

NEW YORK STATE LEGISLATIVE TASK FORCE  
ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT

PUBLIC HEARING SCHEDULE

PUBLIC MEETING

Hamilton Hearing Room B  
Legislative Office Building  
2nd Floor  
Albany, New York  
Wednesday, July 6, 2011  
10:00 a.m.

Public Hearing Schedule-LATFOR Meeting, 7-6-11

TASK FORCE MEMBERS PRESENT:

SENATOR MICHAEL F. NOZZOLIO, CO-CHAIR

ASSEMBLYMEMBER JOHN J. MCENENY, CO-CHAIR

SENATOR MARTIN M. DILAN, MEMBER

ASSEMBLYMEMBER ROBERT OAKS, MEMBER

ROMAN HEDGES, MEMBER

WELQUIS LOPEZ, MEMBER

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2 (The public hearing commenced)

3 SENATOR MIKE NOZZOLIO, CO-CHAIR,

4 LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH

5 AND REAPPOINTMENT: Good morning ladies and

6 gentlemen. My name is Mike Nozzolio. I'm proud

7 to be a member of the New York State Legislative

8 Task Force on Demographic Research and

9 Reapportionment. Today is the first meeting of

10 the task force. I'm very pleased that members of

11 the task force are participating and that I'd

12 like to briefly introduce them. On my far right,

13 literally, is a long-term member of the task

14 force, Roman Hedges, joined by Assemblyman Bob

15 Oaks. I'm very honored to be with my co-chair of

16 the task force, a long-time friend, Assemblyman

17 Jack McEneny. To my left is Senator Martin Dilan

18 and that to his left is Ray Lopez. Thank you,

19 gentlemen, for your participation, and that I'm

20 very glad to announce the task force first

21 meeting that we have an agenda, and that I'll get

22 to the agenda as soon as co-chair McEneny has the

23 opportunity to say a few words. Assemblyman?

24 ASSEMBLYMEMBER JOHN MCENENY, CO-CHAIR,

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2 LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH  
3 AND REAPPORTIONMENT: Thank you, Senator. I'm  
4 glad to have people here who are interested in  
5 this very important constitutional process of  
6 adjusting the lines of the New York State  
7 Legislature, as well as the Congress, to comply  
8 with one-person, one-vote requirements for fair  
9 representation in any legislative body across the  
10 country. Our responsibility is to deal with the  
11 legislature and the Congress. This year there is  
12 particular pressure to get moving with the  
13 reapportionment or the redistricting process  
14 because the Justice Department has quite rightly  
15 raised the specter of a high percentage of  
16 service men and women, in particular those  
17 serving our nation in Iraq and Afghanistan, are  
18 not having their absentee ballots counted, and  
19 our senatorial and congressional delegation has  
20 been moving for this. It's been a full  
21 generation since New York State had other than a  
22 September primary, and while one way to ensure  
23 the required 45 days in advance of getting  
24 absentee ballots out would be to move it back to

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2 August. Realistically, August and July are a  
3 time when people are on vacation; they're  
4 scattered, they're visiting friends and family,  
5 and that means we are going back to something  
6 that the older members here remember, which is  
7 probably a June primary, and this would mean that  
8 the political calendar which would be voted on  
9 early in the session would actually have people  
10 getting nominating petitions. They'd have to  
11 know where their lines were out as early as  
12 March. So, this is something that I think all  
13 legislators feel we have a fiduciary  
14 responsibility to address and we are doing that  
15 now through the announcement, as you'll hear  
16 shortly, of public hearings to bring the public  
17 in across the state, and I'll leave that to  
18 follow up but this is the process, this is why we  
19 are doing it. We are governed by civil rights  
20 law, voting rights law and the concern that New  
21 Yorkers be properly represented.

22 SENATOR NOZZOLIO: Thank you,  
23 Assemblyman. Before asking other members of the  
24 task force if they would like the opportunity to

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2 speak, I'd like to first focus attention to two  
3 items; the agenda proposed today is for the task  
4 force to agree to a hearing schedule. We've  
5 proposed 12 hearings across the state that it's  
6 the intention of co-chairman, and I believe all  
7 the members of the task force, that this process  
8 be as open and as transparent as possible.  
9 Starting out with 12 hearings in every region  
10 across New York is the agenda; a hearing  
11 scheduled for Syracuse, Rochester, Albany,  
12 Westchester, Binghamton, Buffalo, Queens, Bronx,  
13 Kings, Manhattan, Richmond and Long Island, to  
14 take place between now and the middle, early part  
15 of the fall.

16 Before pushing before the task force the  
17 agenda item, though, I would like to indicate  
18 that it is agreement of the members of the task  
19 force that there will be a video of each hearing  
20 placed on the LATFOR website for all to see; that  
21 the task force wants to maximize the ability to  
22 provide information to the public and believe  
23 that the hearings and the text of those hearings  
24 should be totally open to the public so a video

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2 will be taken of each hearing, and placed on the  
3 LATFOR website.

4 We encourage citizens and organizations  
5 from across the state to contact the website,  
6 contact either through email or direct written  
7 comments to the task force. Those comments,  
8 whether they come electronically or through the  
9 mail, will be part of the record that the task  
10 force will be accumulating over the weeks ahead.  
11 The census data for New York State is being  
12 placed on the website, and that that census data  
13 will be accessible to all.

14 The hearings, I think, certainly will  
15 require a vote of the task force but I'd like to  
16 emphasize those hearings are stage one in the  
17 process; that there will be--after plans have  
18 been produced, there will be another stage of  
19 hearings, so that hearings will be available  
20 after plans are proposed so the public can review  
21 those plans and have an opportunity to comment.

22 So, to make it clear, two sets of  
23 hearings; the first will be conducted beginning  
24 Tuesday, July 19th, should the task force agree

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2 to the hearing schedule, and then beginning from  
3 then through the early first week of October.  
4 When plans are produced, then a second round of  
5 hearings will be scheduled by the task force.  
6 Before I ask for a motion to accept the hearing  
7 schedule, I'd like the task force members the  
8 opportunity to speak. Senator Dilan?

9 SENATOR MARTIN DILAN, NEW YORK STATE  
10 LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH  
11 AND REAPPORTIONMENT: Yes. Thank you very much,  
12 Senator Nozzolio and Assemblyman McEneny and  
13 other members of the task force. I'm very  
14 pleased to hear some of your comments this  
15 morning. Senator Nozzolio, I believe that maybe  
16 you have a copy of my statement already, and may  
17 have read it, but there is a couple--

18 SENATOR NOZZOLIO: Great minds think  
19 alike.

20 SENATOR DILAN: --a couple of portions  
21 that you did leave out and since we are going to  
22 have a record of what we're doing here today, I  
23 would just like to read my statement into the  
24 record.

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2 Good morning. I'd like to thank Co-  
3 Chair Senator Nozzolio and Assemblymember McEneny  
4 for calling today's meeting so soon after the  
5 conclusion of our regular session, and as you  
6 know, we have a lot of work to do and major goals  
7 to accomplish. It is important that the 2011/12  
8 redistricting process be the most transparent and  
9 participatory in the state's history. New  
10 Yorkers have made it clear that redistricting  
11 reform is a top priority. It is now up to this  
12 task force to make that happen.

13 Many of my Senate and Assembly  
14 colleagues, Governor Cuomo and myself, have  
15 proposed numerous plans to promote fair and  
16 objective criteria and rules for redistricting.  
17 These criteria range from minimal population  
18 deviation and district configuity to recognizing  
19 and maintaining communities of interest, in  
20 addition to providing the best representation  
21 possible for all communities and populations. I  
22 want to ensure that this task force fully  
23 complies with the 2010 law mandating that prison  
24 populations be reassigned to their homes of

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2 record. I have asked our co-chairs for the  
3 status of the implementation of this law and I  
4 look forward to their response.

5 I also want to ensure that every effort  
6 is made and new technology utilized to facilitate  
7 public involvement throughout the course of the  
8 redistricting process. This task force must  
9 provide New Yorkers with easily-accessible and  
10 useful redistricting data. In addition, our  
11 meetings and hearings should be recorded and  
12 broadcast live over the Internet in the same way  
13 many legislative hearings are viewed live as they  
14 happen. I understand that today's meeting is  
15 being taped and then broadcast later. Hopefully  
16 our hearings can be actually live if that's  
17 possible. I know that we'll be on the road and  
18 that may become difficult but I look forward for  
19 that to happen.

20 With respect to hearings, this task  
21 force should not only hold a series of hearings  
22 before we develop the state and congressional  
23 plans, but also a second hearing after the plans  
24 are proposed and before they are voted on, and I

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2 understand you did make that comment today so I'm  
3 very pleased to hear that. Thank you.

4 I don't believe that this task force has  
5 ever held a hearing in Nassau County and I'm  
6 hoping that we can do that this year. In light  
7 of the recent focus on Nassau County's own  
8 legislative restricting process, now the subject  
9 of federal and state court legal challenges, it  
10 is critically important that we meet there, if  
11 not to avoid a similar fate, then to at least  
12 ensure any plan remains in the light of day.

13 I have included these recommendations of  
14 others in a memorandum that I will be circulating  
15 to all my colleagues here on the task force and  
16 to any member of the public that would like to  
17 have a copy.

18 New Yorkers have resoundingly called for  
19 redistricting reform. There has never been such  
20 demand for a fair, more transparent process,  
21 objective and participatory redistricting.

22 The challenges now before this task  
23 force to meet these public demands and I look  
24 forward to actively participating in that effort.

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2 I'd just like to say thank you to all my  
3 colleagues and I look forward to working with  
4 you.

5 SENATOR NOZZOLIO: Thank you very much,  
6 Senator Dilan.

7 ASSEMBLYMEMBER ROBERT OAKS, NEW YORK  
8 STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC  
9 RESEARCH AND REAPPORTIONMENT: Yes, it's my honor  
10 to represent Assembly Republican Leader Brian  
11 Kolb and to have been appointed by him to this  
12 task force and to be one of the four legislative  
13 members in the six members that make up this task  
14 force as we move toward finding, I hope, an open  
15 process and a fair plan that represents the  
16 interests of all New Yorkers, and I look forward  
17 to working with all my colleagues on this  
18 process.

19 ASSEMBLYMEMBER MCENENY: Thank you very  
20 much. Would either of our other members like to  
21 comment today?

22 SENATOR NOZZOLIO: I appreciate my  
23 colleagues' comments and more importantly, their  
24 work, and as Senator Dilan indicated, we have

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2 agreement on the objective of establishing the  
3 most open and transparent process as is possible,  
4 and that that process will encourage public  
5 input, will seek out and certainly examine those  
6 documents, those emails, those written testimony,  
7 and the testimony that takes place at the public  
8 hearings in order to provide the public with  
9 great opportunity to have an accessible process  
10 and one that provides them the opportunity to  
11 have that input. So, thank you for your  
12 comments. We certainly are--I know co-chairman  
13 McEneny and I certainly agree with those  
14 objectives and we will work hard to achieve those  
15 objectives.

16 May I entertain a motion to accept the  
17 legislative and congressional redistricting  
18 hearing schedule, that is copies, I believe, are  
19 before us, and that may I entertain a motion?

20 ASSEMBLYMEMBER MCENENY: So moved.

21 SENATOR NOZZOLIO: McEneny moved.

22 SENATOR DILAN: I have a quick question.

23 SENATOR NOZZOLIO: Senator Dilan?

24 SENATOR DILAN: Yeah, with respect to

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2 the Long Island hearing, we have, I believe, one  
3 date and has a venue been determined for that  
4 location?

5 SENATOR NOZZOLIO: It has not. I know  
6 Roman Hedges has been working on establishing  
7 those locations, and could you give us an update,  
8 Roman?

9 ROMAN HEDGES, NEW YORK STATE LEGISLATIVE  
10 TASK FORCE ON DEMOGRAPHIC RESEARCH AND  
11 REAPPORTIONMENT: We have been trying to make  
12 arrangements for hearings in the various  
13 locations that we've identified as reasonable  
14 places to have hearings so that the public can be  
15 involved, but we've put a constraint on the staff  
16 as they're searching for locations and venues.  
17 We're kind of cheap, so can we get a free  
18 location. In general, we've been able to find  
19 public buildings. Local governments have been  
20 very helpful and so, that in general, is where  
21 we're looking. At this point, we haven't located  
22 a location in Long Island and we're still  
23 looking. There are a couple of other places  
24 where we have not settled on a place yet either,

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2 largely in the city. In Rochester and Syracuse,  
3 which are the first two venues that have been  
4 identified, we're in public buildings in the  
5 center of the city and those are great locations.  
6 I've been there before and looking forward to  
7 going back.

8 SENATOR DILAN: I would just like to  
9 once again reiterate the comments that I made in  
10 my statement that when we look for a venue in  
11 Long Island that we do take Nassau County into  
12 account. If we can do it before the drawings are  
13 aligned, I believe it would be better so we can  
14 get input from that community, and if that's not  
15 possible, at least in the second round.

16 SENATOR NOZZOLIO: It's certainly noted,  
17 Senator Dilan, and that I also want to emphasize  
18 that the information age will be used to enhance  
19 public participation in the process, that the  
20 hearing schedule will be prominent on the website  
21 of the task force, that although all the sites  
22 have not been yet determined--the dates upon the  
23 acceptance by the task force of the hearing  
24 schedule--the dates will be posted on the website

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2 and the general locations. And as soon as  
3 specific locations can be arranged, those will be  
4 placed on the website as well, so that the notice  
5 will be forthcoming in terms of having adequate  
6 information available to the public as to where  
7 and when and exactly the locations of the  
8 hearings will be. Assemblyman Oaks?

9 ASSEMBLYMEMBER OAKS: Mr. Chairman, just  
10 for procedurally I will second the motion for the  
11 process of the hearings.

12 SENATOR NOZZOLIO: Thank you,  
13 assemblyman. It's been moved and seconded. All  
14 those in favor?

15 ASSEMBLYMEMBER MCENENY: Before we do  
16 that, perhaps we should read it for the benefit  
17 of the transcript, exactly where they are. I'll  
18 leave the locations off since we have some and  
19 not others.

20 Tuesday, July 19th is in Syracuse;  
21 Wednesday, July 20th is in Rochester; Thursday,  
22 August 4th is in Albany; Wednesday, August 10th  
23 is in Westchester; Wednesday, August 17th is in  
24 Binghamton; Thursday, August 18th is in Buffalo;

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2 Wednesday, September 7th in Queens; Thursday,  
3 September 8th in the Bronx; Tuesday, September  
4 20th in Kings; Wednesday, September 21st,  
5 Manhattan; Thursday, September 22nd in Richmond;  
6 and Wednesday, October 5th in Long Island.

7 SENATOR NOZZOLIO: Thank you very much,  
8 Assemblyman. It's been moved and seconded that  
9 the task force accept the proposed hearing  
10 schedule. All those in favor say I.

11 [Whereas all Task Force members said I.]

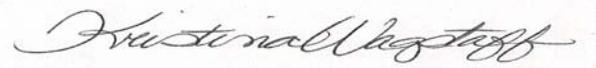
12 SENATOR NOZZOLIO: Opposed, no. The I's  
13 have it and the schedule has been adopted. That  
14 the task force certainly welcomes input from its  
15 members and from the public, that we will be  
16 having a number of other discussions through the  
17 months ahead and we look forward to those  
18 discussions, and thank you very much for your  
19 cooperation and participation. Meeting  
20 adjourned.

21 (The public meeting concluded)

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C E R T I F I C A T E

I, Kristina Wagstaff, do hereby certify that the foregoing typewritten transcription, consisting of pages number 1 to 19, inclusive, is a true record prepared by me and completed from materials provided to me.



Kristina Wagstaff, Transcriptionist

July 9, 2011 Date

NEW YORK STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC  
RESEARCH AND REAPPORTIONMENT

PUBLIC HEARING  
CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING

City Hall Council Chambers  
3rd Floor, 233 East Washington Street  
Syracuse, New York  
Tuesday, July 19, 2011  
10:30 a.m. to 12:30 p.m.

NEW YORK STATE LEGISLATIVE TASK FORCE ON  
DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT

TASK FORCE MEMBERS:

SENATOR MICHAEL F. NOZZOLIO, Co-Chair

ASSEMBLY MEMBER JOHN J. MCENENY, Co-Chair

SENATOR MARTIN M. DILAN

ASSEMBLY MEMBER ROBERT OAKS

DEBRA LEVINE, Co-Executive Director

LEWIS HOPPE, Co-Executive Director

ROMAN HEDGES

WELQUIS "RAY" LOPEZ

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

5 SENATOR MICHAEL F. NOZZOLIO, CO-CHAIR,  
6 LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH  
7 AND REAPPORTIONMENT: Good morning. That is  
8 working.

9 Good morning ladies and gentlemen. The  
10 New York State Legislative Task Force on  
11 Demographic Research and Reapportionment will  
12 come to order. My name is Mike Nozzolio. I'm a  
13 New York State Senator and tasked with the  
14 responsibility of co-chairing the task force  
15 along with my good friend, Assemblyman Jack  
16 McEneny. I represent a district just west of  
17 Onondaga County. I represent the cities of  
18 Auburn and Geneva. The district is within  
19 Central New York and I'm very pleased to begin  
20 these hearings in central New York. I'd like to  
21 at the outset introduce my colleagues who are  
22 members of the committee. Senator Mart Dilan is  
23 a member of the Task Force. Assemblyman Bob Oaks  
is a member of the Task Force. The Task Force is

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3 unique in that it has two co-chairs, Assemblyman  
4 McEneny and myself, two members of the  
5 legislature, and two public members. Our public  
6 members are Ray Lopez and Roman Hedges. Together  
7 we will begin a process starting here in Syracuse  
8 conducting twelve hearings across the state in  
9 every major metropolitan region, in every region  
10 of the state, and that those hearings are  
11 designed to take public input, to hear testimony,  
12 and we want to hear from you as to how you would  
13 like the districts to be drawn. We have two of  
14 our staff also here. We have Debra Levine and  
15 Lewis Hoppe who represents the Task Force and we  
16 appreciate all participation. These hearings  
17 again are going to be focused. We would like you  
18 all to focus your testimony on how you would like  
19 the lines to be drawn. The Task Force does not  
20 set the policies of this state regarding  
21 redistricting. We have only to comply with the  
22 law as it exists. Assemblyman McEneny and I have  
23 a fiduciary responsibility as do all members of  
the Task Force to begin the process, and that

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3 process requires public input and that's why we  
4 decided to go forward with hearings because those  
5 hearings are necessary in establishing the  
6 appropriate legislative process regarding  
7 redistricting regardless of who ultimately draws  
8 the lines. So with that I'd like to as  
9 Assemblymen McEneny for his opening comments.

10 ASSEMBLY MEMBER JOHN J. MCENENY, CO-  
11 CHAIR, NEW YORK STATE LEGISLATIVE TASK FORCE ON  
12 DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT: Thank  
13 you Senator. It's good to see the interest  
14 that's here in the Syracuse/Onondaga area.  
15 There's a number of people here. There's a  
16 number of members I should recognize. I noticed  
17 Senator Valesky is here and Bill Magnarelli from  
18 the Assembly as well as Sam Roberts, Ken  
19 Blankenbush, I think I saw Phil Palmesano there  
20 and Assembly Member Don Miller. And we may be  
21 joined in the course of the morning if not the  
22 day by other elected officials. I noticed City  
23 Councilmen we met earlier from Syracuse and I  
apologize for not having the list of everyone and

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3 the name. It's a governmental and political  
4 process and we're pleased to note Vita DeMarchi  
5 and Tom Dadey who are the Republican and  
6 Democratic election commissioners for Onondaga  
7 County are here also as well. The procedure that  
8 we're going through is one which as the Senator  
9 pointed out is not rules that are made up by  
10 LATFOR which is abbreviation for the New York  
11 State Joint Task Force on Demographics and  
12 Redistricting but by law and by the New York  
13 State Constitution. Some very powerful forces  
14 that will influence the final shape of districts  
15 will be the Voting Rights Act of 1965 and also  
16 the New York State Constitution which prohibits  
17 the division of towns which are larger than an  
18 assembly district. Also this year unlike  
19 previous redistricting years we have added  
20 pressure from the United States Department of  
21 Justice. As many of you know, three of our  
22 counties, New York, Kings County, Brooklyn, and  
23 the Bronx are governed in a very special way as  
civil rights counties under the Justice

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3 Department. But minority voters are protected  
4 throughout the state regardless of what county  
5 they are and we have to be very careful not to  
6 diminish their representation and on occasions  
7 expand it in reflection for the changes in  
8 demographics. But the Justice Department has  
9 also added a new element this year in that  
10 because of the shocking number of servicemen and  
11 women who's absentee ballots have not been  
12 counted, some surveys say as high as 20% have not  
13 been counted because they didn't get in from Iraq  
14 or Afghanistan or some other place where they're  
15 defending this nation and answering their  
16 country's call. The Justice Department wants us  
17 to move the primary elections up. Obviously you  
18 don't take a September primary and turn it into  
19 an August or July primary because people are away  
20 on vacation; it's a very difficult time for that  
21 type of activity. So for those of us who are a  
22 little bit older it means going back to something  
23 that was once familiar, and that means a June  
primary. Now if a June primary is established

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3 and you need 45 days to get the absentees out  
4 start backing it up, you need something like five  
5 weeks to get petitions, back it up again, then  
6 political parties have to have their  
7 designations. They have to notify their members.  
8 I know in our county it's seven day's notice.  
9 And what does that mean? It means that we do not  
10 have the luxury-- And as Senator Nozzolio pointed  
11 out, we have the fiduciary responsibility to get  
12 moving and to get moving rather quickly. So  
13 realistically what's going to happen is this is  
14 the first of two dozen public hearings held  
15 across the state. The first 12 will deal  
16 conceptually with redistricting for Congress, for  
17 the legislature, specific questions and comments  
18 you might want to make that you're not pleased  
19 perhaps with the geographic breakdown or if you  
20 don't feel it represents communities of interest  
21 or commuting patterns or one thing or another,  
22 and we're listening to these very, very  
23 carefully. Then we will go back and actually  
draw districts. And these districts will be put

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3 in the form of a law probably somewhere around  
4 November and then the same 12 hearings will be  
5 held this time with very specific maps for the  
6 public to weigh in, to criticize, and make  
7 suggestions for amendment on. So we don't have a  
8 lot of time. The process will undoubtedly go  
9 into January before a final bill is before the  
10 members for a vote which means hopefully a  
11 February vote, and petitions hitting the streets  
12 at some point in March. Now conceivably you  
13 could get a couple of extra weeks in there  
14 delaying it into March. There is the realistic  
15 possibility that the governor might veto the  
16 bill, the job could be handed over to a master.  
17 The point is we have a tight deadline, we have a  
18 primary coming, and that's the reason why we  
19 start now. So Senator?

20 SENATOR NOZZOLIO: Thank you  
21 Assemblyman. Senator Dilan?

22 SENATOR MARTIN M. DILAN, LEGISLATIVE  
23 TASK FORCE ON DEMOGRAPHIC RESEARCH AND  
REAPPORTIONMENT: Thank you very much Mr.

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3 Chairman. First I would like to say good morning  
4 to all members of the public and to all the  
5 members of the panel. First I would just like to  
6 indicate for the record that I stand by the  
7 statement that I made at the organizing meeting  
8 in Albany and anyone who's interested in terms of  
9 the remarks that I made at that time, that can be  
10 found on the LATFOR web site. But there are just  
11 two points that I would like to mention today  
12 that I would like for this panel to hopefully  
13 clear up at some point as we move along during  
14 the course of these hearings. And the Senate is  
15 unique in the sense that we can determine the  
16 size of the Senate, and I would like for this  
17 panel to determine if we're going to redistrict  
18 the New York State Senate with 62 seats in mind.  
19 I think 10 years ago we were talking about 61  
20 districts and at the end we wound up with 62 so I  
21 would just like for us to firm that number  
22 upfront so the public and others who may be doing  
23 their own maps will know how to proceed with that  
respect. And the second item is that we do

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3 comply with the law. I think I heard both co-  
4 chairpersons indicate that they're complying with  
5 the law and the second issue is the law that was  
6 passed in 2010 mandating that prisoners be  
7 counted in their home of record. And if that  
8 cannot happen then I'm asking that they not be  
9 counted at all in the current facilities where  
10 they may be at. So hopefully as we proceed we  
11 can clear those two issues up. That way we know  
12 the size of the Senate and that we are indeed  
13 complying with the laws. So with that said I'd  
14 like to say thank you and we'll move on.

15 SENATOR NOZZOLIO: Thank you Senator  
16 Dilan. Assemblyman Oaks?

17 ASSEMBLY MEMBER ROBERT OAKS, NEW YORK  
18 STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC  
19 RESEARCH AND REAPPORTIONMENT: Thank you Senator  
20 and it's my pleasure to join with you today in  
21 this hearing. I'll defer any further comments to  
22 move right to our people who are going to be  
23 testifying.

24 SENATOR NOZZOLIO: Thank you

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3 Assemblyman. Before we do that do our citizen  
4 members wish to say anything at this time? Mr.  
5 Lopez, Mr. Hedges?

6 MR. ROMAN HEDGES, NEW YORK STATE  
7 LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH  
8 AND REAPPORTIONMENT: Just one brief thing. I've  
9 been in this room before doing this exact job.  
10 I've looked forward to returning. I look forward  
11 to the day, I look forward to hearing from you.  
12 Thank you.

13 SENATOR NOZZOLIO: Thank you very much.  
14 Our first testifier, John Field [phonetic]. Mr.  
15 Field here? Our second testifier—Mr. Field?

16 MALE VOICE: No.

17 SENATOR NOZZOLIO: Second testifier  
18 Donald Goulet. Good afternoon. Good morning  
19 rather. Would you please have a seat and for the  
20 record tell us your name, address, and who you're  
21 representing.

22 MR. DONALD GOULET, VOLUNTEER, LEAGUE OF  
23 WOMEN VOTERS, SYRACUSE METRO AREA: My name's  
Donald Goulet and my address is 118 Annetta

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Street, Syracuse, New York.

3 MR. MCENENY: If I may point out for the  
4 record you'll see the cameras here. The  
5 testimony is being recorded by camera, will show  
6 up on the LATFOR web site and also will be turned  
7 eventually into written transcript since these  
8 matters then have to go for review by the Justice  
9 Department with a proper transcript. And the  
10 public should be able to weigh in and watch this  
11 on the web site within a very short time. Thank  
12 you.

13 DONALD GOULET: Thank you. Morning. My  
14 name's Donald Goulet, and I'm here as a member of  
15 the League of Women Voters of the Syracuse  
16 Metropolitan area. I appreciate your allowing me  
17 to speak and your attention to the views of the  
18 League of Women Voters for the process of  
19 redistricting New York State for the next 10  
20 years. The goal of redistricting should be  
21 election districts which fairly represent the  
22 communities of the state. It should be a  
23 transparent, objective process that puts the

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3 interest of the voters before the interests of  
4 legislators attempting to hold onto their seats.  
5 We strongly recommend that the drawing of  
6 district lines should not be done by legislative  
7 leaders whose self-interest is to protect the  
8 individual legislator and the balance of power in  
9 their respective houses. The present partisan  
10 process of gerrymandering where most of the races  
11 are predetermined has led to New York having one  
12 of the highest incumbency rates in the country  
13 and the title of the most dysfunctional  
14 legislature in the nation. As a result, there's  
15 little interest from the electorate who vote or  
16 to participate in the political process.  
17 District lines should reflect the interest of the  
18 communities, and the voters should determine the  
19 political makeup of the legislature. This can be  
20 accomplished by an independent commission which  
21 would draw the lines for the legislative and  
22 congressional districts. It should be  
23 nonpartisan and reflect the diversity of our  
state. The process should be open to public

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3 input and subject to legislative approval. Such  
4 a commission can operate with the approval of  
5 both houses of the state legislature and the  
6 governor under the State Constitution. According  
7 to a Quinnipiac Poll in June, 2010 two-thirds of  
8 the voters polled across all parties believe that  
9 an independent party should draw the lines. The  
10 governor has proposed legislation to form an  
11 independent commission. Sixty-one out of 62  
12 senators and 123 out of 150 assembly members have  
13 either signed on to his legislation, legislation  
14 proposed in their respective houses, or signed  
15 pledges and questionnaires from good government  
16 groups in support of reforming the redistricting  
17 process. A key element of the governor's bill is  
18 a reduction in the allowable population  
19 difference between election districts. The  
20 current allowable deviation from the average is  
21 plus or minus 5% which results in a 10%  
22 population difference or 30,000 voters per Senate  
23 district and 12,000 voters per Assembly district.  
The Governor's bill would reduce this

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3 differential to 1% and bring us closer to the  
4 concept of one man, one vote. There is still  
5 time to form an independent commission before the  
6 2012 election and enact the will of the citizens  
7 of New York. Thank you.

8 SENATOR NOZZOLIO: Thank you very much.  
9 Professor Joan Mandle? I neglected to mention  
10 this, if you have written testimony please submit  
11 it for the record.

12 MR. MCENENY: Also, and any citizen of  
13 New York may submit written testimony at any time  
14 in the process and it will go into the record, so  
15 if somebody couldn't make it to this meeting and  
16 thinks of something after the followup all of  
17 that goes into the record.

18 JOAN MANDLE, PH.D., CITIZEN ACTION OF  
19 NEW YORK: That's very good. Thank you. Good  
20 morning I'm Joan Mandle. I'm professor of  
21 sociology at Colgate University and I'm here  
22 today representing Citizen Action of New York as  
23 well as an organization, statewide student  
organization, of which I'm the executive director

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3 called Democracy Matters. And like its name this  
4 is an organization that seeks to increase the  
5 political voice of young people, particularly in  
6 the area of campaign finance reform. I want to  
7 associate my own comments and myself with the  
8 comments of the previous speaker, particularly  
9 with respect to his discussion of the fact that  
10 redistricting should be done by an independent  
11 commission rather than by legislators. And this  
12 of course casts no aspersions on the job that you  
13 all are doing, but I feel that in New York we do  
14 need an independent commission as exists in some  
15 other states. I want to add my voice this  
16 morning as strongly as possible with the many  
17 people who will follow me at these hearings in  
18 urging this committee to adhere to the law passed  
19 last August by the New York Legislature that  
20 would--for the purposes of redistricting--count  
21 prisoners in their own home communities but not  
22 in the location of their incarceration. The  
23 passage of this historic bill last August ending  
prison-based gerrymandering was a resounding

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3 victory for fundamental fairness and equal  
4 representation for all New Yorkers. The bill's  
5 passage corrected a serious distortion of  
6 democracy and of the principle of one person, one  
7 vote. As you contemplate redistricting in New  
8 York the drawing of legislative districts  
9 consistent with the mandate of this bill is  
10 critical in order to ensure that the outcome of  
11 the process is fair. I'm sure you know that  
12 prison-based gerrymandering is a concern  
13 throughout the country. It artificially inflates  
14 population numbers and therefore the political  
15 influence of some districts, those with large  
16 populations, at the expense of other districts.  
17 This is especially serious unfortunately in New  
18 York where over 60,000 persons are presently  
19 incarcerated and it most seriously violates the  
20 New York State Constitution that reads "For the  
21 purpose of voting, no person shall be deemed to  
22 have gained or lost a residence...while confined in  
23 any public prison". Drawing fair legislative  
districts through the reapportionment process is

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3 important to ensure the racial and political  
4 balance of a district. Since the majority of  
5 people in New York prisons are African American  
6 or Latino, prison-based gerrymandering  
7 disproportionately punishes families and  
8 communities of color by denying their fair  
9 political representation. Last year's  
10 legislative decision in the law that was passed  
11 was a significant civil rights achievement. Now  
12 we must ensure that we implement it to the full  
13 extent of the law. New York is and should be a  
14 model for other states. Thirteen of our upstate  
15 counties, where many prisons are located, have  
16 already taken the initiative to correct census  
17 data for the purposes of determining their  
18 citizens' fair representation in the legislature.  
19 We applaud their decisions, but this process has  
20 to include all of New York. If we fail to  
21 enforce the law and fully implement the  
22 legislature's courageous decision I am concerned  
23 that our state will be a laughingstock. We will  
be known as the place where the legislative

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3 reapportionment process itself refused to adhere  
4 to the law, instead engaging in unfair and indeed  
5 undemocratic redistricting. But even more  
6 important than our national reputation is the  
7 fact that unless we count incarcerated persons in  
8 their home communities we deny our own citizens  
9 fair and equal representation, a right that is at  
10 the heart of our democracy. I spend a great deal  
11 of my time talking with students and young people  
12 about politics. Unfortunately, many of them are  
13 deeply cynical about politics and politicians and  
14 specifically about what goes on in Albany. We  
15 need these young people to vote and to fulfill  
16 their responsibilities as engaged citizens in the  
17 democracy. Sadly, too many of them turn away,  
18 citing government dysfunction. What could be  
19 more dysfunctional than if this year's  
20 redistricting process remains unfair as it has in  
21 the past, despite the passage of a law that would  
22 make it a model of fairness and equality? By  
23 ensuring implementation of this bill, by  
following the mandated process whereby the

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3 Department of Corrections works with the  
4 legislature to count prisoners in their own  
5 communities, we can hold up a shining example to  
6 young people and indeed to all New Yorkers that  
7 we have a state and a legislative process of  
8 which we can be proud. Thank you very much.

9 SENATOR NOZZOLIO: Professor. Any  
10 questions of the panel? I have a question if the  
11 panel has none. Professor thank you very much  
12 for your testimony. You talked about issues of  
13 fairness, of Constitutional process, of  
14 establishing a national policy and a national  
15 view if I could paraphrase some of your comments,  
16 is that correct?

17 PROFESSOR MANDLE: In terms of  
18 redistricting as well as the counting of  
19 prisoners?

20 SENATOR NOZZOLIO: Yes.

21 PROFESSOR MANDLE: Yes.

22 SENATOR NOZZOLIO: And I appreciate your  
23 comments. I guess I'm at a loss though to  
understand your support for the law. Did you not

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3 know that this law applies only to state  
4 legislative redistricting--

4 PROFESSOR MANDLE: Yes I did--

5 SENATOR NOZZOLIO: --and not to  
6 congressional?

7 PROFESSOR MANDLE: No, no I was not  
8 talking about national at the federal level. I  
9 was talking about other states that--

10 SENATOR NOZZOLIO: [Interposing] Well  
11 let me ask you about this question. Do you think  
12 it's a fair process to have a focus for one set  
13 of counting be done at the state legislative  
14 level and then an entirely different process be  
15 ascribed to counting at the congressional  
16 redistricting level? Do you think that is a--in  
17 your view, and you use the word fairness--do you  
18 think there should be two types of systems?

19 PROFESSOR MANDLE: I think that the goal  
20 would be to make sure at whatever we're talking  
21 about that the process represents people where  
22 they live as opposed to in this case where  
23 they're incarcerated.

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3 SENATOR NOZZOLIO: Well Professor you  
4 brought this up about redistricting, and the law  
5 that you are praising has counting of prisoners  
6 for state legislative redistricting but not for  
7 congressional redistricting. What is your  
8 reaction to that?

9 PROFESSOR MANDLE: Obviously that would  
10 be something that the Congress would have to take  
11 up. We here only have control over what goes on  
12 in our own state in terms of redistricting.

13 SENATOR NOZZOLIO: But professor I  
14 thought you were aware that this is a state  
15 function, redistricting. The Congress doesn't  
16 decide the allocation of--it decides the  
17 allocation of congressional reapportionment but  
18 it's a question for the states to decide  
19 redistricting and how those lines are drawn and  
20 New York has made a legislative decision to draw  
21 the state legislative districts, counting  
22 prisoners at their last known address, but  
23 congressional does not. And I just wondered if  
you're--you seem to want to champion this law. I

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3 wondered if you were aware that the congressional  
4 redistricting does not count prisoners at their  
5 "last known address", congressional redistricting  
6 according to laws now of the State of New York  
7 require congressional redistricting to be  
8 established by the United States Census Bureau  
9 and only the Census Bureau and the law was silent  
10 on congressional redistricting. So I guess if  
11 you're supportive of this law for state  
12 legislative redistricting why are you not  
13 supportive of a change in this law for  
14 congressional redistricting?

15 PROFESSOR MANDLE: Well I was addressing  
16 what I understood we were talking about this  
17 morning which was a question of whether this law  
18 is going to be fulfilled to be implemented, and  
19 my understanding--now maybe I'm wrong--my  
20 understanding was that that affected the process  
21 at the state level for state redistricting. Are  
22 we also talking about congressional levels?

23 SENATOR NOZZOLIO: Well I'm surprised as  
a professor you don't--you're not aware that the

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3 Task Force and the State Legislature and even if  
4 it's an independent commission at some point has  
5 responsibility to draw the congressional lines as  
6 well.

7 PROFESSOR MANDLE: Well then if that is  
8 the case I wasn't aware of that but if that is  
9 the case then I would certainly think that the  
10 kind of law that was passed would also count for  
11 congressional--

12 SENATOR NOZZOLIO: [Interposing] But it  
13 doesn't count that now Professor and you're  
14 suggesting that you support this law--

15 PROFESSOR MANDLE: I do support this  
16 law.

17 SENATOR NOZZOLIO: You think it's a  
18 question of fairness, and my question is, how can  
19 it be fair for state legislative and not fair for  
20 congressional?

21 PROFESSOR MANDLE: It is fair to--in my  
22 view it is fair to count prisoners at their home  
23 residence in their home community. And if that  
is not consistent with what we're doing with

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3 congressional then--I haven't looked at the law;  
4 I'm not a lawyer at this point, but I would say  
5 that that would be the most important thing to  
6 do.

7 SENATOR NOZZOLIO: Well would you say  
8 that would be unfair to treat them differently?

9 PROFESSOR MANDLE: No. I would say that  
10 the--we want to be as fair as we can. In my view  
11 fairness has to do with whether we are counting  
12 these incarcerated people in their home districts  
13 regardless of what--

14 SENATOR NOZZOLIO: [Interposing] And  
15 they're not being counted in the congressional  
16 district so does that make it unfair?

17 PROFESSOR MANDLE: So that would--  
18 logically that would mean that that was unfair.

19 SENATOR NOZZOLIO: That would be-- So  
20 part of this law that you're championing is fair  
21 but part of this law you're admitting is unfair?

22 PROFESSOR MANDLE: The law says that we  
23 need to count our incarcerated community members  
at their home residence. That's what I--that is

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3 what I am championing.

4 SENATOR NOZZOLIO: Thank you very much.

5 SENATOR DILAN: I have a question.

6 SENATOR NOZZOLIO: Senator Dilan?

7 SENATOR DILAN: Yes. Are you aware that  
8 the issue of the 2010 law that mandates counting  
9 prisoners in their home of record is currently in  
10 court?

11 PROFESSOR MANDLE: [Interposing] Yes I  
12 am.

13 SENATOR DILAN: Where several of my  
14 colleagues who do have prisons in their district  
15 did challenge this law so I believe at the end of  
16 the day a judge will decide whether the law--

17 PROFESSOR MANDLE: [Interposing]  
18 Correct.

19 SENATOR DILAN: --is fair or not. It's  
20 really unfair for you as an individual who's not  
21 a lawyer to determine whether the law is fair or  
22 not, is that correct?

23 PROFESSOR MANDLE: I would certainly  
think so.

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3 SENATOR DILAN: So at some point a judge  
4 will do that.

5 PROFESSOR MANDLE: Well the question is  
6 when that's going to happen relative to this  
7 redistricting process right?

8 SENATOR DILAN: So currently that is the  
9 law.

10 PROFESSOR MANDLE: Correct.

11 SENATOR DILAN: So therefore this panel  
12 should comply with the law.

13 PROFESSOR MANDLE: Absolutely.

14 SENATOR DILAN: Okay. Now my next  
15 question is I would like to address the point  
16 where the co-chair asked you is it fair for state  
17 legislators or is it fair for congressional so  
18 then according to-- First before I go there, you  
19 did mention that the Constitution of the State of  
20 New York calls for the legislature to count  
21 prisoners in their home of record. Is that  
22 correct? Did I hear you say that?

23 PROFESSOR MANDLE: Well the language--  
Again, I'm not a lawyer--

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3 SENATOR DILAN: But did I hear you say  
4 that?

5 PROFESSOR MANDLE: Right. Yes I did. I  
6 quoted the Constitution to say for the purpose of  
7 voting no person shall be deemed to have gained  
8 or lost a residence while confined in any public  
9 prison.

10 SENATOR DILAN: I think that answers the  
11 question. But also, if it's unfair for the  
12 congressional legislative lines then I would--  
13 that brings another question to my mind, why is  
14 the deviation for congressional districts  
15 different than it is for the State Senate or the  
16 State Assembly Districts? Currently, in some  
17 cases in State Senate I think we're using  
18 deviation of 10% to determine the size of the  
19 district, however, on the congressional level we  
20 must go by federal law that says that it must be  
21 an exact count and that we cannot go over by one  
22 individual. So that's different; why isn't that  
23 unfair?

PROFESSOR MANDLE: Right. Well I mean

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again--

3 SENATOR DILAN: How do you feel about  
4 that?

5 PROFESSOR MANDLE: I would say that it's  
6 important for our state in drawing our districts  
7 for our legislature to make sure that we have  
8 that process right.

