the second point is that

17

Robert Smith, who worked on what are called the

18

Senate Factors in that case is a prior award

19

winning, wrote an award-winning book on Hispanic

20

immigrants in the New York Metro area, also found

21

that based on his work on the ground. So in

22

fact, in areas where Hispanics and African

23

Americans are nearby one another, they do in fact

24

vote together. So the idea that there is not an

Demographic Research and Reapportionment, 2-9-2012

1

2

ability for coalition reform is wrong.

3

MR. LOPEZ: I understand what you're

4

saying; but you're saying that in that district

5

Hispanic voted. And that district, if I'm not

6

mistaken, is very Caribbean.

7

DR. BEVERIDGE: It's Caribbean and

8

Hispanic.

9

MR. LOPEZ: Right, so you have

10

statistics that show--

11

DR. BEVERIDGE: [Interposing] Yeah, we

12

do have those--

13

MR. LOPEZ: [Interposing] Can you

14

provide me the statistic?

15

DR. BEVERIDGE: I don't have them.

16

Robert, we can get them for you.

17

MR. LOPEZ: Thank you.

18

DR. BEVERIDGE: Okay.

19

SENATOR MICHAEL F. NOZZOLIO, CO-CHAIR,

20

NYS LEGISLATIVE TASK FORCE ON DEMOGRAPHIC

21

RESEARCH AND REAPPORTIONAMENT: Senator Dilan

22

still has the floor.

23

SENATOR DILAN: Thank you very much.

24

Basically, with respect t your testimony, and

1 Demographic Research and Reapportionment, 2-9-2012

2 with respect to the product that this commission
3 has come out with so far, is there an opportunity
4 here in Suffolk County or in Nassau County for
5 either Latinos or, or Blacks to possibly elect a
6 candidate of their choice?

7 DR. BEVERIDGE: Not at this point, and
8 there could be, nor is there a coalitional
9 district in Nassau Suffolk. But from the
10 Breitbart Plan and the Common Cause Plan, the
11 Unity Plan didn't, the Unity Group did not go
12 outside of the city limits of New York City, but
13 both the Breitbart Plan and the Unity Plan do in
14 fact draw such a coalitional district in Nassau
15 Suffolk.

16 SENATOR DILAN: That's either respect to
17 the assembly or--

18 DR. BEVERIDGE: [Interposing] Senate.

19 SENATOR DILAN: --the Senate.

20 DR. BEVERIDGE: Actually, so far, all
21 we've done is, all I've been able to analyze is
22 the Senate. So this, these are all about the
23 Senate. There are, there is a Common Cause Plan
24 and a Unity Plan for, and I believe the Common

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1

2 Cause people are here. So they're going to
3 discuss their plan. They have a plan for the
4 Assembly, the Senate and Congress, and I think
5 Unity does as well. I haven't had the chance
6 really to analyze those plans. But I, you know,
7 I'm planning to.

8 SENATOR DILAN: Okay, thank you.

9 MS. DEBRA LEVINE, CO-EXECUTIVE DIRECTOR,
10 NYS LEGISLATIVE TASK FORCE ON DEMOGRAPHIC
11 RESEARCH AND REAPPORTIONMENT: - - .

12 MALE VOICE: Okay.

13 ASSEMBLY MEMBER MCENENY: Thank you,
14 Alicia Figares [phonetic], Figares, Alicia
15 Figares, Leah Jefferson, Leah Jefferson, Roderick
16 A. Pearson.

17 PASTOR RODERICK A. PEARSON: Good
18 afternoon, my name is Pastor Roderick A. Pearson.
19 I am President of the Islip Town NAACP, and a
20 resident of the town of Islip. Members of the
21 Legislative Task Force of Reapportionment, I
22 would thank you, would like to thank you for the
23 opportunity to address you, and some concerns
24 which are echoing throughout the Black and

Demographic Research and Reapportionment, 2-9-2012

1

2

Hispanic community, and communities of color in

3

reference to the proposed lines which have been

4

drawn thus far. Our community has become

5

educated and more engaged in this process of

6

redistricting and reapportionment, so much so

7

that we are, that we vehemently reject the

8

proposed lines and ask Governor Cuomo to vote, to

9

veto these lines and demand from you a fairer and

10

a just proposal that give all people,

11

particularly communities of common interest, a

12

more equal voice, and more equal representation.

13

The proposed maps for the fourth and third senate

14

legislative districts, do not afford Blacks and

15

Hispanics fair and equitable representation. The

16

large and growing African American and Latino

17

population in Nassau and Suffolk are consecrated,

18

are concentrated in the same villages and

19

hamlets. Districts' boundaries that divide one

20

group, diluting its voting power, divide both.

21

The African American and Latino communities have

22

been systematically split each time the senate

23

district boundaries have been redrawn after the

24

census. Today we draw the line against the

Demographic Research and Reapportionment, 2-9-2012

1
2 gerrymandering of our communities, particularly
3 in Brentwood, Central Islip, Bay Shore, Wine
4 Dance and Wheatley Heights. The efforts to
5 dilute and disenfranchise Black and Latino
6 voters' needs needs to cease and it needs to
7 cease now. February is the month that America
8 celebrates Black history. While our story has
9 much to celebrate, it is also filled with painful
10 lessons, and at times, dreadful sacrifices of
11 many who gave their lives for the price of
12 freedom. Today we are still facing forces who
13 seek to oppress us and take away our voice. The
14 New York Senate proposed district, redistricting
15 plan is another example of the pain and struggle
16 we still face. Slavery demoralized us and kept
17 us divided and powerless. While most laws
18 prohibit slavery, except for the punishment for a
19 crime in the 13th Amendment, which means that the
20 prison industrial system is modern day slavery
21 geared towards keeping us in chains.

22 [Applause]

23 PASTOR PEARSON: Don't, don't mess with
24 my five minutes.

Demographic Research and Reapportionment, 2-9-2012

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2

[Laughter]

3

PASTOR PEARSON: Then there is the

4

system of gerrymandering, which keeps us divided

5

and takes away our voice politically, giving a

6

particular party an unfair advantage over

7

another. This impacts the reallocation of

8

resources for infrastructure, education, health

9

care, and much more for our communities.

10

Redistricting is supposed to draw voting lines so

11

that each community will have fair and equal

12

representation. The reality is that lines get

13

drawn to favor incumbent elected officials, and

14

weaken the voting powers of minorities. As for

15

the Black and Hispanic communities in Islip, our

16

voting base is split both within, and between the

17

third and fourth New York State senatorial

18

districts, thus weakening our vote.

19

Gerrymandering is not new. It has been around

20

since biblical days when Moses warned the people

21

of Israel as they reached the Promised Land that

22

they shouldn't cheat their neighbors by moving

23

the landmarks to give themselves more land and

24

their neighbors less. Solomon wrote in the book

1 Demographic Research and Reapportionment, 2-9-2012

2 of Proverbs 22 and 28, remove not the ancient
3 landmarks, which thy fathers have set. The
4 proposed voting lines split Central Islip,
5 Brentwood and North Bay Shore, and therefore give
6 us an unfair disadvantage. We propose that the
7 lines should be redrawn to give these communities
8 of color, along with Wine Dance and Wheatley
9 Heights, a greater collective voting power.
10 Thank God for the Voting Rights Act, which has
11 changed the political climate, particularly in
12 the segregated south, in states like Alabama,
13 Georgia and Louisiana. Because of the Voting
14 Rights Act, there is a greater proportion of
15 Black and Hispanic elected at every level of
16 government, including the highest office in
17 America, held by our President, Barrack Obama.
18 The goal of section two of the Voting Rights Act
19 is to eliminate discriminatory election practices
20 and procedures, including the drawing of
21 electoral districts to minimize the significance
22 of minority voters, and thus take away their
23 right to elect persons who support their best
24 interests and concerns.

Demographic Research and Reapportionment, 2-9-2012

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2

SENATOR NOZZOLIO: - - .

3

PASTOR PEARSON: I at the end. I'm at

4

the end. I'm asking you the members of this

5

Legislative Task Force, to follow and respect the

6

Voting Rights Act; two, to respect communities of

7

interest, respect where people live and don't

8

split communities; number three, respect Black,

9

Hispanic and Asian America communities, and not

10

cut them for political gains. Even if

11

communities cannot make up the majority in a

12

single district, draw the line - - communities

13

are, and where the people live. Be transparent

14

about your redistricting decisions; and please

15

don't pass another proposal, a political

16

gerrymander, which Governor Andrew Cuomo has

17

already said he would reject and veto. Give

18

African Americans, Latino and Hispanic Americans,

19

Asian Americans and all Americans equal and free

20

representation. Let the segregated north of

21

Suffolk County begin to look like the reformed,

22

desegregated south. Let's build a stronger New

23

York. God bless you; God bless New York; and God

24

bless the United States of America.

Demographic Research and Reapportionment, 2-9-2012

1

2

[Applause]

3

ASSEMBLY MEMBER MCENENY: Thank you,

4

thank you very much, Richard McGrath.

5

MR. RICHARD MCGRATH: Oh there we go.

6

Richard McGrath, I live in Huntington Village.

7

Speaking as a private resident, I know it's

8

outside your purview, but my first takeaway is to

9

get a microphone with a green button that stays

10

on. But anyway, I appreciate very much the

11

opportunity to address the Task Force. I happen

12

to be in Senator Carl Marcellino's fifth

13

senatorial district, and personally, Carl

14

Marcellino has done a wonderful job. He's very

15

accessible, and, and so far, it's, it's been a

16

great relationship, you know, between him and his

17

constituents. I'm going to be a little unusual

18

here in that I'm going to speak in favor of, of

19

the Task Force maps that you have proposed, and

20

I'm going to explain why. I mean, obviously, you

21

have an impossible job. You have to take

22

population shifts, and you have to change maps,

23

which is never going to be easy, all right. But

24

I'm going to explain why I think the key building

Demographic Research and Reapportionment, 2-9-2012

1

2

block, for me, personally, why I think you did a

3

great job in the fifth, is to me, the key

4

building block, we talked about a lot of

5

different things, but it's school districts okay.

6

When I think about what my state representatives

7

do for me, it's primarily educational. That's

8

the number one thing when I think of Marcellino.

9

You always think school funding, you guys are it,

10

everything goes through, through Albany, the

11

mandates, the fact they're not funded, okay,

12

state aid, or the lack thereof, or test, the, the

13

testing standard. When you think of state

14

representatives, what you do, you do a lot, but

15

that's the main thing that comes to me okay. And

16

when you drew this map, in my particular case,

17

some people are going to have different opinions,

18

I'm in a, I happen to be on the Huntington School

19

Board. I'm here speaking on behalf of myself,

20

nothing to do with the school board. But my

21

experience as I look at the map is, Huntington is

22

solely still with Carl Marcellino. And the

23

school districts we interact a lot with, probably

24

like many other school districts, are your

Demographic Research and Reapportionment, 2-9-2012

1

2

neighbors. So I look to my south, down in South

3

Huntington, which has similar challenges. They

4

too have Carl Marcellino under the proposed map.

5

Now I go to the east, I look at Harborfields.

6

They still have Carl Marcellino. Then I go to my

7

west, over to Cold Spring Harbor, which crosses

8

into the magical Nassau County, okay, but they

9

don't care. I mean it's Cold Spring Harbor

10

school district, okay. And they still have Carl

11

Marcellino as the - - . So I think in our

12

particular case, you adjusted it, and you kept in

13

tact that core component. I go to more meetings

14

where it's school districts talking to a Carl

15

Marcellino, as opposed to, before, we talked

16

about the town of Huntington. Town of Huntington

17

has 200,000 people. It's not a whole, it's not

18

real meaningful to me that he, Carl Marcellino

19

represents those 200,000. The building block, I

20

think a more accurate building block is the

21

school districts. Now I've heard of many cases

22

today, if I was in those communities, like

23

Lynbrook, I'm assuming it's the same school

24

district, and to, you know, divide it right in

Demographic Research and Reapportionment, 2-9-2012

1

2

half, or Massapequa, or any of those, you know,

3

I'd have a very different opinion. But I think

4

in the fifth, you did an excellent job. So, you

5

know, I, I think, on, on as far as the senatorial

6

district, specifically the fifth, I'm very much

7

in favor of it. I don't think you could have

8

done much better from my perspective. I was here

9

primarily to speak about that, but Andrew Raia,

10

who is not my Assemblyman, but Jimmy Conte is

11

currently, if I was going to speak about assembly

12

districts on the other hand, I can't say what I

13

just said, 'cause you violated everything I

14

talked about. You know, all of a sudden, my

15

school district who has had Jimmy Conte, you

16

know, half of it does, half of it doesn't. I

17

guess I'd get Mr. Saladino; Andy Raia is wrapped

18

around. So everything I said that was positive

19

on the building blocks of school districts just

20

seems like you violate on the assembly. So I'd

21

be very much against the way you do the assembly

22

maps. But once again, school, if you take a

23

school district and divide it into half, it, all

24

these other things might be bad, but I think

1 Demographic Research and Reapportionment, 2-9-2012

2 that's the worst, okay, thank you very much.

3 ASSEMBLY MEMBER MCENENY: We'd like to
4 send the translator on her way. If there is
5 anyone else here who needs a translator please
6 let us know. [Foreign Language] the translator
7 [Foreign Language].

8 MR. LOPEZ: God, you impress me. That
9 was very nice.

10 ASSEMBLY MEMBER MCENENY: You'd be more
11 impressed if I learned the right word for
12 translator. M.J. Fitzgerald.

13 MR. M.J. FITZGERALD: Good morning, my
14 name is M.J. Fitzgerald, the Chief Development
15 Officer of the Pederson-Krag Center, as well as
16 the President of the Huntington Community
17 Council, a group of 46 Not For Profits in Senator
18 Marcellino's fifth district in the Suffolk
19 County. I'm also the President Elect of the
20 Rotary Club of Huntington. I've lived in his
21 district since Senator Marcellino became our
22 Senator, and I sincerely appreciate this
23 opportunity to address the Legislative Task Force
24 On Demographic Research and Reapportionment. I

Demographic Research and Reapportionment, 2-9-2012

1

2

would like to begin my statement that Senator

3

Marcellino has done an amazing job representing

4

his district and our communities. Our community

5

is very diverse, and he goes out of his way to

6

address various concerns. For example, he

7

initiated efforts and provided leadership and

8

funding for things as diverse as the Anti-Gang

9

Task Force. The task force's goal is to provide

10

early intervention and wrap around social

11

services to children and their families that

12

would be prone to being part of a gang. This has

13

been an effective program and is ongoing. He's

14

been a great supporter of the most vulnerable in

15

our communities. He's helped my agency

16

tremendously over the years. Pederson-Krag Center

17

is an outpatient, not for profit mental health

18

and addiction recovery service provider,

19

something most people don't want to talk about,

20

let alone openly support. On behalf of the 46

21

members, agencies of the Huntington Community

22

Council, Senator Marcellino has helped us get

23

legislation through the state that supports our

24

efforts. He's been generous with us through

Demographic Research and Reapportionment, 2-9-2012

1

2

numerous grants, and by providing information

3

that is critical to us all. He is honest to a

4

fault. Even though we haven't always been happy

5

with his message, you know it's the truth. We're

6

also very active with outreach in the Hispanic

7

community. The Senator also strongly supports.

8

Senator Marcellino was instrumental in helping to

9

launch the Hispanic Cultural Center of Oyster

10

Bay, a community foundation that provides an

11

ambitious after school program. This program is

12

targeted to assist children in the community that

13

come from homes where English is their second

14

language. Another remarkable trait, in my

15

opinion, is his availability to those he serves.

16

I've never heard in all my years as a

17

constituent, or as a member of the Not For Profit

18

community, that someone hasn't been able to get a

19

meeting with the Senator, or that he was

20

unwilling to help. He is responsive to local

21

concerns, and has done an excellent job

22

addressing the issues of all the communities

23

within the fifth senate district. I'm here to

24

testify in support of LATFOR's proposed design

Demographic Research and Reapportionment, 2-9-2012

1
2 for the fifth senate district. Recognizing the
3 population shifts on Long Island during the last
4 10 years, I believe your plan does an outstanding
5 job preserving the existing district as much as
6 possible. For our community, we are all doing
7 less with less. And we do not have the resources
8 or the wherewithal to unnecessarily take the time
9 to educate another elected official about our
10 agencies, and our concerns in the fifth district,
11 when we have Senator Marcellino, who is willing
12 and able to address our concerns. This is
13 important because it enable excellent legislators
14 to maintain the relationships they've built with
15 the local communities in their districts. I've
16 seen the proposed changes to the fifth district
17 by the group Common Cause, and, has proposed.
18 And unlike LATFOR's plan, it fails to respect
19 these longstanding communities of interest and
20 appears to make change just for the sake of
21 change. We fully support LATFOR's proposed
22 redesign for, design for the fifth senate
23 district. However, regarding LATFOR's design for
24 the Assembly, my opinion is quite contrary. My

Demographic Research and Reapportionment, 2-9-2012

1

2

opinion mirrors that of Assemblyman Raia. I'm

3

against the LATFOR plan for the Assembly, thank

4

you.

5

SENATOR NOZZOLIO: Thank you very much,

6

Denise Sandoval, Denise Sandoval.

7

MS. DENISE SANDOVAL, LONG ISLAND

8

PROGRESSIVE COALITION: Hello, my name is Denise

9

Sandoval, and I work with the Long Island

10

Progressive Coalition. I'm a Community Organizer

11

with them. The Long Island Progressive Coalition

12

works towards social, economic and racial justice

13

across Long Island. We are disappointed with the

14

redistricting plan that has been proposed. We

15

believe that the maps are politically motivated,

16

and do not respect the people of Long Island and

17

New York State. We had hoped that New York State

18

would not duplicate the horrible process and plan

19

that Nassau County conducted last year. Our

20

organization is opposed to the proposed FATFOR

21

maps, as we see them in the same category as the

22

gerrymandered maps that the Nassau County

23

Legislature created last year. And that category

24

is maps that blatantly dilute the voting power of

Demographic Research and Reapportionment, 2-9-2012

1
2 minorities and essentially draw existing elected
3 officials out of office. We call on Governor
4 Cuomo to veto this plan. Long Island is one of
5 the most segregated communities in the country.
6 Many people believe that the residents are all
7 rich and white. That is not the case. The
8 changing demographics of the island over the past
9 40 years has been a growing minority community.
10 This new population lives in segregated
11 communities due to the lack of affordable rental
12 apartments and homes. These communities have
13 high tax rates due to the lack of businesses and
14 poor performing school districts. While Long
15 Island has some of the best schools in the state,
16 it also has some of the worst schools in the
17 state. The Long Island Progressive Coalition was
18 hoping for the new maps to include a new minority
19 district in the middle of Long Island. To further
20 illustrate my point, the town of Islip has a high
21 concentration of people of color and immigrants
22 sharing the same socio-economic level, sharing
23 the same high needs school districts, one of
24 those districts being the largest in New York

Demographic Research and Reapportionment, 2-9-2012

1

2

State. This certainly qualifies as a community

3

of interest, as residents in the Brentwood,

4

Central Islip, Bay Shore area share similar

5

interests and priorities, including social,

6

cultural, ethnic, economic and political

7

interests. Low income working class hamlets in

8

the town of Babylon also face similar challenges

9

as a community, and there is a need for unity.

10

The benefits of this area becoming one solid

11

senatorial district are paramount. Please throw

12

out the proposed maps, and instead, use the

13

alternative maps, such as the ones created by

14

Common Cause, which create a minority opportunity

15

district, so that the power of the minority vote

16

in these areas is not diluted, so that we may

17

have the opportunity to run a candidate from our

18

communities, and have a real chance of getting

19

them elected. I live and vote in Brentwood,

20

please do not split my community in half. Please

21

do not approve the maps that dilute my, and my

22

community's voting power. Our community, our

23

community needs unity more than ever. Thank you

24

very much.

Demographic Research and Reapportionment, 2-9-2012

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2

SENATOR NOZZOLIO: Thank you.

3

ASSEMBLY MEMBER MCENENY: Nicholas

4

Ramcharitan.

5

MR. NICHOLAS RAMCHARITAN: Good

6

afternoon members of the Task Force. My name is

7

Nicholas Ramcharitan, and I am a resident of

8

Nassau County, the 18th assembly district for

9

Assemblywoman Arlene Hooper, excuse me, and the

10

sixth, seventh district for Senator Kemp Hannon

11

[phonetic]. The reason I'm in front of you today

12

is to testify before the Task Force in support of

13

the proposed senate district lines. I've read

14

and done much research, and read that some

15

individuals are opposing the plan because they

16

say that the Task Force on Demographic Research

17

and Reapportionment should draw senate districts

18

on, on Long Island that tie together communities

19

in which many Caribbeans constitute a large

20

portion of the population. Now from the

21

information I have come across and read, claim

22

that this should be done to give the Caribbean

23

community a more distinct representation, because

24

they assert that the Caribbeans are a cohesive

Demographic Research and Reapportionment, 2-9-2012

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2 voting block. I'm here to testify that the
3 individuals who claim to speak on behalf of my
4 Caribbean community, and are making these claims,
5 are not only wrong, but unaware of the needs and
6 the consistency of the Caribbean community.
7 First, I'm currently represented by Senator Kemp
8 Hannon. Without question, I can assure the Task
9 Force that he is always responsive to all the
10 needs of his constituents, from which racist - -
11 and more importantly, he knows that the
12 Caribbeans on Long Island, are Long Islanders
13 first. We all share the same concerns, and even
14 though I may be younger than most people, I still
15 have the same concerns about my future, high
16 property taxes, good schools for my future
17 children, quality jobs, and the balance of my
18 current and future quality of life for me, my
19 family and my community. I strong heartedly
20 believe that these are not racial issues. They
21 are Long Island issues, and more importantly,
22 these are human issues. Senator Kemp Hannon has
23 done an excellent job fighting for these
24 important issues, and also being very responsive

1 Demographic Research and Reapportionment, 2-9-2012

2 to the minorities in his district. One need no
3 to look any further than the democratic
4 presidential primary in 2008, when Hispanics
5 heavily voted for former Senator Clinton, while
6 African Americans predominately supported Senator
7 Obama. On Long Island, I can tell you that the
8 Caribbean community has a large, has largely been
9 split in many elections, including those for
10 County Legislature, State Senate, and State
11 Assembly. I know that the organization's common
12 cause has submitted a proposed state senate lines
13 that they say will empower African Americans and
14 Hispanic voters. To embellish on my previous
15 testimony, I think it is also important to note
16 that the Common Cause maps do not create a
17 majority Caribbean district. Instead, they rely
18 on false assumptions, as I mentioned before.
19 Again, thank you for your time, and giving me the
20 opportunity to speak here today.

21 ASSEMBLY MEMBER MCENENY: Thank you, Tom
22 Donnelly, Babylon Town Councilman.

23 MR. TOM DONNELLY, BABYLON TOWN
24 COUNCILMAN: Good morning, am I on? Good, good

Demographic Research and Reapportionment, 2-9-2012

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2

morning Mr. Chairman, members of the committee.

3

I want to just take a few minutes to speak to you

4

this morning, not so much as an elected official

5

from the town of Babylon, but as a Deer park

6

resident. I've been a Deer park resident; I've

7

also served with the Deer Park Fire Department

8

for the better part of 30 years. I've been

9

involved with the Deer Park Soccer Club for over

10

15 years. I have three children in the Deer Park

11

school district as well. While I know that this

12

committee here faces a great many challenges in

13

this assembly redistricting, I specifically would

14

like to speak to you about assembly district

15

number nine. Assembly district number nine as it

16

stands right now is very, very well served by

17

Assemblyman Andy Raia. That being said, this

18

conversation is not necessarily about Assemblyman

19

Raia and the good work that he does. Rather, it

20

is about the mapping and the proposed changes.

21

The Deer Park community would fall towards the

22

east end of another assembly district, just as it

23

did over 10 years ago. As an active member of

24

the Deer park community, when the redistricting

Demographic Research and Reapportionment, 2-9-2012

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2 took place over 10 years ago, we advocated
3 strongly that the Deer Park community should have
4 a better, influential role in how the assembly
5 district line went. You may not know this, but
6 the Deer Park community is home to almost 40,000
7 residents. Within the community itself is the
8 New York State road, route 231. That road is one
9 of the most well trafficked roads throughout New
10 York State. It runs north and south, delivering
11 residents, consumer goods and various other items
12 to different parts of, of our assembly district.
13 Moving our assembly district to another assembly
14 district, we actually feel in the Deer Park
15 community, and I think I speak for most of the
16 civic organizations, the fire department, as well
17 as the school district, is really going to put
18 us, put us, and New York State at a bit of a
19 disadvantage. The other area I just would like
20 to touch on is education. As the dad of a
21 special education child, I well, very well know
22 the strengths and the accomplishments of our
23 special education program in the Deer Park
24 community. A large part of that success is due

1 Demographic Research and Reapportionment, 2-9-2012

2 to the hard work of the ninth assembly district.
3 I implore you as this redistricting discussion
4 goes on, please do not forget my community, the
5 Deer park community. Thank you for your time,
6 thank you.

7 ASSEMBLY MEMBER MCENENY: Thank you
8 Councilman, Commander Joseph McCarthy.

9 COMMANDER JOSEPH MCCARTHY: Good
10 morning, do I use it? Oh, okay, I am a resident
11 of--

12 MALE VOICE: [Interposing] Speak
13 directly - - .

14 MALE VOICE: - - .

15 COMMANDER MCCARTHY: I'm a resident of
16 Lynbrook for 52 years okay, today, the other day
17 when I found out that the, our town was being
18 split, and I'm going to lose my Assemblyman,
19 who'd done a fantastic job as a Mayor, who lived
20 in Lynbrook all his life, and he was,
21 unfortunately when, he's not going to be our
22 Assemblyman anymore. Also, I'm involved with the
23 VFW for the last 20 years. I've been 11 years a
24 Commander, and the members don't want to lose his

Demographic Research and Reapportionment, 2-9-2012

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2 expertise, let's put it that way. I mean, there
3 is a lot of issues on Long Island that we have
4 today, that we don't have to disrupt something
5 that is good. He came into Lynbrook as Mayor.
6 It was a white elephant, 'cause I was there for
7 52 years, and he turned the place around. He's a
8 great guy. His name is Brian Curran. And I
9 would still want to have him as our
10 representative. And with that, thank you and
11 have a great day.

12 ASSEMBLY MEMBER MCENENY: Thank you.

13 SENATOR NOZZOLIO: Thank you for your
14 service to our nation Mr. McCarthy.

15 ASSEMBLY MEMBER MCENENY: Elizabeth
16 Bonia [phonetic], Elizabeth Bonia, any name that
17 is called and the person doesn't come forward, at
18 the end we go through those names once again.
19 Anyone who's not signed up and would like to sign
20 up, that's not a problem, as long as we're here,
21 we'll keep signing people up, as long as they
22 want to speak, Brian Paul.

23 MR. BRIAN PAUL, COMMON CAUSE: Do I have
24 the button right? Okay, My name is Brian Paul,

1 Demographic Research and Reapportionment, 2-9-2012

2 and I'm the Research and Policy Coordinator at
3 Common Cause New York. Thank you for the
4 opportunity to testify to testify in Long Island
5 today. When we at Common Cause decided to draw
6 model redistricting plans for New York State, our
7 goal was to demonstrate what a non-partisan,
8 independent process, one that nearly every
9 legislator pledged to support back in 2010, would
10 look like in practice, while following all the
11 applicable federal and state constitutional law.
12 There is no question that redistricting is a
13 complicated task, but it has been frustrating to
14 see some members of this panel at times blame
15 politically gerrymandered lines on the Voting
16 Rights Act, Block on Border, or some other
17 complex law when speaking with the media and the
18 public. Our experience shows that these laws are
19 not impediments to drawing fair districts, now to
20 move onto specific analysis of these Long Island
21 drafts. First, we are glad to see that assembly
22 decided to return the 22nd assembly district to
23 Long Island. This is the correct apportionment
24 according to population. We are also, but we are

Demographic Research and Reapportionment, 2-9-2012

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concerned by the assembly's partisan gerrymander of Huntington, Babylon, Oyster Bay, specifically in assembly districts nine, 10 and 12 - - and 13, as many have already spoken about here today. In this draft, assembly districts nine, 10 and 12 have been radically redrawn, as you can see on page nine of this testimony. Districts nine and 12 now form long slivers, running from the sound to the bay, in shapes that have nothing to do with local communities, villages or school districts. Looking at party enrollment, as we illustrate on page 10, these new districts appear to be an overt attempt to increase the chance of electing democratic members. In Nassau, we also see assembly district 13 continue to maintain this looping horseshoe shape, from Roslyn, to Glen Cove, to Plainview, to Jericho, in what appears to be a game of "follow the democratic voters". See page 10 of this testimony again. The Common Cause Reform Plan is, which you can see on pages eight, nine and 11 of this testimony, offers a clear alternative of how Long Island's assembly districts could look if drawn

Demographic Research and Reapportionment, 2-9-2012

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2

based on communities of interest, village, and

3

school district lines, rather than partisan

4

gamesmanship. Now to turn to state senate, we at

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Common Cause New York are very disappointed that

6

LATFOR decided to completely ignore the testimony

7

of dozens of Long Islanders last fall and keep

8

these district lines almost exactly the same as

9

the current lines. Here in Suffolk, the line

10

between SD three and four continues to split the

11

minority community in Brentwood directly in half,

12

and the lines between SD four and eight in

13

Babylon continue to separate Wyndance from North

14

Amityville. Despite the fact that the Hispanic

15

and Black communities in Suffolk grew by almost

16

49% since the last redistricting, these lines

17

remain the same. Despite the fact that these

18

areas of Suffolk share distinct socioeconomic

19

characteristics and have distinct concerns, these

20

lines remain the same. These lines do not have

21

to remain the same. The Common Cause Reform Plan

22

right here on page five, clearly demonstrates

23

that SD four can be redrawn to include these

24

areas together, in a reasonably compact district,

Demographic Research and Reapportionment, 2-9-2012

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that respects village and school district lines.

3

This district would almost double in minority

4

influence from any Suffolk district in LATFOR's

5

draft. And just as important, it would keep

6

distinct local communities together. In Nassau,

7

the gerrymandering is perhaps even more

8

egregious. The minority community in Hampstead

9

continues to be cracked between four senate

10

districts, between SD six and eight at Union Dale

11

Roosevelt, and between seven and nine in Elmont.

12

Like in Suffolk, this Task Force chose to keep

13

those lines in place, despite tremendous growth

14

in the minority community, 32% growth. Again,

15

there is no excuse. The Common Cause Reform

16

Plan, right here on page seven, again shows that

17

SD six can be redrawn to include these areas

18

together in a reasonably compact district that

19

follows village and school district lines. This

20

district will become a true majority and minority

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coalition district with more, with more than

22

double the minority influence of any Nassau

23

district in LATFOR's draft. Overall, in Long

24

Island, the Black and Hispanic population now

Demographic Research and Reapportionment, 2-9-2012

1
2 accounts for 22% of the voting age. There are
3 nine senate districts on Long Island. Adopting
4 the Common Cause lines would allow growing
5 minority communities a real opportunity to
6 participate in two of these nine districts.
7 What's two divided by nine? 22%. The
8 demographic math here is undeniable.

9 On top of all this the Senate plan fails
10 to follow the State Constitution's clear mandate
11 to minimize the division of counties. This plan
12 crosses the Nassau-Suffolk border twice in SD's 5
13 and 8, while the Common Cause reform plan shows
14 that it is possible to only cross the county
15 border once. In fair redistricting, partisan
16 politics is not allowed to trump community's
17 interests or the State Constitution. And this is
18 the key difference between these LATFOR proposals
19 and the Common Cause reform plan. I thank you
20 for the opportunity to testify. And I hope that
21 you take the time to revisit our recommendations.

22 ASSEMBLY MEMBER McENENY: Mr. Paul.

23 MR. PAUL: I urge you to give New Yorkers
24 the fair nonpartisan voting districts they want

Demographic Research and Reapportionment, 2-9-2012

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2 and deserve.

3

ASSEMBLY MEMBER McENENY: Mr. Paul,

4

several speakers ago Denise Sandoval was

5

expressing her displeasure at a county

6

legislative reapportionment and she cited that

7

incumbents had been drawn out of their districts.

8

How many incumbents will have to run against

9

another incumbent in the Common Cause plan?

10

MR. PAUL: Here for Long Island? In one

11

moment.

12

ASSEMBLY MEMBER McENENY: How many

13

statewide?

14

MR. PAUL: Statewide it's 10 Senators

15

and, I think 26 Assemblymen.

16

ASSEMBLY MEMBER McENENY: So 36

17

incumbents are pitted one against the other.

18

MR. PAUL: That's correct.

19

ASSEMBLY MEMBER McENENY: And that's the

20

reform plan.

21

MR. PAUL: With the reform plan we drew

22

incumbent-blind. Without politics, without

23

looking at where the incumbents lived.

24

ASSEMBLY MEMBER McENENY: Can you see

Demographic Research and Reapportionment, 2-9-2012

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where, with legislatures which based a lot of

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their clout on seniority of older members who

4

then, more experienced members, who then become

5

committee chairs and hold leadership positions,

6

might not consider it a reform to find that they

7

will most likely be represented by a freshman who

8

will have to wait years to get a committee or to

9

rise to leadership positions?

10

MR. PAUL: Well that's an argument you

11

can make but I think throughout these hearings

12

we've see 9 out of 10 people that speak talk

13

about keep my community together, keep my

14

neighborhood together, not keep my incumbent in

15

the district.

16

ASSEMBLY MEMBER McENENY: Well that's

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not what I heard here today.

18

MR. PAUL: And I'd also like to point

19

out that only--there's only two pairings of

20

incumbents in Long Island in this plan.

21

ASSEMBLY MEMBER McENENY: Thank you.

22

SENATOR DILAN: Yes. Dr. Beveridge also

23

testified and agreed with your analysis, do you

24

agree with him with that analysis that there

Demographic Research and Reapportionment, 2-9-2012

1
2 could be an additional district in the Senate in
3 Nassau County for a minority community or Latinos
4 where they would have an opportunity to select
5 their candidate of choice?

6 MR. PAUL: That's District number 6 in
7 our plan would over 60% Hispanic and Black voting
8 age.

9 SENATOR DILAN: Thank you.

10 MR. PAUL: Thank you--

11 SENATOR DILAN: [Interposing] That was
12 in the Senate, right?

13 MR. PAUL: Yes, Senate District 6.

14 ASSEMBLY MEMBER McENENY: Stephen D.
15 Wangel. By the way we thank Common Cause, though
16 we spar on issues from time to time, they've been
17 at very single hearing, maybe with on exception
18 in Plattsburg since this began. There was 14
19 followed by 9, that's a lot of hearings and a lot
20 of work and much of it provided not only by staff
21 but by volunteers.

22 MR. STEPHEN D. WANGEL, LYNBROOK CHAMBER
23 OF COMMERCE: Good morning Co-chairs and--and
24 other members of the Task Force. I appreciate

Demographic Research and Reapportionment, 2-9-2012

1

2 the opportunity to be able to address you today.
3 My name is Stephen Wangel. I'm a resident of
4 Lynbrook and I currently reside in the 14th
5 Assembly District which is the focus of my
6 conversation today.

7 Earlier on you heard Mayor William
8 Hendrick testify that the proposed plan would
9 split Lynbrook in half. I--I've seen the maps
10 and I couldn't disagree with him more that the
11 fragmentation will take a very small part of
12 Lynbrook and throw it into what appears to be a
13 brand new district.

14 Again, I'm a 23-year resident of
15 Lynbrook. And I also operate a kitchen design
16 business here. I don't come to you as an elected
17 official. I don't come to you as a
18 representative of a business group. I come to
19 you as a concerned citizen, a father of a child
20 with special needs, and somebody who just wants
21 to call an island home.

22 I am disappointed in this Task Force
23 decision to redraw the district boundaries as--as
24 they have been proposed for the 14th District.

Demographic Research and Reapportionment, 2-9-2012

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2 These new boundaries will remove Assemblyman
3 Brian Curran from what appears to be nearly his
4 entire constituency in the Village of Lynbrook.

5 The business community has always
6 enjoyed a remarkable working relationship with
7 Mr. Curran both as our Assemblyman and prior to
8 that as our Mayor. Assemblyman Curran has always
9 taken an interest in our economic wellbeing and
10 has fought hard for projects like our downtown
11 revitalization, drawing anchor businesses to our
12 community, and most recently the rental of vacant
13 commercial properties which are currently owned
14 by the MTA.

15 These are in the heart of our downtown.
16 Although well under way, these projects are not
17 yet complete. Rather than remove Assemblyman
18 Curran from the Lynbrook downtown area, it is
19 sensible to keep him at the helm of these
20 projects, seeing them through to fruition. In
21 addition Mr. Curran has been a unifying force in
22 the communities that he serves.

23 The redistricting as--as it is proposed
24 would put to waste years of work by Assemblyman

Demographic Research and Reapportionment, 2-9-2012

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2

Curran and his predecessor, in effect, un-ringing

3

the bell. As a long-time resident and business

4

owner, I see the following as having a negative

5

impact due to the proposed redistricting. The

6

Village of Lynbrook will be split and absorbed

7

into two Assembly Districts, effectively,

8

effectively diluting this community's needs among

9

the needs of other communities which will be

10

totally unrelated to our own.

11

Someone who is totally unfamiliar with

12

this community, its businesses and its people

13

will represent the majority of our village. The

14

majority of the Village of Lynbrook will be

15

incorporated into an Assembly District with

16

communities that I believe have different needs

17

than our own.

18

More importantly my reasons for

19

testifying here today are personal. After all,

20

people not business elected Assemblyman Curran.

21

After growing up in New York City, I chose to

22

make Lynbrook my home because it had all of those

23

wonderful attributes that made it feel like a

24

small hometown. When it came time to purchase a

Demographic Research and Reapportionment, 2-9-2012

1
2 home and choose a place to raise my family, I
3 convinced my new wife that Lynbrook was the only
4 choice. Assemblyman Curran shares that vision.

5 This Task Force has chosen to propose
6 removing Assemblyman Curran from the place where
7 he may be most effective. Fragmenting the
8 Lynbrook community appears to have drawn lines
9 based on raw data rather than community and
10 family boundaries. It is incumbent upon this
11 Committee to have another look at the impact
12 their decision will have on my Lynbrook neighbors
13 and redraw lines that will keep Lynbrook as a
14 unified, family community. Thank you.

15 ASSEMBLY MEMBER McENENY: Thank you.
16 Les Wright.

17 MR. LES WRIGHT: Good afternoon. My
18 name is Les Wright and I a resident of Valley
19 Stream, New York in the Senate District of
20 Majority Leader Dean Skelos. I'm here today to
21 voice my concerns and testify before the
22 Legislative Task Force on Demographic Research
23 and Reapportionment in support of the proposed
24 State Senate Districts. This was brought to my

Demographic Research and Reapportionment, 2-9-2012

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2 attention through newspapers and through my own
3 research that individuals are opposing this plan
4 because they say that LATFOR should draw Senate
5 Districts on Long Island which African Americans
6 constitute a large share of the population.

7 From my understanding this is being done
8 to give African Americans better representation.
9 I'm here to tell you today that that's just not
10 true. Senate Majority Leader Dean Skelos has
11 always been very responsive to the needs of all
12 his constituents regardless of color. All
13 Americans, regardless of their location, share
14 the same concerns about their future and most
15 importantly their quality of life. And these
16 issues transcend race.

17 The other false proposition is that
18 African Americans vote as a cohesive block. If
19 you look at the Democratic presidential primary
20 in 2008, when Hispanics heavily voted for former
21 Senator Glenn while African Americans heavily
22 supported then Senator Obama. On Long Island I
23 can tell you African Americans have largely split
24 in many elections.

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I know that the organization Common Cause has supported--proposed State Senate lines that they say will empower African Americans. And an extension of my previous testimony, I think it's important to note that Common Cause maps do not create a majority African American district. Instead they rely on these false assumptions I noted before. Again thank you for giving me the opportunity to testify in support of LATFOR's proposed State Senate Districts for Long Island. Thank you.

ASSEMBLY MEMBER McENENY: Thank you.
Mauricio Gaviria [phonetic].

MR. MAURICIO GAVIRIA: Good afternoon. My name is Mauricio Gaviria [phonetic] and I am a resident of the 3rd Senatorial District out of the Hamlet of Ronkonkoma and I represent myself. I have seen the proposed Senate District lines for my district and I'm here to show support for this change and these lines. They are essentially the same as before with minute changes, if any, made to sectors, ironically, of the largest advocates against them.

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I truly believe that the changes are necessary for the 3rd District as a whole and I trust that Senator Zeldin will be even more effective with these changes proposed. I have been very happy with my current government and I look forward to how much it will--how much better it will run after the redistricting.

Furthermore as a Hispanic in my district I am taken back by the talk of establishing a minority district. I moved out of the inner city because of the belief that diversity produces greater benefits to the town as well as the individual. I grew up in the 13th District in Queens and didn't realize I had State government representation until I was 21 and had returned from Air Force basic training and was filled in on this great-kept secret from one of my buddies who was stationed in upstate New York.

I ask this Committee to keep the course with the proposed lines until the opposition can demonstrate with actual facts instead of actual feelings how they are affected negatively as a town and as a district. Thank you for your time.

Demographic Research and Reapportionment, 2-9-2012

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2 ASSEMBLY MEMBER McENENY: Senator Dilan.

3 SENATOR DILAN: What--what facts do you
4 have with your assertions? What documentation do
5 you have?

6 MR. GAVIRIA: Sir, I don't have any
7 associates. I'm here representing myself.

8 SENATOR DILAN: All right. You said
9 that when the opposition has documentation or
10 specifics that--what--what specifics do you have?
11 What research do you have to affirm your
12 assertion?

13 MR. GAVIRIA: The research that I
14 brought here--

15 SENATOR DILAN: [Interposing] If you
16 don't have any, you can say you don't have any,
17 but if you do have some, I'd like you to submit
18 them.

19 MR. GAVIRIA: The research that I did
20 bring with me today, which was, I would say,
21 extremely basic, it was the information that I
22 thought that I should come here with, which was
23 the actual maps and how my district would be
24 affected.

Demographic Research and Reapportionment, 2-9-2012

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It shows that the majority of the people who have spoken today seem to represent the western part of my district, in general, a concentrated corner, Brentwood and Central Islip. I have brought the map as it is now and the proposed map as it will be and it shows a very minute change to that particular district. I have yet to understand why there is so much opposition to this particular change. And for-- more than that I can--I--I have no further information, Sir.

13

14

15

SENATOR DILAN: Okay. So you don't have any statistics or documentation that would back up what you were saying.

16

17

MR. GAVIRIA: Sir, I don't come here as a, as a statistician, no Sir.

18

19

20

21

22

SENATOR DILAN: Well all right. No, I only asked you that because you were talking about that other people should have their facts so all I'm saying is that you should have yours also. Thank you.

23

ASSEMBLY MEMBER McENENY: Thank you.

24

MR. GAVIRIA: Thank you.

Demographic Research and Reapportionment, 2-9-2012

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ASSEMBLY MEMBER McENENY: H. Scottie

3

Coads.

4

MS. HAZEL SCOTTIE COADS, CIVIC

5

ENGAGEMENT CHAIR, NATIONAL ASSOCIATION FOR THE

6

ADVANCEMENT OF COLORED PEOPLE, NEW YORK STATE

7

CONFERENCE: Oh, good afternoon. Thank you for

8

the opportunity to speak. Mr. Chairman and

9

members of the LATFOR Committee, can you hear me?

10

My name is Hazel Scottie Coads. I use H. Scottie

11

Coads sometime. I am the Civic Engagement Chair

12

of the NAACP New York State Conference. That's

13

the National Association for the Advancement of

14

Colored People founded in 1909. It's the oldest

15

civil rights organization in the country.

16

In its 102 years of existence we have

17

seen our share of disappointments,

18

disenfranchisement, and yes, downright blatant

19

racism. Through all of it we continue to stay in

20

the struggle, fighting and supporting causes that

21

will benefit all people. Today our fight is on

22

behalf of all communities but especially for the

23

minority communities that are being blatantly

24

disregarded through your gerrymandering process

1 Demographic Research and Reapportionment, 2-9-2012

2 of 2012.

3 Be mindful the NAACP intends to stay the
4 course in this fight for minority representation
5 throughout the State of New York. Historically
6 Caucasians have dominated the legislative process
7 across the country. In New York State the non-
8 white population is close to 40%, yet people of
9 color are not reflected in the State Legislature.
10 This, too, will change. One would think that the
11 members--the mapmakers would want to present
12 districts reflective of African Americans,
13 Hispanics, Latinos, Asians, Jews, Arabs, et
14 cetera: ethnicity reflective of the State of New
15 York.

16 But you did not think this was
17 important. What seems more important to you in
18 2012 is the power grab and the reelection of
19 colleagues. It's amazing that individual--
20 individuals of common interests as specified by
21 the Voting Rights Act of 1965 is being ignored.
22 Of course you have found another avenue to
23 circumvent the Voting Rights Act: "split those
24 folks". Split those folks up and forget about

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it.

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On Long Island, areas that are heavily populated by minorities have been split and diced into many, many pieces to avoid the changes of minorities ever being elected. This, too, can change. Our communities are demanding that lines be drawn to reflect the voting age population. You see it all the time, VAP. The growth reported by the US 2012 Census. Our districts have grown.

However the political representations are expected to remain the same with the same nine representatives or their hand-picked individuals for decades to come. As a representative of the NAACP New York State Conference, I came before this body prior--at prior hearings asking not for more districts, instead to draw the lines fairly and with a serious consideration of representation for the minority communities.

Unfortunately my voice fell on deaf ears. You still have the opportunity to redo your map and draw each Senate District to be as

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2 equal in population as possible. One person, one
3 vote requires fair representation for everyone.

4 I ask that you draw the lines that
5 maintain equal population across the State and
6 that it follows where people live in their
7 communities. I ask again to respect the
8 boundaries of where people live and not look into
9 other areas to connect boundaries that would
10 guarantee reelection of your fellow elected
11 officials.

12 The NAACP is quite disappointed that
13 this legislative body does not have an African
14 American representative as part of the LATFOR
15 Task Force. Yes. Nor is there a woman
16 representative on the Committee. Each of you
17 should be proud to serve on this esteemed
18 Committee however you should be equally concerned
19 that 3.1 million African Americans in the State
20 of New York, not one African American serves with
21 you.

22 I will go to my final statement. You
23 have four pages to read. And I will make sure
24 that the public gets a copy of this statement. I

Demographic Research and Reapportionment, 2-9-2012

1
2 will go to the great Voting Rights Act of 1965.
3 We fought for it and then came finally the
4 passing of the Voting Rights Act prohibiting
5 attempts to dilute African Americans' voting
6 strength, authorizing Federal officials to ensure
7 fair voting practices.

8 The African American communities'
9 experiences and witnesses lots of tragedies, the
10 disenfranchisement at the polls is not a tragedy
11 that the NAACP will tolerate. On election day,
12 attempts to weaken and dilute our voting
13 strength, broken machines, new mandated
14 government issued photo IDs in more than 34
15 states to allow residents to vote is simply
16 overtaking minority communities.

17 The US Census report of 40 years ago as
18 well as the 2010 Census report always indicated
19 voting age population grown in Nassau and Suffolk
20 Counties although there was an increase in the
21 voting age population every ten years, the
22 minority communities always got sliced and diced
23 to the interests of the political party in power.

24 It is mind-boggling that after all--

Demographic Research and Reapportionment, 2-9-2012

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after each US Census report we always find

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ourselves in court, fighting and redistricting

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and gerrymandering that happens in the State of

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New York. We are determined to stop what you

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have done to this great state of ours. We will

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not accept the cutting up of the election

8

districts in any New York State counties,

9

downstate or upstate.

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I close with this. Adding an extra

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Senate District, 63 is the number, to guarantee

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an election, to maintain a majority in the New

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York State Senate is perpetuation of reversing

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prison [phonetic] gerrymandering allocation will

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not work. Thank you for listening.

16

ASSEMBLY MEMBER McENENY: Thank you.

17

Rosa Quiles.

18

MS. ROSA QUILES, MEMBER, NEW YORK

19

COMMUNITIES FOR CHANGE; MEMBER, PUERTO RICAN

20

COALITION FOR A BETTER COMMUNITY, INC.; MEMBER,

21

HEMPSTEAD HISPANIC CIVIC ASSOCIATION: Good

22

afternoon. My name is Rosa Quiles. I am an

23

Hispanic woman who has lived in Central Islip for

24

the last 40 years and am a member of New York

Demographic Research and Reapportionment, 2-9-2012

Communities for Change.

I am concerned that the Hispanic population has very little representation at the State level. In fact we do not have one single State Senator from Long Island that is Hispanic. We need representation in the Senate and we deserve the representation. We want representation for our community. Currently our State Senator is ignoring the important issues in our community like education and foreclosure.

As a retired teacher I know how important education is to the children of Central Islip and Brentwood. Many residents have been scammed and have had their homes foreclosed. We need to be able to elect someone who is going to stand up and really fight for the resources of our school and our community.

I would like the Senate District maps to be fair so that as a community we have a chance to elect someone who will truly represent us and care about our issues. I don't think that is too much to ask. Splitting Brentwood down the middle is not fair. Making a district more like the one

Demographic Research and Reapportionment, 2-9-2012

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2 that Common Cause has created that keeps
3 Brentwood whole and keeps Brentwood, Bay Shore,
4 and Central Islip together would certainly be
5 more fair. Thank you.

6 MR. LOPEZ: Just one question. Excuse
7 me. Excuse me Rosa. Rosa, one question: who is
8 your Senator right now?

9 FEMALE VOICE ASSEMBLY MEMBER McENENY:
10 Go back to the podium.

11 MR. LOPEZ: Who is your Senator right
12 now?

13 MS. QUILES: [Off mic answer] Senator
14 Zeldin [phonetic]

15 MR. LOPEZ: Thank you.

16 ASSEMBLY MEMBER McENENY: Okay. Thank
17 you. Assembly Member Joseph Saladino.

18 ASSEMBLY MEMBER JOSEPH SALADINO, 12th
19 ASSEMBLY DISTRICT: I'd like to thank the members
20 of this most important Task Force for all the
21 tremendous work you've been doing here on Long
22 Island and across the State. It's a very
23 difficult job that you have and we appreciate it.

24 The Constitution says it has to be done

1 Demographic Research and Reapportionment, 2-9-2012

2 and you've all been working hard. Our--our
3 Senators Nozzolio and Senator Dilan, our Assembly
4 Members, Assemblyman Oakes and Assemblyman
5 McEneny and the non-legislative members Mr.
6 Hedges, Mr. Lopez and MS. Levine, your work is
7 important and very, very difficult.

8 Most are coming up to tell you what
9 you're doing wrong in their perception or what
10 they don't want. Few have provided alternatives
11 to help along in the process. So I stand before
12 you, not on my own behalf and not with my own
13 interests in mind, but representing the people of
14 the 12th Assembly District who I am so privileged
15 to represent and to continue in that
16 representation of them.

17 We have a community with a very strong
18 identity within the 12th Assembly District and
19 that is the community of the Massapequas. It's
20 the southern half of--third of the Town of Oyster
21 Bay. It has distinct municipal borders. On the
22 west the Town of Oyster Bay, Town of Hempstead
23 line, on the east is the Town of Oyster Bay, Town
24 of Babylon line, as well as the Nassau-Suffolk

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line.

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It wholly contains the Massapequa School District. It wholly contains such entities as the Massapequa water district, the fire department; the list goes on and on. They're very distinct, holistic borders which help define this community. This community has some exceptional heritage and quite a bit of historical significance.

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It was the Hamptons before there was a Hamptons for the people of New York City. The Fox Movie Company set up there. It was the summer home of people like W. C. Fields, Annie Oakley, Fred Stone, and that list goes on and on. We had a famous zoo there that brought people in from all over New York City and the nation. It was owned by a man named Frank Buck who made films, shorts they called them, of the time during pre--prior to talkies. There was a-- hotels that presidents like Harrison--President Harrison stayed at.

23

24

As a matter of fact the first European settlers to Long Island, the Jones family, made

Demographic Research and Reapportionment, 2-9-2012

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2 the Massapeguas their home. So I stand before
3 you to tell you that as the new 12th AD is
4 proposed, if the--if we took a look at those
5 lines of the Jones family, half of them would be
6 in one Assembly District and the other half would
7 be in another Assembly District.

8 So there's great precedence to keeping
9 the Massapequa, Greater Massapequa community as
10 part of one continuous Assembly District, to
11 respect their identify and their needs. I
12 understand that. I also understand why News Day
13 came out with their article highlighting the new
14 proposed 9th Assembly District and suggesting that
15 it shouldn't go from shore to shore and that it
16 shouldn't cut so many communities up. And by
17 doing so diminishes the representation in their
18 community and dilutes their effectiveness in
19 terms of their voice in State government.

20 So I ask you to consider the proposal of
21 keeping all of the Massapeguas continuous in one
22 Assembly District, the new 9th Assembly District.
23 It's very easy to point the finger and suggest
24 what you shouldn't be doing.

Demographic Research and Reapportionment, 2-9-2012

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It's much tougher to suggest a proposal that's workable and reasonable. So I stand before you to propose a new Assembly District which includes all of the Massapeguas in Nassau County, goes south to the Great South Bay, captures Tobay Beach, captures Ocean Parkway, Gilgo Beach, goes around the Assembly District that has been represented very well by my colleague Assemblyman Sweeney and comes back up north, capturing the villages of the entire and holistic Village of Babylon, the section of West Babylon and the section of West Islip, all south of Sunrise Highway.

By doing this we could capture the appropriate and exact number of voters that are needed to be contained in every single Assembly District across our State. It is both homogenous and continuous. It represents communities with very similar interests and needs. Our needs are great in our communities when it comes to protecting our school districts, protecting our-- our life, our quality of life.

But there's another looming issue that

Demographic Research and Reapportionment, 2-9-2012

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2 is growing in the attention of the residents of
3 these communities. Underground, mixing with our
4 drinking water, is a plume of carcinogens
5 emanating from the Grumman plant where so many
6 vehicles and planes were built that helped us
7 out, helped out America win a World War II and
8 has helped our--our military and our might as a
9 nation. Unfortunately in that process,
10 carcinogens were released into our water stream.

11 To keep this community whole means it
12 will be represented by one member who has taken
13 much time to study and advocate for this issue.
14 And in conclusion I want to thank you for your
15 time, thank you for your efforts, and please
16 consider the possibility of a continuous
17 Massapequa, all to be included in one Assembly
18 District and the suggestion that I have made to--
19 to draw a map along the south shore of Long
20 Island that is both workable, both legal, and
21 meets all the criteria set forth by the courts
22 and the nation.

23 I thank you for your efforts. I thank
24 you for your hard work. And I do want to mention

Demographic Research and Reapportionment, 2-9-2012

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2 that there were numerous other people waiting to
3 speak who weren't able to stay but they had the
4 same message in terms of keeping a continuous and
5 one Assembly District containing all the
6 Massapeguas. Thank you for your time and thank
7 you for your hard work.

8 ASSEMBLY MEMBER McENENY: Assemblyman,
9 thank you very much. Elzie Ross. Elzie Ross.

10 MR. ELZIE ROSS: Good afternoon
11 everyone. My name is Elzie Ross and I am a
12 resident of Valley Stream, New York in the Senate
13 District of Majority Leader Dean Skelos. I'm
14 here to testify before the Legislative Task Force
15 on Demographic Research and Reapportionment in
16 support of the proposed State Senate Districts.

17 Now I've read in the papers that some
18 are opposing the plan because they say that
19 LATFOR should draw Senate Districts on Long
20 Island that link together communities in which
21 African Americans constitute a large share of the
22 population and also from what I've read they say
23 that this should be done to give African
24 Americans better representation and because they

Demographic Research and Reapportionment, 2-9-2012

1
2 assert that African Americans are a cohesive
3 voting block.

4 And I'm here to testify that the
5 individuals making these claims are wrong on both
6 counts. First off I am currently represented by
7 Senate Majority Leader Dean Skelos. And without
8 a question I can state that he is very responsive
9 to the needs of all his constituents regardless
10 of race and that African Americans on Long Island
11 are Long Islanders first.

12 Now we all share the same concerns
13 regardless of age. High property taxes, good
14 schools, quality jobs, and our quality of life.
15 These are not racial issues. These are Long
16 Island issues. And Senator Dean Skelos has done
17 an excellent job fighting for these important
18 issues and also being responsive to the minority
19 communities in his district.

20 Now the second false proposition is that
21 African Americans vote as a cohesive block. We
22 need to look no further than the Democratic
23 presidential primary in 2008 when Hispanics
24 heavily voted for former Senator Clinton while

Demographic Research and Reapportionment, 2-9-2012

African Americans predominantly supported then
Senator Obama.

On Long Island I can tell you that
African Americans are largely split in many
elections including those for County Legislator,
State Senate, and State Assembly. Now I know
that the organization Common Cause has submitted
proposed State Senate lines that they saw will
empower African Americans.

As an extension of my previous
testimony, I think it's important to note that
the Common Cause maps do not create a majority
African American district, instead they rely on
the false assumption that I noted before. Again.
Thank you for giving me the opportunity to
testify in support of LATFOR's proposed State
Senate Districts for Long Island. Thank you.

ASSEMBLY MEMBER McENENY: Thank you.

SENATOR NOZZOLIO: Thank you very much.

ASSEMBLY MEMBER McENENY: Judith Nunez.

Judith Nunez. Dr. Daniel Altschuler.

DR. DANIEL ALTSCHULER, COORDINATOR, LONG
ISLAND CIVIC ENGAGEMENT TABLE: I fear I may be

Demographic Research and Reapportionment, 2-9-2012

1
2 too tall for this microphone. I want to begin by
3 thanking the members of LATFOR for holding this
4 hearing today and giving me the opportunity to
5 address you and share my concerns about the maps
6 you have proposed.

7 My name is Daniel Altschuler. And I'm
8 the Coordinator of the Long Island Civic
9 Engagement Table, LICET, a coalition working to
10 increase civic engagement in low income
11 communities of color in Long Island. LICET is
12 led by Make the Road New York, New York
13 Communities for Change, The Long Island Immigrant
14 Alliance, and the Central American Refugee
15 Center.

16 In the fall we conducted a coordinated
17 canvass that reached approximately 20,000 voters
18 in the Town of Islip, in addition to hosting
19 Suffolk County's first-ever bilingual candidate
20 debate in the race for County Executive. On
21 Monday night LICET joined Long Island Wins, the
22 Regions Immigration News Source and Noticia, Long
23 Island's largest Spanish language newspaper to
24 host a bilingual community forum in Brentwood to

Demographic Research and Reapportionment, 2-9-2012

1
2 educate local residents about the redistricting
3 process and the implications for communities of
4 color.

5 The response was overwhelming. 100
6 people packed our office with representatives of
7 over 25 community organizations, from the African
8 American, Latino, Haitian and Muslim communities
9 as well as from organized labor. Despite their
10 diverse origins the message from everyone in
11 attendance was clear.

12 The maps proposed by LATFOR for Long
13 Island are unacceptable because they divide
14 communities of color and reduce these
15 communities' ability to elect representatives who
16 serve their interests. By testifying today I
17 hope to convey the message of unity that was
18 expressed at our forum as many of those present
19 on Monday could not miss a day of work to come to
20 a hearing at 11:00 a.m. on a weekday.

21 I would like to call attention to
22 several specific points related to Suffolk
23 County. The LATFOR maps reflect incumbents
24 trying to protect their interests, their own

Demographic Research and Reapportionment, 2-9-2012

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2 districts, forgive me, to protect their own
3 districts rather than reflecting the burgeoning
4 and cohesive low and moderate income communities
5 of color in southwest Suffolk County which
6 constitute a clear "community of interest".

7 The insufficient weight given by
8 LATFOR's maps to communities of color in Suffolk
9 County is shocking given that in Suffolk all of
10 the population growth has been among those
11 communities in the last ten years. The
12 comparison between census data from the years
13 2010 and 2000 reveals that were it not for the
14 significant increase in the Latino population and
15 the modest increase in the African American
16 community, Suffolk County's population would have
17 actually declined.

18 The problem of insufficient weight to
19 minority communities throughout the state is
20 evident in both the Senate and the Assembly maps
21 as both create fewer districts in which racial
22 and ethnic minorities would either be the
23 majority or exert strong influence than we
24 believe is merited.

Demographic Research and Reapportionment, 2-9-2012

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For instance Common Cause's maps

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proposed more minority-majority--sorry, majority-

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minority and minority-influenced districts than

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LATFOR's maps for both chambers. The most

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egregious example in Long Island which you've

7

heard much about today is the splitting of

8

Central Islip, Brentwood where our office is

9

located, and North Bay Shore, into two different

10

State Senate Districts, SD's 3 and 4, effectively

11

cracking this community of interest.

12

The Greater Brentwood area is a cohesive

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community of specialty businesses, houses of

14

worship, and community organizations that serve

15

all three areas. These large population centers

16

possess an overwhelming majority of African

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American and Latino residents.

18

In the proposed districts meanwhile the

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combined adult African American and Latino

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population would be 32% in SD 3 and 28% in SD 4.

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Moreover the nearby majority-minority community

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of Wyandanch is also split in two.

23

A better alternative is possible.

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Whereas your proposal splits these areas into

Demographic Research and Reapportionment, 2-9-2012

three separate Senate Districts, Common Cause's map presented a majority-minority Senate District for Suffolk County that included Central Islip, Brentwood, North Bay Shore and Wyandanch.

Given the problems we see in SD 3 and SD 4 in particular, as well as the similar objections we have heard regarding the cracking of Hempstead in the Senate map, we believe that the LATFOR Commission should undertake a sweeping revision for Long Island that keeps these communities of interest intact by creating a majority-minority district.

Barring such a revision we will again bring together members of dozens of community organizations to advocate that Governor Cuomo veto LATFOR's maps and force a completely new set of maps to be drawn. This year's redistricting process has generated unprecedented interest from communities of color in Suffolk County. On Monday night representative from a panoply of community organizations demonstrated their willingness, indeed their eagerness, to educate themselves about and speak out against proposals

Demographic Research and Reapportionment, 2-9-2012

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2 that would diminish their ability to elect
3 representatives that give primary consideration
4 to their interests.

5 If these voices are not heard by LATFOR
6 and by the Governor, we have every intention of
7 continuing to use the various means at our
8 disposal to ensure that the legislative maps
9 respect this community of interest. Thank you
10 very much for your time.

11 ASSEMBLY MEMBER McENENY: Thank you.
12 Todd Breitbart.

13 MR. TODD BREITBART: My name is Todd
14 Breitbart. For many years until 2005 I worked,
15 thank you, for many years until 2005 I worked on
16 redistricting for the Senate minority, as Senator
17 Nozzolio has been very careful to point out. I'm
18 now participating in this process as an
19 independent citizen and the opinions I am
20 expressing are only my own.

