

By Email and First Class Mail

MEMORANDUM

To: New York State Task Force of Legislative Reapportionment (LATFOR), All Members
Fr: LatinoJustice PRLDEF and National Institute for Latino Policy
Re: Comments and Critique of Proposed LATFOR Senate and Assembly Plans

LatinoJustice PRLDEF and National Institute for Latino Policy (NiLP) are two of the state's leading civil rights advocacy not-for-profit, non-partisan organizations that defend the voting rights and civic participation of the State's Latino communities.

A coalition of non-partisan civil rights organizations representing the Latino, Asian-American and black communities of New York had submitted their "Unity Maps" and accompanying data to LATFOR on October 4, 2012. It was also released to the public. Subsequently, LATFOR released its proposed State Senate plan based on a 63-district scheme In December 2012, which the public was given no notice of, and its proposed State Assembly district plan.

Briefly, what follows are our key objections and concerns regarding several districts being proposed by LATFOR. We enumerate a number of serious concerns which also incorporate recommendations and issues that have been raised by Latino and minority participants in the last round of public testimony held in January and February 2012 before LATFOR.

Proposed Long Island Status Quo

LATFOR's proposed SD 3 and SD 4 covering Suffolk County continue to divide communities of interest between the hamlets of Central Islip (52.1% Latino) and Brentwood (68.5% Latino) in the Town of Islip. With the dramatic population increase in the last decade of 65% in Suffolk County, Latinos have grown from 10.5% to now 16.5% demonstrating an ability to elect candidates of choice in the Assembly and local county legislature. With Latinos having been elected to the State Assembly and local county legislature, it is clear that when given an opportunity to harness its collective voting strength, the Latino community can exercise its rights at the polls. These gains are notable given the history of hate crimes, outright racist comments by both elected officials and other leaders, and antagonism towards this specific growing demographic.

In 2012, it is ever more apparent that if these lines continue to split these communities, LATFOR would be ignoring the totality of circumstances, purposely continuing to divide and dilute this community's ability to influence and elect candidates of their choice.

We have drawn an alternative Senate District 4 in the Unity Plan that would keep various demographics and communities of common interest together. We urge you to consider this alternative to the existing plan that continues to split communities along racial lines and blatantly disenfranchises these communities ability to exercise their rights at the polls.

Unity Plan's Proposed Increase of Latino Majority District in the Bronx

In LATFOR's proposed districts for The Bronx, it is clear that the Latino communities' population increase in an already Latino majority county has become diluted by the lack of creation of an additional Latino Senate district in LATFOR's plan. The Unity Plan maps proposed for the Bronx increases in the number of Latino majority districts from four districts to five; but the most significant detail is how the increase occurs. In LATFOR's plans, Bronx loses part of a Senate seat (SD 31) and in addition, they fail to create a Latino majority district - which our Unity Map demonstrates is both feasible and ultimately, we contend, is required under Section 2 of the VRA.

Instead, LATFOR continues to racially gerrymander Senate districts in the Bronx that unnecessarily concentrate Latino communities into as few districts as possible. LATFOR attempts to create a white district (SD 34) that achieves a 38% white and 38% Latino concentration versus creating a majority Latino district as we have already proven is possible in the Unity Plan map. More specifically, in SD 33, we find that LATFOR is diluting Latino and African-American voters by over-concentrating their populations within SD 33 (67% Latino, 25% Black, and 4% White) and, in so doing, obstruct the ability of these communities to impact the creation of a neighboring SD 34 district as proposed by the Unity Map that could essentially be created with a 57% Latino majority.

Our Unity Map preserves less-concentrated percentages of Latinos based on their demonstrated ability to elect and re-elect preferred candidates. It also provides the evidence needed to demonstrate that LATFOR has, in fact, ignored the opportunity to create another Latino majority district in the Bronx and diluted the Bronx County's Latino majority representation in Albany by creating fewer overall districts.