9 SENATOR DILAN: I guess my point here is  
10 that if--

11 PROFESSOR MANDLE: [Interposing] There  
12 are other inconsistencies is what you're saying.

13 SENATOR DILAN: That's what I was  
14 getting at. My point here is that if we're going  
15 to talk about fairness and if we're going--we  
16 want to be consistent with this law then we  
17 should also be consistent with the deviation as  
18 we draw districts for the State Legislature and  
19 the congressional districts. Thank you.

20 PROFESSOR MANDLE: Thank you very much.

21 MR. MCENENY: If I may just for the  
22 record, Senator Nozzolio and I and the other  
23 elected officials here have opposite opinions on

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3 that law as demonstrated by our voting record,  
4 but we have written a letter to the courts saying  
5 that we want an answer on this issue just as  
6 quickly as possible. I laid out in advance some  
7 of the problems we have in terms of very tight  
8 timeframe and it is our hope that this is  
9 clarified. Obviously the law of the land now  
10 says the prisoners will be counted and certainly  
11 it's opinion on my side of the aisle we'll do  
12 everything possible to make that come true, but  
13 it would help if the courts would come forward.  
14 Now there is an inconsistency between the way we  
15 do Congress and the way we do the State  
16 Legislature. The Congress has a variation of one  
17 person which I think is unfair, it divides towns,  
18 cities, villages, neighborhoods outrageously. I  
19 also think 1% in a state that doesn't allow you  
20 to break it down is unrealistic. So if the  
21 Governor's bill were actually carried you'd have  
22 to change that because it's unconstitutional.  
23 Some towns you're going to go a little bit more  
than 1%. But we, as far as LATFOR is concerned

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3 we're doing everything in our power to get the  
4 court to move, and hopefully throughout this  
5 early process we'll get some direction from them  
6 one way or the other so we can move ahead.

7 PROFESSOR MANDLE: That obviously would  
8 be the best thing to happen. My concern is if it  
9 doesn't happen--and moving courts as you know is  
10 difficult--I want to make sure that this  
11 Commission and the redistricting process is  
12 consistent with the law as it was passed. Thank  
13 you.

14 MR. MCENENY: Thank you.

15 SENATOR NOZZOLIO: Taneka Jones  
16 [phonetic], Lead Organizer, Citizen Action, New  
17 York. Taneka Jones, Lead Organizer, Citizen  
18 Action, New York. Professor John Abud, Cornell  
19 University? Professor Jeffrey Stonecash,  
20 Syracuse University? Deborah Warner, Vice  
21 President for Public Policy? Deborah Warner.

22 MS. DEBORAH WARNER: Thank you.

23 SENATOR NOZZOLIO: Morning.

MS. WARNER: Good morning.

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3 SENATOR NOZZOLIO: Welcome to the panel.  
4 Would you please for the record state your name  
5 and the organization that you're advocating from?

6 MS. WARNER: Sure. I'm Deborah Warner.  
7 I'm with CenterState Corporation for Economic  
8 Opportunity. Good morning Senator Nozzolio and  
9 Assemblyman McEneny and thank you for your  
10 leadership in this important Task Force. I'm  
11 also pleased to see so many members of our State  
12 Assembly and Senate here to observe the  
13 proceedings and I think that's very healthy and  
14 I'm encouraged with the level of interest.  
15 CenterState CEO is a regional business and  
16 economic development organization. We cover 12  
17 counties stretching from St. Lawrence County  
18 South almost to the Pennsylvania border. On  
19 behalf of our members we appreciate that you are  
20 holding these hearings around the State and that  
21 the process will continue with transparency and  
22 openness particularly after a draft  
23 reapportionment plan has been created. We think  
it is critical that you provide that second

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3 opportunity for public reaction to the proposed  
4 plan when it is announced so that there will be  
5 citizen buy-in and understanding of that and we  
6 commend you for expanding the process this time  
7 to do that. We've got two key recommendations on  
8 behalf of our organization. The first one, Keep  
9 county and metro areas as whole as possible  
10 especially in congressional redistricting. It is  
11 beneficial to both the citizens and those  
12 representatives, either at the state or federal  
13 level to have a clear identification with an area  
14 of common interest and economic  
15 interconnectedness. Overly elongated or  
16 distorted districts, for obvious reasons, detract  
17 from both constituent service and policy  
18 representation. The second is to be strategic  
19 about regional economic development. Perhaps  
20 this is the first time that some economic  
21 dynamics need to be taken into consideration in  
22 the process. The current recession and New  
23 York's efforts to grow jobs dictate that at this  
time economic development should be a strong

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3 consideration in the reapportionment process. We  
4 ask that you recognize the synergies that exist  
5 in our regions. Draw district boundaries that  
6 will optimize representation so that it can be  
7 familiar with each area, reflect constituent  
8 commonalities, and community priorities.

9 Partitioning of a region will result in fractured  
10 focus to the detriment of regional and metro  
11 economic potential. Governor Cuomo's regional  
12 economic development councils, based on the  
13 State's ten economic development regions would be  
14 a helpful guideline as this moves forward.

15 Consider not just demographics but economic  
16 infrastructure and ecosystems. Each region has  
17 dominant strengths and challenges that merit  
18 recognition in this once-a-decade process. For  
19 example, our region was recently recognized by  
20 the Brookings Institute as the 8th largest  
21 concentration of private sector green jobs in the  
22 country because public policy regulation and  
23 legislation so impact the sector it's important  
that our representatives understand and reflect

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3 these regional economic realities going forward.  
4 This concern is particularly important when  
5 drawing congressional districts compounded at a  
6 time when upstate is going to be losing at least  
7 one representative we understand. So thank you  
8 for your time today, and on behalf of CenterState  
9 if we can be of further assistance in this  
10 process or provide any further information with  
11 regards to our recommendations or questions that  
12 you might have we'd be more than glad to  
13 cooperate.

14 SENATOR NOZZOLIO: Members of the panel,  
15 any questions? Assemblyman Oaks?

16 MR. OAKS: Just a quick comment. I  
17 appreciate-- We have so much as we've looked at  
18 reapportionment in other years I think and now  
19 traditional perspectives and I truly appreciate  
20 your comments today of looking at regional  
21 economies and perspectives as we go forward, so  
22 thank you for putting that into a part of the  
23 record and our considerations. Thank you.

SENATOR NOZZOLIO: I wish to share

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3 Assemblyman Oaks' comments that thank you very  
4 much for bringing this very important point.  
5 Regional economic development today is much more  
6 important upstate in particular than it ever has  
7 been and certainly since the last redistricting  
8 occurred it's become much more important. So  
9 thank you. This is an important component and we  
10 appreciate you putting it into the record.

11 MS. WARNER: Okay. Thank you and again  
12 if we can be helpful. We are working with  
13 Brookings Institute, working on a regional  
14 business plan and a metro export initiative.  
15 We're one of four or five regions in the country  
16 that are doing that. So if there's any work that  
17 we're doing analyzing those demographics that  
18 we're working on over the next few months that  
19 might contribute to your process we'll be glad to  
20 share them.

21 SENATOR NOZZOLIO: Thank you. Any other  
22 members wish to comment? Senator McEneny?

23 MR. MCENENY: I think it's most helpful  
to us when people concentrate on the thing that

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3 you did, how should the lines be drawn, maybe a  
4 little less time on who and more on how and I  
5 think that idea of a community of interest, the  
6 metro areas, which are rarely mentioned but so  
7 critical, is something that we will make every  
8 effort to make sure metro areas as well as just  
9 counties are included. I represent six towns and  
10 most of the City of Albany, and some of that area  
11 is very easy to work in terms of constituent  
12 services. And I've got one small area in a large  
13 suburban town where it's very difficult to work  
14 and the reason is they're served by a different  
15 newspaper. So you think the word has gotten out  
16 and then you go in this one area, they read the  
17 other city's newspaper. And that kind of  
18 communication is very, very important. And when  
19 we think of metro areas and we think in  
20 socioeconomic terms the more compact and cohesive  
21 it is the easier it is for constituents to know  
22 their representative and to know each other. So  
23 we appreciate your comments on that.

MS. WARNER: Okay.

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3 SENATOR NOZZOLIO: Thank you very much.

4 MS. WARNER: Thank you.

5 SENATOR NOZZOLIO: Before calling the  
6 next testifier, I--based on Professor Mandle's  
7 comments I think it's important to remind the  
8 members of the audience participating in the  
9 hearing that the Task Force is tasked with  
10 establishing a process as well as under current  
11 law drawing lines for both the congressional and  
12 state legislative districts, that is the mission  
13 has been the mission of the Task Force for nigh  
14 on three decades now at least, four decades, and  
15 that it's a difficult task in trying to do this  
16 under the best of circumstances. We did not say  
17 at the outset of the record that New York has  
18 been told nationally that it will lose two  
19 congressional seats in the national  
20 reapportionment process. That's why it's  
21 important that we have input on the lines that  
22 you would like to see, the regions you would like  
23 to see together, the importance of those  
dynamics, so thank you very much for allowing me

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3 to put that in the record. Our next testifier is  
4 Assemblyman Ken Blankenbush.

5 ASSEMBLY MEMBER KEN BLANKENBUSH: Good  
6 morning. My name is Ken Blankenbush. I'm from--  
7 I live at 102 Linette [phonetic] Lane in Black  
8 River, New York. I currently serve as the  
9 Assemblyman representing the counties of  
10 Jefferson, Lewis, St. Lawrence, and Oswego  
11 Counties. I'm here today to talk about  
12 congressional redistricting and how it'll affect  
13 my constituents, my friends, and my neighbors in  
14 the North Country. For more than 30 years the 11  
15 northern counties in the State of New York that  
16 compromise the North Country, the 11 Northern  
17 Counties, in some combination have been part of a  
18 single congressional district. The North Country  
19 District that runs from Oswego County to Clinton  
20 County and from the St. Lawrence River to Fulton  
21 County share some very common issues and  
22 interests. This area is rural in nature and has  
23 a tremendous reliance on agriculture and tourism.  
This sets this area apart from other contiguous

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3 regions such as Central New York or the Mohawk  
4 Valley which are more reliant on manufacturing.  
5 As the Assemblyman representing four of those 11  
6 counties, I believe that it is important to keep  
7 the North Country together as a single  
8 congressional district and not split the region  
9 apart into two or three other districts. If that  
10 were to happen our representation would be  
11 diluted and we would be relying on members who  
12 are unlikely to live or work in the North Country  
13 of New York. These new members would ultimately  
14 face constituent priorities that were not  
15 consistent from one part of the district to  
16 another. For example, Lewis County which I  
17 represent, is very rural and its economy relies  
18 heavily on farming and agri-business. The rural  
19 nature of Lewis County is very different than  
20 that of Southern Oneida County or even Onondaga  
21 County which is more urban and relies on  
22 manufacturing as its employment base. In my  
23 opinion, moving counties into Central New York or  
Mohawk Valley Districts would have a negative and

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3 serious impact on the constituents in my region.  
4 Moreover, Northern New York is unique compared to  
5 other areas of the state in that it shares both a  
6 water and land border with Canada. The issues  
7 that come with being a border state are distinct  
8 and critical to the region: border security,  
9 immigration, trade, tourism, etc. To split the  
10 border into separate congressional districts  
11 would be recreating the wheel when it comes to  
12 responding to these specific issues. Why rely on  
13 three congressmen and their staffs to address  
14 border issues when their priorities may be  
15 elsewhere? With a sole North Country District  
16 you can have one representative who is an expert  
17 on cross-border concerns and those become a top  
18 priority for the member and their staff.  
19 Finally, nothing is more unique in New York State  
20 than the Adirondacks. This massive area has a  
21 small population, environmental concerns, and a  
22 tourism-based economy. Once again, I believe it  
23 is important to keep this area intact to ensure  
that the interest and needs of the Adirondacks

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3 and its constituents are adequately heard and  
4 addressed. I understand that the 23rd  
5 Congressional District cannot stay as is. The  
6 District needs about 53,000 more people.  
7 However, rather than parceling of the North  
8 Country to districts to the south I believe it  
9 would be in the best interest of the constituents  
10 in the North Country for the 23rd to grow. The  
11 easiest solution to bring 53,000 more  
12 constituents into the District would be to  
13 include the balance of Essex and Fulton Counties  
14 that are not already in the District. Additional  
15 population, if necessary, can be added from the  
16 northern part of Herkimer County which at one  
17 time was part of the District. These additional  
18 areas fit perfectly in the makeup of the new  
19 North Country District that has similar economy,  
20 uniform priorities, and a similar way of life. In  
21 conclusion, as the Assemblyman representing four  
22 of the 11 counties in the 23rd Congressional  
23 District, it is my opinion that there should  
continue to be a North Country District.

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3 Eliminating the District would have serious  
4 consequences for the constituents of the region  
5 whose concerns are very much different than those  
6 of our neighbors to the south. Thank you.

7 MR. MCENENY: I'm not totally familiar  
8 with the District but the last time I looked it  
9 was down--I think you said 53,000. Are you  
10 saying that by adding those parts of Essex which  
11 now are down in Congressman Gibson's district,  
12 used to be the old Gillibrand District--

13 MR. BLANKENBUSH: Yes.

14 MR. MCENENY: Which I was very familiar  
15 with, and that wanders all over the State as you  
16 know.

17 MR. BLANKENBUSH: Yeah.

18 MR. MCENENY: By taking all of Essex and  
19 all of Fulton that would make up the population?

20 MR. BLANKENBUSH: I believe it would be  
21 close.

22 MR. MCENENY: I think you still need  
23 some more.

MR. BLANKENBUSH: And that's why I

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3 indicated that--

4 MR. MCENENY: Proper Herkimer doesn't  
5 have an awful lot of people.

6 MR. BLANKENBUSH: But that was part of  
7 our--

8 MR. MCENENY: That's the one they call  
9 Lincoln's Hat as the Senate--not realizing that  
10 that happens to be the county line that's nearly  
11 200 years old.

12 MR. BLANKENBUSH: That district was--  
13 That was part of our district at one time.

14 MR. MCENENY: Mike tells me about 1200  
15 people in that extension to the county so that  
16 doesn't add a lot either.

17 MR. BLANKENBUSH: I believe that if our  
18 figures-- Well, you could also look at Washington  
19 and Warren Counties because they have similar  
20 situations and needs that we have in the North  
21 Country too so Washington or Warren Counties  
22 could be included into that mix, because they  
23 rely heavily on agriculture and it's a rural  
area.

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3 MR. MCENENY: Thank you very much.

4 SENATOR DILAN: One quick question.

5 MR. BLANKENBUSH: Yes sir?

6 SENATOR DILAN: Basically what you're  
7 asking for is one congressional district that  
8 would be known as a rural district basically, and  
9 that everyone within that area would have similar  
10 interests, is that correct?

11 MR. BLANKENBUSH: Yes. And if you look  
12 at that District and go--the northern part of  
13 that District which is St. Lawrence River where  
14 you have Canadian--Canada borders not only the  
15 waterways but there's a land up in Noralsis  
16 [phonetic] Point area so the congressional  
17 district in my opinion should represent that  
18 whole area rather than splitting half of that  
19 border between maybe two or three other  
20 congressional districts.

21 SENATOR DILAN: So you're basically  
22 looking for a representative that's going to have  
23 the interest of that district and take that back  
to the national level and fight for their issues?

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3 MR. BLANKENBUSH: Correct.

4 SENATOR DILAN: Because right now I  
5 think the number that we would need for a  
6 congressional district I believe is 770?

7 MR. BLANKENBUSH: Seventeen.

8 MR. MCENENY: 707.

9 SENATOR DILAN: 707 so that's the  
10 number--magic numbers. All right, thank you.

11 SENATOR NOZZOLIO: 717. Thank you very  
12 much Assemblyman.

13 MR. BLANKENBUSH: Thank you Senator.

14 SENATOR NOZZOLIO: Bill Mahoney,  
15 Research Coordinator, NYPIRG?

16 MR. BILL MAHONEY: Good morning. My  
17 name is Bill Mahoney; I'm with NYPIRG, the New  
18 York Public Interest Research Group. I'm based  
19 in Albany but we also have a chapter here at  
20 Syracuse University who had joined us earlier  
21 this morning to speak on the issue of  
22 redistricting. Thank you for the opportunity to  
23 testify today, and I'd also like to thank each of  
you up here for acknowledging that the process

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3 that has been used to draw district lines in the  
4 past is horribly broken. Senator Dilan, I know  
5 that last year you introduced a great bill to  
6 create independent redistricting commission in  
7 New York State so thanks for your efforts in  
8 that. Senator Nozzolio, I know that you signed  
9 Mayor Koch's pledge to your constituents before  
10 the election to not vote for any bill that would  
11 establish district lines that were not  
12 independently created. And Assemblyman McEneny,  
13 I know you're a prime sponsor of Governor Cuomo's  
14 bill which would go a long way towards correcting  
15 some of the problems in the State before a  
16 constitutional amendment is passed. And  
17 Assemblyman Oaks I know that you were a sponsor  
18 of Assemblyman Jeffries' bill which is also an  
19 independent commission. I know that you're  
20 calling this hearing today to hear from the  
21 public about what needs to go into district lines  
22 but we believe that the public has already  
23 spoken. They're repeatedly said that the current  
process is broken and needs to be fixed. Poll

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3 after poll shows that an overwhelming majority of  
4 New Yorkers supports the creation of an  
5 independent commission and we don't think it's  
6 too late to do that. You're all going to have to  
7 come back to Albany before the end of the summer  
8 to deal with issues such as the Move Act and  
9 health care changes Move Act and health care  
10 exchanges, and that would leave you more than  
11 enough time to create a commission that would not  
12 be vetoed by Governor Cuomo. As you know, he has  
13 pledged to veto any districts drawn by this  
14 commission and we would all hate to see it be  
15 left to the judiciary if the lines are drawn--

16 MR. MCENENY: Point or order, he's  
17 promised to veto anything drawn other than by an  
18 independent commission which is not fair. He  
19 always has a little tag at the end of that  
20 statement, which is not fair.

21 MR. MAHONEY: Last week he said that he  
22 would veto any districts that were drawn by a  
23 partisan entity and he also labeled this  
Commission as partisan which seems to me to fall

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under what he's--

3 MR. MCENENY: [Interposing] Well, it's  
4 bipartisan.

5 MR. MAHONEY: Okay. He's of a differing  
6 opinion and I believe we are of the same opinion  
7 as well.

8 SENATOR NOZZOLIO: Are you of the same--  
9 I think you should finish your testimony and then  
10 we'd be glad to ask questions.

11 MR. MAHONEY: I can wrap it up there.  
12 We believe that the best way to get these lines  
13 done and to keep the districts equal in  
14 population is to create an independent commission  
15 with specific requirements as to population  
16 variance and other issues. So thank you.

17 MR. MCENENY: Do you have some  
18 individuals in mind that you would nominate are  
19 independent people? I'm not sure what  
20 independent person is.

21 MR. MAHONEY: Well Ulster County for  
22 example just created a commission last year that  
23 I believe it was three Democrats, three

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3 Republicans, and then three unaffiliated members,  
4 voters in the county.

5 MR. MCENENY: So it was bipartisan with  
6 an additional third?

7 MR. MAHONEY: But they were not allowed  
8 to take into account any factors such as partisan  
9 enrollment or the wishes of incoming politicians.  
10 It was drawn by a truly independent entity which  
11 went ahead and drew lines that everybody  
12 applauded in the end--the Democrats, the  
13 Republicans, and the local media loved those  
14 lines when they were finalized. And that's very  
15 similar to something we'd like to see at the  
16 State level.

17 SENATOR NOZZOLIO: Mr. Mahoney I have no  
18 quarrel with your premise about ensuring that  
19 redistricting is done in the most open and  
20 transparent way and particularly takes out the  
21 partisan element. What I am concerned about is  
22 time, and that I think that you indicate that  
23 there's plenty of time, but I'm not so sure. And  
this is why we began our deliberations, that we

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3 wanted to make sure as a Task Force that we have  
4 reached out to the public to tell us that they  
5 want particular communities of interest  
6 protected, like the last testifier talked about  
7 economic development regions and also to let us  
8 know what type of community of interests in  
9 particular regions, that we're going into every  
10 region in the state. What I'm concerned about is  
11 this: New York has been required to have an  
12 independent review of its redistricting processes  
13 at least for the last 30 and probably for the  
14 last 40 years. That independent review is called  
15 the United States Justice Department, and that  
16 that review has to take place because New York is  
17 a covered state and particular counties in the  
18 City of New York are covered counties appropriate  
19 to the Voting Rights Act. And that process of  
20 getting clearance from the Justice Department  
21 takes time--it takes a lot of time--and  
22 particularly with a complex state like New York.  
23 We're not talking about a county; we're talking  
about 62 counties and we're talking about not

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3 just one issue but a number of issues relative to  
4 compliance with the protections of the Voting  
5 Rights Act. That's number one. Number two, as  
6 Assemblyman McEneny said at the outset of the  
7 hearing, that there may be compression--further  
8 compression by the establishment of an early  
9 primary as the Assemblyman so well outlined. We  
10 now have to comply with the Voting Rights Act but  
11 also comply with a primary date that over the  
12 last three decades had been changed to move later  
13 in September. What happens this time is that the  
14 Justice Department and the United States  
15 Government is telling New York that it needs to  
16 have a primary date as early as June if not  
17 earlier. That may require--that does require  
18 petition processes to begin by the--as early as  
19 the end of February or the earliest part of  
20 March. So I think to cavalierly indicate that  
21 there's plenty of time does disservice to this  
22 process. And we're not here to debate policy  
23 about who should draw the lines because that's--  
certainly you're entitled to your opinion, the

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3 organization entitled to your opinion. We're not  
4 voicing an opinion on that issue; we're only  
5 complying with the law that exists today. So--  
6 But I'd ask you to look at the time sequence, and  
7 if time was of the essence six months ago it's  
8 more so of the essence today because frankly all  
9 this needs to be done and there is I believe just  
10 too little time to do it all.

11 MR. MAHONEY: I understand your concerns  
12 about time and quite frankly I would have loved  
13 to have seen this dealt with this previous  
14 session or last year's session, but there's going  
15 to be even less time if the process is left to  
16 the judicial branch and bills that are crated by  
17 this Commission are drawn and then vetoed.  
18 That'll leave us with nearly a blank slate and  
19 even less time to deal with this. And also in  
20 regards to the shortened timeline by moving the  
21 primaries forward, that's something that will  
22 have to be dealt with in the next couple of  
23 months by your return to Albany. And while  
you're in town I think it'd make a lot of sense

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3 to create a commission that all interested  
4 parties would be happy with and would be able to  
5 draw lines that better reflect the people of New  
6 York.

7 SENATOR NOZZOLIO: Thank you very much.

8 MR. MAHONEY: Thank you.

9 MR. MCENENY: Would you support--  
10 LATFOR, which is required by Constitution no  
11 matter how you do it, it has to come back to a  
12 legislative vote. Would you support adding more  
13 citizen members to the existing committee?

14 MR. MAHONEY: We would have to look at  
15 it. A lot of the independent commissions that  
16 we've supported do have some places for  
17 legislative appointments. Governor Cuomo's bill  
18 let's each of the leaders appoint one member and  
19 then adds a handful of independent members as  
20 well.

21 MR. MCENENY: Well you mentioned Ulster  
22 County which is a bipartisan with an extra three  
23 so it was one-third, one-third, one-third. And  
you described that as a model as opposed to

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3 replacing any legislative responsibility which is  
4 what the Constitution calls for. Have you taken  
5 a look at the Governor's bill? Have you--  
6 Obviously the Governor-- We would have liked to  
7 have started this sooner but we did have the  
8 Governor's Bill out there. He was unable to  
9 persuade the legislature as a group, including  
10 the Senate, to go along with it. When the  
11 session was over we felt the only responsible  
12 thing to do was to start in with these hearings.  
13 Now what are your problems with the Justice  
14 Department? Do you feel they can't do a fair job  
15 of being a policeman and doing a review, because  
16 they have enormous power?

17 MR. MAHONEY: They do but they don't  
18 have power to regulate everything that we're  
19 concerned about. The population variance, as  
20 you're well aware, is currently plus or minus 5%  
21 and the Supreme Court has kept it at that level.  
22 They don't let the Justice Department meddle to  
23 reduce or change districts just because they're  
so disproportionate in size, and that has led

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3 over and over again in recent decades to a lack  
4 of one person, one vote, in New York State where  
5 some legislators represent tens of thousands of  
6 more constituents than others do and have a  
7 heavier workload because of the districts that  
8 were drawn by partisan interests.

9 MR. MCENENY: Bear in mind the State  
10 Constitution will not allow us to break town  
11 lines where the town is the--unless the town is  
12 larger like Brookhaven for example or Hempstead  
13 so sometimes you're not going to get 1% no matter  
14 how hard you try.

15 MR. MAHONEY: I understand, but you  
16 could definitely do a lot better than what  
17 happened in 2001 and 2002. If you look at  
18 different regions of the State in the Senate  
19 especially you'll see that there's almost no  
20 population variance within those regions. And  
21 if--you could expand that to the State level and  
22 there might be some issues with a few towns here  
23 and there which is why we think that the 1% in  
Cuomo's bill is reasonable.

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3 SENATOR NOZZOLIO: Do you know how many  
4 towns are currently cut by the congressional  
5 lines?

6 MR. MAHONEY: I am not aware off the top  
7 of my head.

8 SENATOR NOZZOLIO: And I think that's  
9 something that we have in Upstate and  
10 particularly in central and western New York a  
11 concern about having one town, in many cases a  
12 small, small town, cut in a number of different  
13 ways. And that's what I think Assemblyman  
14 McEneny--I know he's referring to this. And if  
15 redistricting should ignore towns then--and cut  
16 them as you say to get this miniscule deviation  
17 or permissible deviation that then the  
18 Constitution of the State of New York needs to be  
19 changed as well, and I think that's something  
20 that--that's something that always wondered about  
21 in terms of the advocates in asking for that type  
22 of deviation in terms of understanding that the  
23 towns do have an important jurisdictional role  
here.

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3 MR. MAHONEY: I understand and that's  
4 why we are happy with the 1% deviation, and I do  
5 believe you can keep towns together and get very  
6 close to 1%. It's difficult to go beyond that  
7 due to the current Constitutional requirements,  
8 but it's certainly possible to do a lot better  
9 than we have done it in recent decades.

10 SENATOR NOZZOLIO: Any other questions?  
11 Assemblyman Oaks?

12 MR. OAKS: One quick comment Mr.  
13 Mahoney. You started out talking about a number  
14 of the alternative proposals that have been made  
15 in some of our sponsorship or participation in  
16 those. I'd just encourage you to look at the  
17 breadth of those. Probably the best bill among  
18 them is the Oaks Bill and you might want to--

19 SENATOR NOZZOLIO: Senator Dilan?

20 SENATOR DILAN: On a different topic,  
21 has NYPIRG taken any position on the prisoner  
22 count law?

23 MR. MAHONEY: We do not have a position  
on that.

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3 SENATOR DILAN: All right, thank you.

4 SENATOR NOZZOLIO: Thank you very much.

5 Any other questions of the panel? Thank you.

6 MR. MAHONEY: Thanks.

7 SENATOR NOZZOLIO: Monica Miranda  
8 [phonetic]? Monica Miranda? Charles Pierce?

9 SENATOR DILAN: Mr. Chairman, I would  
10 just like to ask that if any individuals that  
11 have not shown up today if they submitted their  
12 testimony previously if we could make sure that  
13 gets into the record.

14 SENATOR NOZZOLIO: Excellent point  
15 Senator. We'd like to make it known that the  
16 Task Force remains wide open for testimony.  
17 Please feel free to present the written  
18 testimony. Anyone who is here, is not here, is  
19 viewing the proceedings at a later date, the Task  
20 Force is always welcoming individual citizen  
21 input.

22 SENATOR DILAN: Thank you.

23 SENATOR NOZZOLIO: Thank you Senator.  
Mr. Pierce?

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3 MR. CHARLES PIERCE-EL: My name is  
4 Charles Pierce-El. I'm Chairperson of the  
5 Southside Homeowner's Association but I'm here as  
6 a community activist. And I want to applaud you  
7 and thank you for coming to Syracuse, New York  
8 and being our first stop, so I want to applaud  
9 all you guys for coming here and being on board  
10 and I appreciate everything that you guys-- I  
11 don't want to be repetitious and go over things  
12 but I think you laid out a lot of good points in  
13 your thing. And I'm here to give you some  
14 solutions. I'm not here to chastise you or say  
15 certain things in redistricting because I think  
16 it's a very important part of our community and I  
17 think all you Senators and Assemblypersons are  
18 doing an excellent job and doing the thing  
19 according to the law. One of the issues I want  
20 to address is particularly on Number 8 where you  
21 say, existing districts and incumbency. I think  
22 one of the solutions to this problem here is if  
23 we have at least a minimum of two minorities,  
African Americans, on anybody's staff. Because

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3 there's a lot of staff that a lot of districts  
4 have. Your population might be 1% or 2% or 3%,  
5 in some 0% and therefore you're not getting the  
6 input from that 1% minority or that 2% minority  
7 that's in your district, elected [inaudible]. So  
8 therefore at least let the person that is not  
9 able to be represented and be elected into  
10 office--at least by being a part of your staff at  
11 least you'll get some input on the concerns of  
12 the minorities in those districts. And that goes  
13 as well as congressional as well as a state area.  
14 I think that's very important to look at to solve  
15 one of those issues and their problem. The other  
16 one is very excellent, the public access to  
17 transparency. I think a lot more needs done to  
18 be involved because without that people like  
19 myself and other minorities and other people in  
20 general would not be able to have that, and once  
21 we plug into that, it's public record. So I  
22 think therefore my representative or any other  
23 representative would say, Well we didn't never  
hear that before, we didn't have that

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3 accessibility, but by being public record we've  
4 having our input presented to you guys on a  
5 national level and on a local level. The other  
6 one's very important, the prisons. Prison count  
7 on the prisons. Because of sovereignty, the  
8 states and the federal government in New York  
9 State the problem is very easily solved by our  
10 voting and stuff, as far as the congressional  
11 level, as far as federal prisons and state  
12 prison. Federal prisoners pay a lot more money  
13 to the state, but the state has the ability to  
14 tell the federal government that we don't want  
15 your federal prisons if you can't abide by our  
16 laws. If you don't abide by the laws of New York  
17 State and our Constitution because of different  
18 sovereignty-- I think if you negotiate on that  
19 level we can solve that problem with federal  
20 prisons having a right to vote in New York State  
21 if you're going to set your prisons up in our  
22 state as well, so I think you can kill two birds  
23 with one stone on that area if you get to  
negotiate on those type of levels. So I mean,

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3 those are just some points and I hope you take  
4 those into consideration, and thank you for your  
5 time and thank you for allowing me to be here  
6 today.

7 SENATOR NOZZOLIO: Any questions of the  
8 panel to Mr. Pierce? Having none, thank you very  
9 much for your input.

10 MR. MCENENY: Mr. Pierce, one question,  
11 when you recommended--

12 MR. PIERCE-EL: It's Pierce-El.

13 MR. MCENENY: Okay. When you  
14 recommended staff, having diversified staff, were  
15 you referring to LATFOR or individual members?

16 MR. PIERCE-EL: Individual members. I'm  
17 referring to any elected official. Like right  
18 now I can go down to the Federal Building right  
19 now in the City of Syracuse and see my  
20 congressman or his representative. There's no  
21 one that looks like me or reflective of me that I  
22 might feel more comfortable in talking. Me  
23 personally being an activist I talk to anybody,  
but I mean it's just certain people feel more

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3 comfortable of getting things out to someone that  
4 looks more like them and reflects-- Not to say  
5 that people don't have that interest, but you've  
6 got the input now, and you're just--you're just  
7 dialoguing because the best tools that we have as  
8 America is that we can dialogue and communicate  
9 with people, you know what I mean? We've got a  
10 lot of money and it corrupts a lot of things, but  
11 our communication skills are the best thing that  
12 we've got going with us and that's what I meant  
13 on that level as far.

14 MR. MCENENY: I think it's very  
15 desirable but point out in my case, I've been  
16 there 19 years so I'm I suppose a senior member.  
17 I have two full-time staff year-round, two, and  
18 then I rely on part-time staff thereafter or  
19 session staff. The staffs are not huge but when  
20 we--but we also have on central staff people of  
21 every race, creed, and color that you can  
22 imagine. And if you work well with your central  
23 staff you're not left with a void. And when they  
see you--

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3 MR. PIERCE-EL: And I applaud you for  
4 that. When you come from a small district like  
5 that you've got two people, well those two people  
6 should be in that area outreaching to that  
7 minority group to come back to feed you that  
8 intelligence or their concerns, that way they're  
9 not locked out and I applaud you as one of the  
10 few that does that.

11 MR. MCENENY: Thank you.

12 SENATOR NOZZOLIO: Mr. Pierce.

13 MR. PIERCE-EL: Yes?

14 SENATOR NOZZOLIO: No, thank you, Mr.  
15 Pierce. Thank you very much.

16 MR. PIERCE-EL: Pierce-El.

17 SENATOR NOZZOLIO: Pierce-El. Thomas  
18 Dadey?

19 MR. THOMAS DADEY: Good morning.  
20 Chairman, Nozzolio, Chairman McEneny, Members of  
21 the Task Force. Thank you for allowing me the  
22 opportunity to speak to you today about an  
23 extremely important issue, this process of  
redistricting legislative representation. You

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3 are charged with a very difficult but  
4 constitutionally necessary task that by its very  
5 nature will undoubtedly leave some people upset  
6 and others pleased. So before I get into the  
7 body of my remarks I thought it was very  
8 important to state that I completely understand  
9 the burden that you face and hope that you will  
10 accept my remarks today as a voice that hopes to  
11 help you reach your conclusion in how best to  
12 manage the needs of our community while adhering  
13 to the rules and principals that govern this  
14 process. It is no secret that New York State is  
15 losing population at a rapid rate. It seems  
16 every ten years we lose two representatives in  
17 the United States Congress and this year is no  
18 different. With that said, we look to our  
19 leaders in the State Legislature to recast our  
20 legislative representation in a way that will  
21 keep our community interests together without  
22 allowing political power and advantage to dictate  
23 this process. As you know, I am Chairman of the  
Onondaga County Republican Committee. With that

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3 job comes my party duties, but there are also  
4 other responsibilities that require a bipartisan  
5 approach to help our community to advance and  
6 grow. Now my counterpart, Vita DeMarchi from the  
7 Democratic Party here in Onondaga County and I  
8 might not agree on many issues and how best to  
9 solve the problems our governments face. But in  
10 this particular congressional redistricting we  
11 are on the same page. Onondaga County has always  
12 had a representative who was a resident of our  
13 great county being the largest of the populated  
14 counties in the region and hosting one of the  
15 most nationally recognized cities in the country.  
16 I believe it is important to allow Onondaga to  
17 maintain an opportunity to keep at a minimum one  
18 congressional representative that understands our  
19 community and our regional needs. I believe  
20 keeping Onondaga's representation under one  
21 member of Congress is the best approach  
22 considering that no matter how these new lines  
23 are drawn Onondaga County's more than 500,000  
residents would likely represent the lion share

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3 of the constitutionally required 719,000+  
4 residents. Due to our large population I believe  
5 it would be a disservice to slice our county into  
6 multiple parts because it would dilute our voice  
7 in Congress and not accurately reflect the  
8 concerns of this region. Populations across  
9 Upstate have been shifting for years. Many  
10 families have moved to other states, some have  
11 moved to different regions of New York. In the  
12 meantime, Onondaga County has been one of the  
13 more stable areas in Upstate. It is my belief  
14 that our new congressional district should be  
15 reflection of that stability. Furthermore, four  
16 counties surround Onondaga County. Two of those  
17 have lost population, one has gained, and another  
18 has remained stable. This illustrates a  
19 rationale for allowing the region's  
20 representation to remain the same with Onondaga  
21 County providing a significant portion of that  
22 population. The Western part of New York has  
23 witnessed a significant negative population shift  
in the last ten years, making it logical for

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3 those districts to be altered in a way to reflect  
4 that change. It is my belief that any downsizing  
5 of the congressional representation in Upstate  
6 should be at the very least be done in Western  
7 New York as to not to affect the other areas that  
8 have remained stable or grown in recent years.  
9 As I alluded to at the beginning of my remarks  
10 you are tasked with a very difficult job. I am  
11 certain that I will not be the only person who  
12 will be voicing an opinion to keep their  
13 community whole, but I do hope that when you get  
14 into the final phase of this process you will be  
15 able to keep our district whole, not because of  
16 politics but because of facts and the statistical  
17 data demand it. Chairman, members of the Task  
18 Force, I thank you for your time today in  
19 allowing me to speak to the Commission.

20 SENATOR NOZZOLIO: Thank you very much.

21 Any questions for Mr. Dadey? Senator Dilan?

22 SENATOR DILAN: Just a clarification,  
23 did I hear you say that the population in New  
York State decreased? Did I hear you say that?

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3 MR. DADEY: I may have misspoke on that.  
4 We're right around 19 million people. Other  
5 areas of the country obviously are growing  
6 quickly than we're growing.

7 SENATOR DILAN: Yeah, but I mean because  
8 New York State we increased by 3.1%.

9 MR. DADEY: We increased?

10 SENATOR DILAN: Yeah but still not  
11 enough to hold onto the two congressional  
12 districts; I think that was your point, right?

13 MR. DADEY: That was my point, yes sir.  
14 Thank you Senator.

15 SENATOR DILAN: Thank you.

16 MR. DADEY: Thank you. Thanks for  
17 coming to Syracuse. We hope to see you back.

18 SENATOR NOZZOLIO: Appreciate it very  
19 much. Thanks for bringing your team with you the  
20 girls. Next speaker, Vita DeMarchi?

21 FEMALE VOICE: No, actually there's a  
22 13th person on that list.

23 MR. MCENENY: We thought in the interest  
of equal time Republican Chair that perhaps the

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Democratic Chair might--

3 MS. VITA DEMARCHI: Thank you very much.  
4 Good morning. It's still morning. I also want  
5 to say thank you--

6 SENATOR NOZZOLIO: I'd like the record  
7 to reflect I wanted both of you up at the same  
8 time in a spirit of bipartisanship but I think we  
9 thought it'd be important to give you each forum,  
10 so thank you very much for being here along with  
11 Chairman Dadey.

12 MS. DEMARCHI: And you went  
13 alphabetically because Dadey then DeMarchi, so it  
14 was fair.

15 MR. MCENENY: He was 12 and you're 12A

16 MS. DEMARCHI: Well I also want to thank  
17 you so much for coming to Syracuse Senator  
18 Nozzolio, Assemblyman McEneny, all of the panel.  
19 It is really a good opportunity for us to have a  
20 voice here. So as you know, I'm Vita DeMarchi,  
21 the Chair of the Onondaga County Democratic  
22 Committee, and I'm here to share the sentiments  
23 from my committee and constituents that I hear

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3 from. So first of all they say, wow is it ten  
4 years already? They want to remember the lessons  
5 that were learned the last time we went around,  
6 so that's a sentiment to share. I personally am  
7 a little bit of an idealist. I like to believe  
8 that people act out of the best good and that  
9 those that got into government are there because  
10 they care about the people that they represent.  
11 So I'm here to reflect the sentiment shared with  
12 me from members of the Onondaga County Democratic  
13 Committee, voters, friends, and my family. And  
14 repeatedly they ask the question, what exactly  
15 are the rules of redistricting, unaware of the  
16 laws that you have to adhere to in detail, and  
17 who is actually in charge of drawing the lines  
18 and who will ultimately be in charge? And what  
19 and who should be considered in drawing political  
20 boundaries and thus of constituents, of voters  
21 opportunity to have fair representation at all  
22 levels of government. So let me share with you  
23 some of the concepts of fair redistricting as  
they have been shared with me. There are six of

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3 them. Obviously one is the consideration of  
4 equal population, a clear requirement based on  
5 population changes. As Mr. Dadey shared the  
6 statistics I won't repeat them but Onondaga  
7 County overall and the City of Syracuse have  
8 experienced really negligible changes in  
9 population. Number two, districts need to be  
10 geographically contiguous. Well that seems  
11 obvious; however, the concept has been stretched  
12 as in narrow stretches of road connecting  
13 distinct areas. Number three, Recognize existing  
14 geographic divides and boundaries. New York is  
15 such a diverse geographic state with much of our  
16 agriculture and economic development linked to  
17 the nature of the territory. Here in Onondaga  
18 County and the City of Syracuse we are central  
19 New York, a center, a hub, centrally located in  
20 the State. Number four, do not divide  
21 communities of common interest. Avoid  
22 disenfranchising ethnic and minority groups to  
23 dilute their voting strength. And number five,  
continue transportation connections. Commerce

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and economic development connect people.

3 Syracuse and Onondaga County are crossroads for  
4 connections throughout this state. And number  
5 six, the most optimistic recommendation of all is  
6 to avoid drawing lines solely for the purpose of  
7 favoring any political party or incumbent.