21 I am presenting to you today a proposed--
22 --a statewide proposal of Senate Districts which I
23 have called the--the Senate Alternative Plan, as
24 a way of demonstrating the numerous and--and

Demographic Research and Reapportionment, 2-9-2012

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2 extensive defects in the proposal that has been
3 put forward by LATFOR. I'd like to make it very
4 clear that all of you including Senator Dilan and
5 the staff are seeing this for the first time
6 today. Besides the documentation that I have--
7 extensive documentation that I've provided to
8 you, I will also email to LATFOR this evening a--
9 a block site list so that you can analyze the
10 plan using your redistributing software.

11 The Senate Alternative Plan demonstrates
12 that statewide it is possible to draw State
13 Senate Districts which in contrast to the LATFOR
14 proposal involve--involve much smaller population
15 deviations and greater quality of population
16 among districts throughout the State; divide at
17 the same time a much smaller number of counties;
18 achieve at the same time a far higher degree of
19 district compactness; avoid a malapportionment of
20 districts among regions of the state;
21 apportioning the regions--the districts among
22 regions of the state in proportion to population;
23 and also at the same time provide better
24 representation for members of minority groups.

Demographic Research and Reapportionment, 2-9-2012

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The plan will demonstrate, for example, that the failure to create more districts that have a clear Latino majority of the citizen voting age population in Northern Manhattan and the Bronx results directly from your departure from state constitutional principles of compactness and the preservation of counties insofar as that can be done within a reasonable population deviation.

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And also from your failure to apportion to New York City the number of Senate Districts to which the City is entitled as--in--in proportion to its share of the State's population. I've also updated the series of maps that I presented to you in the fall in which I have shown in a color theme the census data from the last five censuses and the--and the district lines that have been drawn during the last five decades including the prospective district boundaries that--that--that you have proposed for 2012 showing how the Black and Hispanic communities in Nassau and Suffolk Counties have been systematically split by Senate District

1 Demographic Research and Reapportionment, 2-9-2012

2 lines for what would now be a full half century.

3 The--although the Senate District lines
4 that are now proposed would only marginally
5 change those that were enacted ten years ago,
6 over the last half century those Senate District
7 boundaries have changed quite considerably,
8 except that the boundary lines that divide the
9 minority communities in the Town of Hempstead, in
10 the Town of Babylon, and in the Town of Islip
11 remain as fixed features while the other
12 adjustments are made around those features.

13 You've heard some testimony today
14 suggesting that this may actually be a benefit to
15 the minority communities that are divided this
16 way. If that is the case and if you truly
17 believe that, it is a wonder that the designers
18 of the Senate plans over the last half century
19 have not chosen to extend this benefit to the
20 non-Hispanic White residents of Long Island.

21 It is also a wonder that so many
22 witnesses have come before you today to complain,
23 actually, if you can believe it, to complain that
24 this great benefit might now be extended to their

Demographic Research and Reapportionment, 2-9-2012

own communities in the drawing of the Assembly
Districts.

The plan that I have presented to you
and which I will document even further during the
coming week, the material I did not have time to
prepare for today, will show that if you draw
districts that keep together communities that
have a great deal in common, these--much more
than--than race and ethnicity in terms of the
socioeconomic factors that would give them a--a--
a common interest in--in legislations, public
policy, and if you follow the other objective
redistricting principles that the plan
illustrates for the entire State and which the
current Senate--Senate majority proposal departs
from extensively throughout the State, then you
can and will create districts in which this
pattern of systematically splitting the minority
communities in Nassau and Suffolk will not be
continued through a full half century.

ASSEMBLY MEMBER McENENY: Thank you.

Kevin Nelson.

MR. KEVIN NELSON, MEMBER, NEW YORK

Demographic Research and Reapportionment, 2-9-2012

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COMMUNITIES FOR CHANGE: Good afternoon. Thank you, the Board, for holding this hearing to hear the voice of We the People. Dear Board: My name is Kevin Michael Nelson. I am a natural-born citizen of the United States. And I am of Haitian descent. I have been a resident of Central Islip for over ten years.

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I am also a member of the grassroots organization New York Communities for Change which has focused on the issues of the foreclosure crisis on Long Island, demanding effective translation equipment for individuals attending the 3rd Precinct community meetings, and increasing civic participation by making phone calls, knocking on doors, flyering churches, supermarkets and neighbors to increase voter participation this past November in communities of color.

In the January 26th editorial, gerrymandered districts live on in New York State. News Day notes that "on Long Island the Senate lines are virtually unchanged failing to reflect or represent the huge growth in minority

Demographic Research and Reapportionment, 2-9-2012

populations in places like Babylon, Islip and Hempstead".

Thus I am requesting that an independent, nonpartisan body conduct the redistricting maps of New York and it is my hope that the new maps reflect the demographical changes on Long Island. These maps should reflect commonalities that communities in New York share such as ethnic, cultural background, language, economic status, et cetera.

For example towns like Brentwood, Central Islip and North Bay Shore areas where large numbers of people of color reside as well as share cultural, religious and economic characteristic. It would be great if the aforementioned towns were grouped together in a district so that these areas could receive their due representation which should be afforded to us as taxpayers. Until then no taxation without representation. Thank you.

ASSEMBLY MEMBER McENENY: Thank you.

Elizabeth Granados. Elizabeth Granados. Lucius Ware. Lucius Ware.

Demographic Research and Reapportionment, 2-9-2012

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MR. LUCIUS WARE, PRESIDENT, EASTERN LONG

3

ISLAND NAACP: Good day everyone. My name is

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Lucius Ware. I reside in the Town of South

5

Hampton. I am President of the Eastern Long

6

Island NAACP, consisting of the five most eastern

7

towns of Suffolk County in New York State: the

8

towns of East Hampton, South Hampton, Riverhead,

9

South Hole, and Shelter Island.

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I take the podium at this particular

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time to give you an opportunity to shift gears

12

and if you would kindly listen with both your

13

hearts and your minds.

14

Let America be America again. Let it be

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the dream it used to be. Let it be the pioneer

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on the plain seeking a home where he himself is

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free. America never was America to me. Let

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America be the dream the dreamers dreamed. Let

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it be that great, strong land of love where never

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kings connive nor tyrants scheme. That any may

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be crushed by one above. It never was America to

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me.

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Oh let my land be a land where liberty

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is crowned with no false patriotic grief. But

Demographic Research and Reapportionment, 2-9-2012

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opportunity is real and life is free. Equality
is in the air we breathe. There's never been
quality for me. Nor freedom in this homeland of
the free.

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Say, who are you that mumbles in the
dark? And who are you that draws your veil
across the stars? I am the poor White, pulled
and pushed apart. I am the Negro bearing slavery
scars. I am the Red man, driven from the land.
I am the immigrant, clutching the hope I see and
finding only the same old stupid plan of dog eat
dog, of mighty crush the weak. I am the young
man full of strength and hope tangled in that
ancient, endless chain of profit, power, gain, of
grab the land, of grab the gold, of grab the ways
of satisfying need, of work the men or take--of
take the pay, of owning everything for one 's own
good.

I am the farmer, bondsman to the soil.
I am the worker, sold to the machine. I am the
Negro, servant to you all. I am the people,
humble, hungry, mean, hungry yet today, despite
the dream. Beaten yet today, oh pioneers, I am

Demographic Research and Reapportionment, 2-9-2012

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2 the man who never got ahead, the poorest worker,
3 bartered through the years.

4 Yet I am the one who dreamt our basic
5 dream in the old world while still a serf of
6 kings. Who dreamt a dream so strong, so brave,
7 so true, that even yet its mighty daring sings in
8 every brick and stone, in every furrow turned.
9 That's made America the land it has become.

10 Oh, I am the man who sailed those early
11 seas in search of what I meant to be my home.
12 For I am the one who left dark Ireland's shore
13 and Poland's plain, and England's grassy lea, and
14 torn from Black African's strand I came to build
15 a homeland of the free. The free? Who said the
16 free? Not me. Surely not me.

17 The millions on relief today, the
18 millions shot down when we strike, the millions
19 who have nothing for our pay. For all the dreams
20 we've dreamed and all the songs we've sung, and
21 all the hopes we've held and all the flags we've
22 hung. The millions who have nothing for our pay
23 except the dream that's almost dead today.

24 Oh, let America be America again. The

Demographic Research and Reapportionment, 2-9-2012

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2 land that never had been yet. And yet must be
3 the land where every man is free. The land
4 that's mine. The poor man's, Indian's, Negro,
5 me, who made America, whose sweat and blood,
6 whose faith and pain, whose hand at the foundry,
7 whose plow in the rain, must bring back our
8 mighty dream again.

9 Sure, call me any ugly name you choose,
10 the steel of freedom does not stain. From those
11 who live like leeches on people's lives, we must
12 take back our land again. America. Oh, yes, I
13 said plain. America never was America to me.
14 And yet I swear this oath, America will be. Out
15 of the rack and ruin of gangster death, the rape,
16 and rot of graft, and stealth and lies, we the
17 people must redeem the land, the minds, the
18 plants, the rivers, the mountains--mountains and
19 the endless plain. All, all but stretched of
20 these great states and make America again.

21 Just as relevant today as this poem
22 appeared in Esquire Magazine in 1936, written by
23 Langston Hughes. Thank you very much.

24 ASSEMBLY MEMBER McENENY: Thank you.

Demographic Research and Reapportionment, 2-9-2012

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Martha MaFahey [phonetic]. Martha MaFahey.

3

Henry Tayha [phonetic]. Henry Tayha. Tony

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Musofitti [phonetic]. Tony Musofitti. I think

5

we had... JoAnn, JoAnna Fink or JoAnn Fink.

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MS. JOANN FINK: Good afternoon. My

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name is JoAnn Fink. And I am merely a district

8

resident of Huntington. And I come to you, I

9

don't have illustrations and maps and quotes from

10

the Bible but as a real life resident. Just a

11

quick background. I consider myself a city girl,

12

girl from Queens. Grew up there and worked

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mostly in Manhattan for 17 years. Started a

14

family, wanted to move to Long Island.

15

Started having children, suddenly decide

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let's get involved with the community. I want to

17

make sure this is the place I want to raise my

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children. Getting involved with Huntington is

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the only place I've been for the past 13 years.

20

And I'd like to think of the communities are

21

similar to ours.

22

I've gotten involved with endless PTA

23

meetings, Board of Ed. I'm on the Board of

24

Trustees for other different PTAs within the

1 Demographic Research and Reapportionment, 2-9-2012

2 community. And you start to meet people. You
3 start to learn about the communities. You start
4 to see how people get involved.

5 You start to see how when certain topics
6 come about the--the passion people have in their
7 neighborhoods. And this is something that I look
8 around; I want to be a part of. This is
9 something great. This is something where people
10 pull together. People listen. Sometimes it
11 doesn't go your way which we have to live with
12 and--and take into--advantage of the times it
13 does. And this is something that I don't want to
14 lose.

15 I don't want to see it separated. You
16 know, I work with a huge group of different types
17 of people: moms, working moms, educators. Got
18 involved with a lot of the teachers,
19 superintendents, all walks. And it's a great
20 sense of community. And Huntington which I love,
21 look I love Manhattan, I'm a city girl, nothing
22 beats New York. But since I can't afford to live
23 there, raising my kids on Long Island and in
24 Huntington, what they have to offer, historically

Demographic Research and Reapportionment, 2-9-2012

and just everything with they have to offer.

I want to keep it short and sweet.

Anything we can do to preserve that and to see--
if anyone wants to come down and see what we do
at these PTA meetings, especially now come March
with the Board of Ed with these budget meetings,
it gets wild. But you know what?

This is what we want to see. We want to
see everyone pull together. And to have that
kind of separated and moved, it's just--it's--
it's--really would be a disservice to the
community. And that's all I wanted to say. And--
-and portray our, on behalf of the PTA,
community, and working mom, I hope that I--I do
speak for the good--

ASSEMBLY MEMBER McENENY: [Interposing]

Is there a Senate District or Assembly District
that you want split or kept together or whatever?

MS. FINK: Well I'm in--I know the South
Huntington School District and we--coupled with
School District 3 and I guess Harbor Fields also,
too, but--and even down to Commack, I mean
there's just a certain real, huge sense of

1 Demographic Research and Reapportionment, 2-9-2012

2 community that we pretty much buddy up together.

3 So that's--that's the only towns I know.

4 ASSEMBLY MEMBER McENENY: Okay. Thank
5 you very much.

6 MS. FINK: Thank you.

7 ASSEMBLY MEMBER McENENY: Deputy Mayor
8 Allen Beach. Allen Beach. Kent L. Ortiz. It
9 is Renee; the R was not closed on top.

10 MS. RENEE ORTIZ, CHIEF DEPUTY CLERK,
11 SUFFOLK COUNTY LEGISLATURE; VICE PRESIDENT, ISLIP
12 NAACP; CO-FOUNDER, LEADERSHIP TOWARDS EMPOWERMENT
13 THROUGH EDUCATION AND EMPOWERMENT: I had revised
14 the testimony I had initially submitted so I'll
15 just leave this here for you. My name is Renee
16 Ortiz. I'm actually the Chief Deputy Clerk of
17 the Suffolk County Legislature. So we're very
18 excited and happy to host you here today, so
19 thank you so much.

20 I'm also the Vice President of the Islip
21 Branch of the NAACP and Co-founder of an
22 organization called LEEP, which stands for
23 Leadership Towards Empowerment Through Education
24 and Participation.

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I am also a life-long Central Islip resident. And therefore a constituent of the 9th Suffolk County Legislative District, the 6th State Assembly District, the 3rd State Senate District and the 2nd Congressional District. Dear Task Force Members: How and where districts are drawn in our State will often determine if our community can elect representatives of choice to sit on our local county and state legislatures as well as US Congress.

It can also influence whether or not our elected officials respond to our needs such as ensuring equal educational opportunities or health care for everyone. Unfortunately minority voters have frequently faced discrimination in voting during the redistricting process. Those charged with the responsibility of drawing district lines generally rely upon census data to determine the demographics of communities. This data can also be used to show the racial and ethnic composition of an area. Although the Supreme Court's decision in Shaw v. Reno, 509 U.S. 630 (1993) prohibits certain uses of race in

Demographic Research and Reapportionment, 2-9-2012

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2 redistricting, the Voting Rights Act still
3 requires the creation of districts that provide
4 an opportunity for minorities to elect a
5 candidate of choice when certain conditions are
6 met. Race remains a permissible consideration if
7 and when necessary to satisfy a compelling state
8 interest, such as compliance with the
9 requirements of the Voting Rights Act.

10 In addition, states may also voluntarily
11 choose to provide minority voters opportunities
12 to elect a candidate of choice, even when the
13 Voting Rights Act does not require them to do so.
14 In fact, race is always a part of the
15 redistricting process, which I'm sure you all
16 know. It's not, by itself, illegal. Of course,
17 state and local officials must give some
18 consideration to race to help ensure that the
19 redistricting plans they create do not dilute
20 minority voting strength and comply with the
21 requirements of the Voting Rights Act. The
22 Supreme Court has clearly stated that a
23 redistricting plan will not be held invalid
24 simply because the redistricting is performed

1 Demographic Research and Reapportionment, 2-9-2012

2 with consciousness of race, or because a
3 jurisdiction intentionally creates a majority
4 minority district.

5 Of particular concern to me is LATFOR's
6 proposed map, which splits the Central Islip
7 Brentwood and North Bay Shore communities into
8 two separate senate districts, Senate District 3
9 and 4. This is a blatant quote-unquote
10 "cracking" of our community, and a clear dilution
11 of our vote and our voice. Comparative maps
12 developed by the public interest group Common
13 Cause present a more inclusive senate district,
14 which keeps our diverse communities whole and
15 allows us proper representation. We hope this
16 task force will consider this proposal as a
17 better alternative.

18 On the contrary, I was very surprised to
19 see the proposed congressional maps by Common
20 Cause, where my own community and most of the
21 minority communities on the South Shore of
22 Western Suffolk are drawn into the Congressman
23 Peter King's district, unlike the current lines
24 where Peter King represents a mostly Caucasian

Demographic Research and Reapportionment, 2-9-2012

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2 population on the South Shore, very similar to
3 the demographics of the Nassau County portion of
4 this district. The Common Cause maps bring
5 Representative King's district into areas like
6 North Amityville, Wyandanch, Brentwood, and my
7 home of Central Islip, all of which are very
8 different than the rest of his district.

9 Huntington Station, which has a large
10 African American and Latino population remains in
11 Congressman Israel's district. I fear that by
12 splitting the minority population between these
13 two districts we will lose influence. To dilute
14 that population and lump us into Peter King's
15 district will diminish our influence, and would
16 leave us without adequate representation. While
17 I'm aware that LATFOR has not released a proposed
18 congressional maps, I hope you will not consider
19 these as a guide when finalizing and releasing
20 your proposed congressional maps.

21 Redistricting is one of the most
22 important events in our democracy, as it
23 determines the allocation of political power. As
24 the census shows the increasing numbers in

Demographic Research and Reapportionment, 2-9-2012

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2 minority communities, especially our growing
3 Latino population, it is imperative that we
4 ensure our voices are heard, and we see maps that
5 reflect our demographics and do not divide these
6 communities or diminish our representation or
7 dilute the strength in our voice. Thank you very
8 much.

9 ASSEMBLY MEMBER JOHN MCENENY: Thank
10 you. Mimi Pierre-Johnson.

11 MS. MIMI PIERRE-JOHNSON: Good
12 afternoon. My name is Mimi Pierre-Johnson. I am
13 the Long Island Political Organizer for New York
14 Community for Change, and I am a resident of
15 Elmont in Nassau County. I would first like to
16 thank you for the opportunity to speak to the
17 task force today. I am here today because New
18 York Community for Change is worried about the
19 district lines, especially for the Senate, and
20 about the process used to devise these lines.
21 The new lines will split the African American and
22 Latino communities on Long Island into many
23 Senate districts, weakening our voice and our
24 vote, as you've heard so many times today.

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Our already marginalized power will be further diminished if these lines are put into effect. In my community of Elmont, we will be divided into two senate districts. Some of us will be represented by Senator Martins, and the other by Senator Skelos, but the issue we are confronted with remain the same. Our schools are underfunded. The banks are taking our homes, and crimes continue to creep into our community. This is just like what is happening in Suffolk County in the communities of Brentwood and in other areas throughout the state.

It is our right in a democracy to have someone who represents us and will tackle these very real problems in Albany. Instead, we are split, so a political party can maintain its power. This is hurtful to our members in low and moderate-income communities of color, who continue to have their voice silenced in the name of partisan gain. The task force should go back to the drawing board and create districts in the model and spirit that led Common Cause to keep communities of mutual interest together and not

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weakly separate.

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And if I still have a few minutes on my five minutes, may I say this as a resident of Elmont. I know many people have said they don't understand how this could possibly be minority, and others don't understand how, you know, it has been said that this will empower the minority communities. I just want you to think as you go back to the drawing board—because I really do believe you have to do that—in Elmont in particular, where I live. In the 7th Senatorial and the 21st Assembly District, and also the 3rd Legislative District, we have a young man who was raised in Elmont, who now has won his seat from the incumbent of 16 years. He sits now as our legislator. You also have a freshman Assemblyman who I ran against in 2010. The lines are drawn right now that this freshman, who I have not had a conversation with since our last debate, that was over two years ago, and now his lines are drawn in a way for the next ten years, he will have that seat.

And as you heard today, Lynbrook doesn't

Demographic Research and Reapportionment, 2-9-2012

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2 want us. Other areas in Assemblyman Curran does
3 not want us. They don't refer to us as a place
4 where humans live, they say that other new area.
5 So when you're sitting as a resident in Elmont,
6 you say to yourself nobody wants us, why is that?
7 Is it because we finally said to ourselves, you
8 know, we need representation, there are issues
9 that are not being addressed? So people like
10 myself, a housewife, people like Carrie Solages,
11 one who came back to his town to open up a
12 business, said you know what, we want our issues
13 and our voices heard.

14 So it almost feel as if the state has
15 said to us, listen, you guys are getting a little
16 bit too excited about your democracy here. We
17 need to just keep you a little quiet. So what
18 you have done, you have split what has become a
19 very hardworking, loud voice in that area, by
20 splitting us up.

21 I beg of you, for the future of my
22 children, and those in this 21st Assembly
23 District, and the 7th Senatorial District, don't
24 do this to us. Just when we have a momentum,

Demographic Research and Reapportionment, 2-9-2012

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2 just when people are excited about democracy,
3 just when everyone is excited about even politics
4 and elections, don't do this to us. If you say
5 that you're giving us a stronger voice, then
6 leave it alone, because we do have that stronger
7 voice the way it is now. If you split us up,
8 it's going to take us a while before someone else
9 have the nerve to say I am going to run. I did
10 not have any political experience when I ran, but
11 I did it because I love my community just as it
12 is. So please, when you go back to your
13 respected office, think about this. Don't break
14 up a wonderful, wonderful district and community
15 so that a freshman can keep, can keep his seat
16 for years to come. Let us stay the way we are,
17 so we can continue the work of everybody in that
18 district. Thank you.

19 ASSEMBLY MEMBER MCENENY: Thank you.

20 Dennis Terry. Dennis Terry.

21 MR. DENNIS TERRY: Okay. There you go.
22 Good afternoon. When I got here it was good
23 morning, so I'll say good morning to you and good
24 afternoon to you. I'm Dennis Terry. I'm a

Demographic Research and Reapportionment, 2-9-2012

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resident of New York. I'm here on behalf as a
3 citizen, but to talk to you as a citizen for the
4 State of New York, rather than Suffolk County or
5 Brookhaven or the town that I live in. I'm a
6 retired history teacher, so you're going to get a
7 little bit of history, so bear with me. Some of
8 you may be scratching your head, oh no, another
9 history teacher. I didn't like history then, and
10 I don't like it now.

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But in any event, we have to know our
history. If you don't know your history, your
history will come back to bite you in the butt.
And if you look at our history as far as voting
and rights and disenfranchisement etcetera,
you'll notice that going back years ago, many
people couldn't vote because of the law, de jure
segregation, as a result. And then we had the
13th, 14th, 15th Amendment back in, like, 1867 it
passed, 1866, so I'm going to say 1865 to show
you something here.

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When you did get the right to vote, then
you had all the laws coming through such as the
Grandfather Clause, the literacy test, and the

Demographic Research and Reapportionment, 2-9-2012

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2 poll tax, so you could not vote even though you
3 had the right legally to vote, so that was a form
4 of de facto segregation, which means that you
5 can, in fact, not vote, even though legally it's
6 wrong to do.

7 The Voting Right Act kind of, like,
8 cleared that up in 1965, so that's 100 years
9 later. I hope it doesn't take another 100 years
10 for us to correct this thing at 2065, okay.
11 There are a few suggestions that I might make to
12 you as an educator. I know this may be a little
13 bit off the line here, but hear me out. Many of
14 our youngsters don't have the same educational
15 equal opportunity. Now in the 14th Amendment,
16 everybody has the equal protection under the
17 laws, and if you give everybody equal
18 opportunity, no matter where they live, they will
19 have the same economic opportunity, and maybe we
20 wouldn't be debating redistricting, etcetera,
21 etcetera, okay? No matter where you live, you
22 would get the same amount of money.

23 So if you had 100 kids to be educated in
24 all of the State of New York, and you had \$100 to

Demographic Research and Reapportionment, 2-9-2012

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educate those kids, you divide it out, each kid

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would get \$1 no matter where you live, so you

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have an equal opportunity there. Today we're

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suffering from de facto disenfranchisement,

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meaning that you have people in various different

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groups, and it's not necessarily racial. I've

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heard a lot of racial. It's economic as well,

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probably more so economic, okay. We've talked

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about people where you have divides, and no, it's

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illegal, as we know, to have legal separation, de

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jure segregation is illegal, but it happens by

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fact.

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If you would, please look at those

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districts again, okay. Consider those districts

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and see what you--what impact you're going to have

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not on me, not on you. I have a great

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retirement. You probably have a good salary and

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great retirement as well, but our kids, our

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future. Not so much me. I've made it, okay, but

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our future. So please, when you make your

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decisions, when you go back, I support what

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Governor Cuomo's saying, that we should have a

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non-partisan, because what person who is running

Demographic Research and Reapportionment, 2-9-2012

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2 for office, who is in office now, is going to
3 vote him or herself out? No, this is a great
4 idea for me, so I'm going to vote for it, versus
5 what's good for the state, what's good for our
6 people.

7 I appreciate your time. I appreciate
8 your efforts, and I know your job is hard, and I
9 wouldn't want your job, trust me. And please do
10 the right thing for our young people. Thank you.

11 SENATOR NOZZOLIO: Thank you.

12 ASSEMBLY MEMBER MCENENY: Thank you very
13 much. Paul Johnson.

14 MR. PAUL JOHNSON: Good - - . My name
15 is Paul Johnson. I live in Huntington. I'm the
16 fifth generation. I'm a Korean veteran, and I
17 have great-grandchildren. And as I look at, I
18 look at what we're getting ready to do here, and
19 my children tell me what's the use. Divide and
20 conquer, the same old story you tell us. And as
21 I look here, I don't see anybody that looks like
22 me on the panel. You can't be in it, if you
23 don't get my viewpoint. So I assume that's why
24 you have us here today.

Demographic Research and Reapportionment, 2-9-2012

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But the thing of it is, we don't want to be divided. I can remember in Huntington in 1939 I knew everybody in Huntington. Now I don't even know the people next door. Things change, and things have to change with the changes, but the idea of it is we like to have things that we can have a say in the change, and with us not being on the board here, we're not really getting our input in, because we're not having the final say. You can hear what I say, but you're going to do what you want.

I want you to tell me, or rather, I'll see—I'm going to tell my children when I get home. They want to know what did you do this afternoon. I'm going to tell them I was there, and I'm going to tell them that I - - and they're going to say, "Well, what are they going to do?" I says, well, you look and see what they're going to do, and they says, "Same old same old?" I says no, we're going to have a change. And I hope you do make the change.

ASSEMBLY MEMBER MCENENY: Thank you.

Kerry Trainor.

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MR. KERRY TRAINOR: Good afternoon. I

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live in that 9th District that seems to—I'm

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pushing the button, is it working? Okay. I live

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in the 9th District that's become notorious today.

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I've listened for over three hours. A lot of the

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things that have to be said have been said. I

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want to give you my point of view, which is this

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9th District and some of the other districts are

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impractical. They're condemning the elected

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official to a nightmare every time he has to go

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to an Eagle Scout meeting or something else.

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This 9th District is impossible. There

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is no way that an elected official can maintain

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community contact and do his job on behalf of

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these very different communities. I would

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suggest to the committee that they've made a good

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decision by not having a map up showing these

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districts, because I keep looking at it as I've

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been waiting to speak, and it's difficult to

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avoid anger. Frustration clearly comes into it,

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and a cynicism keeps popping into my head,

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because there's no logic to these districts other

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than self aggrandizement of some kind that I

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2 don't quite understand.

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You've heard speaker after speaker hint at or straight up bring up suspicion of something. This is a terrible situation that's been created. You really have to consider alternatives. In our district, this proposed new 9th District, we heard a history of Massapequa from a representative who's proud of his community. I live in the area where Andy Raia comes from, and he's proud of his community. He grew up there too. Our district will have a wasteland in the middle. If you look at the map, the middle portion has no residential communities. It's mixed industrial and mercantile.

If our district were to find a central point to meet, it would be in this wasteland. It would be Costco, 'cause there's no place else in the middle of our district. Now today we heard from people who are here on behalf of their organizations, and some people like myself who have a past with government. I'm retired now, so I can be here. But the people you're not hearing

Demographic Research and Reapportionment, 2-9-2012

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2 from are the people who are out there working,
3 driving on the expressway, driving on other state
4 roads, annoyed with the potholes, annoyed with
5 the traffic lights, annoyed 'cause they can't get
6 home to their families quickly enough, and all of
7 their annoyance builds up to a resentment of
8 government's mistakes.

9 We're a democracy. We need the people
10 to respect and be part of the government. We're
11 losing them. There's a disconnect. And these
12 districts will make a bigger disconnect. At this
13 point there are many people who don't belong to
14 any organizations who sit back and say to
15 themselves in front of their children and their
16 families, government stinks. They're all out for
17 themselves. If our democracy's going to last,
18 you have to stop the disconnect.

19 With this proposal you're making it
20 worse. There's nothing good about this. There's
21 nothing to be proud of. Please don't do it.
22 Take care of Long Island. Thank you.

23 ASSEMBLY MEMBER MCENENY: Thank you.

24 Robert Lifson.

Demographic Research and Reapportionment, 2-9-2012

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MR. ROBERT LIFSON: I think that does it, right? I'm holding it. Is that it? Good. Members of the committee and-task force, rather, thank you for this opportunity. I commend you on your perseverance and your patience. It's been a long day. I think it's important-I've heard, because I've been here so long, I've heard everyone else speak, and it's a little disconcerting to hear such displays of advancing one interest over the other, and I would just remind you that as elected members of the Assembly and the Senate, they share-you should share, as all public officials share one thing in common. All public officials take an oath to uphold and abide by the terms of the Federal and State Constitutions.

And I haven't heard anyone really mention it in detail, but the New York State Constitution's quite clear on what the responsibilities of the task force and the legislature are. And it says that you are to divide the counties into assembly districts as nearly equal in number of inhabitants, excluding

Demographic Research and Reapportionment, 2-9-2012

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2 aliens, as may be convenient and contiguous
3 territory, compact in form as practical, each of
4 which shall be wholly within a Senate district.
5 And those are the criteria. All the other
6 things, they're very nice, but that's what you're
7 responsible for doing.

8 Adhering to the sound principles of the
9 Voting Rights Act doesn't mean you can negate
10 those principles. And in the case of the
11 Assembly district, I'm a resident of Huntington,
12 they've been totally ignored. We have very
13 little in common with people who live in
14 Massapequa, I can tell you that. Long Island
15 traditionally, the community of interest is based
16 on which shore of the island you lived on.
17 People in North Shore share a community of
18 interest with other residents of the North Shore,
19 and have very little in common with people in the
20 South Shore in terms of their nature. And that
21 has to do with the Long Island Sound in the south
22 end of our county. People who live in a sewer
23 district don't have the same interests as people
24 that don't live in sewer districts. It drives

Demographic Research and Reapportionment, 2-9-2012

1

2 taxes. It drives things to do with school
3 district taxes, and the like. And you've all
4 heard that.

5 And I think a lot of the criticism
6 you're hearing today would be obviated if you
7 returned to the very direction that the New York
8 State Constitution directs you to, and then you
9 will avoid the inevitable consequence that
10 someone's going to bring a lawsuit, and that will
11 serve no one's purpose and add to the great
12 expense of having to do this all over again, or
13 worse, to surrender our rights to have our
14 elected officials reapportion us, and have some
15 unelected federal judge do it. And so I would
16 beg you to reconsider some of the egregious
17 consequences of this, and I might point one other
18 thing, which is particularly disturbing to me as
19 a resident from Huntington. Under New York State
20 law, as you well know, that the requirements for
21 ballot access to some degree are based on
22 assembly districts.

23 And to give you a graphic example, if
24 this plan is approved, in the town of Huntington

Demographic Research and Reapportionment, 2-9-2012

1

2 you will diminish the ability for ballot access
3 by 50%. By that I mean currently it's 5%, or the
4 lesser of 5% of the registered voters in a
5 political party or 1,000 voters, meaning 500 per
6 assembly districts, two assembly districts, 500
7 equals 1,000. You'll have increased that margin
8 to 1,500 at a minimum, which really negatively
9 impacts the ability of the average citizen to
10 participate in the elective process, and I don't
11 think that's something that anyone would want to
12 do.

13 ASSEMBLY MEMBER MCENENY: Thank you.
14 Ann Podina [phonetic]. Ann Podina [phonetic].
15 Bessie Villanueva [phonetic]. Bessie Villanueva
16 [phonetic]. Terry Scotfield [phonetic].

17 MS. TERRY SCOFIELD: Okay, have you guys
18 got me on mic? Can you hear me? Okay. Then I'm
19 doing this correctly. First, as a Suffolk County
20 resident, my name is Terry Scofield. I'm a
21 resident of Brookhaven township, and I'd like to
22 welcome you to a building that I co-own with
23 other Suffolk County resident.

24 ASSEMBLY MEMBER MCENENY: [Interposing]

Demographic Research and Reapportionment, 2-9-2012

1

2

Excuse me, is it Scotfield [phonetic] or

3

Scotfield?

4

MS. SCOFIELD: Scotfield, S-C-O-F-I-E-L-

5

D.

6

ASSEMBLY MEMBER MCENENY: Okay. It's

7

wrong on the list here, I'm sorry.

8

MS. SCOFIELD: That's quite all right.

9

ASSEMBLY MEMBER MCENENY: Go ahead, Ms.

10

Scotfield.

11

MS. SCOFIELD: Again, welcome you to

12

Suffolk County, and I thank you all for being

13

here today. I want to speak on behalf of the

14

people that you're not hearing from, as Mr.

15

Trainor and several others have spoken. In fact

16

it was clearly an accident that I was here today,

17

because I had just called around, and had wanted

18

to get testimony from some folks who said "I'm

19

not going to come, you think they're going to

20

listen to me? They're owned by the five party

21

boss cabal. The Republicans, Democrats,

22

Independence Party, Conservative Party, and the

23

Working Families Party all go in a room, cut up

24

the districts, decide who's going to get what

Demographic Research and Reapportionment, 2-9-2012

1
2 seat, and we don't have a choice for who runs."

3 So I thought it was really important to
4 come here today and tell you that the public
5 perception of our elected officials from a
6 village and town level to the county level to the
7 state level to the federal level is now being
8 seriously eroded by the preliminary maps that you
9 guys have published. Now, I'm very lucky. I
10 live in a district that doesn't have a lot of
11 change. However, when I look at around my county
12 and I see what's happening with the assembly
13 districts on the East End, with the North Fork
14 being cut up and half of it handed to the South
15 Fork, when I look to my west and I see Central
16 Islip and Brentwood and other minority and Latino
17 communities cut in half, and by the way I did not
18 know that was - - so I'm glad I came today. I
19 learned a lot. But I think that each of you need
20 to go back to the communities that you represent,
21 and ask yourself, because everybody can look up
22 where your money comes from. Everybody who-knows
23 how you got into power. So each of you need to
24 go back to the communities that you represent,

Demographic Research and Reapportionment, 2-9-2012

1

2 and ask them how would you like to be cut in
3 half? How would you like us to effectively cut
4 you off? Because as far as I'm concerned,
5 everybody here that testified today, myself
6 included, we're just yanking each other's chains.
7 Unless and until we do away with the five party
8 boss cabal, there will be no choice for the
9 people of Suffolk County, for the people of Long
10 Island, or for the people of New York State,
11 because we don't even get to decide who's on the
12 ballot. So do a good job, but you know what?
13 You're largely irrelevant. Thank you.

14 ASSEMBLY MEMBER MCENENY: Thank you.
15 Raymond Aversa [phonetic]. Raymond Aversa
16 [phonetic]. John F. Caruso.

17 MR. JOHN F. CARUSO: There was good
18 morning when I wrote my notes. Good afternoon.
19 Very interesting here today listening to everyone
20 give testimony, and one of the themes that has
21 come through loud and clear is the fact that
22 communities want to stay together. My father
23 came to Massapequa in the twenties and sold real
24 estate. He brought in our friends and families.

Demographic Research and Reapportionment, 2-9-2012

1
2 I've been living in the Massapequas for 40 years.
3 I'm not different than any of my neighbors or any
4 of the people who live there. We are deep in
5 community history, and we are deep in community
6 relations.

7 In fact, if you travel around the state
8 or if you travel on public transportation and you
9 strike up a conversation, even in an airplane,
10 people know Massapequa. They know it's defined,
11 they know its definition. They know to the east
12 we're separated at the county line. They know to
13 the west we're separated by a town line between
14 Hempstead and the town of Oyster Bay. Most
15 importantly, to the south is the Great South Bay,
16 where many of us have come through the years
17 because of the fruits that are there and because
18 of our love for the sea and the ocean. We are
19 sitting here today, and I come to you not only as
20 a citizen of Massapequa and the State of New
21 York, but as an elected official.

22 Now many of you think water
23 commissioners, for whatever reason, are whatever
24 they are. Water commissioners and fire district

Demographic Research and Reapportionment, 2-9-2012

1

2 commissioners and people in the school district
3 are at the very most personal level to deal with
4 the citizens of our community. They might not be
5 able to get to a senator from the federal
6 government or a congressman, but when we go and
7 gas up our car, or when we go shopping, or when
8 we come out of church, people want to know what's
9 going on. They want to understand, and they ask
10 us. So we can give you the pulse of the local
11 Massapequa community.

12 You heard our Assemblyman Saladino
13 before discuss the history of the Massapeguas.
14 Our people do not want this carving up the way it
15 is proposed, simply because it doesn't keep our
16 community together. That is most important, and
17 we had our—from our history teacher that was here
18 before, he said let's look to history. I'll get
19 back to that in a moment.

20 But what Assemblyman Saladino did say is
21 that we are confronted now with one of the most
22 toxic plumes in the United States, emanating from
23 the Navy/Grumman Bethpage site. It has been
24 allowed to advance unabated for over 25 years

Demographic Research and Reapportionment, 2-9-2012

1
2 until now the little community known as
3 Massapequa has gotten all of the regulatory
4 agencies to take notice. There is one fact for
5 sure, the DEC, the EPA, the governor, senators
6 know Massapequa. They know they want this plume
7 stopped, and the only reason they know that is
8 that our community got behind this issue, made it
9 public, and made them pay attention.

10 To think we are finished with it is
11 wrong. To break up this water—to break up our
12 community at this time into separate assembly
13 districts will take that strength away from us.
14 If you look to the Great South Bay, that is where
15 this plume is going to end up. So everyone who's
16 a stakeholder in living on the bay or having
17 recreation on the bay or fishing on the bay
18 sooner or later is going to be impacted.
19 Massapequa has stood up, taken its position, and
20 made the regulatory agencies pay attention. That
21 is community involvement. That is what you've
22 been hearing the theme is today.

23 If you look at the proposed district,
24 the 9th District, I don't know how on earth the

Demographic Research and Reapportionment, 2-9-2012

1
2 people who take their drinking water from our
3 sole source aquifer will be properly represented
4 as they are now. So we say to you this is not
5 what is good for the political arena, but it is
6 very bad for the arena of health. You have to
7 understand that there is commonality for people
8 that live along the Great South Bay as was
9 pointed out before, commonality for people that
10 live along the Long Island Sound.

11 So if history is to repeat itself, as
12 our history teacher told us, I ask you to recall
13 a very famous book called The Power Broker by
14 Robert Cairo, and I ask you to look at the
15 chapter referring to the Cross Bronx Expressway,
16 which split a community in the 1940s, and the
17 Gowanus Expressway, which split a community in
18 the 1930s. Those lessons cannot be repeated. I
19 thank you for your time.

20 ASSEMBLY MEMBER MCENENY: Thank you. Jim
21 Gorran [phonetic]. Jim Gorran [phonetic]. Robert
22 Barret.

23 MR. ROBERT BARRET: Good afternoon. I
24 thank the committee for the opportunity to speak

Demographic Research and Reapportionment, 2-9-2012

1
2 here today. My name is Robert Barret, and I am a
3 53-year-old resident of Massapequa. I am the
4 immediate past president of the Massapequa
5 Chamber of Commerce, the past vice president of
6 my civic association of my hometown neighborhood,
7 Nassau Shores, and I currently sit on the board
8 of directors of the Massapequa High School Hall
9 of Fame.

10 There are many things disturbing about
11 the proposed reapportionment plan, but the one
12 thing that strikes me as the oddest is the notion
13 that members of the Massapequa Chamber of
14 Commerce and members of the Massapequa Park
15 Merchants Association now lie in different
16 districts with two different representatives.
17 This model, to me, I find ludicrous. Without
18 continuity of district, we diminish our ability
19 to come together as a business community,
20 networking will suffer, and with it the small
21 businessman, the entrepreneur, the mom and pop
22 stores.

23 Small business has long been considered
24 the backbone of our society, and the financial

Demographic Research and Reapportionment, 2-9-2012

1
2 breadbasket to hundreds of millions of people
3 around America. We are, after all, the Chamber
4 of Commerce of the Massapeguas Incorporated, not
5 the Chamber of Commerce, including part of the 9th
6 District but members of the 17th District need not
7 apply, Incorporated. When we arbitrarily move
8 the lines for political gain, we descend into a
9 soft tyranny, a condition that hinders hope among
10 its members and/or its citizens. When you divide
11 an area like Massapequa into political units to
12 give special advantage to one political party,
13 you weaken the strength of that community.

14 A power play to create these new
15 districts is utopian socialism in disguise. It's
16 a fantasy. It's a hologram. It's the eagle on
17 your credit card that seems to soar. When you
18 fragment an area such as Massapequa and draw a
19 new line in the sand, you break the continuity of
20 a community steeped rich in tradition. I fear
21 the day I have to tell my young son what it was
22 once like to live in a united Massapequa.

23 If this plan goes through, whether the
24 redistricting is veiled under the shroud that

Demographic Research and Reapportionment, 2-9-2012

1

2

says one person, one vote, or by strict

3

conformity to the Voting Right Act, our destiny

4

will be a fait accompli. In other words, there

5

will be irreversible damage. If we are to truly

6

enjoy civil and political liberty, the citizens

7

of the 12th Assembly District need to stand up.

8

If destruction be our lot, we must ourselves be

9

its author and finisher, otherwise, as Lincoln

10

said, the nation will surely die by suicide.

11

Therefore I implore this committee to

12

look at for the folks for once, and put aside

13

your partisan politics. This is no small matter,

14

ladies and gentlemen. It's time to do what's

15

right. We can no longer skirt the issue or as

16

General David Petraeus told President George Bush

17

on the even of the surge in Iraq, this isn't

18

double-down, Mr. President, it's all-in. Thank

19

you.

20

ASSEMBLY MEMBER MCENENY: Thank you.

21

Patricia Orzano [phonetic]. Patricia Orzano

22

[phonetic]. That includes the 45 people who are

23

on the list, and we will ask anyone—first,

24

anybody in the room that has not testified

Demographic Research and Reapportionment, 2-9-2012

1

2 before—if they would like to speak. Hearing
3 none, I see a gentleman—come on up. [Pause] I
4 know. Good afternoon.

5 MR. ROBERT SUMMERVILLE: Good afternoon.
6 My name is Robert Summerville, and I'm sorry for
7 being late, but—

8 ASSEMBLY MEMBER MCENENY: You're not
9 late. As long as we're here it all goes into the
10 same public record, sir.

11 MR. SUMMERVILLE: I develop a habit to
12 some degree of being a little tardy for some of
13 the meetings that I attend, because earlier in my
14 life a young man told me, you know, you always
15 coming in late, one of these days you're going to
16 be late for your own funeral. I thought that was
17 a good idea, so I'm trying to get me a couple of
18 more years. So I'll—I apologize.

19 Again, as I said, my name is Robert
20 Summerville. I'm a member of the Roosevelt Union
21 Free School District, but today I do not address
22 you at that capacity. I'm only drawing some
23 information that we have as a school district,
24 because it is important to me and my community.

Demographic Research and Reapportionment, 2-9-2012

1
2 For approximately 30 years I worked hard
3 to get a full complement of books in the hands of
4 the kids in Roosevelt School, and as recently I
5 became a success story by having those kids armed
6 with the tools of the educational trade, books.
7 I am going to make some statements that may sound
8 to some as being against minority participation,
9 but that's farthest from the truth. To show you
10 my commitment to participation, in 1959 I was
11 removed out of the state of Mississippi and
12 placed into the military, because I was involved
13 in with minority participation. I became an
14 activist in 1963 in - - with the NAACP in order
15 to stop the program or the project called Negro
16 removal. So I'm well grounded in the fundamental
17 principles or participation.

18 But I rise before you today to give you
19 somewhat of what I will call a success story. We
20 currently have somewhere in the neighborhood of
21 five schools that's coming on board in the
22 Roosevelt Union Free School District. We have a
23 mortgage for approximately 30 years, and we have
24 a team that was able to bring all of that to us.

Demographic Research and Reapportionment, 2-9-2012

1
2 We have the 8th Senatorial District, and we have
3 the 18th Assembly District. Unfortunately, 10
4 years ago this one square mile was divided in the
5 18th Assembly District, and I wouldn't like to see
6 that happen again, because, as I said, we have a
7 team, and it's important to keep that team
8 together.

9 As Billy Carter once said, if it ain't
10 broke, don't fix it. Roosevelt at this time
11 isn't broke, so please don't give us the axe.
12 Thank you.

13 SENATOR NOZZOLIO: Thank you very much.

14 ASSEMBLY MEMBER MCENENY: Thank you.

15 Now I believe you're the—give us your name. I
16 believe you testified at Queens earlier this
17 week, and I would caution you if you're bringing
18 up new issues, since we're creating one
19 continuous transcript here, then you're very
20 welcome, but not a repeat of previous testimony.
21 Thank you. Please.

22 MR. JOHN BUDNICH: My name is John
23 Joseph Budnich, born at Mitchell Field Air Force
24 Base. I'm immensely proud of my Mexican,

Demographic Research and Reapportionment, 2-9-2012

1

2

Spanish, Polish, Irish, Ukrainian, Scottish

3

heritages. My great-grandfather fought with

4

Kearny part of the United States. My other

5

great-grandfathers fought at Gettysburg to help

6

make freedom for everyone in America the same. I

7

have been sent here by Massapequa Against Drugs,

8

Drug-Free Massapequa, because we have a horrible

9

problem in the Massapequa community. We have

10

unfortunately become an epicenter of drugs

11

destroying young people. We've had huge numbers,

12

unfortunately too huge numbers of young people

13

dying of overdoses, killing themselves, because

14

of the fact that they're not able to deal with

15

the fact that they have uncontrollable drug

16

abuse. We have a situation that pervades the

17

entire Massapequa area. I'm a former head of-

18

when I lived there-Hicksville Against Drugs,

19

while that area was divided between four assembly

20

districts. It didn't help that problem, the drug

21

problem there, having four assembly districts, I

22

can tell you professionally as a former assistant

23

district attorney, and seeing horrible things

24

happen.

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24

The thing that I want to emphasize is that the Massapeguas should not end up in a similar situation as to what I saw when I was living in Hicksville, which was divided too many ways, okay. And it took us years in Hicksville to get that put back together, and we have a situation in the Massapeguas, it's a life-threatening situation that I don't believe anybody has brought to your attention. We are fighting with the various groups, organizations, activities, school districts, water districts, fire districts, throughout the area. We need them united. We need a united voice in Albany. Thank you very much. God bless you all. You're doing an incredible job.

SENATOR NOZZOLIO: And thank you for sitting through—

[Background voices]

ASSEMBLY MEMBER MCENENY: Did you wish to speak, sir?

SENATOR NOZZOLIO: I was going to say the same thing in Ukrainian, but Ray beat me to it.

Demographic Research and Reapportionment, 2-9-2012

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2

[Background voices]

3

ASSEMBLY MEMBER MCENENY: Is there

4

anyone else here in the room who would like to

5

speak? Hearing none, we're going to declare this

6

hearing closed. We thank the 47 people who gave

7

verbal testimony, additional people who sent

8

testimony in here in writing, and we'll continue

9

to do so. It is our hope next week Syracuse,

10

Rochester, Buffalo, during Presidents Week,

11

wrapping this up, making a number of changes, and

12

hopefully we'll have something here by the end of

13

February. What's that?

14

SENATOR NOZZOLIO: Assemblyman McEneny,

15

thank you for your chairing, your work today,

16

that we are changing the time of the Rochester

17

meeting. It is scheduled for this upcoming

18

Wednesday, February 15th, currently scheduled at

19

10 a.m. in the County Legislative Office

20

Building, that the time is being changed to

21

11:30, 11:30, Wednesday the 15th of February in

22

Rochester. Thank you.

23

[Music]

24

(The public hearing concluded at 2:56

Demographic Research and Reapportionment, 2-9-2012

1

2

p.m.)

C E R T I F I C A T E

I, Debra Bonogofsky, do hereby certify that the foregoing typewritten transcription, consisting of pages number 1 to 54, inclusive, is a true record prepared by me and completed from materials provided to me.



Debra L. Bonogofsky, Transcriptionist

February 15, 2012 Date

C E R T I F I C A T E

I, Marsha Branch, do hereby certify that the foregoing typewritten transcription, consisting of pages number 1 to 57, inclusive, is a true record prepared by me and completed from materials provided to me.

Marsha G Branch

Marsha Branch, Transcriptionist

February 16th, 2012

Demographic Research and Reapportionment 2-9-2012

C E R T I F I C A T E

I, Laura L. Springate, do hereby certify that the foregoing typewritten transcription, consisting of pages number 1 to 54, inclusive, is a true record prepared by me and completed from materials provided to me.



Laura L. Springate,
Transcriptionist

February 15, 2012

Demographic Research and Reapportionment 2-9-2012

C E R T I F I C A T E

I, Rachel K. Bevilacqua, do hereby certify that the foregoing typewritten transcription, consisting of pages number 1 to 41, inclusive, is a true record prepared by me and completed from materials provided to me.



Rachel K. Bevilacqua,

Transcriptionist

2/15/2012 Date



**NEW YORK STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND
REAPPORTIONMENT
PUBLIC HEARING ON CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING
02/09/2012 SUFFOLK –11:00 A.M.**

SPEAKERS LIST:

1. **ASSEMBLY MEMBER ANDREW P. RAIA, 9TH AD**
2. **ASSEMBLY MEMBER DANIEL LOSQUADRO, 1ST AD**
3. **WILLIAM HENDRICK, MAYOR, INCORPORATED VILLAGE OF LYNBROOK**
4. **FRANK SPROUSE (WITH TRANSLATOR), MEMBER, MAKE THE ROAD NY**
5. **PHIL HEALY, PRESIDENT, BILTMORE SHORES CIVIC ASSOCIATION**
6. **JEFFREY GREENFIELD, VP OF GOVERNMENT AFFAIRS, LYNBROOK CHAMBER OF
COMMERCE**
7. **MARCOS MALDONADO, CLEAN STREETS COMMITTEE**
8. **DAVID H. STONEHILL, ESQ., PRESIDENT, DAVID H. STONEHILL, PC**
9. **STEVE LABRIOLA, TOWN CLERK, OYSTER BAY**
10. **KEN DALY**
11. **CHARELS GUCCIARDO**
12. **VIOLET SMITH, BRENTWOOD**
13. **GIL BERNADINO**
14. **MANNY VIDAL, JR., BRENTWOOD**
15. **BESSIE ORTEGA**
16. **DR. ANDREW A. BEVERIDGE, QUEENS COLLEGE, CUNY**
17. **RODERICK A. PEARSON, PRESIDENT, ISLIP TOWN NAACP**

18. RICHARD MCGRATH
19. MJ FITZGERALD, COLD SPRINGS HARBOR
20. DENISSE SANDOVAL, COMMUNITY ORGANIZER, LONG ISLAND PROGRESSIVE
COALITION
21. NICHOLAS RAMCHARITAN
22. TOM DONNELLY, BABYLON TOWN COUNCILMEMBER
23. COMMANDER JOSEPH MCCARTHY, 3350 ROBERT GARRISON POST
24. BRIAN PAUL, COMMON CAUSE
25. STEPHEN D. WANGEL, VP MEMBERSHIP, LYNBROOK CHAMBER OF COMMERCE
26. LES WRIGHT
27. MAURICIO GAVIRIA, ISLIP
28. H. SCOTTIE COADS, CIVIC ENGAGEMENT, NAACP-NYS CONFERENCE
29. ROSA QUILES, PARENT, MEMBER NY COMMUNITIES FOR CHANGE
30. ASSEMBLY MEMBER JOSEPH SALADINO, 12TH AD
31. ELZIE ROSS
32. DR. DANIEL ALTSCHULER, COORDINATOR, LONG ISLAND CIVIC ENGAGEMENT
TABLE
33. TODD BREITBART
34. KEVIN NELSON, MEMBER, NY COMMUNITIES FOR CHANGE
35. LUCIUS WARE, PRESIDENT OF EASTERN LONG ISLAND BRANCH, NAACP
36. JOANN FINK
37. RENEE ORTIZ, LEEP, ISLIP NAACP
38. MIMI PIERRE-JOHNSON
39. DENNIS TERRY
40. PAUL JOHNSON, NAACP
41. KERRY TRAINOR
42. ROBERT LIFSON
43. TERRI SCOFIELD

44. **JOHN F. CARUSO, MASSAPEQUA WATER DISTRICT COMMISSIONER**
45. **ROBERT BARRETT**
46. **ROBERT SUMMERVILLE**
47. **JOHN BUDNICH, DRUG FREE MASSAPEQUA**

NEW YORK STATE
LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND
REAPPORTIONMENT

PUBLIC HEARING
CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING

Tuesday, February 14, 2012
Syracuse City School District
Henninger High School - Auditorium
600 Robinson Street, Syracuse, NY
3:00 p.m.

Demographic Research and Reapportionment, 2-14-2012

TASK FORCE MEMBERS PRESENT:

SENATOR MICHAEL F. NOZZOLIO, Co-Chair

ASSEMBLY MEMBER JOHN J. MCENENY, Co-Chair

SENATOR MARTIN M. DILAN

ASSEMBLY MEMBER ROBERT OAKS

DEBRA LEVINE

ROMAN HEDGES

WELQUIS LOPEZ

INDEX

	Page
ANTHONY PICENTE, JR. ONEIDA COUNTY EXECUTIVE	8
KEITH ZIMMERMAN DIRECTOR OF PLANNING ST. LAWRENCE COUNTY	14
SAM BERNADINO PRESIDENT MOHAWK VALLEY CHAMBER OF COMMERCE (ONEIDA & HERKIMER COUNTIES)	20
MARY Q. CHAPIN PRESIDENT DISPUTE RESOLUTION INTERNATIONAL	23
CHARLES T. HAGE COMPLIANCE OFFICER MOHICAN FINANCIAL MANAGEMENT	26
VITA DEMARCHI CHAIRWOMAN ONONDAGA COUNTY DEMOCRATIC COMMITTEE	31
CAROLYN D. FITZPATRICK CHAIR OF THE BOARD JEFFERSON COUNTY LEGISLATORS	37
DONALD GOULET COMMON CAUSE	40
FRED BEARDSLEY LEGISLATOR OSWEGO COUNTY	45
DEBORAH WARNER VICE PRESIDENT FOR PUBLIC POLICY CENTERSTATE CEO	49
MICHAEL MARINACCIO SUPERVISOR, TOWN OF DICKINSON PRESIDENT, COUNCIL OF GOVERNMENT	57

Demographic Research and Reapportionment, 2-14-2012

GREGORY LANCETTE PLUMBERS AND STEAMFITTERS LOCAL 267	60
KEVIN ACRES DIRECTOR ST. LAWRENCE COUNTY FARM BUREAU	64
NANCY MARTIN ST. LAWRENCE COUNTY REPUBLICAN CHAIR	66
DON JEROR	72
JULIE MILLER CHAIR ONEIDA COUNTY CONSERVATIVE CHAIR	75
CASSANDRA HARRIS LOCKWOOD CEO FOR THE GOOD, INC.	83
WILLIAM M. PABES	85
MARK HALL SUPERVISOR TOWN OF FINE, NY	88
KIMBERLY HUTTON	91
KENNETH L. BUSH SUPERVISOR TOWN OF ELBRIDGE	95
JAMES ANNUTTO	98

1 Demographic Research and Reapportionment, 2-14-2012

2 (The public hearing commenced at 3:00
3 p.m.)

4 ASSEMBLY MEMBER JOHN J. MCENENY, CO-
5 CHAIR, NEW YORK STATE LEGISLATIVE TASK FORCE ON
6 DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT: Could
7 I ask you to take your seats now? We'd like to
8 get on with the hearing. Thank you for your
9 patience.

10 [background noise]

11 ASSEMBLY MEMBER MCENENY: It's your
12 turf. Do you want to start this one?

13 SENATOR MICHAEL F. NOZZOLIO, CO-CHAIR,
14 NEW YORK STATE LEGISLATIVE TASK FOR ON
15 DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT: Yeah,
16 I'd rather start tomorrow.

17 ASSEMBLY MEMBER MCENENY: Good
18 afternoon. Thank you for attending this public
19 hearing of LATFOR, the New York State legislative
20 taskforce on redistricting. My name is Jack
21 McEneny. I represent parts of Albany County and
22 City in the New York State Assembly, and I am the
23 co-chair from the New York State Assembly. I am
24 joined with my co-chair from Central New York,

1 Demographic Research and Reapportionment, 2-14-2012

2 Michael Nozzolio, and I'll pass this over to
3 Senator Nozzolio in a moment. On the panel, to
4 my immediate right I expect to be joined shortly
5 by someone who is just wrapping up the last
6 public hearing on the budget, and that's Robert
7 Oaks from Yates County, I believe, and to my far
8 right, the citizen member of the panel from the
9 assembly is Dr. Roman Hedges, and to continue,
10 I'll pass this on to my co-chair, Senator
11 Nozzolio.

12 SENATOR NOZZOLIO: Thank you Assemblyman
13 McEneny. Thank you Assemblyman McEneny. It's a
14 pleasure to be with you again. This is our
15 twenty-first hearing, the second time we have
16 been in Syracuse as a taskforce taking testimony
17 from those citizens who are interested in the
18 redistricting process.

19 We've covered a lot of miles since our
20 last visit to Syracuse, and that the plan that
21 puts forward is a plan that we welcome your input
22 on. There is no such thing as a perfect plan and
23 that we have been conducting these hearings,
24 there are nine that have been scheduled after the

1 Demographic Research and Reapportionment, 2-14-2012

2 plan was introduced.

3 I'd like to point out that the testimony
4 today is video-recorded, and that recording is
5 the official record of our hearing, and the
6 hearing testimony is placed on the LATFOR website
7 for all to view, as well as this hearing, the
8 other 20 hearings are available for viewings as
9 well.

10 Without further ado, I want to introduce
11 the members of the panel from the Senate
12 perspective. First and foremost is the ranking
13 member, Senator Martin Dilan. To his left is the
14 citizen representative on the taskforce from the
15 senate, representing the senate is Welquis Ray
16 Lopez. To his left is the co-executive director
17 of the commission--it's Debra Levine. Without
18 further ado, we have a long list of those who are
19 asked to testify. Anyone wishing to testify and
20 has not signed up, please do so.

21 And that, without further ado,
22 Assemblyman, let's open it up to any other
23 members of the panel who wish to make a
24 statement. Hearing none, Assemblyman, would you

1 Demographic Research and Reapportionment, 2-14-2012

2 call up our first witness?

3 ASSEMBLY MEMBER MCENENY: Thank you,
4 Senator. We remind you: we try and keep this as
5 concise as possible. You have in most cases
6 submitted a prepared statement. Please summarize
7 your statement--if you can, stay within five
8 minutes. We don't want to have to enforce that
9 rule, but if you're wandering too far afield, in
10 courtesy to the other people here--officially
11 there's so far 22 members of the public that are
12 coming in to testify. There will probably be
13 others before the end of this hearing. We will
14 sign people up as long as they are coming in,
15 stay here as long as necessary. Our first
16 individual is the honorable Anthony Picente, the
17 Oneida County Executive.

18 [background noise]

19 SENATOR NOZZOLIO: Executive?

20 ASSEMBLY MEMBER MCENENY: Good
21 afternoon.

22 MR. ANTHONY PICENTE JR., ONEIDA COUNTY
23 EXECUTIVE: How's that? Now, let me say again,
24 good afternoon, Senator and Assemblyman, members

1 Demographic Research and Reapportionment, 2-14-2012

2 of the committee. I appreciate the opportunity
3 to be able to give testimony on behalf of my
4 county, Oneida County, New York. I have been
5 County Executive since 2007, and I would like to
6 speak about this process as it affects our level
7 of government and in particular the residents of
8 Oneida County. I would like to specifically talk
9 about the redistricting that has an impact on the
10 congressional district of the 24th congressional
11 district, currently represented by Congressman
12 Richard Hanna, as well as the senate and assembly
13 districts, also, which I'll get to in a moment.

14 Oneida County is unique. It is right in
15 the central part of New York. We have 26 towns,
16 19 villages, and 3 cities--one of the few
17 counties with that many cities in New York State.
18 And although they may be small in population,
19 they do contribute a great deal to the fabric of
20 Upstate New York and in particular, the areas
21 that are represented by Congressman Hanna include
22 a number of military and Air Force-related
23 entities that are important to the overall
24 economic viability of Oneida County.

1 Demographic Research and Reapportionment, 2-14-2012

2 Currently all of Oneida County, with the
3 exception of 8 towns in the northern part of the
4 county, are located in the 24th congressional
5 district. I'm here to ask that in consideration
6 of this, and the efforts and the review of this
7 committee that you look at Oneida County in terms
8 of this representation and make it whole.

9 Along with that, Herkimer County, for
10 which we share an NPO in terms of the state
11 transportation process, have similar needs,
12 similar working relationships on a variety of
13 issues concerning transportation, water, and
14 infrastructure. It is the intent of both
15 counties that they remain in the 24th and be put
16 whole in the 24th district, or whatever district
17 is comprised of--you know, once redistricting
18 takes place.

19 We understand that due to population
20 that New York will have to lose two congressional
21 seats. Even with that, it really is important
22 that the emphasis be put on the relative needs of
23 a community, and in terms of this, how a
24 community can fare in terms of balanced

1 Demographic Research and Reapportionment, 2-14-2012

2 representation. To break up Oneida County as it
3 has been, and including which a time when the
4 federal government is cutting back severely in
5 the department of defense, which would impact
6 areas of Oneida County, in particular the Air
7 Force research lab in Rome, DFAS, and numerous
8 other companies that do business with the Air
9 Force and the federal government, with
10 representation of one, we have our better chance
11 of our case being heard and being made more
12 imperative to the issues of remaining whole.

13 It is, while it does look like we're
14 trying to be selfish, Upstate New York has
15 suffered greatly over the past several years, and
16 my county has been no different. The same moves
17 over to the senate and the assembly lines--
18 currently, we have two senators representing
19 Oneida County, Senator Griffo and Senator
20 Valesky, and while both have done an admirable
21 job, it should be represented by one senator,
22 given the nature of the composition of the
23 county, the issues of the county, and the fact
24 that it gets broken up into areas that are not

1 Demographic Research and Reapportionment, 2-14-2012

2 demographically or economically similar.

