

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

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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

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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.

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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-

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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

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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 an 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

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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

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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

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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.

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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.

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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

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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

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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

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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

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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.

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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

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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

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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

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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,

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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

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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

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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

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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

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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.

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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

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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

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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

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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.

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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

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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

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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

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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.

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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.

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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

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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

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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

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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

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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...

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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

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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.

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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

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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

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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

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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.

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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--

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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

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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

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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

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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

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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

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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.

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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,

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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

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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--

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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.

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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.

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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

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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

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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--

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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.

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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

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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?

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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--

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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]

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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

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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.

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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

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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

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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

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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.

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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

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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

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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

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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

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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

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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.

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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

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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

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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.

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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--

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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,

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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--

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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,

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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--

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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,

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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

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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.

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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

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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

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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-

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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?

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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,

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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-

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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

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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

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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

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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

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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

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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.

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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

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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.

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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.

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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

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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

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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

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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

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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.

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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

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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

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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

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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

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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

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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

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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

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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--

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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,

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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.

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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

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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

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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

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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

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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

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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.

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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

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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

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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

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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

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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

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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

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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

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2 anger with this task force will continue until we
3 finally achieve fair and honest reapportionment.
4 Thank you very much.

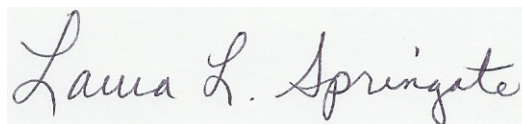
5 SENATOR NOZZOLIO: Thank you. Lou
6 Spersky [phonetic]? Supersky, Lou Supersky? Max
7 Lavine? Fidel Molida? Ariel Fiera? Julie
8 Kubilenti? Elizabeth Bonila? Sidney Parker?
9 Robert Trentlan? Merril McClendonson? Joan
10 Lavine? Henry Calderone? Reverend Conrad
11 Tillard? And Dr. B.M. Marcus? Anyone 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.

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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.

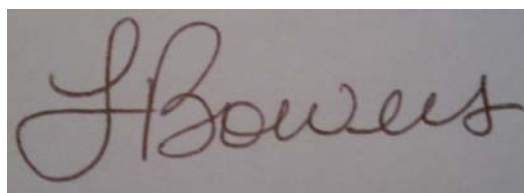
Laura L. Springate,
Transcriptionist

_____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