8 Onondaga County has considerable momentum  
9 building a positive future that is inclusive of  
10 our city, spreading out to our county and towns  
11 in great part because of our bipartisan political  
12 leadership at the County and City level.

13 Syracuse is one of our State's significant  
14 cities, as you said a metropolitan area. It is a  
15 significant part of our county's identify and our  
16 community's identify. It is a significant center  
17 for Central New York. Segmenting the Central New  
18 York hub area, Onondaga County could derail the  
19 political social, and economic progress and goals  
20 achieved for the people in this county over the  
21 years. Syracuse, New York is a center and needs  
22 to retain its radius of influence and direct  
23 association around it, thus leaving Onondaga

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3 County intact at the congressional level will  
4 continue to provide the fair representation at  
5 the federal level for central New York Residents.  
6 The idea of splitting central New York into two r  
7 three slices at the congressional level is  
8 essentially people--it's an attack on their  
9 representation and the commonalities that are  
10 being formed in this region. Onondaga County is  
11 not a fringe community of other districts. It is  
12 the center, center state, the hub radiating out  
13 from the City of Syracuse and welcoming in all  
14 the surrounding areas from an economic, social,  
15 and political standpoint. I cannot help but  
16 throw in a little bit more progressive or maybe  
17 even radical concepts of redistricting like  
18 considering sustainable community concepts and  
19 smart-growth concepts that would definitely keep  
20 city centers and radial communities together  
21 because they're woven by economic development,  
22 agriculture jobs, and infrastructure, but that  
23 discussion is for a Vita DeMarchi wearing a  
different hat. In closing, to those who have the

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3 ability to influence redistricting, recognize the  
4 privilege and opportunity bestowed on you by the  
5 people. We as New Yorkers and as Americans are  
6 facing profound challenges, and in many ways it  
7 appears Americans are divided by fundamental  
8 issues. At a state and local level redistricting  
9 has the opportunity to represent constituents and  
10 the American people by what we have in common  
11 outside of their political affiliation and voting  
12 record, and that community commonality deserves  
13 fair representation in Congress, the States, and  
14 the Assembly and at the County Leg level as well.  
15 I'm sure you're going to gather quite an array of  
16 comments and recommendations and statistics and  
17 opinions on the law, but we are hopeful that you  
18 act in the best interest of the people and  
19 communities who rely on representatives who know,  
20 interact, and influence their lives at the state  
21 and federal level in a fair way. You don't have  
22 to be an independent panel of individuals to  
23 think independently of political influence only  
and to act in the best interest of New York State

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3 voters and constituents, and thank you for taking  
4 on this process and I wish you well through your  
5 tours and that you take into consideration all  
6 that you hear. It's quite the job. Thank you  
7 again for this opportunity.

8 SENATOR NOZZOLIO: Thank you. Any  
9 questions, members of the panel? Very well  
10 stated. Thank you very much.

11 MS. DEMACHI: Thank you.

12 SENATOR NOZZOLIO: Kianna Cole? Kianna  
13 Cole?

14 MS. KIANNA COLE: Hello.

15 SENATOR NOZZOLIO: Welcome. Ms. Cole  
16 please state your name and address and what  
17 program you're involved with.

18 MS. COLE: My name is Kianna Cole. My  
19 address is 2026 Midland Avenue in Syracuse, New  
20 York. I'm the program supervisor of the  
21 Supporting Offenders After Release Program and  
22 the coordinator of the Onondaga County Reentry  
23 Task Force. Members of the Assembly, State,  
Senate, and staff, thank you for having me here

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3 today to testify on behalf of the community I  
4 work with here in Syracuse and Onondaga County  
5 including many former prisoners who have served  
6 their debt to society and are working to rejoin  
7 the Syracuse and Onondaga County Community. As I  
8 stated, I coordinate the Onondaga County Reentry  
9 Task Force which is a conglomerate of state,  
10 county, and city agencies as well as community-  
11 based organizations who are committed to making  
12 systematic changes to increase the safety of our  
13 community by reducing recidivism. I also  
14 supervise the S.O.A.R. program which is a case  
15 management based reentry program for ex-offenders  
16 being released from New York State Correctional  
17 Facilities. On behalf of the Task Force, the  
18 S.O.A.R. program and my clients, I have come to  
19 deliver a simple and clear message, Follow the  
20 law. Last year you, our representatives in the  
21 New York State Assembly and Senate, worked with  
22 the governor to pass important legislation that  
23 made it illegal for inmates to be counted as  
residents of the towns where they are

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3 incarcerated. Instead the law of New York State  
4 now insists that inmates be counted where they  
5 belong, at their home addresses. Please follow  
6 that law. As someone who works with many New  
7 Yorkers who have been in the prison system, I can  
8 attest to the importance of connecting these  
9 individuals to communities that provide them with  
10 acceptance and opportunities to have a second  
11 chance to be productive members of society. When  
12 New Yorkers are released from New York State  
13 Prisons they have all the needs that any other  
14 resident of our society has. They need access to  
15 quality schools, sustainable wages, safe and  
16 affordable housing, health insurance, and other  
17 benefits. Our elected representatives can fight  
18 for these needs but our community will be  
19 chronically underserved by a lack of fair  
20 representation if you fail to count these New  
21 Yorkers as members of our community when you draw  
22 the lines for our legislative districts. Not  
23 only would it fail our community when inmates  
from this community are to be counted away from

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3 their homes, but it would undermine the bedrock  
4 premise of our entire legal and correctional  
5 system. The purpose of my program and others  
6 like it is to reintegrate ex-offenders back into  
7 the community by encouraging them to follow the  
8 rules and laws of our society. But how could we  
9 send a message to my clients and other residents  
10 of New York State that they should be law abiding  
11 when the members of our state legislature so  
12 flagrantly disregard the law? The only fair,  
13 equitable, and responsible action that you, the  
14 members of LATFOR can take is simple: Please  
15 follow the law. Thank you for your time.

16 SENATOR NOZZOLIO: Thank you very much.  
17 Any questions from members of the panel?

18 MR. MCENENY: Thank you.

19 SENATOR NOZZOLIO: Thank you.

20 MS. COLE: Thank you.

21 SENATOR NOZZOLIO: Ed Ryan?

22 MR. ED RYAN: Morning if it's still  
23 morning. My name is Ed Ryan and I'm with the  
Board of Elections. And I came here as a request

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3 to discuss a few things that you have in front of  
4 you for the next couple months. First I guess is  
5 Congress.

6 SENATOR NOZZOLIO: Pardon me Mr. Ryan,  
7 would you be so kind as to put the microphone a  
8 little closer? Great. Thank you.

9 MR. RYAN: First of all is Congress. As  
10 a person who lives in Onondaga County I think we  
11 here very much would like to see Onondaga County  
12 remain whole in the congressional race. I know  
13 that we are in the crosshairs of a few things.  
14 Forty-three years ago when I moved here down to  
15 Bay Ridge and lived there I was amazed how many  
16 people in Bay Ridge, my neighbors, did not even  
17 know where Syracuse was but that was 43 years  
18 ago. I think it's important because we are a big  
19 community, we're starting to make strides here,  
20 and for us to be dissected to three or four  
21 different congressional races and become an  
22 appendage of them I think we would lose a great  
23 deal of our identity, so I'm imploring you both  
upstate and downstate to leave us whole. Second

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3 to primary and I think Senator Nozzolio you point  
4 it out well. You have a number of different  
5 things pushing on all of your right now that  
6 haven't been there in the last couple of  
7 different redistricting, and I've been through  
8 four of them because I've been elected since the  
9 70s formally so I've been through four  
10 redistricting processes and we know what goes in  
11 there. The Move Act obviously is pushing from my  
12 position as the Commissioner of Board of  
13 Elections. I hope sincerely that you choose the  
14 June primary date and I know that puts some of  
15 you in a position if they get redistricted, but  
16 the June primary date I think works best for  
17 everybody in Onondaga County and the State of New  
18 York. And it was done during a gubernatorial  
19 election 20-some years ago where it was, and it  
20 should go back to June. The New York State  
21 redistrict of the Assembly and Senate: Obviously  
22 I think you've got a major thing going there. My  
23 belief is that both New York State and the New  
York State delegates are on the uptick [phonetic]

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3 for the meter for what people perceived as going  
4 in the right direction of New York State. And I  
5 think with the governor and what was accomplished  
6 down in Albany this year I think that we stand  
7 proud in the nation of moving in the right  
8 direction. My representative, Brian Kolb who I  
9 know is anticipating the passage of a  
10 Constitutional Convention and I think all of us  
11 need that to happen. There are a number of  
12 issues that are in place that need to be resolved  
13 and fairly, and I believe that--and I do not know  
14 your rules, whether you have the ability to leave  
15 the districts as they are for two years because  
16 as Senator Nozzolio pointed out, if the primary  
17 got moved to June it will leave very, very little  
18 time for people to promote or do a campaign for  
19 redistricting. But I'm wondering if your rules  
20 allow you to keep the same Assembly Districts and  
21 Senate Districts for two years, let Congress go--  
22 I know you can't control the congressional  
23 districts--and let the Constitutional Convention  
go forth, let them resolve some of these tricky

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3 issues of districting and term limits and all the  
4 other things that have to do, and I believe that  
5 will show very good for I think the Senate, the  
6 Assembly, and New York State in particular that  
7 we are moving in the right direction trying to  
8 make sure that we run our house correctly.

9 Senator, you raised a question--I'm not sure what  
10 the question was--ahead of me about 62 senators?

11 SENATOR DILAN: Yes. My point was that  
12 I wanted a clarification from this panel as to  
13 are we proceeding to draw the plan based on 62  
14 seats, 61 seats, or 63? So I'm saying that this  
15 panel should give the public that number up front  
16 so--because the assumption right now would be by  
17 the public that we're drawing a plan based on the  
18 current size of the Senate.

19 MR. RYAN: That's exactly what I thought  
20 you were asking, and from this person's  
21 standpoint who has served on a legislature with  
22 24 and we were deadlocked at 12-12 little or  
23 nothing got done. We were at odds ends, butting  
heads forever. We went to 19, now we're down to

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3 17. We saw what happened. I think the Senate  
4 will be--the Senate races will be closely  
5 contested for the next decade anyways between D's  
6 and R's or R's and D's. And I think you probably  
7 ought to go to an odd number, that would be my  
8 belief. Whosoever in charge will have at least  
9 one extra rather than bring government to its  
10 knees.

11 SENATOR NOZZOLIO: And if I may  
12 interject Commissioner, and thank you for that  
13 comment. Senator Dilan, I think it's imperative  
14 as we continue the hearings that your question is  
15 one that we should be asking the public for their  
16 view as opposed to determining any kind of  
17 dictation on a number, and I think that the  
18 Commissioner provided us with that input, and I  
19 appreciate very much that discussion and I hope  
20 it continues throughout the State, to have the  
21 input in terms of what the public wants in terms  
22 of a number of representatives. Any questions  
23 for Commissioner Ryan? Senator Dilan?

SENATOR DILAN: But first I have to just

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3 say that I do also agree with you Mr. Chairman,  
4 that everything we do should be based on the  
5 input we get from the public, and I believe that  
6 10 years ago that was lacking when we let the  
7 public believe that we were drawing lines based  
8 on 61 seats and then all of a sudden we gave them  
9 62. With that said, I just wanted to ask the  
10 Commissioner with the current configuration of  
11 the Senate Districts here in Syracuse did I hear  
12 you say that you would like to see those lines or  
13 the way the districts are drawn currently, that  
14 they stay that way now? Is that what you said?

15 MR. RYAN: I spoke about the  
16 congressional lines that we--

17 SENATOR DILAN: Oh congressional. No  
18 but I heard you mention something about State  
19 Senate and Assembly Districts.

20 MR. RYAN: Well, I said when the lines  
21 were-- Yeah. My statement was--and I don't know  
22 whether you have the ability to delay redrawing  
23 those lines for two years. And my question was,  
if you had the ability to amend the Constitution

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3 for two years, to delay that until a  
4 constitutional convention took place--

5 SENATOR DILAN: We don't have that  
6 ability.

7 MR. RYAN: You don't have that? See, I  
8 did not know that. Then you really don't have a  
9 choice.

10 SENATOR DILAN: Okay. My question then  
11 is as the Senate Districts are currently  
12 configured here in Syracuse--and perhaps this  
13 would have been a more appropriate question to  
14 the two-party chairs, is--

15 MR. RYAN: Am I happy with it?

16 SENATOR DILAN: Yeah, are you happy with  
17 the way it currently is, or--and the chairs I  
18 should have asked them that question.

19 MR. RYAN: I guess really I think Shelly  
20 Silver drew the lines to get even with Mike  
21 Bragman a few years ago and some of us are  
22 disenfranchised here because we're an appendage,  
23 where we had four district assemblymen here, now  
we've got five. And so I mean I know Brian Kolb

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3 is mine. Don't know if he's ever been to Otisco.  
4 I live in Otisco. I don't know if he's ever even  
5 been there. So we're just a small priority of  
6 what his district is so if you could go back and  
7 make us four we'd be happy.

8 SENATOR DILAN: Basically I'm just also  
9 hoping to hear from the public in terms of what  
10 they feel about the current configuration of  
11 their Assembly Districts or of their Senate  
12 Districts, or are there different communities out  
13 there? I would like to hear are the Districts  
14 fair to them or not?

15 MR. RYAN: I think three of our Assembly  
16 Districts are well suited and I believe somehow  
17 we should go back to having four assembly  
18 districts here in Onondaga County; that would  
19 please me.

20 SENATOR DILAN: Thank you.

21 MR. RYAN: Okay.

22 SENATOR NOZZOLIO: Commissioner, I know  
23 you've been around--

MR. RYAN: Too long.

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3 SENATOR NOZZOLIO: Well I remember you  
4 when you had dark hair. Now you and I are dying  
5 our hair gray and I understand that you're  
6 [phonetic] white. Commissioner, from a Board of  
7 Elections perspective, as these lines are being  
8 drawn it will be--I'm concerned and if you heard  
9 some of my comments earlier about giving the  
10 Board of Elections enough time to reorder its own  
11 districting numbers and assessments, when a  
12 petition process could begin as early as February  
13 of this year, that process requires the Board of  
14 Elections to be ready and prepared to be able to  
15 adapt to that process. And I understand that was  
16 the--and likely the motivation for your  
17 suggestion that until these issues are determined  
18 then it might be better to wait. Do you have any  
19 sense of how long it would take to participate  
20 and coordinate the election districts for the  
21 County of Onondaga with a new redistricting for  
22 both Congress, State, Senate, and State Assembly?

23 MR. RYAN: Well, given the fact that if  
the status quo stays in place that he towns

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3 remain whole. I have already instructed one of  
4 the people on my staff to start looking at EDs to  
5 consolidate election districts. We have election  
6 districts in Onondaga County that extend from two  
7 people in one election district to about 1200 and  
8 we have 459 of them. Our biggest problem here in  
9 Onondaga County is not the towns because they  
10 remain whole; it's the city. And I just spoke  
11 with Mr. Roberts over there, a longtime colleague  
12 of mine, and when we get into the City of  
13 Syracuse which becomes dissected and you have  
14 Assembly lines and Senate lines. You could have  
15 county legislature lines, you have council lines,  
16 and god for bid we have a congressional line, and  
17 then we throw in the ward lines which are 19 of  
18 them which make no sense anymore to have 19  
19 wards. We should have five or six or seven of  
20 them. And when you take all those different  
21 things and you put them in there it looks like  
22 spaghetti, you can't cross them so you've got  
23 just two blocks, three blocks in the ED, and  
we're trying to reduce the cost of elections.

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3 We've gone from 205 polling places down to 175.  
4 It's very expensive with these new machines, as  
5 you all know. And so we're trying to go from 459  
6 EDs down to maybe the 300, 350 area and make them  
7 all around 800 or 900. So the more lines that  
8 get crossed in the city the more difficult it is.  
9 So as I look at you we're going to do the  
10 Assembly and Senate lines. I'll ask you this  
11 very politely, if you could try to coordinate the  
12 Senate and Assembly lines through the City of  
13 Syracuse you'd make our life a lot easier. And  
14 that would be every city because that's where it  
15 gets convoluted. I mean, I just went through  
16 the--what we did with the Onondaga County  
17 Legislature and it was horrible what they did.  
18 It was politically driven and it was just--some  
19 of the districts looked like snakes, some of them  
20 looked like octopuses instead of trying to make  
21 them cohesive. So if the Senate and Assembly  
22 could go through the City of Syracuse and  
23 coordinate to some degree it would be very good  
for us.

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3 SENATOR NOZZOLIO: Thank you very much.  
4 Any other comments?

5 MR. MCENENY: On change. At least we  
6 let you draw your own districts now because it  
7 used to be-- I know in Albany that the city  
8 [inaudible] count so would have to set up the  
9 election districts and then tell the Board of  
10 Elections what they should be. Now the Board of  
11 Elections does it.

12 MR. RYAN: It's one less nightmare we  
13 have.

14 MR. MCENENY: It's one less.

15 SENATOR NOZZOLIO: Thank you  
16 Commissioner. Thank you very much. Marco  
17 Barzoki [phonetic]? Janet Muir [phonetic]? Walt  
18 Dixie?

19 MR. WALT DIXIE: Good morning Chair and  
20 Members of the Committee. I want to thank you  
21 for coming to Syracuse today. This is an  
22 interesting subject. I remember ten year ago  
23 hearing it. I hear the same conversation. I  
think at the end of the day we need to figure

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3 out--and I don't know if this happens or not--  
4 that maybe in the future just an earlier timeline  
5 to do this so that you don't be pressed for time  
6 because I heard that ten years ago. My name is  
7 Walt Dixie. I live at 1034 South Geddes,  
8 Syracuse. My name is Walt Dixie and today I want  
9 to testify on behalf of the Alliance Network, the  
10 local chapter of Reverend Al Sharpton's national  
11 network. We are a multicultural grassroots  
12 organization focused on community empowerment,  
13 economic development, and increasing  
14 opportunities for underprivileged communities in  
15 central New York. Redistricting is as simple as  
16 one person, one vote. Many people take that for  
17 granted but those of us on the front line for the  
18 struggle for fairness and justice understand the  
19 sacrifice involved in the civil rights movement  
20 and what it took to pass the Voting Rights Act  
21 and the Civil Rights Act. We understand the  
22 struggle, the marches, the sit-in, the beatings,  
23 the jailing, the lynchings, the assassination of  
our leaders. We also understand our history. We

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3 know we didn't change America's minds on race all  
4 by ourself. As a country we came together, we  
5 told Jim Crow where to go, and together we made  
6 history in 2008 by electing President Obama. But  
7 there's still more to do and we have to do it  
8 together. My message today is very simple. If  
9 redistricting is based on the premise of one  
10 person, one vote, then why can't we also make it  
11 about one city or one county equals one district?  
12 For Congress why does Erie County have three  
13 members of Congress when it can have two? Why  
14 does Monroe County have four when it could have  
15 one? When you look at the Senate, why is the  
16 City of Rome divided two ways? Why is the City  
17 of Syracuse divided in two ways? Why is the City  
18 of Rochester divided in three ways? Why is  
19 Buffalo divided in two ways? We know the answer  
20 why, because that's the way it has been done in  
21 the past, incumbency needs to be protected,  
22 that's politics. But doesn't the record speak  
23 for itself? Doesn't decades of higher taxes,  
hundreds of thousands of people leaving western

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3 and central New York prove we need a better way?  
4 What more proof do you need than the high dropout  
5 rate, high property taxes, and high unemployment?  
6 Look at Monroe County and the City of Rochester.  
7 They spend more money per people than any other  
8 school district in the state but have the worst  
9 results. Rochester has three senators but not  
10 one of them is from Rochester. One is from the  
11 town of Hieronta [phonetic], one is from the Town  
12 of Greece, and the other--and one is an hour away  
13 from Niagara County. Their record speaks for  
14 their self and the children of Rochester deserve  
15 better. When the Mayor of Rochester, now  
16 Lieutenant Governor, asked the Legislature to  
17 give him control over the schools not one of  
18 Rochester's three senators would support his  
19 request. There has to be a better way to reach  
20 the policies outcome our kids deserve. If the  
21 definition of insanity is doing the same thing  
22 over and over and expecting a different result we  
23 need to stop the insanity and we need to change  
the way we draw districts. As long as our cities

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3 are divided we will never have people who  
4 represent the needs of urban taxpayers in Upstate  
5 New York. If the United States in divide we fall  
6 our cities would never be united as long as  
7 politically divided, resource-starved. I've  
8 asked all of you to consider ending the splitting  
9 of cities as you do your work. Let me close by  
10 saying this, I mentioned President Obama before.  
11 For each of the past four rounds of redistricting  
12 there has been a Republican president and  
13 consequently a less-than-helpful Justice  
14 Department when it came to reviewing the Voter's  
15 Rights Act claims. With a Democrat in the White  
16 House I expect a fair interpretation of the  
17 Voter's Rights Act as related to downstate  
18 districts. I urge this Task Force to keep in  
19 mind as you draw your districts avoid the  
20 overpacking, gerrymandering of downstate  
21 districts. And while it's probably too much to  
22 ask this Task Force, I urge you to adopt  
23 standards for all districts and counties  
consistent with the Voter's Rights Act and then

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3 draw districts that are [inaudible] and  
4 representative of all the peoples that we serve.  
5 Thank you very much. But before I close I'd just  
6 like to say I thought that--this year I want to  
7 commend the Governor, the Senate, and the  
8 Assembly for the bipartisan support of all the  
9 major accomplishments you have done. I think in  
10 the spirit of that line moving forward I think  
11 what great opportunities to try to get this right  
12 in the way that for me as an African American and  
13 my Hispanic family and poor whites on the west  
14 side of Syracuse, that we have the kind of  
15 representation that we-- The recession has just  
16 not started; we've had this recession for a  
17 decade. We need representation that is reflected  
18 and can be leveraged fairness in the State of New  
19 York. Thank you.

20 SENATOR NOZZOLIO: Thank you very much  
21 Mr. Dixie. Any questions of the panel of Mr.  
22 Dixie? Thank you sir. Dana Johnston?

23 MS. DANA JOHNSTON: Hi.

SENATOR NOZZOLIO: Good afternoon.

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3 MS. JOHNSTON: My name is Dana Johnston.  
4 I live at 5232 East Fox Hill Lane in Camillus,  
5 New York. I'm a taxpayer, a voter, and possibly  
6 I represent the not-so-desperate Housewives of  
7 Fox Hill and working moms in Camillus. I'd like  
8 to thank you for convening this panel in  
9 Syracuse. I'm very grateful that the opportunity  
10 presents for us to talk. So thank you very much  
11 for that and thank you for listening. Today I'd  
12 like to say that Onondaga County should not be  
13 divided and the 25th Congressional District  
14 should not be cut into parcels. When our family  
15 moved to Onondaga County 11 years ago we came  
16 because of a job opportunity in Syracuse.  
17 Although we lived in a town outside the city  
18 limits when I'm traveling and people ask where  
19 I'm from I say Syracuse. Syracuse is the heart  
20 of this region and it is in no small part how  
21 people who live in the area surrounding the  
22 actual city think of themselves. They bleed  
23 orange. They identify with the great  
educational, medical, cultural, and civic

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3 opportunities of Syracuse, which are inextricably  
4 linked to those of Onondaga County as a whole.  
5 To divide Onondaga County would undermine the  
6 cohesiveness of the region. It would also impact  
7 on the quality of representation the citizens of  
8 this region have in Congress. The cultural and  
9 religious diversity of the Greater Syracuse area  
10 and Onondaga County is unfortunately not matched  
11 by Plattsburgh. It's hard to understand why  
12 someone would think it would be a good idea to  
13 make the communities which surround Syracuse  
14 satellites in a constellation built around  
15 another city such as Rochester. We don't need  
16 another center of our universe; we have Syracuse.  
17 There are numerous federal issues that Syracuse  
18 and Onondaga County as a whole will need to  
19 address as a whole such as rebuilding of  
20 interstate highways, homeland security,  
21 immigration, and environmental issues. The  
22 congressional representative will need to serve  
23 one consensus group of constituents which is  
already present in today's congressional district

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3 with some little tails [phonetic] attached.

4 Another reason to keep Onondaga County as one  
5 whole entity when it is represented in the United  
6 States Congress is that voters can more easily  
7 identify their representative. When  
8 congressional districts resemble Rorschach blots  
9 rather than logical, contiguous geographic units  
10 voters become less likely to be involved. A  
11 famous United States congressman once said that  
12 all politics is local, and in this instance I  
13 apply it to mean Syracuse is local to Onondaga  
14 County voters and Onondaga County is local to  
15 Syracuse. Please keep the county united. Thank  
16 you.

17 SENATOR NOZZOLIO: Thank you very much.  
18 Any members of the panel have questions? Thank  
19 you. Brionna Murphy? I'm sorry it's Brianne  
20 Murphy?

21 MS. BRIANNE MURPHY: Good afternoon. I  
22 think I'm the first person that got to say good  
23 afternoon. Thank you for the opportunity to  
testify and for hosting this hearing here in

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3 Syracuse. I would like to introduce myself. My  
4 name is Brianne Murphy and I'm currently a  
5 candidate for Congress here in the 25th  
6 Congressional District. As we are winding down  
7 for the day I want to keep this brief but I will  
8 supplement my testimony with written--

9 SENATOR DILAN: What's your address for  
10 the record please?

11 MS. MURPHY: I'm sorry? It's 1801 West  
12 Genesee Street, Syracuse, 13204.

13 SENATOR DILAN: Thank you.

14 MS. MURPHY: I did just want to take the  
15 opportunity to publicly support a call for an  
16 independent panel as well as to echo without  
17 repeating the sentiment shared by Vita, Tom, and  
18 so many others here today that Onondaga County  
19 and Syracuse should be kept intact. We obviously  
20 share a robust culture, history, and regional  
21 economic, social, and geographic interests. As  
22 such, I want to respectfully urge each of you to  
23 base your decision not on political popularity  
but rather on the population decline in other

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3 parts of the State. That I'd like to say thank  
4 you and have a wonderful afternoon.

5 SENATOR NOZZOLIO: Thank you very much.  
6 Any comments? Questions? Thank you. Paul  
7 Cianfrocca? Did I pronounce your name  
8 incorrectly Paul?

9 MR. PAUL CIANFROCCA: Good afternoon  
10 gentleman. My name is Cianfrocca.

11 SENATOR NOZZOLIO: I pronounced it  
12 correctly, thank you.

13 MR. CIANFROCCA: I'm a private citizen  
14 residing at 909 Onondaga Road in Fairmont in the  
15 Town of Camillus. I don't represent any  
16 organization and I don't want to take up too much  
17 of your time but I wanted to say a few things  
18 about congressional redistricting. The most  
19 important thing I would like everyone in this  
20 room to take away from this is that we the people  
21 of New York State do not want safe congressional  
22 seats; we want competitive elections. The way  
23 it's been done in the past will not do to have  
three men in a room trading Republican towns for

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3 Democratic towns, saying Give me Republican  
4 voters for my Republican districts and I'll give  
5 you Democratic voters for your Democratic  
6 districts. That way all the incumbents become  
7 safer and all the elections become less  
8 competitive. We don't want that. And the  
9 second thing I would like to say is that when we  
10 lose congressional seats in New York as we have  
11 just about every round lately, the way they've  
12 approached it in my opinion is wrong which is to  
13 say, whom do we eliminate? I don't think that's  
14 the right approach. I think a better approach  
15 would be to start from scratch and build  
16 congressional seats around population centers.  
17 I didn't bring a map with me but I feel that I  
18 can explain my idea of a fair redistricting plan  
19 very simply. If you draw a line from north to  
20 south along the lines of Cayuga Lake and you take  
21 all the counties to the west of that and call  
22 that western New York you have enough there for  
23 four congressional seats and you would only have  
to borrow about 20,000 people from perhaps Tioga

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3 County along the southern tier. That way you  
4 have two seats for Rochester and two seats around  
5 Buffalo. And the last thing I want to talk about  
6 is Onondaga County, the 25th Congressional  
7 District. At this time we have Wayne County and  
8 Monroe County in this district, and I don't think  
9 they belong there. I think they belong in  
10 western New York. So if you take those out we're  
11 left with Onondaga County and the northern part  
12 of Cayuga County which is sparsely populated.  
13 Why not give us all of Cayuga County? Put  
14 Syracuse and Auburn in the same district. I  
15 think that's very fair and reasonable, and to  
16 that I would add Cortland County and Tompkins  
17 County to make a nice rectangular neat district.  
18 And I think that's very reasonable. And if you  
19 look at the past district you'll find that it  
20 would look very much like the district we had  
21 before this latest round of redistricting when it  
22 was represented by Congressman Walsh, and that's  
23 all I have to say. Thank you for listening.

SENATOR NOZZOLIO: Thank you very much.

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3 Any questions for the testifier? Thank you for  
4 your suggestions. This brings to call now those  
5 who were called earlier but did not respond.  
6 Taneka Jones [phonetic]? Professor John Abud  
7 [phonetic]? Professor Jeffrey Stonecash  
8 [phonetic]? Monica Miranda [phonetic]? Marco  
9 Marnozzi [phonetic]? Janet Muir [phonetic]? And  
10 John Field [phonetic]?

11 MR. MCENENY: I believe Monica Miranda  
12 is also Monica Aurias Miranda [phonetic].

13 SENATOR NOZZOLIO: Are any of those  
14 people present? Anyone else wish to testify?  
15 Having heard none then Assemblyman McEneny?

16 MR. MCENENY: We thank you all for  
17 coming. WE thank you for your patience and  
18 consideration and for the ideas that you bring  
19 forward. For those people who couldn't make, we  
20 look forward to their testimony sent to the Task  
21 Force, and this is the first and has been a very  
22 good and very productive meeting and we hope to  
23 have more of them. We've got 11 more scheduled  
across the State then somebody has to do the

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3 drawing of the lines which is always very  
4 difficult, and then we will come back for 12 more  
5 with actual districts to discuss in greater  
6 detail. Thank you very much.

7 SENATOR NOZZOLIO: Thank you  
8 Assemblyman. Before closing I just want to thank  
9 members of the Task Force for their  
10 participation, that we need to certainly  
11 compliment and thank our host, the City of  
12 Syracuse, for allowing us to be in their City  
13 Council Chambers right in downtown Syracuse. The  
14 Task Force remains committed to a fair, open, and  
15 transparent bipartisan process. This first  
16 hearing we can shake off the growing pains and I  
17 think it was a very helpful hearing and that I  
18 believe each of the rest of the hearings will  
19 continue to be in that vein. We want to also  
20 indicate that the Task Force is committed to  
21 taking testimony. For all those who may be  
22 viewing this hearing on the LATFOR web site  
23 written testimony, if you cannot make one of the  
hearings is welcome and that we will make it part

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3 of the official record of the hearings as a  
4 portion of public input. So please feel free to  
5 share any written comments that those in the  
6 audience or those who are viewing this hearing  
7 may wish to attend. Again, thank you for the  
8 participation. This meeting is adjourned.

9 (The public hearing concluded at 12:30  
p.m.)

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C E R T I F I C A T E

I, Nina Weldon, do hereby certify that the foregoing typewritten transcription, consisting of pages number 1 to 110, inclusive, is a true record prepared by me and completed from materials provided to me.



Nina Weldon, Transcriptionist

July 26, 2011



**NEW YORK STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC  
RESEARCH AND REAPPORTIONMENT**

**Public Hearing**

**Congressional and state legislative redistricting**

**July 19, 2011 / 10:30 AM**

**City Hall Council Chambers, 3<sup>rd</sup> Floor**

**233 East Washington Street, Syracuse, NY**

**SPEAKERS LIST:**

1. DONALD GOULET, VOLUNTEER  
LEAGUE OF WOMEN VOTERS SYRACUSE-METRO AREA
2. PROFESSOR JOAN MANDLE , COLGATE UNIVERSITY  
CITIZEN ACTION OF NY
3. DEBORAH WARNER, VICE PRESIDENT FOR PUBLIC POLICY  
CENTER STATE CORPORATION FOR ECONOMIC OPPORTUNITY
4. ASSEMBLYMAN KEN BLANKENBUSH
5. BILL MAHONEY, RESEARCH COORDINATOR  
NYPIRG
6. CHARLES L. PIERCE
7. THOMAS DADEY, CHAIRMAN  
ONONDAGA REPUBLICAN COMMITTEE
8. VITA DeMARCHI, CHAIR  
ONONDAGA DEMOCRATIC COMMITTEE
9. KIANNA COLE, PROGRAM SUPERVISOR  
ONONDAGA COUNTY REENTRY PROGRAM
10. ED RYAN, ELECTION COMMISSIONER
11. WALT DIXE, THE ALLIANCE
12. DANA JOHNSTON, TAXPAYER AND VOTER
13. BRIANNE MURPHY, CANDIDATE FOR CONGRESS  
NY 25<sup>TH</sup> DISTRICT
14. PAUL CIANFROCCA, CITIZEN

NYS LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND  
REAPPORTIONMENT

PUBLIC HEARING ON  
CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING

City Hall Council Chambers, Room 302-A

30 Church Street

Rochester, New York

Wednesday, July 20, 2011

10:00 a.m.

Demographic Research and Reapportionment-July 20, 2011

TASK FORCE MEMBERS:

MICHAEL F. NOZZOLIO, SENATOR, CO-CHAIR

JOHN J. MCENENY, MEMBER OF ASSEMBLY, CO-CHAIR

MARTIN M. DILAN, SENATOR

ROBERT OAKS, MEMBER OF ASSEMBLY

DEBRA LEVINE, CO-EXECUTIVE DIRECTOR

LEWIS HOPPE, CO-EXECUTIVE DIRECTOR

ROMAN HEDGES

WELQUIS LOPEZ

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2 (The public hearing commenced at 10:00  
3 a.m.)

4 ASSEMBLY MEMBER JOHN MCENENY, CO-CHAIR,  
5 NYS LEGISLATIVE TASK FORCE ON DEMOGRAPHIC  
6 RESEARCH AND REAPPORTIONMENT: Good morning, and  
7 thank you very much for attending this public  
8 hearing. It is the second public hearing that  
9 the Legislative Task Force for Demographics and  
10 Redistricting has had. We had one yesterday as  
11 some of you know in Syracuse. It had very good  
12 attendance, some very good input from that  
13 community, and this is again the second of our  
14 initial 12 public hearings across the state of  
15 New York, which will be followed by a draft of a  
16 revised map for Congress, the New York State  
17 Senate, New York State Assembly and then another  
18 12 public hearings that will probably occur in  
19 November, December, and if necessary into  
20 January. I'd like to introduce the people who  
21 are up here on the panel. There are six members  
22 of this bipartisan legislative commission, and  
23 they are to my immediate right my co-chair  
24 Senator Mike Nozzolio. We are from the majority

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2 party of our house. I'm John McEneny from the  
3 Assembly. We have the minority representative,  
4 Senator Martin Martin Dilan, and from the  
5 Assembly, Robert Oaks is an Assemblyman. We have  
6 two private citizens who sit upon the Task Force,  
7 to my right Ray Lopez from the Senate side and to  
8 my left Roman Hedges from the Assembly. We also  
9 have here on the panel the co-executive  
10 directors, from the Senate side Debra Levine and  
11 Lewis Hoppe from the Assembly. The purpose of  
12 this hearing is to get input on whatever you wish  
13 to give input on on those three legislative areas  
14 of Congress, Senate and Assembly, and we have a  
15 good number of speakers here. I have 20, but I  
16 see people signing up since we've come in the  
17 room. It is our hope that this will be the most  
18 open redistricting that has ever occurred in the  
19 state. The software, which is in the hands of  
20 private citizens how, there are people out there  
21 in groups who are designing districts, making  
22 recommendations. You will be able--LATFOR as the  
23 nickname goes for the Task Force, will accept  
24 testimony in writing, even maps if you have them

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2 on the record continuously throughout the entire  
3 process. I know yesterday there were some people  
4 who couldn't show up. Their testimony  
5 nonetheless will be counted, and if you provide  
6 testimony and decide after hearing what some of  
7 your fellow citizens have said that there was  
8 something you should have added or something you  
9 left out, again this is an open process. This  
10 wave of public hearings will go straight through  
11 until the fifth of October, so there is plenty of  
12 time before anybody officially gets to drawing  
13 maps.

14 I'd like to turn it over now to my co-  
15 chair, Senator Mike Nozzolio. Both of us are  
16 upstaters so we're very familiar with the  
17 territory here.

18 SENATOR MICHAEL NOZZOLIO, CO-CHAIR, NEW  
19 YORK STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC  
20 RESEARCH AND REAPPORTIONMENT: Thank you. Thank  
21 you, Assemblyman McEneny, and welcome to those  
22 who are participating in this the second of  
23 hearings that we will be conducting across the  
24 state to take testimony on the issues relating to

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2 the decennial process of redistricting. I want  
3 to emphasize comments that you made yesterday,  
4 Assemblyman, emphasize the fact that this LATFOR  
5 commission, which is unique in the legislature in  
6 that there are co-chairs from the Assembly and  
7 the Senate. There are members of the Assembly  
8 and Senate participant as well as citizen members  
9 of this commission, a commission that by law has  
10 a responsibility and a fiduciary obligation to  
11 under current law begin the process of providing  
12 public access to the redistricting process as  
13 well as eventually under current law drawing the  
14 lines for Congress and the State Legislature that  
15 we are here because the law says we are to be  
16 here. We are formed because the law says we are  
17 to be formed. There are many who disagree with  
18 that law, and we respectfully accept their  
19 opinions as part of the record. But it needs to  
20 be emphasized that as the law stands today this  
21 obligation is the obligation of the Task Force  
22 and that we want to fulfil that obligation as you  
23 said, Assemblyman, in the fullest and most  
24 responsible way possible. There will be hearings

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2 in every region of the state, that each of those  
3 hearings is video recorded. That recording  
4 becomes part of the permanent record of the Task  
5 Force. That recording will be also transcribed  
6 so there will be a visual and written record as  
7 we go across the state and take testimony from  
8 interested citizens. We also want to emphasize  
9 for the record that this hearing is only a small  
10 part of taking interested testimony from  
11 interested citizens. Every citizen wishing to  
12 voice an opinion if they cannot make the hearing  
13 in person are encouraged to provide written input  
14 to the Task Force. The LATFOR web site is  
15 available. We want to make that part of the  
16 ability of citizens to provide that input as  
17 directly as possible.

18 I'd also like to answer my good  
19 friend/colleague Senator Dilan's question. Even  
20 though he didn't raise it today, he has raised it  
21 at two prior meetings that the Task Force has had  
22 the organization meeting and the first hearing in  
23 Syracuse. The Senate is currently at a number,  
24 the New York State Senate is currently at a

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2 number of 62 members, and that Senator Dilan  
3 raising a very thought-provoking question as to  
4 what will the number of the Senate be? The  
5 Constitution and the laws of the state provide  
6 for the ability for that number to grow or shrink  
7 depending on particular policy questions, and  
8 Senator Dilan has raised that question now twice.  
9 I think that it's important to put out that we  
10 certainly would welcome, and I frankly don't  
11 believe any decision should be made, Senator,  
12 until at such time as the public has an  
13 opportunity to review that process and provide us  
14 with input. Let the public tell us whether the  
15 State Senate, which is now at 62 should be  
16 changed to another number. So in anticipating  
17 your question, I think it's a very good question,  
18 a very good issue, and you raised it. I think we  
19 should let the public know from the outset. I  
20 wasn't sure whether you were going to raise it  
21 today or not, but the public should know from the  
22 outset that they have--certainly are welcome to  
23 provide input on that particular question for  
24 this commission. With that, Co-Chair McEneny,

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2 it's a pleasure, and I look forward to the  
3 testimony today.

4 MR. MCENENY: Thank you, Senator.

5 Before we begin that testimony, I'd like to give  
6 the other members of the panel up here an  
7 opportunity to comment. We obviously alternate  
8 chairmanship, so I'll go to Bob Oaks, a member of  
9 the Assembly.

10 ASSEMBLY MEMBER ROBERT OAKS, NEW YORK  
11 STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC  
12 RESEARCH AND REAPPORTIONMENT: Thank you,  
13 Chairman McEneny, and thank you, everyone, for  
14 being here today. I look forward to having your  
15 input as a part of this process as we go across  
16 the state with the ultimate goal of coming up  
17 with a fair plan that will serve the citizens of  
18 New York over the next ten years as we have  
19 districts that are drawn in the Assembly, the  
20 Senate and our Congressional District. So, thank  
21 you for your participation today whether it's  
22 listening or whether it's providing testimony for  
23 us. Thank you.