3 Currently there are three assembly
4 representatives in Oneida County. The current
5 redistricting process shows that that will go to
6 five. That's ludicrous. It does no good that
7 the assembly would be represented by five
8 different people in an area of 234,000 for which
9 districts would cross over multiple county lines,
10 north, south, east, and west. It makes no sense.
11 It's not fair to the people of Oneida County, and
12 I urge you to reconsider and have at least two,
13 possibly the three that currently exist, in terms
14 of the assembly districts.

15 So in summarizing, it is important that
16 Oneida County be given the representation that it
17 deserves, that it is entitled to, and that keeps
18 it cohesive within the relative importance of
19 where it fits in the demographics and in the
20 economic situation of New York State. Oneida
21 County is strong; it is vibrant; it has suffered.
22 It has suffered severe state and federal losses
23 in terms of job and economic loss over the past
24 several years. To continue to treat it in an

1 Demographic Research and Reapportionment, 2-14-2012

2 area which gets broken up into multiple pieces
3 does not serve the people of my county well--it
4 only fractures them more. It only looks as if
5 the state continues to ignore us or break us
6 apart and make us irrelevant or insignificant in
7 terms of the economic situation, the importance
8 of our people, and the representation that we
9 deserve.

10 So I would urge this committee to take a
11 hard look at those lines, put the congressional
12 line all in one Oneida County district, make
13 Oneida County whole, make it whole in the Senate,
14 and take a serious look at the assembly
15 districts, which are really--I mean, checker
16 boarding is an example that gets used, but it's
17 not even that. It's really an insult that this
18 county gets broken up into five different
19 districts which have nothing in common with the
20 others, other than the fact that it just makes it
21 more diverse in terms of representation that
22 cannot come together--

23 MS. DEBRA LEVINE, CO-EXECUTIVE DIRECTOR,
24 NYS LEGISLATIVE TASK FORCE ON DEMOGRAPHIC

1 Demographic Research and Reapportionment, 2-14-2012

2 RESEARCH AND REAPPORTIONMENT: Mr. Picente, you
3 need to summarize, please.

4 MR. PICENTE: --On specific issues now.
5 Thank you.

6 [applause]

7 ASSEMBLY MEMBER MCENENY: Thank you very
8 much. Any questions to the panel? Thank you.
9 Our next testifier is Keith Zimmerman. Good
10 afternoon.

11 MR. KEITH ZIMMERMAN, DIRECTOR OF
12 PLANNING, ST. LAWRENCE COUNTY: Good afternoon.
13 Thank you for the opportunity to address the
14 taskforce. My name is Keith Zimmerman. I am the
15 Director of the St. Lawrence County Planning
16 Office. I come before you today sharing the
17 views of the County Board of Legislators.

18 As you have currently proposed it, the
19 legislative redistricting would create three
20 senate districts and four assembly districts to
21 represent the needs of fewer than 110,000 people.
22 To say that St. Lawrence County is confused by
23 the proposed legislative redistricting effort is
24 a massive understatement. With a county

1 Demographic Research and Reapportionment, 2-14-2012

2 geography that consists of the seventh largest
3 land mass east of the Mississippi River, and with
4 an area that is nearly 250 square miles larger
5 than the 12 smallest counties in New York State
6 combined, St. Lawrence County feels a bit
7 shortchanged by this proposal. We have distance
8 and density obstacles that challenge us in the
9 fiscally responsible delivery of required and
10 desired services at all times under the best of
11 circumstances. We will surely not benefit from
12 political filleting that ensures a lack of
13 singular and powerful voices in Albany to
14 champion our causes and issues.

15 This plan, if adopted, would punish this
16 county with a lack of meaningful representation,
17 the likes of which are unparalleled in any other
18 county in the state. The table and graphics
19 attached to this presentation portray the effects
20 of this redistricting proposal, and while we
21 certainly respect the good intentions of those
22 who serve the public in elected office at this
23 level, we know that those who serve do so with
24 certain awareness of the needs and the geography

1 Demographic Research and Reapportionment, 2-14-2012

2 of their constituent populations.

3 Of the 57 counties in New York State,
4 not including the five boroughs of New York City,
5 12 are presumed to be too large to be represented
6 by a single senate district, and another 10 are
7 too large to be represented by a single assembly
8 district. In each of those 22 counties, at least
9 one senate or assembly member will represent a
10 substantial portion of the county. Of the
11 remaining counties, which could in fact have 100%
12 of their population represented by at least one
13 single senate or assembly member, only two--St.
14 Lawrence and Herkimer--do not. Of these two,
15 only St. Lawrence's population is proposed to be
16 substantially underrepresented by being parsed
17 into seven separate districts.

18 Let me focus on the assembly plan first:
19 In only assembly district 116 would the county
20 even have a bare majority of the population of
21 the district, at 52.3%. Known colloquially as
22 the River District, the 116th would find the
23 river towns of our county combined with our two
24 largest college towns, and thus incorporating our

1 Demographic Research and Reapportionment, 2-14-2012

2 four largest population centers, offset by the
3 city of Watertown, the Thousand Island regions,
4 and several townships abutting the burgeoning
5 Fort Drum area in Jefferson County--and this is
6 the best scenario for representation we have
7 under your plan. On a descending percentage of
8 population basis comes the representation of
9 assembly districts 118, 115, and 117, with
10 relative percentages of county populations per
11 district of 25.18%, 5.17%, and incredibly, 0.64%.

12 Now, in that second best district, the
13 118th it may take us a little time to figure out
14 points of common interest and needs with our
15 neighbors in Fulton County, which is about 170
16 miles and a four-hour car ride away. On the plus
17 side, you do get to enter into and pass entirely
18 through the greatest extent of the beautiful
19 Adirondack Park on the way down.

20 Another plus--the assembly redistricting
21 plan for the county is laudable compared to that
22 for the senate. As shown from the accompanying
23 tables and graphics, county residents make up a
24 very small proportion of the overall district

1 Demographic Research and Reapportionment, 2-14-2012

2 populations, at 18.9% for the 48th, 16.1% for the
3 47th, and 2.36% for the 45th. More troubling in
4 the senate districts is the fact that in all
5 three of the districts, every county has more
6 than 90% of its population represented by a
7 single representative, except St. Lawrence
8 County. Even within these districts, when there
9 may be divergent views to be advanced, those
10 other counties and their senators understand and
11 appreciate that their only senator must be their
12 voice in Albany.

13 The board of legislators and the
14 residents of our county want to know who speaks
15 for us? Who speaks for the citizens of St.
16 Lawrence County? Counties, as you know, view
17 their role in large measure as the managing
18 partner on behalf of the state for myriad
19 programs and services. For most counties,
20 something akin to 90% of their local budgeted
21 costs are attributable to nine or ten broad
22 mandates of the state. How can you folks view
23 this as being a representative government plan
24 for the people of St. Lawrence County?

1 Demographic Research and Reapportionment, 2-14-2012

2 The pending resolution attached at the
3 end of my submission package was passed by the
4 committee of the whole of our county legislature
5 last evening and will be formalized in March. It
6 requests that the governor reject this plan and
7 calls upon the members of the taskforce to renew
8 your collective efforts to find better
9 alternatives. Surely your taskforce can, and in
10 our opinion should, do better.

11 This intentional marginalization is
12 unacceptable based on the principle of equal
13 representation. The citizens of St. Lawrence
14 County should be neither a political afterthought
15 nor an accidental outcome of what otherwise
16 should be a thoughtful and an intentional
17 reapportionment process. It seems inconceivable,
18 even given your constraints, that a population of
19 110,000 people in this great state needs to have
20 their voice taken away from them by being
21 fragmented into seven different districts.

22 MS. LEVINE: Mr. Zimmerman, you need to
23 summarize, please.

24 MR. ZIMMERMAN: I appreciate it. We

1 Demographic Research and Reapportionment, 2-14-2012

2 encourage you to rethink and redraw your plans
3 with the intention to make certain that those at
4 the extreme edge of representative government,
5 those with the greatest difficulties and
6 challenges in being fairly represented, have
7 their needs addressed first, then work your way
8 in. Thank you for your time and consideration.

9 MS. LEVINE: Thank you.

10 ASSEMBLY MEMBER MCENENY: Thank you very
11 much.

12 [applause]

13 ASSEMBLY MEMBER MCENENY: Honorable Ray
14 Meyer [phonetic]? Senator Meyer? We'll call him
15 again. Henry Balmer [phonetic]? Henry Balmer?
16 Sam Bernadino?

17 MR. SAM BERNADINO, PRESIDENT, MOHAWK
18 VALLEY CHAMBER OF COMMERCE (ONEIDA & HERKIMER
19 COUNTIES): Good afternoon. Thank you for the
20 opportunity to be here. My name is Sam
21 Bernadino. I am a businessman from Utica, New
22 York, and Chairman of the Mohawk Valley Chamber
23 of Commerce. The Chamber of Commerce represents
24 approximately 900 businesses throughout Oneida

1 Demographic Research and Reapportionment, 2-14-2012

2 and Herkimer Counties. I would like to comment
3 on the redistricting process at the federal and
4 state levels.

5 With regard to the congressional
6 redistricting, the Mohawk valley Chamber of
7 Commerce is the largest voice for business in
8 Oneida and Herkimer Counties, and our board of
9 directors is requesting that both counties be
10 included in the same congressional district.
11 Currently, the majority of Oneida County and all
12 of Herkimer County is located in Congressman
13 Hanna's 24th congressional district.

14 It should be noted that there is much in
15 common between Oneida and Herkimer Counties, and
16 they should be in the same district to ensure
17 coordination of economic development efforts, as
18 well as assist in an effort to control taxes
19 through the consolidation of services. A number
20 of services are currently shared at the county
21 level, and over the years major nonprofit
22 organizations have joined together to function as
23 one regional entity. We urge you to consider the
24 negative impact to the private and public sectors

1 Demographic Research and Reapportionment, 2-14-2012

2 by not maintaining a common congressional
3 district for Oneida and Herkimer Counties, and we
4 hope Congressman Hanna has the opportunity to
5 continue representing us in the US House of
6 Representatives after 2012.

7 Additionally, New York needs a true
8 independent and nonpartisan citizens
9 reappointment commission now. Our board of
10 directors established an official public policy
11 position seeking the establishment of a
12 commission that would be comprised of people who
13 are not public officials, whether relatives,
14 lobbyists, political parties or office holders.
15 These individuals would submit recommendations
16 for redistricting to the legislature for approval
17 in accordance with the New York State
18 constitution. Such a commission would help
19 ensure a fair and competitive election process,
20 and the process of gerrymandering, and keep
21 together communities of common interest. Thank
22 you for your consideration. Have a good
23 afternoon.

24 [applause]

1 Demographic Research and Reapportionment, 2-14-2012

2 ASSEMBLY MEMBER MCENENY: Thank you.

3 Mary Q. Chapin?

4 MS. MARY Q. CHAPIN, PRESIDENT, DISPUTE
5 RESOLUTION INTERNATIONAL: Thank you. Good
6 afternoon, and honorable--

7 ASSEMBLY MEMBER MCENENY: Press the
8 button and there will be a little red light that
9 will stay on. Okay?

10 SENATOR NOZZOLIO: No, press it again.

11 ASSEMBLY MEMBER MCENENY: Try again.

12 MS. LEVINE: It has to have a red light.

13 ASSEMBLY MEMBER MCENENY: Yeah, hold it
14 down a little longer when you do it. Okay.

15 MS. CHAPIN: Hello? Honorable Senator
16 Nozzolio, and honorable Assemblyman McEneny, and
17 members of the taskforce, representing the
18 taskforce, I am Mary Chapin. I am president of a
19 company called Dispute Resolution, so I believe,
20 I believe in resolution of disputes through
21 looking at the situation and finding common
22 ground. And I must--I'm going to go off message
23 here for a minute, and say that I have been to
24 Senator Nozzolio's office because I am a great

1 Demographic Research and Reapportionment, 2-14-2012

2 admirer of his, and the work that he's done on
3 behalf of women.

4 But today, I have come to this taskforce
5 meeting today to formally express my
6 disappointment regarding the proposed assembly
7 district lines. I could have said "ditto" to
8 everything that our county executive, Picente,
9 expressed. The reapportionment committee, I
10 believe, has failed to adhere to the
11 redistricting criteria of community cohesiveness,
12 commonality of interest, geographic compactness,
13 and equal sized district served by an elected
14 representative who understands the needs of the
15 community, and the constituent tax payers and
16 voters who this redistricting is supposed to
17 serve.

18 Now, in particular I am concerned that
19 the redistricting plan divides Oneida County,
20 fracturing the county representation by
21 eliminating any hope of cohesiveness. Since I
22 live New Hartford, the economic base and growing
23 force of the 115th, present 115th assembly
24 district, the taskforce has shown an amazing

1 Demographic Research and Reapportionment, 2-14-2012

2 disregard for my town and other towns and cities
3 in the county. This proposed plan eliminates the
4 current 115th district to the detriment of all
5 involved. The taskforce plan divides Oneida
6 County among five districts rather than the
7 present three, which results in representation
8 and competition rather than cohesiveness. This
9 does not serve the best interests of our county.

10 The taskforce has not held to the
11 criteria of geographic compactness, nor equal-
12 sized districts, when the majority of the towns
13 in the 115th district are placed in a North
14 Country district--where's the commonality of
15 interest between New Hartford and up by, in the
16 North Country? The proposed upstate districts
17 have higher populations than proposed down state
18 districts, which violates the criteria of equal-
19 sized districts.

20 In conclusion, I really urge the LATFOR
21 to reconsider the proposed lines and make the
22 adjustments so that Oneida County receives
23 effective representation. I am sure that when
24 you review this request, you will act to restore

1 Demographic Research and Reapportionment, 2-14-2012

2 and guarantee the rights of Oneida County and
3 upstate residents. Thank you.

4 MS. LEVINE: Thank you.

5 SENATOR NOZZOLIO: Thank you.

6 [applause]

7 ASSEMBLY MEMBER MCENENY: Thank you.

8 Charles T. Hage?

9 MR. CHARLES T. HAGE, COMPLIANCE OFFICER,

10 MOHICAN FINANCIAL MANAGEMENT: Am I on? Yes.

11 Good afternoon. My name is Charles Hage, and I'm
12 here to comment, of course, on the congressional
13 redistricting process. I'm a lifelong
14 businessman and community leader from Otsego
15 County. I reside in the 24th congressional
16 district represented by Congressman Richard
17 Hanna. I wish to make the point that the entire
18 extent of Otsego County should be located within
19 a single congressional district, based in Utica,
20 because there is economic commonality among the
21 communities in that region.

22 By way of explanation, Otsego County is
23 located in the Central New York region, which
24 includes Oneida and Herkimer Counties. This

1 Demographic Research and Reapportionment, 2-14-2012

2 region has been identified by Governor Cuomo as
3 containing communities that share important
4 similarities. In creating regional economic
5 development councils, he placed Oneida, Herkimer,
6 and Otsego Counties among six, six counties
7 within the Mohawk Valley regional council, with
8 Utica as its population center.

9 This regional approach to economic
10 development enhances communication and
11 collaboration among the governments, businesses,
12 and economic groups that share common purpose, so
13 it helps us to pool our resources, attract jobs,
14 and create economic growth. Defending this
15 particular region is important to our public and
16 private efforts going forward. Further, the
17 closest large city with healthcare access and
18 transportation options serving Otsego County is
19 Utica, and we're also included in the Utica media
20 market. In other words, the point I'm trying to
21 make is consistent, historically and practically,
22 with the realities of the region.

23 And finally, Congressman Hanna is an
24 effective representative for Otsego County. He

1 Demographic Research and Reapportionment, 2-14-2012

2 lived in the county for ten years. He
3 understands the region because his small business
4 served Central New York for over thirty years.
5 Of course, I understand that New York State will
6 lose two congressional districts in
7 reapportionment. It's important that in the
8 process, we retain the 24th congressional
9 district as a Central New York district that is
10 based in Utica and includes Otsego County. Thank
11 you very much for your time, attention and
12 consideration.

13 ASSEMBLY MEMBER MCENENY: Thank you.

14 SENATOR NOZZOLIO: Mr. Hage?

15 [applause]

16 SENATOR NOZZOLIO: Mr. Hage?

17 ASSEMBLY MEMBER MCENENY: Mr. Hage?

18 SENATOR NOZZOLIO: Mr. Hage? Before you
19 leave, what would you define as the region--you
20 say your region--how would you define that
21 region? What counties would you say would be in
22 your region?

23 MR. HAGE: Where I referred to, Central
24 New York, or to Mohawk--I think I referred to--

1 Demographic Research and Reapportionment, 2-14-2012

2 oh, just generically, when I said "the region"?

3 Yes. I was talking primarily about Oneida,

4 Herkimer, and Otsego Counties, in that instance.

5 In terms of the Mohawk Valley regional region, or

6 Regional Council, it's more than that. It

7 includes Montgomery County, for example.

8 SENATOR NOZZOLIO: We certainly

9 appreciate hearing from you about proposed

10 congressional lines. It's very important to have

11 public input about concerns. You reside in the

12 24th congressional district?

13 MR. HAGE: Yes.

14 SENATOR NOZZOLIO: And you live in

15 Oneida County, correct?

16 MR. HAGE: Yes.

17 SENATOR NOZZOLIO: I reside in the 24th

18 congressional district, and I live in Seneca

19 County, and that is not the most further

20 westernmost county in this current 24th

21 congressional district. As a matter of fact, the

22 district goes west from my home, near Seneca

23 Falls, into Geneva, which is in Ontario County.

24 Would you--I don't hear you say Seneca or

1 Demographic Research and Reapportionment, 2-14-2012

2 Ontario, or for that matter, even Cayuga, which
3 is also in the 24th congressional district, or
4 Tompkins, which is in the 24th congressional
5 district. I don't hear you mention those
6 counties at all within the communities of
7 interest that you seem to be pushing for. Do you
8 believe that they're not in the same area, or not
9 in the same region?

10 MR. HAGE: Well, there are a couple of
11 reasons I left them out. First of all, I'm less
12 familiar with them. I'm not involved with them.
13 I've never lived in those parts of the district.
14 But also, I think basically I'm here to say what
15 I think should be, should occur in part of the
16 district, recognizing humbly that it's your task
17 to deal with what will happen in the district.

18 SENATOR NOZZOLIO: Your comments are
19 very well taken. It's with the demands and
20 requirements that we have--first of all, each
21 district must be mathematically exact, even
22 though you could be splitting towns to achieve
23 that objective, unlike the state constitution
24 which says you can't split towns for state

1 Demographic Research and Reapportionment, 2-14-2012

2 legislative lines.

3 But the issue I am, I would like to
4 leave with you is that the districts are so large
5 today, that we are given a number, that's 700--
6 it's over 700,000 people that we must put into
7 these districts, regardless of how many regions
8 they may cover. That's 717,000 people is the
9 requirement, and that that requirement is in the
10 face of, in some parts of Upstate New York, a
11 declining population, so we appreciate very much
12 your objectives. We try to reflect those
13 objectives as much as possible, and that your
14 input is extremely helpful in that effort. Thank
15 you. Any other questions?

16 MR. HAGE: Thank you, sir.

17 SENATOR NOZZOLIO: Thank you.

18 [applause]

19 ASSEMBLY MEMBER MCENENY: Thank you.

20 Vita Demarchi?

21 MS. VITA DEMARCHI, CHAIRWOMAN, ONONDAGA
22 COUNTY DEMOCRATIC COMMITTEE: Hello, taskforce
23 and panel. Thank you for coming to Onondaga
24 County on Valentine's Day to hear the love that

1 Demographic Research and Reapportionment, 2-14-2012

2 people have for their communities and their
3 interest. Can you hear me?

4 SENATOR NOZZOLIO: Now, yes.

5 MS. DEMARCIH: Okay, thank you. So
6 again, thank you for coming. I'm Vita Demarchi.
7 I'm here as the chairwoman of the Onondaga County
8 Democratic Committee, and a lifetime resident of
9 the county, and a business owner here in
10 Syracuse. I'll be speaking primarily about the
11 congressional district today.

12 First, I want to say that I am
13 personally a bit idealistic when it comes to
14 expecting taskforce and our legislators to do
15 what's best for the people that they represent.
16 In preparation for today's comments, I again
17 reflected on the sentiments shared with me from
18 members of the Onondaga County Democratic
19 Committee, various voters, colleagues, friends,
20 and my family. And regardless of what their
21 specific comments were, it seems that many of
22 them still go back to the basic question of what
23 are the rules of redistricting? What and who
24 should be considered in drawing political

1 Demographic Research and Reapportionment, 2-14-2012

2 boundaries, and thus a constituent's, voter's
3 opportunity for fair representation at all levels
4 of government? So let me just share with you
5 again what they've shared with me.

6 The repeated concepts of fair
7 redistricting, equal population--obviously the
8 clear requirement based on population changes.
9 Onondaga County overall and the city of Syracuse
10 have experienced really negligible changes in
11 population. Number two, districts need to be
12 geographically contiguous--well, that seems
13 obvious. However, this concept has been
14 stretched, as we know, in narrow stretches of
15 road connecting various districts, and I think
16 this criteria obviously speaks for itself, and
17 when it doesn't, it's obvious to everyone.

18 Number three, recognizing existing
19 geographic divides and boundaries--New York is
20 such a diverse geographic state with much of our
21 agriculture and economic development linked to
22 the nature of that territory, and here in
23 Onondaga County, we are the center of Central New
24 York's region. We look at ourselves as a center

1 Demographic Research and Reapportionment, 2-14-2012

2 and a hub, centrally located in the state, and
3 drawing people inward for economic development.

4 Number four, do not divide communities
5 of common interest; avoid disenfranchising ethnic
6 and minority groups to dilute their voting
7 strength--again, clearly obvious. But also
8 consider common interests: Onondaga County has
9 become a more unified community, especially over
10 the past decade, particularly with respect to
11 economic development initiatives and the quality
12 of life that they lead us to. Much of the county
13 commutes to the city of Syracuse--again, a
14 middle-sized city, pulling the surrounding areas
15 into it and radiating out its influence. As a
16 county, we are a community.

17 Number five, consider transportation
18 connections. Commerce and economic development
19 connect people. Syracuse and Onondaga County are
20 crossroads for connections in New York State.
21 All the primary east-west and north-south
22 highways and roads connect in Central New York in
23 Onondaga County, serving as a center for a
24 transportation hub. And number six, the most

1 Demographic Research and Reapportionment, 2-14-2012

2 optimistic recommendation of all, is avoid
3 drawing lines solely for the purpose of favoring
4 any political party or incumbent.

5 I was asked to again just share those
6 criteria as it relates to Onondaga County.
7 Onondaga County has considerable momentum
8 building a positive future that is inclusive of
9 our city, and spreading out to our county and
10 towns and adjacent counties. In great part
11 because of the bipartisan political leadership at
12 the county and city level, center state
13 initiatives and Central New York Regional
14 Council, Onondaga serves as an organizer and
15 binder for many outward initiatives in adjacent
16 counties within this region.

17 Syracuse is one of our state's
18 significant middle-sized cities. It is a
19 significant part of our county's community
20 identity, and it is a significant part of central
21 New York. Segmenting the Central New York hub,
22 Onondaga County, could derail the political,
23 social, and economic progress and goals achieved
24 to date for the people in the county. Unifying a

1 Demographic Research and Reapportionment, 2-14-2012

2 momentum is hard to get rolling. It is rolling
3 now. Syracuse, New York is a center, and it
4 needs to retain its radius of influence and
5 direct association around it. Leaving Onondaga
6 County intact at the congressional level will
7 continue to provide fair representation at the
8 federal level for Central New York residents.

9 The idea of splitting Onondaga County
10 into two or three slices at the congressional
11 level is what people feel, essentially an attack
12 on our ability to have that fair representation
13 and to keep our commonalities. Onondaga County
14 is not a fringe community of other districts. It
15 is a center. It is center state, a hub,
16 radiating out from the city of Syracuse and
17 welcoming in the surrounding regions and
18 counties.

19 MS. LEVINE: Ms. Demarchi, you need to
20 summarize, please.

21 MS. DEMARCHI: Okay, and I can't help
22 but throw in one more progressive, maybe even
23 radical concept of redistricting, and that would
24 be considering sustainable community concepts.

1 Demographic Research and Reapportionment, 2-14-2012

2 In closing, I want to thank those of you who have
3 the ability to influence redistricting, and
4 recognize the privilege and opportunity bestowed
5 on you, and know that constituents and community
6 people are paying attention and appreciate it.
7 Thank you very much.

8 ASSEMBLY MEMBER MCENENY: Thank you.

9 [applause]

10 ASSEMBLY MEMBER MCENENY: Sheriff

11 Christopher Barber? Christopher Barber? Carolyn
12 D. Fitzpatrick?

13 MS. CAROLYN D. FITZPATRICK, CHAIR OF THE
14 BOARD, JEFFERSON COUNTY LEGISLATORS: Testing, 1,
15 2, 3... Okay. Hi, I'm Carolyn D. Fitzpatrick.
16 I'm the Chairwoman of our Jefferson County Board
17 of Legislators. Closer--how's that, Senator?
18 Thank you. Carolyn Fitzpatrick, and I'm the
19 Chairwoman of the Jefferson County Board of
20 Legislators up in Jefferson County, and my
21 district entails the city of Watertown.

22 I do not have a written testimony. I
23 was asked just yesterday if I would attend and
24 I've had meetings all day yesterday, today, and

1 Demographic Research and Reapportionment, 2-14-2012

2 for the first time I think I broke the speeding
3 barrier coming down 81, but normally the
4 difference between us up in the North Country,
5 the northern counties, we're usually getting
6 tickets for going too slow, while everyone else
7 down here is getting a ticket for speeding.
8 That's the difference right off.

9 I'm asking--I'm not looking and talking
10 about the individuals who want a position on the
11 assembly or in the senate or congress. I'm
12 asking you to keep the Northern New York counties
13 together, intact, even if you have to add a
14 little bit more of several of them that are up
15 there in the North Country. Please, please,
16 please don't put us down in the Syracuse area.
17 We're not Central New York. We're not Western
18 New York. We're not Leatherstocking. We're not
19 the Finger Lakes. We're not over there by the
20 Saratoga speedway, or the horse tracks. We're
21 not Albany. We're Northern New York. We're
22 where the St. Lawrence River meets Lake Ontario.
23 We're right along the Canadian border.

24 We're old-fashioned--I know that. I'll

1 Demographic Research and Reapportionment, 2-14-2012

2 admit it. We have the oldest county fair in the
3 United States. The oldest county fair. You
4 didn't know that, did you? Somebody's shaking
5 his head. We take pride in our people. We're
6 not about necessarily manufacturing or industry,
7 but we are all about tourism, farming, dairy--a
8 lot of wineries, lately--hayng, apple orchards,
9 all the good things, and it's like a man who has
10 a sign on the back of his car--no farm, no food,
11 no life. That's what we're about up there.
12 We're about people. We're about the North
13 Country, whether it be Jefferson County, St.
14 Lawrence County, Lewis County, Oswego County,
15 Clinton, Essex, Hamilton--all of them are up,
16 we're in a great big circle. And what we're
17 seeing is somebody is trying to make us look like
18 we belong to a spider, and everything is jutting
19 out. And it's happening in a lot of areas
20 throughout New York State, not just ours.

21 I grew up here in the Syracuse area--I
22 grew up in Fayetteville, New York. Fayetteville
23 and Syracuse is not the North Country. I love
24 where I am now. I've raised two kids--actually,

1 Demographic Research and Reapportionment, 2-14-2012

2 one is a doctor who does practice down in
3 Syracuse, and a son who lives in Cooperstown and
4 in New York City. They are not the North
5 Country. I'm asking you to take a good look at
6 us and realize that we're good people, the North
7 Country means something to all of us, and we'd
8 like to stay intact.

9 And one thing that I did write that
10 someone mentioned earlier--let's look at fair,
11 fair redistricting. Keep our counties together
12 that have a common interest. I thank you and I
13 appreciate your time.

14 [applause]

15 SENATOR NOZZOLIO: Thank you. Thank
16 you.

17 ASSEMBLY MEMBER MCENENY: Mayor Joe
18 Moriana [phonetic]? Joe Moriana? Donald Goulet?

19 MR. DONALD GOULET, COMMON CAUSE: Good
20 afternoon, ladies and gentleman. My name is
21 Donald Goulet and I'm here as a member of Common
22 Cause. I appreciate the opportunity to testify.

23 SENATOR NOZZOLIO: Excuse me, pardon me--
24 -did you have written testimony?

1 Demographic Research and Reapportionment, 2-14-2012

2 MR. GOULET: Yes, sir.

3 SENATOR NOZZOLIO: Thank you very much.

4 MR GOULET: All right.

5 SENATOR NOZZOLIO: Would you introduce,
6 would you introduce the person to your right,
7 please?

8 MR. GOULET: The young lady to my left
9 is Susan Lehrer [phonetic]. She is also with
10 Common Cause and her title is?

11 MS. SUSAN LEHRER, COMMON CAUSE: - -

12 SENATOR NOZZOLIO: Good to see you
13 again, Susan.

14 MS. LEHRER: Thank you. It's nice to be
15 here.

16 MR. GOULET: Thank you. I want to take
17 the opportunity presented by this hearing to
18 compare and contrast the LATFOR state legislative
19 drafts with the Common Cause reform plan. First,
20 the state senate--as you can see on page 4 of
21 this testimony, the proposed LATFOR lines divide
22 the Syracuse and Central New York regions into an
23 awkward jigsaw puzzle. The proposed senate
24 district 51 stretches almost 150 miles, from

1 Demographic Research and Reapportionment, 2-14-2012

2 Cayuga all the way to Ulster County. It's
3 especially egregious. By itself, the proposed
4 SD-51 contributes to the division of six counties
5 that could otherwise fit entirely in a single
6 district. That would seem to be in direct
7 contradiction to the state constitution
8 guidelines to minimize division of counties.

9 In contrast, the Common Cause reform
10 plan proposes compact senate districts. As you
11 can see on page 5 of the testimony, the Common
12 Cause plan keeps the entire city of Syracuse and
13 its surrounding suburbs in a single district.
14 This is quite in contrast to the legislators'
15 proposed plan, which carves out a narrow corridor
16 that looks to be custom-drawn for the district 50
17 incumbent, John D. Francisco, a republican who
18 just happens to live within the corridor.
19 Districts like this are why the LATFOR plan is
20 often referred to in the press as the incumbent
21 protection plan.

22 In the state assembly, the partisan
23 gerrymandering looks just as bad. As you can see
24 on page 6 of this testimony, the proposed

1 Demographic Research and Reapportionment, 2-14-2012

2 assembly districts 128 and 129 are exactly the
3 same as the current ADs 119 and 120. These
4 districts continue to divide the city of Syracuse
5 into a jagged, twisting shape that breaks up
6 neighborhoods and communities. These districts
7 appear to have been designed to maximize the
8 chance of electing two democrats to the
9 legislature.

10 Again, we see that the LATFOR places
11 partisan advantage and incumbent protection above
12 all else, and again, the Common Cause reform plan
13 shows us what Syracuse assembly districts would
14 look like if drawn by a nonpartisan independent
15 process. Almost the whole city would fit in a
16 single district, with compact districts drawn for
17 the surrounding suburbs. Keeping Syracuse almost
18 entirely within a single assembly district also
19 allows for increased influence among the city's
20 minority communities that are currently broken
21 up. As drawn, Common Cause reform AD-119 would
22 be 26% Black and 7% Hispanic. This district
23 allows the minority community of Syracuse almost
24 30% more voting influence than in the districts

1 Demographic Research and Reapportionment, 2-14-2012

2 proposed by LATFOR.

3 Now, for congress: It's really a shame
4 that the public will not have the opportunity to
5 comment on a draft congressional plan, but Common
6 Cause has had a congressional plan available to
7 the public for almost two months. As you can see
8 on page 7 of this testimony, the current
9 congressional districts zig and zag all across
10 the central New York region. In contrast, the
11 Common Cause reform plan for congress focuses on
12 creating regional districts--one district the
13 North Country, one district for Syracuse and the
14 Mohawk Valley, one district for the Southern
15 Tier, and one district for the Finger Lakes.
16 Yes, it is that simple, if the lines are drawn
17 with public interest in mind rather than tailored
18 to the desires of the political parties and their
19 incumbents. I urge you to take another look at
20 the recommendations of the Common Cause reform
21 plan. Thank you again for the opportunity to
22 testify.

23 [applause]

24 ASSEMBLY MEMBER MCENENY: Mr. Goulet,

1 Demographic Research and Reapportionment, 2-14-2012

2 for the benefit of people watching this, your
3 testimony is accurate as to what you're
4 describing, but the page numbers don't match. I
5 think everything that you discussed is shown
6 here, but the page numbers are different on the
7 copy I have.

8 MR. GOULET: There were some typos; I
9 apologize. There are sidebars by the testimony,
10 by the maps describing what the maps outline. I
11 apologize for the typos.

12 ASSEMBLY MEMBER MCENENY: Everything you
13 said was accurate in describing your message, but
14 the page numbers are different.

15 MR. GOULET: All right. We'll try to
16 correct that, but if you look at the maps, the
17 sidebar describes the issue.

18 ASSEMBLY MEMBER MCENENY: All right.
19 Thank you.

20 MR. GOULET: Thank you.

21 ASSEMBLY MEMBER MCENENY: Fred
22 Beardsley? Fred Beardsley? Good afternoon.

23 MR. FRED BEARDSLEY, LEGISLATOR, OSWEGO
24 COUNTY: Good afternoon. My name is Fred

1 Demographic Research and Reapportionment, 2-14-2012

2 Beardsley. I'm from Hastings, New York. I was a
3 councilman supervisor in my town for 12 years
4 before being elected to the Oswego County
5 Legislature. Recently I was named Chairman of
6 that legislature. I'd like to talk to you today
7 about the congressional redistricting. It's my
8 understanding that the lines have not been drawn
9 yet, and I'd like to give you my input.

10 Simply put, as has been mentioned here
11 earlier, we need a North Country congressional
12 district. This district should include my home
13 county, Oswego, and like-minded areas, many of
14 which are already included in the 23rd
15 congressional district. While our county borders
16 this one, our concerns are far different than the
17 more metropolitan areas, like our neighbors to
18 the north and the east. We rely heavily on
19 tourism and agriculture to make our local
20 economy. Dairy farms, apple orchards, maple
21 syrup, lumber, hay, and vegetables are
22 commodities you'll find in abundance in the North
23 Country. I think of Central New York and the
24 Mohawk Valley as more focused on manufacturing.

1 Demographic Research and Reapportionment, 2-14-2012

2 Although I don't live there, I think it's a good
3 idea to keep those like-minded areas together.

4 One of the great advantages of the
5 current congressional district is that no one
6 city or town dwarfs any other. Watertown is our
7 biggest city, and even then, it's only 27,000
8 people. To me, that's not much different than
9 the hometown of Hastings that I live in that has
10 little more than 9,000 people. I truly think
11 that this arrangement keeps our member of
12 congress equally accountable to his entire area.
13 If you were to combine us with Syracuse, with its
14 145,000 people, or Utica, with 262,000 people,
15 the district would revolve around those two
16 areas. With all due respect, Syracuse and Utica
17 have different priorities than us, and I feel
18 it's inappropriate to combine them with us. Our
19 farmers and tourist-based business would lose
20 their advocate, and we'd lose an important ally
21 on issues that affect the United States and
22 Canadian border.

23 I understand that the current 23rd
24 congressional district must grow. To me, it

1 Demographic Research and Reapportionment, 2-14-2012

2 makes sense to add rural areas that are similar
3 in identity to the counties already included.
4 This could be accomplished by taking more people
5 from Essex, Fulton counties, or adding folks from
6 Herkimer County.

7 I'm not alone in suggesting this change.
8 Ken Blankenbush, the state assemblyman who
9 represents the area just north of where I live,
10 has testified in front of this committee about
11 the need for a North Country congressional
12 district. Common Cause, a good government group
13 has suggested lines of their own, using the
14 assemblyman's testimony as proof that the North
15 Country should keep its congressional district.
16 Common Cause map showed a North Country district
17 that kept Jefferson, Lewis, St. Lawrence,
18 Franklin, Clinton, Fulton, and Hamilton counties
19 together, and included more of Essex and Herkimer
20 as I suggested. While adding some rural areas
21 from Warren and Washington, I believe that this
22 could work, although I would encourage you to
23 keep Oswego County whole, as there is little
24 difference in mindset between our northern and

1 Demographic Research and Reapportionment, 2-14-2012

2 southern parts.

3 On top of my written statement, I'd just
4 like to add one statement--it was mentioned by my
5 colleague from the legislature in Jefferson
6 County, and I think the picture is clear on both
7 our parts--these are two different economic
8 areas, and they are two entirely different
9 cultures, and I believe that congressional
10 district should remain. Thank you.

11 [applause]

12 ASSEMBLY MEMBER MCENENY: Deborah
13 Warner?

14 MS. DEBORAH WARNER, VICE PRESIDENT FOR
15 PUBLIC POLICY, CENTERSTATE CEO: Good afternoon.
16 Thank you Senator Nozzolio and Assemblyman
17 McEneny, and the members of the taskforce for
18 your leadership on a very difficult and
19 challenging issue. I'm Deb Warner, Vice
20 President for Public Policy at the Centerstate
21 Corporation for Economic Opportunity. We are the
22 business and economic development organization
23 for a 12-county region that stretches from the
24 St. Lawrence almost to the Pennsylvania border,

1 Demographic Research and Reapportionment, 2-14-2012

2 west nearly to Rochester, and to the east to the
3 Herkimer area.

4 On behalf of our 2,000 members, we
5 appreciate that you are holding another round of
6 hearings now that we have some census data to
7 react to, and I'd like to start by reiterating
8 two key recommendations I discussed at the July
9 hearing that you held previously: Keep county and
10 metro areas as whole as possible, especially in
11 congressional redistricting; be strategic to
12 regional economic development. This is a
13 critical concern, especially for businesses that
14 are state and federal contractors and
15 subcontractors, which is a significant portion of
16 businesses and small businesses in our area.

17 Because we have certain concentration of
18 specific types of businesses and technologies,
19 it's advantageous to keep those businesses
20 together in the one district, rather than
21 splitting them up among several congressional
22 districts. An example would be to keep Lockheed
23 Martin, SRC, Anaren, and Sensis radar censor
24 businesses together in the same congressional

1 Demographic Research and Reapportionment, 2-14-2012

2 district so that they're appropriately
3 represented at the federal level for both policy
4 and regulatory purposes.

5 We would point to an important progress
6 step that's already taken place this year with
7 the Regional Economic Development Councils,
8 emphasizing the districts in whole or combination
9 would well serve our communities by mirroring
10 these groupings. Centerstate, our 12-county
11 region, is deeply involved with major projects
12 with the Brookings Institution, both of which are
13 regional across our 12 counties in nature. One
14 of them is a metropolitan export initiative to
15 boost exports from our region over the next few
16 years. The other, larger initiative is the
17 regional metropolitan business plan. These
18 projects are throughout the 12-county region,
19 involve many organizations and elected officials
20 throughout the region, and are therefore another
21 compelling reason to recognize that groupings of
22 counties, and how important they are for cohesive
23 collaboration of our state and federal elected
24 officials.

1 Demographic Research and Reapportionment, 2-14-2012

2 Regarding census data, I'd like to point
3 out that Onondaga County has actually gained
4 population over the last 10 years. Our
5 population grew by about 9,000 individuals, or
6 nearly 4%. Our 12-county region is basically
7 flat, so that would be a reason that we should
8 not have our representation further dissipated.
9 I point this out to stress that our region should
10 not be losing representation, since we are not an
11 area of declined population. The fact that
12 Onondaga County's population is growing should be
13 a lead indicator that it should be kept whole,
14 especially, again, in congressional
15 redistricting.

16 The Centerstate CEO 12-county region is
17 based on a number of dynamics that interconnect
18 the region--although, and I certainly respect the
19 comments made by some of the previous speakers
20 that there is difference, there are differences
21 in some of the areas throughout our region--we
22 are bound together by transportation, by
23 infrastructure, our higher education
24 institutions, by agribusiness, by tourism

1 Demographic Research and Reapportionment, 2-14-2012

2 business and industry commonalities, labor force,
3 retail demographics and so on.

4 Our regional delegations at the federal
5 and state level are working together at a new
6 level of cooperation and effectiveness. Because
7 we have seen the success of these synergies, we
8 strongly urge you to recognize this footprint so
9 that you can reinforce and enhance these
10 connections as you create congressional state
11 representative districts within the 12 counties.

12 Thank you for your time today, and on
13 behalf of Centerstate, we offer to be further of
14 assistance if we can provide data from
15 demographics, the research that we have from
16 Brookings that may be relevant or of
17 consideration, should you be interested in that.

18 SENATOR NOZZOLIO: Ms. Warner, thank
19 you. Before you leave, it was appreciate your
20 testimony last summer. We appreciate it again
21 this winter. Tell us for the record the 12
22 counties that are part of this group.

23 MS. WARNER: Oh, I may not remember all
24 of them, exactly, but--

1 Demographic Research and Reapportionment, 2-14-2012

2 SENATOR NOZZOLIO: Let me ask you this:

3 Is Cayuga County?

4 MS. WARNER: Yes.

5 SENATOR NOZZOLIO: Is Madison County a
6 portion of this?

7 MS. WARNER: Yes.

8 SENATOR NOZZOLIO: Are the--

9 MS. WARNER: Certainly Jefferson,
10 Oswego, Onondaga, Cayuga, Madison, Oneida,
11 Cortlandt, Herkimer--I'm going to--we get a
12 little further out...

13 SENATOR NOZZOLIO: In the Regional
14 Economic Development Councils--

15 MS. WARNER: Yes.

16 SENATOR NOZZOLIO: Were you part of
17 those councils? Did you participate in the
18 deliberations?

19 MS. WARNER: I didn't directly, but many
20 people on our staff did, I was peripherally
21 involved and our CEO is one of the co-chairs of
22 our region.

23 SENATOR NOZZOLIO: And within that
24 regional council, was Cayuga County a portion of

1 Demographic Research and Reapportionment, 2-14-2012

2 that region?

3 MS. WARNER: Yes.

4 SENATOR NOZZOLIO: And was Madison
5 County a portion of that region?

6 MS. WARNER: I don't--yes, we were the
7 five counties. Of the 12-county footprint, we
8 have the core five-county region is included, and
9 then we actually have pieces of another five of
10 the regional councils. The recommendations that
11 came from those councils--there are
12 commonalities, there are joint projects where we
13 have some cross-pollination from one or more, or
14 two or more of the regional economic development
15 councils focusing on some similar concerns.
16 There was a lot of cross-pollination.

17 SENATOR NOZZOLIO: Well, the regional
18 approach is something that the MDA--the
19 Metropolitan Development Association--has worked
20 on for years. Have you been part of that work?

21 MS. WARNER: Well, Centerstate is the
22 merger of the Greater Syracuse Chamber of
23 Commerce and the MDA, so I came from the Chamber
24 side, but we were involved in some regional

1 Demographic Research and Reapportionment, 2-14-2012

2 initiatives, and certainly it's important to
3 recognize that in a global economy, with
4 economies of scale, a region is the unit that you
5 need to reach to be competition, you know, to be
6 an entity that can compete in an economy, in
7 economic development, and you need a population
8 of at least a million people, so our region I
9 think is about a million and a half.

10 SENATOR NOZZOLIO: Miss Warner, thank
11 you very, very much. Any other questions,
12 members of the panel?

13 ASSEMBLY MEMBER MCENENY: Did you agree
14 with the map of the regional development area
15 that was drawn up by the state?

16 MS. WARNER: You mean the existing 10
17 economic development regions?

18 ASSEMBLY MEMBER MCENENY: Yes.

19 MS. WARNER: That's what we worked with,
20 but I guess we had had some discussions about how
21 we could go beyond just the five-county region
22 because there is so much commonality with the
23 Thruway, the 81 corridor, our transportation
24 infrastructure, the ports in Oswego, you know,

1 Demographic Research and Reapportionment, 2-14-2012

2 the rail lines run east and west and then down
3 south to New Jersey. There's any number of
4 elements of infrastructure and business and
5 community infrastructures that run throughout the
6 region that we like to think a lot larger than
7 that five-county footprint.

8 ASSEMBLY MEMBER MCENENY: Who drew those
9 maps?

10 MS. WARNER: You know, those were
11 existing. They had been drawn by Empire State
12 Development a number of years ago. I don't know
13 when they were drawn. They certainly were not
14 drawn for this--they weren't drawn by the current
15 administration. They were pre-existing.

16 ASSEMBLY MEMBER MCENENY: Thank you very
17 much.

18 MS. WARNER: Okay, thank you.

19 SENATOR NOZZOLIO: Thank you.

20 [applause]

21 ASSEMBLY MEMBER MCENENY: Michael
22 Marinaccio?

23 MR. MICHAEL MARINACCIO, SUPERVISOR, TOWN
24 OF DICKINSON, PRESIDENT, COUNCIL OF GOVERNMENT:

1 Demographic Research and Reapportionment, 2-14-2012

2 Good afternoon.

3 ASSEMBLY MEMBER MCENENY: Good
4 afternoon.

5 MR. MARINACCIO: My name is Mike
6 Marinaccio. I serve as the Supervisor for the
7 town of Dickinson in Broome County. I also serve
8 as the president of the Greater Binghamton
9 Council of Governments and Association of
10 Municipal Governments for Broome County. In
11 addition, I am the Vice President of the Broome
12 County Association of Towns and Villages. I
13 would like to briefly speak regarding the
14 reapportionment process at the federal level.

15 My town is located in the 24th
16 congressional district, represented by
17 Congressman Richard Hanna. This district
18 stretches south from the Utica area through
19 Chenango and Cortland counties, into Broome and
20 Tioga counties. I respectfully ask they remain
21 in a similar district after reapportionment
22 because Broome County shares many commonalities
23 with other communities in this region.

24 One of the most important similarities

1 Demographic Research and Reapportionment, 2-14-2012

2 is the economy. Binghamton, the largest city in
3 Broome County, is a formal industrial and
4 manufacturing center, similar to other upstate
5 cities of its size in the area. Today, high-tech
6 industry and research universities help drive the
7 economies of this region and our county.

8 Defense-related companies are increasingly more
9 important to Central New York's economy. Broome
10 has several of these companies, the largest being
11 Lockheed Martin, employing 3,000 individuals, and
12 MBNA systems employing 1,600 individuals. It is
13 important we retain our connection with other
14 communities who have companies with federal
15 defense connections, such as the defense-related
16 companies located at the former Griffiss Air
17 Force Base near Utica, as an example. An
18 effective federal representative like Congressman
19 Hanna will help advocate in Washington on our
20 behalf.

21 Broome County is also a major
22 transportation junction that supports and
23 advances Central New York's commerce. Interstate
24 81, interstate 88, and the New York State Route

1 Demographic Research and Reapportionment, 2-14-2012

2 12 form main routes that transport goods
3 throughout central New York and connect these
4 communities.

5 In addition, our entire county is served
6 by Senator Tom Libous at the state level, and the
7 district he represents includes Chenango and
8 Tioga Counties as well. Parts or all of these
9 three counties are currently included in the 24th
10 congressional district, which again, demonstrates
11 how connected the counties are with each other.

12 I understand our state will lose two
13 congressional seats. However, I want to express
14 my support for a district that includes all of
15 Broome County and connects it with related
16 communities. Thank you so very much for allowing
17 me to speak today.

18 MS. LEVINE: Thank you.

19 ASSEMBLY MEMBER MCENENY: Thank you very
20 much.

21 [applause]

22 ASSEMBLY MEMBER MCENENY: Gregory
23 Landcotte? Good afternoon, Mr. Landcotte.

24 MR. GREGORY LANDCETTE, PLUMBERS AND

1 Demographic Research and Reapportionment, 2-14-2012

2 STEAMFITTERS LOCAL 267: Good afternoon, Mr.
3 McEneny. Are we on? My name is--it's actually
4 Greg Landcette. I totally understand; it's a
5 really tough one to make it there.

6 ASSEMBLY MEMBER MCENENY: So the O is an
7 E? Land, C-O-T-T-E, so it's C-E-T-T-E?

8 MR. LANDCETTE: Yes, that's correct.

9 ASSEMBLY MEMBER MCENENY: Thank you.

10 MR. LANDCETTE: I've been going through
11 it my whole life, I totally understand. My
12 name's Greg Landcette and I represent the
13 building trades council of Central New York. I'm
14 also the business manager of the plumbers and
15 steamfitters union here in Syracuse. I would
16 like to thank the members of the committee for
17 giving us the opportunity to share our views and
18 for their work on this committee.

19 As the largest city and metro area in
20 central New York, in recent years, Syracuse and
21 the surrounding county of Onondaga have seen the
22 benefit of being wholly contained within a single
23 congressional district. Having a member of
24 congress who understands the needs of the

1 Demographic Research and Reapportionment, 2-14-2012

2 community has allowed us to have our voice heard
3 in congress in ways that otherwise might have
4 been impossible, and that is a voice that
5 deserves to be heard in any fair system.

6 With well over 460,000 people, Onondaga
7 County would make up approximately 65% of a new
8 district. Furthermore, Onondaga County has seen
9 a slight population increase since the last
10 census, as you have already heard, unlike some
11 other communities in New York. Given that,
12 keeping the county as an anchor of any new
13 district is both fair and equitable on a
14 congressional level. As a majority of the
15 population in the district, the community could
16 be confident that any representative would be
17 responsive to our concerns.

18 If the population of the county or city
19 were instead to be split amongst multiple
20 congressional districts, we could no longer be
21 sure that the needs of this community would be
22 met. Those needs would be significant in the
23 years ahead, from the necessity of rebuilding and
24 expanding our transportation alternatives to

1 Demographic Research and Reapportionment, 2-14-2012

2 improving our education system, our area will
3 find great value in fair, cohesive
4 representation.

5 I also believe that given our location,
6 what is good for Syracuse and Onondaga County can
7 be good not just for all of Central New York, but
8 for New York State as a whole--a vibrant
9 community in the center of the state will benefit
10 all those who travel to or through our county.

11 I am sure that ours is not the only
12 community that has voiced this concern in
13 hearings before this committee, and I am equally
14 sure that it will be difficult or impossible for
15 the committee to keep every community whole. I
16 do not envy your work, but I ask that when you
17 make your decisions you closely consider the
18 following: Onondaga County is a vibrant and
19 growing community with a major metro area and a
20 world class workforce and employers. It is the
21 population anchor of Central New York and it is
22 fair and equitable that it should also be the
23 population anchor of its congressional district.
24 Thank you again for your service on this

1 Demographic Research and Reapportionment, 2-14-2012

2 committee, and for the opportunity to speak with
3 you today.

4 SENATOR NOZZOLIO: Thank you very much.

5 ASSEMBLY MEMBER MCENENY: Thank you.

6 [applause]

7 SENATOR NOZZOLIO: Thank you.

8 ASSEMBLY MEMBER MCENENY: Kevin Acres?

9 Good afternoon.

10 MR. KEVIN ACRES, DIRECTOR, ST. LAWRENCE
11 COUNTY FARM BUREAU: Good afternoon. Welcome to
12 the home of the Syracuse Orangemen, soon to be
13 the nation's top number one basketball team.

14 I haven't submitted any written
15 testimony. We had a county board meeting last
16 night that I got home at 11. At 3:30 in the
17 morning, I fed my 650 head of Holsteins and it's
18 a two and a half hour drive down here and so I'm
19 operating on about 2 liters of high-test
20 caffeine, so my handwriting's pretty jittery.

21 Well, I'm Kevin Acres, a dairy farmer
22 from St. Lawrence County, who also serves as a
23 director on the St. Lawrence County Farm Bureau.
24 Presently, I'm a St. Lawrence County legislator,

1 Demographic Research and Reapportionment, 2-14-2012

2 and previous to that, a - - school board member
3 for 22 years. I come from the North Country,
4 which has a distinct cultural identity of its
5 own. We are primarily an agricultural entity
6 with two private universities--St. Lawrence and
7 Clarkson--and SUNY, with Canton and Potsdam, and
8 Potsdam's the home of the famous Crane School of
9 Music.

10 Our needs are very distinct. We need
11 representation that addresses our farm issues
12 such as nutrient management, labor needs,
13 regulation relief, right to farm laws, and food
14 safety issues. Most importantly for the ag
15 community, we need representation that
16 understands our business and is able to
17 adequately comprehend and protect our business
18 practices and the face of anti-animal
19 agricultural groups, and to be able to provide
20 clear direction when dealing with potentially ag-
21 threatening legislation from legislators who
22 don't know which end of the cow that the milk is
23 produced. We also need a representative who
24 understands the level of poverty in St. Lawrence

1 Demographic Research and Reapportionment, 2-14-2012

2 County, and the need for state education formula
3 reform for adequate funding for our public
4 schools. We have specific needs in ag and
5 education in St. Lawrence County that need to
6 have a voice in Albany.

7 The proposed changes to the districts
8 cut St. Lawrence County into several pieces with
9 minority shares or percentages in multiple
10 districts that leave us without a majority voice
11 in all but one of those seven representatives.
12 St. Lawrence County deserves a voice in Albany.

13 Thank you.

14 [applause]

15 ASSEMBLY MEMBER MCENENY: Thank you.

16 Nancy Martin? Good afternoon.

17 MS. NANCY MARTIN, ST. LAWRENCE COUNTY
18 REPUBLICAN CHAIR: Good afternoon. Thank you for
19 the opportunity to speak to you today. My name
20 is Nancy Martin and I'm speaking as a resident of
21 St. Lawrence County, New York. However, I
22 currently serve as Chairwoman on the St. Lawrence
23 Republican County Committee. I do not intend for
24 my comments today to be partisan in nature, but

1 Demographic Research and Reapportionment, 2-14-2012

2 rather evolving from geographic population and
3 economic perspectives. My comments are
4 specifically concerned with the interests of the
5 people of the present 122nd assembly district.
6 You know the area as the proposed 115th, 116th,
7 117th, and 118th assembly districts.

8 By the way, in no way does this
9 redistricting proposal meet criteria to keep
10 counties as whole as possible to the maximum
11 extent possible. St. Lawrence County presently
12 has two senators and two assembly persons
13 representing its citizens. Under this proposal,
14 St. Lawrence County will have three senators and
15 four assembly persons. Under this proposal, the
16 112nd assembly district looks like a very
17 different district. The district has been
18 shattered. More representatives does not mean
19 better representation.

20 I fear that some of our rural farmers,
21 as Mr. Acres has just spoken, will have different
22 representation than that of their adjoining
23 neighbor as a result of the severe splintering of
24 the county. Our county legislature is composed

1 Demographic Research and Reapportionment, 2-14-2012

2 of 15 legislators; 8 of them are affected by this
3 proposal, resulting in some having as many as 4
4 state legislators representing their
5 constituents.

6 St. Lawrence County is the largest
7 county in New York based on area. The present
8 122nd assembly district runs east-west in St.
9 Lawrence County along US Highway Route 11 from
10 Gouverneur to Brasher Falls, nearly 65 miles, or
11 1 hour and 20 minutes, and it runs east-west in
12 the southernmost part of St. Lawrence County,
13 along State Highway 3 from Pitcairn to
14 Piercefield, nearly 55 miles or 1 hour and 5
15 minutes. There are no identifiable roads leading
16 directly to Hamilton or Herkimer counties. New
17 York's constitutional provisions on redistricting
18 require that state legislative districts be
19 composed of contiguous territory--thus, without
20 direct access to Herkimer and Hamilton Counties,
21 there may exist a violation of the constitution
22 of New York state.

23 The current 122nd AD extends from Sandy
24 Creek to Brasher Falls, nearly 115 miles, 2 hours

1 Demographic Research and Reapportionment, 2-14-2012

2 and 18 minutes. The proposed 115th, if extended,
3 would add an additional 20 miles at its farthest
4 point, Rouses Point to - - Corners. However, the
5 proposed 118th AD would run north-south along a
6 number of routes from Norfolk to Danube, nearly
7 200 miles, or 4 hours and 27 minutes, through
8 three regional designations in New York State--
9 the St. Lawrence River Valley, the Adirondack
10 Mountains, and the Mohawk Valley.

11 I don't see how any state legislator
12 could effectively represent St. Lawrence County
13 under this proposal. Citizens of St. Lawrence
14 County may have to travel greater distances to
15 meet with their representatives in the district
16 offices that typically gravitate towards district
17 population centers. More district offices will
18 not be an option, considering the fiscal position
19 of the State of New York.

20 St. Lawrence County has long identified
21 itself as one of the many border counties of New
22 York State known as the North Country as we align
23 along the majestic St. Lawrence River and the
24 Canadian border. Further, we consider ourselves

1 Demographic Research and Reapportionment, 2-14-2012

2 a third of the tri-county area--Jefferson, Lewis,
3 and St. Lawrence counties. Many of our employees
4 are proud members of the Jefferson, Lewis, and
5 St. Lawrence Counties Central Trade and Labor
6 Council. Our schools are members of the St.
7 Lawrence, Lewis Board of Cooperative Educational
8 Services. St. Lawrence County is presently
9 associated with three media outlets--Oswego,
10 Watertown, and Rome. Under redistricting, we
11 pick up a number of additional outlets--Malone,
12 Plattsburgh, and outlets in Herkimer, Hamilton,
13 and Fulton counties that I am not familiar with.
14 St. Lawrence County will lose its identity. Tri-
15 town in St. Lawrence County is composed of the
16 towns of Brasher, Lawrence, and Stockholm.
17 Under--

18 MS. LEVIN: Miss Martin, you need to
19 summarize, please.

20 MS. MARTIN: Under one school district.
21 These three towns will be represented by two
22 senators and two assembly persons. Under this
23 proposal, the Parishville-Hopkinton School
24 District will be represented by two assembly

1 Demographic Research and Reapportionment, 2-14-2012

2 persons, as will the Colton-Pierrepont School
3 District. The people of St. Lawrence County have
4 more in common with our neighbors to the east and
5 west--we shop in Jefferson County and we travel
6 through Clinton and Franklin Counties seeking
7 medical treatment in Burlington. Several of our
8 towns in the southernmost part of the district
9 are members of the Adirondack Park, and may
10 therefore share common concerns with the proposed
11 118th, but the irony is that our commonality with
12 Herkimer and Hamilton Counties, the Adirondack
13 Mountains, is what cuts us off from them. I
14 thank LATFOR for its hard work, difficult work,
15 and for giving me the opportunity to speak before
16 you. Thank you.

17 MS. LEVINE: Thank you.

18 SENATOR NOZZOLIO: Thank you.

19 ASSEMBLY MEMBER MCENENY: Thank you.

20 [applause]

21 ASSEMBLY MEMBER MCENENY: The one thing
22 I noticed with Lewis County--there's one town
23 with 27 people in the whole town. I think that's
24 the smallest town in population in the state, and

1 Demographic Research and Reapportionment, 2-14-2012

2 for those who study the North Country, there are
3 not 5,000 people in all of Hamilton County, so it
4 makes it very difficult, but we appreciate that,
5 and your commuting input is very helpful. Dan
6 Jeror?

7 MR. DON JEROR: Good afternoon. My name
8 is actually Don Jeror--they got it wrong somehow
9 or other.

10 ASSEMBLY MEMBER MCENENY: Thank you.

11 MR. JEROR: Okay, good afternoon. My
12 name is Don Jeror. I'm a private citizen from
13 Oneida County. I'm way out of my comfort zone,
14 here, but this is too important an issue, I feel,
15 to let slide by like everybody does. I guess
16 mostly what I have are questions for you--just
17 rhetorical questions, but questions nonetheless.
18 I've noticed that nobody but nobody has come up
19 here and said, "Boy, you guys have got some great
20 ideas." Let's start with that, okay?

21 ASSEMBLY MEMBER MCENENY: Let's go with
22 the assumption that anybody that thinks they've
23 got a great district is home today keeping their
24 fingers crossed--

1 Demographic Research and Reapportionment, 2-14-2012

2 MR. JEROR: Absolutely--

3 ASSEMBLY MEMBER MCENENY: As the nature
4 of public hearings--

5 MR. JEROR: Absolutely, and I'm here to
6 make sure that doesn't happen.

7 ASSEMBLY MEMBER MCENENY: Stay quiet,
8 stay below the radar, maybe they'll leave it just
9 like it is.

10 MR. JEROR: Yes. Well, I'm here today
11 regarding the current plan for the assembly
12 redistricting here in New York. I'm sure and I
13 know you've already heard from people who have
14 all their facts, all their ducks in a row.
15 That's not the tact I'm going to take. I think
16 the proposal as it is, especially for the
17 proposed 102nd is blatantly unfair.

18 And I'm going to attack this--and I will
19 use the word attack, just from your own criteria--
20 -number one, effective representation. How can
21 you have effective representation when the
22 proposed 102nd assembly district would stretch
23 across half the width of New York State?
24 Community cohesiveness--once again, how can you

1 Demographic Research and Reapportionment, 2-14-2012

2 have community cohesiveness when the proposed
3 102nd assembly district would stretch across half
4 of New York State? Commonality of interest--how
5 can you have commonality of interest when the
6 proposed 102nd assembly district would stretch
7 across half the width of New York State, not to
8 mention six distinct regions? Who could possibly
9 represent that--one person? Not going to happen.
10 In geographical compactness--how can there be any
11 kind of geographical compactness when the
12 proposed 102nd assembly district would stretch
13 across half the width of New York State?

14 By following the most basic precepts of
15 the New York constitution, this process could
16 restore some integrity that people believe has
17 been lost by the taskforce, and restore some of
18 the faith that New Yorkers have in their leaders.
19 I thank you very much for the opportunity to come
20 to speak to you today, and folks, I hope you take
21 a good, hard look at this, because the way it's
22 set up now is atrocious. It's just not good in
23 any way, shape or form, okay? Thank you. Have a
24 nice day.

1 Demographic Research and Reapportionment, 2-14-2012

2 ASSEMBLY MEMBER MCENENY: Thank you very
3 much.

4 SENATOR NOZZOLIO: Thank you.

5 [applause]

6 ASSEMBLY MEMBER MCENENY: Julie Miller?
7 Julie, are you testifying to us or to the
8 audience, because I have no idea what you just
9 put there?

10 MS. JULIE MILLER, CHAIR, ONEIDA COUNTY
11 CONSERVATIVE CHAIR: That's a graphic for the
12 audience, because you know the districts that you
13 drew.

14 ASSEMBLY MEMBER MCENENY: Okay.

15 MS. MILLER: You don't need to look at
16 them.

17 ASSEMBLY MEMBER MCENENY: If it's a map
18 of the districts we have it up here.

19 MS. MILLER: Okay, right.

20 ASSEMBLY MEMBER MCENENY: Thank you.

21 MS. MILLER: My name is Julie Miller.
22 I'm a teacher and I'm a resident of Oneida
23 County. I'd like--

24 SENATOR NOZZOLIO: - -

1 Demographic Research and Reapportionment, 2-14-2012

2 MS. MILLER: Yeah, I got it. I'd like
3 to address the population and geographic
4 inequities of the proposed new assembly
5 districts. The proposed changes unfairly skew
6 the population deviations for upstate districts.