Proposed Senate District 31 (Northern Manhattan)

SD 31 raises serious issues for the Latino community's continued ability to elect their candidates of choice. In the last decade, the Latino community has developed coalitions, established relationships with neighborhood and political clubs, and ultimately has raised the necessary

funds to run and win a contested State Senate seat in the 2010 election. While the contours of the current district lines should be redrawn to adjust for population loss in Northern Manhattan, the Latino communities' expansive population growth into the Bronx - more specifically, the areas of University Heights and Highbridge - should be where this district expands into.

Instead, the proposed LATFOR plan changes SD 31 by removing its current combined Riverdale (Bronx) and Manhattan district into a Manhattan-only district that takes in all of Washington Heights/ Inwood but strangely travels down the Riverside Drive corridor to pick up select communities in Westside Chelsea in the 20s along 9th Avenue in Manhattan. One could only wonder why such a gerrymander is being proposed. We are certain the way in which this district is being drawn has the effect of retrogressing a decade of progress for Latinos in this current vibrant community.

In the Unity Plan, we are able to preserve this vibrant and dynamic district without separating communities that are located on the two sides of the Bronx River, and have taken into consideration the natural demographic pattern of population flow from Northern Manhattan into the Western parts of the Bronx.

While the demographic data in LATFOR's proposed SD 31 is similar as its original 2000 information and increases Latinos based on 2010 Census data, it is not sufficient to simply keep the numbers the same. We know very well that 56.32% Latino in the LATFOR proposed plan without population affinity and communities of interest will not yield the outcome that has been long fought for throughout the decade. By not following population shifts and understanding our strong communities of interest, LATFOR has simply attempted to capture Latinos without taking other factors into consideration that influence a community's ability to elect and essentially could be deemed retrogressive to Latinos under VRA Section 5.

Proposed Senate District 29 (East Harlem/ Bronx)

SD 29 finds a new configuration that both reduces the number of Latinos, but doubles the number of whites in the district. LATFOR's plans rip apart East Harlem by blatantly gerrymandering African American residents of the 1199 Plaza apartment complexes and booting them into the neighboring SD 30. There is no rationale for violating VRA Section 5 by decreasing Latinos while doubling the number of whites, especially if the Census 2010 numbers do not demonstrate a decrease in Latinos (+1.22%) or a significant increase in whites (+1%) from the 2000 Census data. These changes have the effect of diluting minority voting strength, and by taking this district into the Upper West Side where no traditional community of interest exists clearly demonstrate a consistent intention to retrogress.

Proposed Senate District 13 (?) Jackson Heights / Elmhurst / Queens

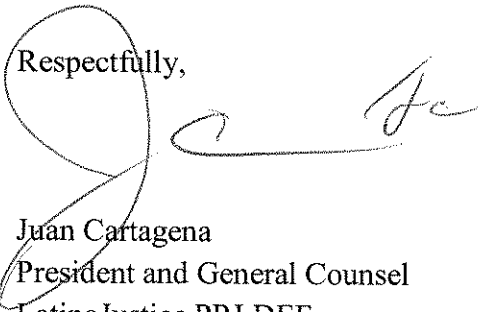
SD 13 demonstrates how egregiously the Latino community of Elmhurst and Jackson Heights has been split up and splintered. Traditional core sections of the Latino community have been inexplicably removed and relocated into the new adjacent SD 16 and SD 17 districts. This will effectively crack the voting power of Latinos and reduce their chances to elect their preferred candidates as they have been able to do in the past decade.

Proposed Assembly District 71 and 72 (Upper Manhattan / Washington Heights)


AD 71 and 72 illustrate how the Latino community is being over-concentrated at 77% into one district while leaving the adjacent district at barely 50.49% Latino. This appears to be a bald attempt at incumbency protection, which is a political gerrymander and the packing of Latinos, while debilitating their influence in a neighboring district. These districts once again attempt to disenfranchise Latinos ability to influence the 71 AD and, with the political gains of the last decade and the increase of civic engagement, Latinos are being targeted to dilute their rights at the polls.

In closing, we believe that genuine problems concern voting and civil rights advocates under the proposed LATFOR State Senate and State Assembly plans which conflict with the Voting Rights Act. It is important for LATFOR and Albany's leaders to recognize these problems and timely address them in new proposed plans.

Respectfully,



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