24 MR. MCENENY: Thank you. Senator Dilan?

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2 SENATOR MARTIN DILAN, NEW YORK STATE  
3 LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH  
4 AND REAPPORTIONMENT: Thank you very much, Mr.  
5 Chairman. First of all, good morning to everyone  
6 in the public, and I just like again to indicate  
7 that the previous comments that I have made for  
8 the record are there already so I will not repeat  
9 them. Anyone who is interested in listening to  
10 those statements, they can go to the LATFOR web  
11 site and I encourage everyone in the public to do  
12 that. Yes, Mr. Chairman, with respect to my two  
13 points in regard to the size of the Senate, you  
14 very eloquently articulated that position, and I  
15 do look forward for input from the public in  
16 terms of whether the Senate should be 61, 62, or  
17 63 members. We have the ability to change that  
18 so I would love to hear from the public with  
19 respect to that. My second issue has been the  
20 non-compliance by this panel with respect to the  
21 2010 law, which has to do with where do we count  
22 prisoners. The law that passed in 2010 and  
23 signed by the governor would count prisoners in  
24 their home of record so my position is that we

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2           comply with that law, or we basically don't count  
3           those prisoners in any location. So I would love  
4           to hear from the public with respect to those two  
5           issues, and also we're interested in listening to  
6           your current configuration of your Congressional  
7           districts, Senate districts and Assembly  
8           districts, and we would love to hear whether you  
9           feel that the current configuration that you have  
10          is fair or any suggested changes you have. With  
11          that said, I look forward to listening to the  
12          testimony. Thank you.

13                   MR. MCENENY: Mr. Hedges, did you want  
14                   to add anything to that?

15                   ROMAN HEDGES, NEW YORK STATE LEGISLATIVE  
16                   TASK FORCE ON DEMOGRAPHIC RESEARCH AND  
17                   REAPPORTIONMENT: Just briefly. I have  
18                   participated in this process for a number of  
19                   years, and I look forward to hearing from each  
20                   and every one of you.

21                   MR. MCENENY: Thank you. Mr. Lopez?  
22                   Thank you, we will move forward now. We also  
23                   want to thank the City of Rochester for making  
24                   this magnificent building available to us for

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2           this public hearing. It is a legacy to the  
3           industry and the commitment to public service  
4           that was in this city when it was built in 1884  
5           originally as a federal building. Eventually  
6           became the City Hall, and we will make history  
7           today I am afraid because I think for the first  
8           time since 1953 Rochester is going to hit 100  
9           degrees. So it's good to be in an air-  
10          conditioned, high-ceiling room like this one.  
11          The only thing that was not mentioned, and I  
12          would like to point out is the question of the  
13          calendar. This year is different from past  
14          redistrictings, and the reason is that the United  
15          States Department of Justice is justifiably  
16          concerned with the fact that as many as 20% of  
17          our men and women in service case absentee  
18          ballots, which for timing reasons are never  
19          counted, which can make a major difference in  
20          some elections. And because of that they have  
21          asked us, rather ordered us, to change the date  
22          of the primary to something, which will make it  
23          possible to ensure that every absentee ballot is  
24          counted and add additional days to get those

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2 absentee ballots out and back in in time for a  
3 final count. Because of that, it is unlikely  
4 that we would ever move a primary to August or  
5 July simply because of the realities that people  
6 are not around. Some schools are not open. They  
7 are common polling places and a number of other  
8 reasons. So what we are looking at is a very  
9 likely June primary. Now, count back 45 days for  
10 mailing out absentees, allow a period of time  
11 after petitioning when a potential candidate  
12 accepts or declines a designation, add the period  
13 of five weeks or so to get the petitions on the  
14 street, and you realize that the Legislature, and  
15 then add the time that parties have to send out  
16 notice and then hold their party conventions on a  
17 county level or town level locally, and you  
18 realize that the Legislature will most likely  
19 need to vote this year on a finished plan in the  
20 month of February. So, it is important that we  
21 move straight away with these public hearings,  
22 and it's important that we conduct them in a  
23 professional manner and have something of the  
24 Legislature in January to start examining.

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2 MR. NOZZOLIO: Assemblyman, if I may, I  
3 appreciate that outline. I think it's very  
4 helpful, but also added to that need to emphasize  
5 the fact that New York being a voting rights  
6 state and a voting rights county including this  
7 county and other counties across the state, in  
8 order to comply with the Voting Rights Act, there  
9 is an independent review conducted by the United  
10 States Justice Department, and that review takes  
11 time as well. So adding that to the mix creates  
12 additional time pressures. That's why I think we  
13 need to emphasize we began this process, and I  
14 appreciate your leadership in starting the  
15 process now. We couldn't wait any longer, and as  
16 it is, we will be far against the gun in terms of  
17 time pressure.

18 MR. MCENENY: Thank you, Senator. We  
19 call upon David Lum, a member of Citizens for a  
20 Better New York. If you would come up here, bear  
21 in mind that this is being filmed, televised,  
22 however we do it now with new technology, and  
23 will show up on the LATFOR web site. Eventually,  
24 what you say will be turned into a written

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2 transcript, which will become part of the record,  
3 and should this go to Court as most  
4 redistrictings do, will surely be reviewed by the  
5 Justice Department. That written record is a  
6 very important thing. So, Mr. Lum, if you would  
7 give you name, your address, and if you represent  
8 an organization, please say so.

9 DAVID LUM, CITIZENS FOR A BETTER NEW  
10 YORK: Thank you, Mr. McEneny. My name is David  
11 Lum. My address is 5 Wolf Trap. I live in  
12 Pittsford, New York, and I'm a member of a group  
13 called citizens for a Better New York. And I'm  
14 here to talk about three quick points that I  
15 think are in direct support of the urgency which  
16 you spoke of just a few moments ago because of  
17 the many pressures which were described.

18 Last fall we citizens throughout the  
19 state listened to the many campaign promises,  
20 pledges, statements about the need for fully  
21 independent redistricting, and voters went to the  
22 polls, which is another way of giving testimony,  
23 of course, asking for this fresh new look. And  
24 there has been legislation proposed in both the

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2 Senate and Assembly, and particularly the  
3 Governor's proposed bill has yet to be acted upon  
4 as I understand and it's being held for review in  
5 committee. But we listened to the campaign  
6 promises, and we said we want accountable  
7 legislators. We heard that the elected officials  
8 we elected after they were, election results came  
9 out that they would end the practice of  
10 gerrymandering, which has taken place for too  
11 many years in New York. We are still waiting.  
12 The bills are still bottled up as we understand  
13 it, and we ask that the LOTFOR committee--we  
14 thank you for taking the leadership on this,  
15 should inspect any final plan and I'm sure you're  
16 going to hear many of them for three important  
17 factors. One is ensure that all districts have  
18 roughly equal populations. By roughly means we  
19 need to take into account communities of interest  
20 and the other court decisions that have been  
21 made over the years, and the district should be  
22 no larger or smaller than 3% of the average.  
23 Second of the three points, we ask the districts  
24 be compact and fully contiguous as set forth by

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2 the state constitution and we believe court  
3 decisions also. The third and final point I want  
4 to make is that no plan should consider party  
5 enrollment. I happen to--the groups, which are  
6 redrawing the lines, should not have access to or  
7 memory of the particular party affiliation, we  
8 feel, of the residents within the proposed  
9 district.

10 MR. MCENENY: Excuse me, they should not  
11 have memory of?

12 MR. LUM: Well, should there be a person  
13 with a photographic memory.

14 MR. MCENENY: Some of us read the paper  
15 and look at the election results. I think we  
16 can't wipe our memories out.

17 MR. LUM: Well, no, but some people can  
18 conveniently recall things more than other. So,  
19 I stand corrected on that. Thank you very much,  
20 or voting patterns of home addresses. But you do  
21 raise an interesting point. One of the issues  
22 that Rochester faces is the town's manufacturing  
23 is being outsourced to other states, cities, and  
24 countries, and if there's one thing that should

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2           be maybe outsourced would be drawing lines. It  
3           would be great to have some people from Quebec,  
4           Canada consider our laws here and draw the lines.  
5           That's--and I apologize for the remark, but it's  
6           that level of understanding that we want.

7                   MR. MCENENY: Let me interrupt. I told  
8           that to *The Post* that we should get Canadians if  
9           we want independent people and recommended French  
10          Canadians who would be less influenced by the  
11          biased English-speaking press in this country so  
12          you stole my line but I think I'm in *The Post* on  
13          that.

14                   MR. LUM: We did not partner on this.  
15          So fundamentally, I want LATFOR, or the other  
16          organization, or particularly the Governor's bill  
17          to be released from committee, passed into law,  
18          in accordance with the pledges that were made  
19          prior to the last election, and we would like  
20          this to happen as you point out within the next  
21          few weeks. Time pressure is on us or we're going  
22          to be saddled with the same stacked electoral  
23          maps we have had, and we don't believe that's  
24          good for the long-term prosperity and success of

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2 the people in our state. So, I thank you again  
3 for coming to Rochester and listening to the  
4 testimony of those who live here all year long.  
5 Thank you. Any questions, gentlemen?

6 MR. MCENENY: Yes, would anybody?  
7 Senator?

8 MR. NOZZOLIO: Thank you, Mr. Chairman.  
9 Thank you very much, Mr. Lum, for a very cogent  
10 and pointed approach. I appreciate that. A  
11 question about what role, if any, the legislature  
12 should play in the process. You indicated you  
13 believed it should be totally independent. Do  
14 you think that the legislature should have the  
15 authority to approve or disapprove a plan that is  
16 pro-authored by some other enterprise or entity?

17 MR. LUM: I believe that the legislators  
18 are empowered to make their own decisions. They  
19 can certainly listen to input from other groups  
20 or organizations, and they certainly should as  
21 you folks are doing here today. And I appreciate  
22 that, but indeed under our representative form of  
23 government they should propose legislation in  
24 accordance with the campaign promises and frankly

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2 in accordance with the Bills. I don't recall the  
3 particular Bill numbers.

4 MR. NOZZOLIO: I guess the essence of my  
5 question was, and I respect the opinion, it's  
6 widely held that there should be total  
7 independence of this process from the  
8 legislature. Do you agree with that?

9 MR. LUM: The word "total" is a very  
10 harsh word. I think they should have input.

11 MR. NOZZOLIO: Let me try to re-phrase  
12 that then to make it a little more focused. I  
13 won't be so general. To be more focused, should  
14 the legislature have final approval of the  
15 redistricting plan?

16 MR. LUM: I feel that an independent  
17 group who is aware of the court rulings on this  
18 and our state constitution and you'll hear some  
19 other quotes on our constitution should do that.  
20 To the extent that they are aware of that and  
21 have been briefed on it that we need to follow or  
22 constitution, and I think--

23 MR. NOZZOLIO: [interposing] I  
24 appreciate that.

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2 MR. LUM: I can't say right now that the  
3 legislature should have final approval?

4 MR. NOZZOLIO: Are you for it or against  
5 it? You don't have an opinion on it?

6 MR. LUM: I don't have an opinion on  
7 whether the legislature should do that.

8 MR. NOZZOLIO: I appreciate very much  
9 you offering your opinions today, and thank you  
10 for your testimony.

11 MR. LUM: Thank you.

12 MR. MCENENY: Thank you. Anyone else  
13 like to comment? Senator Dilan?

14 MR. DILAN: Just a quick question. Do  
15 you have a position on the size of the Senate,  
16 whether it should be 61, 62, or 63? And the  
17 reason why I continually push this question is  
18 because ten years ago throughout all the hearings  
19 the assumption was that the Senate was going to  
20 be at 61, and that's what the public was basing  
21 their plans on and many advocate groups were  
22 drawing their plans based on 61. Low and behold  
23 when the maps come out, we're talking about 62  
24 districts. My position is that we should let the

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2 public know what size the senate is so when they  
3 put their plans together, they do it based on the  
4 same number that we do. Do you have any position  
5 on that?

6 MR. LUM: My general position is that  
7 I'm more driven by the ability to make speedy,  
8 rapid decisions. And I would like to accelerate  
9 that, and I believe that smaller organizations  
10 are able to do that. So, I would oppose as the  
11 populations have shifted in New York State that  
12 we move and we're losing two Congressional seats  
13 that we reflect that in the number of people in  
14 Albany as well, smaller. Thank you. Any other?

15 MR. MCENENY: Thank you very much.

16 MR. NOZZOLIO: Thank you.

17 MR. MCENENY: Thank you very much.

18 William Gerling? The state's population by the  
19 way has grown, not dropped. It varies from  
20 county to county where the growth, where the loss  
21 is. We're losing Congressional seats because we  
22 did not grow as much as other areas of the  
23 country. It's not a loss of population.

24 MR. WILLIAM GERLING: Good morning. For

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2 the record, my name is William Gerling. I live  
3 at 42 Henrietta Street, Rochester, New York, and  
4 that's in Swillburg. The recent 2011  
5 reapportionment by the City of Rochester and the  
6 County of Monroe for the legislative bodies, the  
7 City of Rochester did make an effort to keep many  
8 of the traditional and historic neighborhoods in  
9 the same or one Council District. This was not  
10 the case with the county of Monroe where several  
11 neighborhoods were split into different  
12 legislative districts.

13 While the technology is available to the  
14 Task Force to put my home on Henrietta Street in  
15 Rochester, New York in the same Assembly District  
16 as my mother's girlhood home on Andrews Avenue in  
17 the Bronx in the same Assembly District, please  
18 don't get carried away.

19 I urge the Task Force to keep the 131st  
20 Assembly District, the 56th Senatorial District,  
21 as well as the 28th Congressional District or  
22 whatever numbers they may end up in Rochester  
23 Swillburg neighborhood. The people known serving  
24 in these districts are people you can work with,

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2 and it is always better to deal with the devil  
3 you know than the devil you don't.

4 Also, if possible, please put the entire  
5 City of Rochester or all of most of the County of  
6 Monroe in the same Congressional District,  
7 something which has not happened in more than 70  
8 years. I do wish the Task Force well in getting  
9 their work in bill form and passed some time this  
10 date in 2012. I also wish the Task Force well  
11 with the litigation, which is sure to come. I  
12 also have additional comments.

13 June 2012 primary--it's interesting  
14 considering the Legislature is still in session,  
15 and as to the Senators comment on the additional  
16 Senate, I know it's in the constitution. I've  
17 really got to see if the numbers do justify that.  
18 Again, welcome to Rochester, and we usually have  
19 blizzards when you folks from Albany come. We  
20 had a heat wave.

21 MR. MCENENY: Thank you. Members of the  
22 panel?

23 MR. NOZZOLIO: As one who represents  
24 part of Monroe County, I will assure that there

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2 will be no Rochester District connected to the  
3 Bronx in whatever form re-districting takes.

4 Thank you very much for your--

5 MR. GERLING: [interposing] But the  
6 technology is available, Senator, as you know.

7 MR. OAKS: Mr. Gerling, just before you  
8 go, I had a quick question. In the--you talked  
9 about trying to keep the Congressional District  
10 compact or keep the city or the county as much as  
11 possible in a single district. Do you look at  
12 that in, for instance, we will have decisions  
13 around the Assembly Districts, how many the city  
14 might represent as well. Do you have a sense  
15 there that we should try to keep, for instance,  
16 the city as intact as possible and then the towns  
17 outside.

18 MR. GERLING: That really hasn't been  
19 done in about 20 years, and with Assembly  
20 Districts we seem to be doing spoke and wheel,  
21 which seems to be working out to some degree. As  
22 the previous speaker said, there is a commonality  
23 of interest, and of course how the numbers in the  
24 blocks comes up is critical. But, certain

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2 neighborhoods should be together. So if we end  
3 up with part of the Town of Brighton, I guess we  
4 both can live with each other.

5 MR. OAKS: Thank you.

6 MR. MCENENY: Thank you. Katherine  
7 Smith, president, League of Women Voters  
8 Rochester Metro Area.

9 MS. KATHERINE SMITH, LEAGUE OF WOMEN  
10 VOTERS: Good morning.

11 MR. MCENENY: Good morning.

12 MS. SMITH: Katherine Smith, 292  
13 Countess Drive. I'm the president of the League  
14 of Women Voters for Rochester Metro Area. We  
15 very much appreciate your time, and we very much  
16 appreciate your service. We know this is a  
17 political process. We know this is a complicated  
18 political process, and we know that you give much  
19 of your time to have this done. The League of  
20 Women Voters for decades has advocated for an  
21 independent commission to do the redrawing of  
22 lines every decade. By independent the League of  
23 Women Voters does not mean that it's not  
24 partisan. It certainly is fully aware that under

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2 the New York State constitution that you are the  
3 deciders of the final map. What we are talking  
4 about is that members of the Commission, and we  
5 are supporting the proposal made by the Governor  
6 and will be submitted by the Speaker on the  
7 Assembly side, that it possibly be a larger group  
8 of people. And one of our goals in the League  
9 for the last three decades that we have advocated  
10 this at the state level, the county level, the  
11 city level, and here in Monroe County we also  
12 have the Town of Greece that needs to do  
13 redistricting, that there might be more  
14 diversity. And we do feel that's very important  
15 that the members of the Commission do that. When  
16 we say independent, we're talking about the  
17 leaders that appoint you in the process--that  
18 you're not directed in the final outcome, that  
19 the staff is not given particular criteria that  
20 they need to do before the map is actually done.  
21 We have very strong feelings that we would like  
22 to see the criteria published in public before  
23 the staff does this kind of work. Of course,  
24 they've been doing this work for years. It takes

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2 a very long time, obviously, to do this. I also  
3 want to welcome you to Rochester. You do know  
4 that this is the home of Susan B. Anthony, and  
5 the League of Women Voters is the organization  
6 that Susan B. Anthony left after the 19th  
7 Amendment was passed.

8 We're involved in government and trying  
9 to influence government policy. We do it through  
10 education and advocacy. We're also members of  
11 the state-wide coalition dedicated to reforming  
12 the New York redistricting process called  
13 ReShape, which consists of 35 organizations,  
14 civic, issue-advocacy groups, unions and business  
15 organization.

16 While we appreciate the opportunity at  
17 today's hearing to provide comment on the  
18 redistricting process, we believe that New  
19 Yorkers have spoken loud and clear on drawing of  
20 district lines. The public wants an independent  
21 commission, and I've explained what the League of  
22 Women Voters means by that word, to draw the  
23 legislative line and the congressional district  
24 boundaries, fair, objective criteria that we

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2 would like published before the process begins,  
3 before we begin looking at maps in other areas.  
4 An independent commission drawing impartial  
5 district lines would maintain the legislature's  
6 ability to give input on the plan and to  
7 ultimately pass the legislation in accord with  
8 our constitution.

9 Voters across all parties believe an  
10 independent body should draw the line. The  
11 Governor has proposed legislation for the  
12 independent commission. In addition, 61 or 62  
13 senators and 163 of 155 assembly members have  
14 either signed on to the legislation or a  
15 legislative proposal in their respective houses,  
16 or they've signed petitions or questionnaires  
17 from good government groups supporting reform.

18 A key element of the reforming or the  
19 redistricting process is limiting the allowable  
20 population difference between the legislative  
21 districts that in the past have created districts  
22 that vary widely in population, up to 10%,  
23 thereby favoring one region over another. The  
24 current redistricting process has historically

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2 protected incumbents including carving down  
3 incumbents competitive homes out of districts,  
4 and discouraged competition in the electoral  
5 process. In the 2010 election, New York State  
6 had one of the lowest rates of voter  
7 participation in the nation. We were 47 out of  
8 50. We feel that voters have become  
9 disenfranchised with the process and that part of  
10 it has to do with the redistricting issue. This  
11 commission is the only legally mandated process  
12 at this time. We do have a concern that the  
13 Governor might veto your work. We would not like  
14 to see months and months of hard work by  
15 dedicated staff who know a very complicated issue  
16 just going to the courts as has been  
17 unfortunately our history in the past. We do  
18 know you are our representatives, and we do  
19 support you in your process. We're certainly  
20 saying that we don't want any of you to be  
21 members of the Commission. We just would like to  
22 add a few to you.

23 MR. MCENENY: Thank you. If you'd stay  
24 there just a minute, I think you misread the

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2 members. There's only 150 members of the  
3 Assembly.

4 MS. SMITH: I did misread them, thank  
5 you.

6 MR. MCENENY: I know there's a high  
7 percentage of people including myself who have  
8 signed on to the Governor's redistricting  
9 proposal. In your organization you say you have  
10 criteria. Some of this criteria is already in  
11 the state constitution, but do you have a web  
12 site or something where ReShape has listed what  
13 they feel is criteria?

14 MS. SMITH: ReShape does have that, and  
15 also the League of Women Voters, LWV.org, has a  
16 list of--they're the obvious ones that of course  
17 you know better than I having worked on this for  
18 years compact and contiguous and the things that  
19 are under the state constitution. But of course  
20 federal court rulings have made their criteria  
21 the consideration over even our state  
22 constitution in the last decades. The things  
23 that we are looking for when we look at criteria  
24 are the obvious things that you hear at every

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2 hearing, I'm sure, communities of interest, and  
3 the diversity issue is very, very important to  
4 us. And we do feel that when we were looking at  
5 the county and when we were looking at the city  
6 just a couple of months ago here in Monroe County  
7 that it does matter your life experience and how-  
8 -because obviously you come, or I think it's  
9 obvious that you come to a consensus. You talk  
10 to each other. You work with each other before  
11 you present it to your colleagues for their vote.  
12 The vote, of course, is a majority vote, but I  
13 believe your work is more of a consensus kind of  
14 process in working with the staff, and it does  
15 matter who makes up the commission I believe.

16 MR. MCENENY: Thank you. Senator?

17 MR. NOZZOLIO: Thank you very much, Ms.  
18 Smith, for your testimony. Just a couple of  
19 observations and questions. I didn't--I heard  
20 your address. I didn't hear the part of it, from  
21 what town in Monroe?

22 MS. SMITH: West Henrietta. I live in  
23 West Henrietta.

24 MR. NOZZOLIO: You live in West

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2 Henrietta. The Town of Henrietta?

3 MS. SMITH: Yes, it is the Town of  
4 Henrietta, yes.

5 MR. NOZZOLIO: The Town of Henrietta,  
6 one of the concerns that I have in looking at  
7 this process across the state in terms of  
8 population deviations, and you said that it  
9 should be as close as possible. And I certainly  
10 agree with that. I think every member of the  
11 Task Force agrees with that, but the issue  
12 becomes splitting the Town of Henrietta into more  
13 than one state legislative district, two  
14 assemblymen or three assemblymen or three  
15 senators representing the town. Does the League  
16 have a position on--in order to get mathematical  
17 precision as in the Congress towns are split in  
18 the Congress. Do you think they should be split  
19 at the state level too?

20 MS. SMITH: One of our criterion is to  
21 try where practical, and I believe some of this  
22 is the language in the constitution of the State  
23 of New York, and there are court rulings on what  
24 those words mean, would be to keep the municipal

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2 boundaries. But I believe I stated in my opening  
3 remarks that I appreciate that this is a very  
4 complex process and there's a lot that you have  
5 to consider. In the end, of course, your vote as  
6 our elected representatives, you make the  
7 judgment calls on which ones of those criteria  
8 you are able to make your priorities.

9 MR. NOZZOLIO: Well, thank you.

10 MS. SMITH: That's one factor, a large  
11 factor, but it's just one.

12 MR. NOZZOLIO: Thank you very much.

13 MR. MCENENY: Senator Dilan?

14 MR. DILAN: Yes, so I just want  
15 clarification. What you are asking is that you  
16 would like to see this panel come up with  
17 criteria before they produce maps?

18 MS. SMITH: Correct.

19 MR. DILAN: And that we're consistent  
20 with that criteria in terms of deviation  
21 throughout every single senate assembly district?

22 MS. SMITH: Correct.

23 MR. DILAN: Okay, I just want to  
24 indicate that for the past two years I was the

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2 co-chair of this panel, and we did conduct  
3 hearings last year. Based on the information  
4 that we did get, we did come up with some  
5 criteria. That is also another point that I have  
6 that I feel this panel should put out criteria.  
7 So I do agree with you. I know the answer I'm  
8 going to get is we're trying to get input from  
9 the public now, so I'm hoping and calling for  
10 when we start the second round of hearings that  
11 we will have no excuse not to have criteria for  
12 the public that we should have a fixed number for  
13 the senate and that we should comply with all  
14 existing laws.

15 MR. MCENENY: Thank you.

16 MR. DILAN: Thank you.

17 MR. MCENENY: Are there other questions?

18 MS. SMITH: Thank you.

19 MR. MCENENY: Thank you very much. May  
20 we have Anthony Rosati, and I'm sure most people  
21 understand that under the state constitution  
22 towns unless they're larger than an Assembly  
23 District may not be split and that cities once  
24 they have been split at all are then butchered as

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2 far as neighborhoods are concerned by block on  
3 border, which is the same thing that  
4 Congressional Districts have. So it has to be as  
5 exact as possible no matter how inappropriate it  
6 is inside city limits but towns unless the whole  
7 town can be moved to the opposite district can't  
8 be split. Mr. Rosati?

9 MR. ANTHONY ROSATI, CHARLOTTE COMMUNITY  
10 ASSOCIATION: Good morning. Co-Chair Nozzolio  
11 has left because he probably knows me. Welcome  
12 to the Task Force. My name is Rosati, Anthony J.  
13 I live in Charlotte. That's a community that is  
14 sometimes owned by the City of Rochester. I'm a  
15 lifelong resident and homeowner, lifelong  
16 homeowner of the community of Charlotte. I am a  
17 charter member and past president of the  
18 Charlotte Community Association. I am committed  
19 to being buried in one of the dozen or so  
20 cemeteries that we have in Charlotte, committee.  
21 I think our community has the highest per capita  
22 cemeteries of anyplace in the state, but that's  
23 not the only thing we have. I've got  
24 demographics for what the last redistricting gave

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2 us. We are a kind of sleepy community. People  
3 that are outside, most of you are from outside of  
4 Charlotte. Mike has left so he knows who we are,  
5 but that's another story.

6 MR. NOZZOLIO: I was there last night.

7 MR. ROSATI: Oh good. Most people when  
8 they think about Charlotte, they think about  
9 cemeteries, but we do have demographics and if  
10 you need the facts, I have them right here on  
11 page 93, the demographics of our community that  
12 has almost nothing to do with where ten years ago  
13 we got re-districted into downtown Buffalo. I  
14 haven't been to Buffalo in 20 years much less  
15 know what the heck is going on over there.

16 MR. MCENENY: You're speaking  
17 congressionally I hope.

18 MR. ROSATI: Congressionally, yes, yes,  
19 yes. Anyhow, if I get choked up incidentally and  
20 I'm liable to and falter, I would like to give my  
21 blank check to your speaker number seven who I  
22 haven't spoken to in many, many months but whose  
23 opinion I trust. So I'm going to cut mine a  
24 little bit short based on that.

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2 I asked several of my neighbors what did  
3 they want me to do at this point, and after they  
4 cuss and swore a few times, the bottom line  
5 seemed to be, "You can say what you want. They  
6 will do only what incumbency asks of them." Son  
7 of a gun that drives us crazy that that might be  
8 the case. If that's the case, why are you  
9 wasting time here. If that's not the case, take  
10 it seriously, Task Force, and say to yourself,  
11 you know, in 10, 15, 20 years going to die, going  
12 to leave a legacy. Leave a legacy that we can be  
13 proud of, and so far we don't seem to be doing  
14 that. My Congressional District takes me to  
15 Buffalo. You've already heard that, and I don't  
16 mind Buffalo. Our state districting takes us to  
17 Brighton. Geese, I haven't been in Brighton in a  
18 couple of years either. It's a nice place. It's  
19 full of money. It's a good place to be, but it  
20 does not have Lake Ontario on our north and the  
21 Genesee River on our east, both natural barriers  
22 that I don't think we ought to change. On our  
23 south we have a cemetery, okay, and we have the  
24 ridge of the old Lake Ontario, okay. And on our

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2 east we've got another natural barrier, so the  
3 key that I'm suggesting regardless of what might  
4 be found in small hearings, what I'm suggesting  
5 is that our barriers be natural. I like our two-  
6 party system. I like all of our representatives,  
7 and as was mentioned earlier we get to know them  
8 and son of a gun we can work with them. I like  
9 that, but our system that we did ten years ago  
10 the method is destroying the two-party system.  
11 We've ended up with a devolved one-party system,  
12 one that says protect incumbency before all else.  
13 Gee the last time I heard a party "before all  
14 else" was in 1946 out of Germany. Let's hope it  
15 doesn't happen again. I'm not going to tell you  
16 about the decline and fall of the Roman Empire.  
17 I think I'm going to stop talking because my  
18 watch says I've got 30 more seconds. If you have  
19 any questions, I've got at least 93 pages of  
20 notes.

21 MR. MCENENY: Any questions?

22 MR. ROSATI: Mike, you were gone so what  
23 the heck you don't care.

24 MR. NOZZOLIO: I'm going to watch the

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2 video. I'm going to watch you on video. I'm  
3 going to make a special point to now.

4 MR. MCENENY: The one consideration that  
5 we all have to remember is that every  
6 Congressional District in the State of New York  
7 is now too small to be a Congressional District.  
8 Even on the eastern tip of Long Island, they  
9 don't have enough people. We're dropping down to  
10 27 because we didn't grow as much as the nation  
11 as a whole, and the Congress likes the number of  
12 435, which it basically established in 1912. So,  
13 what that means is that we need 717,707 people.  
14 So the average district up here is short 70,000  
15 people. If a district is to survive, it must  
16 expand, and one will have to be dissolved. It's  
17 a question of math more than incumbency.

18 MR. ROSATI: I've got the demographics  
19 of New York State, and if you wanted a beautiful  
20 little congressional district, it would start at  
21 Lake Ontario and head if necessary to the  
22 Pennsylvania border due south following the  
23 Genesee River, and there's easily 500,000 people  
24 there all of which know about the wine districts,

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2 know about Kodak know about here whereas taking a  
3 little sliver and going someplace in China,  
4 Buffalo, and saying that's part of us is crazy.  
5 It just doesn't work.

6 MR. MCENENY: If you have 500,000  
7 people, you are short 217,000 people.

8 MR. ROSATI: The demographic I just  
9 described with the corner of Lake Ontario and  
10 Genesee River to Pennsylvania has 700,000 people  
11 in it. I'll stay as long as you want.

12 MR. MCENENY: Okay, well this is what we  
13 wrestle with.

14 MR. NOZZOLIO: Mr. Rosati, please feel  
15 free to share that information in terms of any  
16 type of specific maps that you have, any  
17 configurations that you have. That's part of the  
18 mission here of the Task Force is to hear what  
19 local citizens want in terms of the shapes of the  
20 districts and the locations of the districts.  
21 So, you are exactly the reason why we're here,  
22 and I would hope that you could just further  
23 describe the district that you believe  
24 establishes the community of interest that you

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2 believe is important and submit that either by  
3 mail or in writing, by mail to the LATFOR  
4 Commission. We'd be glad to take that and put it  
5 into the mix. Thank you for your comments.

6 MR. ROSATI: Thank you, Senator.

7 MR. MCENENY: Are there other questions  
8 or comments? Bob?

9 MR. OAKS: Mr. Rosati, just a couple of  
10 things. One, I know your overall concerns, and I  
11 think as we go around the state some of us know  
12 certain regions better than others, but hearing  
13 from people from those regions is important. I  
14 happen to be one who lives in this general area  
15 and whose wife, her grandfather was the founder  
16 of Ferguson Hardware in Charlotte, so--

17 MR. ROSATI: [interposing] I know  
18 Ferguson's.

19 MR. OAKS: So there you go.

20 MR. ROSATI: Of course.

21 MR. OAKS: So we are connected. One of  
22 the issues though I think is it is very  
23 difficult. This process--some people have  
24 alluded to its difficult. We can create

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2 communities of interest in drawing districts, but  
3 it is not a process that makes every community of  
4 interest happy because 717,000, you can draw a  
5 district. Can the one next to it fit into it is  
6 one of the challenges, but clearly hearing your  
7 interest helps in the overall process. You  
8 mentioned about not being connected to Brighton.  
9 Are you suggesting Charlotte would be better in a  
10 district in the city as a whole or not connected  
11 to Irondequoit or as--

12 MR. ROSATI: [interposing] We would be  
13 better as a community along Lake Ontario. We  
14 used to be a part of the Town of Greece, not a  
15 big deal one way or another. We can live with  
16 Greece. We can live with Irondequoit, which is  
17 across the river a long distance away, or we can  
18 live going south towards Henrietta and towards  
19 Pennsylvania. We can live with that because we  
20 know everybody there, well not everybody, but a  
21 lot of the people.

22 MR. OAKS: Thank you.

23 MR. MCENENY: Thank you very much. Any  
24 further comments. Thank you.

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2 MR. NOZZOLIO: Thank you, sir.

3 MR. MCENENY: Kevin Gallagher?

4 MR. KEVIN GALLAGHER: Good morning.

5 MR. MCENENY: Good morning.

6 MR. GALLAGHER: My name is Kevin  
7 Gallagher. My address is 1973 Dublin Road,  
8 Penfield, New York. I'm here to let you know how  
9 the new districts should be drawn. The short  
10 answer is fairly. The existing districts show  
11 examples of what not to do. You manipulated the  
12 assembly to be dominated by one faction that  
13 squashes the voices of the people. At the same  
14 time, you rigged the Senate Districts so that it  
15 is controlled through numeric and demographic  
16 trickery rather than by pursuing policies that  
17 appeal to voters. You protected incumbents at  
18 the expense of challengers and citizens. You  
19 hack up social communities in favor of political  
20 boundaries.

21 Also, the existing districts are  
22 evidence of failure. You failed to maintain  
23 reasonably equivalent district size making some  
24 votes worth less than others. You failed to keep

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2 neighborhoods intact and diluted community voice.  
3 You failed to represent the people. You also  
4 refused to understand community. On the large  
5 scale, shouldn't the entire state be a community  
6 working together? You have cut it into 212  
7 competing pieces, and the state is falling apart.

8 Past behavior is the best predictor of  
9 future behavior. The legislature has not and  
10 will not draw lines fairly. Since the last  
11 reapportionment, every election outcome in these  
12 districts has been a sham. As long as elections  
13 are unfair, the legislature is illegitimate.  
14 What you're doing is unethical. You must not  
15 look at the residents of incumbents. You must  
16 not look at the party make-up of districts or  
17 attempt to manipulate the numbers of districts  
18 for each party to secure unwarranted privileges  
19 of legislative membership for yourself or others.  
20 Your action has raised suspicion among the public  
21 that you are engaged in acts that are a violation  
22 of trust. For the lines to be fair, you must be  
23 blind to incumbents, party membership and adhere  
24 to sensible standards.

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2           Avoiding contests between incumbents is  
3 not a stated goal, nor should it be. At the  
4 state level, every representative is supposed to  
5 have an equal voice regardless of term. At the  
6 federal level, we are sending entrenched  
7 political zealots rather than rational citizens.  
8 The current districts were completed in 2002.  
9 According to expenditure reports you have spent  
10 millions of dollars. Since 1978, how much in  
11 total was spent, and what did we get? What did  
12 we, the people, get for that money? It's time  
13 for you to release your data, your objectives,  
14 methods, everything you have. Let us decide if  
15 the money was well spent. All we now have is a  
16 legislative mechanism supreme at illusion and  
17 deception. This is intellect spent for  
18 ignorance.

19           As staunch members of a party, you  
20 believe that what you're doing is correct. As  
21 you look across the aisle into the other house,  
22 you should realize that both sides can't be  
23 correct. In this case, both sides are wrong.  
24 People witness the corrosive atmosphere of

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2           bickering brinkmanship and polarization in Albany  
3           and Washington. They can see that it is tearing  
4           us apart. The cause can be traced directly to  
5           these gerrymandered districts that break the  
6           sacred chain in a representative democracy. The  
7           two parties falsely believe the solution is to  
8           send more members to the capitals than the  
9           opposition. The true solution is to send  
10          reasonable citizens that place the wellbeing of  
11          our community and country far above party or  
12          politics. The cure is to restore the process so  
13          that our representatives are chosen by the people  
14          and must be do their jobs well or be voted out.  
15          Non-partisan, independent redistricting is the  
16          foundation of restoring an effective process in  
17          our state and our country.

18                 Some would say it would not be fair for  
19          New York State to do this while other states  
20          don't. I say it is absolutely fair for New York  
21          State to have the best representative system and  
22          lead the country by example.

23                 While you may perceive prerogative, you  
24          don't have providence. What you are doing, what

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2           you do, excuse me, doing what you can get away  
3           with while hiding behind the skirt of the Voting  
4           Rights Act is just wrong. If you don't trust the  
5           people to choose their representatives, you show  
6           no faith in democracy, the constitution or the  
7           republic. The U.S.A. is a society built on  
8           pluralism that has degenerated into a two-party  
9           system. The greatest successes of our community  
10          have not come from one-party rule. They have  
11          come from cooperation. Members of the two  
12          parties are comfortable with continued descent  
13          through a single-party system. History has shown  
14          time and time again that societies without many  
15          voices ultimately fall into science, and I ask  
16          are you listening to history?

17                    If I were you, I would establish a non-  
18                    partisan commission. I wouldn't ask permission  
19                    from party leaders. I would just do it because  
20                    the public needs it and it's the right thing to  
21                    do. If you're not brave enough to do it on your  
22                    own, go back to the legislators that signed the  
23                    pledge and get it done together.

24                    Any of the three main bills in the

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2 Assembly, Senate or the Governors will be head  
3 and shoulders above the current muck. At the end  
4 of the day, don't walk away with our democracy.

5 MR. MCENENY: Well, thank you for your  
6 sweepingly unfair stereotype, which is completely  
7 negative. We have districts in this state that  
8 consist of two towns because the constitution  
9 says you can't break the towns. Whatever the  
10 math is, that's the best you're going to get.  
11 It's within 2% or 3%. So there are 150 Assembly  
12 Districts. There's 62 Senate Districts. If you  
13 wish to contribute to this, would you give us an  
14 example from your vast knowledge of this 200+  
15 districts and tell us which districts in your  
16 area you feel are improperly drawn and do not  
17 serve either the constitution, which is mandatory  
18 or need to be changed? Would you give us  
19 something specific other than the vast political  
20 statement that you gave, which judges everybody  
21 up here as a political hack. And on a personal  
22 note, since you used the word you probably two-  
23 dozen times, my first election was a write-in  
24 election with the backing of no party at all in

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2 Albany County. I knocked off an 18-year  
3 incumbent in a write-in. I don't like to see  
4 myself or my colleagues judged in such a way when  
5 you know nothing of their individual histories  
6 and I suspect their individual districts.

7 Now, you know this area, I assume,  
8 better than I do, and I would like to hear for  
9 the benefit of this panel, which districts you  
10 feel don't work, don't serve the people, and  
11 should be re-drawn in a particular way for the  
12 next redistricting.

13 MR. GALLAGHER: When I say "you" I talk  
14 about the legislature. As a member of the  
15 legislature, you are at least partially  
16 responsible for the outcome of the legislature.  
17 So if you are not responsible for its  
18 inefficiencies, then you should stand up each  
19 time it fails, and as a public hearing on  
20 redistricting I am bringing my position. I don't  
21 believe that most of the districts in the state  
22 are correctly drawn whether its Assembly, Senate,  
23 or the federal House of Representatives. Every  
24 one of them seems to be drawn in a way that

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2 protects incumbents and projects powers of  
3 parties. So, as far as drawing new lines  
4 independent without looking at where the current  
5 incumbent is is how I believe each and every  
6 district should be drawn. As far as maintaining  
7 communities of interest, a community of interest  
8 varies in size. It could be 1,000. It could be  
9 more than that, but it's those communities of  
10 interest are not determined by the political  
11 boundaries. Does that answer your question as  
12 far as which districts should be withdrawn?

13 MR. MCENENY: No, I missed the number of  
14 that district you were criticizing. Which one  
15 are you criticizing?

16 MR. GALLAGHER: Let's start with number  
17 131 in the Assembly.

18 MR. MCENENY: How should it be improved?

19 MR. GALLAGHER: It is not contiguous,  
20 and it is not compact. If you draw a line east  
21 to west or north to south, you will enter and  
22 exit and enter and exit and enter and exit that  
23 district. That cuts through a community. That  
24 border between one district and another is

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2 probably a block at most wide and you're saying  
3 that people two blocks away aren't in the same  
4 community of interest.

5 MR. MCENENY: Is there a town line  
6 involved in it that can't be split?

7 MR. GALLAGHER: I believe it is a city.

8 MR. MCENENY: Where the two blocks are,  
9 is there a town on one side of the two blocks?

10 MR. GALLAGHER: No, it's District 131.  
11 You have those records.

12 MR. MCENENY: All right, we'll take a  
13 look at that map and see the way it can be  
14 improved.

15 MR. GALLAGHER: That's one example.  
16 There's also District 119 I believe it is; 119 is  
17 a similar pattern.

18 MR. MCENENY: Give a geographic  
19 location.

20 MR. GALLAGHER: I looked at the  
21 districts.

22 MR. MCENENY: Throw in a town.

23 MR. GALLAGHER: Do you have the answer?

24 MALE VOICE: [off mic]

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2 MR. MCENENY: In the city? It's in the  
3 city?

4 MR. GALLAGHER: Yes. So, cities are  
5 worse. If you look at central New York through  
6 Albany to say Elmira, there is a huge district  
7 that cuts across and there could be scores of  
8 communities of interest within but they aren't  
9 adjacent to communities that share their  
10 interest. They are not in the same district.

11 MR. MCENENY: Well, we would ask you,  
12 there are two considerations there. One is you  
13 can't split towns, and the other is the Voting  
14 Rights Act of 1965, which is very strictly  
15 monitored by the Justice Department does not  
16 allow a diminishing of a minority/majority  
17 district.