7 Perhaps it's time for a math lesson.
8 The 2010 US census states that New York's total
9 population is a little over 19 million. This
10 figure divided by 150 assembly districts equals
11 about 129,000--the median number for the
12 population of a district, and the number for
13 determining deviations. Proposed district
14 populations may deviate from this figure plus or
15 minus 5%--in other words, district populations
16 must fall roughly between 123,000 and 135,000.
17 The proposed New York City districts all contain
18 approximately 124,000 in population. Contrast
19 this with the upstate districts--nearly every
20 district in Central New York contains 132,000 or
21 more, which reflects a disparity of 8,000 more in
22 our districts when compared with New York City
23 districts.

24 Downstate districts contain populations

1 Demographic Research and Reapportionment, 2-14-2012

2 which are considerably lower than the optimal
3 district population, and upstate districts
4 contain populations which exceed the optimal
5 population by thousands of persons. Essentially
6 this is packing representatives downstate at the
7 expense of upstate representation. I'm not a
8 math teacher, but anybody can see that this just
9 doesn't add up.

10 The proposed geographic boundaries
11 unfairly fracture Oneida County, and other
12 upstate communities, negatively impacting
13 efficient and effective representation. Perhaps
14 it's time for a drawing lesson--take for instance
15 one of the proposed New York City districts,
16 assembly district 43. The district is drawn to
17 be geographically compact, and being comprised of
18 city blocks one can say that there is community
19 cohesiveness and commonality of interest in this
20 district. It's two miles from one end of the
21 district to the other--a 20 minute drive in
22 traffic--and it's population is 124,000, the low
23 end of the deviation.

24 In contrast, the proposed assembly

1 Demographic Research and Reapportionment, 2-14-2012

2 district 102 is drawn to sprawl across six
3 upstate counties, and steals from Oneida County
4 its economic engine, the town of New Hartford.
5 It's 120 miles from one end of the district to
6 the other, a two-and-a-half hour drive. Its
7 population is 132,000, the high end of the
8 deviation. The situation is similar in the
9 proposed 117th district, where many Oneida County
10 towns would end up. Obviously these upstate
11 districts are not drawn with community
12 cohesiveness and commonality of interest in mind,
13 and they certainly are not examples of efficient
14 and effective representation. I'm not an art
15 teacher, but it looks like the committee needs to
16 go back to the drawing board.

17 Based on the obvious population and
18 geographical inequities of the proposed assembly
19 districts, it is evident that the commission
20 completely disregarded their own guidelines.
21 Oneida County is being robbed of effective
22 representation. The constitution guarantees one
23 man, one vote. Why is Upstate New York being
24 denied its fair share of representation? I urge

1 Demographic Research and Reapportionment, 2-14-2012

2 you to redraw the assembly lines fairly so that
3 the constitutional rights of the residents of
4 Oneida County and other upstate communities are
5 restored and preserved. Thank you for your time.

6 ASSEMBLY MEMBER MCENENY: Just for the
7 record--

8 MS. MILLER: Yes, sir.

9 ASSEMBLY MEMBER MCENENY: At least as
10 far as the City of New York is concerned, there
11 are some voting rights concerns there, but you
12 mentioned your district around 132,000.

13 MS. MILLER: Right.

14 ASSEMBLY MEMBER MCENENY: Every district
15 in Manhattan is 132,400, in New York County.

16 MS. MILLER: Right, and they're all
17 packed into high rises within a few city blocks.

18 ASSEMBLY MEMBER MCENENY: No--

19 MS. MILLER: Okay.

20 ASSEMBLY MEMBER MCENENY: That has
21 nothing to do with anything here.

22 MS. MILLER: Right, no, I know, it's
23 strictly based on population.

24 ASSEMBLY MEMBER MCENENY: No, it's that-

1 Demographic Research and Reapportionment, 2-14-2012

2 -

3 MS. MILLER: I'm just saying for the
4 most part the city districts are drawn on the low
5 end of the deviation.

6 ASSEMBLY MEMBER MCENENY: but the best
7 known county in the state of New York is New York
8 County, Manhattan--

9 MS. MILLER: Right.

10 ASSEMBLY MEMBER MCENENY: And it's
11 132,444, 446--they vary by very few people within
12 that county.

13 MS. MILLER: Right--

14 ASSEMBLY MEMBER MCENENY: You also have
15 some upstate counties, there's one I'm thinking
16 of in the mid-Hudson, it's 120 something or
17 other--it's off by 4000 or 5000--

18 MS. MILLER: Yeah, I wonder which
19 legislator drew that district for himself.

20 ASSEMBLY MEMBER MCENENY: Because we
21 can't break towns.

22 MS. MILLER: Right.

23 ASSEMBLY MEMBER MCENENY: So there are
24 voting rights restrictions that are federal.

1 Demographic Research and Reapportionment, 2-14-2012

2 There's a prohibition, at least upstate and for
3 most, but not all of Long Island, where you can't
4 break a town, even if you'd like to to make the
5 map more exact, so it's not--you have a
6 legitimate complaint, perhaps, in the big
7 picture, but there's not an exclusive situation.
8 There are exceptions starting with Manhattan
9 being about the same as it is--

10 MS. MILLER: Right, I found about 20
11 districts in New York City that were on the low
12 end of the deviation.

13 ASSEMBLY MEMBER MCENENY: Okay, thank
14 you very much.

15 MS. MILLER: Thank you.

16 SENATOR MARTIN M. DILAN, NEW YORK STATE
17 LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH
18 AND REAPPORTIONMENT: Miss?

19 MS. MILLER: Yes, sir.

20 SENATOR DILAN: Excuse me--did you do an
21 analysis for the New York State senate?

22 MS. MILLER: No, I did not. I was
23 focusing on the assembly districts.

24 SENATOR DILAN: Okay. Is there any

1 Demographic Research and Reapportionment, 2-14-2012

2 reason?

3 MS. MILLER: Well, because we're losing
4 representation in the current 115th assembly
5 district.

6 SENATOR DILAN: Okay, so are you aware
7 that in the senate it's a reverse? Are you aware
8 of that?

9 MS. MILLER: I am not focusing on the
10 senate at this time--

11 SENATOR DILAN: I'm just asking you, are
12 you aware that in the senate it's the reverse,
13 where the districts in New York City--

14 MS. MILLER: Well, then, that would have
15 to be addressed then, wouldn't it?

16 SENATOR DILAN: Excuse me?

17 MS. MILLER: That would have to be
18 addressed, also, then.

19 SENATOR DILAN: Well, I'm just letting
20 you know.

21 MS. MILLER: Right.

22 SENATOR DILAN: Yes, okay.

23 MS. MILLER: I understand.

24 SENATOR DILAN: Thank you.

1 Demographic Research and Reapportionment, 2-14-2012

2 MS. MILLER: Okay, thanks.

3 [applause]

4 ASSEMBLY MEMBER MCENENY: Thank you.

5 Cassandra Harris Lockwood?

6 MS. CASSANDRA HARRIS LOCKWOOD, CEO, FOR
7 THE GOOD, INC.: Good afternoon.

8 ASSEMBLY MEMBER MCENENY: Good
9 afternoon.

10 MS. HARRIS LOCKWOOD: I'm Cassandra
11 Harris Lockwood. I am the CEO and president of
12 For the Good, Incorporated in Utica, New York,
13 and I'm publisher of the Utica Phoenix, and I've
14 left a copy with all of you and I think on page
15 five is a letter from a constituent on the issue
16 of redistricting, and I'm here today to express
17 my grave disappointment in the proposed new
18 assembly district lines.

19 I live in the current 115th, and in
20 order to get to work I would have to drive now
21 through the new 102nd from the 115th, through the
22 102nd, into the 116th, and if I want to visit my
23 father after the end of my work day, I have to
24 drive north again, and bump back into the 115th,

1 Demographic Research and Reapportionment, 2-14-2012

2 I believe it is--the current 115th. It just
3 makes a hodgepodge of what we call our community.

4 In recent years, New York State
5 leadership has taken actions that have been
6 extremely detrimental to the residents of Oneida
7 County. Our county and its citizens have been
8 suffering an economic depression and lack of jobs
9 while we've continued to absorb legions of
10 refugees and other underserved populations. The
11 state's response has been to reduce school
12 funding, shut down local prisons, and now the
13 state hospital, and to choose to invest elsewhere
14 in New York State. Over the years, these now-
15 diminished industries have provided employment
16 for hundreds of our residents. These cuts have
17 further plunged our county into economic
18 hardship, limited educational opportunities for
19 our children, reduced our economic base, and
20 forced a much longer recovery time.

21 Now the state leadership has decided to
22 virtually eliminate our local representation by
23 drawing our assembly district without any
24 relevance to constituents' commonality or sense

1 Demographic Research and Reapportionment, 2-14-2012

2 of community. This proposed plan would leave
3 Oneida County with an even weaker voice in Albany
4 at a time when we need it the most. The
5 residents of Oneida County are tired of being
6 targeted for these devastating reductions, job
7 losses, and now the loss of a coherent
8 representation. I'm urging the leadership to
9 take the necessary steps to correct this
10 injustice and blatant attack on the good citizens
11 of Oneida County and restore our local
12 representation with the district that takes into
13 consideration our mutual circumstance, our
14 relevance, and our needs.

15 ASSEMBLY MEMBER MCENENY: Thank you.

16 [applause]

17 ASSEMBLY MEMBER MCENENY: Sandra Parker?
18 Sandra Parker? William Pabes, or Pabes? Please
19 pronounce your name for us when you get here.

20 MR. WILLIAM PABES: Good afternoon, it's
21 William Pabes.

22 ASSEMBLY MEMBER MCENENY: Pabes?

23 MR. PABES: Yes.

24 ASSEMBLY MEMBER MCENENY: Thank you.

1 Demographic Research and Reapportionment, 2-14-2012

2 MR. PABES: Thank you for the
3 opportunity to speak with your panel today
4 regarding the proposed lines for assembly and the
5 senate seats in the New York State legislature.
6 My name is William M. Pabes. I'm from Little
7 Falls, New York, Herkimer County. I'm currently
8 represented by the 117th assembly district.

9 Let me first say that it appears from my
10 initial review that several assembly seats in the
11 Central New York Mohawk Valley region are being
12 dramatically affected by shifting lines. These
13 are newly proposed assembly districts 118, 102,
14 and the North Country district that is being
15 pulled into Oneida and Lewis County.

16 My first concern is that as a region
17 that is dramatically impacted by the proposed
18 changes, I find that the closest hearing sites
19 are Syracuse and Albany. For working people, it
20 is difficult to take the trip to testify at these
21 hearings from the greater--it is a difficult trip
22 to testify at these hearings, and would be much
23 nicer if they were held sometimes in the Utica
24 area. Has anyone considered that ever?

1 Demographic Research and Reapportionment, 2-14-2012

2 Secondly, the rationale for this
3 proposal escapes me. Herkimer County, for
4 example, would be carved into three separate
5 assembly districts and two senate districts.
6 Oswego County would again be divided and several
7 townships in the Oneida County would be added to
8 the counties with which they share little
9 relationship. In the 118th district specifically
10 I see a huge sprawling district that would
11 require a superhuman effort to reasonably
12 represent--some 16 rural townships in St.
13 Lawrence County would be joined with portions of
14 Herkimer, Oneida, Fulton and Hamilton counties.
15 I see no logic in putting these townships
16 together in a district that really has no core.

17 While Central New York communities
18 appear to have maintained their level of
19 population according to the latest census
20 figures, it appears that our districts are being
21 guttled and that population numbers are being
22 stretched to the maximum allowed under the
23 redistricting rules, approximately 132,000 or
24 more, while downstate districts are almost

1 Demographic Research and Reapportionment, 2-14-2012

2 invariably in the lower to mid-120,000 range.

3 Whatever influence we may have in the
4 legislature, and I know that the members most
5 affected are members of the republican minority,
6 will be further splintered and our voice in
7 Albany will be further weakened under this plan.
8 In my view, this plan is blatantly unfair,
9 heavily weighted to benefit the majority members,
10 and creates the possibility of political chaos in
11 our Central New York region. I urge you to
12 return to the drawing board and come forward with
13 a plan that is fair to all New Yorkers, not just
14 for a chosen few. Thank you very much. I
15 appreciate the time.

16 ASSEMBLY MEMBER MCENENY: Thank you.

17 [applause]

18 ASSEMBLY MEMBER MCENENY: Mark Hall?

19 Good afternoon.

20 MR. MARK HALL, SUPERVISOR, TOWN OF FINE,
21 NY: Thank you. My name is Mark Hall. I'm
22 supervisor of the town of Fine, which is a rural
23 St. Lawrence County town, wholly within the
24 Adirondack Park, and I'm here, and I hope not to

1 Demographic Research and Reapportionment, 2-14-2012

2 echo a lot of what my friends some St. Lawrence,
3 Jefferson and Lewis County have said, so I
4 appreciate the opportunity to speak with you
5 today.

6 My belief is that the districts should
7 be about representing the constituents, not about
8 protecting elected officials. Being a three hour
9 drive away from constituents is not about
10 representing constituents. Districts should have
11 continuity and commonality--boy, haven't we heard
12 that a few times today. Districts to me should
13 go together like milk and cookies, peanut butter
14 and jelly. The 118th that you've created for the
15 assembly to me looks like oil and water--it just
16 doesn't fit together. Looking at this, it's over
17 200 miles long and has very few commonalities.
18 The barriers in the district are many, but they
19 include St. Lawrence County being divided into
20 four assembly districts, three senate districts,
21 and the commonality is destroyed.

22 A lot of people have talked about
23 transportation today. There are no roads through
24 the 118th assembly district. There's over 30

1 Demographic Research and Reapportionment, 2-14-2012

2 miles of pure wilderness between St. Lawrence,
3 Herkimer, and Hamilton Counties. Most of this
4 area is state-owned forest preserve where
5 motorized vehicles are prohibited. I've given
6 you a map on the second page there to show that
7 there's just no roads through there. It took me
8 about two and a half hours to drive to Syracuse
9 today--I would welcome that, rather than drive
10 from the top of that assembly district to the
11 bottom.

12 There are three different major media
13 outlets that cover the district. That's not fair
14 to the constituents or the elected official.
15 You've got Watertown, you've got Syracuse, and
16 you've got Utica--they just don't have
17 commonality.

18 The proposed districts are in and out of
19 the Adirondack Park, one of the most protected
20 areas of New York State. It adds confusion when
21 boundaries intersect at many different points.
22 These boundaries cross numerous lines including
23 the Adirondack Park agency, different DEC
24 regions, different DOT regions, and different

1 Demographic Research and Reapportionment, 2-14-2012

2 regional economic council regions, just to name a
3 few. As a rural representative who always has
4 difficulty with representation, don't make it
5 worse for us.

6 St. Lawrence County is huge--my friend,
7 the legislator, spoke about the four colleges in
8 St. Lawrence County. My town hosts the fifth
9 college St. Lawrence County, the SUNY-ESF School,
10 so even within the county, people make that
11 mistake of four colleges instead of five, so
12 that's about representation. Sorry, Kevin. My
13 point is simple--keep it simple. Do the right
14 thing and create districts that represent we the
15 people. Thank you.

16 SENATOR NOZZOLIO: Thank you.

17 ASSEMBLY MEMBER MCENENY: Thank you.

18 [applause]

19 ASSEMBLY MEMBER MCENENY: Charles
20 Mansell? And I may be--Marcelle? Charles
21 Marcelle? Kimberly Hutton? Good afternoon.

22 MS. KIMBERLY HUTTON: Good afternoon,
23 ladies and gentlemen. I do represent the 118th
24 and I just wanted to give you a little insight of

1 Demographic Research and Reapportionment, 2-14-2012

2 what my little neighborhood is. For instance,
3 just off-note, my speech was all ready but this
4 morning I went for a three-mile jog, and my
5 three-mile jog this morning--between 7:45 and
6 8:45, I walked a little and got off the beaten
7 trail and did some nature walking, but I only had
8 two vehicles pass me in that amount of time. One
9 of the vehicles was the town employees; another
10 was a lady who just drives around every day, so
11 that's how rural we are.

12 I had been asked to attend the public
13 hearing to address the issue of the proposed
14 senate districts. St. Lawrence County is home to
15 many rural townships--Rossie, New York of St.
16 Lawrence has a population of 878 people, and they
17 do care about the consideration given to our
18 legislative representatives. The area newspapers
19 informed us that there was a sense that the
20 public didn't care that much about legislative
21 redistricting. We beg to differ.

22 We do understand the meaning of
23 challenge--it's more than hoping you can hail
24 down the first taxi you see and not stuck in

1 Demographic Research and Reapportionment, 2-14-2012

2 gridlock on your morning commute to the office,
3 or hoping the line at Starbucks isn't too long.
4 Challenge to us is hoping the 30 below temps the
5 night before hasn't frozen the pipes that prevent
6 that morning shower, or the foggy conditions that
7 you have careful not to run into the back end of
8 an Amish horse and cart--I'm not kidding about
9 that, either--and hoping that you never really do
10 have your vehicle break down in Timbuktu. Yes,
11 our roads really do lead to Timbuktu--just ask
12 our legislative representatives about our
13 beautiful geographical layout. Everyone seems to
14 want their piece of the pie, and that's a fair
15 way to look at it, as long as the pie is enough
16 to feed everybody.

17 The limitations outweigh the
18 possibilities when looking at some lack of basic
19 needs. Emergency services have difficulties
20 reaching victims due to the conditions of the
21 roads. Hospitals are more than an hour away from
22 the accident scene. Cell phone usage is limited
23 due to signal availability, because telephone
24 companies don't turn profits on pay phones--that

1 Demographic Research and Reapportionment, 2-14-2012

2 is a luxury from the past. And on a side note,
3 when Mr. Wright was senator, Mr. Jim Wright
4 helped me put in a pay phone for a youth group.
5 I serve five dozen children at any time every
6 Tuesday night in Little Rossie, so I needed a pay
7 phone because I could not get cell phone service--
8 --you talk about representation, what new person
9 is going to understand that unless they come to
10 my youth group meetings?

11 In most areas, and these two facts
12 alone--the phone alone is the difference between
13 life and death in the true North Country. In
14 most areas of our county, we have no idea about
15 high speed internet services. Therefore, the
16 opportunity for better businesses to offer a
17 better quality of job does not exist. People say
18 times are tough--we understand, just watching gas
19 prices continue to increase every day. We ponder
20 why this was not a factor while looking at this
21 redistricting issue, since getting reimbursement
22 for your mileage is not part of the budget.

23 Has anyone taken a road map out--and
24 that will be the road map behind my speech, all I

1 Demographic Research and Reapportionment, 2-14-2012

2 did was take your redistricting and place it on
3 top of a common map and you can see the
4 geographical differences there. Has anyone taken
5 out this road map and experienced how far it
6 actually is from one town to the next? Imagine
7 how difficult it is being unemployed with an
8 increasing gas and food prices in our rural area.
9 But you couldn't, unless you lived there. And I
10 invite you for your next hearing, please come to
11 my town barn--we'd be more than happy to let you
12 see what mileage is. Thank you.

13 SENATOR NOZZOLIO: Thank you.

14 ASSEMBLY MEMBER MCENENY: Thank you.

15 [applause]

16 ASSEMBLY MEMBER MCENENY: Ken Bush?

17 MR. KENNETH L. BUSH, SUPERVISOR, TOWN OF
18 ELBRIDGE: Thank you. We're going on to two and
19 a half hours you folks have been here, and we
20 certainly appreciate your patience and
21 understanding. I'm approaching this from a
22 little different perspective. I'm the town
23 supervisor for the town of Elbridge located in
24 Western Onondaga County, and I'm here to tell you

1 Demographic Research and Reapportionment, 2-14-2012

2 I am very pleased with the plans that you have
3 drawn. We go across county lines--I'm not afraid
4 to go across county lines--

5 ASSEMBLY MEMBER MCENENY: If we had
6 known that, we would have put you on first.

7 MR. BUSH: Thank you. In reference to
8 the gentlemen that just spoke a little while ago,
9 I am one of the people--I've been in town
10 government for almost 20 years, and Cayuga County
11 and some of the other counties that you've chosen
12 to put us in are very fine counties, as well as
13 part of Onondaga so that goes for both the
14 assembly district and the senate district. We
15 are not afraid of our neighbors in the
16 surrounding counties.

17 I didn't realize that we'd also be
18 talking about the congressional district. I
19 thought it was very interesting when the
20 gentlemen before me spoke about keeping the
21 congressional district concise in Onondaga County
22 and that would make up 65% of the district. Now,
23 just think about that for a minute--what about
24 that other 35% that has to round it out to 100?

1 Demographic Research and Reapportionment, 2-14-2012

2 How do you think those people might feel? Do
3 they think they have a piece of the pie when it
4 is so dominated by one, quote, metropolitan area?
5 So from my perspective I would not be unhappy if
6 Western Onondaga County were divided and we moved
7 into the Finger Lakes area. That is a very
8 rational decision for those of us in Western
9 rural Onondaga County.

10 We're not all tied to the city of
11 Syracuse, in the metropolitan area, and we
12 deserve to have equal representation regardless
13 of boundary lines. County lines can be
14 artificial just as well as assembly lines and
15 state senate lines, so look at the people and
16 give them fair representation. Don't allow them
17 to be dominated by one political unit simply
18 because of population size. That is not fair to
19 some of those of us in rural areas. So thank you
20 for your time--I appreciate it.

21 MS. LEVINE: Thank you.

22 SENATOR NOZZOLIO: Thank you.

23 ASSEMBLY MEMBER MCENENY: Thank you very
24 much.

1 Demographic Research and Reapportionment, 2-14-2012

2 SENATOR NOZZOLIO: Thank you very much.

3 ASSEMBLY MEMBER MCENENY: Is there
4 anyone else here whose name I do not have who
5 would like to testify?

6 [background noise]

7 ASSEMBLY MEMBER MCENENY: Come forward,
8 please. Give us your name for the record.

9 MR. JAMES ANNUTTO: My name is James
10 Annutto.

11 ASSEMBLY MEMBER MCENENY: Last name,
12 James? I'm sorry.

13 MR. ANNUTTO: Annutto.

14 ASSEMBLY MEMBER MCENENY: A-N-A-T-O?

15 MR. ANNUTTO: A-N-N-U-T-T-O, and I'm
16 here representing Sylvia Rowan [phonetic],
17 Chairman of the Herkimer County Republican
18 Committee, Executive Committee and Herkimer
19 County Republican Committee.

20 Dear taskforce members: I have recently
21 been advised of the proposed changes in assembly
22 and senate districts covering Herkimer County. I
23 am quite mystified by the layout of the proposed
24 117th assembly district. I am sure many hours of

1 Demographic Research and Reapportionment, 2-14-2012

2 work went into this taskforce; however, I do not
3 understand how this design will serve the
4 constituents of the district. It takes
5 approximately one and a half hours to travel from
6 county seat in Herkimer to Old Forge in the town
7 of Webb. Under this plan it appears it would now
8 take an assembly representative well over four
9 hours to visit the northernmost town of the
10 district.

11 I am also concerned these changes will
12 negatively impact the ability of Herkimer County
13 to increase economic development. The Herkimer
14 County Industrial Development Agency would now
15 need to coordinate its efforts in three assembly
16 districts instead of one. It seems odd to divide
17 the county's population base into three separate
18 districts. I am very concerned it will seriously
19 undermine the ability to improve economic
20 conditions. It is quite well known that the
21 northern part of the state tends to lag during
22 economic recovery. This change certainly will
23 not enhance Herkimer County's ability to prosper.

24 The distance to travel to Onondaga

1 Demographic Research and Reapportionment, 2-14-2012

2 County for these hearings is at least one and a
3 half hours to two hours. Why was Onondaga County
4 chosen for a location and not the areas affected,
5 Oneida or Herkimer County? The time of day is
6 also difficult and inconvenient for those people
7 who work--not much consideration was given to the
8 residents of Herkimer County so their voices may
9 hear concerning this very important issue.

10 This redistricting process could be
11 interpreted as an unfair division for the
12 residents of Herkimer County. Further, the plan
13 seems to be especially unfair as it will divide
14 the county into three parts. Each part would
15 have to work with unfamiliar entities, perhaps at
16 times one area working against another instead of
17 working as a whole for the good of the county. I
18 hope the committee will seriously review these
19 proposed changes and keep Herkimer County whole.
20 Thank you.

21 ASSEMBLY MEMBER MCENENY: Thank you very
22 much.

23 [applause]

24 ASSEMBLY MEMBER MCENENY: Is there

1 Demographic Research and Reapportionment, 2-14-2012

2 anyone else here who would like to come forward?
3 I'm going to go back over the list and read the
4 names of individuals who did not come when I
5 called their name, and as far as the location is
6 concerned, there are a number of places in New
7 York State. We've done 20 public hearings so
8 far. This round is 9, and the federal judge gave
9 us a June 26th primary, so we have a lot of time
10 deadlines and we're sorry that we couldn't have
11 come to Utica, or a number of places, Jamestown,
12 Binghamton, etcetera.

13 Following names are people who are on
14 the list and may well have been here earlier or
15 will be sending in written testimony as we
16 encourage across the state. These hearings are
17 not the only way that one participates. One may
18 send in maps and testimony to LATFOR--it all
19 becomes part of the official record. Ray Meyer,
20 Henry Balmer, Christopher Farber, Joe Moriano,
21 Fred Beardsley--he did speak, I apologize, Fred.
22 Sandra Parker, and it looks like Charles
23 Marcelle.

24 There being no further testimony, we

1 Demographic Research and Reapportionment, 2-14-2012

2 thank you for your participation and your good
3 citizenry. The next public hearing will be in
4 Rochester scheduled at 11:30 tomorrow--it's on
5 the LATFOR website--and a final public hearing
6 will be in Buffalo the day after, I think that's
7 11 in the morning or 10:30 in the morning, again,
8 on the LATFOR website. Senator, did you have any
9 comments before we close or any other member of
10 the taskforce?

11 SENATOR NOZZOLIO: Our 21st hearing is
12 completed. Any other members of the taskforce
13 wish to speak? Hearing none, we will see you
14 tomorrow at 1130 AM in Rochester.

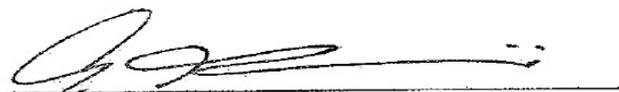
15 ASSEMBLY MEMBER MCENENY: Thank you.

16 (The public hearing concluded at 4:53
17 p.m.)

Demographic Research and Reapportionment, 2-14-2012

C E R T I F I C A T E

I, Anna Galassini, do hereby certify that the foregoing typewritten transcription, consisting of pages number 1 to 103, inclusive, is a true record prepared by me and completed from materials provided to me.



Anna Galassini, Transcriptionist

February 21, 2012



NEW YORK STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT
PUBLIC HEARING ON CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING
SYRACUSE CITY SCHOOL DISTRICT-HENNINGER HIGH SCHOOL AUDITORIUM
600 ROBINSON STREET, SYRACUSE 13202
FEBRUARY 14, 2012-3PM

SPEAKERS LIST:

1. ANTHONY PICENTE JR., ONEIDA COUNTY EXECUTIVE
2. KEITH ZIMMERMAN, DIRECTOR OF PLANNING, ST. LAWRENCE COUNTY
3. SAM BERNADINO, PRESIDENT, MOHAWK VALLEY CHAMBER OF COMMERCE (ONEIDA & HERKIMER COUNTIES)
4. MARY Q. CHAPIN, PRESIDENT, DISPUTE RESOLUTION INTERNATIONAL
5. CHARLES T. HAGE, COMPLIANCE OFFICER, MOHICAN FINANCIAL MANAGEMENT
6. VITA DEMARCHI, CHAIRWOMAN, ONONDAGA COUNTY DEMOCRATIC COMMITTEE
7. CAROLYN D. FITZPATRICK, CHAIR OF THE BOARD, JEFFERSON COUNTY LEGISLATORS
8. DONALD GOULET
9. FRED BEARDSLEY, LEGISLATOR, OSWEGO COUNTY
10. DEBORAH WARNER, VICE PRESIDENT FOR PUBLIC POLICY, CENTERSTATE CEO
11. MICHAEL MARINACCIO, SUPERVISOR, TOWN OF DICKINSON, PRESIDENT, COUNCIL OF GOVERNMENT
12. GREGORY LANCETTE, PLUMBERS AND STEAMFITTERS LOCAL 267
13. KEVIN ACRES, ST. LAWRENCE COUNTY FARM BUREAU DIRECTOR
14. NANCY MARTIN, ST. LAWRENCE COUNTY REPUBLICAN CHAIR
15. DON JEROR
16. JULIE MILLER, CHAIR, ONEIDA COUNTY CONSERVATIVE CHAIR
17. CASSANDRA HARRIS LOCKWOOD, CEO, FOR THE GOOD, INC.
18. WILLIAM M. PABES
19. MARK HALL, SUPERVISOR, TOWN OF FINE, NY
20. KIMBERLY HUTTON

21. KEN BUSH, SUPERVISOR, TOWN OF ELBRIDGE

22. JAMES ANNUTTO

NEW YORK STATE
LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND
REAPPORTIONMENT

PUBLIC HEARING
CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING

Wednesday, February 15, 2012
Monroe County Chambers, Room 406
39 West Main Street
Rochester, New York 14614
11:30 a.m.

Demographic Research and Reapportionment, 2-15-2012

TASK FORCE MEMBERS PRESENT:

SENATOR MICHAEL F. NOZZOLIO, Co-Chair

ASSEMBLY MEMBER JOHN J. MCENENY, Co-Chair

SENATOR MARTIN M. DILAN

ASSEMBLY MEMBER ROBERT OAKS

DEBRA LEVINE

ROMAN HEDGES

WELQUIS LOPEZ

INDEX

	Page
MR. DAVID GANTT, NEW YORK STATE ASSEMBLY MEMBER	8
MR. THOMAS RICHARDS MAYOR, CITY OF ROCHESTER	12
MR. OVE OVERMYER	31
MR. TED O'BRIEN MONROE COUNTY LEGISLATOR	37
MR. ADAM MCFADDEN ROCHESTER CITY COUNCILMAN	44
MR. JACK ZIGENFUS SUPERVISOR TOWN OF COHOCTON	52
MS. SANDY PARKER PRESIDENT AND CEO ROCHESTER BUSINESS ALLIANCE	56
MR. WILLIAM GERLING	59
MR. KENT GARDNER PRESIDENT CENTER FOR GOVERNMENTAL RESEARCH	62
REVEREND RICHARD GILBERT COMMON CAUSE	65
MR. JOHN KEEVERT COMMON CAUSE	70
MS. CYNTHIA KALEH MONROE COUNTY LEGISLATOR	76
MS. ELAINE SPAULL ROCHESTER CITY COUNCILMEMBER	78
MR. ROBERT MAURER	82
MR. THOMAS GREGORY	86

Demographic Research and Reapportionment, 2-15-2012

MR. DENNIS SEEKINS	94
MS. CAROL ARAGON	96
MR. JAMES WEBSTER	101
MS. SARAH YAWORSKY 19 TH WARD COMMUNITY ASSOCIATION	103
MR. KEVIN GALLAGHER	107
MR. EDWARD CRAMP	129
MR. TRACEY HARRISON 1199 SEIU	135

1 Demographic Research and Reapportionment, 2-15-2012

2 (The public hearing commenced at 11:33
3 a.m.)

4 SENATOR MICHAEL F. NOZZOLIO, CO-CHAIR
5 NYS LEGISLATIVE TASK FORCE ON DEMOGRAPHIC
6 RESEARCH AND REAPPORTIONMENT: Good morning.
7 This, the 22nd hearing of the New York State
8 Legislative Task Force on Demographic Research
9 and Reapportionment will come to order.

10 I'm very pleased to be in Rochester
11 today to take testimony from individuals who are
12 interested and concerned with redistricting. The
13 process that takes place once every ten years to
14 reflect New York's census changes. That the
15 hearings have been held in every corner of the
16 state and we look forward to the testimony that
17 will be proffered here today. I'm New York State
18 Senator Mike Nozzolio and along with Assemblyman
19 Jack McEneny are co-chairs of this task force.
20 And without further ado, I want to introduce the
21 Senate representatives on the task force. To my
22 right is the ranking member of the task force,
23 Senator Martin Dilan. Before me, in the center
24 of the aisle ahead, is Welquis Ray Lopez, the

1 Demographic Research and Reapportionment, 2-15-2012

2 citizen representative appointed to the task
3 force. To his right is Debra Levine, Executive
4 Director of the task force. Assemblyman McEneny,
5 our second trip to Rochester, welcome-

6 ASSEMBLY MEMBER JOHN J. MCENENY, CO-
7 CHAIR, NYS LEGISLATIVE TASK FORCE ON DEMOGRAPHIC
8 RESEARCH AND REAPPORTIONMENT: [interposing]
9 Yes.

10 SENATOR NOZZOLIO: -to the greater
11 Finger Lakes region. And that it's wonderful to
12 have you here today and we look forward to the
13 testimony from a variety of groups and
14 individuals.

15 ASSEMBLY MEMBER MCENENY: Thank you,
16 Senator. I'm Jack McEneny, I represent six towns
17 and a lot of the city of Albany. To my immediate
18 left is the Republican counterpart for the
19 assembly, Bob Oaks, who is Yates County?

20 ASSEMBLY MEMBER ROBERT OAKS: Wayne.

21 ASSEMBLY MEMBER MCENENY: Wayne County.
22 And directly in front of him, our citizen
23 representative on the assembly side is Dr. Roman
24 Hedges. And with that, I look forward to hearing

1 Demographic Research and Reapportionment, 2-15-2012

2 the testimony. I believe you know the schedule
3 here. This is the second to last public hearing,
4 tomorrow we'll be in Buffalo. The lines will be
5 changed based in large part on some of the
6 testimony we receive at public hearings across
7 the state. Testimony that's also sent into
8 LATFOR regularly from people who don't make it to
9 a public hearing and will be done during the
10 President's Week break when the legislature is
11 not in session in anticipation of a vote when
12 they return on the 27th at some point during that
13 week. So it's a tight schedule, the Congress has
14 not put together, but the maps have been out for
15 some time now for Senate and Assembly, you may
16 speak on any, anything anywhere in the state.
17 Senator, shall we begin?

18 SENATOR NOZZOLIO: Thank you,
19 Assemblyman. Before we do so, I wish to advise
20 those presenting testimony today that their
21 testimony will be video recorded. The cameras in
22 the center of the room as well as this one here
23 to my left record the testimony. That testimony
24 becomes part of the official record taken by

1 Demographic Research and Reapportionment, 2-15-2012

2 LATFOR. A copy of this testimony is placed on
3 the website of LATFOR for all to review. Anyone
4 watching these proceedings on the LATFOR website
5 is encouraged to submit any of their written
6 comments to LATFOR, should they not be here to
7 testify in person.

8 Without further ado, I'd like to call
9 those who have signed up, the first witness, the
10 first testifier is David Gantt. Assemblyman
11 David Gantt.

12 ASSEMBLY MEMBER DAVID GANTT: Thank you
13 very much, Senator Nozzolio, Senator Dilan, Mr.
14 McEneny, Assembly Oats. I come here to—

15 SENATOR NOZZOLIO: Is your mic on,
16 Assemblyman? It is? Okay. Thank you.

17 ASSEMBLY MEMBER GANTT: Mike probably
18 turned it down so—don't want to hear what I have
19 to say.

20 SENATOR NOZZOLIO: Pardon me?

21 ASSEMBLY MEMBER GANTT: As most of you
22 know, I've had a history in this process and have
23 ensued for district here locally in 1982. The
24 district I now represent, had no intention of

1 Demographic Research and Reapportionment, 2-15-2012

2 representing back in those days, but ran to-
3 helped run the commission in 1992 and in 2002 had
4 a different issue and today I come before you
5 because we have some real problems.

6 When you first came here, I
7 intentionally did not come to speak to you
8 because I thought that you ought to have the
9 right to follow through on your process that you
10 were following.

11 I, as you probably know, was one of only
12 a few members who refused to cave in to Congress
13 or Mayor Koch, because I wouldn't sign that
14 promise that he had us make. Because I sincerely
15 believe that this is a political process, a
16 process that the legislature and the governor
17 ought to have control of. So I refused to sign
18 that because it was not the right thing to do.
19 However, when I looked at what had been proposed
20 as Senate lines, and I've been representing this
21 district now 30 years. When I saw what was
22 proposed as lines that go all the way from
23 Amherst to Rochester, that splits up the
24 University of Rochester and pits it, in my

1 Demographic Research and Reapportionment, 2-15-2012

2 opinion, against the University of Buffalo. And
3 they had the same senator. I wonder who that
4 senator will listen to? When I look at the lines
5 for, in general, with the minority population in
6 the city, I see some senators losing 5%, I see
7 others losing 2%, and I see others, again, going
8 all the way just outside Buffalo and they gain
9 9%. I think it's an unfair process and that's
10 why I've come here today to at least register
11 that. I'm sure that you have the maps that are
12 here. I don't have to draw your attention to the
13 fact that this, the deeper red is where the
14 minority community lives at, both the Hispanic
15 and African American population in particular.
16 Who's put at a disadvantage? They have no
17 choice, given what the lines are now, unless you
18 decide to change those. Because it should be
19 fair. There are others in this room who believe
20 that they ought to draw the lines. I, again,
21 remind you that I do not believe they ought to
22 draw those lines. Having had the opportunity
23 myself. But I do encourage you to take
24 additional looks at those lines and make the

1 Demographic Research and Reapportionment, 2-15-2012

2 kinds of appropriate changes that ought to be
3 made, both on behalf of the University of
4 Rochester, our business community. You know, the
5 University of Rochester is the highest employer
6 in this area. Used to be Kodak. It's no longer
7 Kodak. It's now University of Rochester. And as
8 a research institution, you're going to pit them
9 against, as I said, the University of Buffalo.
10 It's unfair. What we're doing with those who
11 live in the city is unfair. My mayor probably
12 will come later on and talk about the kinds of
13 things that are important to him, but my reason
14 for being here are the University of Rochester,
15 the City of Rochester and the minority community.
16 I implore you to change those lines, get them
17 back where they should be. If not, I, it's my
18 intent to see what I can do starting back with
19 my, something I started in 1982 and that's to
20 watch the reapportionment process and to make
21 sure it's a fair process and if not, I'll see you
22 in court. Thank you and God bless you all.

23 SENATOR NOZZOLIO: Thank you,
24 Assemblyman. Any questions of Assemblyman Gantt?

1 Demographic Research and Reapportionment, 2-15-2012

2 Thank you, Assemblyman.

3 ASSEMBLY MEMBER GANTT: Uh huh.

4 SENATOR NOZZOLIO: Mayor Tom Richards.

5 MAY THOMAS RICHARDS, CITY OF ROCHESTER:

6 Thank you, Senator. Senators and Assemblymen and
7 members of the commission. First, let me
8 recognize that this is a tough job you've got and
9 I know you've spent an awful lot of time on it.
10 And I don't, in some sense, envy you, but I hope
11 that we can point some things out to you today
12 that maybe you didn't appreciate, but in the
13 difficulty that you've encountered here and that
14 you will reconsider some of the lines.

15 The particular areas that we're
16 concerned about, or I'm concerned about on behalf
17 of the city are the Senate lines. We believe
18 that the six districts that are proposed for
19 Monroe County disregard the community of interest
20 that is our community. And the city. They
21 dilute the minority representation, as
22 Assemblyman Gantt has pointed out, and the City
23 of Rochester's ability to influence those
24 elections in its interests. Furthermore, they

1 Demographic Research and Reapportionment, 2-15-2012

2 water down the impact of the new regional
3 economic development. Remember, we've just
4 created here these regional economic areas and
5 ours is the Finger Lakes. There's a separate
6 area in Buffalo. And this, again, runs contrary
7 to that.

8 I know you've spent some time on it and
9 it's a difficult issue for you to deal with, but
10 I hope you'll reconsider that in light of some of
11 the things, as I said before, that are pointed
12 out to you today.

13 State and federal law establish the
14 ground rules that you're trying to obey here and
15 they have a purpose and the purpose, of course,
16 is to recognize this community of interest and
17 the rights of all voters. And they have to be
18 applied properly in order to achieve these goals.
19 Understanding that it's not easy to do. The New
20 York State Constitution addresses the
21 redistricting criteria to preserve communities of
22 interest, which I've addressed, and to present
23 the manipulation of those districts and against
24 that community of interest. Federal rules

1 Demographic Research and Reapportionment, 2-15-2012

2 necessitate compliance with equal representation
3 and the one person one vote. And we believe that
4 representing this district through six districts
5 does not accomplish that.

6 I want to emphasize the importance that
7 the drafters placed on protecting that interest.
8 That local interest. That's why we have
9 districts. Otherwise we could simply have
10 everyone elected at large. I'm afraid that the
11 proposed districts, at least as they impact
12 Monroe County and the City of Rochester, fail to
13 meet those standards.

14 Monroe County has a population that's
15 most recently been recorded of about 744,000
16 people. Assuming that there will be 63 Senate
17 districts, each district will have about 307,000
18 people. Based on that standard, Monroe County
19 would have about two-two and a half districts
20 representing it and not portions of six
21 districts, only one of which is wholly within the
22 county. As drawn, the Rochester area senator
23 districts violate the requirement that no county
24 should have four or more senators unless it shall

1 Demographic Research and Reapportionment, 2-15-2012

2 have a full ratio for each senator. And that's
3 not achieved here and couldn't be achieved here.
4 The proposed six district formula violates that
5 principle. And we given you a testimony, we've
6 provided maps and provided illustrations of it
7 for you to look at when you get a chance.

8 The requirement that the districts are
9 as compact as possible and are clearly violated
10 by Districts 59 and 61. Some of which were
11 referred to by Assemblyman Grantt. They're
12 already long, narrow districts and now they've
13 been extended up into the further north, for the
14 first time into Monroe County to include the town
15 of Wheatland and Henrietta. District 61 is
16 extended eastward into Monroe County to include
17 the towns of Riga and a portion of the city of
18 Rochester. In addition, District 55, which was
19 relatively impact and has now been extended to
20 include eastern and southern towns of Monroe
21 County and extended into the southernmost portion
22 of Ontario county. The proposed District 56
23 violates the spirit of the compactness
24 requirement. The district is composed primarily

1 Demographic Research and Reapportionment, 2-15-2012

2 of the northeastern towns of Monroe County and
3 the northwestern section of the city of Rochester
4 and would be connected to the southeastern
5 portion through a sliver of land, in some cases,
6 only a block wide.

7 Senate 61 is being redrawn to include a
8 substantial portion of the 19th Ward of Rochester.
9 The 19th Ward of Rochester is a recovering,
10 predominantly minority neighborhood. It's home
11 to the city's largest employer - the University
12 of Rochester. And it is a principle economic
13 driver for our community. It is one of the most
14 fundamental institutions that this city and this
15 community has. And, by the way, it's very
16 fundamental to that neighborhood as well.
17 Because it's located there. The section of the
18 city, the two towns of Monroe County, Riga and
19 Chili, will now be added to that district that
20 begins in Amherst and includes all of Genesee
21 County. The senator who represents it currently
22 is a gentleman who lives in Amherst, whose life
23 has been spent there and I'm sure may be doing a
24 great job of representing Amherst and that part

1 Demographic Research and Reapportionment, 2-15-2012

2 of the state, but he's not in a position to
3 represent our community of interest here.

4 Particularly our most prominent employer and one
5 of our most prominent intuitions and a sliver of
6 a minority community, which is diluted by its
7 involvement in this district.

8 And this, for us, is not a political
9 issue. As long as I can remember, our city has
10 been represented by Republican senators. In a
11 set of districts that we were living with and
12 accept. So it isn't that. It's a matter of
13 representing this community of interest, be it
14 Republican or Democrat or whoever it is, that
15 they're in a position to represent that
16 community. Of particular concern are the
17 interests of that 19th Ward that I talked about.
18 Which is now experiencing a revitalization, and
19 the city, along with the U of R, has invested
20 considerable assets and time and effort in that
21 neighborhood to bring it back. And it's the
22 interest of that community which will certainly
23 be weakened that's made part of a district that
24 will it will be a very small representation of.

1 Demographic Research and Reapportionment, 2-15-2012

2 So, the proposed District 61, which
3 starts with the University of Buffalo and,
4 includes the University of Buffalo and Eerie
5 Community College and that it adds the private
6 University of Rochester, we believe, is not an
7 acceptable way in which to represent our
8 community of interest. Each of these
9 universities has major initiatives underway, each
10 of them requires representation and has separate
11 interests and it is—the heavily population
12 concentration will be in the western part of that
13 district. And that's just inevitable in terms of
14 where its interest will lie.

15 As the largest employer, the entity
16 responsible for generating much of Rochester's
17 new business, it's imperative that the University
18 of Rochester be represented by a senator with an
19 understanding of our critical interests and the
20 university's critical interest and we do not
21 believe someone who is in Buffalo, however well
22 intended they may be, is in a position to do
23 that. That's why, in fact, we have districts and
24 I have these communities of interest.

1 Demographic Research and Reapportionment, 2-15-2012

2 Senate District 59 is being redone to
3 add some of the Monroe County towns of Wheatland
4 and Henrietta for the first time. The current
5 district stretches all the way to the towns of
6 Erie and Wyoming, Livingston and Ontario
7 Countries. And similar to the situation with the
8 61st District, the incumbent center has strong
9 gives, as you would expect, in western New York
10 and includes a long-term career as part of an
11 Erie County sheriff and others. That's what you
12 would expect from a district that's prominently
13 dominated by that. Unfortunately, when the
14 district has been redrawn here, it reaches up
15 into Henrietta and takes Rochester's second most
16 prominent educational institution - RIT. I'm
17 sure if you're RIT, you might say you're the
18 first. But it's 18,000 students now at RIT. It
19 is part of what we're basing our economic future
20 on in this community. It generates significant
21 activity not only as a large institution, but as
22 a technical institution that is spinning off
23 other economic activities that are prominent to
24 our community. So now we have both of the most

1 Demographic Research and Reapportionment, 2-15-2012

2 prominent educational institutions in this
3 community, both of whom are major parts of our
4 hope for economic development represented by
5 someone who's in the western district of New
6 York. And we just think that that misses this
7 community of interest that's so important to us.

8 Let me skip over here to say I mentioned
9 the Rochester's 19th Ward, which was talked about
10 before. And this is significant because the
11 minority population in the 19th Ward has struggled
12 for a long time and is now making a comeback.
13 Partly of what's going on at the U of R, but
14 partly because of a significant investment of
15 time and effort by the state and the city in
16 making that a successful district. It deserves
17 to be in a district that is represented
18 adequately. The constituency in District 56
19 minority will be reduced down from 24 to 18%.
20 It's a substantially watering down of that
21 minority representation. And the ability to
22 influence state policy.

23 So the new districts do not consider,
24 and, we believe, run contrary to the recognized

1 Demographic Research and Reapportionment, 2-15-2012

2 development program that's been started by the
3 state of New York. We just went through a
4 process where the state of New York was divided
5 into regions, and you're all familiar with it.
6 We are in the Finger Lakes region. Buffalo is in
7 a separate region, the western district. One of
8 the ways economic development works in this state
9 now, under Governor Cuomo, is these districts
10 compete, they're expected to compete for state
11 aid. They're expected to develop their own plans
12 and expected to compete. And so they are the
13 community of interest that's been designed and,
14 in fact, created by the State of New York. It's
15 the way the Department of Labor looks at it, it's
16 the way the economic development people in the
17 state, and, quite frankly, it's the way we look
18 at it. It is, in fact, the right and a natural
19 division. And so with respect to those things,
20 we think these districts that run all the way to
21 Buffalo run contrary to it. Some of that existed
22 before. But it did not exist in the way that had
23 significant impact now where both the U of R and
24 RIT are carved out of the Finger Lakes District.

1 Demographic Research and Reapportionment, 2-15-2012

2 And that, I think, is the major impact that
3 that's had.

4 Rochester is an important community in
5 this state. I know you know that and I know you
6 appreciate it. And we're working hard, like
7 everybody in upstate New York to make a comeback
8 here. And we can't afford, quite frankly, to
9 have our community of interest placed at risk and
10 we're concerned that the Senate districts that
11 have been designed here do, in fact, do that. We
12 can't expect our community to be adequately
13 represented by people who have other interests
14 and who, in fact, may in fact have to respond to
15 those interests. We have urban minority
16 neighborhoods. Urban minority neighborhoods who
17 deserve and require representation that has an
18 understanding of their unique issues. An
19 understanding of what it's like to live and work
20 and try to build those urban minority
21 communities. And we have major educational
22 institutions that are critical to our long-term
23 success here. And we believe that those
24 principles were not recognized in the Senate

1 Demographic Research and Reapportionment, 2-15-2012

2 districts that are designed before you.

3 Again, I appreciate your work, I
4 understand how difficult it can be and I hope
5 that you'll consider these statements that will
6 be made here and will be made by others as you
7 reconsider the lines.

8 SENATOR NOZZOLIO: Mr. Mayor, before you
9 sit down, I have a few questions.

10 MAYOR RICHARDS: Yes sir.

11 SENATOR NOZZOLIO: First of all, thank
12 you for your advocacy on behalf of the city you
13 represent.

14 Mr. Mayor, how many Senate districts are
15 there now in the city of Rochester? Representing
16 the city of Rochester?

17 MAYOR RICHARDS: We have three.

18 SENATOR NOZZOLIO: And how many do you
19 understand to be part of this new plan?

20 MAYOR RICHARDS: Six.

21 SENATOR NOZZOLIO: Well, I said the city
22 of Rochester.

23 MAYOR RICHARDS: Oh no, the city of
24 Rochester, that doesn't affect all of us, that's

1 Demographic Research and Reapportionment, 2-15-2012

2 correct.

3 SENATOR NOZZOLIO: So there are three
4 senators representing the city of Rochester now.

5 MAYOR RICHARDS: Right.

6 SENATOR NOZZOLIO: And under this plan
7 there are three senators proposed to represent
8 the city of Rochester.

9 MAYOR RICHARDS: That is correct. That
10 is correct.

11 SENATOR NOZZOLIO: Is—I guess I have two
12 hats here as co-chair of this task force as well
13 as a representative of Monroe County, and I'm
14 very proud to have represented the town of
15 Webster for the last 20 years in the Senate. And
16 that representation has included my own advocacy
17 on behalf of those institutions that you are
18 championing today, the University of Rochester
19 and the Rochester Institute of Technology. I
20 guess somebody could say, "Well, I went to
21 Cornell University and my district goes to the
22 doorstep of Cornell, therefore I couldn't be a
23 representative of the University of Rochester's
24 interests or the interests of RIT." And I guess

1 Demographic Research and Reapportionment, 2-15-2012

2 I also ask, the last I looked, both RIT and U of
3 R were private institutions. Yeah, I know well
4 that we, through our efforts of our primarily
5 Senate delegation, have delivered tens of
6 millions of dollars to both of those institutions
7 over the last ten years. And I respect and
8 appreciate and applaud what's being done at both
9 of those schools. But my, part of my district
10 that is at Cornell's doorstep does not impede me
11 in one iota to be an advocate on behalf of the
12 University of Rochester or the Rochester
13 Institute of Technology.

14 Let me ask you this question, Mr. Mayor.
15 Do you think Louise Slaughter [phonetic] has been
16 an effective congresswoman?

17 MAYOR RICHARDS: Yes, I do.

18 SENATOR NOZZOLIO: Does not Louise
19 Slaughter represent Buffalo and Rochester?

20 MAYOR RICHARDS: Yes, she does. And I
21 think she'd be an even more effective
22 representative if she represented Rochester
23 alone. So you're saying that she has been an
24 ineffective representative—

1 Demographic Research and Reapportionment, 2-15-2012

2 MAYOR RICHARDS: [interposing] No.

3 SENATOR NOZZOLIO: -representing

4 Buffalo. You know, and I appreciate the applause
5 and I think that's a great line.

6 MAYOR RICHARDS: [interposing] Let me
7 be clear about what I-

8 SENATOR NOZZOLIO: [interposing] But
9 the fact that you put in motion an allegation
10 that basically says that a representative, not-I
11 guess you're also presupposing that the
12 representative is going to live in Amherst or in
13 one area of-why not Henrietta or Chili or, you're
14 presuming the fact that the representative may be
15 from an area that you don't know now or ten years
16 from now where that representative is going to
17 live. I guess the question is Congresswoman
18 Slaughter may have been a better representative
19 if she only represented Rochester. But does that
20 make her a bad representative or an effective
21 representative because she has two western New
22 York cities in her district?

23 MAYOR RICHARDS: You know, I, let me be
24 clear here. I'm not here to criticize anybody's

1 Demographic Research and Reapportionment, 2-15-2012

2 level of representation or any individual. There
3 are people who live in New York City who have
4 advocated for our district. That's not my point.
5 The reason we're going through this exercise
6 though, and the reason we're creating these
7 districts is to try to do as much as we can to
8 collect that community of interest. That doesn't
9 mean that at some point in time someone couldn't
10 rise above that. Or that there would be common
11 goals that would penetrate all across the state
12 of New York, of course there would be. And we
13 appreciate the assistance you brought to that.
14 But that's not the question before us. The
15 question is not whether someone could overcome
16 that. The question is are we designing these
17 districts in a way that they most closely
18 represent that community of interest and make
19 that connection as direct as we can make. There
20 will be exceptions, I agree with that, because
21 we're not in a perfect world here and we have
22 some things we have to adjust. But to the extent
23 we can do it, we should create these districts
24 that have this clear community of interest so

1 Demographic Research and Reapportionment, 2-15-2012

2 that we don't create obstacles for people to
3 overcome. But I'm not here to criticize anybody
4 who's done anything in the past and if we have to
5 sit still for these districts, I hope, you know,
6 we'll work like the dickens to make it work.
7 But, why we're here is to try to do as good a job
8 as we can. Not that some others haven't overcome
9 it. And that's the basis on which we've made
10 these objections.

11 SENATOR NOZZOLIO: And respectfully,
12 Mayor, that's understandable. You're not the
13 first, as a matter of fact, you're probably the
14 21st in the hearings that we've had, everybody
15 wants their county to be within one district.
16 The population requirements of one person one
17 vote makes that a very, very difficult situation.
18 While there may be a compact district in Monroe
19 County, the districts around Monroe County will
20 be so large and so, with so much territory—my
21 territory, the territory I represent in the
22 Senate is almost 3,000 square miles. It's larger
23 than many other jurisdictions, in large part
24 because it is a rural based district. Which is

1 Demographic Research and Reapportionment, 2-15-2012

2 part of the problem. If you do not place
3 regional representatives in place, that those
4 districts become geographically extremely
5 difficult to represent for what may be an hour
6 drive from Amherst to downtown Rochester if the
7 district did not have any of the population, from
8 the population centers, would be a two and a half
9 hour drive or longer. It takes a good two hours
10 to get from one end of my district to the other
11 now. And that's what unfortunately has to be
12 balanced along with your interests. And, again,
13 you're not the first elected official to ask for
14 a unified county and I respect, and I'm sure
15 members of the panel respect your advocacy on
16 behalf of the city you represent..

17 MAYOR RICHARDS: No, I appreciate that.
18 And I hope that you understand also that it's not
19 just a matter of having a unified county. We
20 understand that there are going to be more than
21 one Senate district here. We understand, that's
22 been true for all the time that I know. But I do
23 think we need to think about the consequences of
24 the way in which it's divided right now on these

1 Demographic Research and Reapportionment, 2-15-2012

2 very significant institutions that are a part of
3 us. It isn't just a matter of distance. It
4 isn't just a matter of one representative. Two
5 of our most prominent institutions are cared out
6 and our minority population is divided up. And
7 that's the basis on which I'm doing it. I
8 understand that we'll have more than one
9 representative here and you can't just create a
10 Monroe County district.

11 SENATOR NOZZOLIO: Well, whatever the
12 size of the delegation, Mr. Mayor, I know we'll
13 be, I certainly will be fighting hard to advocate
14 for the interests of the city of Rochester and
15 all of Monroe County. There is something to be
16 said for having one representative. There is
17 something to be said for having more than one
18 representative because it is a numbers game and
19 the more senators and assemblymen you can have
20 pulling the oar to advocate on behalf of a region
21 also is a strength. So I appreciate your taking
22 the time and energy and effort to present this
23 testimony on the record and, again, thank you for
24 your advocacy.

1 Demographic Research and Reapportionment, 2-15-2012

2 MAYOR RICHARDS: Thank you. We look
3 forward to your help.

4 SENATOR NOZZOLIO: Ove Overmyer.

5 MR. OVE OVERMYER: Thank you for
6 allowing me to speak today. Just before we
7 begin, in the packet I provided for you are a few
8 supporting documents. They denote my
9 neighborhood, the assembly district I live in, a
10 city map of Rochester, and some demographic data.

11 Again, my name is Ove Overmyer, I'm
12 employed as a librarian with the City of
13 Rochester. In the event of full disclosure, I
14 want to let you know that I'm an officer of the
15 Civil Service Employees Association. It's New
16 York's largest employee union. I'm president of
17 the City of Rochester Library Workers, Monroe
18 County Local 828, Unit 7420. Among many other
19 responsibilities, I'm also a writer and
20 photographer for the Empty Closet, New York's
21 oldest continually published LGBT newspaper, with
22 a print subscription of over 10,000 readers. I'm
23 also a caregiver of three teenage boys who go to
24 the Rochester City School district. But I'm not

1 Demographic Research and Reapportionment, 2-15-2012

2 here today to talk to you about a union agenda,
3 media concerns or parental responsibilities. I'm
4 here representing myself as a constituent who
5 cares deeply about his family, his community and
6 as a person who cares about advancing policies
7 that allow citizens to fully participate in the
8 democratic process.

9 I live in a small residential street
10 called Canfield Place in the city. It's a very
11 quiet one way dead end street near the east end
12 in Monroe Avenue areas. The houses on my street
13 were built at the turn of century, 20th Century,
14 almost all of them are owner occupied homes. I
15 have been residing there for six years.
16 Previously I rented an apartment on East Main
17 Street near the Auditorium Theater. I moved to
18 Rochester in 1996, after living 20 years on Long
19 Island in New York City.

20 When I moved here, I was looking for a
21 neighborhood that was culturally rich and
22 diverse. As a laborer and LGBT activist, I was
23 also looking for volunteer opportunities and
24 found my way to the east side of the city

1 Demographic Research and Reapportionment, 2-15-2012

2 donating many hours at the Gay Alliance at the
3 Genesee Valley which is now located at the
4 Auditorium Theater in the neighborhood of the
5 arts. As you may know, this part of Rochester,
6 the east, southeast and southwest parts of the
7 city is a contiguous community of interest if
8 there ever was one. The new assembly district
9 maps for the city of Rochester, specifically the
10 newly redesigned 137 and 138 represent the
11 ultimate partisan gerrymandered districts people
12 just love to hate for obvious reasons for all who
13 live here. An article written February 7th, 2012
14 in the Wall Street Journal, the Senate Republican
15 majority was quoted as saying, "The proposed
16 lines comply with all voting rights X and
17 protects the voices of minority voters." I would
18 argue when it comes to the Senate assembly
19 districts covering the Rochester area, nothing
20 could be further from the truth. Presently I
21 reside in the 131 District and we presently have
22 a contained community of interest. The new
23 district maps have now been butchered into
24 objectionable puzzle pieces of some unknown value

1 Demographic Research and Reapportionment, 2-15-2012

2 and quantity. The city of Rochester is also
3 divided into three Senate districts, which makes
4 even less sense. I would like to submit for the
5 record, according to the U.S. Census, the city of
6 Rochester has the fourth highest self-identified
7 gay households in New York State. The 14607 area
8 zip code, basically the contiguous neighborhoods
9 I'm referring to, is the sixth gayest zip code in
10 New York State, including all five boroughs of
11 New York and Yonkers. If communities of interest
12 are drawn to reflect social, cultural, racial,
13 ethnic and economic interests common to the
14 population of that area, then we must reconsider
15 these lines that we have proposed for the
16 assembly districts. If you want to help build
17 our city, help our small businesses grow, please
18 keep in mind when you review your plan that our
19 community of interest is a local population that
20 already has common social economic interests that
21 benefit from the unified political representation
22 provided by inclusion with one single political
23 district and that district now happens to be the
24 131. I know many area residents who identify as

1 Demographic Research and Reapportionment, 2-15-2012

2 gay and lesbian chose to buy homes in those
3 districts because of its rich diversity and
4 because they'd be close to populated gay
5 businesses.

6 I submit to you that the proposed 137
7 and 138 deeply divide our communities right now
8 with similar identity, racial and economic
9 characteristics. To be even more direct, when I
10 saw these first district, the proposed district
11 lines, I was, I felt like the rug was pulled out
12 from underneath me. You took me and my neighbors
13 of Canfield Place, Buena Vista Place, Gardner
14 Street, Lafayette Park and, in essence, you might
15 as well put us halfway around the world. We have
16 very little in common with downtown and northeast
17 residents. If you take a look at the city of
18 Rochester road map, you're going to see this
19 gargantuan barrier called the interloop. It is a
20 physical barrier that separates these
21 neighborhoods and it just doesn't make sense. If
22 I want to go to the store, I can't cross the
23 interloop, I go into the East District in order
24 to get my shopping done.

1 Demographic Research and Reapportionment, 2-15-2012

2 I implore you to keep my neighborhood
3 intact. Presently, again, I reside in the 131
4 and this proposal will put me in the 138. Please
5 do not divide my community. It makes more sense
6 to assemble the northwest part of the city
7 together and keep the south, southeast, south
8 wedge part of the city together.

9 Okay, I'll finish up. If we value
10 traditional redistricting factors, like identity,
11 compactness and respect for county, city, town,
12 village and school districts, lines wherever
13 possible, well, then we really must consider
14 redrawing these lines.

15 In conclusion, I see redistricting in
16 New York as a system that has prioritized
17 incumbency and partisan interest over democratic
18 representation. This process needs to be about
19 people and not politics. To help restore faith
20 in our state government, we need to reform the
21 system. By considering my suggestions and
22 recommendations, I would argue that this process
23 would take a giant leap forward towards greater
24 dependence, transparency and a commitment to fair

1 Demographic Research and Reapportionment, 2-15-2012

2 representation and equality. Thanks for your
3 time today, I really appreciate it.

4 SENATOR NOZZOLIO: Likewise. Thank you
5 for your testimony, any questions? Thank you.

6 MR. OVERMYER: Thank you.

7 SENATOR NOZZOLIO: Ted O'Brien.

8 MR. TED O'BRIEN, MONROE COUNTY

9 LEGISLATOR: Thank you, Senator.

10 My name is Ted O'Brien, I'm a Monroe
11 County Legislator from the town of Irondequoit,
12 here in Monroe County. And I'm here today to
13 oppose, as strongly as I can, the legislative
14 district reapportionment lines that have been
15 prepared and proposed. Particularly the lines
16 proposed for the New York State Senate districts.

17 The proposed new senate lines divide the
18 city of Rochester into three separate Senate
19 districts and divide Monroe County into six
20 separate Senate districts. This splintering of
21 our community into small pieces constitutes a
22 developing tragedy for our community. A tragedy
23 that we cannot allow to stand. We have already
24 seen, and this community is already at its end

1 Demographic Research and Reapportionment, 2-15-2012

2 with respect to the lack of influence we have in
3 Albany. The inequities in state aid to the city
4 of Rochester, for example, is now widely
5 understood. It is outrageous that state aid to
6 the city of Rochester, roughly \$90 million, is
7 almost doubled by the state aid doled out to the
8 city of Buffalo. The state aid equal to \$226 a
9 person in Rochester grows to \$428 for every
10 person in Buffalo. Even Syracuse, with 65,000
11 fewer people than Rochester, get \$66 more in
12 state aid for each and every person that lives in
13 Syracuse. And unlike Buffalo and Syracuse,
14 Rochester did not win the governor's Economic
15 Development Council competition. Rochester
16 continually lags behind other areas of the state
17 with respect to state funding for infrastructure
18 and transportation dollars. We are not getting
19 our fair share. Meanwhile, as reported in the
20 New York Times, less than 5% of the graduates of
21 the Rochester City School District are either
22 college or career ready.

23 We have large populations of people
24 living in poverty. We have significant

1 Demographic Research and Reapportionment, 2-15-2012

2 difficulties to deal with, yet the interest of
3 our city and our county are being splintered into
4 even smaller pieces. We need strong advocates
5 for our community, but to a larger degree than
6 ever before, our Senate representatives will not
7 even be from our community.

8 By all accounts, the University of
9 Rochester becomes a critical component to our
10 success as a community. It's the area's largest
11 employer. Advocating for our community means, in
12 part, advocating for the University of Rochester.
13 Under the new lines, a senator that would
14 represent the U of R lives in Amherst. Amherst,
15 home to one of the campuses of the University of
16 Buffalo, the medical school is in Amherst. I
17 don't know, Senator Ranzenhofer, I'm sure he is
18 an excellent senator, but we are a time and a
19 place where we need representatives devoted to
20 advocating for Rochester at the cost of nothing
21 else. This plan continues to diminish our
22 influence as a community.

23 Rochester Institute of Technology.

24 Another amazing institution of higher learning

1 Demographic Research and Reapportionment, 2-15-2012

2 and integral to our success as a community.

3 Under this plan, who will represent RIT? Senator

4 Patrick Gallivan. Again, he may be a great

5 senator, I don't know, but Senator Gallivan lives

6 in Alma, New York. Here's what the town of Alma

7 says about itself on its website - "Alma sits

8 squarely in the center of Eerie County and can

9 safely call itself the heart of Eerie County."

10 Is this what we need for representation of RIT in

11 Monroe County? Again, we continue to have

12 diminished influence as a community and it has to

13 be reversed. Of the six senators who would have

14 districts entering Monroe County under the

15 proposed redistricting plan, four would live

16 outside of our county and also be on the counties

17 that touch Monroe County.

18 Senator Nozzolio, you're an accomplished

19 person and I'm not saying that because you're

20 sitting right there, but because it's in my

21 prepared remarks, but you live in the town of

22 Fayette in Seneca. And Senator Maziarz lives in

23 Newfane in Niagara County.

24 SENATOR NOZZOLIO: Excuse me, Ted. It's

1 Demographic Research and Reapportionment, 2-15-2012

2 not Fayette. It's Fayette.

3 MR. O'BRIEN: I should know that as a
4 Syracuse University graduate.

5 SENATOR NOZZOLIO: You should know that.

6 MR. O'BRIEN: That's right.

7 SENATOR NOZZOLIO: I guess—

8 MR. O'BRIEN: [interposing] It's just a
9 little far away from my—

10 SENATOR NOZZOLIO: -someone from Monroe
11 County, I guess born and raised there and lived
12 there and represented, wouldn't know that, would
13 you, Ted.

14 MR. O'BRIEN: That's right. I stand
15 corrected. But it kind of illustrates my point,
16 I wish I knew more about Fayette.

17 Senator Maziarz lives in Newfane in
18 Niagara County. Both, I understand, are good,
19 capable men, but a quick review of the website is
20 enlightening. Senator Maziarz mentions an effort
21 to promote the Niagara Falls International
22 Airport. Support for Niagara Falls State Park.
23 Addresses the positive impact that the regional
24 economic development initiatives will have in the

1 Demographic Research and Reapportionment, 2-15-2012

2 Niagara region. But I could not find a reference
3 to Monroe County initiatives on his site. The
4 same kind of statement can be said of your
5 website, Senator Nozzolio, announcing the Butler
6 Prison, I'm not sure where that is, will stay
7 open and work on the Cayuga Indian Nations' land
8 claim issues. But I did not see anything about
9 the issues we face in our community specifically.
10 There's a lot there that applies to New Yorkers
11 across the state and I give you credit for the
12 good work you do. And I do not say this as any
13 kind of criticism of either you or Senator
14 Maziarz, I believe you both to be men of great
15 accomplishments. I would say that having to
16 serve in districts with different communities of
17 interest are required is unfair to the senators
18 as well as to the communities they serve. It is
19 simply not fair to expect senators to advocate as
20 passionately for communities outside the
21 community where they live with the same
22 intensity, passion and focus as they do for the
23 community where they live, worship and are
24 involved in local service organizations and the

1 Demographic Research and Reapportionment, 2-15-2012

2 like. Four senators representing parts of Monroe
3 County would be part of the fabric of communities
4 located elsewhere.

5 Now I understand the desire of the
6 Republican party to preserve its majority of the
7 New York State Senate and everyone understands
8 that. If the interests of the political party
9 are of paramount concern, the way you would do
10 that is to split the populations that might favor
11 a Democratic senator. This is what the proposed
12 plan does. But at what point do we truly put the
13 people of our community ahead of the political
14 interest of the majority political party? The
15 New York State Constitution provides that Senate
16 districts shall be in as compact form as is
17 practical.

18 MS. DEBRA LEVINE, CO-EXECUTIVE DIRECTOR,
19 NYS LEGISLATIVE TASK FORCE ON DEMOGRAPHIC
20 RESEARCH AND REAPPORTIONMENT: Mr. O'Brien,
21 please summarize.

22 MR. O'BRIEN: I will summarize right
23 now. That is a recognition that communities of
24 interest should be respected. Our community

1 Demographic Research and Reapportionment, 2-15-2012

2 should no longer be asked to suffer the
3 consequences of having the political interests
4 trump the interest of the people of our
5 community. This plan is a tragedy for our
6 community in my view. Go back and redraw the
7 plan so that finally the interests of the people
8 of Monroe County are the priority. Thank you.

9 SENATOR NOZZOLIO: Thank you, Ted. Any
10 questions? Thank you very much. Adam McFadden.

11 MR. ADAM MCFADDEN, ROCHESTER CITY

12 COUNCILMAN: Good afternoon. I'm City Council
13 member Adam McFadden. I represent the South
14 District of the city of Rochester. The South
15 District just happens to be the district that's
16 drawn into the proposed 61st District. That's why
17 I'm here today.

18 As you know, every ten years the
19 boundary lines are redrawn for legislative
20 districts. This is a critical time for the city
21 of Rochester, because it determines our future
22 representation for the next ten years. On behalf
23 of my district in the city of Rochester and the
24 Rochester black political caucus, this speech is

1 Demographic Research and Reapportionment, 2-15-2012

2 written in opposition to the proposed New York
3 State redistricting plan of the 55th, 56th, 59th
4 and 61st Senate districts.

5 It is clear to our community that the
6 New York State Legislative Task Force on
7 Demographic Research and Reapportionment is
8 attempting to create districts in western New
9 York that are heavily Republican and majority
10 Caucasian. The city of Rochester is a majority
11 minority city according to the 2010 census.
12 Currently, African Americans and Latinos make up
13 57% of the city's population. Furthermore, of
14 the 98,270 registered voters, Democrats are 63%
15 of the registered voters in our city. The 2010
16 census reflects that Rochester should have a
17 Senate seat. A minority candidate could win.
18 None of the three proposed districts come close
19 to reflecting our population, which calls into
20 question the fairness and integrity of the
21 process. The proposed lines are similar to the
22 gerrymandering that has been occurring in the
23 south. Predominantly black southern communities,
24 for some time now, have been stretched and

1 Demographic Research and Reapportionment, 2-15-2012

2 divided into rural white communities to dilute
3 and disenfranchise the black vote. We believe
4 New York to be better than those clearly overt
5 racist tactics that have been carried out by our
6 southern states. Also, the 61st Senate District,
7 as it is proposed, stretches 70 miles away from
8 Amherst New York into the southern portion of the
9 city of Rochester, which happens to be my
10 district. This portion of our city is heavily
11 democratic and majority minority as well. This
12 portion of the city—I'm sorry. It is a
13 deliberate attempt by LATFOR to break up our
14 voting power and city influence in Albany.
15 Rochester must not be sacrificed for Republican
16 incumbency. This plan, once again, divides the
17 city of Rochester, again, denying the community
18 proper representation.

19 This is a major civil rights issue for
20 our community. The redistricting process has
21 disenfranchised members of our community. This
22 map has proven that the entire process is
23 compromised and no compromise plan in my mind is
24 credible. The courts must crawl the lines. The

1 Demographic Research and Reapportionment, 2-15-2012

2 courts are the only way the community can be
3 protected because the courts have a history in
4 taking part and protecting the voter rights of
5 people.

6 In Erie County a district has been
7 customly designed for Senator Mark Merstani,
8 [phonetic] a freshman Republican, elected during
9 the 2010 upset in a Democratic stronghold. This
10 district removes the African American strongholds
11 out of Niagara Falls diluting the voter power of
12 that community.

13 Also, this plan was developed to reverse
14 the 2010 State Prisoner Reallocation Law. By
15 creating a new district in the capital region,
16 the plan effectively minimizes the impact of
17 prisoner population lost upstate which violates
18 the concept of one person one vote downstate.
19 The Prisoner Reallocation Law was enacted as a
20 major civil and voter rights measure. Instead,
21 LATFOR saw itself losing population in terms of
22 the GOP where they needed prisoners as fillers to
23 meet constitutional requirements. To make up the
24 loss, they created a new district where it

1 Demographic Research and Reapportionment, 2-15-2012

2 doesn't belong.

3 Any increase above 62 Senate districts
4 violated the New York State Constitution plain
5 and simple. A constitutional formula sets the
6 number. Not a political agenda or the Senate
7 Republicans. The increase to 62 Senate districts
8 represents a change in a previously announced
9 redistricting practice and procedure that was
10 never submitted to the Justice Department for
11 approval. We expect the Governor to carry out
12 his pledge to veto any plan that comes out of a
13 broken process and maintain the commitment that
14 he has made to our community. We stand united
15 with Governor Cuomo in calling for independent
16 process. Thank you.

17 SENATOR NOZZOLIO: Councilman McFadden,
18 thank you very much. I have two questions.

19 COUNCILMAN MCFADDEN: Uh huh.

20 SENATOR NOZZOLIO: The first is the
21 question that you raised and would you—I'm
22 confused. I don't know if I heard you correctly
23 regarding the prison allocation count.

24 COUNCILMAN MCFADDEN: [interposing]

1 Demographic Research and Reapportionment, 2-15-2012

2 Reallocation.

3 SENATOR NOZZOLIO: Allocation count.

4 Did you say that the task force violated that
5 law?

6 COUNCILMAN MCFADDEN: Well, it is my
7 belief. I didn't say they violated that.
8 Because of that—

9 SENATOR NOZZOLIO: [interposing] What
10 did you say?

11 COUNCILMAN MCFADDEN: Because of that
12 law that we felt that another district had been
13 drawn, 63 districts to account for the numbers of
14 votes that the Republicans who represent upstate
15 cities that have prisons in them, that they draw
16 another district to account for that.

17 SENATOR NOZZOLIO: So you have nothing
18 specific to say regarding whether or not the task
19 force complied with the administration of the law
20 and the counting and that sort of thing.

21 COUNCILMAN MCFADDEN: No.

22 SENATOR NOZZOLIO: So you have no
23 complaint about that portion of the task force's
24 role.

1 Demographic Research and Reapportionment, 2-15-2012

2 COUNCILMAN MCFADDEN: No.

3 SENATOR NOZZOLIO: Good. Thank you.

4 The second question I had was regarding the
5 Justice Department Review. Could you repeat what
6 you indicated that something was never sent to
7 the Justice Department?

8 COUNCILMAN MCFADDEN: Yeah. That the-
9 going to an additional Senate district was never
10 communicated with the Justice Department. Adding
11 an additional Senate district.

12 SENATOR NOZZOLIO: I assure you that
13 whatever plans are put forward from the
14 legislature require a preapproval by the United
15 States Department of Justice.

16 COUNCILMAN MCFADDEN: Has it been sent?

17 SENATOR NOZZOLIO: It hasn't been
18 approved yet.

19 COUNCILMAN MCFADDEN: [interposing] Or
20 proposed.

21 SENATOR NOZZOLIO: It hasn't been
22 approved yet. It won't-nothing said-

23 ASSEMBLY MEMBER MCENENY: [interposing]
24 They won't look at it until it's signed the

1 Demographic Research and Reapportionment, 2-15-2012

2 Governor.

3 SENATOR NOZZOLIO: So that comment about
4 it was not sent, it's not right-

5 COUNCILMAN MCFADDEN: [interposing] So
6 put the cart before the horse.

7 SENATOR NOZZOLIO: It's not right to be
8 sent. It's only sent once it becomes law of the
9 state.

10 COUNCILMAN MCFADDEN: But my more
11 specific concern is that earlier you asked the
12 Mayor about how many districts are now currently
13 impacting the city, it's three. But the one, the
14 56, has the majority population of minorities.
15 Under this proposed plan, you divide those
16 districts up into three. So where most of our
17 minorities live, instead of being in that one
18 district, they're going to be in three districts.

19 SENATOR NOZZOLIO: Thank you.

20 COUNCILMAN MCFADDEN: So that's what I'm
21 trying to convey here. That's an issue for me.

22 SENATOR NOZZOLIO: Appreciate your
23 testimony. Senator Dilan.

24 SENATOR MARTIN M. DILAN, NYS LEGISLATIVE

1 Demographic Research and Reapportionment, 2-15-2012

2 TASK FORCE ON DEMOGRAPHIC RESEARCH AND
3 REAPPORTIONMENT: I would just like to agree with
4 you, that I believe that just the mere change in
5 the proposed number of Senate districts should
6 have been cleared by the Justice Department. We
7 held 14 hearings before these lines were released
8 and the assumption during the course of those 14
9 hearings were that we were working on the basis
10 of 62 seats. That's what I believed. That's
11 what the public believed. And to go from 62 to
12 63 should have been cleared with the Department
13 of Justice first. So I agree with you.

14 COUNCILMAN MCFADDEN: Thank you.

15 SENATOR NOZZOLIO: Any other questions
16 of Mr. McFadden. Thank you Councilman. Jack
17 Zigenfus. I know I'm mispronouncing that name.

18 MR. JACK ZIGENFUS, SUPERVISOR, TOWN OF
19 COHOCTON: Good afternoon. I am the town
20 supervisor in the town of Cohocton. Probably
21 many of the people behind me have never heard of
22 that town. I'm sure you have. It's home to one
23 of the largest wind farms in the southern tier.
24 And other than wind, we have a lot of wind, we

1 Demographic Research and Reapportionment, 2-15-2012

2 also have a lot of large farms. That's all we
3 have.

4 FEMALE VOICE: Can I interrupt - - .

5 MR. ZIGENFUS: Yes. Jack Zigenfus.
6 Supervisor, Town of Cohocton. We are the
7 northern most county—or, I'm sorry, town in
8 Steuben County. And I appreciate your comment
9 that everybody would like to stay whole. Steuben
10 County, obviously very rural, very southern
11 tierish and don't really have a whole lot of
12 connections to the northern part of Monroe
13 County. However, I am certainly going to request
14 that you consider keeping Steuben County whole as
15 a 132nd Assembly District. And the towns within
16 Steuben borders share common interests and often
17 share services and resources. Dividing Steuben
18 towns between assembly districts would reduce the
19 effectiveness of representing itself to the state
20 and local representatives. It would actually go
21 from whole to three different districts in the
22 assembly. I'm not here to talk about some of the
23 other issues that have already been raised,
24 you've already heard them. But what you may not

1 Demographic Research and Reapportionment, 2-15-2012

2 understand, and it was hard for me to understand,
3 is that we have communication problem. For
4 instance, we're so rural that unless you happen
5 to live within say the village of Cohocton or one
6 of the two hamlets, the only communication you
7 have the ability to use, as far as television, is
8 dish or, what's the other big one? DirecTV. FCC
9 requirements do not allow for my many rural
10 people, that's the only way they get TV, to
11 receive any Rochester news stations. Now that
12 would make it very difficult because all of that
13 news comes out of the southern tier. Either it
14 comes out of Elmira or it comes out of
15 Binghamton. So, for instance, I see YNN here.
16 When I watch YNN, I see representatives,
17 especially on like Capital Tonight, from the
18 southern tier. I have no news of what's going on
19 in this part of the assembly district or senates
20 up this way. So that creates a problem in itself
21 is more of like how would people, it would be
22 difficult for people to get a lot of their news
23 because we're basically totally southern tier
24 news. And I think it's an important thing to

1 Demographic Research and Reapportionment, 2-15-2012

2 think about. And the other one is that even our
3 news print, the vast majority of the people in my
4 town and the town next to me, Wayland, which is
5 also going to be moved receives, there's news
6 print from either the - - Leader or the Hornell
7 Evening Tribute. As a matter of fact, our
8 official newspaper. Some people sparingly get
9 the Democratic and Chronicle. But my point to
10 the committee is that I think it's important to
11 know that people are going to have to be able to
12 have their representative be there in the news.
13 And where I live, I wouldn't know the first, as a
14 matter of fact, I don't even know who the
15 representative up here. Because I deal with
16 either Senator O'Mara, Assemblyman - - and people
17 like that, because they're in our local news.
18 And I, and people around me, are able to easily
19 understand and hear what's going on throughout
20 that area.

21 So my request to you is to consider-
22 communication is the utmost importance of
23 anything. If there's no communication, it's very
24 difficult for constituents to know what's going

1 Demographic Research and Reapportionment, 2-15-2012

2 on. And that's all I had to say.

3 SENATOR NOZZOLIO: Thank you very much.
4 Any questions? Hearing none, thank you. Sandy
5 Parker. Sandy Parker. Sandy, we had you listed
6 yesterday for Syracuse in

7 MS. SANDY PARKER, PRESIDENT AND CEO,
8 ROCHESTER BUSINESS ALLIANCE: [interposing] I
9 heard that.

10 SENATOR NOZZOLIO: -error. So if we
11 announced you and made you look like a no show,
12 we apologize.

13 MS. PARKER: Okay. Thank you. I didn't
14 know about it actually. Assemblyman Oaks gave me
15 that information today. Senator Nozzolio,
16 Assemblyman McEneny and members of the Task
17 Force, I'm Sandy Parker, President and CEO of the
18 Rochester Business Alliance. The regional
19 Chamber of Commerce for the nine county greater
20 Rochester region. Let me start by thanking you
21 on behalf of the over 2,000 members of the
22 Rochester Business Alliance for hosting this
23 hearing and for allowing me to address you on a
24 topic that is vitally important to our

1 Demographic Research and Reapportionment, 2-15-2012

2 community's future. In my role at the RBA I am
3 often called upon to serve as an advocate for our
4 region on issues that affect not just businesses,
5 but the entire community. The redrawing of
6 congressional and state legislative district
7 lines is one of those issues and I am greatly
8 concerned that if the proposed redistricting map
9 is approved, it will have a negative impact on
10 greater Rochester.

11 Believe me, none of this is personal.
12 The senators who would be called upon to
13 represent greater Rochester in this redistricting
14 proposal are fine public servants who I am sure
15 would do their best to represent the citizens of
16 their districts. Rather, it is a concern about
17 further diluting the Rochester region's voice in
18 Albany. Let's face the facts - upstate New York
19 is a diverse region demographically,
20 geographically and economically. Each community
21 has its own strengths as well as issues and
22 concerns that are unique and often times in
23 conflict with needs elsewhere in the state. The
24 plan proposes increasing the number of state

1 Demographic Research and Reapportionment, 2-15-2012

2 senators representing Rochester from the current
3 four to six. I feel very strongly that this
4 increase will make it very difficult, if not
5 impossible, for our community to speak with a
6 unified voice. Which in this current political
7 environment is essential for success. At
8 particular risk is the city of Rochester, which
9 would be represented by three different senators.
10 Greatly increasing the likelihood that there will
11 be conflicting opinions on one matter or another.
12 Such a situation would be difficult to navigate
13 at best. What is of significant concern to me
14 and the business community is that this third
15 senator would be called upon to represent our
16 region's largest employer - the University of
17 Rochester. Further complicating this process is
18 the fact that this senator is not from Rochester
19 or anywhere in the Finger Lakes, but from the
20 Buffalo area. A district that includes the
21 University of Buffalo. The Rochester Institute
22 of Technology would find itself in a similar
23 position, being represented by a senator from
24 greater Buffalo. How is a senator, based in

1 Demographic Research and Reapportionment, 2-15-2012

2 Buffalo, with a majority of his or her
3 constituents in Erie County and western New
4 York, supposed to vote on an issue that is
5 supported by the Rochester region, but
6 potentially opposed by greater Buffalo? For all
7 these reasons, I ask that this committee go back
8 to the drawing board and come forward with a plan
9 that avoids these potential conflicts and allows
10 the citizens of greater Rochester to keep the
11 community focused voice it needs and deserves.
12 Thank you very much.

13 SENATOR NOZZOLIO: Thank you very much.

14 William Gerling.

15 MR. WILLIAM GERLING: My name is William
16 Gerling. I live at 42 Henrietta Street, city of
17 Rochester, also known as Swillburg, [phonetic]
18 the garden spot of the city of Rochester.

19 SENATOR NOZZOLIO: Excuse me, Mr.
20 Gerling, would you be so kind as to get closer to
21 the microphone, so everyone can hear you?

22 MR. GERLING: All right. I have no
23 written testimony. I did submit written
24 testimony the last time you were in the city.

1 Demographic Research and Reapportionment, 2-15-2012

2 I've been following reapportionment issues for
3 probably 40 years or better. One thing I do have
4 to think—it was - - difficult to get maps of - -
5 districts, both Senate and Assembly, in the city
6 of Rochester from the LATFOR website directly. I
7 did utilize the kindness of staff members of
8 Senator Robach and Assemblyman Bronson were able
9 to give me a better look at the maps. I also—the
10 map coming out of LATFOR, I feel that the print
11 media did not do a good job especially when you
12 go down streets inside cities. I know part of
13 that is maybe the graphics that I, being in the
14 newspaper business off and on for 30 years, I
15 would suspect the bean counters to want to go for
16 the space and the time to put it together.

17 All right. The second point is the
18 worst thing that ever happened to reapportionment
19 in the state was the use of the computer. You
20 guys can do it too easily, too fast, by sitting
21 at a keyboard and you don't have to put out big,
22 oversized maps on the tables, the floor and
23 actually get on your hands and knees and move the
24 lines. Maybe it would be a little bit less unique

1 Demographic Research and Reapportionment, 2-15-2012

2 than they are now.

3 The other point that I would like to
4 make is something strange. I am actually
5 supporting the Mayor on this issue. The
6 University of Rochester, including the main
7 campus, the U of R medical center, the south
8 campus, which is in the town of Brighton, and
9 also the Eastman School of Music, which is in
10 downtown Rochester, should be in one entity and
11 it should be representative by somebody who knows
12 the ins and outs and the culture of the
13 University of Rochester and its connection to the
14 founder of our former largest employer in the
15 city of Rochester.

16 I also look forward to seeing the
17 congressional districts coming out, what you did
18 on the Senate and the Assembly is interesting,
19 the congressional ought to be real fun.

20 And five, enjoy your litigation, I
21 expect it will be long and exhaustive. And I
22 hope when we get to petitioning time, I don't
23 have to do it in the middle of August, because
24 there's nobody home. Thank you.

1 Demographic Research and Reapportionment, 2-15-2012

2 SENATOR NOZZOLIO: Thank you, Mr.

3 Gerling. Kent Gardner.

4 MR. KENT GARDNER, PRESIDENT, CENTER FOR
5 GOVERNMENTAL RESEARCH: Thank you for the
6 opportunity to speak, Senator Nozzolio,
7 Assemblyman McEneny, members of the Task Force.
8 The Center for Governmental Research is a 97 year
9 old nonprofit, founded by Kodak - - Eastman in
10 1915. We're an independent, nonpartisan resource
11 for improving government policies and practice.

12 Last July you held hearings and we
13 recommended that reapportionment should be
14 managed by an independent process. A change
15 which we believe would improve the vigor and the
16 responsiveness of New York State democracy. The
17 legislature, instead, remained in control of the
18 process and I believe it's yielded the expected
19 results, that the maps would maintain or enhance
20 the current partisan dominance of each house.

21 Now, I'm not going to comment on the
22 individual districts, previous speakers have been
23 very clear and eloquent about that. I certainly
24 agree with Mayor Richards in terms of the

1 Demographic Research and Reapportionment, 2-15-2012

2 representation of both of U of R and RIT.

3 So I want to talk instead about process.
4 We have some experience to offer. Last year, in
5 partnership with the League of Women Voters, CGR
6 created possible new boundaries for the Monroe
7 County legislature. And that hands on experience
8 gave us some insight into the challenges involved
9 in the task and we know that the work is
10 difficult and it requires balancing multiple
11 considerations. We also know that no map is
12 perfect and that there are an infinite variety of
13 maps that are legal under the state constitution.
14 So while we're sympathetic with the challenge, we
15 also bring some experience to this particular
16 outcome. In this decade's legislative
17 reapportionment process, the good government
18 group Common Cause devoted significant resources
19 to the creation of an alternative set of maps.
20 CGR was invited to work with common cause and so
21 I can testify that the Common Cause and so I can
22 testify that the discussions we had over this
23 line or that line took place without regard to
24 the likely political outcome of that process was

1 Demographic Research and Reapportionment, 2-15-2012

2 to preserve communities of interest within
3 constitutionally valid districts. The Common
4 Cause maps illustrate that an apolitical process
5 can produce coherent compact and rational
6 districts that keep people of similar interest
7 together. For example, on the Common Cause Senate
8 map, the city of Rochester is kept in one Senate
9 district and joined with the older outer inner
10 ring suburbs of Brighton and Irondequoit. Most
11 of the next ring of suburbs makes up a second
12 Senate districts. And outer towns where suburbia
13 blends into exurbia are joined with districts
14 that include nearby counties. And it's assembly
15 maps the city must still be divided to achieve
16 the population target, but the divisions better
17 conformed to how residents would appear to self-
18 identify, the northwest section of the city
19 joined with Greece, west side combined with Gates
20 and the rest together with Brighton.

21 So the Common Cause maps demonstrate one
22 alternative outcome to the current legislatively
23 controlled process and there are certainly
24 countless others. We believe these maps

1 Demographic Research and Reapportionment, 2-15-2012

2 demonstrate that an independent politically
3 blind process would have a good chance of
4 producing maps that preserve communities of
5 interest more effectively than a process that
6 retains a strong political motivation. So we
7 urge a different process. Until it changes, it
8 would be naïve to expect elected officials to act
9 against their self-interest and put process ahead
10 of political survival. Thank you.

11 SENATOR NOZZOLIO: Thank you, Mr.
12 Gardner. Any questions? Thank you Kent.
13 Richard Gilbert. And John Keevert. Is John
14 Keevert here? Would you like to combine, as both
15 of you are members of the same organization?
16 Would you like to be together?

17 REVEREND RICHARD GILBERT, COMMON CAUSE:
18 We have separate testimonies.

19 SENATOR NOZZOLIO: Okay. We'll call Mr.
20 Keevert up after Mr. Gilbert.

21 REVEREND GILBERT: I'm the Reverend
22 Richard Gilbert, a retired Unitarian - -
23 Minister. Live at 70 Harper Street in the city.
24 I've lived and worked in Rochester since 1970. I

1 Demographic Research and Reapportionment, 2-15-2012

2 speak on behalf of Common Cause and I believe you
3 have my testimony.

4 Democracy is the capacity of the people
5 to govern themselves to elect their
6 representatives and to engage and advocate with
7 them for the services government can provide.
8 Its function is to have the people choose their
9 representatives, not to have the representatives
10 choose the people they want to represent. The
11 current proposals of the state assembly and the
12 Senate are, in my opinion, woefully inadequate to
13 measure up to any fair understanding of
14 democracy for two reasons. First, the process is
15 flawed. To expect elected officials to be
16 objective and disinterested in drawing district
17 lines is to place too great a faith in human
18 nature. Politics is the art of the possible.
19 But to expect individuals to a shoo their self-
20 interest for the common good is nearly
21 impossible.

22 Before the 2010 election, my
23 understanding was there was a commitment on the
24 part of many who were elected to refer this

1 Demographic Research and Reapportionment, 2-15-2012

2 matter to an independent bipartisan commission
3 which would propose district lines, receive
4 feedback from the legislature and ultimately be
5 approved by the legislature. Why those pledges
6 have not been kept, mystifies me as a citizen.
7 And the idea I've heard that creating such an
8 independent commission requires changing the
9 constitution and could not be implemented until
10 2022, strikes me as ludicrous. Democracy delayed
11 is democracy denied. It is also a shame that the
12 public will not have the opportunity to comment
13 on a congressional draft.

14 Second, the state legislative proposals
15 before us do not measure up to democratic
16 standards. I've seen the PowerPoint presentation
17 by Blair Horner, formerly of - - and now the
18 American Cancer Society. That presentation would
19 have been amusing if these lines were not so
20 tragically compromised as a gerrymandered
21 political unit which insults the intelligence of
22 the citizenry. The current proposals for the
23 Rochester area are tinged with partisanship and
24 ripe with bias towards the incumbents. In the

1 Demographic Research and Reapportionment, 2-15-2012

2 assembly the city remains gerrymandered to
3 protect the three incumbent democratic assembly
4 members, as you can see on page five of this
5 testimony.

6 In the Senate, Rochester continues to be
7 chopped up. It's chopped up into three districts
8 when the whole district can easily fit in a
9 single district, as you can see on page four of
10 this testimony. A single district can also be
11 drawn for most of Rochester's suburbs.

12 According to the law, legislative
13 districts should have a common community of
14 interest. Looking at the districts proposed by
15 the assembly and particularly the Senate, I do
16 not, for example, find a community of interest
17 between parts of the city of Rochester, with one
18 of the highest child poverty rates in the
19 country, and the suburb of Amherst, outside
20 Buffalo, one of the most affluent communities in
21 the country. Our city definitely needs strong
22 representation and carving out the city like this
23 and linking it to wealthy suburbs, which are not
24 even a part of our own region, does not do the

1 Demographic Research and Reapportionment, 2-15-2012

2 job. It gives Amherst suburban voters, already
3 empowered affluence, still more power at the
4 extent of Rochester voters. Our two top
5 institutions of higher learning would be in
6 districts represented by senators from the
7 Buffalo area, which has its own colleges and
8 universities. And Buffalo, you will remember,
9 has been given \$1 billion of state largess which
10 Rochester has not seen. Despite the fact that
11 one our formerly biggest employers, Eastman Kodak
12 is fading from the picture. So we can see this
13 city needs a stronger representation in Albany.

14 Democracy requires, according to the
15 Supreme Court, a one person, one vote philosophy.
16 District boundaries should reflect the common
17 good and not favor particular parties or
18 incumbents.

19 In conclusion, speaking for Common
20 Cause, I strongly oppose the redistricting plan
21 proposed by the assembly and the Senate. I
22 applaud the Governor's promise to veto any
23 partisan proposal put forth by this task force.
24 If the legislature fails to put forth a fair,

1 Demographic Research and Reapportionment, 2-15-2012

2 nonpartisan district plan, then the task will
3 fall to a special master appointed by the courts
4 and from what we've seen of LATFOR so far, this
5 looks to be the better option for the citizens of
6 New York.

7 Democracy is a very imperfect system, as
8 Winston Churchill reminds us. "The worst form of
9 government, except for every other." E.B. White
10 once defined democracy as a faith that more than
11 half the people will be right more than half the
12 time. He also spoke of democracy as a score at
13 the beginning of the ninth inning. It is not too
14 late to shelve these proposals and start over.
15 And move toward fair and objective redistricting
16 to enhance democracy in the empire state. You
17 only need to look to the Common Cause plans for
18 how this can be done. I thank you for your
19 attention.

20 SENATOR NOZZOLIO: Thank you, Reverend
21 Gilbert. John Keevert.

22 MR. JOHN KEEVERT, COMMON CAUSE: Thank
23 you. Reverend Gilbert's a hard act to follow.
24 My name is John Keevert. I'm a resident of

1 Demographic Research and Reapportionment, 2-15-2012

2 Brighton and a member of Common Cause New York.
3 I'm testifying on behalf of almost 20,000 Common
4 Cause New York members.

5 Common Cause in New York and around the
6 country is a strong supporter of a fair,
7 independent and nonpolitical redistricting
8 process. Unfortunately, neither the
9 redistricting process, nor the proposed official
10 maps are up to the appropriate standard this
11 year. The current district lines in Rochester
12 are one of the examples that Common Cause New
13 York uses to show the effect of political
14 gerrymandering when doing public presentations
15 about redistricting. That's because the current
16 maps for both the Senate and the Assembly divide
17 Rochester into three districts, but to very
18 different outcomes. The current Assembly
19 districts twist and curve through the city of
20 Rochester in shapes that appear designed to elect
21 three Democrats. The current Senate districts
22 also split the city of Rochester into three even
23 though Rochester can fit within a single
24 district. The Senate districts match portions of

1 Demographic Research and Reapportionment, 2-15-2012

2 the city with large areas of surrounding suburbs
3 and then stretch far into rural areas in order to
4 elect three Republican senators.

5 The proposed LATFOR maps continue this
6 sorry story. In fact, the proposed assembly
7 districts in our area, as you can see on page
8 five of this testimony are almost unchanged from
9 the existing districts. The Common Cause reform
10 map offers an alternative for more compact
11 districts that would better keep communities and
12 neighborhoods together.

13 In the Senate, the proposed LATFOR
14 plans, as you can see on pages three and four,
15 are even worse than the existing districts. I
16 personally strongly endorse the concerns of Mayor
17 Richards. Rochester remains cut up into three
18 districts. I currently live in Brighton, which
19 is an inner ring suburb of Rochester. I used to
20 live in the 19th Ward on the southwest corner of
21 Rochester, which is an intentionally integrated,
22 moderate income neighborhood in the city. I can
23 assure you that the interests of the 19th Ward are
24 not well represented by a person who hails from

1 Demographic Research and Reapportionment, 2-15-2012

2 Amherst, an upper class, white suburb of Buffalo.
3 This is what you are proposing for Senate
4 District 61.

5 I strongly support the map proposed by
6 Common Cause, which creates a district of
7 Rochester and the inner ring suburbs of Brighton
8 and Irondequoit for the Senate. It also creates
9 a district that includes the outer ring suburbs
10 as well as others that are mostly rural.
11 Rochester suburbs are equally ill-treated by
12 LATFOR Senate lines. Amazingly, Monroe County is
13 broken between six different Senate districts
14 with only one district entirely within the
15 county. Senate Districts 59, 61 and 62 stretch
16 all the way into Monroe County from Erie and
17 Niagara Counties through uniformly rural areas.
18 As the Common Cause reform map shows, there is no
19 demographic reason for these contortions. The
20 proposed lines disenfranchise both the city of
21 Rochester and the surrounding suburbs. Clearly
22 the lines proposed by LATFOR are not about how to
23 best represent Rochester, but are instead
24 designed to carve up the city to best serve the

1 Demographic Research and Reapportionment, 2-15-2012

2 interests of western New York incumbent
3 politicians. Indeed, no incumbent senator
4 actually lives within the city of Rochester. To
5 paraphrase the Occupy Movement - this isn't what
6 democracy looks like.

7 In Congress, the way in which our city
8 has been treated in the current districts is a
9 famous gerrymandering. As you can see on pages
10 six and seven of this testimony, Monroe County is
11 split between four different congressional
12 districts which extend dozens or even hundreds of
13 miles into other regions. In contrast, the
14 Common Cause reform map for Congress focuses on
15 creating regional districts. One district is for
16 Buffalo, one district is for the Rochester
17 metropolitan area and one district for the Finger
18 Lakes. Yes, it really can be that simple if the
19 lines are drawn with public interest in mind
20 rather than tailored to the desires of the
21 parties and their incumbents. It is astounding
22 to me as a person who supports good government,
23 that there is no proposed congressional map yet.
24 As an election inspector, I have some

1 Demographic Research and Reapportionment, 2-15-2012

2 understanding of the confusion this is creating
3 at the Board of Elections as well as the
4 political parties. Since the official process
5 has not yet been able to generate a proposed
6 congressional map, I strongly suggest that you
7 adopt the Common Cause reform map for Congress.
8 New York deserves a better set of district maps.
9 I hope that you will take the Common Cause reform
10 maps into consideration when revising your
11 proposals. Your current proposals are continuing
12 unacceptable examples of legislators choosing
13 their voters, not the other way around.

14 MR. ROMAN HEDGES, NYS LEGISLATIVE TASK
15 FORCE ON DEMOGRAPHIC RESEARCH AND
16 REAPPORTIONMENT: Thank you very much. Before
17 you leave, let me just say one thing. Common
18 Cause has been at virtually every hearing, both
19 ends of the process. The maps that Common Cause
20 has produced have provided lots of useful
21 insight. I certainly don't agree with all of the
22 detail of any of the maps and many of the ideas
23 that Common Cause has recommended to this group.
24 But I think it's really important to compliment

1 Demographic Research and Reapportionment, 2-15-2012

2 Common Cause, and Susan Learner, [phonetic] in
3 particular, for all the great work that you guys
4 have done. Thank you.

5 MR. KEEVERT: Thank you.

6 SENATOR NOZZOLIO: I believe the
7 sentiments expressed by Commission Member Hedges,
8 Dr. Hedges, are certainly felt by all members of
9 the commission. Thank you for your continued
10 input and it is appreciated. Cynthia Kaleh.

11 MS. CYNTHIA KALEH, MONROE COUNTY

12 LEGISLATOR: Thank you. I was on, then I was
13 off, now I'm back on. So I'm a little confused,
14 but that's okay.

15 I'm going to speak very briefly. I'm
16 Monroe County Legislator Cindy Kaleh. I
17 represent the 28th District in Monroe County,
18 which is the northwest portion of Rochester. I
19 would say, after listening to so many of the
20 speakers, that I am woefully prepared in terms of
21 statistics and I think direct facts that should
22 be considered in this.

23 But I did want to come up just briefly
24 and I will submit the rest of my remarks offline,

1 Demographic Research and Reapportionment, 2-15-2012

2 that can go into your records, that dividing the
3 city of Rochester into three Senate districts,
4 for me, as a legislator here, is less than
5 acceptable. In that it dilutes the voice of the
6 city itself. In the county of Monroe, the city's
7 voice is basically diluted as well. I can speak
8 to, briefly to the CGR study where we had the
9 line redrawn for the Monroe County redistricting.
10 And I have to admit, that it was totally done
11 with a blinders on because my district and two
12 other legislators, we were all living in the same
13 district by the time that plan was over. And as
14 a result of that plan, we would have been in an
15 interesting predicament in terms of primary and
16 who would be serving.

17 That said, it was done with blinders and
18 did show that the results can happen without
19 respect to saving a seat. As a result, that
20 particular study wasn't used for Monroe County
21 and we were all basically saved within our seats.
22 But I have to say that in that case too, that a
23 few of them were carved to the point that it made
24 it much easier for incumbents to be elected and

1 Demographic Research and Reapportionment, 2-15-2012

2 new seats to be filled with a majority, which in
3 this case would be a Republican seat holder.

4 That said, I believe that the lines are ill drawn
5 with respect to the city of Rochester and the
6 extension to Amherst. And basically I would be
7 repeating what a lot of other people had said, so
8 I'm not going to take any more time. And I would
9 submit the rest of my remarks offline. Thank
10 you.

11 SENATOR NOZZOLIO: Any questions for
12 Madam Legislator. Thank you very much for your
13 testimony. Elaine Spaul?

14 MS. ELAINE SPAULL, ROCHESTER CITY

15 COUNCILMEMBER: Great timing. Thank you,
16 Senator. I'm going to read, because if I don't,
17 I have a tendency to go on and on and on, so I'm
18 so grateful to be here. I'm going to read and
19 I'm going to leave some statements with you.

20 My name is Elaine Spaul and I'm a
21 member of the Rochester City Council and have the
22 honor of representing the families of the East
23 District of our city.

24 I ran for a district seat with the

1 Demographic Research and Reapportionment, 2-15-2012

2 belief that serving my constituents close to home
3 would make my representation of them more
4 effective. Because I'm available and accessible
5 every day, I am able to speak sensitively to the
6 diversity and changes that occur on a micro level
7 which I believe to be the building block of a
8 vibrant city that is strong neighborhoods.

9 The city of Rochester for many years
10 used a model of planning that with the consent of
11 neighborhoods, organized itself into sectors.
12 This was known as our - - system. This
13 government grass roots partnership was an attempt
14 by the city to use communities of interest to
15 negotiate, consult, design and lobby for
16 improvement of social conditions with a focus of
17 contributing to the larger vision of engaging the
18 political capacity of its citizens. Two of the
19 most successful sectors happen to be in my
20 district, sector six and seven.

21 There are many reasons for fueling the
22 need for more citizen participation, the
23 partnerships with the city. At city hall we face
24 a difficult task of funding neighborhood

1 Demographic Research and Reapportionment, 2-15-2012

2 improvement projects. However, when we are most
3 directly in touch with our neighborhoods, their
4 volunteer leadership and their ability to
5 leverage other supports, then we make good
6 decisions for good government as to our
7 investments. Recently the city of Rochester
8 engaged in a focused investment strategy. With
9 my personal relationships and clear
10 understandings of the opportunity for local
11 partnerships, I was able to support the focused
12 investment in the Beachwood neighborhood. Just
13 one example. This has proven to be very
14 successful. Without this, a decision may have
15 been made that was not as fruitful for the city
16 or the neighborhood. Knowing the political
17 capital, the social capital in that neighborhood,
18 the leadership of that neighborhood, the fact
19 that they could make this work, was very, very
20 essential. I spend an enormous amount of time
21 there probably every week. I want to be able to
22 talk with them, be there, representing this
23 community is an active project. It's an example
24 of where community of interest comes together for

1 Demographic Research and Reapportionment, 2-15-2012

2 greater good in partnership with government.

3 Rochester has a long history of good
4 government, active citizenry and corporate
5 citizens who are interested in improving the
6 welfare of our city. While tapping into the
7 asset based community development, the city has
8 managed to accomplish the expansion of the
9 political capacity within sector six and seven.

10 The assembly lines that are currently
11 proposed by this committee do not honor the
12 intent of the city or Rochester, the neighborhood
13 organizations and business commitment to civic
14 engagement and social welfare.

15 Now I want to just tell you, I happen to
16 have both a PhD and a law degree from the
17 University of Buffalo and I love that city. It
18 was great home to me when I was traveling many
19 times over the years. But Rochester is not
20 Buffalo. We are our own culture, our own
21 community of interest. And I urge this committee
22 to honor those ideals and keep these communities
23 of interest in one assembly district and I thank
24 you so much for your time. Take care.

1 Demographic Research and Reapportionment, 2-15-2012

2 SENATOR NOZZOLIO: Thank you very much.

3 COUNCILMEMBER SPAULL: I have ten
4 copies, who shall I give them to?

5 SENATOR NOZZOLIO: Thank you,
6 Councilwoman. Carol Lee Conklin [phonetic].
7 Carol Lee Conklin.

8 FEMALE VOICE: She had an appointment
9 and had to leave.

10 SENATOR NOZZOLIO: Thank you.

11 FEMALE VOICE: Sure.

12 SENATOR NOZZOLIO: Robert Maurer. God
13 afternoon.

14 MR. ROBERT MAURER: Good afternoon. My
15 name is Robert Maurer and I live in the town of
16 Menden and I am a lifetime resident of New York
17 State and the Rochester area. I am a registered
18 voter, but not registered with any political
19 party.

20 I would like to start by presenting the
21 following charts. This chart shows the
22 population deviation, the percent population
23 deviation from the average state senate district
24 population with the downstate districts to the

1 Demographic Research and Reapportionment, 2-15-2012

2 left and the upstate districts to the right. It
3 shows an average of 6 to 7% spread between the
4 downstate and upstate district populations.
5 Concentrating more voters into downstate
6 districts, defusing their vote and violating the
7 one person one vote principle that is the whole
8 point of redistricting. Given the larger
9 Republican base in the upstate districts, it
10 stands to reason that this has been purposefully
11 done to benefit the Republican party politicians
12 in the state Senate so they may maintain control
13 there.

14 This chart shows the percent population
15 deviation from the average state assembly
16 district population with the downstate districts
17 to the left and the upstate districts to the
18 right. It also shows deviations between
19 downstate and upstate, concentrating more voters
20 into upstate districts this time, defusing their
21 vote and violating the one person one vote
22 principle there as well. Given the larger
23 Democratic party base in downstate districts, it
24 stands to reason that this has purposefully been

1 Demographic Research and Reapportionment, 2-15-2012

2 done to Democratic party in the state assembly so
3 they maintain control there.

4 I would also like to point out how
5 consistent these deviations are. Look at the
6 straight lines, they are clearly no accident.
7 These numbers alone show a systematic
8 manipulation of district boundaries for political
9 goals, also known as gerrymandering of the
10 redistricting process across the entire state of
11 New York. This comes as a great disappointment,
12 but no surprise to me, as you clearly have a
13 conflict of interest.

14 In regards to the greater Rochester area
15 specifically, we can see in both the state Senate
16 and Assembly maps the city of Rochester has been
17 unnecessarily chopped up into three pieces on
18 each. For the Senate districts, District 61
19 chops out the southwest section of the city,
20 pairing it with far flung rural towns and suburbs
21 of Buffalo. District 55, my district, similarly
22 pairs the east side of the city with Naples, a
23 town farrest to the south. South of - - Lake.
24 District 56 cuts through the heart of the city to

1 Demographic Research and Reapportionment, 2-15-2012

2 pair Brighton, south of the city, with northwest
3 suburbs. Anyone from this area knows these are
4 examples of defusing the vote of one population
5 to benefit another.

6 The state assembly maps are not much
7 better. District 138 appears like a scorpion
8 tail wrapping around parts of the city in order
9 to group disparate city neighborhoods with the
10 towns of Chili and Henrietta. And failing the
11 compactness test. This hook into the city also
12 divides the city in three. The net result of
13 both district maps is the disbursement of the urban
14 and racial minority voters in the city of
15 Rochester to the point that the city will have no
16 real representation in the state Senate or
17 Assembly.

18 If these maps are not technically
19 violations of the Voting Rights Act, which they
20 may be, they are, at a minimum, discriminatory
21 and unethical. These district maps are, thus,
22 completely unacceptable. Better solutions are
23 possible as has clearly been shown in the maps
24 created by Common Cause. It is also completely

1 Demographic Research and Reapportionment, 2-15-2012

2 unacceptable that the congressional districts for
3 the House of Representatives are not available
4 for comment at this time. You have failed to
5 complete your task in a timely manner and thus I
6 will be advising to my representatives, the
7 Governor and to my fellow citizens that this
8 entire task force has squandered time and must be
9 dismissed.

10 The only practical solution to stop this
11 undermining of democracy is to support the
12 creation of an independent redistricting
13 commission, in my opinion. I would now ask
14 everyone in the audience who supports dismissing
15 these district maps in favor of an independent
16 commission for redistricting to rise now. I have
17 listed the names of many individuals from this
18 area who also support the creation of an
19 independent commission on the written statement.
20 Thank you for your time, but not for your efforts
21 on this matter.

22 SENATOR NOZZOLIO: Thank you very much.

23 Thomas Gregory.

24 MR. THOMAS GREGORY: I'd like to thank

1 Demographic Research and Reapportionment, 2-15-2012

2 you for the privilege to appear before this
3 commission. A report has been submitted to you
4 and I'd like to speak to that report by first
5 saying that actually the first nine pages are
6 really the whole report, the rest is just the
7 details. So I'll basically--when I put it
8 together, it was designed in a way to basically
9 let you do the first three pages of what I'm
10 saying. The next six pages is basically the
11 substantial part behind it, or the law behind it.
12 Is the concept behind what I'm saying and the law
13 follows in the body of the report.

14 I had a part in the Monroe County's
15 redistricting. It was an honor and a privilege
16 to be part of that. And learned an awful lot
17 about redistricting. I spent a lot of time at
18 the appellant division really going into what the
19 law is all about. And I find that the maps and
20 the ideas that had been submitted--well, first I
21 should say that there's a lot of people with
22 opinions, but you're the experts and there's a
23 reason why you're the experts, this is what you
24 do. This is your job. You have knowledge of the

1 Demographic Research and Reapportionment, 2-15-2012

2 law. You have knowledge of your constituents,
3 not just in Monroe County or Eerie County, but
4 throughout the whole state. And this is why, as
5 a citizen, I'm going to tell you right now I'm
6 glad you're doing this. I do not support an
7 independent commission. What I have found is,
8 after making an exhaustive study of your maps, is
9 generally the population equity, we're not even
10 going there, you know you'd be in violation of
11 Reynolds vs. Simms [phonetic] if you didn't take
12 that into consideration. But what you've done
13 over the last, I studied the 1992, 2002, and the
14 present maps, and actually you follow a pretty
15 consistent strategy. Your core townships, like
16 in the county or towns where we have election
17 districts, we don't want to divide them. What
18 you've done for the last three redistrictings,
19 including this one, that would be, is that you've
20 maintained, as best able, the core townships as
21 best able. So you have these towns that know who
22 their representative, maybe you're going to
23 change a Senate number or Assembly number, but,
24 by gosh, one town is going to be with the next

1 Demographic Research and Reapportionment, 2-15-2012

2 town and that's pretty well demonstrated in
3 Appendix A, if you take a look at that. It's
4 basically—what I did, I reconfigured your maps
5 and put them in towns and townships and that to
6 show where basically you have continuity from
7 1992 to 2002 to present. You're doing a good
8 job..

9 When you look at the kind of idea that's
10 been protested here, where we don't have this one
11 district, one senator or one assemblyman
12 representing one area, by gosh, everyone knows
13 we've gone to regionalization and I think
14 basically what you've done, and this shows in
15 Appendix B, it shows that what you've been doing
16 is following basically, cities have been your
17 central hub. It's been like a hub, spoke and
18 wheels. The spokes are the county and the
19 outside of the wheel is that regional concept
20 where what you're actually doing is integrating a
21 whole area. I've heard Mayor Richards talk about
22 Erie County like they're a man on the moon. I'm
23 going to tell you right now, if Erie County
24 doesn't do well and Erie County doesn't do well

1 Demographic Research and Reapportionment, 2-15-2012

2 with us, we got a problem. And if we don't start
3 looking at the whole western New York as a whole
4 family of regions, my gosh, we're not going
5 anywhere. I should point something out-Governor
6 Cuomo has got that \$1 billion that he's putting
7 into the semiconductor business and I'm glad that
8 the University of Buffalo and Buff State is tied
9 with the University of Rochester and RIT, that's
10 a billion dollars the Governor has committed.
11 And I tell you what, that makes sense to me.

12 Now the other thing, the irregularity in
13 shapes, and this is all addressed throughout the
14 report, I looked at one of the districts and I
15 know that the previous redistricting committees
16 did a thing called peeling. Which some people
17 might call gerrymandering. But what you actually
18 ended up doing was you ended up actually peeling
19 off the towns of Brighton at one point and the
20 southwest part of Rochester to preserve a
21 majority minority district. And it shows that in
22 all the, the maps are very claritive of that
23 point that this commission and the previous
24 commissions have been very, very cognizant of the

1 Demographic Research and Reapportionment, 2-15-2012

2 fact that you want to preserve what we would call
3 the majority minority districts.

4 I've heard people say that you're doing
5 a bad job, so we want to do this with an
6 independent commission. There's a problem
7 though. Number one is that, and this is stated
8 in the report, hey, what about one person one
9 vote when it applies to a commission? How do I-
10 am I guaranteed as a voter or as a citizen of the
11 state, that a commission has an equal number of
12 representatives per member as I'm assured that
13 this legislative body does. I know right now one
14 person one vote is represented by you, the
15 legislature. And, to be honest with you, I would
16 find that, number one, to use an independent
17 commission, something that the Governor says if
18 we don't use, we might veto, would basically
19 violate the Reynolds vs. Simms.

20 Not only that, but there's no real
21 structure. When you look at the law or you look
22 at the statues, there is no structure. That a
23 person like myself can go down the appellant
24 division and find out what the heck's going on,

1 Demographic Research and Reapportionment, 2-15-2012

2 when it applies to you, but there is no
3 structure. There is no law that tells me what
4 this independent commission is all about. Only a
5 legislative committee fulfills the one person one
6 vote when it comes to redistricting.

7 Now the Governor has basically said,
8 well, you know—he's reported to have said, I
9 don't believe that Andrew Cuomo really said what
10 half the newspapers say he says, that he's going
11 to veto it if we don't use an independent
12 commission. But I think we have to distinguish
13 the role of Governor as executive of the state
14 from Governor in his legislative capacity.
15 Because when it comes to basically passing a
16 bill, when he does his approbations of a bill,
17 he's not doing it as an executive. The
18 Governor's functioning in his legislative
19 capacity. And there, and I'll give you a case,
20 Rapp [phonetic] vs. Kerry, [phonetic] 44 New
21 York, 2D157, there it basically says, hey,
22 governor, you know, you can't go beyond what the
23 state policy is in your approbations. You can't
24 do it.

1 Demographic Research and Reapportionment, 2-15-2012

2 MS. LEVINE: Mr. Gregory, you need to
3 summarize.

4 MR. GREGORY: Okay. I will. I think
5 that pretty much says it. I think—one thing I
6 did want to speak though—I think that's enough.
7 The report says it all. And I want to thank you,
8 once again, for the opportunity to appear before
9 you. Thank you.

10 SENATOR NOZZOLIO: Thank you very much.

11 MS. LEVINE: Sir? Mr. Gregory?

12 SENATOR NOZZOLIO: Sir. Sir. Mr.
13 Gregory? Dr. Hedges.

14 MR. ROMAN HEDGES: Obviously I've just
15 had a few minutes to page through your report.
16 This is an incredible amount of work and thank
17 you very much.

18 MR. GREGORY: Oh, it's a real honor.
19 I'm going to tell you what, I think what you're
20 doing for the state, true compliments to you. It
21 gets a citizen like myself involved in a process
22 that maybe all of us really need to be more
23 involved in. So thank you for what you're doing.

24 SENATOR NOZZOLIO: Thank you. Dennis

1 Demographic Research and Reapportionment, 2-15-2012

2 Seekins.

3 MR. DENNIS SEEKINS: I'm here for a
4 comment on the independent, what the last few
5 speakers have been talking about and everything.

6 I live in this section of Congresswoman
7 Slaughter's district. If this is Buffalo and
8 this is Rochester. You know, so I say that and
9 everything because I appreciate the—but there's
10 something wrong when they sneak a little area
11 about two miles wide, you know, where I, I happen
12 to be in it. Obviously nobody was considering me
13 when they did that. They shouldn't. But the
14 point is, they're just looking at the, what they
15 can do to tie this together. I also spent most
16 of my working life in Washington DC. Maryland,
17 and I'm a lifelong Democrat. And I say that
18 because I spent most of my time in Maryland. Now
19 a lot of times we had a congressman down there
20 named Goody, who was a Republican, who was a
21 great guy, I voted for him every time he ran.
22 But right now, the state of Maryland is an
23 incredible example of this gerrymandering. This
24 done by the local Democratic and Republican

1 Demographic Research and Reapportionment, 2-15-2012

2 people. I mean it's a nightmare. Probably one
3 of the worst in the nation.

4 The point and everything is I really
5 don't see how you folks, you know, you're human
6 beings and everything, you know, you folks, being
7 Republicans and Democratic, how you can really
8 keep our interests first in mind. You need the
9 independent group to do it. I don't know how
10 they're going to do it, don't get me wrong. I
11 don't know if you do it by geography, but the
12 thing is there's a bunch of intelligent people
13 around and I'm sure that with six months' of work
14 they could come up with some sort of a system
15 that would work.

16 Now I said I was a liberal Democrat. I
17 get calls from New York State Democrats all the
18 time, will you donate. I says, "No way in hell."
19 I mean you guys straighten up everything in this
20 redistricting, both on the state and for the
21 congressional district, then I'm going to donate.
22 But no way am I going to donate money to a
23 Democrat in New York State. I donated to Obama,
24 I donate to League of Conservation Voters. Once

1 Demographic Research and Reapportionment, 2-15-2012

2 a year I come to a meeting like this. Once a
3 year I write a letter and I vote. That makes me
4 a pretty inactive citizen. So for all my
5 criticism of you, it really is my fault that the
6 system is the way it is. Yes.

7 ASSEMBLY MEMBER MCENENY: I find it
8 interesting that you mention Maryland. Because
9 the state line of Maryland is absolutely bizarre.

10 MR. SEEKINS: Well, true.

11 ASSEMBLY MEMBER MCENENY: With the
12 panhandle that goes far to the west and is
13 probably a little bit thinner than the district
14 that connects Rochester and Niagara Falls.

15 MR. SEEKINS: Good point. Good point.
16 And you're absolutely right there. Yeah. Yeah.

17 ASSEMBLY MEMBER MCENENY: Thank you.

18 MR. SEEKINS: Thank you.

19 SENATOR NOZZOLIO: Thank you very much.
20 Carol Aragon.

21 MS. CAROL ARAGON: Hello. I'm Carol,
22 whoops. I'm carol Aragon and I've lived in New
23 York State my whole life and I voted at every
24 opportunity and will continue to do so.

1 Demographic Research and Reapportionment, 2-15-2012

2 Here are the proposed districts—and I'm
3 here to scold you. Here are the proposed
4 districts for Senate 56 and Assembly District
5 138. They say a picture is worth a thousand
6 words. These express one word - gerrymandering.

7 What is this hook here all about? Then
8 here you have this little tail down here. What
9 are you thinking? These are disgusting and I
10 don't envy you your task of sitting here and
11 listening to all of us complain. But, even
12 worse, the congressional districts aren't ready
13 yet. Please just stop this nonsense now. Accept
14 the fact that these are unacceptable and will
15 remain unacceptable. And you have better
16 options. You can move A5388 out of the
17 Government Affairs Committee, pass it, send it to
18 the Senate, get the Senate to pass it, appoint
19 the independent commission and approve their
20 proposals. If that will take too long, and it
21 sounds like it would, you could just approve the
22 Common Cause maps. I am not a member of Common
23 Cause, but I have looked at them, I don't
24 understand all the ins and outs of every

1 Demographic Research and Reapportionment, 2-15-2012

2 district. But in terms of contiguity and one
3 person one vote, they come much closer than what
4 you have done. I have no idea what they do to
5 incumbents. So it's time to stop the
6 skullduggery and show some respect for the
7 citizens of New York. We are awake now and we
8 won't let you get away with this fraud. Thank
9 you.

10 ASSEMBLY MEMBER MCENENY: The part that
11 you don't know, 26 assembly members are pitted
12 against each other in the Common Cause map. And
13 ten senators are pitted against each other.

14 MS. ARAGON: And that is a problem
15 because...

16 ASSEMBLY MEMBER MCENENY: It's a problem
17 particularly in the minority community since
18 legislatures govern themselves through seniority.
19 For example, were you elected as a Democrat now
20 to go to Albany, it would take you eight to ten
21 years to ever be a committee chair for the lowest
22 possible level title. So what happens is that in
23 an at risk community, a minority community,
24 which, by the way, is drawn with the kind of

1 Demographic Research and Reapportionment, 2-15-2012

2 lines that you showed, because of the Federal
3 Voting Rights Act of 1965, which creates strange
4 hooks and shapes as minority communities are
5 banded together for either minority majority
6 districts or minority opportunity districts, it
7 doesn't look like a square or a rectangle. But
8 as far as this has been accused of being an
9 incumbent protection program that came out of the
10 respective houses that make up LATFOR and the
11 other has been called an incumbent destruction
12 program. And the incumbent destruction program,
13 when it wipes out of the 18 minorities involved,
14 at least nine of them, then it means that at risk
15 usually poorer community, less educated, more
16 needed community has a voice of much less power
17 and influence in the legislative body where it is
18 located. That's the Voting Rights Act of 1965,
19 which say that we have a moral and legal
20 obligation to try to maximize the minority group
21 of certain protected minority groups, among them
22 Asians, African Americans and Hispanics. And,
23 consequently, I think doing a sweeping judgment
24 and saying who cares about incumbents being wiped

1 Demographic Research and Reapportionment, 2-15-2012

2 out, that also means that incumbents who
3 represent those minority groups and those groups
4 that depend on them to have a certain amount of
5 influence in their district, they start all over
6 again with the freshmen. And in my house, for
7 example, the State Assembly, you can expect to go
8 eight to ten years before you get any kind of a
9 title which, for example, is the chair of a
10 committee. That's why.

11 MS. ARAGON: Okay. Can I respond to
12 that?

13 ASSEMBLY MEMBER MCENENY: Certainly.

14 MS. ARAGON: Because I appreciate the
15 information. But I'd like to point out that
16 you're starting with a problem to explain a
17 problem. If it takes—if you have to be there, be
18 incumbent for that many years to have a
19 significant voice, that's a problem to begin
20 with. I think. Just consider that. Thank you.

21 ASSEMBLY MEMBER MCENENY: It is the
22 world we live in though.

23 SENATOR NOZZOLIO: Thank you very much.
24 James Webster. Could one of you gentlemen do us

1 Demographic Research and Reapportionment, 2-15-2012

2 a favor and shut the door? Thank you.

3 MR. JAMES WEBSTER: Good afternoon. My
4 name is Jim Webster. I'm a resident of - - .
5 I'm honored to be represented by two members of
6 this committee. Although I was born and brought
7 up in Rochester, so I think I will always
8 consider myself a Rochesterian. Excuse me.