18 MR. GALLAGHER: I understand that.

19 MR. MCENENY: If you have ways to  
20 improve the districts that are drawn, if you  
21 would let us know that, we'll take it into full  
22 consideration.

23 MR. GALLAGHER: The minorities  
24 protection can still be maintained even by moving

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2 boundaries of election districts.

3 MR. MCENENY: And that's what we'd like  
4 to hear from you because obviously the population  
5 has also shifted since those boundaries were  
6 drawn.

7 MR. GALLAGHER: Yes, it has.

8 MR. MCENENY: Anyone else on the panel?

9 MR. NOZZOLIO: I have a question,  
10 Assemblyman, just a question about your comments  
11 regarding, and let me try to get the exact  
12 comment. It was--I think you called the Voting  
13 Rights Act--

14 MR. GALLAGHER: [interposing] That has  
15 to do with protecting minorities.

16 MR. NOZZOLIO: I'm familiar with what it  
17 has to do with. I guess what I was not familiar  
18 with your comments regarding you said "hiding  
19 behind the skirt of the Voting Rights Act." I on  
20 its fact thought it was a very questionable  
21 comment. I wondered what you mean by that.

22 MR. GALLAGHER: It's possible to protect  
23 minorities and community blocks that vote  
24 together to represent themselves in whether it's

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2 the Senate, or the Assembly, or the House of  
3 Representatives. Protecting an incumbent is  
4 different from protecting the community, and  
5 that's where I believe that part of the illusion  
6 is occurring where while you may be protecting,  
7 seem to be protecting a community, the outcome is  
8 you're protecting the individual that's--

9 MR. NOZZOLIO: [interposing] And I  
10 certainly can understand the observation, but I  
11 think that there are certain responsibilities  
12 with the Voting Rights Act as I am learning more  
13 and more and more about the Voting Rights Act and  
14 particularly the steps that are necessary to  
15 adequately comply with the Voting Rights Act.  
16 And you may call it a skirt. I call it a  
17 responsibility to follow the law.

18 MR. GALLAGHER: I agree.

19 MR. NOZZOLIO: I guess I just took  
20 question at the characterization. The issue of  
21 competitive districts, did you mention that in  
22 your comments?

23 MR. GALLAGHER: Not exactly. I have an  
24 answer if you have a question.

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2 MR. NOZZOLIO: Well, I guess I wanted to  
3 know if--I thought I heard you say something  
4 about competitiveness. I may be mistaken.

5 MR. GALLAGHER: No, I would say that  
6 competitive would be an outcome of fairer  
7 districts, not trying to create competitive  
8 districts.

9 MR. NOZZOLIO: I guess here is where I  
10 took that--your characterization of protecting  
11 incumbents.

12 MR. GALLAGHER: Yes.

13 MR. NOZZOLIO: I think that's certainly  
14 an important issue relative to the neutrality  
15 that this process should take. I think that's  
16 what you're advocating, and I certainly  
17 understand that very well. But you live in--I  
18 just wanted to point out though, you live in a  
19 Congressional District that in the last decade  
20 has had three Congressional representatives, and  
21 that it seems the district went from Republican,  
22 to Democrat, to Republican again in terms of the  
23 ebb and flow of that district, your own  
24 Congressional District. Now, you didn't mention

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2 your Congressional--I don't believe you mentioned  
3 it when Assemblyman McEneny asked you for  
4 examples.

5 MR. GALLAGHER: My Congressional  
6 District, I'm trying to put that behind me. It's  
7 been a disgrace as far as the outcome as far as  
8 who is chosen. I would prefer that it was a  
9 choice by the people rather than by a political  
10 party.

11 MR. NOZZOLIO: Well, there were three  
12 choices, different choices made, and I'm just  
13 indicating to you in the last eight years, so I  
14 have no more questions, thank you.

15 MR. MCENENY: I'm assuming the people  
16 voted those people in at the polls, the ones that  
17 had enough citizenship to show up. We appreciate  
18 your coming. We understand your frustration. If  
19 you didn't have the same last name as one of my  
20 grandmothers, I wouldn't have given you such a  
21 hard time. Thank you.

22 MR. GALLAGHER: Thank you.

23 MR. MCENENY: Could we call on Professor  
24 Richard Ynemy [phonetic] from the University of

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2 Rochester? Professor Ynemy, we'll call his name  
3 again. Is it Neemy [phonetic]? We'll call his  
4 name again at the end or anybody who is missed  
5 for any reason in case they are getting here  
6 late. The Honorable William Johnson, the former  
7 mayor of Rochester? Is Bill Johnson here?

8 MR. NOZZOLIO: I do not see him.

9 MR. MCENENY: John O'Neil, Citizens for  
10 a Better New York.

11 MR. JOHN O'NEIL, CITIZENS FOR A BETTER  
12 NEW YORK: Good morning.

13 MR. MCENENY: Okay.

14 MR. O'NEIL: Good morning. My name is  
15 John O'Neil, and I live at 119 Meadowbrook Road  
16 in the City of Rochester, and I'm a member of  
17 Citizens for a Better New York. I would like  
18 LATFOR for coming here today to seek public input  
19 on redrawing New York's state and legislative  
20 districts. I do appreciate this move toward a  
21 transparent process. Public opinion of the  
22 legislature has improved. According to a recent  
23 Siena Research Institute poll 48% say this year's  
24 legislative session shows state government having

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2           become less dysfunctional compared to 18% who say  
3           it's become more dysfunctional. Legislature  
4           passed some key legislation, which led to  
5           improved opinion, but one bill never made it to  
6           the floor of either chamber, the Governor's  
7           independent redistricting bill.

8                       Legislative leaders gave their reasons  
9           for not working on this citing possible  
10          constitutional problems, and that while the issue  
11          important, it is not as important as budget, tax  
12          relief or job creation. Independent non-partisan  
13          redistricting just isn't a priority despite  
14          legislator pledges to that effect.  
15          Reapportionment only comes once in a decade, and  
16          the public perception of last LATFOR  
17          redistricting efforts is that New York  
18          legislators choose their voters. A January Siena  
19          poll showed that 61% of those polled support the  
20          creation of an independent non-partisan  
21          redistricting commission versus 25% that oppose  
22          it. There is broad public support for non-  
23          partisan independent redistricting, and returning  
24          to Albany to pass the Governor's independent

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2           redistricting bill would be another legislative  
3           success. The Senate passed an independent  
4           redistricting constitutional amendment back in  
5           March. While I agree that a constitutional  
6           amendment would be the strongest remedy for this  
7           issue, the immediate problem of the 2012  
8           reapportionment has not been addressed. Given  
9           LATFOR's past partisan redistricting practices, I  
10          would support the passage of the Governor's  
11          independent redistricting bill for this  
12          reapportionment and simultaneously continue the  
13          momentum toward a constitutional amendment. We  
14          have no experience here in New York with non-  
15          partisan independent redistricting. If passed,  
16          if this bill were to be passed and become law, we  
17          would be able to look at that process for this  
18          reapportionment and make an informed choice on  
19          the language and specifics for a constitutional  
20          amendment to truly make a process that produces  
21          compact and contiguous districts protecting  
22          communities of interest and are drawn without  
23          consideration for political demographics or the  
24          location of incumbents. In short, one that

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2 better serves the incumbent interest and not  
3 individual legislators. Thank you.

4 MR. MCENENY: Questions of the panel?  
5 Thank you very much, Mr. O'Neil. Jose Cruz,  
6 chief operating officer and commissioner for the  
7 Rochester City Schools.

8 MR. JOSE CRUZ, ROCHESTER CITY SCHOOLS:  
9 Good morning, and welcome to Rochester. We are  
10 actually a pretty hot city to begin with, and I  
11 think the weather is going to bear that out for  
12 us in the next few days. I just want to thank  
13 Co-Chairman Nozzolio. He's done some great work  
14 in upstate New York and Co-Chair McEneny, and  
15 members of the Task Force as well.

16 I'm the chief operations officer of an  
17 organization called the IBERA [phonetic] American  
18 Action League here in Rochester. We have a staff  
19 of over 270 very dedicated men and women who work  
20 in this community and other communities including  
21 Elmira and Buffalo, New York as well. And our  
22 philosophy for the organization has always been  
23 from the very beginning to really teach people  
24 how to fish as opposed to giving fish out, and I

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2 say that because I think this is part and parcel  
3 what my comments are going to be about today. I  
4 also wear a more interesting, an interesting hat  
5 as well as commissioner of the Rochester City  
6 School District. We have seven colleagues on our  
7 district who represent the interests of over  
8 32,000 children in this district and all the  
9 things that go along with that. So I've got a  
10 pretty good idea of some of the things that  
11 happen in all of our communities, but more  
12 specifically I have a vested interest in what's  
13 happening in our Latino communities and  
14 potentially what redistricting can do and the  
15 effects that it could have on our ability to be  
16 able to help ourselves, and again the reference  
17 to the "learn to fish." I've been an elected  
18 official for over 12 years now, and I understand  
19 this process. I go back to this process back to  
20 the early eighties when one of your colleagues,  
21 Assemblyman David Gant, fought redistricting and  
22 eventually created his Assembly seat that he has  
23 solely represented all of these years. And he  
24 did it because there was a tremendous amount of

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2 inequity with regard to representation of both  
3 our African American and Latino communities back  
4 then. And we came together as two communities  
5 and helped to create that seat. And as I said  
6 Assemblyman Gant has been in that seat since  
7 then. So we're not new to this. It has been  
8 going on. It is becoming a bit of a tradition  
9 and a ritual every ten years to come before the  
10 redistricting task force, and what we find is  
11 that some of the issues don't change.

12 The biggest issue is that we have to  
13 insure that Latino populations are well-  
14 represented in all levels of government. As you  
15 very well know, the Latino population is  
16 expanding at a tremendous rate. There's over 50  
17 million Latinos in this country now, which means  
18 that one out of every five or six people in this  
19 country are Latino, and what's interesting about  
20 that particular statistic that is lost on folks  
21 is the fact that a lot of that increase in  
22 population is coming from birth not from  
23 immigration. So the implications of the  
24 expansion of the Latino community in the years to

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2           come in this country is phenomenal.

3                       That said, a lot of our urban  
4 communities are absolutely growing as well, and  
5 sometimes we forget that outside of New York City  
6 with all due respect to our representative from  
7 New York City, we have a tremendous amount of  
8 Latino population in upstate New York. And what  
9 we're finding is that communities of Buffalo, and  
10 Syracuse, and Rochester are ever expanding. So  
11 are their needs. We're creating communities--  
12 we're creating economic development engines  
13 within our communities. We're working diligently  
14 to develop community strategic--strategies to  
15 really stabilize our neighborhoods, and we  
16 believe fervently that it is important for our  
17 communities to take responsibility for our own  
18 needs. And again the reference to the fish.

19                       We don't want anything given to us that  
20 we have not earned ourselves, and I think you'll  
21 find that is in essence what we are all about.

22                       We share a common language. We share  
23 common foods, and we are extremely family  
24 oriented. And if that is one asset that Latino

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2 populations have is our ability to revere family,  
3 to use it as a center for what we are all about.  
4 We all go to many of the same schools so we have  
5 a lot of education issues.

6 We suffer from ailments that some  
7 communities don't suffer from in terms of our  
8 increased amount of asthma, diabetes and  
9 hypertension, and our families struggle  
10 economically. In many cases, you see households  
11 who are holding two, three, four jobs in order to  
12 make it. We work for what we think we--for what  
13 we want and what we need for our families. Why  
14 do I bring all of this to your attention, which  
15 is something I'm sure you already know, but again  
16 the importance of understanding this brings me to  
17 my next set of comments, which is we need  
18 representation that understands the very unique  
19 features of our communities and also understands  
20 the nuances and the culture and sometimes the  
21 cultural conflicts that we come across. We need  
22 representatives that understand the stresses that  
23 come from having to deal with sometimes  
24 institutions that don't understand the language

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2 or our culture. And we need representatives that  
3 impact the ever increasing the--understanding the  
4 impact that the ever-increasing Latino  
5 populations will have on our communities. We  
6 need representatives that understand how to work  
7 within a political environment in helping Latinos  
8 better understand to become more active in the  
9 political process, and more critically than all  
10 of that is that we need representatives that  
11 understand that they are advocates because as you  
12 know as elected officials as we are, we have  
13 several hats. We have the legislative hat, but  
14 we also have a hat as an advocate that allows us  
15 to be advocates for a lot of the institutions  
16 that we work with. So when we have issues that  
17 are very unique to a certain population that we  
18 understand that and we can go and advocate to the  
19 institutions like the agencies that we have in  
20 New York State.

21 Redistricting can be one of two things.  
22 It can be helpful, or it can be harmful. Helpful  
23 by ensuring that Latino communities have a  
24 political voice to represent the interests of a

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2 major segment of many upstate urban cities. It  
3 could be harmful by diluting our ability to elect  
4 our own representatives or even more important  
5 when you are a minority group the ability to  
6 influence representation, and I think that's a  
7 critical point, and I want to repeat that. It's  
8 important to elect our elected officials who  
9 understand our community, but it's also important  
10 to maintain an ability to influence who will be  
11 electing, who we are electing to represent our  
12 interests as well. Therefore, it is extremely  
13 important that when we go through the  
14 redistricting process that we contain like  
15 populations. That way ensuring proper and  
16 effective representative government, that we  
17 allow for developing a more strategic approach to  
18 creating solutions to the challenges that we  
19 face. Let me say that--and I think by having a  
20 population that's working together, that lives  
21 closely together, that has many of the same kinds  
22 of issues, many of the same kinds of difficulties  
23 and challenges that by containing them and  
24 bringing them together that I think you'll have

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2 an ability for people to be able to look at  
3 developing those communities to understanding the  
4 issues and being able to advocate for those  
5 populations because they have a lot of  
6 commonality within them. And again this is all  
7 about not giving us anything as Latino  
8 community, but allowing ourselves to be able to  
9 represent our own interest. We don't want a hand  
10 out; we want a hand up in this process. We want  
11 the opportunity to be able to represent our  
12 interest. We'll take care of the rest.

13 This process occurs every ten years, and  
14 it's amazing how quickly things happen within a  
15 ten-year period. It's not only critical that we  
16 look at the short-term issues regarding  
17 redistricting, but we also--I think you have a  
18 responsibility to look at the long-term issues  
19 regarding redistricting because we're going to  
20 come together in ten years, many of us who are  
21 still here and not retired somewhere else. In  
22 ten years we're going to come back together and  
23 have the same conversation, and in 2021, if our  
24 community is where it's at today, the projections

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2 for where it's going to be ten years from now is  
3 going to be phenomenal. So what your  
4 responsibility and our responsibility really is  
5 is to look at what kinds of strategic things we  
6 can do today to make sure that we're beginning to  
7 address those issues way down the road.

8 So, in summary to my remarks, three  
9 items, keeping communities with common attributes  
10 together. Two, to ensure that we have  
11 substantial input into this process to help you  
12 as you go forward, and three, to look at an eye  
13 towards the future, especially in 2012 and  
14 beyond. I want to thank you for your patience,  
15 and as I said I don't envy your work.

16 MR. MCENENY: Thank you. Is it safe to  
17 summarize your recommendations that where there  
18 are concentrations of Hispanics or Latinos that  
19 they should be kept together and put in the same  
20 district, whatever that district is?

21 MR. CRUZ: I think there are two issues  
22 there. There are two issues. One is yes where  
23 that is the case as in many cases in New York  
24 City where you'll see that, but the other part of

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2 that is making sure that we're not redistricted  
3 out of our ability to be able to influence where  
4 we have a larger portion of a district. I'm not  
5 advocating that we create Latino districts. I  
6 don't think I'm saying that. What I'm saying is  
7 that we can't afford to redistrict out our  
8 influence in terms of our ability to have some  
9 say in the process. Thank you. Members of the  
10 panel. Senator?

11 MR. NOZZOLIO: Thank you very much for  
12 very thought-provoking suggestions.

13 MR. CRUZ: Thank you very much.

14 MR. MCENENY: Senator Dilan?

15 MR. DILAN: I have a question. First of  
16 all, I'm the only member of the panel from New  
17 York City despite the fact that New York City has  
18 some 8 million plus citizens, and I do happen to  
19 represent a majority Latino district. I guess  
20 what I'm understanding you to say today is that  
21 we should not dilute the power of the Latino  
22 community here in Rochester. Is that correct?

23 MR. CRUZ: Well, yeah, let me go further  
24 to say that I think you've got communities within

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2 Syracuse, Buffalo and Rochester, and Albany that  
3 have growing populations and we've got to be  
4 careful not to dilute those districts as well.

5 MR. DILAN: Do you have any numbers in  
6 terms of the Latino population in any of the  
7 communities you just mentioned?

8 MR. CRUZ: Well, no, but I know that in  
9 Rochester we are officially at about 53,000, you  
10 know, give or take 10%, so you know we represent  
11 you know about 12, 13% of the city at this point  
12 and about 8% of the county. And I'm pretty sure  
13 that our, if you look at the ratios across the  
14 other communities, you'll find similar kinds of  
15 ratios.

16 MR. DILAN: So basically you are  
17 speaking in general with all the communities you  
18 mentioned that Latinos should all be kept within  
19 the same Assembly or Senate District?

20 MR. CRUZ: If possible, yes. I think  
21 that's critical.

22 MR. DILAN: All right, thank you.

23 MR. MCENENY: Thank you very much, Mr.  
24 Cruz. I am remiss in not introducing a member of

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2 the Assembly who has joined us today, the  
3 Honorable Mark Johns who is from Penfield and has  
4 certainly proven recently that that's a  
5 competitive district. Can we call upon Nancy  
6 Sung Shelton, the board president of Group 14621  
7 Community Association Incorporated.

8 MS. NANCY SUNG SHELTON, GROUP 14621  
9 COMMUNITY ASSOCIATION: Good morning, and I would  
10 like to be able to thank you so much for having--

11 MR. MCENENY: [interposing] Excuse me,  
12 put this--

13 MS. SHELTON: [interposing] As you  
14 strained to hear what I had to say, I fight  
15 fiercely every day to be heard. My name is Nancy  
16 Sung Shelton. I am the Board president of Group  
17 14621 Community Association, and I'm proud to be  
18 here. I reside at 41 Raw [phonetic] Street,  
19 Rochester, New York. My neighbors and I find out  
20 real quick that in crucial conversations our  
21 voice is often not heard, shut out, diminished,  
22 and quite simply ignored. This is evidenced by  
23 the statistics that plague my neighborhood,  
24 14621. Want to find out the zip code that has

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2 the highest rates of most negative attributes?  
3 Unfortunately, 14621 falls on that radar too, too  
4 often. In the grand scheme of things, my  
5 neighbors are often handled like the child that's  
6 been deemed so unruly that they are cast aside  
7 and figured out to have no hope for them, but  
8 like an abusive parent our politicians, our  
9 legislators seem to have forgotten about us.

10 Allow me to introduce to you some of my  
11 neighbors who are forgotten but desperately want  
12 to be heard. There's AJ. He's a Grandpa. He's  
13 a father. He retired from our brewery, 30 years  
14 of hard work. He now is a great source of good  
15 advice, and he offers it to many of our young  
16 neighbors. One of his best words of wisdom is,  
17 "Big egos have small ears." There's Regina.  
18 She's a young professional. She volunteers  
19 several hours a month, and she gives back to her  
20 community. There's Esteban. He's a young man  
21 who lives with his mom and seven of his siblings.  
22 From the outside they may look like a little bit  
23 of a chaotic environment, but that is the  
24 happiest house on our street. Chuck, he is our

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2 self-appointed mayor, and if you want to know  
3 what's going on in our neighborhood, you go to  
4 him. He has an opinion about everything, but he  
5 loves everyone.

6 Ms. Bill, no her first name isn't Bill,  
7 but we all call her Ms. Bill. She ran daycare.  
8 She's a landlord. She's a master gardener, and  
9 an excellent cook. Trust me, if you want some  
10 good cake, come to her house. She always has a  
11 ready hello. There's Sean. He's a young African  
12 American professional, and he wears a suit to  
13 work. But unfortunately when he walks around in  
14 our neighborhood, the kids come up to him and  
15 say, hey, where you comin' from? Are you comin'  
16 from court or a funeral? That's unfortunate that  
17 our children in my neighborhood don't see images  
18 of professionals in suits and ties going to work  
19 every day. There's Javante [phonetic] he got out  
20 of jail a couple months ago, but you know what  
21 he's working on his GED, and he's determined not  
22 to go back out on the streets. Oh yeah, and  
23 there's that guy. You know who that guy is.  
24 He's our local drug dealer. I went up to him one

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2 day, and I asked him why are you out here selling  
3 drugs? And he responded to me, miss, I can't get  
4 a job. I just want to get fed. Huh, being fed--  
5 that is a fundamental need, and I'm certain that  
6 if you were hungry, you would do what you needed  
7 to do for yourself and your loved ones to get  
8 fed.

9 Too many of my neighbors are hungry--  
10 hungry for peace, safety, jobs with a living  
11 wage, happiness, good education for their  
12 children, decent housing, pleasant neighborhoods,  
13 opportunities to realize their own definition of  
14 success. I have recently read a statistic that  
15 quite disturbed me that to live in my  
16 neighborhood is so stressful that it takes years  
17 off of my neighbors lives. This conversation is  
18 a matter of life and death for us. I am here  
19 today to respectfully be heard, and I speak on  
20 behalf of my 35,000 neighbors in 14621. We feel  
21 that maps should be drawn with an independent  
22 commission comprised of community-focused  
23 experts. Some experts I would propose may look  
24 like Ms. Bill, Javante, Sean. We do not believe

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2 that district maps should be drawn based on  
3 partisan political advantage, but rather should  
4 reflect the boundaries of the neighborhoods with  
5 commonalities and similar interests. My  
6 neighborhood has more in common with 14609 than  
7 Irondequoit and I just want to offer to my  
8 predecessor, Jose, him and I did not write our  
9 speeches together, but I really want to put the  
10 emphasis on what he said. He spoke for the  
11 Latino community. I speak for the community of  
12 color, which is heavily represented in my zip  
13 code.

14 Furthermore, some of my neighbors are  
15 individuals re-entering back in to 14621. There  
16 are some districts in the southern part of New  
17 York State that enjoy the benefits of inflated  
18 numbers based on prison populations, but the  
19 reality is those people come home to  
20 neighborhoods like mine. We are impacted by  
21 their return.

22 In closing, I quote, "We often find out  
23 more about the great masses of the voiceless, the  
24 poor, the women, the slaves, from the inscription

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2 on their graves." I do not want that for my  
3 neighbors. Please don't continue to contribute  
4 to their silence, hunger and demise by re-  
5 districting us out of the conversation. Thank  
6 you for your time. Again, my name is Nancy Sung  
7 Shelton. I am the board president of my  
8 community association. I am a warrior and a  
9 proud resident of 14621.

10 MR. MCENENY: Thank you very much. Are  
11 there comments from the panel or questions?

12 MR. NOZZOLIO: Thank you.

13 MR. MCENENY: Thank you very much.  
14 Michael Yavarsky [phonetic]? Michael Yavarsky?  
15 Gerald Donaghy?

16 MR. GERALD DONAGHY: Good morning. My  
17 name is Gerald Donaghy. I live in Lima, New  
18 York, which is in the northern part of Livingston  
19 County and probably would be referred to as a  
20 bedroom community of Rochester.

21 Rochester is the population and  
22 employment engine of this area and is not being  
23 correctly represented because of the current way  
24 the districting is drawn. Our current state and

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2 federal elected officials are all from the  
3 Buffalo area, namely House of Representatives  
4 Kathy Hochul. Her office is in Williamsville,  
5 New York, right outside of Buffalo. State  
6 Senator Patrick Galavan lives in Elma, New York.  
7 He's the former sheriff of Erie County, and State  
8 Assembly Daniel Burling lives in Alexander, New  
9 York. All of them are considered suburbs of New  
10 York, not Rochester. Thank you.

11 MR. MCENENY: You meant suburbs of  
12 Buffalo?

13 MR. DONAGHY: Yes, thank you.

14 MR. MCENENY: Members of the panel?

15 MR. NOZZOLIO: No questions.

16 MR. MCENENY: Thank you very much, Mr.  
17 Donaghy. Nathan L. Jaschik, Citizens for a  
18 Better New York.

19 MR. NATHAN L. JASCHIK, CITIZENS FOR A  
20 BETTER NEW YORK: Thank you, Mr. Chairman,  
21 members of the Commission. Good morning. My name  
22 is Nathan L. Jaschik, a resident of Brighton, New  
23 York, and the current president of Citizens for a  
24 Better New York, a grassroots organization

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2 devoted to state governmental process reform and  
3 one of the 16 steering committee members of the  
4 statewide coalition, ReShape New York. CFBNY's  
5 objectives include reform and campaign finance,  
6 legislative rules of operation, ethics and the  
7 use of initiative and referendum. Today I will  
8 address our other major reform, the need for  
9 independent redistricting.

10 Your meeting notice indicated that you  
11 wanted to know how the public thinks the new  
12 Congressional and State Legislative District  
13 lines should be configured. I have with me some  
14 sample maps, and I believe you have my testimony  
15 up there with maps in the back of Western New  
16 York to help illustrate our answer.

17 Before getting to them though let me  
18 answer your question by describing the standards  
19 that were used. One, they should be compact and  
20 contiguous. Two, they should contain roughly  
21 equal populations with no more than a 2% to 3%  
22 variation from the mean. Three, they should  
23 protect communities of interest, and most  
24 importantly, four, they should be drawn without

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2 consideration of political demographics or  
3 location of incumbents, and in fact such data  
4 should not even be made available to those  
5 drawing the maps.

6 These maps were drawn by one of our  
7 members in very short order using free software  
8 available on the web from Dave Bradley. There  
9 are many other programs out there, which I am  
10 told by the developers of these maps are not all  
11 that difficult to use. What makes the process  
12 difficult is if you start juggling the political  
13 data to ensure incumbency and maximize partisan  
14 advantage, two criteria, which should have no  
15 place in the process. This can only be achieved  
16 if the drafting is done by an independent  
17 commission.

18 There are three maps before you which  
19 embody these principals. Two of them are of  
20 possible Assembly Districts, one of western New  
21 York as a whole, and one centered, more focused  
22 on the Rochester area. The third is of possible  
23 Congressional Districts. All three display what  
24 the current districts do not, areas which

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2 encompass related communities and resemble  
3 undistorted geometric figures that are compact  
4 and contiguous. We have no idea what the party  
5 enrollments or voting patterns are in these  
6 districts. Nor do we know where the incumbents  
7 live. They do need some tweaking though, and  
8 these are not being presented as final  
9 recommendations. They are merely indicative of a  
10 reasonable starting point for further refinements  
11 that will still maintain these features, and as  
12 has been pointed out some of the tweaking is  
13 needed to adhere to the laws of the State of New  
14 York. The assembly map for instance needs to be  
15 adjusted because it splits off pieces of the town  
16 of Henrietta and Ogden and by the way my written  
17 testimony says Parma. That's a misprint. It  
18 should say Ogden, and legitimate questions may be  
19 raised about the combination of southwest  
20 Rochester with the three southwestern towns in  
21 Monroe County, but the effective use of  
22 reasonable tolerance limits should not make it  
23 that difficult to make these changes and produce  
24 a balanced map. We do differ from the Governor's

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2 bill on one point, holding the tolerance between  
3 district sizes to plus or minus 1% of the mean.  
4 Such a tight tolerance can overly restrict the  
5 ability to maintain communities of common  
6 interest, which we feel is a much more important  
7 standard. There are certainly abuses of larger  
8 tolerances when the vast majority of the larger  
9 districts seem to favor one party, and the vast  
10 majority of the smaller districts seem to favor  
11 the other. But if tolerance were used as we  
12 suggest, there would not be such a one-sided  
13 result, and the produce would still meet a  
14 reasonable one person one vote standard. So we  
15 would be more comfortable with a 2% to 4%  
16 tolerance as long as the result did not show  
17 partisan advantage.

18 MALE VOICE: - - .

19 MR. JASCHIK: It is also a delusion to  
20 believe that the population distribution in  
21 November of 2012 is accurately represented by the  
22 head count that was taken in April of 2010. But  
23 back to our basic recommendation that however  
24 these maps are developed they be developed by an

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2 independent commission. We respect the integrity  
3 of our elected officials and do not mean to  
4 suggest otherwise, but the conflict of interest  
5 in having legislators draw their own districts is  
6 unavoidable. The bills before the legislature at  
7 this time would correct this and produce  
8 redistricting maps that after public input would  
9 be both perceived as and actually be fair and  
10 unbiased. At this time when the public's trust  
11 in its government is at an all-time low such a  
12 result would be a major accomplishment and source  
13 of pride to New York. It is time to draw the  
14 line on drawing the lines, so do the right thing,  
15 and when you return to Albany for a Special  
16 Session, which you will, create an independent  
17 commission and let them finish the job. Thank  
18 you.

19 MR. MCENENY: Thank you. Are there any  
20 questions?

21 MR. NOZZOLIO: Yes, Mr. Chairman, I have  
22 a few questions.

23 MR. MCENENY: Senator.

24 MR. NOZZOLIO: I just wanted to make

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2           sure that the presentation by Mr. Jaschik is  
3           noted for the record and that we appreciate your  
4           submission of specific criteria and also lines as  
5           you have done here for Assembly and Congress that  
6           you don't have though in the maps any that I  
7           could see off hand annotations regarding the  
8           communities that you took or the deviations that  
9           you achieved. Do you have that information with  
10          you?

11                   MR. JASCHIK: I did not draw the maps.  
12           The person that did does.

13                   MR. NOZZOLIO: For the record, who drew  
14           the maps?

15                   MR. JASCHIK: A member of our  
16           organization called Michael Slade. His name is  
17           Michael Slade, S-L-A-D-E.

18                   MR. NOZZOLIO: And is he from Monroe  
19           County?

20                   MR. JASCHIK: He resides in Pittsford.

21                   MR. NOZZOLIO: In Pittsford?

22                   MR. JASCHIK: Yeah.

23                   MR. NOZZOLIO: If you would certainly--  
24           it's the purpose of the Task Force as we are

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2 taking input, and it would be very helpful if you  
3 could submit that additional information.

4 MR. JASCHIK: I'll ask him to do so, but  
5 let me emphasize again that these maps are only  
6 suggested as indicative of what you can do very  
7 quickly with off-the-shelf software. They're not  
8 really being presented as a final recommendation,  
9 and I think more examination for instance of the  
10 specific communities of interest, such as the  
11 Latino community, which was discussed earlier,  
12 whether it be ethnic interest, whether it be by  
13 income, whether it be by white collar versus blue  
14 collar. There are many different ways you can  
15 cut this. It really needs to be probed further  
16 before you can make a final decision.

17 MR. NOZZOLIO: It also has to hook up  
18 with the rest of the state, which is another  
19 certain challenge, but thank you for your input.

20 MR. JASCHIK: Yeah I think one other  
21 thing that is pointed out by the maps though is  
22 that to a certain extent, the law requires us not  
23 to split municipalities other than cities unless  
24 there's a large enough population with a township

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2 to do that. Communities of interest often are  
3 better served when towns are split up with more  
4 common, the more common interest in the adjacent  
5 town than they might have with the rest of the  
6 town. School districts, for instance, are very  
7 much a better statement of commonality of  
8 interest than municipalities are. Yet there's  
9 nothing in the law that talks about school  
10 districts. So I think we need to be a little  
11 more reflective of what really makes a community  
12 of interest.

13 MR. NOZZOLIO: That's an excellent  
14 suggestion, but in order for it to cure--

15 MR. JASCHIK: [interposing] Yeah, well  
16 no I'm not suggesting we hold up the process in  
17 order to do what needs to be done, but let's put  
18 that on the table.

19 MR. NOZZOLIO: Let me finish. Let me  
20 finish. Let's put this on the table that that  
21 excellent suggestion flies in the face of the  
22 constitution of the State of New York. And I  
23 appreciate the suggesters, but let's not make the  
24 Constitution of the State an inconvenient truth

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2 for individuals. That suggestion may override  
3 the premise that the Constitution states, but we  
4 have to deal with the Constitution as it exists,  
5 and that your thoughts may be good grounds for a  
6 constitutional amendment, but I understand and I  
7 hope that you understand that is what the law  
8 requires.

9 MR. JASCHIK: We do, and our basic  
10 recommendation is one pass that legislation so  
11 that we can do something in 2012, use that  
12 experience as a foundation for what should be a  
13 follow-up Constitutional amendment dealing with  
14 redistricting that would deal with all of these  
15 issues, and that would really solidify things for  
16 2022.

17 MR. NOZZOLIO: Thank you very much.

18 MR. MCENENY: Thank you very much. We  
19 appreciate all the work that you put into that.  
20 Monica M. Arias Miranda.

21 MS. MONICA ARIAS MIRANDA, THE HISPANIC  
22 COALITION NEW YORK INC.: Good morning, and thank  
23 you for allowing me to speak today. As you said,  
24 my name is Monica M. Arias Miranda. I am the

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2 president and CEO of the Hispanic Coalition New  
3 York. I reside at 345 West Shore Road in  
4 Delanson, New York.

5 MR. MCENENY: In I'm sorry in where?

6 MS. MIRANDA: Delanson, New York.

7 That's in the capital region.

8 MR. DILAN: Schoharie County.

9 MS. MIRANDA: Schenectady County  
10 actually.

11 MR. DILAN: Is it, okay.

12 MS. MIRANDA: Yes, we're right on the  
13 border though. On behalf of the Hispanic  
14 Coalition New York I respectfully submit this  
15 statement for your consideration during the New  
16 York State Reapportionment and Redistricting  
17 process. The Hispanic Coalition New York's  
18 mission is to empower through education and by  
19 serving as a forum for engaging the public in  
20 cultural exchange of ideas and views of social,  
21 civic, educational and economic issues affecting  
22 the Hispanic Latino community. We are committed  
23 to connecting Latinos from across the state  
24 through sharing important information with our

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2 network of Latino professionals, elected  
3 officials, community organizations, NGOs,  
4 grassroots organizations and community at large  
5 especially on the issue of redistricting as it  
6 will shape and influence the Latino community's  
7 future for the next ten years. The process of  
8 reapportionment and redistricting is at the heart  
9 of the democratic system. Yet this very same  
10 process has been used to maintain power rather  
11 than shape the American public's political  
12 representation. The process should not be about  
13 political parties looking to protect incumbent  
14 seats to maintain control. Rather it should be  
15 about ensuring adequate representation through  
16 equally distributed districts. The process  
17 should insure the public's input is not only  
18 heard but carefully reviewed and incorporated  
19 into the drawing plans rather than allowing  
20 incumbents and political parties to make deals  
21 and decide where boundaries will be drawn or  
22 maintained. The process should ensure that the  
23 electoral system is equally open to participation  
24 by minority voters including the selection of a

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2 candidate of their choice as required by Section  
3 2 of the Voting Rights Act of 1965. The process  
4 should protect the one person one vote principle  
5 as noted in the landmark case of Reynolds v.  
6 Simms where the Court relied on the 14th  
7 Amendment's equal protection clause requiring  
8 legislative districts to be substantially equal  
9 in population. The process should be about  
10 ensuring the historically disenfranchised  
11 minority population has a voice through their  
12 vote for a candidate of their choice not the  
13 other way around.

14 The process should be about protecting  
15 life, liberty and the pursuit of happiness of  
16 every citizen through fair representation in the  
17 political process. I stand here today to urge  
18 this panel for a fair review of all the testimony  
19 that will be presented in the months ahead by  
20 community members from across the state. I  
21 respectfully request this panel pay close  
22 attention to the population increase we have seen  
23 over the last decade in the Hispanic community,  
24 which now accounts for 17.6 or 3.4 million from

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2 the overall 19.4 million people in New York  
3 State. Hispanics experience a 19.2 population  
4 increase between 2000 and 2010 according to the  
5 census or an increase from 2.9 million to 3.4  
6 million. It is important to note that the non-  
7 Latino population in the State of New York grew  
8 only slightly by 2.1% from 19 million to 19.4  
9 million during the same period. While Latinos  
10 are the fastest-growing minority group, the  
11 population continues to face barriers and  
12 discrimination in the areas of education,  
13 employment, health and housing as evidenced by  
14 poverty levels, low graduation rates, increased  
15 crime and dependency on social welfare programs  
16 and representation in the workforce. These  
17 barriers directly contribute to the population's  
18 ability to effectively participate in the  
19 political process. The Latino community's voice  
20 across New York State and the nation continues to  
21 grow even with the many barriers they encounter.  
22 The top five Latino groups in New York State are  
23 as follows: Puerto Ricans with 1.1 million,  
24 Dominican with 675,787, Salvadoran with 152,130,

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2 Guatemalan with 73,806, Cuban with 70,803 and  
3 other Hispanics account for 971,550.

4 While the majority of Latinos reside in  
5 New York City with 2.3 million or 28.6% of the  
6 overall population, over the last decade Latinos  
7 have grown in numbers in the upstate region. The  
8 highest Latino populations and the percentage  
9 from the overall population in the respective  
10 location in the upstate region are as follows:  
11 Rochester has a Latino population of 34,456.  
12 That's 16.4% of the population. Buffalo's Latino  
13 community is--I'm sorry and these are for the  
14 cities. The City of Buffalo has a Latino  
15 community of 27,519. That's 10.5% of the  
16 population. Utica 6,555, 10.5% of the  
17 population. Schenectady 6,922 with 10.5% of the  
18 population. Albany 8,396, which is 8.6% of the  
19 population, and Syracuse with 12,036, which is  
20 8.3% of the population. Large cities across New  
21 York State have experienced an increase in the  
22 Latino population. This trend is expected to  
23 continue here and across the nation. Latinos are  
24 very much interested in participating in the

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2 electorate process as it will ensure their needs  
3 are adequately addressed only when they are able  
4 to choose a candidate of their choice. During  
5 the 2010 Congressional elections Latinos were  
6 directly responsible for electing several Latinos  
7 to office including two first-time Latino  
8 Governors in response to the challenges they  
9 faced in the respective states. Likewise, Latinos  
10 in New York State seek candidates and  
11 representatives who will be responsive to their  
12 needs. As this panel moves forward with its  
13 review process, the facts must be carefully  
14 reviewed to ensure the Latino community fully  
15 engages in the democratic process. I strongly  
16 urge this panel to be transparent as you move  
17 forward through the process of listening to  
18 community members and their testimonies. And  
19 only in this manner can you truly ensure the  
20 rights of the people of the great State of New  
21 York are protected as you map their future.

22 MR. MCENENY: Thank you. Senator Dilan?

23 MR. DILAN: Yes, Ms. Miranda, thank you  
24 for your testimony. I have several questions

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2 with respect to the numbers. First, you list the  
3 top five groups within the Latino community, so  
4 I'm to assume that Mexicans, Ecuadorians are  
5 included in the other number?

6 MS. MIRANDA: Well, these are for New  
7 York State, but Mexicans overall are the largest  
8 group in the United States.

9 MR. DILAN: But I'm talking about New  
10 York State. So the Mexican numbers are included  
11 in the 900,000

12 MS. MIRANDA: In the other Hispanic  
13 number, yes.

14 MR. DILAN: That was my question.

15 MS. MIRANDA: I'm sorry.

16 MR. DILAN: Secondly, I'm curious about  
17 county numbers, for example Nassau County,  
18 Suffolk County that may also have a large Latino  
19 community. Did you do any research with respect  
20 to those counties?

21 MS. MIRANDA: Yeah, those counties also  
22 have large Latino communities. I sort of kind of  
23 focused on the upstate region since I was  
24 speaking here but in Long Island Suffolk County

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2 has the highest concentration of Latinos and  
3 Nassau County is the second.

4 MR. DILAN: Is there anywhere outside of  
5 New York City that's including the two Long  
6 Island counties, anywhere outside of New York  
7 City where there is a possibility of giving the  
8 Latino community a choice in electing their  
9 representative that you may be aware of?

10 MS. MIRANDA: In upstate you said?

11 MR. DILAN: Anywhere outside of New York  
12 City. It could be Nassau. It could be Suffolk.

13 MS. MIRANDA: There are actually a few  
14 counties, a few areas. Westchester County,  
15 Queens, certainly Long Island and I think there's  
16 an opportunity also in Brooklyn.

17 MR. DILAN: I was talking outside of New  
18 York City.

19 MS. MIRANDA: Westchester County would  
20 be in the upstate region.

21 MR. DILAN: Any county in Long Island?

22 MS. MIRANDA: I apologize. I don't have  
23 a specific county.

24 MR. DILAN: Maybe when we hold the

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2 hearing in Albany, or you can actually submit  
3 future written testimony to that effect.

4 MS. MIRANDA: Yes, I can certainly  
5 prepare that as I come before you in the near  
6 future.

7 MR. DILAN: Thank you.

8 MR. OAKS: I would just mention for the  
9 record there is a representative from Suffolk I  
10 believe, Phil Ramos [phonetic] who is Latino  
11 presently in a District. Whether there's other  
12 ones or not I don't--

13 MR. DILAN: [interposing] My reference  
14 was is there a possibility of creating  
15 additional? Thank you.

16 MS. MIRANDA: And actually it's  
17 interesting you mention that. Phil Ramos'  
18 district was created as a result of the large  
19 population in Suffolk County during the last  
20 redistricting.

21 MR. DILAN: So just one more comment.  
22 You do have let's say Phil Ramos as an Assembly  
23 person. Is there a possibility of perhaps  
24 creating a Senate District in Long Island? I'm

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2 not suggesting that that's what we do now. I'm  
3 saying those are things we should look at for  
4 example outside of New York City and here in  
5 upstate are there also opportunities to create  
6 the opportunity for African American communities  
7 to also have an opportunity to elect their own  
8 representative, and basically that's some of the  
9 information that I would like to hear from the  
10 public in general. Thank you.

11 MS. MIRANDA: I believe those  
12 opportunities are there, and hopefully as the  
13 public continues to appear before you, that  
14 information will be relayed to all of you.

15 MR. NOZZOLIO: I'd like to follow up on  
16 Senator Dilan's question. Thank you first though  
17 for your testimony. It is very helpful, and I  
18 had wondered, I didn't realize that Rochester had  
19 the largest Latino population outside of the five  
20 boroughs, or is that tempered by Long Island?

21 MS. MIRANDA: I don't have the Long  
22 Island numbers in front of me, but this is for  
23 the top five--the top few cities with the largest  
24 Latino concentration outside of the City of New

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2 York of course.

3 MR. NOZZOLIO: Do you know Yonkers?

4 MS. MIRANDA: I don't have the Yonkers  
5 numbers in front of me.

6 MR. NOZZOLIO: Certainly, LATFOR has  
7 that data, and we'll be looking at it thoroughly.  
8 This has been a very helpful outline. Ms.  
9 Miranda is your organization planning to submit  
10 further mapping of potential districts that you  
11 believe would be appropriate to address the needs  
12 of the Hispanic community?

13 MS. MIRANDA: At the present time we  
14 haven't looked at that. Mapping, as you all know  
15 by now, is a very costly initiative, and as a  
16 not-for-profit organization, we don't have the  
17 resources for that type of information. But  
18 there may be others within the community who may  
19 be able to provide those maps for you.

20 MR. NOZZOLIO: We certainly appreciate  
21 the input and I noticed you were on the list  
22 yesterday to testify in Syracuse. We I hope may  
23 see you again at our additional hearings, and at  
24 that time you may have--certainly feel free to

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2 provide additional input.

3 MS. MIRANDA: I am planning on it, and  
4 thank you so much.

5 MR. NOZZOLIO: Thank you.

6 MR. MCENENY: Thank you very much. Tom  
7 Ferraro, executive director and founder of  
8 FoodLink, Thomas Ferraro. Charlie Ennis  
9 [phonetic]? Is Charlie Ennis here?

10 MR. NOZZOLIO: No.

11 MR. MCENENY: Kent Gardner, president,  
12 being represented by Erica Rosenberg of the  
13 Center for Governmental Research. Is Erica  
14 Rosenberg here or Kent Gardner?

15 MR. NOZZOLIO: They are not.

16 MR. MCENENY: The Honorable Sandra L.  
17 Frankel, supervisor of the Town of Brighton.  
18 Frankel, I'm sorry.

19 SANDRA L. FRANKEL, TOWN OF BRIGHTON  
20 SUPERVISOR: Good morning. I'm delighted to be  
21 here and really appreciate the opportunity to  
22 speak before you today. And should I say good  
23 morning or--

24 MR. MCENENY: [interposing] It's

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2           afternoon. You started at 12:09.

3                   MS. FRANKEL: It is indeed. So,  
4           Chairman Nozzolio, Assemblyman McEneny and  
5           members of the Task Force, I would like to speak  
6           with you today about the task before you, which  
7           is an awesome one that you undertake every ten  
8           years. As the elected executive of the Town of  
9           Brighton for 20 years, I bring the perspective of  
10          both town government and county interest to this  
11          process. Ten years ago I spoke to your  
12          colleagues who served on the same Task Force  
13          about the need for change. Times have changed,  
14          but the need for change is no less imperative.  
15          Human nature being what it is, self preservation  
16          often prevails when legislatures draw district  
17          lines, and that can translate into districts that  
18          deliver less effective representation than our  
19          founders envisioned or than the courts have  
20          concluded.

21                   I know that you know the principles  
22          underling redistricting--that districts should be  
23          of equal population with a small variance. That  
24          districts should be drawn in compliance with the

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2           Voting Rights Act requirements related to  
3           adequate minority representation, and I will  
4           observe that in the Town of Brighton our Latino  
5           population has in fact increased and mirrors that  
6           in the country and is not far off from the State  
7           or the City of Rochester and has shown the most  
8           significant increase in our population  
9           demographic. No incumbents from either party  
10          shall be placed in a district with one another.  
11          District plans should be based on current  
12          legislative districts to the extent reasonable to  
13          provide accountability and I would argue that  
14          accountability is important, but if consistency  
15          undermines accountability because of  
16          gerrymandering, then that change should prevail  
17          to eliminate that. Today my focus is principally  
18          on our Congressional Districts rather than State  
19          Legislative Districts. The Town of Brighton is  
20          divided, and that has posed a real problem with  
21          regard to assistance from the federal government  
22          on major projects and issues that impact the  
23          community. As an example, we have a road project  
24          that needs to be completed and would require

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2 federal funding. But because the road itself is  
3 in a district that aligns with the southern tier,  
4 the majority of interest and focus is not on the  
5 Town's and Brighton within Monroe County  
6 represented in that district. I work well and  
7 closely with Congressman Reed, but the  
8 preponderance of his District is really not  
9 reflective of the communities of interest and the  
10 needs of Brighton and other Southern Monroe  
11 County towns. When we look at a recent issue  
12 that has come before the community, the potential  
13 for the loss of half of federal funding for  
14 medical training at the University of Rochester  
15 Medical Center, half of \$55 million, that could  
16 have a major impact not only on our area's  
17 economy but it could also have a very significant  
18 impact on the delivery of critically needed  
19 healthcare for our community, for the state and  
20 for the country.

21 On a personal note, I can attest to the  
22 outstanding training for residents at the  
23 University of Rochester Medical Center because  
24 our son received his training in emergency

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2 medicine there. He is now serving in an  
3 agricultural area in Southern Colorado, but we  
4 have many from his class who have remained her.  
5 The dilution or decrease in medical training is  
6 something that we've got to be very careful about  
7 and to have representatives whose focus is on  
8 Monroe County where that institution has an  
9 impact and a presence within the Town of Brighton  
10 is critically important. So having that  
11 concentration and community of interest  
12 perspective is really critical. In addition,  
13 along those same lines, the Town of Brighton  
14 historically evolved and was originally the  
15 eastern half of the City of Rochester, and with  
16 annexation divisions were created, but there  
17 still is a lot of commonality in terms of  
18 infrastructure, cultural, educational, economic  
19 and other aspects that tie us together and we  
20 work closely with one another. As a former  
21 school board member, I can also speak to the  
22 importance of having a Congressional District  
23 representative who understands and knows the  
24 needs of all of the school districts within

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2 Monroe County, and to that end I would encourage  
3 you to take a hard look at the Congressional  
4 District now served by Congresswoman Louise  
5 Slaughter. It looks like a barbell, Monroe  
6 County, a large portion of Monroe County at one  
7 end, a thin strip heading over to Erie County,  
8 Buffalo and Niagara counties. It would make a  
9 lot more sense, and we would have more effective  
10 representation in Congress if the towns in Monroe  
11 County that are now in Congressman Reed's  
12 District were moved into Congresswoman  
13 Slaughter's District because of the commonality  
14 and the focused interest that that would provide.  
15 When the University of Rochester was partly in  
16 the City of Rochester represented by  
17 Congresswoman Slaughter and part of the  
18 University's facilities are in the Town of  
19 Brighton with a different Congressional  
20 representative, Tom Reed, it makes it harder to  
21 move initiatives forward just because of the  
22 disparity and dilution of effort. And then  
23 finally I do want to speak to the idea of an  
24 independent redistricting commission. I respect

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2 the work that you do. It's no small task you  
3 have before you. The voters have indicated a  
4 clear support for independent redistricting, and  
5 I would urge you to be responsive to that and to  
6 go back and look at how you can structure an  
7 independent redistricting commission that would  
8 have an understanding of the political process  
9 and aspects that are involved because that's  
10 reality along with independence so that there  
11 isn't a vested interest that may prevail. I do  
12 believe that you are here to do your work in good  
13 faith, and I appreciate and respect that, but I  
14 do know that it is the perception at the very  
15 least of the public that that may not be the  
16 case, and when you look at the district created  
17 for Congresswoman Slaughter when it turned into  
18 the barbell configuration there were real  
19 political aspects that went into the creation of  
20 that district design and another district design  
21 in the Hudson Valley area. And those are the  
22 kinds of things that undermine the credibility of  
23 the process that have resulted in the call for a  
24 more independent approach. So I thank you for

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2 listening to my comments today, and if you have  
3 any questions I'm happy to try and answer them.

4 MR. MCENENY: In your opening remarks,  
5 you mentioned something about not putting two  
6 incumbents in the same district. I didn't quite  
7 understand that.

8 MS. FRANKEL: You know, in Monroe  
9 County, when the County legislature was looking  
10 at how it was going to re-district itself, there  
11 was talk about the possibility of two incumbents  
12 ending up in the same district. They ended up  
13 not doing that and happily so, but the fact that  
14 that was something in the deliberation was a  
15 motivation for saying that.

16 MR. MCENENY: Interestingly enough some  
17 of the other people who testified today thought  
18 that was a great idea and they didn't even want  
19 us to know where they lived.

20 MS. FRANKEL: Understood.

21 MR. MCENENY: I should point out that  
22 for a redistricting year in the state legislature  
23 and any year in the federal Congress who doesn't  
24 care about redistricting residency as long as you

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2 live in the state but in a redistricting year you  
3 can't be districted out. You have a right to run  
4 in whatever district is in your area even if your  
5 house is outside the boundary.

6 MS. FRANKEL: Thank you.

7 MR. NOZZOLIO: Supervisor Frankel, thank  
8 you. It's very nice to see you again.

9 MS. FRANKEL: Nice to see you.

10 MR. NOZZOLIO: Very profound comments,  
11 and I know you analogized them to the  
12 Congressional, the issue of Brighton being split  
13 as a town. I thought it was a very clear picture  
14 of the problems of splitting towns, and that's  
15 the consequence really of having mathematical  
16 precision in terms of the precise deviation that  
17 congressional districts must fall into. In terms  
18 of the state Constitution, I think it was wise by  
19 those who formerly put the provision in to take  
20 into consideration the town jurisdiction. Your  
21 problem that you face in Brighton could be  
22 compounded significantly if towns were cut to  
23 create Assembly Districts or State Senate  
24 Districts, and there are proponents today that

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2           have said that deviations need to be shrunk and I  
3           think that is something that is certainly a well-  
4           stated point of view, but the unintended  
5           consequence was simply brought out by your  
6           statement here. When the Town of Brighton is  
7           split in order to achieve that mathematical  
8           exactness at the Congressional level there are  
9           additional hurdles placed, and that could happen  
10          as those who are advocating for the mathematical  
11          precision to take place at the state legislative  
12          level would result in splitting additional towns  
13          across the state making it difficult for those  
14          towns, particularly in upstate. This is  
15          primarily an upstate concern, an upstate reality,  
16          and I thank you for bringing it out. I think for  
17          the record that testimony certainly provides an  
18          understanding what community of interests are  
19          necessary to be considered in these  
20          considerations.

21                   MS. FRANKEL: Thank you for that. With  
22                   regard to our state representation, Brighton is  
23                   whole, but for our Congressional representation  
24                   the line cuts right through the town so that a

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2           portion of the town is in one Congressional  
3           District, a portion of the town in another  
4           District, and that makes for quite some  
5           challenging situations as you can understand. I  
6           would venture to say that if we brought back the  
7           analysis of population numbers from Buffalo  
8           and/or Erie County, we'd be able to fit Southern  
9           Monroe County in with the rest of Monroe County.  
10          I don't envy you the design work you've got to  
11          do, or that an independent group might have to  
12          do, but I believe where there's a will there's a  
13          way and I thank you very much.

14                   MR. MCENENY: Thank you. The Honorable  
15                   Mark Assini, town supervisor of the Town of  
16                   Gates.

17                   MR. NOZZOLIO: Good afternoon, Mark.

18                   MR. MARK ASSINI, TOWN SUPERVISOR, TOWN  
19                   OF GATES: Good afternoon, Chairman Nozzolio and  
20                   Task Force members. There was a day I didn't  
21                   need these. Unfortunately today is not the day.  
22                   I do need them. I certainly wish you all success  
23                   in sorting out the facts and data to come up with  
24                   the best solutions in determining the district

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2 lines for all New Yorkers. This is not an easy  
3 task. It's a very complicated one, and the more  
4 I listen, the more complicated I realize that it  
5 is. But I would like to ask for your  
6 consideration in creating a Greater Rochester  
7 Congressional District. I have some prepared  
8 remarks, but if you don't mind, I'll just hit  
9 some of the highlights. Our founding fathers  
10 intended the Congressional representatives to be  
11 a citizen legislator who understands the  
12 community's needs, who understands the challenges  
13 his neighbors face, to be the voice of the voter,  
14 the voice of the common man because he or she  
15 would be among us, one of us, a part of the  
16 community that he or she would represent, and at  
17 a time of great economic peril and where New York  
18 has lost two Congressional seats, we must ensure  
19 our representatives are in tune with our needs,  
20 and I stress this, accessible to the residents of  
21 the district. I think that is a key. I am the  
22 supervisor as you had stated in Gates, New York,  
23 a suburb of Rochester. My residents who have a  
24 number of times complained about this would have

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2 to drive over three hours down and back to meet  
3 at the home office of Congressman Tom Reed, and  
4 he does a wonderful job but that's a long drive  
5 for our residents to go to the home office. Now,  
6 the satellite office still a 45-minute round  
7 trip. With traffic it's close to an hour. We  
8 live in a county with approximately three-  
9 quarters of a million people and have Congressmen  
10 representing areas from Buffalo to Syracuse and  
11 from Gates to the Pennsylvania border. We have  
12 enough population in this county to have a single  
13 Congressional District and yet we have four, and  
14 each with an office in our county's border, a  
15 total of four offices, and a grand total of 14  
16 offices for the four representatives including  
17 their Washington office. Our region can no  
18 longer afford satellite offices spread out over a  
19 span of multiple cities and regions. The cost  
20 and inefficiency of such an operation is not  
21 acceptable in a state and nation where we face  
22 budget constraints. The time for change is now.  
23 Let our districts be more in line with our  
24 communities, regions and neighborhoods.

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2 Communities around this state deserve  
3 congressional representatives focused on their  
4 needs and districts, which are manageable and  
5 efficient. It's time to take action and give the  
6 greater Rochester area its own Congressional  
7 District. I've said that, but I will-I can take  
8 these off now, I will also say that the worst  
9 thing that could happen is that we make these  
10 compact districts and then force the rural areas  
11 to have to drive eight hours round trip. That  
12 would be disastrous. That would impact the  
13 accessibility, and I think that's the challenge  
14 that this body has. I realize that there are  
15 going to be prices to making more compact  
16 districts especially when we haven't grown as  
17 quickly as the other states and have lost  
18 Congressional seats, so I realize that this is a  
19 great challenge to say the last to serve all the  
20 residents. With that I'd certainly answer any  
21 questions you might have.

22 MR. NOZZOLIO: Thank you, Mark.

23 MR. MCENENY: It's interesting you  
24 should make that comment on the rural districts

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2 because the last time that's exactly what  
3 happened with the district which went from  
4 Congressman Sweeney to Congresswoman Jillabrand  
5 [phonetic] to Congressman Murphy and now  
6 Congressman Gibson. It starts up at Lake Placid,  
7 comes down in back of Troy, goes along the state  
8 line for two states, includes Hyde Park, runs  
9 over to 20 miles from Binghamton and includes the  
10 towns next to Cooperstown. There are only three  
11 cities in the District, 8,000, Glens Falls is I  
12 don't know 15,000, and Saratoga Springs is the  
13 big metropolis with about 25,000. In a lot of  
14 ways it's a community of interest in that it's a  
15 rural and suburban district, but it's tough for  
16 constituent services. You have ten counties,  
17 innumerable, something like 17 newspapers, etc.

18 MR. ASSINI: It's a challenge. It's a  
19 real challenge.

20 MR. MCENENY: While it's good to have  
21 that tunnel vision on compact districts around a  
22 large city, when you're all done, you wind up  
23 with rural choices like that that can just be  
24 extraordinary and I thank you for observing that.

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2 MR. ASSINI: Thank you. Thank you for  
3 your time.

4 MR. MCENENY: Anyone else on the panel?  
5 Thank you for coming.

6 MR. ASSINI: Thank you.

7 MR. MCENENY: Reginald Neale, private  
8 citizen.

9 MR. REGINALD NEALE: I am Reginald Neale  
10 a private citizen from Farmington, New York.  
11 Thank you for the opportunity to testify today.

12 MR. MCENENY: Can we have your address,  
13 sir?

14 MR. NEALE: 6032 County Road 481 in  
15 Farmington.

16 MR. MCENENY: Thank you.

17 MR. NEALE: Voters should have the power  
18 to decide who represents them. Instead, New York  
19 legislators have the power to determine whom they  
20 represent based on maximizing the benefit to  
21 their political situation. That's probably one  
22 reason why our legislature even though it has  
23 been characterized as the most dysfunctional in  
24 the nation still has the highest incumbency

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2 return rate in the nation. Partisan  
3 redistricting divides communities of interest for  
4 political advantage and results in non-  
5 competitive elections. Legislators in those safe  
6 seats have less incentive to listen to voters and  
7 more incentive to listen to lobbyists, campaign  
8 contributors and political bosses. For decades  
9 reformers have urged the legislature to create a  
10 fair, non-partisan re-districting process. Along  
11 with the majority of New Yorkers I support the  
12 Governor's bill pending in both houses, which  
13 would establish an independent commission  
14 designed to be as non-partisan as possible, but  
15 the legislature wants to continue drawing its own  
16 lines, so that bill is not moving. Even more  
17 disturbing is the fact that many legislators in  
18 both parties when they were running for election  
19 signed a pledge to enact fair redistricting in  
20 time for next year's elections, and as soon as  
21 they were in office invented reasons not to do  
22 it. I have heard the objections that the  
23 Governor's bill is partisan, that there isn't  
24 enough time to change the process and that a

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2 Constitutional amendment is required. All of  
3 these transparently self-serving objections arose  
4 after legislators signed the pledge and got  
5 elected. Good government groups reject them. So  
6 do I. The legislature has created yet another  
7 reinforcement of the stereotypical perception  
8 that no one in government can be trusted. A  
9 majority of state legislators signed that pledge.  
10 In my opinion, they just plain flat out lied to  
11 us to get elected. I feel compelled to appear  
12 before you today to register my disgust and to  
13 tell you that I am more ashamed than ever of my  
14 state legislators.

15 The word "citizen" and "civility" are  
16 derived from a common root. It is painful for  
17 this citizen to appear before you forced by your  
18 actions to push the limits of civility. Go back  
19 to Albany, honor your pledge and pass fair  
20 redistricting now. Thank you for your attention.

21 MR. MCENENY: Members of the panel? We  
22 have 27 new members in the New York State  
23 Assembly this year. That would seem like a  
24 reasonable amount of turnover. I don't know what

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2 the other states have, and as far as the most  
3 dysfunctional that came out with the Brennan  
4 Center some years ago. It was picked up by  
5 editorial boards. There are 50 states in the  
6 United States. I think that title made some of  
7 them feel pretty good because they were probably  
8 surprised by it.

9 MR. NEALE: Assemblyman, there is a  
10 difference between turnover and incumbency re-  
11 election. Many of the people who are no longer  
12 serving were indicted, or died in office, that's  
13 not a good thing.

14 MR. MCENENY: Well, out of 331 members  
15 of the Assembly, which have served since 1990,  
16 there's been less than ten of them that have been  
17 indicted. That's less than one-third of 1%; yet  
18 they get all the publicity on it. And as  
19 somebody who has been in politics for his entire  
20 life or at least on the fringe of it, if I felt  
21 that I was going to lose an election, I would  
22 step down rather than lose. So, in many cases,  
23 people leave because they feel that their term is  
24 up, they're not going to get redirected.

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2 Turnover is turnover. New blood comes in  
3 regularly. In the year I was first elected, the  
4 election of 1992, we also had 27 new members.  
5 There is more turnover than people would believe  
6 with statistics that take things out of context.

7 MR. NEALE: Still, I reiterate that the  
8 existing process instead of working best for  
9 democracy works best for parties in power.

10 MR. NOZZOLIO: And that's exactly why  
11 members of the Senate decided to support a  
12 constitutional amendment creating a truly  
13 independent body that you I believe, Mr. Neale,  
14 should look further at the proposals that the  
15 selection process as we saw it as more partisan  
16 than the process is today in the so-called  
17 independent, in one of the so-called independent  
18 measures. There's also what I hope is not an  
19 inconvenient truth for those seeking real reform,  
20 and that is the Constitution of the State of New  
21 York, which as brought out by the prior speakers  
22 this morning and this afternoon that there are  
23 constitutional provisions which establish some  
24 communities of interest regarding towns. The

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2           mathematical precision suggested by additional  
3           legislation, that precision would have to be  
4           achieved through the elimination of that  
5           Constitutional provision dealing with the  
6           severance, the cutting of towns into two or more  
7           State Assembly and State Senate Districts. The  
8           Senate for the record has enacted a  
9           Constitutional Amendment that we believe is the  
10          true way to establish independent redistricting  
11          and that was also in compliance with the support  
12          that many gave to this process prior to the last  
13          state-wide election. So I think that certainly  
14          your opinion is respected, but it should not go  
15          unchallenged, and that I respectfully draw those  
16          points and that hope that as this body itself is  
17          not designed to debate, argue the merits of those  
18          provisions, this body has a Constitutional, legal  
19          and fiduciary mandate to begin the process.  
20          Right now there is no process established other  
21          than the one that's in existing law, and that's  
22          what we are doing here today to take input on  
23          policies and practices on communities of interest  
24          particularly for the Rochester region today, but

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2 we are going to be traveling to another ten  
3 jurisdictions, have already traveled to Syracuse  
4 and are going to be taking testimony on those  
5 individuals who want to provide input about lines  
6 and about districts. Until that changes broadly  
7 and more generically we have to comply with this  
8 mandate, and I hope that's something that is  
9 clear to those who are testifying today.

10 MR. NEALE: Senator, I have no problem  
11 with the Constitutional amendment. My problem is  
12 with that being the only possible path forward.

13 MR. NOZZOLIO: Thank you respectfully  
14 for voicing your opinion. Are there any other  
15 questions, members of the panel?

16 MR. MCENENY: Thank you very much. Amy  
17 Hope?

18 MS. AMY HOPE WITRYOL: Good afternoon.  
19 My name is Amy Hope Witryol, and I live in  
20 Lewiston, New York, which is about two hours from  
21 the City of Rochester and two minutes from the  
22 City of Niagara Falls.

23 MR. MCENENY: May we have your street  
24 address to? That way we can get in touch with

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2 you if we need to?

3 MS. WITRYOL: 4726 Lower River Road,  
4 Lewiston, New York.

5 MR. MCENENY: And your name other than  
6 Hope?

7 MS. WITRYOL: Amy Hope Witryol, it's  
8 been submitted in text.

9 MR. MCENENY: Thank you.

10 MS. WITRYOL: As I said it took about  
11 two hours to get here even though I live about  
12 two minutes from the City of Niagara Falls, but  
13 only one of these two cities is in my State  
14 Senate District. Guess which one? And I'll give  
15 you a hint. You're not in Niagara Falls today.  
16 But here are more important questions from my  
17 view. What are you doing here, and why aren't  
18 you back in Albany passing Governor Cuomo's  
19 independent redistricting legislation. While I  
20 understand you're following the law, you also  
21 have the power to change the law to alter the  
22 process for the better. As good government  
23 groups say, politicians should not pick their  
24 voters. It should be the other way around. The

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2           *Albany Times Union Editorial Board* recently  
3 wrote, "Explain how a legislature, most notably  
4 all the Senate Republicans who promised to make  
5 the drawing of political districts in the state  
6 more open and honest turn around and do things  
7 exactly the same old corrupt way and not in some  
8 back room behind closed doors. They're doing it  
9 right under your noses, New York, in your face."  
10 The paper goes on to say that this Task Force,  
11 "...is even holding public hearings, inviting the  
12 very citizens it's insulting to get in on the  
13 joke that's on them."

14           If forty years of history makes for a  
15 trend, the public should have no confidence these  
16 hearings will result in anything other than  
17 gerrymandering of the legislature to the  
18 detriment of all New Yorkers, especially those in  
19 upstate.

20           The U.S. Constitution calls for one  
21 person one vote, but in many New York Districts  
22 it's one person, nine-tenths of a vote. The  
23 Governor's bill calls for better math, the novel  
24 concept that in America one should equal one.

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2 Enrollment trends suggest future state Senate  
3 majorities must include a number of upstate  
4 senators to have control regardless of party.  
5 However, the failure of the Republican State  
6 Senate to pass the Governor's redistricting bill  
7 will allow the Assembly to draw its own lines to  
8 the benefit of New York City. Such a failure in  
9 my view belies the Republican State Senate claim  
10 of protecting upstate and mocks those upstate  
11 editorial boards, which endorsed a Republican  
12 Senate instead of the best candidates last fall.  
13 Anyone truly concerned about upstate should  
14 consider that the New York City area has upwards  
15 of 50 Assembly seats, which are underpopulated  
16 and therefore over represented when compared to  
17 the average District size. Many, if not most of  
18 those seats, exceed the 1% maximum variance in  
19 Governor Cuomo's bill which is supported by many  
20 public interest groups. Another half-dozen seats  
21 in the Adirondack Region under represent that  
22 population. An independent redistricting  
23 commission is more likely to right-size these  
24 districts, which could bring about a seat change

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2 in the assembly that gives upstate a fair shake.  
3 And I would offer that if your view is that it's  
4 mathematically impossible to meet a 1% tolerance  
5 without dividing towns then maybe suggest to the  
6 Governor let's make it 2% or 3%, but let's do  
7 something now.

8 To reiterate, the Republican Senate  
9 majority from my view cannot break its campaign  
10 pledge for an independent redistricting this year  
11 and pretend to care about upstate. If we want to  
12 elect legislators who possess the skills to help  
13 New York become an economic engine once again, we  
14 must ask you to pass Governor Cuomo's  
15 redistricting reform soon in a special session.

16 If we want legislators who can take the  
17 three most oppressively taxed and devalued  
18 counties in the entire nation, which are Orleans,  
19 Monroe and Niagara, and transform them into the  
20 three most economically valued counties in the  
21 nation, we must ask you to pass Governor Cuomo's  
22 redistricting reforms. Within the year, the  
23 legislature must also end pay-to-play so that  
24 state government will be accountable to residents

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2           instead of wealthy special interests. We want to  
3           attract bright young people to government who  
4           will become skilled legislators instead of  
5           professional fundraisers. Toward that end, we  
6           also need you to pass redistricting reform now,  
7           not ten years from now.

8                        In closing, as the *Times Union* said, "If  
9           there is one thing that all incumbents can agree  
10          on, it's preserving their jobs. A for integrity,  
11          that's so last year." I ask you to make  
12          integrity fashionable this year. Stop the  
13          gerrymandering, go back to Albany and pass  
14          Governor Cuomo's redistricting reforms. And I  
15          would add that "you" means the legislature, not  
16          the members in the Task Force here today  
17          personally. But I would certainly look to you  
18          for leadership to go back in a special session  
19          and call on both houses to enact some independent  
20          redistricting forum hopefully to add credibility  
21          to what you're trying to do here today. Thank  
22          you.

23                       MR. MCENENY: I do appreciate your  
24          recognizing that 1% doesn't work in some cases

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2 when you're trying to comply with the Voting  
3 Rights Act for minority/majority districts and  
4 also sometimes when you're trying to preserve a  
5 county line or a municipal boundary and certainly  
6 when two towns together go beyond that 1%. I'm a  
7 sponsor of Governor Cuomo's bill, but I do  
8 recognize in its final form it should be tweaked  
9 a bit so that it conforms with the Constitution.  
10 Irrelevant to this year if we do indeed along the  
11 line do a Constitutional amendment, we should  
12 take a look at the anti-urban Constitution we  
13 have had since 1894 where villages are split in  
14 two because they often are built on two sides of  
15 a town boundary, usually a stream, and so God  
16 forbid you would ever keep the village together,  
17 and the same thing happens wholesale with urban  
18 neighborhoods. So those kinds of changes also  
19 need to be made, and I have yet to hear any human  
20 cry on that. And I would like to see people  
21 recognize that as one of the problems which  
22 creates some pretty horrible-looking districts in  
23 urban neighborhoods that we'll of course be  
24 blamed for, but thank you very much for coming.

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2 We appreciate the distance. Yes, Senator Dilan?

3 MR. DILAN: Just one comment. I  
4 certainly appreciate your response about the  
5 complexity, but to be clear I would urge the  
6 legislature to undertake a two-step approach  
7 here, number one some form of independent  
8 redistricting now, and then number two a  
9 Constitutional Amendment so that in the future  
10 the process can be improved further.

11 MR. DILAN: Okay, I know that your  
12 position on independent redistricting is very  
13 clear. You've made that very clear. However, I  
14 would just like clarification in terms of the  
15 percentage issue or deviation.

16 MS. WITRYOL: Yes.

17 MR. DILAN: So basically what I believe  
18 you are saying is that both in the State Senate  
19 and in the New York State Assembly there should  
20 be consistency throughout every single, 150  
21 Assembly Districts and currently 62 Senate  
22 Districts, that they should be consistent in the  
23 deviation, is that correct, that they should be  
24 as close as possible to equal numbers?

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2 MS. WITRYOL: I think as close as  
3 possible, I would agree with. I don't know that  
4 it can be precisely consistent, but as I'm sure  
5 all of you know, the maximum variance now is a  
6 lot closer to 10% than it is to 1%.

7 MR. DILAN: That's where I'm going.

8 MS. WITRYOL: But I believe in both  
9 houses there needs to be consistency.

10 MR. DILAN: So basically let's assume  
11 for one second that we've completed the first  
12 round of hearings, that by the time we start our  
13 second round of hearings and I hope that this  
14 panel will come out with guidelines that they  
15 will follow as they proceed into the second phase  
16 where we may have maps where we would have a  
17 range that would say no more than 5% in any given  
18 district or no more than 4% in any given, not  
19 where we would go as high as 10% as it currently  
20 configured, is that what I'm understanding?

21 MS. WITRYOL: Well, I would reiterate  
22 that my hope is that in the next two weeks when  
23 the legislature goes back perhaps to handle the  
24 PEF contracts that that would be a good time to

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2 look at independent redistricting.

3 MR. DILAN: But my question, I said your  
4 position is very clear on that.

5 MS. WITRYOL: Okay.

6 MR. DILAN: My question is talking about  
7 the range of deviation.

8 MS. WITRYOL: The range of deviation.

9 MR. DILAN: That it should under no  
10 circumstances be as it currently exists up to  
11 10%. I'm saying that when we come out with  
12 criterion if the panel does come out with  
13 criterion there should be perhaps a range that  
14 says let's say bottom number being 2% and maybe  
15 the top number 5% where you have a district that  
16 you have two towns where it is not possible, then  
17 you might have to go to the high cap of 5%.

18 MS. WITRYOL: Understood.

19 MR. DILAN: And every other district  
20 then should have 2% or 1%, whatever the lower  
21 number is? Is that what I'm understanding?

22 MS. WITRYOL: Senator, that sounds like  
23 a perfectly reasonable approach, and of course  
24 the closer we can get to 1% and incorporate and

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2 address all of those complexities we've  
3 identified, the better off the state is going to  
4 be.

5 MR. DILAN: I do want to indicate for  
6 the record also that I do have legislation in  
7 with respect to independent redistricting so that  
8 legislation is pending and I do support the  
9 governor's program bill.

10 MS. WITRYOL: Thank you.

11 MR. MCENENY: Thank you very much. R.A.  
12 (Tony) LaFountain or LaFountain, town supervisor  
13 of Penfield.

14 R.A. (TONY) LAFOUNTAIN, TOWN SUPERVISOR,  
15 TOWN OF PENFIELD: Good afternoon, Senator,  
16 Assemblymen, Task Force, thank you for the  
17 opportunity to speak today. Tony LaFountain, 20  
18 Woodside Drive, Penfield 14526, and I am the  
19 supervisor of the great Town of Penfield. As I  
20 speak with a number of our residents in Penfield  
21 there is a very common theme, and that is that  
22 the redistricting process should focus on keeping  
23 communities of interest together as best we can,  
24 and in this case I'm referring to the

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2 Congressional Districts. I'm going to pause for  
3 a minute. I was born and raised in Saranack Lake  
4 up in the north country. That's a rural area,  
5 very sensitive to that as you try to reconfigure  
6 these districts it's very difficult as has been  
7 mentioned today about having long distances for  
8 our voters, our residents to get to their  
9 representatives. So certainly that is a factor  
10 that we have to build into this, and again I  
11 don't envy that job overall.

12 I will submit to you that while we're  
13 very close geographically, Rochester area,  
14 Syracuse area, and the Buffalo area, we do have  
15 some common interests, and we do have a number of  
16 differences in our particular locale. What  
17 happens every day that I'm faced with in Penfield  
18 is I have two school districts that equally  
19 separate the town, I have three fire districts, I  
20 have five distinct zip codes, and I have three  
21 Congressional Districts. In Penfield we have  
22 three Congressional Districts. That creates a  
23 huge problem for us in and around the Town of  
24 Penfield as we're working with our

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2           representatives, and I will say that our  
3           representatives do in fact keep themselves  
4           accessible. However that becomes very  
5           complicated. It becomes very complicated for the  
6           public officials. It becomes even more confusing  
7           for our residents. Certainly, have a  
8           representative, if I take a look at Rochester and  
9           Monroe County, and having a representative of  
10          that area, there is similar interest, similar  
11          needs, similar economic conditions and those are  
12          the types of things that certainly our  
13          representative can get their arms around and work  
14          on. So as best we can and as we draw those  
15          districts, certainly keeping that in  
16          consideration is a big interest of myself as an  
17          elected official, not only as a previous Town  
18          Board elected official, county legislator, now  
19          town supervisor, I see it each and every day. So  
20          any opportunity for us to look at this, and again  
21          also taking into account that we're not  
22          gerrymandering other areas throughout the state,  
23          but as we take a look at this I think we need to  
24          sit back and take a look at this in a little bit

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2 more detail. Certainly having a sole  
3 representative in Washington representing  
4 Rochester/Monroe County would be something that  
5 would be very positive. I thank you very much  
6 for your time and would be happy to entertain any  
7 questions that any of the Task Force might have.

8 MR. MCENENY: I take it nobody is making  
9 the argument that Penfield has got to be a pretty  
10 important town if it's got three voices in  
11 Washington instead of one?

12 MR. LAFOUNTAIN: Assemblyman, that's a  
13 great point, and if you don't mind, I'll use that  
14 now on a more regular basis.

15 MR. MCENENY: Very good. Senator  
16 Nozzolio?

17 MR. NOZZOLIO: Thank you, Supervisor,  
18 and I also appreciate Supervisor Assini's  
19 comments. In line with what Supervisor Frankel  
20 had started in talking about the splitting or  
21 towns, three Congressmen from the Town of  
22 Penfield?

23 MR. LAFOUNTAIN: That's correct, sir.

24 MR. NOZZOLIO: That's what mathematical

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2 precision does.

3 MR. LAFOUNTAIN: Right.

4 MR. NOZZOLIO: I think that you have how  
5 many state assemblymen?

6 MR. LAFOUNTAIN: We have one.

7 MR. NOZZOLIO: And how many state  
8 senators?

9 MR. LAFOUNTAIN: We have one.

10 MR. NOZZOLIO: Contrast working with  
11 your state legislative representatives as opposed  
12 to working with the dynamics you have to face  
13 with Congressional representation.

14 MR. LAFOUNTAIN: Night and day.

15 MR. NOZZOLIO: I'm sorry.

16 MR. LAFOUNTAIN: Night and day  
17 difference. Certainly if I need to reach out and  
18 speak with the Assemblyman or the Senator that  
19 represents Penfield, the 135th or the 55th  
20 Senatorial District. I can reach out and make  
21 contact typically that day I will have an  
22 opportunity to have a discussion with our  
23 representative. Having three representatives,  
24 you have to first decide where is the item or

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2 area of interest, and then certainly how do you  
3 leverage that, and I'll be very honest how do you  
4 leverage that to the best of the ability for the  
5 overall community of Penfield.

6 MR. NOZZOLIO: It's very helpful, and  
7 thank you for your comments.

8 MR. LAFOUNTAIN: Absolutely, thank you.

9 MR. OAKS: I would just add one more  
10 comment, again, looking kind of looking at the  
11 challenge of today one of the earlier individuals  
12 provided some maps saying here would be more  
13 compact, contiguous, but where the district ends  
14 ironically I can't really see it because it's not  
15 overly precise here, but the district to the east  
16 starts to fade in around Penfield and Parinton  
17 [phonetic] and the Monroe County District if you  
18 will goes and includes Orleans and Genesee  
19 County, which also have interest with Monroe  
20 County obviously. And I think Penfield or part  
21 of Penfield becomes part of a District that is  
22 more of a Finger Lakes going to the southern  
23 tier. I appreciate your comments. I think  
24 they're helpful, and you're saying the challenge

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2 of what it is. But even someone who has  
3 independently no political interest came up with  
4 your boundary being done. Now, it obviously  
5 could be changed so your boundary is whole and  
6 somebody else's changes, but I just add that as a  
7 sense of the challenge of when it's to the single  
8 vote or the single individual that even done  
9 independently no political influence and whatever  
10 there are going to be communities that are  
11 impacted not as they would choose, and if you  
12 were drawing the map there are going to be  
13 communities that are impacted not as they would  
14 choose, and if you were drawing the map versus  
15 the individual here, I'm sure you would make  
16 tweaks differently to it to try to keep you  
17 whole.

18 MR. LAFOUNTAIN: Absolutely,  
19 Assemblyman, there's no question, and there's no  
20 easy answer as we go through and do this. And  
21 certainly as I had said earlier, I don't envy  
22 that task by any means. I will just say that as  
23 we do that, there are going to be some  
24 communities that have large distances, you know,

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2 between communities, villages, towns, cities. I  
3 know it's going to be easier to have some more  
4 compact. I think as we do it though there's  
5 certainly an opportunity for us to make those  
6 lines a little better, a little sharper, a little  
7 different. Having three representatives  
8 certainly does not seem to make a lot of good  
9 sense from my perspective nor members of my  
10 community that I speak with on a daily basis.

11 MR. OAKS: Understood. Thank you.

12 MR. LAFOUNTAIN: So I thank you.

13 MR. MCENENY: Thank you very much.

14 Stuart Berger? Oh, I'm sorry, would you come  
15 back please. I'm sorry. Senator Dilan?

16 MR. DILAN: I just have a very quick  
17 question. So you have one state assembly person,  
18 one state senator and in the new lines you would  
19 like to have also one Congressional person, is  
20 that clear?

21 MR. LAFOUNTAIN: Within Monroe County as  
22 best we could.

23 MR. DILAN: But in your town, instead of  
24 three, you would like to see one.

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2 MR. LAFOUNTAIN: If possible, certainly  
3 that would be the ideal situation. Again, I  
4 recognize that as we draw these lines there is  
5 going to be some communities, there are going to  
6 be some areas that in fact may have multiples and  
7 so I recognize that. I accept that. If that's  
8 something that we have to have, certainly we will  
9 deal with that. Having three I think is not  
10 realistic and probably more unreasonable, but as  
11 we go through here, there is going to be some  
12 winners and there's going to be some losers, and  
13 what I mean by that is as to what they believe  
14 their representation is. And I think the key is  
15 how do we make sure we balance that as best we  
16 can.

17 MR. DILAN: So your issue is the federal  
18 issue of the Congressional seats?

19 MR. LAFOUNTAIN: That is correct, sir.

20 MR. DILAN: Thank you.

21 MR. LAFOUNTAIN: Thank you.

22 MR. MCENENY: Thank you. Stuart Berger,  
23 Citizens for a Better New York.

24 MR. STUART BERGER, CITIZENS FOR A BETTER

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2 NEW: Good afternoon. I'm Stuart Berger. I live  
3 at 82 Brittany Circle in Brighton. That's 14618.  
4 I am the past president and current executive  
5 board member of Citizens for a Better New York,  
6 which is part of the ReShape New York Coalition  
7 as stated before. We have for the past several  
8 years advocated for redistricting reform  
9 including the formation of an independent  
10 commission with rules that prohibit the use of  
11 political information decreasing the variation  
12 from the mean of district population and  
13 including the other strictures that are currently  
14 in place or meet the 1965 Voting Rights Act and  
15 judicial rulings. Let me start with the evident.  
16 LATFOR is neither independent nor representative.  
17 LATFOR is a construct of the Democratic and  
18 Republican leadership of the legislature, and is  
19 at best bipartisan and at worst partisan. There  
20 is approximately one-third of the electorate that  
21 is neither registered Democrat or Republican and  
22 therefore denied representation in redistricting.  
23 My question to you is how can LATFOR as currently  
24 constituted meet Governor Cuomo's requirement for

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2 a non-partisan, independent body to produce a  
3 redistricting proposal that is not politically  
4 motivated? Not only has the Governor required  
5 that the redistricting commission be independent  
6 and produce a non-partisan plan, but 184 out of  
7 the 212 legislators have either signed a pledge  
8 and/or cosponsored legislation with that purpose.