9 I had a lot of remarks that I wanted to
10 make this morning, but all I would be doing would
11 be repeating probably everything else you've
12 already heard. So let me just address myself to
13 a couple of other issues that I find important.

14 First I note that, with one exception,
15 every speaker you've heard today is in absolute
16 opposition to the plan as presented. And I join
17 that majority. I am absolutely opposed to this.
18 I absolutely consider it gerrymandering at its
19 worst. And you talk about one man one vote, as
20 this lady just mentioned, and as you talked about
21 the committee and the seniority process, I would
22 submit that that in itself negates one person one
23 vote.

24 I do find it interesting that this plan

1 Demographic Research and Reapportionment, 2-15-2012

2 is presented, and I will take a quote from the
3 Reverend who spoke earlier-seems to show that
4 representatives get to choose their voters rather
5 than voters getting to choose their
6 representatives. It's my understanding of one
7 person one vote that districts need to be
8 relatively equal. And towns need to be within
9 the same district. Now I'm not a lawyer, I
10 probably wouldn't understand half the law. I
11 understand that you either are or advised by
12 attorneys, so I have to accept the fact that what
13 you've presented is, in fact, legal. I don't
14 have to like it. I would submit--and I'm sorry,
15 I'm not a politician and I'm not known for
16 couching things easily, but I would submit that I
17 could take five people in a room with census maps
18 from 2010 and I could come up with a fair and
19 equitable plan. Or that committee could come up
20 with a fair and equitable plan in a pretty short
21 period of time. And certainly not as long as
22 this has taken. And the fact that we don't have
23 congressional lines drawn yet and we're forced to
24 have a primary by judge earlier than ever, we

1 Demographic Research and Reapportionment, 2-15-2012

2 need that information and we need it now. And we
3 need candidates to have the time to prepare the
4 information and the resources that they need to
5 represent us.

6 Finally I will say from day one I have
7 adamantly supported an independent redistricting
8 commission, vid of the legislature according to a
9 pledge that the majority of you signed and yet
10 we're here presented with the same old, same old
11 that to me looks like it's going to do nothing
12 more than continue the dysfunction that has
13 plagued us in Albany for decades.

14 I truly look forward to change. I'm not
15 seeing it. Thank you.

16 SENATOR NOZZOLIO: Thank you, Jim.
17 Sarah Yaworsky.

18 MS. SARAH YAWORSKY, 19TH WARD
19 ASSOCIATION: Hi. My name's Sarah Yaworsky. I'm
20 a part of the 19th Ward Community Association of
21 Rochester and equally grateful for your
22 willingness to listen to us today and our
23 concerns about legislative redistricting.

24 As a representative of that

1 Demographic Research and Reapportionment, 2-15-2012

2 organization, I'm here to urge the task force to
3 revise its proposed technical plan for our
4 neighborhood's representation in the state senate
5 by reattaching us to our community, which is the
6 city of Rochester. You have copies of my
7 comments and you can read them probably more
8 coherently than I can here. So I just want to
9 touch on a couple of things that I haven't heard
10 fully described from many of the speakers that
11 I've enjoyed listening to.

12 One thing I want to talk about is the
13 issue of racial diversity, which we celebrate and
14 nurture in our community. With 66% of our
15 residents African American, including my son.
16 While the other proposed political divisions in
17 the proposed 61st, I'm sure, have their own unique
18 qualities and strengths, they are significantly
19 different from our 100% urban neighborhood.
20 Amherst is, which is the most populous component
21 of the new district is only 6.5% African American
22 and it's the largest and most populous suburb of
23 Buffalo. It's in a completely separate
24 metropolitan statistical area from us in

1 Demographic Research and Reapportionment, 2-15-2012

2 Rochester. Clarence, the town also in Eerie
3 County, and almost 60 miles away from us, has an
4 African American population of 1 ½% with not even
5 a village in its boundaries.

6 The town of Newstead, with an African
7 American population of seven-tenths of a percent,
8 is agriculture - - character. And then what
9 fills mostly the distance, separating our
10 neighborhood from our fellow district members is
11 Genesee County, which has an African American
12 population of 2.7%.

13 Thus, by hacking out our neighborhood,
14 out of Rochester, a Rochester based district and
15 tacking it on to the 61st, the diversity of our
16 district is drastically diminished. Our African
17 American membership is reduced from the current
18 23% in our 56th Senate district to only 10% in the
19 proposed 61st. I heard the talk about reducing it
20 from 23 to 18, but I think that's in, if we were
21 to remain in the new 56th District, they're going
22 to drop from the current 23 because we're being
23 taken out to only 18.

24 So what I don't understand is if the

1 Demographic Research and Reapportionment, 2-15-2012

2 purpose of redistricting is to adjust to changing
3 population trends, why, when the African American
4 population of Rochester has increased, why is the
5 population concentration of African Americans in
6 our Senate district decreasing? It seems to
7 deliberately interfere with access by people of
8 color to political power by eroding their
9 opportunity to elect a representative of their
10 choice. And I did hear you say it, I mean it's a
11 new district, who knows who might be elected in
12 the future, but our neighborhood, which is the
13 only predominantly African American part of the
14 new district is one-fifth of just Amherst alone.
15 Realistically, no one from our district is going
16 to be elected to represent the 61st.

17 Not repeating all the things you already
18 know about community of interest and compactness
19 and our concerns about the independence of the
20 process, I think I just want to summarize by
21 saying that what this does the most to us is it
22 just makes it too hard to be a citizen. An
23 active, engaged citizen. Configuring our voting
24 districts makes it—it's challenging enough to

1 Demographic Research and Reapportionment, 2-15-2012

2 engage in political discourse in so big and so
3 busy and so complicated a state. But adding
4 barriers of geography and even more diverse
5 issues that we would have to become familiar and
6 engaged in so that we can just dial up with our
7 fellow district members, makes it just too
8 discouraging to try to be engaged. And that
9 seems like the opposite of what we need to be
10 doing at this time.

11 So I hope—I appreciate you listening to
12 all this and we urge you not to separate our
13 community from our city of Rochester.

14 ASSEMBLY MEMBER MCENENY: Thank you.

15 SENATOR NOZZOLIO: Thank you very much.
16 Van White. Van White. Kevin Gallagher. Welcome
17 back, Kevin.

18 MR. KEVIN GALLAGHER: Thank you. Good
19 afternoon. My name is Kevin Gallagher from
20 Dunfield, New York.

21 Uh, I have some starting questions that
22 will help me and perhaps other people evaluate
23 the process. So if you can see the list of
24 questions on my list. Start with who is drawing

1 Demographic Research and Reapportionment, 2-15-2012

2 the lines for the House of Representatives? I'm
3 looking for a person's name.

4 ASSEMBLY MEMBER MCENENY: Officially the
5 six people on the LATFOR commission.

6 MR. GALLAGHER: Okay.

7 ASSEMBLY MEMBER MCENENY: Backed by
8 staff.

9 MR. GALLAGHER: All right. Originally
10 the lines were supposed to be done in October of
11 last year, why aren't they done now?

12 ASSEMBLY MEMBER MCENENY: Who said that?

13 MR. GALLAGHER: I've heard that. Early
14 in the process. Perhaps before you picked up the
15 LATFOR process.

16 ASSEMBLY MEMBER MCENENY: Kevin, this
17 body is weeks ahead in coming up with state
18 Senate and Assembly lines based on last year.
19 And months ahead based on, excuse me, the last
20 decade. This body is actually ahead of the
21 original schedule, not behind. There are two
22 changes this year. Three changes that make this
23 a little bit different from any other year.
24 First of all, we traditionally have done Senate

1 Demographic Research and Reapportionment, 2-15-2012

2 and Assembly first and followed up with the
3 Congress second. This year a new law was passed.
4 It was a law that said that prisoners should be
5 counted where they're from. Unfortunately, that
6 law had no regulations. Didn't describe how
7 those prisoners would be counted, if they were
8 homeless at the time they were sent to prison,
9 whether or not they had a home address, whether
10 they had a relative's address and when the
11 Department of Corrections provided us, in
12 February of last year, with a list of prisoners,
13 while keeping their personal identity private,
14 they, nonetheless, gave their address. It took
15 literally months to figure out where you plot
16 them. And in the end, we were able to plot most
17 of them. But without regulations, we had to make
18 them up. And when we made them up, we had to do
19 so in a way that would withstand a court
20 challenge. It was not an easy process and we did
21 not have something that we were comfortable with
22 on a legal point of view until, I would say, the
23 end of November 2nd was our last preliminary
24 hearing and around that time we were able to

1 Demographic Research and Reapportionment, 2-15-2012

2 adjust all the Senate and the Assembly to the
3 level of block or at least, in the case of small
4 towns, to the level of the town, so they could be
5 counted. We came out with maps in December,
6 people had time to review them, to look at them,
7 and started the next round of public hearings.

8 What has also changed—so, first of all,
9 we have an artificial delay trying to figure out
10 how to count the prisoners who, by the way, are
11 not counted in the congressional count, they're
12 counted in the prisons the old fashioned way.
13 Federal government doesn't recognize our law for
14 federal purposes. The second thing that changed
15 is we had a federal court saying that we had to
16 change the date of the primary at one point no
17 later than a date in August, which, if I
18 remember, was a Saturday, which made no sense at
19 all. We figured that meant the previous Tuesday,
20 the 14th. And then it went to court and it was
21 delayed and delayed and delayed. And only
22 recently, in January, did we get a date for the
23 congressional primary. And it is set for the 26th
24 of June. Hence, the mad rush to finish up, to

1 Demographic Research and Reapportionment, 2-15-2012

2 come up with a changed political calendar,
3 etcetera. The political debate on whether or not
4 Senate and Assembly will be included or not. So
5 far the Assembly would like it that way, the
6 Senate has reservations. We have to have a two
7 house solution if we go into it. There's a lot
8 going on.

9 Now, if we could have done the
10 congressional districts in time, it would have
11 been helpful. Traditionally, they have never had
12 the maps, though many people have testified very
13 clearly on what they want to see. They're much
14 larger districts. And this year they go from
15 about 650,000 to 717,707 - huge areas. In some
16 ways easier to draw than the Assembly and Senate.

17 SENATOR NOZZOLIO: I would just like to
18 add, if I could, Assemblyman.

19 ASSEMBLY MEMBER MCENENY: Sure.

20 SENATOR NOZZOLIO: You outlined it very
21 well. I don't know if you said, if you did,
22 please forgive me, but the Justice Department of
23 the United States advised, in their briefs, that
24 they would accept an August date for primary.

1 Demographic Research and Reapportionment, 2-15-2012

2 The judge decided to escalate that date to June
3 as opposed to mid-August. That was a change. We
4 expected certainly that the federal court would
5 listen to the Justice Department.

6 Coincidentally, the New York City Board of
7 Elections, which joined with the State Board of
8 Elections to ask for an earlier primary now is
9 telling us that they cannot comply with that
10 early primary date just from a logistical
11 standpoint. So these were two curve balls from
12 left field that were thrown at the scheduling
13 process and I think that that is just part and
14 parcel of the challenges that we have here with
15 those congressional lines.

16 Having said that, we're working in
17 earnest and we hope to have the lines produced
18 within the next few, certainly, weeks and
19 hopefully it's shorter than that.

20 ASSEMBLY MEMBER MCENENY: The plan is to
21 finish the public hearing tomorrow in Buffalo and
22 to literally draw all-these lines will be
23 changed, what you're testifying on. Some things
24 will be changed to a minor degree to keep a

1 Demographic Research and Reapportionment, 2-15-2012

2 neighborhood together, others perhaps more so.

3 And at the same time, we're hoping to finish up
4 the congressional lines.

5 It would be helpful if the federal
6 government, faced with the dilemma that 20% of
7 servicemen and women were not having their
8 absentee ballots count, it would have been nicer
9 if they gave a federal order to speed up the mail
10 instead of making the state change its system.
11 And as far as the latest ruling from a federal
12 judge, an appointed judge, I would point out, to
13 stop dragging your feet on it, it would be nice
14 if they gave the Justice Department an order to
15 do a quicker review instead of dragging it out
16 for 60 days. We're hopeful that they can speed
17 that up as well. Unfortunately we're the ones
18 getting governed by the federal government by
19 appointed judges rather than the federal
20 government, the post office or the Justice
21 Department. But go ahead, Kevin, I've spoken too
22 long and I do appreciate your testimony.

23 MR. GALLAGHER: Well, the reasons you've
24 given make it seem more poignant that the

1 Demographic Research and Reapportionment, 2-15-2012

2 congressional districts should have been released
3 earlier. That, of course, there were things
4 going on in the federal government you weren't
5 sure of the outcome, but you knew that somewhere
6 down the line that the districts needed to be
7 done. So I guess I would move on.

8 I have some questions about specific
9 districts.

10 ASSEMBLY MEMBER MCENENY: Thank you.

11 MR. GALLAGHER: I've listed, first of
12 all, I would like to know the person who drew the
13 Assembly lines and who drew the Senate lines.

14 ASSEMBLY MEMBER MCENENY: I think it's
15 safe to say the Assembly drew its own lines as
16 did the Senate drew its own. It would be staffed
17 under the direction of myself, Roman Hedges, and
18 to a lesser degree, with the Republican
19 districts, input from Bob Oaks' people as well.

20 MR. GALLAGHER: Okay. Then you can
21 answer the questions, you're right here in front
22 of me. I'm wondering what software was used for
23 your products?

24 ASSEMBLY MEMBER MCENENY: Talk to the

1 Demographic Research and Reapportionment, 2-15-2012

2 PhD.

3 MR. GALLAGHER: Roman?

4 ASSEMBLY MEMBER MCENENY: Roman?

5 MR. HEDGES: The software is Maptitude,
6 but I don't think any of this is relevant. So
7 would you please move on and give us your input?

8 MR. GALLAGHER: I do believe this is
9 relevant. I'd like to know what categories of
10 information...

11 MR. HEDGES: Please move on and give us
12 your input.

13 MR. GALLAGHER: Excuse me, but I sense
14 some hostility from you.

15 MR. HEDGES: I'm impatient. I've been
16 here for three hours. I would like to hear what
17 you have to say instead of you thinking that this
18 is a time for public inquiry.

19 MR. GALLAGHER: Well, several times
20 during previous hearings it was mentioned that
21 this would be an open process. And information
22 that we believe is necessary to evaluate the
23 process is not available to us.

24 MR. HEDGES: The product is the product.

1 Demographic Research and Reapportionment, 2-15-2012

2 Please give us commentary on the product.

3 MR. GALLAGHER: I'll ask the co-chairs
4 to please limit his interruptions.

5 ASSEMBLY MEMBER MCENENY: Well, that I
6 will not do because we are equal members of the
7 commission. And I think he does raise a very
8 valid point that you're here to evaluate the
9 product, the process is gone. The independent
10 redistricting commission didn't happen. And, by
11 the way, some of us up here did not take the
12 pledge.

13 That's gone. That train has left the
14 station. Now we're looking at the results. And
15 I believe your job is to testify, that's not our
16 job, we answer as a courtesy and as an option on
17 our part. So if you would criticize. We've
18 heard a number of people who don't want to see
19 Buffalo suburbs combined with Rochester for
20 reasons that they give. That's useful input.
21 And if you have a district that you're looking
22 at, you feel that it was drawn badly, you can't
23 understand whether it's done for voting rights
24 act or done for some other reason, give your

1 Demographic Research and Reapportionment, 2-15-2012

2 criticism and that becomes part of the record and
3 becomes useful. Going into the software, which I
4 doubt that more than a very small fraction of the
5 audience either watching us understands or—that's
6 a very technical question that can be answered at
7 another time and not take up the time of the
8 group assembled here.

9 MR. GALLAGHER: At what time can those
10 questions be answered?

11 ASSEMBLY MEMBER MCENENY: The Freedom of
12 Information Act. Put it in writing, send it in,
13 we'll give you a response within the five days as
14 required.

15 SENATOR NOZZOLIO: I don't want to make
16 it—let me just interrupt. If you'd like to have
17 an interrogatory, that's fine. I'd be glad to
18 sit with you and go through that. If you have
19 certain points you'd like to make, feel free to
20 make them. You can make them in the form of an
21 interrogatory and if you want us to respond, I
22 think your questions are not unreasonable.
23 They're not questions that haven't been asked
24 many times by many citizens across the state.

1 Demographic Research and Reapportionment, 2-15-2012

2 I'd be glad to answer them. The question, I
3 think, is just the matter of style. This isn't a
4 forum for a series of interrogatories and then
5 answers. Ask your questions, if we have time to
6 answer them now, we will. If we don't, we'll
7 answer them to you individually later.

8 MR. GALLAGHER: Fine. There are six
9 districts, I'd like to know what the method was
10 for drawing those. Why you came up with specific
11 numbers for those districts. You may answer
12 those later. Three in the Senate, three in the
13 Assembly.

14 All members of this task force have
15 expressed support, correction, the elected
16 members of this task force expressed support for
17 an independent commission and associated
18 standards. If they're good ideas, why aren't you
19 abiding by those standards now? I believe the
20 Senate amendment is a smoke screen. What aspect
21 of the independent commission requires a
22 constitutional amendment?

23 On January 30th I made a - - request by
24 email for electronic copies of the contracts with

1 Demographic Research and Reapportionment, 2-15-2012

2 counsel Michael A. Carvin. [phonetic] My
3 question is, is LATFOR Mr. Carvin's client? Yes
4 or no.

5 SENATOR NOZZOLIO: We have received a
6 copy of your Freedom of Information Request and
7 it's been sent along for the Senate to respond
8 to. And they will respond based on the Freedom
9 of Information Act.

10 MS. LEVINE: Mr. Gallagher, you need to
11 summarize please.

12 MR. GALLAGHER: My time hasn't really
13 started.

14 MS. LEVINE: Well actually it has. And
15 when the members speak, I stop your time to allow
16 you to speak. So I assure you, I've recorded
17 your time accordingly.

18 MR. GALLAGHER: Okay. Well, I apologize
19 to the other people who are testifying and who
20 have a time schedule.

21 I will skip the question on the page, if
22 you'd like to answer that at some other point,
23 I'd appreciate that.

24 SENATOR NOZZOLIO: On the page?

1 Demographic Research and Reapportionment, 2-15-2012

2 MR. GALLAGHER: On the first page about
3 Voting Rights Act. I believe in a conversation
4 with me, you said that was the worst thing that
5 ever happened.

6 SENATOR NOZZOLIO: I'll take the
7 committee's time to respond to that question
8 directly. I never said that. What I did say was
9 that, and you may be confused with the question
10 of the prisoner counting law.

11 MR. GALLAGHER: No, I'm sorry. This was
12 three years ago.

13 SENATOR NOZZOLIO: Well, I don't
14 remember that conversation.

15 MR. GALLAGHER: Okay. That's fine.

16 SENATOR NOZZOLIO: And I certainly do
17 not recall ever saying that. And it's not
18 something that I ever believed in. There may be—
19 I'm shocked that that would be alleged and I can
20 state that, unequivocally, this committee has
21 fully complied and I have done all I could to
22 fully comply with the Federal Voting Rights Act
23 in every deliberate act that we have taken.

24 MR. GALLAGHER: Okay. Thank you. This

1 Demographic Research and Reapportionment, 2-15-2012

2 next page, too, is having to do with the opinion
3 by Mr. Carvin. I'm going to skip the first
4 paragraph. The second paragraph. I'm going
5 straight to the methodology. The methodology is
6 inconsistent because it joins and splits county
7 groups within calculations. For correct
8 methodology, it must join county groups or split
9 county groups, not both. A consistent
10 methodology would generate either 62 or 64 seats.
11 I've evaluated his supporting information and I
12 don't agree with it. And the pertinent question
13 is does the prisoner count affect the Senate
14 formula? Do you know that offhand?

15 SENATOR NOZZOLIO: It is my
16 understanding it does not. And I should hasten
17 to add, as we've discussed and we need to place
18 it on the record, this commission has done yeoman
19 work, everything possible to comply with the
20 prisoner voting or prisoner counting act, the
21 prisoner census legislation in spite of the many
22 hurdles and the lack of clarity in that law.

23 MR. GALLAGHER: I understand that. I
24 looked at the numbers for the prisoner count. I

1 Demographic Research and Reapportionment, 2-15-2012

2 believe 48,603 were accounted for and
3 reallocated. But the total prisoner count was
4 closer to 60,000. And I'm wondering if the
5 federal prisoners who may be residents of the
6 state of New York were counted in the same, using
7 the same method.

8 ASSEMBLY MEMBER MCENENY: All of them
9 are counted for the federal, for the
10 congressional whereas the 48,000 are the ones
11 that are counted and repatriated, if you will,
12 back to their own neighborhoods. Under the law,
13 the difference, they are not counted at all. And
14 that's what the law says and some of us are not
15 comfortable with that, but that is the law. So
16 if we could find a legitimate address for state
17 and Assembly and Senate districts, they were
18 counted back home. But the federal government
19 does not recognize—if we couldn't, they're not
20 counted at all for Senate and Assembly. In the
21 federal government, they are all counted in their
22 prisons.

23 MR. GALLAGHER: And then the difference
24 between 48,000 and 59,000 are those without

1 Demographic Research and Reapportionment, 2-15-2012

2 addresses or...?

3 ASSEMBLY MEMBER MCENENY: That's
4 correct. Where it could not be assigned to a
5 specific block in a city or to a town, in the
6 case of the smaller towns. If we could just
7 figure out the town, we added it to that town
8 because the constitution does not allow the
9 breaking of a town unless it's larger than the
10 district you're trying to draw, Senate or
11 Assembly.

12 SENATOR NOZZOLIO: Or they may have been
13 out of state.

14 ASSEMBLY MEMBER MCENENY: Yes, that's
15 true.

16 MR. GALLAGHER: All right. Thank you.
17 I'm going to cut my—what I'm going to say down
18 considerably. The numbers for both the Senate
19 and the Assembly, I've given you a chart that
20 shows the deviation. It shows that there's a
21 distinct break between upstate and downstate. It
22 also shows that the numbers you use are very
23 precise and within regions you are able to hit
24 very tight targets. The problem is you're

1 Demographic Research and Reapportionment, 2-15-2012

2 choosing the wrong numbers. And I believe that
3 is a violation of the Public Officers Law and
4 maybe a violation of the oath of office. You've
5 shown that you have the ability to do very good
6 numbers.

7 ASSEMBLY MEMBER MCENENY: Where the
8 numbers are exact, for example, within the county
9 of Queens, for example, within Manhattan, which,
10 by the way, is more than the average, you'll see
11 them within a half dozen or even one or two
12 people and that's because the New York State
13 Constitution has a requirement that a block on
14 the border, if it can be moved, it must be moved
15 to make the math come out as exact as possible.
16 That's for Senate and Assembly. The same rule
17 applies to towns. When you get to the smaller
18 towns upstate, if you're all done, you have a
19 nice, neat district, you go around the border and
20 you find that a small town can be moved to the
21 other side, even though it may look unsightly on
22 a map, you must move it. Block on border, town
23 on border. And what we have done, I know with
24 our option, is once you break it down, the great

1 Demographic Research and Reapportionment, 2-15-2012

2 big towns like down on Long Island, we treat them
3 the same as a broken city. Once you break it,
4 you're into block on border requirements, which
5 often does a terrible job on particularly urban
6 neighborhoods. But that's the state
7 constitution. Federal, they make you go to the
8 person.

9 MR. GALLAGHER: I understand that. I'm
10 just going to summarize. I'm not happy with the
11 process at all. It does not seem that open to me
12 and my intent is to push for either an
13 independent commission or accept intervention by
14 the courts. And I would support either of those
15 processes. If you have any questions on things I
16 didn't ask out loud, you may ask them.

17 ASSEMBLY MEMBER MCENENY: Thank you very
18 much.

19 SENATOR NOZZOLIO: Senator Dilan.

20 SENATOR MARTIN M. DILAN, NYS LEGISLATIVE
21 TASK FORCE ON DEMOGRAPHIC RESEARCH AND
22 REAPPORTIONMENT: Yes. I believe I have to
23 comment, otherwise I feel I will be remiss.

24 One of the co-chairs mentioned that all

1 Demographic Research and Reapportionment, 2-15-2012

2 members on this commission are equal. I believe
3 that same person indicated that the six of us are
4 responsible for the drawing of the maps. One, I
5 must a that--also I believe it was said that the
6 Assembly drew the maps for the Assembly and the
7 Senate drew the maps for the Senate. Response to
8 that question - the Assembly majority drew the
9 maps for the Assembly and the Senate majority
10 drew the maps for the Senate. With respect to
11 all members being equal, I can say publicly, and
12 I believe that I've indicated this publicly
13 before, I took no role in drawing any lines and
14 at no moment was that shared with me. I actually
15 saw the draft lines about an hour before they
16 were released to the public. So I actively did
17 not play any role because the majorities in both
18 houses were not inclusive of some of the members
19 of this panel.

20 MR. GALLAGHER: Thank you. I have one
21 other response you reminded me. Jack, you said
22 the world, this is the world we live in, in
23 response to--

24 ASSEMBLY MEMBER MCENENY: [interposing]

1 Demographic Research and Reapportionment, 2-15-2012

2 Meaning the state constitution, the Voting Rights
3 Act, the fact that in every legislative body on a
4 state and federal level, we know that seniority
5 is a highly significant factor. This is how
6 legislators function. The House of
7 Representatives, for example, in that freshmen
8 and sophomores, if you will, don't have the same
9 input, don't get the same appointments or
10 opportunities as people that have been there for
11 several years. And whether that's right or
12 wrong, it is the way it is. And we know that if
13 your district is represented by a senior member
14 and he is gerrymandered by a good government
15 group in with someone else who is a senior
16 member, since people tend to use gerrymander
17 rather loosely, that one of those senior members
18 is going to have to go. And there will be
19 another district next to it perhaps having the
20 bulk of what the other senior member who lost had
21 which will now have a freshman. And that is,
22 unfortunately, in that political world, what we
23 live in. You will be represented by a freshman.
24 Which may or may not, and probably will not give

1 Demographic Research and Reapportionment, 2-15-2012

2 your district the same kind of service and
3 influence in the legislative body that the senior
4 member had. On the other hand, if the senior
5 member hasn't done a good job, that's what we
6 have primaries and election for, to throw them
7 out.

8 MR. GALLAGHER: And my response to that
9 is the world they live in, which is the
10 legislature, the rules govern that process, which
11 is unequal for freshmen. And you have a voice on
12 the rules. And I just wanted to point out that I
13 trimmed out two and a half pages of my testimony.

14 ASSEMBLY MEMBER MCENENY: Thank you very
15 much.

16 MR. GALLAGHER: Thank you.

17 ASSEMBLY MEMBER MCENENY: We appreciate
18 your work. I know we get adversarial at times,
19 you and I, but we do appreciate your work-

20 MR. GALLAGHER: [interposing] Oh, I
21 don't mind.

22 ASSEMBLY MEMBER MCENENY: -and your
23 sincerity.

24 MR. GALLAGHER: I don't mind.

1 Demographic Research and Reapportionment, 2-15-2012

2 ASSEMBLY MEMBER MCENENY: Edward Cramp.

3 MR. EDWARD CRAMP: Thank you. My name
4 is Edward Cramp. I'm a resident of the Plymouth
5 Exchange neighborhood, which is near the 19th Ward
6 that so many people have talked about so far. Of
7 course in the southwest. I'm a recent graduate
8 of the University of Rochester, so, but I won't
9 be talking about that, so don't worry about that.

10 And an advocate for electoral reform as
11 well as a registered voter who has voted in both
12 elections in the state that I've been old enough
13 to vote in.

14 As most people have actually covered a
15 large portion of what I'm going to talk about,
16 I'm going to focus—

17 SENATOR NOZZOLIO: [interposing] - -
18 courtesy, could you get closer to the mic?

19 MR. CRAMP: Closer: Okay. Most people
20 have already covered a lot of the content that I
21 would have covered, so I'm going to focus on what
22 things are different about mine. For instance,
23 I'm fairly concerned about the apportionment
24 between upstate and downstate. The differences,

1 Demographic Research and Reapportionment, 2-15-2012

2 essentially the, in the Senate particularly, the
3 8% difference between almost all of the districts
4 upstate and the districts downstate. Which was
5 covered by Robert Maurer earlier.

6 It was cited earlier that this would
7 probably never hold up to the standard of
8 Reynolds vs. Simms in the 1964 case which,
9 frankly, doesn't really matter because the case
10 sort of redefined that later on in '73, which
11 allowed for 8 to 10% variation. And so what is
12 done there is perfectly within right, that you
13 don't have to justify the 8 to 10% variation
14 there because that has been deemed acceptable, at
15 least to some degree, under that case, which was,
16 what, Gaffney [phonetic] vs. Cummins [phonetic].
17 However, I would probably cite the fact that in
18 the three dissenting on that case, they showed
19 concern that, setting this precedent that there
20 is a percentage which you don't have to justify
21 will make that legislators won't necessarily need
22 to justify and won't see the need to justify or
23 even try to diminish beyond that 8% or whatever
24 it happens to be, because there is no need. They

1 Demographic Research and Reapportionment, 2-15-2012

2 won't be reviewed on that because it's already
3 been accepted as legitimate. I would say that
4 this is a concern because 8% isn't, or 10% isn't
5 often usually where it's put because there's a
6 case that also sets the top end, the boundary
7 that would be considered at 11.9, is not a
8 negligible amount to me. I would rather be a
9 voter than nine-tenths of a voter. I think that
10 10% is significant. And so while I understand
11 the difficulty of getting rid of that variation
12 and the fact that certain geographical
13 limitations make it difficult to change where,
14 what districts are where and how to get those
15 numbers to match, we do have an example of how it
16 can be done in the - - cause maps which get the
17 variation to about half of what the LATFOR maps
18 present in the extremes and actually don't have a
19 consistent up and downstate difference, they
20 pretty much average out to, I think both are
21 about negative .5% mean variation. So they don't
22 show this consistent problem and they do it by
23 relocating one district. In particular in the
24 Senate one way and the House the other, whichever

1 Demographic Research and Reapportionment, 2-15-2012

2 way will essentially get rid of the population
3 difference. I think that feature is a problem
4 that we've seen can be dealt with. I don't know
5 if the Common Cause maps is the way it should be
6 dealt with, but it could be done. And before
7 this Cummins case was presented and 8% was
8 acceptable, would have been done at least back
9 until it wasn't even a consideration before the
10 Simms case. So that's one concern. I guess the
11 other one, again, has been brought up before is
12 notably the fact that we have three Senate
13 districts represented in the city instead of one
14 where the city's population could entirely fit
15 within one Senate district with 100,000 to spare
16 and you could actually fit other communities in
17 there, Brighton and Irondequoit - - fit in, by
18 Common Cause maps.

19 And the problem I have with this
20 essentially isn't that could be done and that
21 it's the city and I want the city, but that the
22 city does have a unique character, it is a
23 different population than some of the things it
24 is grouped with. For instance, in this case,

1 Demographic Research and Reapportionment, 2-15-2012

2 almost anything beyond the first ring suburbs,
3 pretty much, has a different concern. They're
4 not the same community of interest. And I know
5 this has been said before.

6 MS. LEVINE: [interposing] Mr. Cramp,
7 you need to summarize, please.

8 MR. CRAMP: What?

9 MS. LEVINE: You need to summarize
10 please.

11 MR. CRAMP: Okay.

12 MS. LEVINE: Thank you.

13 MR. CRAMP: Since you heard that one,
14 we'll skip off on that. One thing I was curious,
15 regarding the comment to Carol Aragon on the
16 Voter Rights Act and districts, particularly
17 district, Assembly District 138. You said that,
18 it is my understanding that the Voters Right Act
19 potentially makes it that minorities, if they
20 could have majority in a district will have a
21 district that represents that, correct?

22 ASSEMBLY MEMBER MCENENY: Section Two
23 says that if you have a clear cut majority, 51%,
24 then you really have to do that. Unless there's

1 Demographic Research and Reapportionment, 2-15-2012

2 a very compelling reason not to. Section Five
3 talks about a minority opportunity district as
4 opposed to a minority majority. And a minority
5 opportunity district, we have concerns, it's, you
6 obviously can't make them a majority if they're
7 not. We have concerns that we don't diminish
8 whatever potential voice they have at the polls.

9 MR. CRAMP: Okay. So in the second case
10 they would not have to have a majority, just
11 simply--

12 ASSEMBLY MEMBER MCENENY: [interposing]
13 They should have consideration, but there are
14 other considerations which can come in here as
15 well. Including geography, math, all kinds of
16 things. And that's what we have the courts for,
17 when people challenge that type of thing.

18 MR. CRAMP: Was this the circumstance
19 that Assembly District 138 fell under?

20 ASSEMBLY MEMBER MCENENY: That Gantt
21 proposed? Which one is that?

22 MR. CRAMP: The scorpion tail.

23 ASSEMBLY MEMBER MCENENY: The one, no, I
24 think the one in the middle with the stronger

1 Demographic Research and Reapportionment, 2-15-2012

2 minority district dictated the odd shape of the
3 districts around it.

4 MR. CRAMP: Okay.

5 ASSEMBLY MEMBER MCENENY: And then that
6 was to not diminish the minority voice that we
7 had there.

8 MR. CRAMP: Okay. Thank you.

9 SENATOR NOZZOLIO: Thank you very much.

10 ASSEMBLY MEMBER MCENENY: Thank you.

11 SENATOR NOZZOLIO: Tracey Harrison.

12 MR. TRACEY HARRISON, 1199 SEIU: Good
13 afternoon, Senators and guests. My name is
14 Tracey Harrison. I work for 1199 SEIU as an
15 administrative organizer. I represent the
16 workers at Strong Memorial Hospital and Anthony -
17 - Health Center, who are members of the 1199
18 SEIU. It is my job to work with management and
19 coworkers to solutions for problems on a daily
20 basis.

21 Just a point, our Vice President, Bruce
22 Popper, who wanted to be here today,
23 unfortunately was called away, he sends his
24 regards.

1 Demographic Research and Reapportionment, 2-15-2012

2 1199 SEIU United Healthcare Workers East
3 represents thousands of workers at western New
4 York hospitals, healthcare centers and nursing
5 homes. Our members have the most direct contact
6 with the residents of the nursing home and the
7 patients at these facilities. With over 2,000
8 members in Monroe County, a substantial majority
9 of our members are city residents and are heavily
10 invested in their neighborhoods. They are New
11 Yorkers who pay their taxes, contribute
12 economically, socially, spiritually to their
13 communities and they vote. Over the past decade,
14 the city of Rochester has put but a small sliver
15 been represented by two state senators who
16 resides in Monroe County. The proposed lines for
17 the state Senate in Rochester are, to put it
18 mildly, confounding. As you well known, the city
19 of Rochester would, under the proposed plan, be
20 represented, by three state senators in the
21 county as a whole by six. Four of these senators
22 would reside far outside of Monroe County. The
23 city would be represented part by a senator based
24 out of a Buffalo suburb and a senator whose

1 Demographic Research and Reapportionment, 2-15-2012

2 district would include the town of Naples.

3 Naples is an hour drive from the county

4 legislator chamber and from downtown Rochester.

5 Our region's largest employer is the University

6 of Rochester. SEIU represents many of the

7 workers at the medical center and on the other

8 campus of the university. A large number of

9 these employees live in the neighborhoods

10 surrounding the university. They participated in

11 revitalization of these neighborhoods and have

12 helped the university and the medical center

13 become a world leader in education and medicine.

14 We've worked closely with our elected officials

15 who had an intimate understanding of the problems

16 and challenges facing our communities and because

17 of their vested interest in addressing the major

18 portion of the district they represent, have made

19 progress and improvement of quality of life, not

20 just for our workers, but for their extended

21 families and neighbors. Under this proposal, a

22 district based in Buffalo suburb would not

23 include the university and its surrounding

24 neighborhoods.

1 Demographic Research and Reapportionment, 2-15-2012

2 Establishing districts that puts
3 disparate and distant communities together with a
4 seemingly intended consequence of diluting the
5 votes and voices of city residents is wrong.
6 There have been other proposed redistricting
7 plans by good government groups, academics,
8 regular citizens, which are legal and do a
9 varied, but excellent job keeping communities of
10 interest together while meeting the strict
11 guidelines established by the state and federal
12 law. This plan looks nothing those plans. We
13 understand that this is an initial proposal. We
14 also understand that the governor and various
15 courts have weighed disapprovingly on the
16 redistricting process in New York State.

17 Being a union that represents a large
18 number of city residents, we cannot support a
19 proposal such as this one and are disappointed
20 that this commission thought it appropriate to
21 begin the important conversation with these
22 flawed districts. We ask that you take
23 consideration and our thoughts. And thank you
24 for your time.

1 Demographic Research and Reapportionment, 2-15-2012

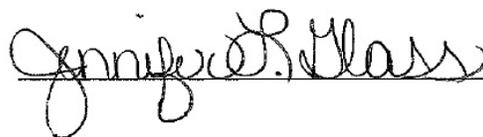
2 SENATOR NOZZOLIO: Thank you. Thank you
3 very much. That concludes those who have signed
4 up to testify. Is there anyone in the audience
5 which wish, who wishes to provide some input to
6 the commission? Hearing none, this concludes the
7 22nd hearing of the task force. Anyone who is
8 watching these proceedings is welcome to
9 participate by submitting any written comments to
10 the LATFOR website. Those comments will be
11 collected and part of the permanent record.
12 Thank you very, very much, those who participated
13 in this hearing. And appreciate the efforts and
14 also the hospitality of the Monroe County
15 Legislature. Thank you very much.

16 (The public hearing concluded at 2:15
17 p.m.)

Demographic Research and Reapportionment, 2-15-2012

C E R T I F I C A T E

I, Jennifer Glass, do hereby certify that the foregoing typewritten transcription, consisting of pages number 1 to 139, inclusive, is a true record prepared by me and completed from materials provided to me.

A handwritten signature in cursive script that reads "Jennifer Glass". The signature is written in black ink and is positioned above a horizontal line.

Jennifer Glass, Transcriptionist

February 27, 2012



**NEW YORK STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT
PUBLIC HEARING ON CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING
MONROE COUNTY CHAMBERS, ROOM 406
39 WEST MAIN STREET, ROCHESTER, NY 14614
FEBRUARY 15, 2012-11:30 AM**

SPEAKERS LIST:

1. DAVID F. GANTT, NYS ASSEMBLY MEMBER
2. THOMAS RICHARDS, MAYOR, CITY OF ROCHESTER
3. OVE OVERMYER, RESIDENT
4. TED O'BRIEN, MONROE COUNTY LEGISLATOR
5. ADAM MCFADDEN, CITY COUNCIL MEMBER, CITY OF ROCHESTER
6. JACK ZIGENFUS, SUPERVISOR, TOWN OF COHOCTON
7. SANDY PARKER, PRESIDENT & CEO, ROCHESTER BUSINESS ALLIANCE
8. WILLIAM GERLING
9. KENT GARDNER, PRESIDENT, CENTER FOR GOVERNMENTAL RESEARCH
10. REV. RICHARD GILBERT, COMMON CAUSE
11. JOHN KEEVERT, COMMON CAUSE
12. CYNTHIA W. KALEH, LEGISLATOR, MONROE COUNTY LEGISLATURE
13. ELAINE SPAULL, CITY COUNCIL MEMBER, CITY OF ROCHESTER
14. ROBERT MAURER, CITIZEN
15. THOMAS P. GREGORY, CITIZEN
16. DENNIS SEEKINS
17. CAROL ARAGON
18. JAMES WEBSTER
19. SARAH YAWORSKY, DELEGATE, 19th WARD COMMUNITY ASSOCIATION
20. KEVIN GALLAGHER

21. EDWARD CRAMP

22. TRACEY HARRISON, 1199 SEIU

NEW YORK STATE
NEW YORK STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC
RESEARCH AND REAPPORTIONMENT

PUBLIC HEARING
CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING

Thursday, February 16, 2012

Common Council Chambers

Buffalo City Hall, 13th FL

65 Niagara Square, Buffalo, New York

10:30 a.m.

Demographic Research and Reapportionment, 2-16-12

TASK FORCE MEMBERS PRESENT:

SENATOR MICHAEL F. NOZZOLIO, Co-Chair

ASSEMBLY MEMBER JOHN J. MCENENY, Co-Chair

SENATOR MARTIN M. DILAN

ASSEMBLY MEMBER ROBERT OAKS

DEBRA LEVINE

WELQUIS LOPEZ

Demographic Research and Reapportionment, 2-16-12

INDEX

	Page
MR. FRANK HOUSH, ESQ. VICE PRESIDENT, WESTERN REGION, NY DEMOCRATIC LAWYERS	7
MR. TIMOTHY M. KENNEDY SENATOR, 58 TH DISTRICT	13
MR. RICHARD SIEBERT REPUBLICAN CHAIRMAN (ON BEHALF OF MARY PAT HANNON, CHAIRWOMAN, GENESE COUNTY LEGISLATURE)	37
MR. SAM MAGAVERN CO-DIRECTOR, PARTNERSHIP FOR THE PUBLIC GOOD	45
MR. FRANK MESIAH PRESIDENT, NAACP-BUFFALO	48
MR. DAVID J. SALEH CHAIRMAN, TOWN OF PEMBROKE REPUBLICAN COMMITTEE	56
COUNCILMAN RICHARD FONTANA BUFFALO CITY COUNCIL	63
MR. THOMAS GREGORY	67
MS. JANET MASSARO	71
MR. MICHAEL HALBERSTAM ASSOCIATE PROFESSOR, SUNY LAW SCHOOL AT BUFFALO	85
MR. ALVIN THOMAS	98
MR. CHRIS BARBERA	101
MS. SHIRLEY HAMILTON NAACP-NIAGARA FALLS	102
MS. SAMANTHA COLON	112

Demographic Research and Reapportionment, 2-16-12

MS. RITA YELDA FOOD AND WATER WATCH	113
MS. MARTHA MCMILLAN BAILEY BLOCK CLUB	115
MS. JULIET GRAVES	115
MR. TERRENCE ROBINSON	117
MR. JANICE NELSON-WELLS YOUTH PLANNING COUNCIL	129
MR. ARTHUR ROBINSON SENECA-BABCOCK BLOCK CLUB	132
MR. LARRONE WILLIAMS PRESIDENT, EAST SIDE BLOCK CLUB	133
MR. FRANK GARLAND III ON BEHALF OF BUFFALO CITY COUNCILMEMBER DEMONE A. SMITH	137
MR. JIM ANDERSON STATE VICE PRESIDENT, CITIZEN ACTION OF NY	140
MR. RONALD E. CUNNINGHAM CAC	147
SISTER WANDA STRONG THOMPSON HOWARD	151
MS. LESLIE THOMAS	154
MS. JANICE BELL	156
MS. BLANCHE LECURT BOARD OF BLOCK CLUBS	156

1 Demographic Research and Reapportionment, 2/16/12

2 (The public hearing commenced at 10:35
3 a.m.)

4 SENATOR MICHAEL F. NOZZOLIO, CO-CHAIR,
5 NEW YORK STATE LEGISLATIVE TASK FORCE ON
6 DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT: Good
7 morning, the, I have your attention and order
8 please. My name is Mike Nozzolio, I am the New
9 York State Senator and I represent the Senate as
10 co-chair of the LATFOR task force. This--can I
11 have some order, please? If you have
12 conversations, feel free to take them outside.
13 This hearing is the 23rd hearing that this task
14 force has engaged upon. The second time we have
15 been in these beautiful city council chambers,
16 I'm very proud to have been in 23 communities to
17 hear from citizens along with all the members of
18 the task force as we have prepared this process
19 for the redistricting of 2012. Jeff, would you
20 please shut the door. Without further ado, I'd
21 like to introduce the Senate representatives on
22 the task force. My co-chair Assemblyman McEneny
23 then will introduce the Assembly Members. On my
24 immediate right is the ranking member of this

1 Demographic Research and Reapportionment, 2/16/12

2 Senate task force, it is, on the Senate side,
3 Senator Martin Dilan. To his right is the
4 citizen representative appointed by the Senate on
5 the task force and that is Welquis Ray Lopez, to
6 his right the co-executive director of the task
7 force, Debra Levine. I have been honored to work
8 with Assemblyman McEneny in taking testimony
9 throughout every corner of New York State. It
10 has been a privilege to work with you,
11 Assemblyman and that I appreciate your good work
12 on behalf of the people of this state.

13 ASSEMBLY MEMBER JOHN J. MCENENY, CO
14 CHAIR, NYS LEGISLATIVE TASK FORCE ON DEMOGRAPHIC
15 RESEARCH AND REAPPORTIONMENT: Thank you very
16 much, Senator. My name is Jack McEneny, I represent
17 six towns and most of the city of Albany and Albany
18 County and we are once again happy to be here in
19 Buffalo in this, in this beautiful and historic
20 building which, by the way, shares murals that are in
21 the capital done by the same artist and his daughter.
22 I am accompanied today with the minority member
23 representative on LATFOR, Bob Oaks from, from Wayne

1 Demographic Research and Reapportionment, 2/16/12
2 County to my immediate left and normally we would have
3 our citizen representative, Roman Hedges, who's
4 attending a meeting this morning in Albany and
5 couldn't do double duty. We have some testimony that
6 has been submitted, some of it is very brief, some of
7 it is multiple pages. We have a time limit of five
8 minutes, we have always let people exceed that by a
9 reasonable minute or two after, but if you have one of
10 those large evidences of testimony, please summarize
11 out of respect to the other people that are here.
12 Now, we have a list of people that have signed up, but
13 anybody who comes, as long as we're here, is welcome
14 to sign up and go on that list as well. This hearing
15 will go as long as there are people who are willing to
16 testify. So, with that I turn it back to you,
17 Senator.

18 SENATOR NOZZOLIO: Thank you,
19 Assemblyman. Any other members of the task force wish
20 to make a statement? Hearing none. Before we invite
21 the first witness to present their testimony, I'd like
22 to let everyone know that there is a video recording
23 taking place of these proceedings. It is the official

1 Demographic Research and Reapportionment, 2/16/12
2 record of the task force. Cameras are behind and are
3 being controlled here with the microphone in the
4 center of the first row. So, please know that your
5 testimony is being recorded. That recording is then
6 placed on the task force's website. The LATFOR task
7 force's website is--has placed all of our hearings
8 across the state video record is for others to view.
9 Without further ado, I'd like to call up Frank Housh,
10 the Vice President of the Western Region New York
11 Democratic Lawyers.

12 FRANK HOUSH, ESQ., VICE PRESIDENT, WESTERN
13 REGION, NEW YORK DEMOCRATIC LAWYERS: Chairman,
14 members of the committee, thank you for the
15 opportunity to speak with you today. My name is Frank
16 Housh, I am an attorney here in private practice in
17 Buffalo. I enjoyed my time in Albany, where I was a
18 legislative aide to your former colleague, Assemblyman
19 Sam Hoyt. I am now Western Region Vice President of
20 the New York Democratic Lawyers Counsel and co-chair
21 of the Western New York Lawyers Chapter of the
22 American Constitution Society. I have five minutes
23 and I certainly wish to respect that time limit, so

1 Demographic Research and Reapportionment, 2/16/12
2 I'll keep my remarks brief. I will begin with
3 offering my opinion as to whether the Assembly and the
4 Senate districts as passed by the legislature were
5 gerrymandered for political advantage. Yes. Of course
6 they are. And they always have been. Redistricting
7 is a political process which creates winners and
8 losers and the New York State Constitution allows
9 those in political power to draw the district lines.
10 That's the system we created and it provides no
11 prohibitions against acting to one's own political
12 benefit. The legislature is merely following the
13 rules we set up. The New York constitution could have
14 created a different system to draw lines, such as an
15 independent body thus allowing different players to
16 create political lines, but it didn't. New Yorkers
17 made a considered decision to place state legislators
18 in charge of drawing their own lines. So, we
19 shouldn't be surprised when they do so with political
20 considerations in mind. Given the genuine puzzlement
21 many demonstrate when it appears that politics have
22 affected redistricting, I can't help but imagine
23 Captain Renault walking into Rick's American Café,

1 Demographic Research and Reapportionment, 2/16/12
2 declaring himself shocked, shocked that gambling is
3 taking place in Casablanca. That said, I'd like to
4 discuss with you, from the perspective of an active
5 politically conscious citizen the deleterious effects
6 that gerrymandered districts have on the body politic.
7 This long history of legislative gerrymandering has
8 created deep wounds on the body politic by isolating
9 and exacerbating our political differences. When once
10 we talked to each other about our views in public
11 forums, now we talk past each other in increasingly
12 strident echo chambers like Fox news. Although our
13 system of government relies on collegial, informed
14 public compromise in order to function, extremist
15 demagogues now control the debate punishing any
16 political compromise as ideological weakness. Funding
17 for super PACS which advocate ideological purity at
18 all costs seemingly have no limit and they have beige
19 names like American Crossroads, Winning Our Future and
20 Freedom Works. How did it get this bad? There's
21 plenty of blame to go around, but as I am not an
22 elected official, let me name one party who's rarely
23 brought to account; the voters themselves. Although

1 Demographic Research and Reapportionment, 2/16/12
2 elected officials may pander, we reward them with
3 reelection. Although thoughtful, informed journalism
4 exists, we watch Glenn Beck cry in our living rooms
5 and drive around listening to Rush Limbaugh whine his
6 paranoid fantasies. The adage is true. We get the
7 government we deserve. To illustrate how gerry,
8 gerrymandering hurts society, pretend we have a group
9 of 200,000 citizens in Black Acre, evenly distributed
10 between Democrats and Republicans by enrollment.
11 Let's say that redistricting requires that we create
12 two legislative districts, East Black Acre and West
13 Black Acre with one 100,000 voters each. Will the two
14 parties create two districts each with 50,000
15 Democrats and 50,000 Republicans thus likely electing
16 a centrist? Probably not. What is more likely is
17 that if Democrats and Republicans each influence the
18 redistricting process, the two districts will be
19 gerrymandered, creating one Democrat and one
20 Republican district. West Black Acre may have 65,000
21 Democrats and 35,000 Republicans and immediately
22 adjacent East Black Acre is drawn, as drawn could have
23 67,000 Republicans and 33,000 Democrats.

1 Demographic Research and Reapportionment, 2/16/12
2 Gerrymandering is thus successfully created two safe
3 seats by packing the district, rendering moot the
4 votes of a large number of Black Acre's electorate.
5 As the system effectively allows legislators to select
6 their own voters and prevent close elections, they
7 will little reason to compromise with opposing views
8 or even acquaint themselves with what those opposing
9 views might be. Further, the Black Acre delegation
10 will go the capital and associate themselves with
11 other members of their own political party. Most of
12 whom are in the same type of safe districts. The
13 legislators will find that as they seek to communicate
14 their policy programs to the people of Black Acre back
15 home, their message is filtered through a corrosive
16 media environment which cares little for the nuances
17 of public policy and regards only brief, angry
18 televised exchanges as newsworthy. Predictable, the
19 200,000 voters of Black Acre gradually disengage from
20 the ugliness and futility of civil politics. They may
21 say my vote doesn't matter and as a statistical
22 matter, they would largely be correct. I will
23 summarize by pointing out that here in Western New

1 Demographic Research and Reapportionment, 2/16/12
2 York we had two elections which demonstrate the
3 principal that party politics or, or party affiliation
4 is become less and less important to voters. Cathy
5 Hockle won a ruby red Republican district, Antoine
6 Thompson in this city lost a Democratic election to a
7 Republican despite the fact that the enrollment
8 outnumbered Democrats to Republicans 104 to 22,000.
9 My final point is that legislatures who act in this
10 way, in, in baldly political ways which alienate the
11 electorate themselves are at risk of becoming
12 obsolete. As all of you know, on February the 13th,
13 District Judge Irizarry requested the 2nd Circuit
14 appoint a special master to draw the lines for state
15 legislative and congressional delegates or districts
16 so that an orderly election can be held. If the
17 legislature fails to act appropriately, courts will do
18 it for them. I would suggest that legislatures can
19 and should break out of this spiral and that such,
20 such a time as now as both the Tea Party and Occupy
21 movements have brought citizens into the public square
22 both decrying the fact that they believe their
23 government has been co-opted by forces which they

1 Demographic Research and Reapportionment, 2/16/12
2 cannot hold accountable. Thank you for your time this
3 morning.

4 ASSEMBLY MEMBER MCENENY: Thank you very
5 much, I would point out that Common Cause has a Power
6 Point presentation which describes the possibilities
7 of creating combinations in the mythical district that
8 you created which is very good for people wanting to
9 understand how the process can work.

10 SENATOR NOZZOLIO: Thank you very much.
11 Tim Kennedy.

12 ASSEMBLY MEMBER MCENENY: When you
13 testify, hang around just a little bit because we do,
14 on occasion, ask questions to clarify your statements.

15 TIMOTHY M. KENNEDY, SENATOR, 58TH
16 DISTRICT: Good morning.

17 SENATOR NOZZOLIO: Morning.

18 SENATOR KENNEDY: Welcome to Buffalo.
19 Thank you everyone for being here so attentive, it's
20 obvious that this a certainly an issue that this
21 community has been paying attention to by the turnout
22 here today. I'll start with a simple message and
23 response to your recently proposed legislative maps;

1 Demographic Research and Reapportionment, 2/16/12
2 they simply won't do. The district drawing pen should
3 have been--shouldn't be in the hands, excuse me, the
4 district drawing pens should be in the hands of
5 independent commission that will abide by the state
6 constitution and take politics out of the process.
7 When we all ran for election in 2010, most of us said
8 we wanted an independent panel to take over
9 redistricting duties before the 2012 election cycle.
10 In fact, more than 85 percent of the State Senate
11 signed a pledge to do so. I was new to the Senate but
12 with 85 percent of legislators pledging support, I
13 thought we'd quickly get to work and the job would be
14 done on independent redistricting. Instead, Senate
15 Republicans went back on their word and gave New York
16 State a Senate map that reeks of political
17 gerrymandering. Rather than making compactness,
18 contiguity and communities of interest the guiding
19 principles of the redistricting process, it appears
20 the maps have been manipulated and carefully plotted
21 to produce districts with the goals of maintaining
22 power and safeguarding vulnerable incumbents. A
23 recent analysis conducted by the New York World and

1 Demographic Research and Reapportionment, 2/16/12
2 the Center for Urban Research is particularly
3 troubling. It provides hard evidence proving
4 political gerrymandering. They compare the results of
5 a 2010 state legislative elections with your recently
6 proposed lines to determine how those results might
7 impact future representation. They found that Senate
8 Republicans devise their proposed lines with the
9 partisan intention of preserving their power.
10 According to their analysis, if every voter cast their
11 ballot for the same party as they did in 2010, the
12 Senate Republicans would grow their majority to 34 to
13 29. Considering the jagged by design districts you've
14 sketched, there's no way this is just coincidence.
15 You searched out favorable election districts and drew
16 the Senate lines according to, to make them more
17 friendly for the current Republican majority. For far
18 too long the redistricting process has been abused as
19 the Albany incumbent protection program. Majority
20 legislators pick and choose their voters and if you
21 don't fit their mold as a potential supporter, you're
22 pawned off to a neighboring district. It's a
23 backwards system that breeds voter apathy and

1 Demographic Research and Reapportionment, 2/16/12
2 dysfunctional government. In addition to their
3 practice of political gerrymandering, Senate
4 Republicans also manipulated the state constitution
5 for political purposes. You toyed with the
6 constitution in order to squeeze an additional Senate
7 seat into the capital region which will increase the
8 size and cost of government at a time when we should
9 be working on streamlining government and reducing
10 costs. As many of my colleagues in good government
11 groups have asked; I don't understand why you counted
12 some counties one way and in others another way. It
13 appears Senate Republicans targeted 63 as the number
14 of seats they needed to pad their majority and then
15 conducted their math in reverse to determine how they
16 needed to manipulate the constitution. New York State
17 enjoys and celebrates a diverse culture and rich
18 history of fighting for the rights of minorities. But
19 the Senate Republicans new map seems to constrict
20 minority rights rather than seeking to expand rights
21 and empower communities. The proposed map
22 demonstrates the practice of cracking minority
23 communities among several Senate districts to drown

1 Demographic Research and Reapportionment, 2/16/12
2 any attempt to gain political voice. We see it in the
3 town of Hempstead, it's visible in the city of
4 Rochester and locally in Western New York, I think
5 it's telling that the 60th Senate district, under this
6 new remap plan would see it's demographic makeup shift
7 from 54 percent white and 37 percent African American
8 to 85 percent white and 5 percent African American.
9 To me, this demographic shift indicates a disinterest
10 from the Senate Republicans to represent the needs of
11 Buffalo's minority communities. I will say this;
12 regardless of how the process plays out, I will
13 continue to be a representative for all of Western New
14 York. Although I feel any partisan drawn lines should
15 be vetoed, I would welcome more of the city of Buffalo
16 to the district I represent so that I can residents in
17 the city a voice in Albany. City neighborhoods are
18 often referred to as underserved, they need an
19 effective representation in the Senate and I would be
20 proud to fight for these neighborhoods. But I am not
21 much concerned with how I am personally impacted by
22 the newly proposed map. I am far more concerned with
23 this flawed process, it's gerrymandered product and

1 Demographic Research and Reapportionment, 2/16/12
2 how it impacts hard working New Yorkers who deserve a
3 government that works for them, not for political
4 incumbents. You can make claims that you drew the
5 lines in accordance with the constitution and well as
6 Democratic and population shift but New Yorkers aren't
7 buying it. You've told your story but the population
8 deviations among districts, the cracking of minority
9 communities, the packing of Republican friendly
10 voters, the expansion of the Senate to 63, all of that
11 tells a very different story--

12 Debra Levine, Co-Executive Director, New
13 York State Legislative Task Force on Demographic
14 Research and Reapportionment: Senator, you need to
15 summarize - - .

16 SENATOR KENNEDY: --it tells the story
17 of a flawed process that enables Senate Republicans to
18 serve their own political self-interest rather than
19 the public's interest. It tells the story of a broken
20 promise that has kept the system secretive and kept
21 New Yorkers in the dark. I urge you to make
22 significant changes to your proposed maps, head back
23 to the drawing board and lay the politics aside to

1 Demographic Research and Reapportionment, 2/16/12
2 come up with fair, non-partisan redistricting proposal
3 and if not, I ask for the governor to veto these
4 lines. Thank you very much.

5 SENATOR NOZZOLIO: Senator Kennedy?

6 SENATOR KENNEDY: Yes, sir?

7 SENATOR NOZZOLIO: You wish to answer
8 any question?

9 SENATOR KENNEDY: I'd be pleased to.

10 SENATOR NOZZOLIO: Senator Kennedy, did
11 you vote this year for an independent redistricting
12 measure that came before the Senate?

13 SENATOR KENNEDY: No commission--no
14 independent redistricting commission was put before
15 the Senate for the 2012 redistricting lines. What was
16 put before the Senate--

17 SENATOR NOZZOLIO: [interposing] I
18 didn't, I didn't ask you that question, Senator, I
19 asked you--

20 SENATOR KENNEDY: [interposing] You
21 asked me if I voted for an independent commission to
22 be put forward for 2020, 2022. For that, I believe it
23 was nothing more than a guise, a disguise of

1 Demographic Research and Reapportionment, 2/16/12
2 independent redistricting, what we're calling for is
3 independent redistricting, a commission to be in put
4 in place for this year, not for, to push it off for
5 another decade.

6 SENATOR NOZZOLIO: Senator, Senator,
7 that's, that's very well and good, but there is also a
8 significant amount of legal opinion, including
9 opinions from the New York State, New York City Bar
10 Association in a report issued in the middle of this
11 decade past that a constitutional amendment is the one
12 sure way to establish independent redistricting. And
13 I asked you if you voted for it, you did, the Senate
14 passed it and I think that, for the record, should be
15 stated.

16 SENATOR KENNEDY: [interposing] If I
17 could, if I could just clarify--

18 SENATOR NOZZOLIO: --you, you indicated,
19 you indicated, you--

20 SENATOR KENNEDY: --53, 53 out of a 62,
21 85 percent of sitting senators today call for
22 independent redistricting prior to last year's
23 election. Not one single Republican is willing to

1 Demographic Research and Reapportionment, 2/16/12
2 call for an independent commission for the 2012
3 redistricting lines.

4 SENATOR NOZZOLIO: Well, Senator I don't
5 know if that is accurate. Just because you say is- is
6 not a fact, and I think you're, you're performance is
7 a, is noted and that I want to ask questions of you
8 based on statements--

9 SENATOR KENNEDY: [interposing] Sure.

10 SENATOR NOZZOLIO: --you've made.

11 SENATOR KENNEDY: Sure.

12 SENATOR NOZZOLIO: And I'd appreciate if
13 you continue to focus on the facts. You say that the
14 constitution was manipulated and that's quite a
15 charge.

16 SENATOR KENNEDY: Mm-hmm.

17 SENATOR NOZZOLIO: What section of the
18 constitution are you alleging was manipulated by, by
19 anyone?

20 SENATOR KENNEDY: It's a great question,
21 as you know the number of Senate districts is
22 determined by a rule dating back over 100 years to
23 1894 from the state constitution. The rule applies to

1 Demographic Research and Reapportionment, 2/16/12
2 counties that contain more than 6 percent of the total
3 state population. Whenever the population of such a
4 county rises to a larger proportion of the statewide
5 total that in 1894, then a district is added to the
6 total of 50 districts that existed in 1894. There's
7 ambiguity in the formula, I will agree with you on
8 that and that alone. But since some boundaries--

9 SENATOR NOZZOLIO: [interposing] I, I
10 never, Senator, we don't agree on anything. Let's
11 make it clear.

12 SENATOR KENNEDY: --sir?

13 SENATOR NOZZOLIO: I asked you a
14 question and you made the statement that I'm asking
15 the question on and my question is what section of the
16 constitution are you alleging is manipulated?

17 SENATOR KENNEDY: Well, since I don't
18 have the constitution in front of me at this moment in
19 time, I certainly couldn't give you that answer at
20 this point in time--

21 SENATOR NOZZOLIO: [interposing] Well,
22 then let's try this: since you don't know what section

1 Demographic Research and Reapportionment, 2/16/12
2 you're referring to, then what manipulation are you
3 alleging?

4 SENATOR KENNEDY: Well, if I could go
5 back to answering my question--your initial question,
6 since you're asking me a particular ruling and I'm
7 don't know if you're a lawyer or not, but I am not a
8 lawyer. That being said, I can tell you that there's
9 ambiguity in the formula whether we agree on that or
10 not, since some county boundaries have changed since
11 1894 and certainly counties in that originally shared
12 the single district have vastly increased in
13 population. So, three pairs of counties must be
14 combined for comparison with 1894. Also, as you know,
15 there's been two different methods of determining how
16 this works; combine the populations of the two
17 counties then round down to the number of full ratios,
18 one-fiftieth of the state total contained in the
19 combined population or count each county separately
20 and round down to the number of full ratios in each
21 county then add to the full, full ratios. This is
22 certainly not something that you haven't heard before.
23 Senate Republicans propose to apply the first method

1 Demographic Research and Reapportionment, 2/16/12
2 of combining counties to one pair of counties, Suffolk
3 and Richmond, Staten Island and then the second method
4 to another pair, Queens and Nassau. And it's
5 important to note that by increasing the size of the
6 Senate, the Senate Republicans are proposing to
7 increase the cost of government.