9 Despite that legislation has gone  
10 nowhere. We find that the current situation is a  
11 slap in the face of every New Yorker. Its  
12 elected officials have willfully neglected their  
13 commitment and responsibility to New Yorkers and  
14 are finding political devices to avoid enacting  
15 legislation thereby thwarting the reforms that  
16 are necessary. No matter what the good  
17 intentions of LATFOR may be, New Yorkers cannot  
18 accept the legitimacy of a politically created  
19 task force. LATFOR needs to be dissolved and  
20 replaced by an independent commission or used in  
21 support of such a commission with rules that  
22 constrain its ability to design politically  
23 contaminated districts.

24 Bottom line, legislators need to regain

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2 the trust of the public and reform the  
3 redistricting process including its rules. Thank  
4 you.

5 MR. MCENENY: Thank you. Members of the  
6 panel? Thank you very much. William W. Moehle,  
7 Esquire?

8 MR. WILLIAM MOEHLE: Thank you all,  
9 Senator Nozzolio, Assemblyman McEneny. Not the  
10 first time someone has struggled with my last  
11 name. It's actually pronounced Moehle, but it's  
12 not phonetic.

13 MR. MCENENY: I apologize, Moehle.

14 MR. MOEHLE: My name is Bill Moehle. I  
15 reside at 109 South Landing Road, Rochester, New  
16 York, but that is in the town of Brighton, 14610.  
17 I am an attorney with private practice in the  
18 Town of Brighton. I also am the attorney to the  
19 Town of Brighton, but I am here in my individual  
20 capacity and not as a representative of the town.  
21 There have been a couple of comments prior to  
22 this about jurisdictions divided into multiple  
23 parts from the various supervisors here, and also  
24 someone identified school district identification

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2 as key. One other interesting factor about the  
3 Town of Brighton is that with a population of  
4 about 35,000 we are divided into five school  
5 districts that serve portions of the Town of  
6 Brighton, and you can imagine I know the  
7 difficulty with identity that a community divided  
8 in that manner has. This is not the first time  
9 obviously a hearing of this type has been held in  
10 Rochester. Ten years ago there was a very  
11 similar hearing, and I predict if the New York  
12 State legislature fails to take significant  
13 action to reform the process of redistricting or  
14 if it simply kicks the can down the road through  
15 the artifice of a proposed Constitutional  
16 Amendment with no further action at this time,  
17 there will likely be a similar hearing in  
18 Rochester again in 2021, but at that time we will  
19 be no closer to true independent redistricting  
20 than we are today. Therefore, the primary focus  
21 of my comments is to urge the New York State  
22 Senate and Assembly to pass redistricting reform  
23 legislation this year to create an independent  
24 redistricting commission to draw lines for the

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2           2012 election. Although I know that you and your  
3           colleagues in the legislature are well aware of  
4           the legal requirements of redistricting such as  
5           compliance with the Voting Rights Act, the one  
6           person one vote requirements of the equal  
7           protection clause of the Constitution, and I know  
8           that you come here in good faith, and frankly  
9           take a lot of your time, not just today but in  
10          all of the other hearings that you're going to be  
11          conducting. Any regulatory process that is  
12          controlled by the very people with an interest in  
13          the outcome is bound to be colored consciously or  
14          unconsciously by self-interest. The proposal to  
15          amend the New York Constitution to create an  
16          Constitutional Amendment is even more  
17          fundamentally flawed. Because an amendment to  
18          the New York Constitution requires action by two  
19          successive legislatures and a public referendum,  
20          no reform would take place until 2022 at best,  
21          and there would be no guarantee that those two  
22          future legislative bodies would even take the  
23          necessary action to approve a Constitutional  
24          Amendment and set a public referendum. Moreover,

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2 if I understand the proposal, it would start by  
3 creating a new five-person panel to craft the  
4 amendment in referendum language four of whose  
5 members would be appointed by the legislative  
6 leaders. In other words, reform delayed, reform  
7 denied. I believe the only way to insure that  
8 true reform in redistricting is in place for 2012  
9 is to adopt legislation now to establish an  
10 independent redistricting commission. The clock  
11 is ticking, and I do believe that the people of  
12 New York demand true reform, reform that is  
13 independent and reform that allows the will of  
14 the people throughout the great state of New York  
15 to be voiced fairly through the electoral  
16 process. Thank you very much.

17 MR. MCENENY: Thank you very much.

18 MR. MOEHLE: Thank you.

19 MR. MCENENY: Evick Lageer [phonetic],  
20 outreach director of NYPERG [phonetic], Eric  
21 Lageer. Cornelius Sullivan?

22 MR. CORNELIUS SULLIVAN: Good afternoon,  
23 Senators, legislators. My name is Cornelius  
24 Sullivan, and I live at 20 Purrington [phonetic]

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2 Road in the City of Rochester. Oh, clap now  
3 because I'm the last one so you can leave when  
4 I'm finished. It's all over when I'm finished, I  
5 think.

6 MR. MCENENY: So far unless somebody  
7 walks through that door.

8 MR. SULLIVAN: That's why I say--no, I  
9 just checked. Okay, no, I've been here since the  
10 beginning this morning, and thoughts have been  
11 going through this thing that used to be a mind.  
12 But thinking back there has always been a healthy  
13 some would say distrust between those who  
14 legislate and those whom they allow to elect them  
15 to power. If you go back to the original  
16 Constitution for the United States, as you know,  
17 the people, the humble people who had to be  
18 property owners first of all could vote for  
19 president, Congressman, people in the state  
20 government, but they could not vote for the  
21 Senate. The Senate was appointed by your  
22 illustrious bodies throughout the associated 13  
23 states. Well, we see how that has changed, and  
24 ironically that's the one position now that we

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2           can't argue about because there's got to be two  
3           for every state, and it doesn't make any  
4           difference. But another point from history that  
5           I would like to point out is, and maybe some of  
6           you were incumbents when this happened, back in  
7           the early fifties when Governor Thomas Dewey  
8           started the thruway, that's why it's called the  
9           Thomas E. Dewey thruway. Some of you may have  
10          driven on it. I don't anymore because you've  
11          made the tolls too high, but when that thruway  
12          was originally planned, I don't know, this may be  
13          just you know stuff that's out there, urban  
14          legends, somebody on that committee is supposed  
15          to have said, "Let's rape Rochester." Now,  
16          you'll notice where the two closest exists for  
17          the thruway are for Rochester. I don't mean 490.  
18          I mean 90. One is in Victor, and the other one  
19          is in Leroy I believe now. So, anyway, what's  
20          wrong with Rochester and Albany? I don't know.  
21          I don't know if that's even true.

22                   I want to address with this  
23          redistricting thing, what I want to talk about  
24          specifically is my district, which is

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2           Congresswoman Slaughter's district. You heard  
3           Supervisor Frankel say it was like barbells. I  
4           personally see it as being a set of music  
5           headphones. I mean depending on which way Mrs.  
6           Slaughter is facing, I don't know if I'm on the  
7           right phone or the left phone, so I have to be  
8           careful when I try to call her. But it is, it's  
9           like an earmuff here, which is Fairport and  
10          possibly part of Brighton, the whole city of  
11          Rochester and then it goes up in a thin ribbon, I  
12          mean you talk about a ribbon of land, I don't  
13          even think it goes from Lake Ontario to the  
14          Niagara Parkway. I don't think it goes to Ladder  
15          Road. I'm pretty sure it only goes as far as the  
16          Niagara Parkway. Now, those of you who are from  
17          downstate, I'm very sorry. I'm talking about  
18          Canada here now. That's polar bear territory up  
19          there, for you people from New York City, but  
20          anyway it's a thin ribbon of land that connects  
21          Rochester through Monroe County, Orleans County,  
22          Niagara County and into Erie County. I mean that  
23          was once called the Niagara Frontier. Are we  
24          returning to those kinds of days? Luckily we do

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2           have some other highways besides the thruway, but  
3           that is a fiasco. I've heard several people here  
4           say today that the population of Rochester is  
5           roughly 700 and blankety thousand, and I know  
6           I've seen recently--no, not Rochester, Monroe  
7           County, I'm sorry, I saw your reaction, no, it's  
8           Monroe County. Rochester at most was 320,000. I  
9           think it's down to just a tad over 200,000 now,  
10          the city. But Monroe County I think is 700 and  
11          some odd thousand. What they call the greater  
12          statistical area of Rochester, I'm not a  
13          sociologist, but that whole area I think is  
14          roughly 13 counties is supposed to be a million.  
15          Now, if Monroe County is 700 and some odd  
16          thousand, why can't it be its own self-sustaining  
17          Congressional District? That's just one. I mean  
18          we just had an election here a couple of weeks  
19          ago, which I'm sure--well, you're aware of the  
20          famous 26th, Congressional District, which was so  
21          republican they keep elephants there for pets,  
22          but it was Jack Kemp's old district if you know--  
23          anyway. And, you know, Congress person from--she  
24          was county clerk of Erie County, which puts her

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2           firmly in Buffalo, a Democrat did not spend  
3           anywhere near as much money as two other  
4           candidates and she beat them. Great things  
5           happen.

6                        But my point is gerrymandering, you  
7           know, it may be constructive art or, you know,  
8           some nice drawings or doodles that you can get on  
9           your paper, but please when it comes to a group  
10          of people who should, I mean we heard somebody  
11          talking about having three Congressional  
12          districts in his small town. And the irony of it  
13          is and I don't know if this is true either, I'm  
14          great for store is that I can't prove they're  
15          true, when the legislature drew the district ten  
16          years ago after the previous census, they almost  
17          Mrs. Slaughter, they almost put her house out of  
18          her own district. Now, you only have to live in  
19          the state to be a Congressman, you don't have to  
20          live in your district, but they almost put the  
21          district out of her neighborhood. So, I mean  
22          that's getting down to pretty precise drawing,  
23          but anyway you know, as the great house speaker  
24          Tip O'Neill once said, "All politics is local,"

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2 and we're talking here about what it's like to be  
3 in the local bit of politics. And, you know,  
4 it's a great state, and we all like--not just the  
5 people, you know, south of Yonkers, it's not just  
6 those people who like to say I love New York.  
7 And it doesn't just refer to them. Thank you.

8 MR. MCENENY: Thank you very much, Mr.  
9 Sullivan. Members of the panel? I'm going to  
10 call other people on the list here once again who  
11 didn't show up for one reason or another, and we  
12 hope that they'll submit written testimony.  
13 David Lum, Professor Neemy, former Mayor Johnson,  
14 William Johnson, Michael Yavorski, Tom Ferraro,  
15 Charlie Ennis, Kent Gardner represented by Erica  
16 Rosenberg, and I think all of the others on the  
17 list did testify.

18 MALE VOICE: [off mic]

19 MR. DAVID LUM: Senator, I think you  
20 mentioned my name, David Lum.

21 MR. MCENENY: I'm sorry, David. I wrote  
22 my notes under your name instead of next to it,  
23 and I apologize. David Lum is here.

24 MALE VOICE: You don't want a second

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2 chance, do you?

3 MR. MCENENY: Eric Leager, did we--

4 MALE VOICE: [interposing] Also

5 skipped--

6 MR. MCENENY: [interposing] He was here

7 or was not?

8 MR. NOZZOLIO: He was not.

9 MR. MCENENY: Eric Leager also didn't  
10 show, but we hope that anyone who didn't show  
11 will come to another hearing as was certainly the  
12 case with at least one person and/or send in some  
13 written testimony. With that, I declare this  
14 public hearing closed. Thank you.

15 (The public hearing concluded at 1:16  
16 p.m.)

C E R T I F I C A T E

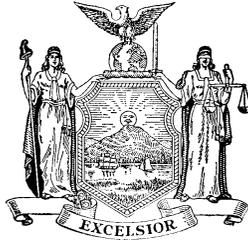
I, Trisha Ruckart, do hereby certify that the foregoing typewritten transcription, consisting of pages number 1 to 154, inclusive, is a true record prepared by me and completed from materials provided to me.



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Trisha Ruckart, Transcriptionist

July 26, 2011



**NEW YORK STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC  
RESEARCH AND REAPPORTIONMENT**

**Public Hearing**

**Congressional and state legislative redistricting**

**July 20, 2011 / 10:00 AM**

**City Hall Council Chambers, Room 302-A**

**30 Church Street, Rochester, NY**

**SPEAKERS LIST:**

1. DAVID LUM  
MEMBER, CITIZENS FOR A BETTER NEW YORK
2. WILLIAM GERLING
3. KATHERINE SMITH, PRESIDENT  
LEAGUE OF WOMEN VOTERS ROCHESTER METRO AREA
4. ANTHONY ROSATI
5. KEVIN GALLAGHER
6. JOHN O'NEIL  
CITIZENS FOR A BETTER NEW YORK
7. JOSE CRUZ, CHIEF OPERATING OFFICER &  
COMMISSIONER OF ROCHESTER CITY SCHOOLS
8. NANCY SUNG SHELTON, BOARD PRESIDENT  
GROUP 14621 COMMUNITY ASSOCIATION INC.
9. GERALD DONAGHY
10. NATHAN L. JASCHIK, PRESIDENT  
CITIZENS FOR A BETTER NY
11. MONICA M. ARIAS MIRANDA, MPA  
PRESIDENT & CEO  
THE HISPANIC COALITION NY INC.
12. HONORABLE SANDRA L. FRANKEL, SUPERVISOR  
TOWN OF BRIGHTON
13. MARK ASSINI, TOWN SUPERVISOR  
TOWN OF GATES
14. REGINALD NEALE, PRIVATE CITIZEN
15. AMY HOPE WITRYOL, PRIVATE CITIZEN

16. R.A. (TONY) LAFOUNTAIN, TOWN SUPERVISOR  
TOWN OF PENFIELD

17. STUART BERGER  
MEMBER, CITIZENS FOR A BETTER NEW YORK

18. WILLIAM W. MOEHLE, ESQ.

19. CORNELIUS SULLIVAN, PRIVATE CITIZEN

NEW YORK STATE LEGISLATIVE TASK FORCE  
ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT

PUBLIC HEARING

CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING

Hamilton Hearing Room B  
Legislative Office Building, 2nd Floor  
Albany, New York

Thursday, August 4, 2011

10:00 a.m.

Demographic Research and Reapportionment, 8-4-2011

COMMITTEE MEMBERS:

SENATOR MICHAEL F. NOZZOLIO, Co-Chair

ASSEMBLY MEMBER JOHN J. MCENENY, Co-Chair

SENATOR MARTIN M. DILAN

ASSEMBLY MEMBER ROBERT OAKS

DEBRA LEVINE, Co-Executive Director

LEWIS HOPPE, Co-Executive Director

ROMAN HEDGES

WELQUIS LOPEZ

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

4 ASSEMBLY MEMBER JOHN J. MCENENY, CO-  
5 CHAIR, NYS LEGISLATIVE TASK FORCE ON DEMOGRAPHIC  
6 RESEARCH AND REAPPORTIONMENT: --decade. My name  
7 is Jack McEneny. I'm the co-chair of the New  
8 York State Legislative Task Force on Demographic  
9 Research and Reapportionment. And this is a  
10 redistricting hearing, one of twelve, and we are  
11 joined today by my co-chair, my--we'll have speak  
12 in a moment, Senator Mike Nozzolio from Central  
13 New York, also Senator Dilan from New York City,  
14 representing the minority in the Senate, and  
15 Assemblyman Bob Oaks, also from upstate New York.

16 There are two private citizens who are  
17 on the LATFOR Commission, and on the Senate side  
18 Welquis Lopez, whom we often call Ray Lopez,  
19 represents the Senate, and on the Assembly side  
20 is Roman Hedges. The executive directors, co-  
21 directors, are one each, from the Senate side is  
22 Debra Levine, who is up here, and Lew Hoppe on  
23 the Assembly side. I noticed earlier that  
24 Assemblyman Denny Farrell had dropped in, and I

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2 expect there will be other members who will drop  
3 in from time to time to watch the proceedings.

4 The function that we're going through  
5 now is a reflection of the requirement of the New  
6 York State Constitution and Federal Law, that as  
7 soon as practical, the results of the decennial  
8 census comes out, the Federal census, then the  
9 legislature must redistrict itself. I know there  
10 are some other proposals out there that someone  
11 else should do that; even those proposals  
12 constitutionally would have to be finally be  
13 approved by the legislature with new districts,  
14 and then assigned by the Governor. This year we  
15 have more pressure than in past years. We still  
16 anticipate twelve preliminary hearings on the  
17 existing lines that are there, people with  
18 suggestions as to how to reflect appropriately  
19 and fairly the shift in population. We will end  
20 these on the 5th of October and will have had  
21 these sessions across the State. During October  
22 and November, lines will actually be drawn with  
23 proposed Senate and Assembly Districts, and then  
24 twelve more public hearings, most of them in this

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2 exact same location, where people will come in  
3 and speak more specifically, criticizing the  
4 lines as to what they do or what they fail to do  
5 in respect to the communities that are  
6 represented. I would like to ask the members of  
7 the panel if they might make some opening  
8 comments, and then I'll start with my co-chair,  
9 Senator Michael Nozzolio.

10 SENATOR MICHAEL F. NOZZOLIO, CO-CHAIR,  
11 NYS LEGISLATIVE TASK FORCE ON DEMOGRAPHIC  
12 RESEARCH AND REAPPORTIONMENT: Thank you very  
13 much, Assemblyman. And it's very good to be with  
14 you again as we are becoming fast friends. We've  
15 always been friends, but we're spending more and  
16 more time together in the weeks past, and  
17 certainly in the future as you well stated,  
18 Assemblyman McEneny, that there are a dozen  
19 hearings that we are conducting. And those  
20 hearings are our efforts to establish the  
21 fairest, most open, transparent, and bipartisan  
22 redistricting process that ever has occurred in  
23 this state. We are dedicated to that objective.  
24 I know you share it, I share it. I need, though,

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2 to emphasize that we are, as the Senate majority,  
3 clearly and crystallly focused on complying with  
4 every appropriate State and Federal statute,  
5 particularly the Voting Rights Act, the  
6 Constitutions of our United States and State of  
7 New York, and that we are dedicated to  
8 establishing the letter and spirit of compliance  
9 with those laws. And that we have other matters  
10 that, logistic and managerial, that the Task  
11 Force will have to wrestle with in the days and  
12 weeks ahead. I look forward to those  
13 discussions, and that we certainly are united in  
14 our focus on strict compliance with the laws of  
15 the state and nation. I'd also like to emphasize  
16 to our speakers that we are here to hear from  
17 you, and the more specific our speakers are, the  
18 more testimony, the more--whether it be today at  
19 the hearing or those who are viewing our  
20 proceedings, and I indicate--amplify what  
21 Assemblyman McEneny said, our proceedings are  
22 videoed for the first time in our redistricting  
23 histories of this state. The video is made  
24 available on the LATFOR website for all to view,

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2           and that as you view this, we would very much  
3           appreciate having specific suggestions. In  
4           Onondaga County and in Monroe County that we  
5           conducted our hearings on two weeks ago, those  
6           hearings presented some very specifics for  
7           representation, and we hope that plans are put  
8           forward to the Task Force, sharing with the Task  
9           Force specifics in terms of what the public  
10          wishes to see in their redistricting product.

11                        With that, I'd like to thank you again,  
12          Assemblyman, and the members of the Task Force  
13          for your participation, and look forward to the  
14          testimony here today.

15                        MR. MCENENY: Thank you. Senator Dilan?

16                        SENATOR MARTIN M. DILAN, NYS LEGISLATIVE  
17          TASK FORCE ON DEMOGRAPHIC RESEARCH AND  
18          REAPPORTIONMENT: Thank you very much, sir. I'd  
19          just like to say good morning, and again, I'd  
20          like to thank the co-chairs for calling today's  
21          meeting, and thank all those that came out to  
22          testify, and look forward to hearing their  
23          remarks. I would like to reiterate the  
24          importance that the 2011-12 redistricting process

2           be the most transparent and participatory in the  
3           state history. I feel that the citizens have  
4           made it clear that they expect no less. I  
5           believe that it is in LATFOR's best interest to  
6           adopt fair and objective criteria rules for  
7           redistricting. Our co-chairs have said that they  
8           want this to be a fair and transparent  
9           redistricting process. Outlining objective  
10          criteria will help achieve this goal. This  
11          criteria should reflect public comments made  
12          during our first two public hearings, including  
13          minimal population deviation within a plus or  
14          minus 1% range where possible. The formula is  
15          simple. Take the state's population, 19.3  
16          million people, and divide it by 62 Senate  
17          districts. The average Senate district should  
18          have at least 312,550 people. Every Senate  
19          district should be as close to this number as  
20          possible. Over-populating and under-populating  
21          district invites regional bias, and could violate  
22          the one-person/one-vote rule. Better defined  
23          district contiguity, you shouldn't have to go  
24          outside a district to get back inside, nor should

2           you have to take a boat to get from one part to  
3           the other. And districts recognizing communities  
4           of interest. Communities of interest grouped  
5           together can provide better representation for  
6           Latino, African-Americans, Caribbean-Americans,  
7           and Asian-American populations. Other excellent  
8           criteria can be found in Governor Cuomo's program  
9           bill for redistricting reform. We should  
10          consider all of them.

11                    There are some additional issues I  
12           believe should be addressed at this time. I  
13           believe that this task force should set the  
14           number of State Senate districts now. I believe  
15           that this--I would also like to--like this Task  
16           Force to also address the matter of geo-coding  
17           prisoners to their home districts of record in  
18           compliance with the State Law of 2010. I will be  
19           submitting a resolution for the Task Force's  
20           consideration confirming this through the body,  
21           intent to comply with the State Law. Since  
22           LATFOR does not have rules of procedure, I  
23           believe we can even convene a Task Force meeting  
24           today, at the conclusion of today's session, to

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2           move on these resolutions, and I look forward to  
3           hearing testimony from everyone. And as you  
4           speak, I hope to develop some of my points.  
5           Thank you.

6                       MR. MCENENY: Thank you, Senator.  
7           Assembly Member Bob Oaks.

8                       ASSEMBLY MEMBER ROBERT OAKS, NYS  
9           LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH  
10          AND REAPPORTIONMENT: I'll just be very short so  
11          we can get to hearing from our people. I just  
12          want to say that it's my pleasure to be a part of  
13          this panel and task force as we go about this  
14          state receiving people's comments and input.  
15          Clearly we need a fair and open process, and  
16          hopefully your comments today will include that,  
17          and I look forward to hearing them. Thank you.

18                      MR. MCENENY: Thank you, Assemblymen.  
19          Dr. Lopez--Mr. Lopez, I'm sorry.

20                      WELQUIS LOPEZ, NYC LEGISLATIVE TASK  
21          FORCE ON DEMOGRAPHIC RESEARCH AND  
22          REAPPORTIONMENT: Thank you for the doctor, I  
23          appreciate that very much. Thank you from both  
24          chairmen. (Speaking in foreign language.) Thank

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2           you for attending this public hearing. This Task  
3           Force committed to conduct in a fair and  
4           bipartisan redistrict process, and your testimony  
5           here today is a critical part of the process, so  
6           testimonial (speaking in foreign language).  
7           We're conducting this hearing in different  
8           regions across the state so that we can truly  
9           listen to the many different voice of the people  
10          of New York. We ask that you please concentrate  
11          your comments today on how you think the State  
12          Legislative and Congressional District should be  
13          drawn. We want to hear your recommendation on  
14          the composition of the District in your areas.  
15          (Speaking in foreign language). Thank you.

16                   MR. MCENENY: Thank you. Dr. Hedges.

17                   ROMAN HEDGES, NYS LEGISLATIVE TASK FORCE  
18                   ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT:  
19           Thank you. I look forward to today. I am  
20           hopeful that we will get good ideas and that we  
21           will get lively presentations from those of you  
22           who are speaking today. It is important, as  
23           others have said, for you to give us an idea as  
24           to how we should be doing this work. It's

2           difficult work; it's got lots of legal and other  
3           constraints that need to be addressed.

4           Population equality is certainly amongst them.  
5           The Voting Rights Act and its requirements are  
6           paramount. We can talk about a lot of details  
7           with respect to those two policy areas, but we  
8           also have to think about things like community,  
9           and we need to think carefully about what it is  
10          that community means. We're looking forward to  
11          hearing from you. Thank you.

12                   MR. MCENENY: Thank you. We will call  
13                   our first speaker. We would ask our speakers to  
14                   identify themselves, particularly if they  
15                   represent a particular group, and to give a home  
16                   address, at least a--actually, the right home  
17                   address, in case we have to get back in touch  
18                   with you. Dr. Alice Green.

19                           ALICE GREEN, PH.D., EXECUTIVE DIRECTOR,  
20                   CENTER FOR LAW AND JUSTICE: Good morning.

21                           MR. MCENENY: Good morning.

22                           MS. GREEN: My name is Alice Green, and  
23                   I'm the Executive Director of the Center for Law  
24                   & Justice, which is at Two Pine West Plaza in

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2 Albany, New York. And I'm here today to implore  
3 you to comply with New York State Law and count  
4 state prison inmates at their address prior to  
5 incarceration. None of the reasons given by  
6 LATFOR members at prior hearings, that you view  
7 the new law as unfair or you think the new law  
8 may be overturned in Court, or that you don't  
9 have time to determine the home addresses of  
10 inmates, permit our law makers to flagrantly  
11 violate the law. In August, 2010, Section 83M of  
12 New York State Legislative Law was amended to  
13 require LATFOR to reflect incarcerated  
14 populations at their respective residential  
15 addresses prior to incarceration. At the same  
16 time, Section 71 of New York State Correction Law  
17 was amended to require the New York State  
18 Department of Corrections and Community  
19 Supervision to deliver for LATFOR the information  
20 required to make these determinations. This is  
21 the law. You cannot violate it. The  
22 ramifications of violating the law are dramatic.  
23 According to DOCS data, at the end of 2010, there  
24 were 56,315 inmates in State prison, nearly half

## Demographic Research and Reapportionment, 8-4-2011

2 of whom were from New York City. Of the more  
3 than 27,000 inmates from New York City, nearly  
4 90% were housed in DOCS facilities outside of New  
5 York City. If LATFOR chooses to violate the law,  
6 more than 24,000 New York City residents will be  
7 counted as residents of upstate communities.  
8 This is tantamount to airlifting the population  
9 of ZIP code 10039 out of Harlem and dropping it  
10 somewhere in the middle of the Adirondacks. The  
11 demographics of downstate and upstate communities  
12 are markedly different. When downstate residents  
13 are counted as part of upstate communities, the  
14 results are often alarmingly discriminatory. To  
15 quote from the new Jim Crow by Michelle  
16 Alexander, "Because most new prison construction  
17 occurs in predominantly white rural areas, white  
18 communities benefit from inflated population  
19 totals at the expense of the urban,  
20 overwhelmingly minority communities from which  
21 the prisoners come. This has enormous  
22 consequences for the redistricting process.  
23 White rural communities that house prisons wind  
24 up with more people in State Legislatures

2           representing them, while poor communities of  
3           color lose representatives because it appears  
4           their population has declined. This policy is  
5           disturbingly reminiscent of the three-fist clause  
6           of the original constitution, which enhanced the  
7           political clout of slave holding states by  
8           including 60% of slaves in the population base  
9           for calculating Congressional seats and electoral  
10          votes, even though they could not vote."

11                   Let's take a look at how Alexander's  
12          narrative applies to New York. At the end of  
13          2010, Senate District 45, an upstate district on  
14          the Canadian border, was home to 11 state prison  
15          facilities. And according to DOCS, housed in  
16          these facilities were 5,571 African Americans.  
17          According to the LATFOR website, Senate District  
18          45 was home to total of 9,092 non-Hispanic blacks  
19          in 2010. If we divide the number of incarcerated  
20          African-Americans by the total African-American  
21          population, we find that an astonishing 60% of  
22          the African-American population in Senate  
23          District 45 is incarcerated in state prisons. A  
24          mere 3½% of Senate District 45's general

2 population, is incarcerated in State prisons, but  
3 61% of the African-Americans are incarcerated.  
4 61%, an astonishing figure, and an eerie one,  
5 three-fifths. Three-fifths of the African-  
6 American population of Senate District 45 cannot  
7 vote. Yet, they are counted as Senate District  
8 45 residents for the purpose of determining  
9 upstate clout in the New York State legislature.  
10 This is nothing short of shameful.

11 Now let's take a look at the reasons  
12 offered for violating New York State law, and  
13 allowing the shameful circumstance to persist.  
14 It has been intimated that the law is unfair  
15 because it allows Congressional and Legislative  
16 Districts to be determined in different manners,  
17 and that there is the possibility that it will be  
18 overturned in Court. It doesn't matter what  
19 anyone thinks of the law's fairness or future.  
20 It is the law today, and we still, we must follow  
21 the law today. Another reason given is the need  
22 for speed in getting this redistricting done.  
23 There may not be time in order to count inmates  
24 at their home addresses. Given that New York

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2 State Correction Law specifies that DOCS must  
3 give LATFOR the data it needs in a form specified  
4 by LATFOR, time should not be a problem. It is  
5 LATFOR's responsibility by law to have these data  
6 analyzed before redistricting. A compromise of  
7 sorts has also been suggested. If inmates can't  
8 be counted at their home addresses, let's not  
9 count them at all. This, too, would be a  
10 violation of law, as New York State Municipal  
11 Home Rule Law, as well as the New York State  
12 Constitution specifies that nobody is to be  
13 deemed to have lost or gained a residence by  
14 virtue of being incarcerated in DOCS facility.  
15 If we don't count inmates at all, they simply  
16 don't exist as people, much like slaves before  
17 the three-fifths compromise. LATFOR members,  
18 this is simple. You don't have a choice.  
19 LATFOR, like everyone else in the state, is bound  
20 by New York State Law. Do your duty and count  
21 prisoners at their home addresses. Thank you.

22 MR. MCENENY: I feel a little bit  
23 awkward up here, because I think there's a straw  
24 man out there that said that LATFOR was not going

2 to follow the law. There has never been either  
3 the ability or the inclination to not follow the  
4 law or not follow the Constitution. The press  
5 release that was put out yesterday gave a  
6 progress report on the counting of prisoners.  
7 The information was given to us many months ago,  
8 and we hope to have a report as early as the end  
9 of this month, or shortly thereafter, which will  
10 say which prisoners have been geo-coded to which  
11 blocks in what part of New York State. But no  
12 one up here has ever said they wouldn't follow  
13 the law or the Constitution, and I feel a little  
14 bit awkward when somebody is saying follow the  
15 law. There's no choice but to follow the law,  
16 nor is there an inclination not to. There is a  
17 lawsuit, my colleague, Senator Nozzolio, and I  
18 signed a letter to the Court as in our LATFOR  
19 position, obviously as individual legislators we  
20 made, and, in fact, are on the opposite of the  
21 voting pattern in sponsorship of that law which  
22 was passed and--by the legislature and signed  
23 into law by Governor Patterson. There is a  
24 lawsuit pending, and we have sent the appropriate

2 direction to the Court pleading please give us a  
3 decision as quickly as you can. But knowing the  
4 added pressure from the Justice Department, and  
5 the fact that this process has to move forward,  
6 we have been, for several weeks, if not months  
7 now, been adding these prisoners from the  
8 information given by DOCS, Department of  
9 Correction, we've been geo-coding them to block  
10 wherever their legal address was before they went  
11 into prison and where it is now. And that  
12 process has been going on, it is continuing, and  
13 unless the Court decides to the contrary, our  
14 expectation is to follow the current law and put  
15 the prisoners in their home addresses.

16 MS. GREEN: Well, I'm happy to hear  
17 that, but I'm not alone. I think many in the  
18 state are under the impression that there are  
19 some members of LATFOR who do not take that  
20 position.

21 MR. MCENENY: We don't address the  
22 rumors, and we think there are some people who  
23 would like to have us do something and then claim  
24 credit because they made us do it. The law is

2           what makes us do what we do, and the  
3           Constitution--

4                   MS. GREEN: Well, I'm happy--

5                   MR. MCENENY: --makes us do--we have no  
6           option to not.

7                   MS. GREEN: I'm happy to hear that.

8                   MR. NOZZOLIO: And, Ms. Green, if I may,  
9           let me add comments to Assemblyman McEneny's  
10          well-stated position. This is a bipartisan  
11          position that the law will be complied with,  
12          whatever that law is. That impressions to the  
13          contrary, as you articulate them, are just simply  
14          not accurate. That certainly questions about  
15          laws, and I know you have questioned laws in the  
16          past, that questions about law have nothing to do  
17          with intentions to comply with the law. And on  
18          that premise and position, we are in lockstep in  
19          a bipartisan way that the Senate Republican  
20          majority agrees, as do all of our four  
21          conferences, that the law should be followed.

22                   MS. GREEN: As I said, I'm happy to hear  
23          that, and I'm happy to be wrong.

24                   MR. DILAN: I find it really refreshing

2 to hear the comments of the two co-chairs that we  
3 do intend to follow the law. I know that  
4 previous--at previous hearings I--this issue has  
5 come up. There was no clarity to the issue, and  
6 I think they're making it clear at this time. It  
7 is also my understanding that at the conclusion  
8 of this hearing, there may be a meeting of the  
9 task force, and I do intend at that time to  
10 present a resolution or a motion that we go on  
11 record supporting the law of 2010. Thank you.

12 MS. GREEN: Thank you.

13 MR. OAKS: Mr. Chairman, if I just might  
14 add a couple words, too. I was one who voted  
15 against that law. I don't view in lockstep with  
16 certain perceptions to that. It'd be great at  
17 some other forum, perhaps, to discuss further  
18 some of the things that you've raised today, but  
19 clearly this forum and me being a part of this  
20 task force, whatever the law is at the point that  
21 we move forward and move in drawing districts or  
22 whatever, whatever the law is at that point, we  
23 will be following, and I'll be voting or, you  
24 know, certainly supporting that.

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2 MS. GREEN: Okay, thank you.

3 MR. MCENENY: Thank you very much for  
4 your testimony.

5 MS. GREEN: Thank you.

6 MR. MCENENY: Could we hear now from  
7 Yvette D. Clarke, Member of Congress.

8 YVETTE D. CLARKE, MEMBER OF CONGRESS:

9 To Assemblyman James McEneny, State Senator  
10 Michael Nozzolio, to State Senator Martin Dilan,  
11 and to the members of the New York State  
12 Legislative Task Force and Demographic Research  
13 and Reapportionment, LATFOR, I'd like to give a  
14 special greeting to--and acknowledgment to State  
15 Senator, the Honorable Martin Dilan, for his  
16 leadership from my borough, Brooklyn. Good  
17 morning, everyone. I thank you for providing me  
18 this opportunity to testify and to submit for  
19 your consideration the map of the Eleventh  
20 Congressional District of New York. My name is  
21 Yvette D. Clarke. I am a member of the 112th  
22 Session of Congress for the Eleventh  
23 Congressional District.

24 My verbal testimony to you this morning

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2 is an abbreviated version of the documents in  
3 your possession. The proposed Eleventh  
4 Congressional District adheres to all  
5 Constitutional and voting rights and  
6 redistricting guidelines. This district meets  
7 the requirement of equal population, compactness,  
8 contiguity, and complies with all provisions of  
9 the Voting Rights Act. The proposed--the  
10 district substantially maintains the same  
11 geographic and demographic configuration as the  
12 current district, with the exception of it being  
13 increased in size by 85,219 persons, changing  
14 slightly to achieve population equality with the  
15 other districts in New York State. This district  
16 is comprised of a total voting age population of  
17 55% black, 28% white, 12% Hispanic, and 5% Asian.  
18 So this district would be made a majority  
19 minority district.

20 According to the United States Census  
21 Bureau, the current district is the third most  
22 compact district in the nation. This proposed  
23 district adheres largely to its present  
24 boundaries and still maintains its highly compact

2 nature. This expansion into south central  
3 Brooklyn neighborhoods increases the population  
4 to meet the 717,707 requirement--717,707 persons  
5 requirement. The proposed district is defined by  
6 sheer interest, such as social, economic,  
7 cultural, linguistic, and other factors that  
8 indicate communities of interest. The current  
9 district includes many sections of the historic  
10 Twelfth Congressional District, which was  
11 originally represented by the Honorable Shirley  
12 Chisholm, the first African-American female  
13 elected to Congress. The proposed district  
14 adheres to the voting rights at principles for  
15 redistricting. This district is covered by  
16 Section 5 of the Voting Rights Act.

17 The Congressional District--this  
18 district has been represented by two other  
19 individuals of African descent other than myself,  
20 and was successful at luring some crossover  
21 voters and receiving a majority of the vote from  
22 predominantly white precincts. The outcome of--  
23 the outcome of the election spelled defeat and  
24 further solidified the identity, intent, and

2           purpose of maintaining a majority minority  
3           district, and preventing retrogression.

4                   I'd like to thank you for providing me  
5           this opportunity to address this body today, and  
6           as you deliberate, I urge that you give your most  
7           utmost consideration to this proposed map for the  
8           Eleventh Congressional District of New York. If  
9           there are any questions or comments concerning my  
10          testimony today, please note that I'm available  
11          and can be contacted at  
12          clarkeforcongress@gmail.com, or at my telephone  
13          number which is also listed there. I thank you  
14          all once again.

15                   MR. MCENENY: Thank you, Congresswoman,  
16          and we thank you for your specificity in your  
17          testimony.

18                   MS. CLARKE: Thank you.

19                   MR. MCENENY: Senator Dilan?

20                   MR. DILAN: I just want to say thank you  
21          for appearing here today, and it's really good  
22          leadership that--or initiative that you've taken  
23          as a Congressperson to come up to Albany to  
24          testify and make your remarks, and I hope that

2 other members of Congress also let their thoughts  
3 be known and hopefully make this process much  
4 easier for all of us. Thank you.

5 MR. MCENENY: Thank you.

6 MR. OAKS: Congresswoman, just a quick  
7 question. In your drafting of what the Eleventh  
8 might look like, did you take into account at all  
9 how that might impact those surrounding  
10 Congressional Districts?

11 MS. CLARKE: Of course you would have  
12 to--everyone in Kings County has to gain  
13 population, so in any direction you would go,  
14 there's going to be--if you look at, on the  
15 larger scale map of New York City, you'll see  
16 that what's significant about the Eleventh  
17 Congressional District is that it sits square in  
18 the middle of Brooklyn, New York. And so any  
19 direction you would go have a bearing on the  
20 surrounding districts. What we did was we made  
21 sure that we adhered to the prescription of the  
22 voting rights districts, and bear in mind, the  
23 other districts that would have similar  
24 regulations regarding their drawing.

2 MR. OAKS: Well, Congresswoman Clarke,  
3 thank you, and I just--in this prospect of having  
4 specific proposals we appreciate, and just with  
5 the recognition that trying to make it all fit  
6 and work, the implications of what we do one  
7 place impacts the surroundings districts  
8 certainly is there, but thank you very much for  
9 this presentation.

10 MS. CLARKE: Certainly.

11 MR. MCENENY: Thank you. Senator Dilan?

12 MR. DILAN: I just have one more  
13 question. With the map that you presented to us  
14 today, can you just give us some insights as to  
15 what portion or what areas is your district  
16 growing?

17 MS. CLARKE: Okay, sure. You should all  
18 have copies of the maps before you. There is a  
19 map that says Comparison Between Proposed  
20 District and Current Eleventh Congressional  
21 District, and it's color-coded in a way that you  
22 can look. You will see that the current Eleventh  
23 Congressional District is outlined in blue, and  
24 the proposed district is outlined in sort of like

2 an orange color. It should be in your packets.

3 I don't know if you all have them.

4 MR. DILAN: Okay, yes, we do.

5 MS. CLARKE: Okay, so you can see that  
6 we're looking at predominantly what we call south  
7 central Brooklyn, where you would pick up more  
8 population. But for the most part, the district  
9 stays intact, and it's just a matter of expanding  
10 southward in order to pick up the numbers that  
11 are required under the 2010 census.

12 MR. DILAN: But you're moving more into  
13 Bed-Stuyvesant?

14 MS. CLARKE: No, the community would be  
15 the communities--there's also a neighborhood  
16 boundaries map as well, so the neighborhoods  
17 we're talking about would be a slight adjustment  
18 in the area known as Flatlands, Brooklyn.

19 MR. DILAN: Okay.

20 MS. CLARKE: Some adjustment in the  
21 Midwood sections of Brooklyn, and slightly, very  
22 slightly, in the Canarsie area of Brooklyn.