8 SENATOR NOZZOLIO: Now, wait a minute,
9 Senator. You're getting off your charge. Your charge
10 is that the constitution was manipulated. That--are
11 you familiar, I guess you're not familiar with the
12 articles that require the size of the assembly and the
13 size of the Senate. The constitution requires 150
14 members of the state assembly. That cannot be changed
15 unless the constitution is changed. The constitution
16 also puts forward a formula. And that formula, which
17 you have stumbled through, has basically indicated a
18 series of ratio equations and I certainly concede your
19 point that it is a very, let's just say not vague, but
20 it's a, a very step by step process that needs to be
21 engaged in. And that I think your charge of
22 manipulation is one that obviously is made, I think,
23 by you without any substantial background relative to

1 Demographic Research and Reapportionment, 2/16/12
2 that charge. And that whatever plan is resolved, the
3 state Senate must follow and the state assembly must
4 follow the formulas that are in the constitution. We
5 can more change the size of the assembly than we could
6 change the size of the Senate unless it was so
7 required by the constitution and I guess I was hoping
8 that if you made such a charge, you'd have some
9 background that, in effect, could back that up.

10 SENATOR KENNEDY: Well, I, I appreciate
11 you saying such and Senator Nozzolio, you and I serve
12 on the Senate for the last year and, and a couple of
13 months. I will say this; that I am disappointed that
14 with the addition of the 63rd seat, besides adding to
15 the cost of government, it was put in a place that has
16 no impact on Western New York and quite frankly,
17 there's no impact on the population shift in New York
18 State and if there was going to be an additional seat
19 added, despite the fact that I disagree with you that
20 the constitution was in fact violated and you say that
21 it was--was not violated, the fact that this
22 additional seated adding to the cost and size of
23 government was added to a place in the capital region

1 Demographic Research and Reapportionment, 2/16/12
2 rather than a place where distinctly, distinctly the
3 population grew down in New York City, I believe was
4 based on the fact that had an additional district been
5 added in the city, where the population shift had come
6 from, it would included that seat being an additional
7 minority seat. And that is why it put up in the
8 capital region, rather than in the New York City area.

9 SENATOR NOZZOLIO: So, Senator, just so
10 I'm clear, you would rather see, you prefer it and you
11 stated in your comments just now; that you prefer if
12 an additional Senate seat is required that the Senate
13 seat be placed in New York City?

14 SENATOR KENNEDY: I would prefer if the
15 constitution is followed--

16 SENATOR NOZZOLIO: [interposing]
17 Senator, Senator--

18 SENATOR KENNEDY: --and with that said,
19 with that said, I would prefer--

20 SENATOR NOZZOLIO: [interposing] I guess
21 you just, so I understand it--

22 SENATOR KENNEDY: --if the constitution
23 was followed.

1 Demographic Research and Reapportionment, 2/16/12

2 SENATOR NOZZOLIO: --just so I
3 understand you. Just so I understand you, Senator, so
4 I understand you Senator that you, in your prior
5 statement, said that the--you prefer the City
6 district, if it is created, an additional Senate
7 district, if it, if it is required by the
8 constitution, that it be placed, as you allege, where
9 the population in the city of New York as opposed to
10 upstate?

11 SENATOR KENNEDY: What--upstate is not
12 the capital region and Western New York and that does
13 nothing to help the city of Buffalo and Western New
14 York. What it does- what it does is it continues to
15 disenfranchise communities of color, it continues to
16 add to the cost and size of government when we're
17 asking to tighten their belts across New York State.
18 And what it does is it violates the constitution while
19 increasing the size of the Senate for one simple
20 purple, in my opinion, for the senator- Senate
21 Republicans to maintain the majority, period.

22 SENATOR NOZZOLIO: So, Senator, you are
23 on record as saying that if the constitution requires

1 Demographic Research and Reapportionment, 2/16/12
2 another seat and although you indicated very adroitly
3 how you oppose the addition of that other seat, that
4 that other seat, additional seat should be placed in
5 the city of New York.

6 SENATOR KENNEDY: I am on record calling
7 for LATFOR to follow the constitution number one,
8 number two, I am, I am in favor of LATFOR ensuring
9 that the size and cost of government does not
10 increase. I am also on record calling for an
11 independent commission as were 52 of my fellow
12 colleagues in the Senate, whether or not you signed on
13 to that I don't know offhand but 53 of us in the
14 Senate, 85 percent of us, called for independent
15 redistricting, a commission to be put in place and
16 were called and stood on the steps of this city hall
17 with Mayor Koch, called heroes of reform and not one
18 single Senate Republican is willing to step forward
19 and enact independent redistricting for 2012. It's
20 appalling.

21 SENATOR NOZZOLIO: And Senator, you also
22 are on record saying, clearly, that the, if an

1 Demographic Research and Reapportionment, 2/16/12
2 additional Senate seat must be created, it should be
3 created in New York City--

4 SENATOR KENNEDY: [interposing] I am
5 simply, I am simply calling for--

6 SENATOR NOZZOLIO: --thank you very
7 much.

8 SENATOR KENNEDY: --I am simply calling
9 for the population shift to be followed and most
10 importantly for this legislature and LATFOR to follow
11 the law.

12 SENATOR NOZZOLIO: Thank you very much,
13 Senator.

14 ASSEMBLY MEMBER MCENENY: Senator,
15 Senator.

16 SENATOR NOZZOLIO: Senator.

17 SENATOR KENNEDY: Yup, yup, sure.

18 SENATOR NOZZOLIO: Senator Dilan.

19 SENATOR MARTIN M. DILAN, NEW YORK STATE
20 LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH
21 AND REAPPORTIONMENT: Yes, just for the
22 information of the public, the section of the
23 constitution which Senator Kennedy refers to is

1 Demographic Research and Reapportionment, 2/16/12

2 Article III, Section 4 of the New York State
3 Constitution which deals with reapportionment
4 whenever there is the decade census count by the
5 federal government. And within that section,
6 there are formulas, one known as A. and a second
7 one which is known as B. And for the last three
8 decades, the Senate has followed one method of
9 determining the size of the Senate. This year as
10 Senator Kennedy indicates, that formula was
11 followed inconsistently to come up to a
12 predetermined number of 63. If the formula a
13 were followed, you would get 62 and maybe if
14 formula B. would be followed, you may get 64, but
15 under no circumstances do you get 63. However,
16 this matter is under litigation and will be
17 decided by a court of law.

18 SENATOR NOZZOLIO: Are there any other
19 questions, Senator, Assemblyman McEneny?

20 ASSEMBLY MEMBER MCENENY: Well, you make
21 an observation, Senator, Frank Housh just spoke
22 here and mentioned the polarization of society
23 and Mayor Koch, I did not take his pledge and I

1 Demographic Research and Reapportionment, 2/16/12

2 never take a pledge on legislation that I'd never
3 seen because there's always unforeseen
4 circumstances. We saw in a hydrofracking bill
5 that the Senate and went home and then we
6 realized it was so badly written that it would
7 have eliminated the hydrofracking which is
8 different from the controversial type. It's been
9 functioning rather well since 1947. So, wait
10 until you see the bill before you make the
11 pledge. I didn't take, especially Mayor Koch's
12 pledge and I believe my colleague Bob Oaks did
13 not as well. But the thing about Mayor Koch is
14 he referred to anybody who went--who promised
15 that they'd go along with his pledge and I
16 remember his comments on upstate. By the way,
17 I'm in Albany, it is upstate. I remember his
18 comments on upstate which were rather derogatory,
19 so I wasn't overly impressed with his ideas. But
20 I also thought that when we have disagreements
21 among ourselves and this is bipartisan committee,
22 two-thirds of which are elected, there's an
23 element of respect and politeness for the other

1 Demographic Research and Reapportionment, 2/16/12

2 side. Anyone who didn't go on Mayor Koch's'
3 pledge was referred to as an enemy of the people
4 with expensive ads going against them in their
5 campaigns. And when they signed on to Shelly
6 Silver's bill that was put in at the request of
7 the governor, that wanted an independent
8 committee, then they were listed as heroes of the
9 people. That kind of extreme language, I think,
10 does not help the body politic in its
11 deliberations. So, I would avoid particularly
12 that kind of, of language of subsidizing people
13 with that kind of language. It's a little
14 complicated, I happen to be a sponsor of
15 independent redistricting. The governor failed
16 in convincing the Senate that that committee that
17 he suggested was not two-thirds one party, his
18 party and one-third the other party. And
19 throughout the course of a six month legislative
20 session, the governor never offered some kind of
21 amelioration, some kind of change to that bill to
22 make it acceptable to the Senate majority to say
23 that it was not a partisan bill. This group,

1 Demographic Research and Reapportionment, 2/16/12

2 which by the way, is weeks ahead of schedule from
3 prior decades as far as the state legislature's
4 concern and months ahead of congressional
5 redistricting compared to the past, nonetheless
6 stalled off meetings until the end of session
7 waiting to see if a compromise could be offered
8 that would be acceptable to all parties. So,
9 the--we have a disagreement, but it's a
10 technicality, it doesn't make people enemies of
11 the people anymore than the opposite makes them
12 heroes of the people. And as far as Fox news and
13 Glenn Beck and some of these extremists in our
14 society, we have them on both sides. I just
15 don't buy either side of that and that's how,
16 personally, I view Mayor Koch's opinions, that's
17 pretty extreme language.

18 SENATOR KENNEDY: Certainly, and I
19 appreciate you saying so, Assemblyman. I, I know
20 that you've been in Albany and have made a
21 reputation as being someone that stands up for
22 the people of your district and the people of the
23 state of New York. I certainly appreciate your

1 Demographic Research and Reapportionment, 2/16/12

2 service to the public good. That being, that
3 being said, 53 out of 62 senators just a year and
4 maybe 4 or 5 months ago signed on and called for
5 publically independent, an independent
6 redistricting commission to be put in place for
7 the redrawing of the districts for this year.
8 Following that--now they happened to be by former
9 Mayor Koch, he can call them whatever they want,
10 heroes of reform, enemies of reform, that was,
11 that was his doing. That being said, the day the
12 Republicans regained the majority in the Senate,
13 there was not one single Republican who signed on
14 to independent redistricting, not one, that stood
15 out publically as they did prior to the election
16 and called for independent redistricting for
17 2012, for a commission to be put in place.
18 Everyone went away quietly, they all went, hoped
19 this would go away under the radar screen and I
20 think by the showing you see here today, this is
21 not going away quietly and it is not under the
22 radar screen. And I am one of those people that
23 signed to the pledge and although I might have

1 Demographic Research and Reapportionment, 2/16/12

2 only been in the Senate for the last 13 months
3 and 16 days, I also recognized that Albany works,
4 if there's a will there's a way. And in Albany,
5 if, if we want to get something done, if we want
6 to establish an independent commission and we
7 want it done this year, it will be done, but the
8 will needs to be there and I don't see the will
9 there from the Senate republicans. That is why
10 I'm here today. And that's why we're calling for
11 the governor to veto these lines.

12 SENATOR NOZZOLIO: Thank you.

13 SENATOR KENNEDY: Thank you. Thank you.

14 SENATOR NOZZOLIO: Barbara Booth.

15 Barbara Booth.

16 DEBRA LEVINE, CO-EXECUTIVE DIRECTOR, NEW
17 YORK STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC
18 RESEARCH AND REAPPORTIONMENT: She's not able to
19 make it - - .

20 SENATOR NOZZOLIO: Richard Siebert,
21 Richard Siebert.

1 Demographic Research and Reapportionment, 2/16/12

2 RICHARD SIEBERT, REPUBLICAN CHAIRMAN,

3 GENESEE COUNTY: Yes, sir. Thank you Honorable

4 Senators, Honorable Assemblymen, my name is, my

5 name is Richard Siebert, I'm the Republican

6 chairman of Genesee County, I'm here in on a

7 bipartisan matter, not a political matter at all.

8 I'm specifically concerned with the Assembly

9 district, 139th Assembly district and the proposed

10 division of it. I'm going to read a letter, if I

11 may, on behalf of the chairman of Genesee County

12 Legislature and I would like to read another

13 letter by our current existing Assemblyman which

14 he has sent to Representative Oaks, but I'd like

15 to make it public for the committee. The first

16 letter I'd like to read is from the Genesee

17 legislative chairlady and again, it's about the

18 division of the 139th Assembly district, presently

19 served by the Honorable Steven Hawley. What

20 she's saying in her letter is: Dear Members of

21 the Task Force, and I think you all have a copy

22 of this, I am writing as chairperson of the

23 Genesee County Legislature to protest the

1 Demographic Research and Reapportionment, 2/16/12

2 proposed 139th Assembly district. It would remove
3 the town of Pembroke from our 139th Assembly
4 district, the only town to be separated from
5 Genesee County, its historical home. Even
6 looking at the district as it proposed raises
7 questions. It appears like a bit has been taken
8 out of the county and we feel it. In addition to
9 two other towns have been added from Livingston
10 County and although we are very friendly with our
11 neighbors, the addition looks like the ill-fated
12 Floridian chads from the elections past. The two
13 towns just hang there and there's a map that
14 she's attached to her letter. Please consider
15 this matter and return the towns to their proper
16 districts. I understand the challenges your
17 group faces, certainly this configuration is not
18 an indication of positive progress or a
19 satisfactory solution. Thank you you're your
20 consideration of this matter. Sincerely, Mary
21 Pat Hancock, chair of the Genesee County
22 Legislature. The second letter I'd like to read,
23 and I will stay within my five minutes, is from

1 Demographic Research and Reapportionment, 2/16/12

2 our Assemblyman Steve Hawley, our existing 139th
3 Assemblyman and this was addressed to Assemblyman
4 Oaks. I am writing regarding proposal--proposed
5 139th Assembly district, specifically the
6 elimination of the town of Pembroke, Genesee
7 County. The town of Pembroke is the only town
8 out of 13 in the entire county of Genesee that
9 has been eliminated in the proposed district.
10 The proposed district now includes two towns in
11 Livingston County, the town of York and the town
12 of Leicester which have a combined population of
13 55,597. The town of Pembroke's population
14 including the village of Corfu is 5,001. It
15 would seem to me that eliminating the only town
16 in Genesee Count including only two towns from
17 Livingston County would be a disservice to those
18 citizens. To continue the - - that exists within
19 the county I strongly believe that the town of
20 Pembroke should be included in the 139th district
21 and Leicester and York in Livingston County. I
22 appreciate your consideration of this matter and
23 such action that may be taken to resolve my

1 Demographic Research and Reapportionment, 2/16/12

2 Assembly district concerns. Thank you in advance
3 for your time and consideration, please feel free
4 to contact me with other question. When I say
5 this is bipartisan, this is not a political
6 issue, I have also talked to the chairlady of the
7 Democratic committee of Genesee County who has
8 talked to her committee and she is complete
9 agreement that we would like to retain the town
10 of Pembroke and make of Genesee County whole in
11 the 139th Assembly district. This is not a
12 political issue at all regardless of who serves,
13 whether it's our current or whoever in the
14 future, we would just like to see Genesee County
15 whole and what's good for Pembroke is good for
16 Genesee County and what is good for Genesee
17 County is good for Pembroke and I just leave it
18 at that. I'll take any questions, have any?

19 SENATOR NOZZOLIO: Assemblyman Oaks.

20 ASSEMBLY MEMBER ROBERT OAKS, NEW YORK
21 STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC
22 RESEARCH AND REAPPORTIONMENT: Yes, Mr. Siebert,
23 thank you. One of the things that I appreciate

1 Demographic Research and Reapportionment, 2/16/12

2 your response today is specific recommendations
3 are helpful to this task force, you know, an
4 original proposal's been made. And we appreciate
5 when someone has a specific suggestion, so thank
6 you for being specific for that. Secondly, I
7 would say I would think in this proposal there
8 are perhaps 20 or so counties that are kept whole
9 and there are a number of counties that aren't.
10 It is not for, I would say in most cases lack of
11 trying, the, the where we are controlled by the
12 state constitution and our ability to have a
13 depth or a, you know, a variation of the
14 districts and the constitution requires a town on
15 border rules which don't allow to just take a
16 town and move it without other things falling
17 into place as well. It, it sometimes is
18 difficult, but your input is appreciated and this
19 task force, like all the other recommendations,
20 will be taken into consideration.

21 MR. SIEBERT: Thank you for the
22 opportunity.

23 SENATOR NOZZOLIO: Thank you very much.

1 Demographic Research and Reapportionment, 2/16/12

2 MR. SIEBERT: Thank you.

3 SENATOR NOZZOLIO: Before I call the
4 next wit--testifier, I'm going to ask everyone
5 here that if you have a conversation, you're
6 welcome to have it, but have it on the other side
7 of those doors. And I'm asking those people that
8 are sitting right, straight up here please sir,
9 you've been talking constantly through this last
10 witness' conversation, the beauty of this room is
11 that acoustics are, are very good. And the bad
12 part is that when you have a conversation that
13 detracts from the person that's testifying. So,
14 I'm asking everyone and I'm going to rule
15 aggressively on this, take your conversation, sir
16 and ma'am, outside. Any cell phones while, while
17 you're talking, take it outside. If, I hate to
18 do this, but I'm, I'm warning everyone I will
19 stop the witness from speaking next time and
20 request that you leave the room. So, please,
21 spare us all that inconvenience, respect the
22 person that's speaking here whether you are
23 interested in what they say, whether you agree

1 Demographic Research and Reapportionment, 2/16/12

2 with them or disagree with them, it's not the
3 point, they deserve to be heard and please
4 respect that right. Sam McGavern. Good morning.

5 SAM MAGAVERN, CO-DIRECTOR, PARTNERSHIP
6 FOR THE PUBLIC GOOD: Good morning, thank you Mr.
7 Chair and commissioners, my name is Sam McGavern
8 and I'm a Buffalo resident. I co-direct the
9 Partnership for the Public Good which unites 108
10 community groups interested in good public policy
11 for Buffalo, Niagara and New York State and I'm a
12 member of Common Cause. Thank you for the
13 opportunity to testify, I want to take the
14 opportunity presented by this hearing to compare
15 and contrast the LATFOR state legislature drafts
16 with the Common Cause reform plan. We at PPG and
17 Common Cause New York are pleased to see that the
18 LATFOR Assembly draft for the Buffalo region does
19 a generally good job of drawing compact districts
20 based on communities of interest. But there is
21 still room for improvement. As you can see on
22 page six of this testimony, the LATFOR draft
23 divides Buffalo between four districts and

1 Demographic Research and Reapportionment, 2/16/12

2 divides the small cities of Lackawanna and North
3 Tonawanda in half. The Common Cause reform plan
4 offers an alternative showing how almost all of
5 Buffalo can be drawn into two districts and how
6 all the small cities of the region can be kept
7 whole. This can be done while keeping the plan
8 very similar to the overall structure of the
9 LATFOR draft. One district, Common Cause reform
10 district 141 can occupy central Buffalo while the
11 second, second district Common Cause reform
12 district 145 can unite the demographically
13 similar communities of north and south Buffalo.
14 This district would also include Buffalo's entire
15 water front and keep nearly all of the cities
16 rapidly growing Hispanic community together in
17 one district. In the State Senate, we believe
18 that drawing three long narrow districts
19 stretching from Buffalo to Rochester, districts
20 59,61 and 62, poorly serves the communities of
21 Western New York. Buffalo and Rochester are each
22 the center of separate regional economies and
23 districts should instead be oriented about each

1 Demographic Research and Reapportionment, 2/16/12

2 city. The Common Cause reform plan, as you can
3 see on page three of this testimony, again offers
4 a concrete alternative of how this could look.
5 One district for central Buffalo and Tonawanda,
6 one district for the northern suburbs, one
7 district for the southern suburbs, one district
8 for the north, northern rural areas and one
9 district for the southern rural areas. There is
10 also the issue of the proposed district 60 in the
11 LATFOR plan. As you can see on page five of this
12 testimony, this district looks as if were drawn
13 to protect the incumbent Republican senator Mark
14 Grisanti. The irony here is that Senator
15 Grisanti is living proof that a strong candidate
16 can win without the advantage of gerrymandering
17 and can win in a district that may not look
18 politically favorable on paper. But this task
19 force, so accustomed to political gerrymandering
20 that the decision was made to separate Senator
21 Grisanti from his current constituents anyway.
22 For Congress, we can't repeat often enough how
23 shameful it is that the public will not have an

1 Demographic Research and Reapportionment, 2/16/12

2 opportunity to offer input on a congressional
3 draft. The current congressional lines are the
4 product of an intensely partisan back room
5 political process and we fear that without the
6 benefit of public testimony, the new draft will
7 be just as bad. As you can see on pages seven
8 and eight of this testimony, the current
9 districts kidnap half of Buffalo's population
10 into a district that stretches all the way to
11 Rochester. Instead, separate congressional
12 districts can be drawn for the Buffalo and
13 Rochester metropolitan areas as shown in the
14 Common Cause reform plan. We look forward to
15 seeing how this task force responds to the many
16 testimonies offered by the public during these
17 last few weeks. Hopefully, substantive changes
18 will be made and this series of hearings will not
19 prove to have been simply a kabuki show. Thank
20 you very much for the opportunity.

21 SENATOR NOZZOLIO: Very much. Frank
22 Mesiah. Good morning.

1 Demographic Research and Reapportionment, 2/16/12

2 FRANK MESIAH, PRESIDENT, NAACP-BUFFALO:

3 Morning. My name is Frank Messiah, M-E-S-I-A-H,
4 I'm president of the Buffalo branch NAACP. I
5 being this, it says, mentions Republicans because
6 this is how that, the story was first reported in
7 the paper and it was, this redistricting plan was
8 a Republican plan. And that's what went into my
9 letter when I appealed to the governor, because
10 what it indicated is that the, to me, the
11 Republican in North and South Carolina and Texas
12 that the partisan proposal submitted in, in, for
13 Western New York is very similar to the
14 strategies that are used in South Carolina, Texas
15 and other places relative to the voter ID.
16 Because in many of those southern areas, it
17 appears their strategy is to ensure that they
18 diffuse the black vote because primarily their
19 motivation is to not see a black president
20 reelected. The, the motivation in New York State
21 is that African Americans will never have a
22 chance of electing one of their own to the State
23 Senate. The--on behalf of the Buffalo branch

1 Demographic Research and Reapportionment, 2/16/12

2 NAACP, we strongly object to the suggested
3 partisan redistricting plan in this area because
4 although the methods used in South Carolina,
5 Texas and other places, those methods are
6 different, the strategies being attempted to be
7 employed here in Western New York are the same.
8 The idea is to reduce the African American vote.
9 Not to eliminate it. We know that we've
10 progressed and it's no longer, we no longer have
11 to have a poll tax. We no longer have to know
12 how many bubbles in a bar of soap, but the idea
13 now is to create a, a redistricting plan that
14 separates the two African American communities
15 the one in Niagara Falls and the one in Buffalo
16 so that collectively they will not have enough
17 voting power to elect one of their own. And as I
18 said, the method maybe be different between those
19 in the South and they want to have, you know,
20 voter, picture ID and all that but the strategy
21 here, what we see, is identical. It's not to
22 eliminate the African American vote, but to
23 reduce it in such a way that it has no effect in

1 Demographic Research and Reapportionment, 2/16/12

2 producing its own political outcome. And for
3 that reason, that is why we object to the plan
4 that was proposed that we saw in the paper where
5 the African American communities of Buffalo and
6 Niagara Falls were combined and oh, we can still
7 vote, but we can't vote with having any power.
8 They--we've learned over the years you no longer
9 have to use the N word, etcetera in talking or-
10 or wanting to express yourself, what you do is
11 create a, a dialogue that appears neutral but has
12 the effect of not permitting people of color to
13 vote and use the strength of their voting power.
14 With that I thank you for allowing me to be
15 heard.

16 SENATOR NOZZOLIO: Thank you very much
17 Mr. Messiah.

18 MR. MESIAH: Okay.

19 SENATOR NOZZOLIO: Do you support the
20 connection of Buffalo and Niagara Falls for
21 congressional redistricting?

22 MR. MESIAH: We haven't yet addressed
23 that. We haven't seen anything on that, so we

1 Demographic Research and Reapportionment, 2/16/12

2 can't really, really make a statement because we
3 haven't seen the full picture. What does it mean
4 when you bring those together for the
5 congressional district, we have not an
6 opportunity to analyze that and I don't think I
7 should respond to something we have not looked
8 and analyzed.

9 SENATOR NOZZOLIO: I was just looking at
10 the Common Cause maps and wondered if, I think
11 they may--it's difficult to tell from the map
12 whether they are severed in the congressional
13 plan, I believe they are and--

14 MR. MESIAH: [interposing] Okay, but we
15 don't--I'm not here to argue against or attack
16 another organization, I'm here to express the
17 point of the NAACP and that is we object to the
18 consolidation or the, the separation of the
19 Niagara Falls and Buffalo African American
20 communities to de- to take away the collective
21 power they would have, as they have had together.
22 That's what I'm here. I'm not aware and we have
23 not seen any of the figures or any of the, the

1 Demographic Research and Reapportionment, 2/16/12

2 diagrams for any that have been produced by any
3 other organization.

4 SENATOR NOZZOLIO: Well, Mr. Mesiah, let
5 me ask you this question: if the congressional
6 plan, which now, as you know, the district lines
7 for Congress have Buffalo with Niagara Falls, all
8 the way to Rochester, would you, would you oppose
9 the separation of Buffalo from Niagara Falls in a
10 congressional plan?

11 MR. MESIAH: I don't know, I'd have to
12 see what that picture looked like. I don't know,
13 see we're dealing here with Buffalo and Niagara
14 Falls, I don't know what happens when we bring in
15 Rochester, I don't know which way those lines
16 would go when, if you do take in Rochester, the
17 direction they would go, where they take in
18 Batavia. I don't know that, that's all--I would
19 not want to answer not seeing and not having
20 enough information.

21 SENATOR NOZZOLIO: Well, I guess the,
22 I'm asking about concepts and that you made a, a
23 recommendation for keeping Niagara Falls and

1 Demographic Research and Reapportionment, 2/16/12

2 Buffalo together in Senate lines but you're
3 referring or demurring and not making the same
4 recommendation, at this point, for the
5 congressional lines.

6 MR. MESIAH: I haven't seen those lines.
7 I haven't seen any of that. So, I would hate to
8 shoot from the hip and then somebody come back in
9 a week or two days and say hey, Frank, you said
10 this, you said you would go for this. Well, I
11 haven't seen any of what you're talking about, I
12 haven't seen the lines being drawn. You know, I-
13 -

14 SENATOR NOZZOLIO: [interposing] I
15 wasn't asking.

16 MR. MESIAH: --hate, I hate the be boxed
17 into a what if.

18 SENATOR NOZZOLIO: I see.

19 MR. MESIAH: You know, what if, what if.

20 SENATOR NOZZOLIO: You were so
21 passionate, you were so passionate about keeping
22 those two communities together for the Senate, I
23 thought that you'd have the similar passion for

1 Demographic Research and Reapportionment, 2/16/12

2 keeping those two communities together for the
3 congressional lines.

4 MR. MESIAH: No, what I'm, what I'm
5 interested in not so much keep, but to maintain
6 that the African American community has a voice,
7 a strong voice. However it matters, reduce the
8 numbers in Niagara County, you know, get rid of
9 those numbers, take away, and, and that way we
10 would have a stronger voice, you know, you
11 wouldn't--there's all kind of options, but I
12 don't want to commit something just because I'm
13 talking about separating Buffalo and Niagara
14 Falls, the African American communities, there
15 are other options. Let's get rid of the white
16 population in Niagara County, okay. That's an
17 option. And that way, let's, we could, we could
18 separate Buffalo and Niagara Falls but if we then
19 get rid of the white population in the rest of
20 Niagara County and into the northern part of the
21 Niagara County so that we would have almost no,
22 nobody white in those areas, then of course the

1 Demographic Research and Reapportionment, 2/16/12

2 African--you know, let's you want to, is that
3 what you're suggesting?

4 SENATOR NOZZOLIO: Thank you very much.
5 Thank you very much.

6 [crosstalk]

7 SENATOR NOZZOLIO: Let's have some
8 order, please. The next witness is David Saleh.
9 David Saleh, S-A-L-E-H. I apologize, I probably
10 mispronounced your name.

11 DAVID J. SALEH, CHAIRMAN, TOWN OF
12 PEMBROKE, REPUBLICAN COMMITTEE: That's very
13 close actually, Saleh.

14 SENATOR NOZZOLIO: Welcome.

15 MR. SALEH: Welcome, thank you, ma'am,
16 gentlemen. I'm here today to bring to the
17 attention of this task force the substantial
18 hardship the present Assembly redistricting plan
19 will have on the residents of the town of
20 Pembroke located in Genesee County, New York.
21 I'm supplementing some of things that Mr. Siebert
22 had said. Since this plan was announced, I have
23 had numerous conversations with concerned

1 Demographic Research and Reapportionment, 2/16/12

2 residents and local leaders expressing their
3 dissatisfaction with the proposal to separate
4 Pembroke from the rest of Genesee County and the
5 139th Assembly district and I hope to express
6 those concerns for you today. By the way, I'm,
7 I'm a practicing attorney, I am the chair of the
8 Pembroke Republican committee. But again, this
9 is a bipartisan effort, I have been practicing in
10 Genesee County and Erie Counties for over 34
11 years and I'm a, a resident of Western New York,
12 originally from Buffalo and then from the Genesee
13 County area after. By way of background,
14 Pembroke is a small rural town located
15 approximately five miles west of the city of
16 Batavia in Genesee County. The town is very
17 rural in character and has a small population of
18 approximately 4,300 residents. Pembroke embraces
19 most of the village of Corfu which has an
20 approximate population of 700 plus. It should be
21 noted that the village includes a portion of the
22 neighboring town of Darien. Pembroke has been a
23 part of the 139th Assembly district for many, many

1 Demographic Research and Reapportionment, 2/16/12

2 years, encompassing many generations of our
3 residents. Our residents are very familiar with
4 the 139ths current Assemblyman, Steven Hawley who
5 has represented the district very ably over the
6 past several years. Assemblyman Hawley is also
7 intimately familiar with the issues confronting
8 out town. In addition to our long-standing
9 presence as part of the 139th Assembly district,
10 the interests of our residents of Pembroke are
11 inextricably intertwined with the interests of
12 the residents of Genesee County and slicing
13 Pembroke from the rest of the county will do
14 serious damage to our residents' mutual
15 interests. The residents of Pembroke share a
16 school district, fire district, economic
17 development and many other services with
18 neighboring towns and other areas within Genesee
19 County. Since these services necessarily involve
20 residents of multiple municipalities within the
21 county, it is critical that these neighboring
22 small rural communities be permitted to speak
23 with a unified voice when we address New York

1 Demographic Research and Reapportionment, 2/16/12

2 State government's involvement and impact upon
3 our communities. As Pembroke does not share any
4 of these services with our communities, with the
5 communities in Erie County, it will do a great
6 disservice to Pembroke and our neighboring towns
7 in Genesee County to split Pembroke off from the
8 139th as the sole town that would not be
9 represented by that district within Genesee
10 County. Further, the economic development
11 efforts that link many of the communities within
12 Genesee County necessarily involve development
13 along the New York State Thruway. The
14 coordinated efforts of the towns within Genesee
15 County that encompass the thruway include
16 development at and near the county's three
17 thruway exits, that's 47, 48 and 48A. All three
18 of the thruway exits in Genesee County have
19 industrial and commercial parks in the near
20 vicinity and development efforts are coordinated
21 through Genesee County agencies. Without
22 question, these coordinated efforts will be
23 severely prejudiced by dividing Pembroke's

1 Demographic Research and Reapportionment, 2/16/12

2 Assembly representation from the rest of the
3 county including these towns that border the
4 thruway. In addition to the impact that the
5 current redistricting plan will have on these,
6 these development and other interests, the
7 current plans, plan divides the village, the
8 portion of the village of Corfu which lies within
9 the town of Darien into a separate Assembly
10 district. This division further impairs our
11 community's efforts to coordinate the
12 representation of our residents without valid
13 justification. We ask this task force to
14 recognize the fact that Pembroke and the rest of
15 Genesee County are predominantly rural, small
16 community. And we share very similar interests.
17 Pembroke's loss of representation in the 139th
18 will push the town into a more urban and suburban
19 district where there will be frequent conflicts
20 of interest that will effectively disenfranchise
21 Pembroke's residents where urban and suburban
22 interests will not line up with ours. I've
23 attached to this statement resolutions passed by

1 Demographic Research and Reapportionment, 2/16/12

2 the Pembroke Town Board and the Corfu Village
3 Board of Trustees opposing the present
4 redistricting, redistricting plan. I do not
5 intend to read those, you have them in front of
6 you, for the sake of time, I'll let you review
7 them separately. We are respectfully asking that
8 this task force reconsider the present plan and
9 make the minor adjustments necessary to shift the
10 Pembroke small community into the Assembly
11 district that is currently drawn to represent the
12 entire rest of Genesee County. And thank you
13 very much for your time.

14 SENATOR NOZZOLIO: Thank you for your
15 testimony. The village straddles the town line?

16 MR. SALEH: Yes.

17 SENATOR NOZZOLIO: Is it, where's the
18 other half of the village, is it in--

19 MR. SALEH: [interposing] I, I, not the
20 half, I, the village of Corfu about 10 or 12
21 years ago annexed a portion of the town into the
22 village, town of Darien, some commercial
23 property--

1 Demographic Research and Reapportionment, 2/16/12

2 SENATOR NOZZOLIO: --but it's, the other
3 half is in Genesee County? That - - .

4 MR. SALEH: [interposing] The rest is
5 all in Genesee County.

6 SENATOR NOZZOLIO: --county.

7 MR. SALEH: Yes, it's all in the town of
8 Pembroke and - - .

9 SENATOR NOZZOLIO: So, you would be,
10 you--putting the Pembroke back into Genesee
11 County and you'd be uniting the village?

12 MR. SALEH: That's correct.

13 SENATOR NOZZOLIO: Yeah, on a
14 technicality, villages are not recognized for
15 redistricting purposes and it becomes a problem
16 many times because small towns can't be split
17 according to the constitution and many of those
18 towns use a stream which, as a town line, which
19 historically a little mill town will develop or a
20 center, you know, farming services area and the
21 villages wind up in two towns. But, in your
22 case, you'd be calling for the reunification of
23 village and county and the village--

1 Demographic Research and Reapportionment, 2/16/12

2 MR. SALEH: [interposing] Of the village
3 in the same Assembly district--

4 SENATOR NOZZOLIO: --as well.

5 MR. SALEH: Yes, and it's also in
6 addition to the bringing Pembroke back in with
7 the rest of the county.

8 SENATOR NOZZOLIO: Yes, well, we'd also
9 have to find 4,000 to, to go out on another end
10 somewhere, so--

11 MR. SALEH: [interposing] Yes, and
12 that's why we were looking at the Livingston
13 County portion and there's also portions in Erie
14 County where there could be some shifts, so.

15 SENATOR NOZZOLIO: Thank you.

16 MR. SALEH: Thank you very much.

17 SENATOR NOZZOLIO: Thank you very much.
18 Councilman Richard Fontana. Councilman Fontana.

19 COUNCILMAN RICHARD FONTANA, BUFFALO CITY
20 COUNCIL: Thank you. Just to be brief, the
21 residents are speaking today and on behalf of the
22 Common Council, just here today to speak
23 regarding redistricting.

1 Demographic Research and Reapportionment, 2/16/12

2 SENATOR NOZZOLIO: Would you put the
3 microphone closer to you, sir?

4 COUNCILMAN FONTANA: Yes. Sorry about
5 that.

6 SENATOR NOZZOLIO: Thank you.

7 COUNCILMAN FONTANA: Thank you to all
8 the residents that are coming today. I think
9 today you see the residents of Erie County and
10 Niagara Counties here today speaking on behalf of
11 this redistricting process. I can only tell you
12 that many people that call my office feel that
13 the process is being drawn from more of the
14 individual senator per se or the senators per se
15 than for the residents and the communities of
16 interest together. Residents would like to see
17 these communities of interest stay together,
18 Niagara County has always been a hotbed of
19 concern because of the two Senators that would
20 normally share Niagara Falls, but as far as Erie
21 County goes, we just want to make sure that the
22 city of Buffalo is treated fairly. That we have
23 a district that represents the needs of the city

1 Demographic Research and Reapportionment, 2/16/12

2 of Buffalo and the needs of the residents of the
3 city of Buffalo in the state capital.

4 Essentially, residents are fearful that this new
5 district that's being drawn and the new one
6 that's being added are expenses that really, you
7 know, it costs money to add a Senate district, so
8 that's the concerns that have been raised to my
9 office. Residents have called the office on the
10 extra district and also the new lines that are
11 being drawn for the district that will now span
12 the west side through into the southern parts of
13 Erie County. That's what we're hearing. They
14 also are concerned about the time frame, they'd
15 like to see the districts drawn in a timeframe
16 that's conducive to a democratic process for the
17 elections, they wouldn't like to see this thing
18 go beyond the fact of people being able to
19 actually petition for office and run for office.
20 And those are the concerns that were brought to
21 my office.

1 Demographic Research and Reapportionment, 2/16/12

2 SENATOR NOZZOLIO: Thank you. Any
3 questions of Councilman Fontana? Hearing none,
4 thank you Councilman.

5 COUNCILMAN FONTANA: Thank you very
6 much.

7 SENATOR NOZZOLIO: These are all add ons
8 to the list. It's Thomas Gregory. Thomas
9 Gregory.

10 THOMAS GREGORY: Morning, sir.

11 SENATOR NOZZOLIO: Good morning.

12 MR. GREGORY: I'd like to note that I
13 presented a report to this committee yesterday in
14 Rochester, New York and would like to just make a
15 follow-up statement. First of all, it's really
16 great to be here at Erie County. I haven't been
17 here for a long time, but I'll say that I work
18 for a lot of companies as a union iron worker who
19 are located here. Frank Ernst was--had a company
20 here, Buffalo Structural had a company here and
21 Johnny Gast had a company up there in Grand
22 Island and the truth is, when I look at Buffalo,
23 New York and I look at Rochester, New York, I

1 Demographic Research and Reapportionment, 2/16/12

2 think our interests are a whole lot more tied
3 than, than maybe we like to acknowledge or maybe
4 that we even see. I know that we had a lot of
5 union iron workers from Buffalo Local 6 who
6 worked up in Rochester and I when we used to have
7 the Bethlehem mills over here, I used to go down
8 here and work for Cowper Corporation on shut
9 downs. In other words, we're tied together
10 economically. Now, you know, I heard the same
11 comments that which brought me up here today, by
12 leaders up in Rochester, New York yesterday who
13 say well, you know, we've got to take care of our
14 own communities. And some of them even cited
15 Governor Cuomo's plan where Governor Cuomo has
16 had economic regional thing. But, you know
17 something, those arguments where we're competing
18 in different regions, the Western region and the
19 Finger Lakes region, actually makes great sense
20 why we should have the type of districts that we
21 have which are a little bit more regionalized,
22 because while we're competing in one particular
23 program, is our legislative representatives who

1 Demographic Research and Reapportionment, 2/16/12

2 basically keep our whole community and I mean
3 Erie County and Genesee County and all the
4 counties in between and Monroe County, all
5 connected together. And I think that's really
6 important. You know, I've heard, I'm, I'm really
7 involved in a lot of politics up in Monroe
8 County. I love politics. I'll tell you right
9 now, I've been doing this for a long time. And
10 when I think about the initiatives that we're
11 trying to bring forth up in Monroe County and
12 some of the things that the community of color in
13 particular would like to see in Rochester, and
14 I'm talking about the idea of failing schools in
15 the urban communities and the idea of creating
16 more regionalized school districts, and I think
17 you know something? If I built a Senatorial or
18 Assembly district around my urban center, then
19 it's going to be we against they, just like we've
20 heard. Erie County against Buffalo or, or
21 against Monroe County. But if I have
22 regionalized representation, if I have a
23 representative who's reaching from the urban

1 Demographic Research and Reapportionment, 2/16/12

2 community out into the suburbs too and across
3 even to Genesee County and all the way here to
4 Buffalo, New York, by gosh, I've got at least one
5 voice who doesn't see it from a myopic view of we
6 versus they, but actually is going to represent
7 all of us. And all of us want the best for the
8 state of New York. All of us want best for Erie
9 County and all the counties in between. And I
10 just want to say thank you very much, I love this
11 beautiful, beautiful city hall. I've never been
12 here before, by gosh, it really a great place to
13 be. Thank you very much and I thank you for the
14 time.

15 SENATOR NOZZOLIO: Thank you, Mr.

16 Gregory, thank you very much.

17 MR. GREGORY: And someone left--

18 SENATOR NOZZOLIO: [interposing] Thank
19 you. Janet Massaro. Janet Massaro. Is that,
20 whose is this here? Oh, it's yours.

21 JANET MASSARO: Good morning, gentleman.

22 SENATOR NOZZOLIO: Excuse me just one
23 second.

1 Demographic Research and Reapportionment, 2/16/12

2 MS. MASSARO: No problem.

3 SENATOR NOZZOLIO: I know you have,
4 citizen, feel free. We have, we have 18 more
5 scheduled. So, - - apologize for the
6 interruption, thank you very much.

7 MS. MASSARO: No problem. I can still
8 say good morning and welcome to Buffalo, we're so
9 happy to have you here, my name is Janet Massaro,
10 I live in the city of Buffalo, county of Erie. I
11 am sure you will all be relieved of the close of
12 this chapter of redistricting 2012 at the end of
13 today's hearing, it's been a long process. Thank
14 you for listening to New Yorkers express their
15 different views as to how the lines should be
16 drawn. It is my hope that the final outcome will
17 produce lines that are fair, respectful of our
18 diverse communities and as free from political
19 influence as possible. I would like to address a
20 few issues of concern to me as a resident of
21 Western New York. We know that Western New York
22 has lost considerable population since the last
23 census and that significant adjustments to our

1 Demographic Research and Reapportionment, 2/16/12

2 districts on a state and national level will be
3 required. Our state and congressional districts
4 must become geographically larger and include
5 more people, especially since the state will also
6 lose two congressional seats. Problems continue
7 to plague the present redistricting process.

8 Redistricting is governed by certain federal,
9 state and local criteria which sometimes overlap
10 or conflict with one another. LATFOR could have
11 established a hierarchy of criteria that it would
12 use to judge boundary lines and could have
13 explained how they would chose among the criteria
14 in drawing the lines as they have. I could find
15 no narrative or justification on the LATFOR site.
16 Although chairpersons have frequently cited one
17 or another of the criteria when addressing some
18 of the speakers yet these comments, comments have
19 not always been consistent or helpful. I am
20 presently in district, Senate district 60. My
21 district contains the cities of Niagara Falls and
22 Buffalo. Both of these cities are the urban core
23 of Western New York and they share many

1 Demographic Research and Reapportionment, 2/16/12

2 characteristics, both cities have large minority
3 populations and greater levels of poverty than
4 the more prosperous suburbs that surround them.
5 In both, there is less home ownership, more
6 dependence on public transportation, less well
7 educated individuals and fewer white collar
8 professions. There is every reason to keep these
9 areas in the same district so that together they
10 have a more united and stronger voice in Albany.
11 district 60 as proposed by LATFOR destroys these
12 significant communities of interest that I have
13 described. The city of Niagara Falls has been
14 removed. District 60 is now confined to Erie
15 County. It embraces all of Grand Island, the
16 city and town of Tonawanda, the more prosperous
17 white areas of North Buffalo. It then snakes
18 down the outermost rim of Buffalo along an
19 industrial waterfront corridor no more than a few
20 yards wide, picks up the town of Orchard Park,
21 one of Erie County's more affluent communities,
22 continues on south encompassing Hamburg, Evans
23 and ending in rural Brant. I argue that by

1 Demographic Research and Reapportionment, 2/16/12

2 reconfiguring district 60, LATFOR has failed to
3 recognize distinct minority communities in
4 Western New York and has essentially eliminated
5 the opportunity for minority populations to elect
6 a senator of their choice. I am therefore, I am
7 sure LATFOR commissioners will respond that its
8 decision reflects the criteria of keeping
9 municipal boundaries in this respect, counties
10 intact. Senator Maziarz has wholeheartedly
11 endorsed the LATFOR proposal and is happy to give
12 up his small portion of Monroe County. I am sure
13 Senator Grisanti shares his, this enthusiasm as
14 well, looking at his new district of mainly white
15 Erie County voters. Yet I found there is little
16 connection between the city of Niagara Falls and
17 the small, small rural towns, villages and farms
18 that make up most of Niagara County. I would
19 argue that Niagara Falls and Buffalo belong in
20 the same district as they currently are. I have
21 looked at maps produced by Common Cause and I
22 find them more satisfactory even though suburban
23 and rural areas with small populations cover more

1 Demographic Research and Reapportionment, 2/16/12

2 than one county. I recommend that the Common
3 Cause Senate district maps for Western New York
4 be accepted as a better alternative to those
5 proposed by LATFOR, Senate district 63. I have
6 not read the New York State constitution with
7 regard to the perplexing formula used to decide
8 how many Senate districts there should be, but
9 should the new proposed 63rd survive a court
10 challenge, then I think the population figures
11 dictate that the district should be drawn not in
12 Albany, but in New York City where Senate
13 districts are routinely overpopulated. Using the
14 one person, one vote principle, each Senate
15 district using now the new 63 number should have
16 a population of 307,588 people. We know that the
17 Senate or Assembly districts are consistently
18 adjusted to favor political party in power in
19 each house. For this reason, in upstate New York
20 Senate districts are consistently under-
21 populated. I think I have handed in my statement
22 and perhaps you have it before you, because I
23 listed down the districts one by one in Western

1 Demographic Research and Reapportionment, 2/16/12

2 New York. Anyway, district 60 population has
3 292,000 plus--

4 MS. LEVINE: [interposing] Ms. Massaro,
5 please summarize.

6 MS. MASSARO: --the deviation is a -
7 14,508, district 61 population again 292,000
8 plus. The ideal deviation--a deviation from the
9 ideal, excuse me, is -15,000. District 62
10 population 292,000, deviation from the ideal is -
11 15,190. And so on to district 63. To approach
12 the ideal number, each of Western New York's
13 Senate districts should have larger populations.
14 I'm sorry?

15 MS. LEVINE: Summarize your statement,
16 please.

17 MS. MASSARO: Sorry. LATFOR will argue
18 that the one person, one person principle applies
19 most rigorously to congressional districts and
20 that state legislative districts have a greater
21 leeway in meeting this criteria. This is
22 certainly true. However, it is possible to
23 easily reduce the disparity between over and

1 Demographic Research and Reapportionment, 2/16/12

2 under populated Senate districts. Common Cause
3 maps have done so without sacrificing communities
4 of interest. My district, number 60, on the
5 Common Cause map has a deviation of only 4,745
6 people. Once more, the Common Cause map is my
7 choice for Western New York district boundaries.
8 Congressional districting is particularly
9 important to Western New York because, again, we
10 have lost population since the next sentence--
11 census. LATFOR, as far as I know, has not yet
12 released the--those congressional districts and
13 the election calendar is growing shorter. The
14 University of Buffalo law students who won 1st
15 place in the citizen mapping competition for
16 their congressional district maps released their
17 maps, including, including a thorough narrative
18 in December, 2011. Common Cause also released
19 their maps in December. I attended the first
20 round of the LATFOR hearings in Buffalo last
21 August. One of the first speakers lamented that
22 because Erie County had failed to come to an
23 agreement, a federal judge had drawn the county

1 Demographic Research and Reapportionment, 2/16/12

2 maps and since there was not time for gathering
3 nominating petitions, had also ruled that the
4 political parties would chose the candidates. I
5 remember that you all expressed great dismay that
6 the democratic process had been so thwarted.
7 However, remarkable to me was that the person who
8 spoke had been a member of a redistricting
9 commission appointed by the Erie County
10 legislature. And that he, along with his
11 colleagues, was instrumental for the delay and
12 responsible for the outcome that he was
13 lamenting. Federal judge William Stretney, in
14 his decision to draw Erie County district lines
15 and forego the petition process wrote, and I
16 quote, "The loss of primary opportunities which
17 Erie County contends will favor incumbents and
18 political parties over challengers have occurred
19 due to the county government's own inaction and
20 those responsible have only themselves to blame
21 for any resulting disservice to the residents of
22 Erie County." It appears that LATFOR is now in a
23 similar situation with redoing congressional

1 Demographic Research and Reapportionment, 2/16/12

2 lines. An article in the "New York Times" from
3 February 13th reported that because of the
4 current, current state of inaction in redrawing
5 New York political map, federal judge Dora
6 Irazarry has recommended that the state's
7 redistricting process be turned over to a court
8 appointed special master. Noteworthy here is
9 that--is the additional statement that New York
10 State has failed to draw congressional lines in
11 2002 and in 1992. Surely this failure over two
12 and now possibly three redistricting cycles in an
13 indictment of New York state government and the
14 current redistricting process and I think it is a
15 terrible embarrassment and disservice to the all
16 the people of New York. Quite a few years ago,
17 one, one New York legislative district might,
18 excuse me, reform of the redistricting process is
19 essential and it has been ongoing. Quite a few
20 years ago, one New York legislative district
21 might have had a population of 5,000 people,
22 another might have had a population right next to
23 it, a population of 100,000 people. A US Supreme

1 Demographic Research and Reapportionment, 2/16/12

2 Court decision changed all of that when it
3 declared that every person's vote must be equal
4 and districts must complain, contain essentially
5 the same number of people. Some years ago,
6 minority voters were routinely disenfranchised
7 and one tool used was outrageously gerrymandered
8 districts. The Voting Rights Act changed and
9 many of these abuses have been eliminated,
10 although we continue to struggle with that
11 legislation. I have listened to and read some of
12 the testimony from different LATFOR hearings and
13 do not doubt that redistricting reform is
14 difficult and it's messy. There are no perfect
15 maps but there are good maps and there are not so
16 good maps. I support an independent
17 redistricting commission. The goal of an
18 independent redistricting commission is to create
19 a firewall between those who draw the lines and
20 elected officials and party leaders thereby
21 giving mapmakers, mapmakers the independence they
22 need to draw more fair and equitable boundaries.
23 An independent commission may give challengers a

1 Demographic Research and Reapportionment, 2/16/12

2 greater chance to be elected, shake up the
3 political culture in Albany and possibly improve
4 voter turn out. We are at a crucial point in the
5 redistricting process for this decade. The
6 extent to which LATFOR adjusts their proposed
7 maps and draws good maps will determine how the
8 governor will respond. I would ask that you
9 incorporate the recommendations of civic and good
10 government groups when making your decisions. An
11 amendment to New York state's constitution
12 reforming the redistricting process has passed
13 only in the Senate. I am not aware, Mr. McEneny,
14 whether or not an amendment has been introduced
15 or passed in the House, in the Assembly, excuse
16 me. Models for--it must be passed by both
17 legislative chambers if future reform is to
18 occur. Models for reforming the redistricting
19 process have been introduced by the governor and
20 by legislators in both Assembly and the Senate.
21 These are good places to start, but we must start
22 without further delay. There is much left--work
23 left to be done but I'm sure we can do it. Thank

1 Demographic Research and Reapportionment, 2/16/12

2 you so much for giving me the opportunity to
3 speak a little bit longer than five minutes.

4 Thank you.

5 SENATOR NOZZOLIO: Carol, thank you
6 very, very much. Assemblyman McEneny and I
7 agreed to give you a waiver from the five minute
8 rule because you came to our first Buffalo
9 hearing and we appreciate you being there. In
10 the future, we have about 20 speakers that have
11 signed up. All have signed up today, so I hate
12 to have anyone at the end of the line sign up,
13 have to leave because we didn't obey the five
14 minute rule. If you have any written testimony,
15 please present that to the desk, we will make
16 sure that the entire written testimony becomes
17 part of the record and please summarize what you
18 are submitting so that we can make sure that
19 every speaker has the opportunity here to speak
20 today. Michael Halberstram.

21 MICHAEL HALBERSTAM, ASSOCIATE PROFESSOR,
22 SUNY LAW SCHOOL AT BUFFALO: Good morning, my
23 name is Michael Halberstram, I'm an associate

1 Demographic Research and Reapportionment, 2/16/12

2 professor at the University of Buffalo Law
3 School. Of course, I, I teach election law and
4 I'm also a member of the New York State Bar.
5 I'm, of course, not here to represent the views
6 of the law school or any public institution.
7 Thank you so much for giving me the opportunity
8 to testify. I'd like to--

9 SENATOR NOZZOLIO: [interposing]

10 Professor, pull that microphone right close to
11 you, yes.

12 MR. HALBERSTRAM: --sorry. Okay. I'd
13 like to make a couple of specific observations
14 and some general observations. First, I'd like
15 to speak to some of the discussions that have
16 gone on before with regard to the process. The
17 problem with the process is there, that there's a
18 conflict of interest on the part of the
19 legislators who are doing the redistricting.
20 This kind of conflict would not be tolerated in
21 other professional situations. For example, on
22 corporate boards, corporate boards are not
23 permitted to pass conflict of interest

1 Demographic Research and Reapportionment, 2/16/12

2 transactions without having them ratified by the
3 shareholders. Conflict of interest transactions
4 are not permitted for attorneys, they're not
5 permitted for all sorts of people without further
6 process corrections or safeguards. Now this is
7 not personal and, in fact, my, my remarks are
8 critical of both parties. Previously, offense
9 was taken by the use of the word manipulation
10 when it came to discussing the redrawing of
11 districts. And I personally took offense at the
12 offense taken, the problem--the charge is
13 inevitable and I appreciate the difficulty that
14 all of the gentlemen and ladies on the committee
15 are and of all the legislators. The problem is
16 inevitable, there's a conflict of interest and
17 the burden has to be on LATFOR and on the
18 legislature to explain itself and explain why it
19 made the decisions that it did. Unfortunately,
20 LATFOR has provided no specific explanation of
21 why specific lines were drawn where they were
22 drawn, none, except for providing online some
23 different graphics. Common Cause's maps, which I

1 Demographic Research and Reapportionment, 2/16/12

2 don't necessarily endorse, I have not done the
3 full analysis, Common Cause's maps gives, for
4 each district drawn, a separate explanation why
5 those districts were drawn the way they are.
6 Now, often it's said that I'm also not advocating
7 for any particular independent redistricting
8 commission. But I am saying that there is a
9 profound conflict of interest here. It calls
10 into question the legitimacy of the constitution
11 of the legislature at a time when distrust is
12 particularly high of our governing institutions.
13 And it puts you all in an impossible situation
14 every ten years. There's no doubt about that.
15 When we talk about conflict of interest
16 situations in corporate, for corporate boards,
17 the burden is on the corporation to justify its
18 decision in detail and to describe why it's fair.
19 As I said, LATFOR has not provided any
20 explanation for why it has drawn the lines where
21 it has and, and it has not even provided the
22 congressional maps, making it impossible, for
23 example, for the gentleman from the NAACP who

1 Demographic Research and Reapportionment, 2/16/12

2 rightly refused to a question about a
3 hypothetical question, it makes impossible for
4 him to represent his constituency here. And you,
5 in fact, wanted him to represent his constituency
6 and wanted to get some information. There's no
7 basis for a conversation. So, unconstitutional
8 manipulation, now an unconstitutional motive is
9 identified in other contexts such as employment
10 discrimination or race discrimination under the
11 Arlington Heights standard and other, under
12 McDonnell Douglas standard as you know, by first
13 seeing whether there's a discriminatory action or
14 a disparate impact and then you ask, well, was
15 there discriminatory purpose. And how do you
16 answer that? Well, you answer that roughly
17 speaking without going details, you see whether
18 there was a reasonable explanation offered for
19 the action and the disparate impact and if there
20 is no other reasonable explanation for the
21 outcome, but for example race or age
22 discrimination and the proffered explanations are
23 pre-textual and the burden has not been satisfied

1 Demographic Research and Reapportionment, 2/16/12

2 by those people who have acted, if they have not
3 satisfied their burden, that is in this case you
4 and the Legislature, to show that there's no
5 unconstitutional purpose, then the
6 unconstitutional purpose is established.

7 MS. LEVINE: Sir, you need to summarize,
8 please.

9 MR. HALBERSTRAM: Good. So, there's no
10 other reasonable explanation for the outcome of
11 the Senate map but politics and that necessarily
12 implicates race. So, specifically, and the
13 problem here is not that its politics, but that
14 it is bipartisanship. That there is a bipartisan
15 gerrymandering going on, the gentleman for the
16 house is a Democrat representing the Assembly
17 map, which is Democratic and has been. The
18 gentleman from the Senate is a Republican as I
19 understand, am I correct and is representing the
20 Senate Republican map. The problem here is not
21 that this is politics, the problem is that it's
22 bipartisan, it's a bipartisan gerrymandering. A
23 partisan gerrymander might be okay. You can

1 Demographic Research and Reapportionment, 2/16/12

2 argue about that, but you cannot argue about a
3 bipartisan gerrymander. So specifically, with
4 regard to the map and that is shameful for
5 everyone involved in the process. Now, the
6 problem with specifically the Senate map is, of
7 course, that the creation of the 63rd Senate
8 district in Albany County creates it in a white
9 neighborhood. The white population, however, has
10 decreased totally in this state and I have the
11 numbers but you know the numbers. The African
12 American population has not increased or
13 decreased, but remained the same. The Asian and
14 Hispanic, Hispanic populations have increased
15 substantially. But the extra district was drawn
16 in Albany in a white neighborhood. Secondly, the
17 only explanation for the lines of Senator
18 Grisanti's district are political. I like
19 Senator Grisanti, I think he's a great guy and I
20 may vote for him regardless. I am in his
21 district. Either way, I believe.

22 MS. LEVINE: Professor, you really need
23 to summarize.

1 Demographic Research and Reapportionment, 2/16/12

2 MR. HALBERSTRAM: Yup. Okay.

3 MS. LEVINE: Please. Do you have
4 written testimony?

5 MR. HALBERSTRAM: I will submit it.

6 MS. LEVINE: Good.

7 MR. HALBERSTRAM: So, in other words,
8 you're not interested in me continuing?

9 MS. LEVINE: We're very interested, of
10 course, that's why we ask for--

11 MR. HALBERSTRAM: [interposing] I have
12 extra time.

13 MS. LEVINE: --testimony.

14 MR. HALBERSTRAM: Okay, I can stay long,
15 but thank you very much, thank you very much for
16 giving me this opportunity. I believe that the
17 process has to be changed.

18 SENATOR NOZZOLIO: I have some
19 questions.

20 MR. HALBERSTRAM: Sir?

21 SENATOR NOZZOLIO: Professor, what, what
22 area of law do you teach?

1 Demographic Research and Reapportionment, 2/16/12

2 MR. HALBERSTRAM: I teach political
3 process regulation including election law, but
4 also corporate law and civil procedure.

5 SENATOR NOZZOLIO: Did--you raised a
6 number of issues that certainly are thought
7 provoking. That the, the question of a conflict
8 of interest, the question of votes, I first want
9 to correct your characterization of I made the
10 statement based on prior statement that alleged
11 the, the state constitution was manipulated. I
12 asked for clarification of that charge and I
13 heard none. It was a question of the
14 constitution manipulation that I was trying to
15 address. Are you familiar with the state
16 constitution?

17 MR. HALBERSTRAM: Somewhat, I'm not a
18 specialist in the New York state constitution.

19 SENATOR NOZZOLIO: We all took an oath
20 to defend the constitution of the state of New
21 York as well as the federal constitution and in
22 the New York state constitution, it requires this
23 process to be done by the Legislature.

1 Demographic Research and Reapportionment, 2/16/12

2 MR. HALBERSTRAM: Oh, absolutely.

3 SENATOR NOZZOLIO: Now--

4 MR. HALBERSTRAM: [interposing] No
5 question.

6 SENATOR NOZZOLIO: --the constitution as
7 the voice--the document of the voice of the
8 people have said this is what we expect and what
9 we want.

10 MR. HALBERSTRAM: No question.

11 SENATOR NOZZOLIO: That is not our
12 choice, it's the constitution's choice. So, I
13 think that certainly you raise a, a question of
14 conflict and it's--you're not the first person to
15 do so and, of course, I think at every hearing
16 we've heard that question. But you asked where
17 the, where the, the standard is and where that
18 process begins and it begins, really, in the
19 state constitution. It ends in the state
20 constitution, it says the Legislature is the only
21 enterprise that can do this process. Now, people
22 can disagree with that and they're certainly
23 welcome to change the constitution of the state

1 Demographic Research and Reapportionment, 2/16/12

2 of New York, that's what is about our government
3 and the beauty of it and it's very fluid. My
4 question; would it be a conflict for the Senate
5 and the Assembly to draw the congressional lines
6 under your--

7 MR. HALBERSTRAM: [interposing] Not as
8 much, not as much.

9 SENATOR NOZZOLIO: --not as much.

10 MR. HALBERSTRAM: Not as much, no. It
11 would not, in fact, be the same kind of conflict.
12 I fully--so I would actually, probably have no
13 objection to the state Legislature drawing the
14 congressional lines.

15 SENATOR NOZZOLIO: It's, it's an
16 interesting topic that my good friend and I
17 discussed today--

18 MR. HALBERSTRAM: [interposing] In fact,
19 in California, as you know, there were two
20 propositions, California adopted an independent
21 redistricting commission for this round and there
22 were separate propositions for redistricting the
23 state legislature by commission, independent

1 Demographic Research and Reapportionment, 2/16/12

2 commission and the congressional, the
3 congressional, drawing the congressional
4 redistricting map. So, clearly other people have
5 also felt that this, these are separate issues
6 although they might appear to have to be
7 regulated in the same way. May I respond?

8 SENATOR NOZZOLIO: Oh, I--

9 MR. HALBERSTRAM: [interposing] May I
10 respond to your other comment about the
11 manipulation of the constitution.

12 SENATOR NOZZOLIO: That was a charge
13 made, that's what, just want to clarify, that was
14 a charge that somebody else made.

15 MR. HALBERSTRAM: --the charge, yes, and
16 I don't, I don't mean to make this personal
17 because none of this is really personal, it is
18 about the institutional situation. Indeed, I
19 think it is fair to say and not an overstatement
20 that the provision in the constitution has been
21 used, the LATFOR has the discretion, you
22 characterized, let me, let me finish. You, you

1 Demographic Research and Reapportionment, 2/16/12

2 said LATFOR is required to draw that extra 63rd
3 district in the way it has done.

4 SENATOR NOZZOLIO: No, I didn't say
5 that.

6 MR. HALBERSTRAM: That is not correct.
7 It is not accurate. LATFOR, the, the only
8 explanation that I have heard anywhere and no one
9 has given a different explanation, is that the
10 63rd district has been drawn to preserve the
11 Republican political majority in the Senate. And
12 that it is likely that had that district not been
13 drawn, had a, had a new majority minority
14 district, Hispanic or African American, been
15 drawn in New York, on Long Island, instead of in
16 Albany, and had Mr. Grisanti's district not been
17 shored up, it is very likely that the Senate
18 would have gone Republican. Now that's not a
19 political interest--

20 SENATOR NOZZOLIO: [interposing]
21 Professor, that's not the issue. The issue, with
22 all due respect, the issue is whether the charge
23 said that the constitution was manipulated to

1 Demographic Research and Reapportionment, 2/16/12

2 increase the number of the Senate. The response
3 was that the formula drives this process. It's
4 in the constitution. There was never a
5 discussion I made, or anyone in this panel made,
6 about where this, the ultimate district is
7 placed. The question is whether the--the
8 question at hand was whether or not there should
9 be a district as dictated--an additional district
10 added to the Senate numbers based on the formula
11 in the constitution. That's the issue at hand--

12 MR. HALBERSTRAM: May I?

13 SENATOR NOZZOLIO: --you can, you can
14 extrapolate all you want, frankly I don't really
15 have a question for you to extrapolate on.
16 You've already made your point two or three
17 times. And it's been made by others. The fact
18 is I, I believe the charge of manipulation was,
19 was relative to the creation of the seat on the
20 first place. And at that, I believe would be in--
21 --and the counsel's believe that an advised on
22 this issue provided advice on this issue is that
23 a plan would be jeopardized if it did, if it did

1 Demographic Research and Reapportionment, 2/16/12

2 not have this placement. That--I've been
3 reminded I've gone over the five minute rule, but
4 you know what, I'm a chairman and I don't have a
5 five minute rule. So, I appreciate you and I can
6 continue this discussion at some other time, I
7 appreciate very much your input and thank you
8 very much for your present, presentation today.
9 Any other questions, members of the panel?

10 Hearing none, thank you very much, professor.

11 Laura Williams. Laura Williams, Laura, I'm sorry
12 L-O-R-A Williams. L-O-R-A Williams.

13 MS. LEVINE: She left.

14 SENATOR NOZZOLIO: She left.

15 MS. LEVINE: We have your name, okay - -
16 came up from the - - .

17 SENATOR NOZZOLIO: Alvin Thomas. Good
18 afternoon, Mr. Thomas.

19 ALVIN THOMAS: Good afternoon, I guess
20 it is now. You know, I know there's a, a problem
21 here. See, you're not from here, but all these
22 folks here, we've been through this twice
23 already, okay. Where we sit here and we talk and

1 Demographic Research and Reapportionment, 2/16/12

2 tell you what the people want and then you still
3 go do what you want to do. Okay. You keep
4 getting stuck on the word manipulation. Let's
5 stick with the world self-interest 'cause that's
6 what this whole thing is about. Just self-
7 interest, okay, I mean, we're talking about
8 taking from 35 to 5 percent of the black
9 population out of the 60th district and, and
10 basically from a man who, I don't understand how
11 he won in the first place, but that's the last,
12 after last week's comment and I use this word
13 because that's what he used, last week's comment
14 of nigger. Okay. I need him to come for--I need
15 him to come down here and I need him to explain
16 to all these folks how he--no, I'm not going to
17 say the N word because I'm not soft enough,
18 because he didn't call a security guard the N
19 word, he called him a nigger. And I need the,
20 the this conflict of interest that you keep
21 talking about, there's no conflict of interest.
22 It's self-interest. It's all about what's going
23 to work best for the people that are in office,

1 Demographic Research and Reapportionment, 2/16/12

2 okay. We watch, we watch two other bodies of
3 government pick and chose how they were going to
4 lay their district out, not to help me, not to
5 enfranchise most of people you see here, not to
6 stall, but basically just to get what they want.
7 You talking about taking--you talking about all
8 these, all these black folks will be
9 disenfranchised if you let this man who we know
10 is not a nigger lover, let this man come in and,
11 and just chop out, like, what over 100,000 votes
12 that may not vote for him? Didn't he win the
13 first time, what's he scared of? Keep it real,
14 okay, I'm not, I'm not a lawyer, I'm not a
15 doctor, I'm not a, a, I don't work at any school,
16 I'm not going to sit here and use big words, I'm
17 just going to sit here and tell you that we've
18 been through this before and, and I don't have to
19 step in something for you to tell me how it
20 smells. I don't have to step in something for
21 you to tell me how it smells. I don't have and
22 have you take a man like Fred Mesiah and talk to
23 him about issues that are not on the table when

1 Demographic Research and Reapportionment, 2/16/12

2 just 15 minutes before that you gave you own
3 soliloquy about how you don't discuss and you
4 didn't sign on because you didn't see the bill.
5 You did the same thing and then you turn around
6 and ask him to do it. These people are not
7 stupid, we've been here before, not too long ago.
8 We've been here, we watched one district here go
9 from one side of town across natural boundaries
10 go all the way around the water, come back up
11 just to keep one elected official in office.
12 We've been here before. Okay, and if you serious
13 about doing what you say, if you're serious about
14 helping us out, then include us in the district
15 where we can have some representation because I
16 know you'll--I'll never see you again. Thanks
17 for letting me talk. No questions?

18 SENATOR NOZZOLIO: Chris Barbera, Chris
19 Barbera.

20 CHRIS BARBERA: So, it's my
21 understanding that the political, economic and
22 social order is maintained and preserved,
23 perpetuated primarily by fear. And that fear is

1 Demographic Research and Reapportionment, 2/16/12

2 the root of power and so when a mind that is
3 poisoned by fear makes laws, then it's inevitable
4 that racism and poverty and war and environmental
5 destruction will just be inevitable. So, my
6 specific proposal to you is this: de-occupy the
7 fear from your mind. Now, secondly you can see
8 how this whole structure is set up that the
9 majority of people are out here and we are giving
10 obedience to the few powers here. This is the,
11 the democratic, this is the empire system and
12 it's not democratic. This is not consensus
13 democracy, this is whatever word you want to use,
14 but you can see how the power is all focused to
15 one individual here and then transferred to the
16 individuals there, completely undemocratic,
17 against the laws of physics against the law of
18 spirit.

19 SENATOR NOZZOLIO: Valerie Neederhoffen.

20 Valerie Neederhoffen. She left, thank you, sir.

21 John Davis. John Davis. Shirley Hamilton. Good
22 afternoon.

1 Demographic Research and Reapportionment, 2/16/12

2 SHIRLEY HAMILTON, NAACP-NIAGARA FALLS:

3 Good morning, oh, good afternoon, I started it
4 was in the morning. My name is Shirley Hamilton.
5 I reside at the 1155 Ontario Avenue in Niagara
6 Falls, New York 14305 and I am president of the
7 NAACP, Niagara Falls branch. I'm here to speak
8 against the proposed redistricting maps for
9 Niagara Falls. Section 2 of the Voting Rights
10 Act of 1965 prohibits voting practices or
11 procedures that discriminate on the basis of
12 race, color or membership in one language
13 minority groups identified as section 4F2 of the
14 Act. In 1909, the National Association for the
15 Advancement of Colored People, the NAACP was
16 created with the mission to promote blacks civil
17 rights including to secure them from impartial
18 suffrage. Southern legislators quickly devised
19 alternative ways to keep Southern blacks
20 disenfranchised through the early 1960s. We're
21 not going backwards to the days of taxation
22 without representation, because we all know, we
23 all know that the war of 1775 was fought then,

1 Demographic Research and Reapportionment, 2/16/12

2 not today in 2012. It seems as though you're
3 taking a page from the playbook of the South by
4 trying to disenfranchise African Americans here
5 in the North in New York State. Our right to
6 participate in the electoral process are being
7 unlawfully denied or abridged by the New York
8 State legislators when they came out with this
9 redistricting map that separates the African
10 American voting block of Buffalo and Niagara
11 Falls. This plan dilutes minority voting
12 strength such that the political processes
13 leading to nomination or election in Niagara
14 County and in parts of Erie County, that are not
15 equally open to participation by minorities. As
16 such, it violates the Voting Rights Act of 1965.
17 This plan would result in African Americans
18 having less opportunity than, than others of the
19 electorate to participate in the electoral
20 process and elect representatives of our choice.
21 And please don't think we're naïve enough to
22 think that this was not a conscious effort to
23 limit our voting strength or the strength of

1 Demographic Research and Reapportionment, 2/16/12

2 people of color, to increase electoral
3 opportunities of white voters, don't think that
4 we're naïve enough to think that things have
5 changed and in 2012 we are--would not be
6 affected, don't think that we are naïve enough to
7 think that this plan was not devised so that our
8 community would not make up a significant portion
9 of the proposed official constituency so that
10 these elected officials would be left with or no
11 incentive to respond to our needs. They rarely
12 respond now and we usually only see them around
13 election time, yet it seems as though we get
14 treated with little respect and so much disdain.
15 We have the same needs as everyone else. We want
16 our taxes lowered, we want living wage jobs for
17 our children and our families, our members. We
18 want decent affordable housing, we want
19 healthcare, we want an educational system that
20 works for all of the people, not just some, some
21 of the time. But the top 1 percent of this
22 state, nation that continuously believes that the
23 top down approach works and we'll just be

1 Demographic Research and Reapportionment, 2/16/12

2 grateful to accept the crumbs off the table where
3 all the decisions are made, they usually most
4 always disproportionately affect the working
5 class, the middle class, the lower class and the
6 impoverished class people of society. Enough is
7 enough. We are tired of being lumped into a
8 category of the have nots, because are not at the
9 table to demand our rights as American citizens.
10 We have the right to have our voices heard in New
11 York State Senate. The gerrymandering that has
12 been done to protect the status quo is shameful
13 and we wonder why nothing seems to change for the
14 better quality of all residents in this so called
15 Empire State. Please allow me to give you a
16 current day example of what the proposed plan
17 looks like using the legislative districts in
18 Niagara County. Niagara County, County until
19 recently had 19 county legislators. There was
20 only one, only one legislator the represented the
21 African American community, there has never been
22 more than one. I repeat there has never been
23 more than one. And the only reason, the only

1 Demographic Research and Reapportionment, 2/16/12

2 reason we had that one representative was because
3 a group of ordinary citizens sued to--with the
4 help of the National Chapter of the NAACP to
5 create this district under Section 2 of the
6 Voting Rights Act to ensure that our voices did
7 not remain silent. To make sure that we, the
8 people, had a chance to elect representation that
9 would address our constituencies as well as
10 represent the people of Niagara County. And that
11 representative was one of the best legislators
12 that Niagara County has ever had, implementing
13 landmark legislation that our community as well
14 as our county needed. What if those citizens did
15 not sue? What if those citizens did not take a
16 stand to let their voices be heard and known. We
17 as a community, Niagara County as a county and
18 Western New York as a region would have been
19 deprived of the inspired leadership that provided
20 us by this individual, a woman, a person of
21 African descent, descent. Why is--this is why
22 diversity is good, because all voices have the
23 opportunity to sit at the table with disparate

1 Demographic Research and Reapportionment, 2/16/12

2 perspectives to solve some of the most difficult
3 problems.

4 MS. LEVINE: Ms. Hamilton, you need to
5 summarize, please.

6 MS. HAMILTON: And this is why our
7 region continues to be in doldrums. We
8 continually do the same old thing the same old
9 way. I was told if you want to make change, you
10 must come up with a game changing strategy.
11 Insanity is just doing the same thing over and
12 over again and expecting different results.
13 Well, I'm here today to tell you that we, the
14 people, are not insane. And we will not do
15 things here in Niagara, Erie counties the same
16 old way, we believe in holding our elected
17 officials accountable. And this may appear as a
18 new concept to some of you, but we do have
19 rights, we know our rights and we're going to
20 exercise our rights. We're going to exercise our
21 legal rights, our constitutional rights, our
22 civil rights, our human rights, our ballot box
23 rights, our protest rights, our petition rights

1 Demographic Research and Reapportionment, 2/16/12

2 and our God inalienable rights, which has been
3 given to each and everyone of us by all seeing
4 and all knowing God who controls this universe
5 and who I have called upon to give me strength,
6 wisdom and knowledge to make sure our rights will
7 not continually be violated by those in power who
8 only care about preserving the status quo. The
9 status quo ain't good anymore. Our communities
10 are dying due to lack of all the inclusive
11 leadership at every level of government. If the
12 current premise which brought about this proposed
13 plan, plan to separate African American
14 communities in Erie County and Niagara County
15 were true, then there should have been more than
16 one person of color out of 19 districts in
17 Niagara County elected to the Niagara County
18 legislator. This is not, it has not and it will
19 not be the case. We have forgotten our history,
20 we have forgotten, we have not forgotten our
21 history, we have not forgotten that blood, sweat
22 or tears that took us up to this point in our
23 history. We knew how to fight then and, trust

1 Demographic Research and Reapportionment, 2/16/12

2 me, we certainly know how to fight now. And we
3 will win, because we have God, truth, the law the
4 people on our side. Thank you.

5 SENATOR NOZZOLIO: Thank you very much,
6 Samantha Colon. Samantha Colon. Is there--

7 SAMANTHA COLON: [interposing] Good
8 afternoon. I appreciate the opportunity to speak
9 before the LATFOR committee. I'd like to begin
10 by saying gerrymandering is politically
11 motivated, it is wrong. It doesn't serve the
12 people. I'm a New Yorker, I was born and raised
13 in Suffolk County, I went to universities in
14 Monroe County and I moved to Buffalo for
15 university and I stayed in Buffalo. I live on
16 the east side of Buffalo where my state senator,
17 Grisanti, has not shown his face since he has
18 been elected. Now, I don't understand the
19 purpose of gerrymandering a district for him when
20 he got elected in a predominantly Democratic
21 district. That don't make no sense. And really,
22 I'm just, I'm just a person on the streets, I
23 live in my community, whatever. But it seems

1 Demographic Research and Reapportionment, 2/16/12

2 like this is a political thank you from if, if
3 Governor Cuomo approves this new district for
4 him, it's going to seem like a political thank
5 you for Grisanti being that pivotal vote on gay
6 marriage. That's all I want to say.

7 SENATOR NOZZOLIO: Thank you very much.
8 Rita Yelda. Rita Yelda, Yelda.

9 RITA YELDA, FOOD AND WATER WATCH: Hell,
10 my name is Rita Yelda and I'm a resident of
11 Buffalo, New York. Thank you so much for
12 allowing me to speak today. I reviewed LATFOR's
13 proposed redistricting maps and have a few short
14 comments to share. The main issue with the
15 current proposed plan is the state Senate. The
16 three long east-west districts, 59, 61 and 62
17 poorly serve the communities of Western New York.
18 Districts should not stretch from Buffalo to
19 Rochester metro areas and should instead be
20 oriented around each city. There is also the
21 issue of the new district 60 which pops out to me
22 right away when looking at the proposed maps
23 because of the unusual shape of the district and

1 Demographic Research and Reapportionment, 2/16/12

2 the communities that it includes. It appears to
3 be designed to protect the current incumbent.

4 This district avoids the less conservative voters
5 of Buffalo and skirts along the water to combine
6 northern and southern suburbs. Western New York

7 is a unique area that needs to be divided up

8 accordingly. As a side note, I'm an organizer

9 for Food and Water Watch in Western New York

10 Drilling Defense and I'd like to state that we

11 also have our own local issues here that will be

12 affected by redistricting. If the current

13 proposed districts go through, the only senator

14 who will represent Niagara Falls is Senator

15 Maziarz which is unwise. Niagara Falls is the

16 first location to begin testing carcinogenic,

17 radioactive waste water from hydrofracking to see

18 if they can treat it which is a horrific thing

19 Western New York should not be the guinea pig

20 for. Last year, Senator Maziarz said that

21 treating toxic waste could be Western New York's

22 cottage industry and out of all the state

23 legislators, he received the most money from the

1 Demographic Research and Reapportionment, 2/16/12

2 gas industry for his campaign. Niagara Falls is
3 already an area plagued with jaw dropping cancer
4 rates and a legacy of Love Canal and it would
5 have no one watching over it. I am opposed to
6 the separation of Buffalo and Niagara Falls
7 because of issues like this. This hand out of
8 Niagara Falls is another to disenfranchise
9 minority voters. I have seen Common Cause New
10 York's maps for Western New York and they appear
11 to be much more fair overall. So, I'm here today
12 to ask LATFOR for maps that more truthfully
13 represent the varying communities of Western New
14 York without taking into account any party
15 politics.

16 SENATOR NOZZOLIO: Martha McMillan.

17 MARTHA MCMILLAN, BAILEY BLOCK CLUB:

18 Good afternoon.

19 SENATOR NOZZOLIO: Good afternoon.

20 MS. MCMILLAN: I am a concerned citizen
21 of Buffalo, New York. I came here from the south
22 and as long as I have been here, when I first
23 came here they said this was equal opportunity

1 Demographic Research and Reapportionment, 2/16/12

2 coming north. Since I have been here, it's been
3 a lot going on and I listen to you as President
4 Mesiah spoke, the way you laugh and the way your
5 demeanor was to him, which was not right. But
6 for me to say I am a concerned citizen, I have
7 been all over, I have traveled the country and to
8 sit here and see you make a mockery of our
9 President Mesiah was not right. First of all,
10 first of all, and the other thing, what you do is
11 to take the black vote, take our voting rights
12 away from us hurts me very dearly, very dearly
13 'cause I am from the South. And there a lot of
14 things go on. To come here and sit here in this
15 council and see you speak to my people that way
16 is not right. You sit and you laugh and you
17 smirk which is not right. You give us our right,
18 let us make the decisions on what is right for
19 us. Don't take our rights away from us. It is
20 not right, it is unfair to the minority, to the
21 blacks. If you take it away, we will not have a
22 black senator again. If you redistrict and do
23 all this, we know that we would not have another

1 Demographic Research and Reapportionment, 2/16/12

2 black senator. We won't. But you won't tell us
3 because you want to do what you want to do.

4 You're going to do what you want to do anyway
5 whether we speak or stand up. But I stand up

6 today as a black African woman standing proud,

7 let me tell you, I'm a proud black woman. Proud

8 of my ancestors who fought and gave us the

9 dignity to vote and to stand for what is right.

10 We will not stand for this anymore, anymore. The

11 question you have for me, go to my dog.

12 SENATOR NOZZOLIO: Samuel Hebert, Samuel
13 Hebert. Juliet Graves.

14 JULIET GRAVES: My name is Juliet Graves

15 and I'm a citizen of Buffalo, New York. I only

16 came to observe what's going on in the council

17 and I was, I came to get material to take back to

18 my students and say this is how government work.

19 But when I came in, there was no information,

20 there was no information, so I'm sitting here to

21 say I am upset because if we--if you're going to

22 be teaching people about redistricting this

23 community, it should be enough of material to go

1 Demographic Research and Reapportionment, 2/16/12

2 around for everybody, whether they come in early
3 or whether they come in late, because I saw a map
4 and I thought it was from this council but it
5 wasn't, it was from someone else and I am totally
6 disgusted in people that's going to represent
7 communities and don't give enough of material.

8 In my classroom, if I come to work without
9 preparing material, my principal would tell me to
10 get my hat, my books and my coat and go home.

11 So, I am here to if you have anymore meetings,
12 make sure there's enough material to go around.

13 Everybody may not have computers. May everybody
14 may not have a cell phones that with cameras on
15 them. So, you have to consider all the people in
16 the community. So, when I go back to my

17 classroom, I have nothing to show. I can say
18 well, you know, I got up and I spoke, but that
19 doesn't help them. They need to have something
20 concrete to see and go on the computers.

21 Everybody don't have computers. So, when the
22 next time you have a meeting, make sure there's

1 Demographic Research and Reapportionment, 2/16/12

2 enough information to, to go around. That's all
3 I have to say and thank you for letting me speak.

4 SENATOR NOZZOLIO: Terrence Robinson.

5 TERRENCE ROBINSON: Good afternoon. My
6 name is Terrence Robinson, I'm a private citizen
7 living in the city, city of Buffalo. I'm also a
8 community activist which is something like a
9 community organizer but without the
10 responsibility. I think that my focus before
11 this panel is on the larger issue that I believe
12 that necessarily this entire process is fatally
13 flawed. Regardless of what the work product or
14 outcome of the LATFOR task force maybe, it will
15 necessarily be superimposed upon more local
16 redistricting and district considerations. I
17 think that that is an inherent flaw in this
18 scheme and the reason I come before you is
19 because I, I would like for this panel to take as
20 a charge both in its capacity as the LATFOR task
21 force and in your individual capacities of the
22 representatives to address this issue.
23 Necessarily, communities of interest have been

1 Demographic Research and Reapportionment, 2/16/12

2 eroded in various redistricting schemes
3 throughout the state of New York. I think that
4 that's a process that has occurred over decades
5 and as far as I'm concerned, Democrats,
6 Republicans, in this context are, are labels that
7 share a common interest. That common interest
8 has been incumbency protection. That first
9 occurs at the local level. You're here in the
10 city of Buffalo today and this is in, in some
11 respects, an excellent case study. Gentleman
12 before me spoke to the problem of the
13 gerrymandered districts within the city of
14 Buffalo. When we begin with that fundamental
15 gerrymandering, which we've had an excellent
16 opportunity to see the practical consequences of
17 it over this electoral phase. When you begin
18 with a fundamental inequity, when you begin with
19 a fundamental flaw in the most basic local
20 districts, that is only aggravated when you
21 attempt to put a superstructure on it, first at
22 the county level, then at the state level and the
23 Assembly and Senate districts and then finally,

1 Demographic Research and Reapportionment, 2/16/12

2 in the congressional districts. Once you have
3 that fundamental unfairness and flaw, whatever
4 you do, to some extent aggravates that. And it
5 goes then further to the very most fundamental
6 unit, which is the election district. The
7 election districts, by the way, the laws of the
8 state are written, it, it becomes a complex
9 interplay between party politics, partisan party
10 politics and the structure of government itself.
11 And what it does is fundamentally undermine the
12 credibility of the entire electoral process.
13 What has happened here in the city of Buffalo,
14 first with our council redistricting,
15 subsequently with our county redistricting and
16 now with the imposition of the state and Senate
17 district has conflated governance with partisan
18 political machinations. And it does it
19 philosophically, it's, it's almost something that
20 you cannot get out of without a fundamental
21 readdressing of the way that redistricting occurs
22 within the state of New York but first and
23 fundamentally, at the local and municipal level

1 Demographic Research and Reapportionment, 2/16/12

2 and then beyond that. When you have communities
3 of interest that are divided for political
4 considerations, then the persons that are elected
5 as representatives cannot, by definition,
6 represent communities of interest. That cascades
7 in such a way that you cannot do holistic and
8 logical development plans on either the economic
9 or social sphere. So, that you're constantly
10 serving another interest. In other words, you as
11 legislators, you as the representatives of the
12 people, in doing the people's business, are
13 fundamentally incapable of advancing in any
14 logical way, interest that reflect the people's
15 interests. It, it is a natural process. But
16 that does not make it any, any less insidious--

17 MS. LEVINE: [interposing] Mr. Robinson,
18 if you can summarize your - - , please.

19 MR. ROBINSON: --what ends up--what we
20 have here has become sort of a collusive system
21 that, in essence, protects entrenched plutocratic
22 policies because our founding fathers recognized
23 these inherent flaws and structured a particular

1 Demographic Research and Reapportionment, 2/16/12

2 system to address those flaws, but naturally,
3 over time the, the interest of power, you know,
4 exude their influence. And so, that it's time to
5 really take a fundamental step back and to
6 address on a legislative level this entire
7 process. What you're doing here, to some extent,
8 and I mean no disrespect by that, but it's a
9 fool's errand, necessarily. Because no, no--
10 regardless of how perfect a state redistricting
11 effort you were able to come up with, it would be
12 imposed on a flawed foundation.

13 MS. LEVINE: Mr. Robinson, we need to
14 conclude, please.

15 MR. ROBINSON: Okay. I, I just would
16 like to say that I'm a preservationist, I'm in
17 the sustainable development and coming with those
18 foundations, I recognized in advocating for those
19 various policies, that it was almost impossible
20 for me to do that in a, in a realistic way and I
21 would just to like to, for the record, one of the
22 big benefits that has come out of this process
23 and I have to applaud Senator Dilan in his

1 Demographic Research and Reapportionment, 2/16/12

2 advocacy for, for almost independently correcting
3 an injustice in regard to the, the representation
4 and the enfranchisement of prisoners within the
5 political context within the state of New York.

6 I, I recognize that stepping outside of even the
7 context of the LATFOR task force and doing that,
8 that that is, to me, a very significant and
9 positive development if no other comes from--out
10 of this process. Thank you.

11 ASSEMBLYMAN MCENENY: A couple of
12 observations, one general that we've listened to
13 literally hundreds of people give testimony and
14 it's interesting in this, the 23rd public hearing,
15 couple of issues came up. Your previous speaker,
16 Juliet Graves, whom I take it is a speaker, is a
17 teacher, was the first person to seriously object
18 to the lack of paper material available. I think
19 it if was ten years ago, we would have had a
20 revolution but it shows that I'll just include
21 myself as one of those dinosaurs that would
22 rather see it in paper. I was surprised that we
23 didn't get more heat on it and it shows that

1 Demographic Research and Reapportionment, 2/16/12

2 between the public library, home computers, group
3 computers, that the technology is, is out there
4 whether we like it or not. But I personally
5 would have rather seen more paper handouts. Your
6 comment is the first that I've heard on
7 redistricting as it involves the entire process
8 of city, of county and other branches before we
9 get up to our level. It's not secret that the
10 Senate the Assembly have been trying to negotiate
11 a constitutional amendment and from my insiders
12 point of view, I've been doing this for 40 years
13 on a local level, but not on a state level, the
14 things like block on border and town on border
15 which slaughter neighborhoods and communities of
16 interest, I'd like to see them out of there.
17 There are people who want, they say an
18 independent board, you don't want somebody so
19 independent. I used to say well, then give it to
20 French Canadians because they'll be independent,
21 you never have anyone without any bias or
22 background or experience. But usually they mean
23 bipartisan and also someone who's not a member or

1 Demographic Research and Reapportionment, 2/16/12

2 recent member of the body being, being
3 redistricted. But the other thing is, and, and
4 I'm one of those people who would like to see an
5 independent redistricting commission, but I don't
6 want to hand it over without rules and one of the
7 rules is community of, of interest. A community
8 of interest as defined is not defined. We have
9 had advocate that the, the gay community be kept
10 together, that the merchants association be kept
11 together in a revitalized street, that commuting
12 patterns be recognized up and down a road or in a
13 particular area that, that racial groups be kept
14 together, language groups be kept together. Some
15 feel keeping Democrats together is a community of
16 interest or putting Republicans together is a
17 community of interest. How would you define, in
18 general, a community of interest?

19 MR. ROBINSON: I think that, I think
20 that persons of good intent can arrive at a
21 reasonable definition of what a community of
22 interest. I can speak to the process that has
23 occurred within the city of Buffalo over the last

1 Demographic Research and Reapportionment, 2/16/12

2 30 or 40 years is to have a planning process that
3 comes up with master plans that define
4 neighborhoods, that define economic and, and
5 planning quarters. All of those things, to some
6 extent, exist already legislatively and they
7 exist in the things that you do everyday to
8 allocate funding to particular projects. To
9 determine what legislative intent or what
10 legislative initiatives are necessary to further
11 the public interest. I think that, in some, to
12 some degree, these things are long codified and
13 even if we were to go, and they are, to some
14 extent imperfect, to a large degree. But I will
15 go just to the city of Buffalo's planning process
16 which has come up with a master plan which is
17 relied on incalculable calculations based on
18 sometimes neighborhoods, sometimes ethnicity,
19 sometimes political interest, sometimes
20 geographic interest. These things are extant
21 right now. And that is, that is where I see the
22 inherent flaw that when you're talking about
23 doing the things that you do every single day in

1 Demographic Research and Reapportionment, 2/16/12

2 the legislature in terms of allocating resources,
3 that's essentially what it comes down to; making
4 tough decisions in the old phrase guns or butter.
5 But all of those allocation decisions are based
6 upon some sort of sense of a community of
7 interest. Now, when you define it at the micro
8 level and you get into things like election
9 districts or census blocks and that sort of
10 thing, I, I think that if you were to look at
11 this process anew and to try to alleviate for the
12 immediate time and proceed in a logical, holistic
13 ways, that those sort of things will or to some
14 extent, apparent. Obviously, over the period of
15 decades, the, the thing will corrupt itself. It,
16 it just has to. It's, it's human nature, but I
17 think that that should not, the perfect cannot be
18 the enemy of the good. And this is so removed
19 presently from any rational sense of how to do
20 the business of the people that the political
21 process has become an animal completely unto
22 itself and completely divorced from the public
23 good and it makes your mission impossible.

1 Demographic Research and Reapportionment, 2/16/12

2 ASSEMBLYMAN MCENENY: Well, then my
3 final question is a yes and no; do you think when
4 and if we can put together a constitutional
5 amendment which will create some independent
6 entity is as best we can, should we also, in that
7 amendment include local branches of government
8 like the county and the city and require it in
9 every city and every county in the state of New
10 York, for example?

11 MR. ROBINSON: Just briefly, and I know
12 - - I, I think it's his mistake first of all to
13 talk about political decisions and to assume that
14 there is an apolitical aspect of it. It is
15 necessary--these are necessarily political
16 decisions. And if it does not, whatever the
17 architecture of that amendment maybe, if it, if
18 it allows the perpetuation of those existing
19 special interest groups then it's self-defeating.
20 It's, it's a futile exercise anyway. I think
21 that in some sense this almost has to be a
22 theoretical approach that, in the best of all
23 possible worlds, this is how it would occur. And

1 Demographic Research and Reapportionment, 2/16/12

2 then I think necessarily it will exclude the
3 existing political and special interest
4 superstructures.

5 SENATOR NOZZOLIO: Thank you very much.
6 Thank you very much. Ron Cunningham, Ron
7 Cunningham. Aletha Sadic, S-A-D-I-C. Janice
8 Nelson-Wells. Janice Nelson-Wells.

9 ASSEMBLYMAN MCENENY: Right here, yup.

10 SENATOR NOZZOLIO: - - Ms. Nelson.

11 JANICE NELSON-WELLS, YOUTH PLANNING
12 COUNCIL: Okay, thank you for this opportunity.
13 I have to voice my opinion, yes. Pretty much
14 what I had on my heart has been said by Mr.
15 Mesiah, the school teacher and Sam McGavern and
16 the professor. However, I just wanted to say
17 that on behalf of the Youth Planning Council,
18 which is a community based organization that
19 gears young people into resources that solidify
20 what their interests are, I think it behooves the
21 school system concerning political terms such as
22 gerrymandering, gentrification, redlining,
23 redistricting, all those ugly words that come up

1 Demographic Research and Reapportionment, 2/16/12

2 especially during this season, the political
3 season, a lot of our young people may not know
4 what these words mean, but they get the brunt of
5 what it actually comes out to be. And I think we
6 need to be. And I think we need to include our
7 children more so at the educational level, so
8 that when they come out of high school and enter
9 college, they may have a political interest and
10 knowing that gerrymandering is not always the
11 best thing, redlining, redistricting and
12 gentrification can hurt a community. And along
13 with black history, teaching these kinds of
14 important terminology can help our young people
15 be more formidable in helping our elders and
16 sometimes our young people can teach us if we pay
17 attention to what they say and hear what they're
18 saying. So, in a perfect world, yes, we can have
19 everything we need before and still mess it up,
20 but quote unquote, we don't live in a perfect
21 world. So, I'm being sarcastic. But the fact of
22 the matter is I think we need to include our
23 children early on on those things that they have,

1 Demographic Research and Reapportionment, 2/16/12

2 they get the brunt of, because our children get
3 the end of what our decisions are. We're very
4 selfish people as, as adults and our young people
5 get the brunt of our selfish decisions. So, I
6 think that we maybe a kindergartner won't, you
7 know, benefit from knowing what gerrymandering
8 is, but by the time they in high school, they
9 should be more familiar with this from either
10 their churches and the community. So, we need to
11 let to our children be in on the ground floor in
12 some more of those things that effect them in the
13 long run. And with the Youth Planning Council,
14 these are some of the interests that we have and
15 I applaud the teacher for mentioning the fact
16 that there was no information to disseminate to
17 the young people, because they are interested.
18 Thank you.

19 SENATOR NOZZOLIO: Thank you. Thank you
20 very much. Arthur Robinson.

21 ARTHUR ROBINSON, SENECA-BABCOCK BLOCK
22 CLUB: Thank you. I was here in August and here
23 again.

1 Demographic Research and Reapportionment, 2/16/12

2 SENATOR NOZZOLIO: I remember you.

3 MR. ROBINSON: My name is Arthur

4 Robinson, I am a block club president. I am also
5 on the board of block clubs which represents 517
6 block clubs, 21,000 strong for the city of
7 Buffalo. I'm sorry. And the contingent I got
8 from everybody was why draw new lines? Leave the
9 lines the way they are. The numbers support that
10 the lines should not be changed. You've added a
11 63rd senator which, to me, should come from New
12 York City because they had a gain of 4 percent, I
13 think, a population gain, but it shouldn't--the
14 lines and the percentages are the same, they
15 should not really be changed that much, so why
16 should the lines be changed? They should stay
17 the way they are which supports the people of
18 Niagara and Erie County. It shouldn't be changed
19 because, in fact, it disenfranchises people. And
20 it really waters down the vote of the African
21 American community itself. And that should
22 never, never be allowed. So, thank you.

1 Demographic Research and Reapportionment, 2/16/12

2 SENATOR NOZZOLIO: Thank you very much.

3 Larrone Williams, Larrone Williams. Yes. Okay.

4 Larrone?

5 LARRONE WILLIAMS, PRESIDENT, EAST SIDE

6 BLOCK CLUB: - - good morning ladies and

7 gentlemen, my name is Larrone Williams and I am a

8 block club president and I'm also a community

9 activist in the east side. A lot of the people

10 that are here know me, I come to certain events

11 and I speak out when I think there are problems.

12 And I speak out when there are problems not just

13 dealing with gerrymandering or basically most

14 problems that exist within our communities.

15 Earlier you said--asked Terry about how things

16 should be linked up as people. 40 some odd years

17 ago, when New York City went broke, Western New

18 York bailed them out. The state of New York

19 bailed them out. When our plants closed, when

20 the auto industry left, nobody came. Nobody

21 came. I look at the senatorial set up of the new

22 district and I know for a fact I have more in

23 common with the people in with the people of

1 Demographic Research and Reapportionment, 2/16/12

2 Niagara Falls than I have with the people in
3 Wyoming County. Not that I don't like Wyoming
4 County, I don't frequent Wyoming County that
5 often. I drive through Wyoming County. But
6 anyway, I have a statement that I want to read
7 and I'm going to read it and let you people do
8 what you have to do. My name is Larrone
9 Williams, I think this senatorial thing is a
10 question of fairness. I think it is a question
11 of inclusion, the last four senators that we have
12 had that represent that senatorial district, two
13 have been minorities and two have been of the
14 greater majority. One has been a Republican,
15 that seemed like democracy to me. The drastic
16 changes in the senatorial district will dilute
17 the minority vote. And surely hurt, hurt us all
18 in the long run. In some ways this smacks of Jim
19 Crow. Do we reside in New York or do we reside
20 in Texas? Our way the state's that our, my
21 parents chose to move to in 1955 or are we going
22 to regress to the politics of divide and conquer.
23 In closing, we are not happy with these proposed

1 Demographic Research and Reapportionment, 2/16/12

2 lines. And we're calling on the legislative
3 bodies and the governor to respond to our fears.
4 Hopefully, the people that are here today can
5 earnestly see that there are fears and they are
6 fears that are in politics that are driving
7 politics from nationwide. And this is not
8 America. This is not the America that I grew up
9 as a child looking forward to. I look forward to
10 the day when I could elect a minority mayor, I
11 look forward to the day when I could elect a
12 minority state senator. But I also voted for
13 state senators in the majority. Me and Mr.
14 Grisanti, we have conversations, I don't believe
15 he's an unjust man, I believe that this district
16 that's being formulated is unjust. And before we
17 do something that will hurt us all as New
18 Yorkers, we need to sit, contemplate, go out
19 among the people, find out what they want beyond
20 just this little arena. There are people that
21 are in this state that don't have access to
22 computers and Twitter and all this other stuff.
23 We're the absent, we're the absent people that I

1 Demographic Research and Reapportionment, 2/16/12

2 have to and knock on their doors and ask them are
3 they hungry. Ask them is their lights and gas
4 on? We do things in our community that no one
5 else seems to care about. But I also know that I
6 can call Mr. Slaughter and say I don't like it.
7 When we recently had this asbestos problem, we
8 raised heck and trust me, if this procedure
9 persists, it's not going to be that 99 percent
10 people that are sitting out there on the grass,
11 it's going to be real live people that understand
12 that we do not want to regress to a separate but
13 unequal political. Thank you very much.

14 SENATOR NOZZOLIO: Frank Garland. Mr.
15 Garland, are you representing a city council
16 member?

17 FRANK GARLAND: Yes.

18 SENATOR NOZZOLIO: Thank you. Would you
19 be so kind--

20 MR. GARLAND: [interposing] Good
21 afternoon.

22 SENATOR NOZZOLIO: --as to state your
23 name and the name of your member.

1 Demographic Research and Reapportionment, 2/16/12

2 MR. GARLAND: Yeah. Good afternoon, my
3 name is Frank Garland III, I am a legislative
4 assistant to Council Member Demone Smith,
5 Buffalo, Buffalo Common Council.

6 SENATOR NOZZOLIO: I'm sorry, I didn't
7 hear the first name.

8 MR. GARLAND: My name is Frank Garland
9 III. Okay, as a legislative assistant, I get a
10 lot of calls--

11 SENATOR NOZZOLIO: [interposing] Excuse
12 me.

13 MR. GARLAND: --from our constituents.
14 Many of my, many of our constituents for the
15 Masten district are in the gallery here today.
16 Now, the thing is, the problems that we have
17 here, the problem we may have here is that when
18 you redistrict, when you redistrict in the sense
19 that you redistrict, yes, it's okay to do that,
20 but this is a bit extreme. They say to the
21 victor goes the spoils, but this is gotten out of
22 hand, unfortunately. Now, the thing is: is we
23 all have a right to equal representation. We all

1 Demographic Research and Reapportionment, 2/16/12

2 have a right, you know, we all have a ballot, we
3 all have a voice, we all have a ballot, we all
4 that voice is our ballot. The problem is: is
5 that if you redistrict the way, the way the plan
6 is going to be arranged, you--what will happen
7 is, is there will be a group of people who will
8 be left behind. And unfortunately, that's not a
9 good thing. As a life long resident of when I
10 first realized where I was at it was the 50, 58th
11 district, then the 59th district then the 60th
12 district. But, you know, I've seen redistricting
13 done before, but not to this extreme. Would it
14 be wrong to have an independent council outside
15 of the Senate to redistrict based on vote,
16 populations, so forth rather than to have a bunch
17 of men in the room redistrict so they can keep
18 their jobs. Now, the thing is, can I get--we get
19 calls everyday from not only our district, people
20 in the city of Buffalo, people in the city of
21 Buffalo feel that they're going to be left behind
22 and unfortunately, that's not a good thing
23 because we are one of the biggest cities in the

1 Demographic Research and Reapportionment, 2/16/12

2 state. I just ask that maybe, just maybe the
3 governor will see it in his heart to veto this or
4 maybe force a constitutional amendment for an
5 independent task force on redistricting. That
6 way you don't have senators who come in trying to
7 keep their jobs because they know next time
8 around they may not be there. You know, we, we
9 all do things to keep our jobs, but this is a
10 little bit extreme, unfortunately. Okay. Okay.

11 SENATOR NOZZOLIO: Thank you very much.

12 Jim Anderson.

13 ASSEMBLYMAN MCENENY: - - you Jim.

14 SENATOR NOZZOLIO: Jim Anderson. That's
15 it.

16 JIM ANDERSON, STATE VICE PRESIDENT,
17 CITIZEN ACTION OF NY: Can I ask you a question,
18 am I last person, by any chance?

19 SENATOR NOZZOLIO: Sir?

20 MR. ANDERSON: Am I last, by any chance?

21 SENATOR NOZZOLIO: No, because what we
22 do is--

23 MR. ANDERSON: [interposing] Okay.

1 Demographic Research and Reapportionment, 2/16/12

2 SENATOR NOZZOLIO: --your--

3 MR. ANDERSON: Because I didn't want
4 ya'll to leave on a bad note.

5 SENATOR NOZZOLIO: --no, no, you're,
6 you're last so far, but before we do it, we read
7 any name of anybody who's missing and couldn't
8 show for any reason or other and then we ask if
9 there's anybody here present who would like to
10 speak.

11 MR. ANDERSON: Okay. Okay. I'm fine
12 with that, I, I--

13 SENATOR NOZZOLIO: [interposing] So far,
14 you're last.

15 MR. ANDERSON: Okay. Great.

16 SENATOR NOZZOLIO: Yeah.

17 MR. ANDERSON: Well, anyway, and first
18 of all, let me just say, you know, I, this is
19 black history month and I thought about some of
20 the great words and lessons the elders have
21 taught us, one told us you don't go to the crook
22 for justice. Another told me, he said, there is
23 a time at which silence because betrayal. And so

1 Demographic Research and Reapportionment, 2/16/12

2 I stand between those two. I'm not calling you
3 crooks but I am here to indict you because I
4 think you guys were already the gatekeepers on
5 this issue. I think at the moment that this idea
6 was hatched, and you did not stand up there and
7 your caucus areas, in your council, in your
8 legislative chambers and raise holy hell that you
9 did a disservice to the people that you're there
10 to render statesmanship on behalf of. I feel
11 like this amounts to nothing but the regular,
12 okay, we hatch a bad idea, now we got it through
13 the gate and you run around and, and you're kind
14 of doing that. I don't even accept the good
15 features that you done on some other things that
16 don't relate to this issue. See, you know,
17 because that's part of the trick that has downed
18 most communities and particularly communities of
19 color in the first place, is because you'll come
20 and you'll say how well you were in another area
21 or another issue, but I don't want talk about
22 your good features, I want to talk about your bad
23 features and your bad features are on this issue,

1 Demographic Research and Reapportionment, 2/16/12

2 in this nation, where racism is clear, you can
3 wear a blindfold and you know racism exists. I
4 want to also and I, and I believe that some of
5 you may be impacted by white privilege and almost
6 white privilege and that, that you don't fully
7 understand how that impacts you. Now, I also
8 want to say, for the people, this is not a time
9 for us to be quiet, this is time for open speech
10 and fearless thinking and we all trying to think
11 and we're all trying to figure out why the heck
12 you guys couldn't get this thing right in the
13 room. No doubt, not doubt at all in this whole
14 redistricting scheme, the rights of people of
15 color in this area should not be diminished. No
16 doubt that trying to redistrict this area to
17 ensure safety for Senator Mark Grisanti should
18 not be done, nothing against the man, but that
19 should not be done and, and you guys are not
20 blind and know that it shouldn't have been. But,
21 you know, history is clear, year after year,
22 scheme by scheme, people's rights are trampled
23 underfoot, laws are perverted and all kind of

1 Demographic Research and Reapportionment, 2/16/12

2 stuff is released upon communities with seemingly
3 little care because you're not going to feel the
4 weight of this. So, I'm going to tell you this;
5 every economic decision, ever state legislated
6 decision must be judged in the light of whether
7 it protects or undermines the dignity of human
8 persons and the rights. It is true that in this
9 state that this state legislature has been very
10 weak in doing that. And it is true at this
11 moment that this body you cited, you know, in, in
12 the fact that you mentioned about the papers not
13 being dispersed. Well, you know, that was a ball
14 that was in your arena. And you could have done
15 that, but also is an insight to where you're
16 thinking and fore thought is about the people
17 you're dealing with. It has been long
18 recognized, however, that the special status of
19 corporations, the place they have in our history,
20 the amount of power they have gained from their
21 economic endeavors have also invaded our
22 democracy and indeed our electoral process. And
23 so, one of the reasons I come to indict you, I

1 Demographic Research and Reapportionment, 2/16/12

2 don't think that you guys really stand on behalf
3 of the people but more the interests of those who
4 can finance reelections or those things you
5 really care about. I may sound offensive and I,
6 and I mean to make it somewhat personal because I
7 think, until you feel the depth of how the so-
8 called statesmanship that is supposed to come out
9 of Albany has played in our communities and
10 others, I don't think you can really understand
11 some of the things you heard here today. We
12 didn't come to be articulate, we didn't come to
13 truly understand all the law, but we did come to
14 under--try to understand why you, who have been
15 elected to higher office to represent on
16 everybody's behalf, seem to get this self-imposed
17 blindness about its impact on folks that will be
18 harmed. In this issue of redistricting, there is
19 no question, you got a long history. I heard the
20 sister and you did too and you already probably
21 know the history of what redistricting has done
22 to communities of colors in all of the South
23 below Canada. And to sit here, to think that

1 Demographic Research and Reapportionment, 2/16/12

2 there's some myth or some kind of well, there is
3 no independent commission needed, there's just
4 fairness and the will of you who already elected.
5 You don't need another body to be sent off to go
6 hear the concerns. Don't you travel the state?
7 I mean, you're in your positions and you're not
8 reaping the brunt and carrying the load that many
9 of us have to carry and then you want us to
10 swallow this. I'm reminded when New York City on
11 a detective's office, there was a sign that say,
12 you know, if you can't impress them with
13 brilliance, dazzle them with BS and in some ways,
14 these kind of hearings become that. You know you
15 guys should be out here arguing, arguing and
16 before the people why it should be one or the
17 other. You do it in the safety of the, of the
18 kind of games, you don't neither party is all
19 that good, anyway--

20 MS. LEVINE: [interposing] Mr. Anderson,
21 you need to summarize your statement.

22 MR. ANDERSON: --neither party. All we
23 want is simple statesmanship. All we want is

1 Demographic Research and Reapportionment, 2/16/12

2 fair representation and to look at that map, if
3 you didn't have any words before you, if you
4 looked at that map of how they're drawing the 60th
5 district and try and think that's okay, then it
6 is true what Malcolm said, you can't get justice,
7 you don't go to get justice from the crooks.

8 Thank you.

9 SENATOR NOZZOLIO: Anyone else wishing
10 to testify, we've exhausted those who have been
11 called, anyone else wishing to testify, sir,
12 you're next. Please, for the record, state your
13 name and where you're from and anyone else
14 wishing to provide testimony this afternoon,
15 please come forward after the conclusion of this
16 speaker. Good afternoon, sir--

17 RONALD E. CUNNINGHAM, CAC [interposing]
18 That was - - .

19 SENATOR NOZZOLIO: --would you please
20 state your name?

21 MR. CUNNINGHAM: My name is Ronald E.
22 Cunningham, I reside at 1616 15th Street--

1 Demographic Research and Reapportionment, 2/16/12

2 SENATOR NOZZOLIO: [interposing] I'm
3 sorry, sir, I couldn't hear your name.

4 MR. CUNNINGHAM: --my name is Ronald E.
5 Cunningham.

6 SENATOR NOZZOLIO: Thank you.

7 MR. CUNNINGHAM: I reside at 1616 15th
8 Street, Niagara Falls, New York. The city known
9 as the king power, queen of beauty and the
10 honeymoon capital of the world. This country is
11 founded on no taxation without representation.
12 Therefore, this committee should be very careful
13 on how they draw the congressional and state
14 legislative lines. The Niagara Falls is a
15 multicultural diverse community. And the lines
16 should reflect the people in those communities.
17 And it should not be watered down, 38 states
18 right now are suppressing voter rights throughout
19 this country. And they're not using Jim Crow
20 anymore, they're just blatantly drawing lines, so
21 we, we don't even need the Ku Klux Klan anymore.
22 We just draw the lines and, and you're finished.
23 And I would, would beseech you brothers and

1 Demographic Research and Reapportionment, 2/16/12

2 sisters not to become a part of that political
3 atrocity and right the Latinos, the African
4 Americans and the struggling white folks in this
5 community off. This is inner city, this is where
6 our strength lies and this is--we should have a
7 right to be represented. And I'm, I'm seriously
8 concerned about the, the watered down version of
9 our vote. I really think that the lines that
10 they have just should basically stay intact.
11 There, there hasn't been that much change in
12 demographics, so I, I just think that when, when
13 people feel like they're threatened by losing
14 power, they become deviant and afraid. I, I
15 think that the lines should be kept intact
16 basically, I think we as, as people in the man
17 mentioned about black history month, just, just
18 upon the first man to die in the Revolutionary
19 War was a black man, Crispus Attucks. That just
20 shows you we, we love this country, too. And I
21 don't think the sharing of power by getting us
22 the right to vote should be unacceptable to you
23 all. I, I think we should make sure that we have

1 Demographic Research and Reapportionment, 2/16/12

2 the ability to elect a state Assemblyman or
3 legislator of color in New York State, too. So,
4 I hope you just don't write us off with these,
5 with these lines. Let's, let's give everybody a
6 fair chance to participate, participate in the
7 political process. Thank you for listening.

8 SENATOR NOZZOLIO: Thank you. Thank you
9 very much. Is there anyone else, miss? You - -
10 now.

11 SISTER WANDA STRONG THOMPSON HOWARD:

12 I'm sure many people know who I am and those who
13 don't, I am going to introduce myself. I'm
14 Sister Wanda Strong Thompson Howard, I represent
15 God as he has called me to minister to His
16 people. I'm also the mother of former New York
17 State Senator Antoine Thompson. And I would be
18 wrong to sit here and not say a word. As God as
19 placed me back in Buffalo, New York and it was
20 this weekend, ten years ago, Patriots Day
21 weekend, February of 2002 when the Lord had me
22 come back to Buffalo, New York. I am not
23 surprised at anything that has been said here, I

1 Demographic Research and Reapportionment, 2/16/12

2 am not surprised at anything that's going on in
3 New York State, because God has spoken to me, he
4 has shown me in the Word, the Holy Bible, all the
5 things that goes on in this state. And as
6 someone said, the things that's going on is, it's
7 an embarrassment to our state. I used to did not
8 see the fall of America. But I begin to see over
9 the past ten years, the fall of our country with
10 the things that are going on in this state, in
11 this country. God is an equal opportunity God.
12 He love us all in spite of our sin. He doesn't
13 care if we're black, white, Hispanic, he doesn't
14 care if we're Baptist, Apostolic, Catholic, rich
15 or poor, he love us all. He put us all here to
16 get along, to love each other and build. No, and
17 I'm not representing my son, because I know he's
18 done an excellent job. And as I said to my son,
19 about the gay marriage bill, I said let me say
20 this to you, Antoine, whatever you do, you got to
21 respect the Word of God. If it costs you
22 position to do what God, your position with God
23 has said in his Word, forget the job. But I want

1 Demographic Research and Reapportionment, 2/16/12

2 to say to everybody, in this redistricting and
3 all that is done, God is not pleased, he's not
4 pleased. And the decisions that we make as
5 adults, it's going to not only effect this
6 generation, but you can curse one, two, three,
7 four, five, six, seven, eight, nine, ten
8 generations. So, in conclusion, I don't want you
9 all to leave here thinking that behind those
10 closed doors that God does not have his eyes on
11 you all, because he does. I don't worry about
12 what you say about us, I know our family and the
13 things that does not surprise me is all the
14 things that my family have suffered because of
15 the call and the position that Antoine have had.
16 Okay, because God covers us, we have endured a
17 lot. But this here Buffalo, New York, Western
18 New York, is not surprising. We've got to pray
19 for these people and all I'm saying, in my words
20 is, may the Lord be with you for generations to
21 come, you've got to pray and know that you know
22 that God is in control in the name of Jesus
23 Christ. God bless you.

1 Demographic Research and Reapportionment, 2/16/12

2 SENATOR NOZZOLIO: Thank you very much.

3 Good afternoon.

4 LESLIE THOMAS: Hello, my name is Leslie
5 Thomas and I'm from Birmingham, Alabama. I've
6 been in Buffalo for over 40 years now. My
7 husband used to be the locksmith, 1476 Fillmore
8 Avenue and I have owned my own business now for
9 about six months and my business is One Man's
10 Junk is Another Man's Treasure boutique. And I
11 come here because I was disappointed in how you
12 want to set up the district. I live at the
13 corner of Fillmore and Woodlawn and about two
14 years ago, my pipe busted and I needed help from
15 FLAIR and they could not help me because in the
16 computer, it got me the Masten district and also
17 have me in the Fillmore district. So, I asked
18 the lady, I said well, which part of my house is
19 Fillmore district and which part is the Masten
20 district? And she said you need to go down to
21 city hall and--so they can give you a statement
22 of, of where you at. And I couldn't get it.
23 It's really crazy. Again, about six years ago, I

1 Demographic Research and Reapportionment, 2/16/12

2 needed a gas meter and they came down Fillmore
3 and they put gas meters in and went across the
4 street and I asked the man; I said how come I'm
5 not going to receive a gas meter? He say because
6 if I come over this here street, you are in the
7 Masten district. I said well, I'd be doggone.
8 So, I didn't get a gas meter. Again, I'll call
9 city hall, I needed a tree cut down and they told
10 me it would cost me \$1,000 to get this tree cut
11 down. Okay? I said all right, but thank God for
12 the tree storm. When the branches start to fall
13 from this here dead tree, after a while, they
14 came out, the city of Buffalo came out and they
15 cut the tree down for free. Come on, only thing
16 I have to say is we have got to get it together.
17 Because when a storm come, it doesn't matter what
18 color, where you live, you're going to go down.
19 So, in order for this here thing to work, we need
20 to come together, thank you for this opportunity.

21 SENATOR NOZZOLIO: Thank you very much.

22 Calling again, anyone who wishes to testify. Did
23 some, yes, miss? And you're next.

1 Demographic Research and Reapportionment, 2/16/12

2 SENATOR NOZZOLIO: You should ask. If
3 you could have it placed on the recording,
4 please, state your name.

5 JANICE BELL: Okay, my name is Janice
6 Bell and I host a weekly radio broadcast on WUFO,
7 it's called You Need to Know and my comment is
8 you need to know do us right and you need to know
9 don't do it. Thank you very much.

10 BLANCHE LECURT: Good afternoon,
11 gentlemen, I'm a little nervous because I've
12 always wanted to come up here. My name is
13 Blanche LeCurt, I'm with the Board of Block Clubs
14 and I'm also very active in my community. I came
15 here because I wanted to speak on behalf of
16 Senator Antoine Thompson, the former senator and
17 also the people in the community, I feel--I can't
18 our of respect to the American people, I think
19 they should wake up the next time they vote for
20 election day, because I feel they voted for the
21 wrong senator who was trying to make a difference
22 and improve and do good for the community in the
23 city of Buffalo and the government. And they

1 Demographic Research and Reapportionment, 2/16/12

2 ended up voting for someone that was
3 irresponsible, Grisanti, I just feel that I'm a
4 United States citizen and I feel that the people,
5 the American people, all due respect, need to be
6 careful how they vote for election day and I'm
7 also speaking for the community people, you know,
8 the American people, of all the problems that
9 going on, to me it doesn't matter whether you're
10 white or color, politician or whatever, I just
11 feel that when the people vote, we would like to
12 politicians to be on top of things and to do
13 their job right to solve the community's--to
14 solve the problems in the community and in the
15 government, because whether you're Republican or
16 Democratic party and are been fighting your color
17 and race is not going to solve the problems at
18 all in the government or the economy or in the
19 community and all, all due respect, this is all I
20 have to say. Thank you for letting me talk.

21 SENATOR NOZZOLIO: Thank you.

22 SENATOR NOZZOLIO: Thank you very much.

23 One last mention, is there any one else wishing

1 Demographic Research and Reapportionment, 2/16/12

2 to testify? Anyone else? If not, the conclusion
3 of the 23rd hearing, I should ask before
4 concluding, any of my colleagues wish to make a
5 statement? Senator Dilan.

6 SENATOR DILAN: First of all, I would
7 like to thank all the members of the public here
8 in Buffalo who participated in both the
9 preliminary and, and the second round. I would
10 like to thank all those individuals who partook
11 in this process throughout the course of the 23
12 hearings that we have had. As the ranking member
13 from the Democratic party, initially from day
14 one, I had called for transparency and I also had
15 called for working sessions where we, as a panel,
16 and where the public could actually see us
17 working and see the process of us drawing these
18 lines. Also initially, I had requested that this
19 panel come up with transparent criteria so the
20 public would know on what basis we were proposing
21 or drawing any preliminary lines or the final
22 product. In those two instances, this commission
23 has failed to produce or work based on those

1 Demographic Research and Reapportionment, 2/16/12

2 requests. Also from the preliminary round, I had
3 also called upon this task force to let the
4 public know whether we were working based on a
5 proposal of 62 seats or 63 seats. We never got
6 that answer. However, we did get that answer on
7 the day that the proposed lines were released to
8 the public. We were all led to believe that we
9 were drawing plans that would have 62 seats, but
10 that did not occur. I do want to thank this
11 panel for implementing the prisoner law of 2010,
12 however that was neutralized as one witness
13 testified yesterday in Rochester, that was
14 neutralized by the fact that we added that 63
15 seat. But that is an issue that apparently will
16 be settled in the courts, so I will not make any
17 further comment with respect to that. The whole
18 purpose of redistricting and reapportionment is
19 for this panel and the state legislature to
20 balance the districts throughout the state both
21 in the Assembly, Senate and Congressional lines
22 to adhere to the one person, one vote. We have
23 also failed miserably in doing that because in

1 Demographic Research and Reapportionment, 2/16/12

2 many districts within the Senate, we ranged from
3 -15,000 to +10,666 and if we really look at the
4 numbers, you subtract one and you add one, that's
5 really a difference of about 25,000 voters in
6 some districts. That doesn't come close to one
7 person, one vote. The only thing that I can hope
8 for, at this time, is that during the course of
9 this second round, I hope that unlike in the
10 preliminary round where I don't think that this
11 panel heard one word the public was saying, I'm
12 hoping that during the course of the second
13 round, that we do hear what you're saying. And I
14 still believe that there is room for this--room
15 and time for this panel to do the right thing and
16 listen to what the public is saying. So with
17 that said, I would like to think, thank all those
18 that participated and before the lines, the final
19 lines are drawn, I hope there is room for
20 discussion for all. Thank you.

21 ASSEMBLYMAN MCENENY: I want to thank
22 the city of Buffalo for their hospitality for two
23 public hearings now in these wonderful chambers

1 Demographic Research and Reapportionment, 2/16/12

2 and for those who have been watching these, these
3 hearings on, on the telecast on the computer,
4 you'll notice that the hearings are geared
5 towards the problem areas and there are a number
6 of areas throughout the state, in fact quite a
7 number, some of whom have minority populations
8 that have received virtually no complaint
9 whatsoever. So, purpose, purpose of the hearing
10 is not to receive accolades of good job here and
11 good job there, but rather to identify the
12 problems. We've listened to your problems, we
13 have to draw maps over the course of slightly
14 over a week and, and do the job that the
15 constitution and the law requires. Thank you all
16 for your participation.

17 SENATOR NOZZOLIO: In concluding, I want
18 to thank the members of the task force for your
19 participation, especial want to thank the
20 citizens of the region for taking time out of
21 your schedules to provide your thoughts and
22 comments. The record reflects those comments and

1 Demographic Research and Reapportionment, 2/16/12

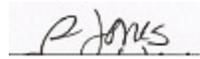
2 that we certainly appreciate the input. This,
3 the 23rd hearing for the Legislative Task Force on
4 Reapportionment and Redistricting is now
5 adjourned.

6 (The public hearing concluded at 1:40
7 p.m.)

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C E R T I F I C A T E

I, Rachel Jones, do hereby certify that the foregoing typewritten transcription, consisting of pages number 1 to 156, inclusive, is a true record prepared by me and completed from materials provided to me.



Rachel Jones, Transcriptionist

2/27/12



**NEW YORK STATE LEGISLATIVE TASK FORCE ON
DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT
PUBLIC HEARING ON CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING
02/16/2012 10:30 A.M. BUFFALO CITY HALL,
65 NIAGARA STREETS COMMON COUNCIL CHAMBERS 13TH FLOOR, BUFFALO NY, 14202
SPEAKERS LIST:**

1. **FRANK HOUSH, ESQ. VICE PRESIDENT, WESTERN REGION, NY DEMOCRATIC LAWYERS**
2. **TIMOTHY M. KENNEDY, SENATOR, 58TH DISTRICT**
3. **RICHARD SIEBERT, REPUBLICAN CHAIRMAN, GENESEE COUNTY
(ON BEHALF OF MARY PAT HANCOCK, CHAIRWOMAN GENESEE COUNTY LEGISLATURE)**
4. **SAM MAGAVERN, CO-DIRECTOR, PARTNERSHIP FOR THE PUBLIC GOOD**
5. **FRANK MESIAH, PRESIDENT, BUFFALO-NAACP**
6. **DAVID J. SALEH, CHAIRMAN, TOWN OF PEMBROKE, REPUBLICAN COMMITTEE**
7. **COUNCILMAN RICHARD FONTANA**
8. **THOMAS P. GREGORY, JR.**
9. **JANET MASSARO**
10. **MICHAEL HALBERSTAM, ASSOCIATE PROFESSOR, SUNY LAW SCHOOL AT BUFFALO**
11. **ALVIN THOMAS**
12. **CHRIS BARBERA**
13. **SHIRLEY HAMILTON, NAACP, NIAGARA FALLS**
14. **SAMANTHA COLON**
15. **RITA YELDA, FOOD AND WATER WATCH**
16. **MARTHA McMILLAN, BAILEY BLOCK CLUB**
17. **JULIET GRAVES**

18. **TERRENCE ROBINSON**
19. **JANICE NELSON-WELLS, YOUTH PLANNING COUNCIL**
20. **ARTHUR ROBINSON, SENECA-BABCOCK BLOCK CLUB**
21. **LARRONE WILLIAMS, PRESIDENT, EAST SIDE BLOCK CLUB**
22. **FRANK GARLAND III (ON BEHALF OF BUFFALO CITY COUNCILMEMBER DEMONE A. SMITH)**
23. **JIM ANDERSON, STATE VICE PRESIDENT, CITIZEN ACTION OF NY**
24. **RONALD E. CUNNINGHAM, CAC**
25. **SISTER WANDA STRONG THOMPSON HOWARD**
26. **LESLIE THOMAS**
27. **JANICE BELL**
28. **BLANCHE LECURT, BOARD OF BLOCK CLUBS**