23 MR. DILAN: Okay.

24 MS. CLARKE: But very few census tracks

2           there. So each of those little adjustments add  
3           up to the population that would be required for  
4           equal population for the State of New York.

5                   MR. DILAN: Thank you very much,  
6           Congresswoman.

7                   MR. MCENENY: Thank you.

8                   MS. CLARKE: Thank you all very much.

9                   MR. MCENENY: Aaron Mair. Is Aaron  
10          here? Anyone who can't make it, will be  
11          accommodated at the end of the list or fit in  
12          later on. Monica M. Arias Miranda.

13                   MS. MONICA M. ARIAS MIRANDA, MPA,  
14          PRESIDENT AND CEO, THE HISPANIC COALITION NY,  
15          INC.: Good morning, everyone.

16                   MR. MCENENY: Good morning, Monica.

17                   MS. ARIAS MIRANDA: Nice to see you all  
18          again.

19                   MR. NOZZOLIO: Nice to see you again.

20                   MS. ARIAS MIRANDA: Again, thank you so  
21          much for the opportunity to speak in front of  
22          this panel. I really appreciate it. The United  
23          States Constitution requires an enumeration of  
24          all persons be made every ten years as a way to

2 not only establish adequately represented  
3 districts, but also allocate Federal funds used  
4 for projects ranging from education to road  
5 construction. Minorities have historically been  
6 undercounted and underrepresented in this  
7 process, and we know this--oh. Did you hear any  
8 of it? Yes. Minorities have been historically  
9 undercounted and underrepresented in this  
10 process, and we know this directly impacts the  
11 funding received by those municipalities. During  
12 the 2010 census, New York State Government  
13 actively worked to increase the participation  
14 rate of all communities to ensure its fair share  
15 of Federal funding was received. As the fastest  
16 growing minority group in the state, it was clear  
17 that ensuring a complete count of the Latino  
18 community would be beneficial to the many  
19 municipalities where Latinos reside. Elected  
20 officials asked community members in their  
21 districts for help in ensuring all persons were  
22 counted. Today I stand before this panel to urge  
23 for a fair and transparent redistricting process  
24 that takes into consideration the growing

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2 Hispanic community and their need for  
3 representation in the electorate process. The  
4 Latino community in New York State increased by  
5 19.2%, or 2.9 million over the last ten years,  
6 with a total population of 3.4 million.  
7 Hispanics account for 17.6% or 3.4 million of the  
8 19.4 million people in New York State. While  
9 Hispanics increased significantly, the non-Latino  
10 population grew only slightly by 2.1%, from 19  
11 million to 19.4 million during the same period.  
12 The capital region counties of Montgomery,  
13 Schenectady, Rensselaer and Saratoga are home to  
14 some 41,000 Latinos. Montgomery County has a  
15 Latino population of 5,654, or 11.3% of the  
16 total county population; Schenectady, 8,827, or  
17 5.7%; Albany, 14,917, or 4.9%; Rensselaer, 6,080,  
18 or 3.8%, and Saratoga, 5,279, or 2.4%. Within  
19 those communities, the City of Amsterdam has the  
20 highest concentration of Latinos in the capital  
21 region for a city of its size with 4,873 Latinos,  
22 or 26.2% of the population, which is significant,  
23 considering the size of that community. Followed  
24 by the city of Schenectady with 6,922, or 10.5%;

2 Albany with 8,396, or 8.6%; and the city of Troy  
3 with 3,984, or 7.9%. The City of Saratoga  
4 Springs has a Latino population of 839, or 3.2%.  
5 And I bring these numbers up to your attention to  
6 show that the capital region has, indeed, a large  
7 growing Latino community, and as noted,  
8 Amsterdam, the City of Amsterdam, has the highest  
9 Latino population with 26.2%. These numbers  
10 represent only a small percent of the larger  
11 Latino population who lives in New York State.  
12 As a community, what we seek is the opportunity  
13 to exercise our right to vote and elect  
14 candidates of our choice. Our community is  
15 phased by many challenges, and only when we are  
16 able to elect candidates who understand these  
17 needs and work with us as a community, will we be  
18 able to fully participate in our Democratic  
19 process. One of the things that I see  
20 increasingly in the capital region and across the  
21 state is that the Latino community is growing,  
22 but in many cases, for example the capital  
23 region, we don't have Latino representation. And  
24 it doesn't necessarily mean that we need a Latino

2           who is going to be in office, but someone who is  
3           going to represent our needs, and if it happens  
4           to be a Latino, then that would be the case, but  
5           we don't have that type of representation. And so  
6           I hope that, as you consider the information that  
7           is presented to you, you will look at that  
8           information and take the Latino community into  
9           consideration.

10                   And in closing, I just want to say again  
11           that what we are asking for is a fair process,  
12           one that considers communities of interest and  
13           does not seek to dilute the Latino vote by  
14           splitting our communities. Thank you.

15                   MR. MCENENY: Thank you very much.

16                   MR. NOZZOLIO: Ms. Miranda, it's very  
17           good to see you again.

18                   MS. ARIS MIRANDA: Nice to see you, too.

19                   MS. NOZZOLIO: Thank you for your  
20           testimony, I believe it was in Rochester, and  
21           again today. Will you or your--the organization  
22           you represent be submitting any specific plans  
23           for State Legislative or Congressional District  
24           representation lines to the Task Force for

2 consideration?

3 MS. ARIAS MIRANDA: We may be able to  
4 put something together. We're working on that  
5 right now. As I had mentioned before, the  
6 process of drawing maps and--it is costly, and  
7 we, as a non-for-profit organization, don't  
8 necessarily have the resources for doing that  
9 type of project, but we are working to see if we  
10 are able to draft some maps for you to present.

11 MR. NOZZOLIO: Thank you very much.

12 MR. MCENENY: Senator?

13 MR. DILAN: Yes, again, thank you for  
14 your testimony, and I believe what I heard is  
15 that the Latino community in this region is  
16 basically growing, and what you would like to see  
17 is that they are somehow maintained within an  
18 Assembly District or Senate District,  
19 Congressional District, so that they could  
20 influence at least the outcome of who is going to  
21 represent them, and you feel that that's the best  
22 that this Task Force could do?

23 MS. ARIAS MIRANDA: Correct.

24 MR. DILAN: Okay.

2 MS. ARIAS MIRANDA: For example, the  
3 City of Albany has a high population of Latinos,  
4 so splitting that particular community or that  
5 city would not be advantageous to the community,  
6 because it would dilute the vote. That's just an  
7 example.

8 MR. DILAN: So with the various counties  
9 that you mentioned, you believe that this is  
10 possible, to do, let's say, an Assembly District  
11 that might be smaller, or are you talking more  
12 about the Senate and Congressional Districts, and  
13 where possible, to do it within an Assembly  
14 District?

15 MS. ARIAS MIRANDA: In the capital  
16 region, I am not sure if there--the Latino  
17 community is large enough by itself--

18 MR. DILAN: Right.

19 MS. ARIAS MIRANDA: --to create a  
20 district.

21 MR. DILAN: Okay.

22 MS. ARIAS MIRANDA: But what I'm saying  
23 is for a City like Albany, to--it would not be  
24 advantageous again to split that city for

2           whatever reason because it would dilute the  
3           Latino vote. But again, in the capital region, I  
4           don't know if there are enough Latino--if the  
5           Latino community is large enough to create its  
6           own district. In areas like upstate New York or  
7           downstate where the Latino community is larger,  
8           there may be opportunities to look at that.

9                   MR. DILAN: All right, thank you.

10                   MR. MCENENY: Thank you very much. The  
11           reason Albany was split for the last three  
12           redistrictings, particularly the last one, and  
13           the one in 1990, was to maximize minority  
14           concentration by taking essentially downtown  
15           Albany, which was heavily minority, and combining  
16           it with downtown Troy, and that's the reason that  
17           was done. It was done for voting rights  
18           considerations, not to break it up. We'll take a  
19           look at the numbers this time around, too. Thank  
20           you very much.

21                   MS. ARIAS MIRANDA: Thank you.

22                   MR. MCENENY: Esmeralda Simmons.

23                   MS. ESMERALDA SIMMONS, ESQ., EXECUTIVE  
24           DIRECTOR, CENTER FOR LAW AND SOCIAL JUSTICE,

2 MEDGAR EVERS COLLEGE, BLACK NEW YORKERS FOR FAIR  
3 REDISTRICTING: Good morning, gentlemen, and  
4 ma'am. It is good to be here, it's good to see  
5 so many of you who have been involved in--

6 MR. MCENENY: Would you give your  
7 address and what organization--

8 MS. SIMMONS: Of course, I'm so sorry.

9 MR. MCENENY: --just for the record.  
10 This is all televised, and people do watch it on  
11 the website.

12 MS. SIMMONS: My name is Esmeralda  
13 Simmons. I'm the Executive Director of the  
14 Center for Law & Social Justice of Medgar Evers  
15 College, City University of New York. My center  
16 is also a member of a new coalition formed in New  
17 York called Black New Yorkers for Fair  
18 Redistricting.

19 I'd like to start off by saying I'm very  
20 happy to be here today, very happy to speak to  
21 all of you, and particularly to some of you who  
22 I've worked with for more than three  
23 redistricting rounds. I'm going to start off in  
24 the middle of my testimony and not go into the

2 history of the Center for Law and Social Justice,  
3 who has been involved in the last two rounds of  
4 redistricting in New York State, heavily  
5 involved, and myself, this is my actual fourth  
6 round, believe it or not. But some of you I know  
7 believe it, 'cause we've been in there together.

8 I'm going to address, #1, something I  
9 have not heard as yet, and that is what I  
10 consider to be the time crisis. There is an  
11 extreme need for urgency at this point. We are  
12 now in August, 2011. In less than 10 months,  
13 maybe 12 months, New Yorkers will be heading to  
14 the polls for the 2012 primary elections on the  
15 new district lines. But will the lines be ready?  
16 Voter tabulation districts are the bedrock data  
17 for drawing new lines. However, at this point,  
18 the adjusted voter tabulation districts that  
19 include the DOCS last address files have yet to  
20 be released by the Task Force. I find it curious  
21 that you're asking some of us for maps when we  
22 don't have this data.

23 Even if the Task Force draws lines by  
24 January, or December, the likelihood is slim that

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2 the plans will be finalized by June. First, as  
3 we all know, Governor Cuomo is promising a veto,  
4 so that means it will have to be an override.  
5 Second, the Federal Voting Rights Act requires a  
6 minimum of 60 days. Sometimes we can ask for--I  
7 say we because we're all in this together--can  
8 ask for expedited preclearance, but New York  
9 State has not been really the beneficiary of that  
10 in the last couple rounds. Third, New Yorkers  
11 can all count on extensive litigation, both in  
12 Federal Court and sometimes even in State Court.  
13 It appears to my center that the major players in  
14 New York State may, in fact, be advocating their  
15 Constitutional responsibility to redistrict the  
16 State's districts. This slowing down process  
17 actually appears to be a punt to the Court.  
18 There is a Federal Constitutional mandate to  
19 conduct timely redistricting. In the past, when  
20 New York State has not moved swiftly enough on  
21 Congressional redistricting, legal challenges  
22 have been brought to force the State to act.  
23 With all deference to the Courts, this is a  
24 legislative and executive function, counting to

2 the Federal Court's smacks of an attempt by New  
3 York State to avoid Justice Department voting  
4 rights preclearance. It may also be an attempt  
5 to avoid the political nuance of having to draw  
6 districts in a difficult situation. Section 5  
7 preclearance is a stringent, anti-discrimination  
8 preview, one that the State has often failed.  
9 The Center for Law and Social Justice strongly  
10 urges LATFOR to take all steps necessary to  
11 complete the redistricting process in a timely  
12 fashion, and I understand and I'm very heartened  
13 by today--what you said today about where you're  
14 moving. Immediately implement the law that ended  
15 prison - - . Make the adjusted VTD data  
16 downloadable and available online. Chart out a  
17 comprehensive timetable for completing State  
18 redistricting, and release such to the public,  
19 including when the LATFOR maps will be ready for  
20 review. Give notice now of the second and third  
21 set of public hearings.

22 I'll now move on into the protection of  
23 the voting rights of black New Yorkers. As the  
24 Task Force is well aware, the Federal Voting

2 Rights Act specifically protects the voting  
3 rights of black New Yorkers, as well as Hispanic  
4 New Yorkers and Asian and language minorities and  
5 others. Due to New York State's long history of  
6 voting discrimination, three counties in New York  
7 City are covered by the Voting Rights Act,  
8 Section 5. Black voters in our communities are  
9 protected against retrogression during the  
10 redistricting process. Black folks now make up  
11 15.9% of New York State population which is over  
12 3 million people. Notwithstanding that, for the  
13 first time in three decades, there is not a  
14 single black member serving on the Task Force.  
15 Very shocking. We also note that there is not an  
16 Asian member. Such blatant disregard for  
17 diversity on the Task Force does not indicate a  
18 level of respect that is needed in the  
19 redistricting process that has to be sensitive to  
20 culture diversity. We call on LATFOR to  
21 undertake its duties with a heightened respect  
22 for black communities throughout the state, and  
23 the communities of all cultural minorities, and  
24 those protected by the Voting Rights Act.

2           Obviously the Center for Law and Social Justice  
3           will be actively engaged in the process.  
4           Needless to say, we and our colleagues will serve  
5           as watchdogs during the process on behalf of  
6           black New Yorkers.

7                         Now turning to the last point, public  
8           access procedures. As a New Yorker, I am ashamed  
9           of the fact that New York State is seriously  
10          lagging behind so many other states in providing  
11          real public access to its redistricting process.  
12          Like voting, redistricting is a foundational  
13          basis to Democracy. LATFOR should be leading, or  
14          at least keeping pace, with states like Florida  
15          and California, or even municipalities like New  
16          York City. This redistricting cycle, the Florida  
17          public have online access to the State's data and  
18          mapping and drawing software. There was a  
19          coordinated electronic access system whereby the  
20          Florida public was able to draw districts and  
21          submit plans online to the Redistricting  
22          Commission for study and use, without spending  
23          thousands and thousands of dollars on software,  
24          experts, statistics and data. As early as 1991,

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2 the New York City Districting Commission, which I  
3 co-chaired at the time, had public access  
4 terminals and an available staff to assist the  
5 public in drawing lines and reviewing data.  
6 Black New Yorkers for Fair Redistricting does  
7 intend to submit complete maps for at least the  
8 City of New York, for the State, Senate,  
9 Assembly, and Congress. But we would like LATFOR  
10 to do the following: To set up a 21st century  
11 public access system. Give the public access to  
12 LATFOR's redistricting database. Establish  
13 dedicated, user-friendly, interactive and multi-  
14 language--compliance with the Voting Rights Act--  
15 online mapping system software that is linked to  
16 LATFOR, where the public can submit maps  
17 electronically so we don't have the conversion  
18 problems, and review and alter LATFOR produced  
19 maps. Make the drawing criteria public and  
20 explains such in plain language easily understood  
21 by lay persons. Have online assistance, and a  
22 live helpline.

23 In closing, I thank you for the  
24 opportunity to appear before you today. I will

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2           happily answer any questions you have, and I can  
3           be reached at the numbers indicated on my  
4           statement.

5                   MR. MCENENY: Thank you. Senator Dilan?

6                   MR. DILAN: Good morning, Dr. Simmons,  
7           how are you?

8                   MS. SIMMONS: I'm great.

9                   MR. DILAN: Okay. I'm pleased to hear  
10          that you intend to submit maps with respect to  
11          Congress, State Senate and State Assembly, and  
12          I'm sure that the Task Force will be making that  
13          data available to the public. I was just  
14          wondering, with respect to the State Senate, what  
15          would you be basing the number of Senate seats,  
16          are you going to base it on 61, 62 or 63?

17                   MS. SIMMONS: Listen, we can flip a  
18          coin. We will be basing it on the current number  
19          of 62, but it would be very helpful to all of us,  
20          before we spend thousands of dollars, to know  
21          what the number is going to be. That is  
22          something that only LATFOR or perhaps the State  
23          Senate can give us. We can't even lobby you  
24          about that, so we would appreciate that number to

2           be given to us, and obviously a copy of the  
3           statistical compilation on how you actually  
4           arrived at that number. That's still curious  
5           from the last time around. We'd like to take the  
6           mystery out of all of this. Can we please have  
7           that as soon as possible? Can we please have the  
8           adjusted data as soon as possible? And  
9           obviously, putting this online will continue to  
10          have us stay looked at as the Empire State, and  
11          not like some lag-along following other folks.

12                 MR. DILAN: No, I just wanted to  
13                 comment, with respect to that, that it's my  
14                 understanding that within the Constitution of the  
15                 State of New York, there is a formula that will  
16                 determine that, and I hope that we do follow  
17                 that, thank you.

18                 MS. SIMMONS: As I said before, there is  
19                 a formula, I know. We would like to see how it  
20                 was actually applied, since there was some  
21                 questions last time.

22                 MR. NOZZOLIO: Thank you very much.

23                 MS. SIMMONS: Thank you very much, sir.

24                 MR. NOZZOLIO: Before you leave, great

2 suggestions that certainly it's--I took notes and  
3 appreciate the input. I also appreciate your  
4 sense of urgency, and I share that sense of  
5 urgency. The clock is ticking and that these  
6 issues have to be resolved quickly. On the issue  
7 of the number of the Senate, I depart as somewhat  
8 from my colleague who's asking for a  
9 determination by the Task Force or the Senate.  
10 We're asking for input from the public. Some  
11 would like to eliminate the entire legislature,  
12 some would like to decrease the number, but in  
13 terms of these hearings, that's the point, and  
14 that the point is to have public input. And  
15 certainly we're taking that input and asking from  
16 time to time in trying to put it before people in  
17 terms of their concerns and what they would like  
18 to see in terms of the size of the State Senate.  
19 But your suggestions were very well taken, and  
20 thank you for making them.

21 MS. SIMMONS: Thank you very much.

22 MR. MCENENY: Thank you very much. Pete  
23 Healey is next, and I see in the audience we've  
24 been joined by Assemblywoman Amy Paulen. Thank

2           you for coming, Assemblywoman.

3                       MR. PETE HEALEY: Good morning. My name  
4           is Pete Healey. I live in New Paltz in Ulster  
5           County, about 75 miles south of here. Ulster  
6           County is exits 17, 18 and 19 on the thru-way,  
7           and this is the closest you're all going to come  
8           to Ulster County. Although I've talked with  
9           several people in my home county, and they would  
10          really love you all to take a visit down there  
11          and listen to how, over the last ten years, our  
12          county legislature has developed an independent  
13          redistricting commission, and they've set up  
14          lines and candidates are all running campaigns  
15          based on--

16                      MR. MCENENY: Excuse me, was it  
17          independent, or did it have--was it bipartisan  
18          plus some independents?

19                      MR. HEALEY: Well, let me just say this,  
20          this bipartisan business. I'm politically  
21          active, and in neither of the bipartisan parties,  
22          neither of the two major parties, so--and I know  
23          that the Governor, therefore, believes I don't  
24          exist. And I want to thank you all for allowing

2 me to come here and dispute that contention.

3 The Independent Redistricting Commission  
4 in Ulster County is seven members, none of whom  
5 are legislators. I wasn't completely happy with  
6 the final composition of the Commission itself,  
7 but four members were chosen by the legislature  
8 in a bipartisan fashion, and the other three were  
9 chosen by those four, supposedly in a multi or  
10 non-partisan fashion, however you like to  
11 describe it. But we'd like to issue you--we  
12 Ulster County people would like to issue you an  
13 invitation to any one of those thru-way exits,  
14 17, 18 and 19. We'll find a place for you and  
15 we'd love to have you come down and hear some  
16 other members of the public who might not be able  
17 to--might not have been able to take the day off  
18 and put out of pocket like I did.

19 And just to tell you a little more about  
20 Ulster County, 180,000 people may be an Assembly  
21 District and a half, but we have four Assembly  
22 Districts, none of which are wholly within the  
23 boundaries of Ulster County. Two Senate  
24 Districts divide Ulster County in that unusual

2 sort of vertical way that doesn't make sense to  
3 anyone but some people in a back office  
4 somewhere. And out of those six state  
5 representatives, only one lives in Ulster County.  
6 Only one is a resident. Out of those four  
7 Assembly Districts, those four Assembly people  
8 represent ten counties in the state. The net got  
9 cast very far and wide when it came to Ulster  
10 County. So what I did on Sunday night and part  
11 of Monday night was I took all the county census  
12 data and I developed county groupings that fell  
13 within the standard deviation. And I didn't have  
14 to--I didn't have to put ten counties together.  
15 I've attached it to my written comments, my  
16 written prepared comments, this whole listing,  
17 and all of these 18 groupings of the 62 counties  
18 are all within, as far as I can tell, all within  
19 the allowed deviation. And there are lots of  
20 counties that can stand alone. Queens can stand  
21 alone, Kings--this is all for Assembly District  
22 purposes--Bronx, Westchester, Putnam, they might  
23 as well be one county anyway. There are lots of  
24 such groupings. And, you know, I think it's

2           worth, at least for us, that you all take a look  
3           at, you know, at the idea of compact. I've heard  
4           it mentioned before. And we'd also--I'd also  
5           like to echo the comment--two comments from  
6           speakers previously, Alice Green, and I've got a  
7           request in my prepared comments about how you all  
8           might use your website to show how populations  
9           would be different, depending on the outcome of  
10          the lawsuit over the prison populations. It  
11          seems like it's a doable thing. You could show--  
12          you could show what the population would be in  
13          this situation, and what the population would be  
14          in this situation. And we--and those of us who  
15          are interested in this sort of thing, we could  
16          sort of try to draw up districts based on--and  
17          take--and be able to take those numbers into  
18          account. And I'd also like very much to follow  
19          on Dr. Simmons' request for a much more user-  
20          friendly and interactive website, and much more  
21          public access to information that you're all  
22          using. Your budget is much higher than mine, but  
23          still, I'm going to continue to work on it.  
24          Thank you.

2 MR. MCENENY: Thank you. Dr. Una  
3 Clarke. I'm assuming, being that you're  
4 submitting testimony with your address, that  
5 we'll need that.

6 DR. UNA CLARKE, CO-CHAIR, WOMEN FOR  
7 FAIRNESS AND EQUITY IN POLITICS AND GOVERNMENT:  
8 Good morning to the distinguished members of  
9 LATFOR. I am Una Clarke, and with me are Women  
10 for Equity and Fairness in Political and Public  
11 Service. We're a group of Central Brooklyn women  
12 who started out when I first run for public  
13 office and have remained together since 1991. I  
14 am here today with my co-chair and want to say to  
15 you that we are alarmed, first of all, that the  
16 State of New York is 52% female--have 52% female  
17 and on your committee there are no women, that I  
18 saw one today and I guess somebody knew that I  
19 was going to be complaining, and so there is at  
20 least one woman on the side, on the side. So let  
21 me just start out by saying I come today as a co-  
22 chair, and also embrace the Black New Yorkers for  
23 Fair Redistricting. I have testified at least  
24 three redistricting exercises. The most

2           memorable of these exercises was the exercise at  
3           the Caribbean-American Community in Central  
4           Brooklyn, mounted--that created the 40th and the  
5           45th council districts in Brooklyn when the City  
6           Council expanded from 35 to 51 members, and my  
7           colleague, now Senator Martin Dilan, was the  
8           colleague in the City Council at that time when I  
9           arrived at the City Council.

10           I am here today as a strong advocate on  
11           behalf of the proposed Eleventh Congressional  
12           District. I'm here as to the Voting Rights Act  
13           which created it, and which representative  
14           Shirley Chisholm became its first female  
15           Congressional Representative of Caribbean  
16           ancestry. Our community--and especially the  
17           women of our community have sought counsel with  
18           advocates and professionals to really understand  
19           the requirements of reapportionment process, and  
20           to advise us on the Constitutional as well as the  
21           Voting Rights act and these guidelines. Our  
22           community is moved, and I am repeating that the  
23           population of women in the state is not reflected  
24           in the thinking of women. Women are completely

2           voiceless in the process and the representation,  
3           and therefore I feel that you should find a way  
4           to have that corrected, even to have women as  
5           advisors, would at least give a sense that women  
6           have value outside of just pulling the level on  
7           election day. The proposed district, the  
8           Congresswoman has already testified about the  
9           district and its compactness and all of that. We  
10          strongly endorse the proposal. Our committee  
11          was--I will skip--since I need the other two  
12          women who are members, my co-chair and the other  
13          women to say a few, but I just want you to  
14          recognize that we're sitting here. We are a  
15          diverse group of women. We are from - - nations  
16          of the Caribbean. All of us are immigrants who  
17          became citizens of the United States and are  
18          impacting the process, and we're not going to sit  
19          by, especially in Brooklyn, not to have fairness  
20          and equity as it's proposed, and, in fact, to  
21          encourage women to participate in the process.  
22          Bishop Gonzales?

23                            BISHOP SYLVETA HAMILTON-GONZALES, WOMEN  
24                            FOR FAIRNESS AND EQUITY IN POLITICS AND

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2 GOVERNMENT: Good morning. My name is Bishop  
3 Sylveta Hamilton-Gonzales, and I am the co-chair  
4 for Women for Equity and Fairness in Politics and  
5 Public Service. Honorable members of the New  
6 York State Legislative Task Force in Demographic  
7 Research and Reapportionment, I extend my  
8 gratitude to all of you for this privilege and  
9 opportunity to address you today. I am a long  
10 constituent of the Eleventh Congressional  
11 District in Brooklyn. Today I am representing  
12 the organization, and I'm here to endorse the  
13 proposed district as presented so eloquently by  
14 our Congress member, Yvette D. Clarke, and it has  
15 been traditionally a voting right district. And  
16 the proposed changes satisfy the requirement for  
17 the Voting Right Act, while accommodating the  
18 growing population. The communities of interest  
19 are preserved, and the vitality of the community,  
20 in areas such as socio-economic, cultural,  
21 linguistic, and other factors, are being  
22 maintained. According to the United States  
23 Census Bureau, the current district is the third  
24 most compact district in the nation. The total

2 land area of the current district is 12.05 miles.  
3 And, of course, we have an attachment. The  
4 proposed district adhered largely to its present  
5 boundaries, and it depicts an overlay of the  
6 proposed district and the present district. The  
7 most significant area for change is that of the  
8 southeastern border. As a result, in order to  
9 ensure adequate population growth to meet the new  
10 717,707, lovely number, population total, as well  
11 as maintaining and protecting community of  
12 interest. It is geographically feasible to  
13 facilitate the required increased in population  
14 with inclusion of south central Brooklyn in the  
15 proposed district. Of course, we have heard a  
16 lot from our Congresswoman, and I would like to  
17 turn it over to the other member of our group,  
18 but I'd like to, in conclusion, reiterate my  
19 endorsement for the proposed map that is being  
20 presented, which complies with the Voting Right  
21 Act of 1965. And thank you all for the  
22 opportunity to address this body today.

23 MS. THELMA MOREY, WOMAN FOR FAIRNESS AND  
24 EQUITY IN POLITICS AND GOVERNMENT: Good morning,

2 my name is Thelma Morey. I'm from Trinidad and  
3 Tibego. I'm an American Citizen. I've worked  
4 for the New York City HRA for the past 35 years.  
5 I retired last year. I belong to the district,  
6 the Congressional District 11. I've been a  
7 member of District for over 30 years. I'm also a  
8 member of the Mel Basin Association [phonetic],  
9 Women for Fairness and Equality in Politics and  
10 Government, and New Yorkers for Fair  
11 Redistricting. I am here to strongly endorse  
12 Congresswoman Yvette Clarke's proposal for the  
13 Eleventh Congressional District plan to keep the  
14 district together.

15 MR. MCENENY: Thank you.

16 MS. CLARKE: Again, and in conclusion, I  
17 would just like to say I hope that you have  
18 listened to us. We sound a little bit different  
19 because we come from different regions in the  
20 Caribbean, but we are determined, as part of the  
21 African-American community, to make sure that our  
22 votes and their votes together give us the kind  
23 of empowerment that we need as a people in the  
24 State of New York, and again, for women, finally,

2           52% women in the State, you will appeal to women  
3           to vote, so I ask that you find some way to give  
4           women a voice in this process. Thank you very  
5           much.

6                   MR. MCENENY: Thank you. Senator Dilan?

7                   MR. DILAN: I would just like to make  
8           comments with respect to Brooklyn. I think that  
9           when it comes to the Congressional representation  
10          in Brooklyn, I think that 50% of the Districts in  
11          Brooklyn are represented by women. We do have  
12          two Congressional members that are women, and I  
13          do think we have a long way to go when it comes  
14          to the State Senate and the State Assembly in  
15          terms of representation for women. In terms of  
16          providing more opportunities for women even for  
17          Congress, I think it should happen with women, or  
18          any particular group of interest, that they  
19          should have the ability to choose who they would  
20          like to represent them. So with that said, I'd  
21          like to thank you very much for your testimony  
22          today, and I wish that the Eleventh Congressional  
23          District would move even a little bit further  
24          south. Thank you.

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2 MS. CLARKE: Thank you very much.

3 MR. MCENENY: Thank you. Judith Brink.

4 Is Judith Brink here? Council Member Anton  
5 Konev.

6 COUNCILMAN ANTON KONEV, CITY OF ALBANY:

7 Thank you very much. Honorable Chairman McEneny,  
8 Honorable Chairman Nozzolio, members of the Task  
9 Force, I've been advised that I have to put on a  
10 different hat today because of a State law, so I  
11 will speak as a legislator director for  
12 Assemblyman Peter Rivera on the statewide issues  
13 of dividing communities of color, and  
14 specifically not dividing worse. You will be  
15 hearing more from the Assemblyman Peter Rivera's  
16 office in the hearings downstate, specifically in  
17 Westchester. There is a report that is coming  
18 out by Assemblyman Peter Rivera highlighting  
19 certain districts and issues, and municipal  
20 districts and issues in Westchester as it  
21 pertains to at large elections. And I know  
22 Senator Dilan and - - legislation that addresses  
23 that very shoe as well on the municipal levels.  
24 I--since this is a capital region hearing, I'd

2           like to address it as--particularly as a  
3           legislative director, but I'm also a resident of  
4           a capital region. I'm also an elected official  
5           here in the City of Albany. I present about 5--  
6           roughly 5% of the Assembly District. And I'd  
7           like to speak about keeping communities of  
8           interest together. And an example--a good  
9           example is the City of Albany. The City of  
10          Albany is a one community with uptown and  
11          downtown, yet it is currently split amongst two  
12          State Assembly members. The, specifically,  
13          Hispanic population grew throughout the city in  
14          both uptown and downtown, so to--and so did the  
15          African-American population. While the white  
16          population has decreased--and the Asian  
17          population has also increased in both uptown and  
18          downtown city of Albany, while the white  
19          population has decreased in both. And I have, in  
20          my testimony, I have given some numbers, City of  
21          Albany population in ten years has gone up from  
22          95,658 to 97,856, and that particular growth  
23          could only be contributed to a growth of  
24          minorities. The Hispanic community grew from

2           5,349 to 8,396. The Asian community grew from  
3           3,116 to 4,850. African-American community grew  
4           from 26,915 to 28,479, while the white population  
5           went down from 60,383 to 52,857. In my written  
6           testimony I have outlined the census tracks and  
7           words to show this growth, this proportional  
8           growth throughout the city of minority  
9           populations everywhere. To go into specific  
10          Assembly Districts, I realize the justification  
11          for the ten years ago redistricting. However,  
12          the current lines or the current percentages show  
13          that we have a current 104 District is 5.6%  
14          Hispanic, 74.18% white, 12.97% black, 6% Asian,  
15          or 24.59 combined minority percentage. The 106  
16          Assembly District currently is 6.15 Hispanic,  
17          70.97 white, 18.79% black, 2.87 Asian, with  
18          27.81% minority. When you consider the size of a  
19          City of Albany population with--again 8,396  
20          Hispanics, 28,479 black and 4,850 Asian, it is  
21          clear that splitting the City in two Assembly  
22          District dilutes minority population. If you--  
23          for example, if you put the City of Albany into  
24          one of four Assembly Districts and the total

2           number remains the same, which you know is naught  
3           but just hypothetically, and assuming the rest of  
4           35,000 residents that we need to make up that  
5           entire Assembly District are all white, which we  
6           know is not going to be the situation, you get a  
7           district that's 39.45% minority versus, as I  
8           quoted earlier, 27.81% or 24.59% minority. It  
9           would only be fair to keep current homogeneous  
10          conveniences together, and give the City of  
11          Albany, as a City and its minority populations,  
12          Hispanics, African-Americans and Asians, more of  
13          an opportunity to have a representative who would  
14          be 90%--whose 90% of attention or who will be  
15          towards weigh particular needs. Again,  
16          throughout New York State, in communities that  
17          have a growing minority population, it is  
18          incumbent upon this body to try to keep  
19          communities of interest together. That means the  
20          cities. We know that some people would like to  
21          split our cities in half, have a tale of two  
22          cities, when we only have one city. But we do  
23          have one, in many of our--throughout New York  
24          State, we do have one city, one city that has a

2 minority population that has grown tremendously,  
3 including the City of Albany and many other  
4 cities, so I urge this body to do the right thing  
5 statewide, and to take care to make sure, but  
6 the--while you might night be able to create a  
7 majority minority--more majority minority  
8 districts upstate New York because the minority  
9 population might not yet be here, to create a  
10 district that the minority population could  
11 influence, certainly is - - of this body, and I  
12 know you will be hearing later from Council  
13 President Carol McLaughlin, former Councilman  
14 Corey Ellis, with the exact--and AACP  
15 representative, Anne Pope, with exactly the same  
16 message, to keep communities of interest  
17 together, to keep the cities together.

18 MR. MCENENY: Do you--well, first of  
19 all, the number that you gave was one that came  
20 out in following the past census, in the 2000  
21 census. That was corrected within two months.  
22 The correct number is 94,000, two or three  
23 hundred. The 95 number included a dormitory that  
24 was totally contained in the town of Guilderland.

2           Needless to say, Guilderland brought that to the  
3           attention of the census. The correct number is  
4           closer to 94,000. When you say minority, do you  
5           combine all minorities?

6                   MR. KONEV: There is case law  
7           specifically with Albany County in challenging  
8           the county lines in 2002, that it's said that you  
9           can't just count African-Americans as a minority,  
10          you must include other communities of similar  
11          interest, and include the Hispanics, African-  
12          Americans at least together. And at the time,  
13          the Asian community was not here--was not as  
14          much--did not have as much numbers. But now we  
15          have to ensure that we consider them also as part  
16          of the equation.

17                   MR. MCENENY: I know that for African-  
18          Americans, if Albany is kept whole, then either  
19          Guilderland or New Scott--or Bethlehem have to be  
20          added, which would be less than 23½% African-  
21          American, because those two suburban areas have  
22          very few minorities of any description. The  
23          reason that this was split--and personally, by  
24          the way, I'm indifferent to how it's done. But

2           the reason it was split was to combine a  
3           significant minority population in downtown Troy  
4           with the very disproportionately significant  
5           minority population in downtown Albany, West  
6           Hill, South End, and so on. If the numbers are  
7           put together and there's a higher minority  
8           percentage including downtown Troy, versus  
9           putting Albany in with a predominantly white  
10          suburb, would you say that there's greater merit  
11          in keeping the city as one community than having  
12          two voices from different cities and counties?

13                   MR. KONEV: I'd say keeping the City of  
14                   Albany whole is a lot more important, because in  
15                   order to combine it with another city, you're  
16                   going through a lot of communities that have  
17                   completely different, sometimes rural, interests.  
18                   So I give--if you put the entire city of 98,000  
19                   in the rest, all the rest of the 35,000 that  
20                   you're adding, that you know neither Guilderland  
21                   nor Bethlehem are 100% white anymore, you would  
22                   still get 31.45% minority, which is higher than  
23                   the current percentages.

24                   MR. MCENENY: That would be counting

2           Asians and Hispanics?

3                   MR. KONEV:   Counting Asians and  
4           Hispanics, yes.

5                   MR. MCENENY:   Okay.   Thank you very  
6           much.   Any members of the panel have a question?  
7           Thank you.

8                   MR. KONEV:   Thank you.

9                   MR. MCENENY:   I don't see Assembly  
10          Member Peter Lopez here yet, though he has  
11          expressed an interest in speaking.   Corey Ellis?  
12          Is Corey Ellis here?   Jay Knoll?

13                   MR. CHEJIN PARK, STAFF ATTORNEY, KOREAN  
14          AMERICAN VOTERS' COUNCIL:   Good morning, my name  
15          is Chejin Park.   I am delivering this speech  
16          instead of Mr. Knoll.   My name is Chejin Park, a  
17          staff attorney for Korean American Voters'  
18          Council.   Korean American Voters' Council is a  
19          non-partisan, non-party community education and  
20          advocacy organization devoted to empowering  
21          Korean-American and Asian-American community in  
22          New York City.   The Asian-American community is  
23          one of the fastest growing group in New York, now  
24          comprising of 1,420,000 people, or 7.3% of the

2 total state population. Within the diverse  
3 Asian-American population, South Asian Americans,  
4 Chinese Americans, - - Americans and Korean-  
5 Americans are the largest groups. Despite the  
6 rapid growth in population, Asian-Americans are  
7 vastly underrepresented in the State legislature.  
8 There is only one Asian-American Assemblywoman,  
9 and there is no Senate Member now that--it's only  
10 .6% of the State Assembly, and .4% of State  
11 legislature as a whole. We highly recommend that  
12 New York Legislative Districts are redrawn to  
13 reflect a fair proportion of Asian-Americans in  
14 the state, to reflect a growing ladder of  
15 viability of Asian-American State Legislators, to  
16 eliminate the potential for disenfranchisement of  
17 growing population of the State's residents, and  
18 to keep the communities of interest together. We  
19 have elected to recommend that a five to six  
20 Assembly District to be redrawn to increase the  
21 opportunity for an Asian-American candidate who  
22 is seeking the state offices. The following  
23 tables may have the table, and we have the 13  
24 districts that may have the significant Asian-

2 American population in the District. By  
3 reorganizing those districts, we may have a list  
4 of five Assembly Districts with Asian-American -  
5 - .

6 And we also would like to recommend that  
7 LS2 State Senate District be redrawn to increase  
8 the opportunity for Asian-American candidates.  
9 We have a five-senate district there, and by  
10 redrawing that, by--we can have at least two  
11 Senate Districts with Asian population.

12 Why we are asking for a fair share of  
13 representation for Asian-Americans, we are always  
14 asking members of LATFOR to - - at the State  
15 Legislature, to call a special legislative  
16 session to - - redistricting the format. We  
17 strongly believe that the best way to ensuring  
18 the fair Asian-American representation is through  
19 an independent commission, that which drew State  
20 Legislative and Congressional Districts  
21 boundaries, according to fair and objective  
22 criteria, while allowing for - - public input  
23 into the process. We're sending--we have  
24 witnessed that LATFOR cannot be objective by

2           itself, when it decided to violate a new State  
3           law which requires prisoners to be counted in  
4           their home district, not where they are serving  
5           time. For the last ten years, Asian-American  
6           votes have been diluted by gerrymandering  
7           practice in Albany. The fair share of the  
8           representation for the Asian-American community  
9           should be gone through a fair and objective  
10          process, not by a new instance of gerrymandering.  
11          Asian-Americans cannot wait another ten years to  
12          reform. Thank you.

13                   MR. MCENENY: Thank you. Thank you very  
14                   much.

15                   MR. PARK: Thank you.

16                   MR. MCENENY: Mr. Brian Paul?

17                   MR. NOZZOLIO: Excuse me, excuse me,  
18                   sir. I'm sorry--

19                   MR. PARK: Yes.

20                   MR. NOZZOLIO: --that I have to call you  
21                   back, but thank you very much for your testimony.

22                   MR. PARK: Thank you.

23                   MR. NOZZOLIO: In terms of the  
24                   districts--and I don't know if I understood your

2 testimony to say that--did you have any specific-  
3 -I mean, you quoted the census data. Is there  
4 any specific types of lines for Senate and  
5 Assembly and Congress that you have in mind for  
6 maximizing the opportunity districts for Asian-  
7 Americans?

8 MR. PARK: We gave a list of the  
9 districts, but, you know, this is in the district  
10 that was joining together, so we are thinking by  
11 drawing that some kind of map with this district,  
12 we can have some Asian majority district. But we  
13 are working on that. You know, we wanted to have  
14 the specific maps for that. When we have the  
15 hearing in the New York City, we will try to put  
16 it on, some of that.

17 MR. NOZZOLIO: Well, that would be  
18 important here that we certainly would welcome  
19 your input to submit plans, to submit your  
20 thoughts about plans, and thank you very much for  
21 your testimony today.

22 MR. PARK: Yeah. Actually, the Asian-  
23 American community - - but we are preparing  
24 together the map, so when we have the hearing in

2           September, we will provide that.

3                   MR. NOZZOLIO: Thank you very much.

4                   MR. PARK: Thank you.

5                   MR. MCENENY: Thank you. Brian Paul?

6           And I am remiss and Senator Dilan reminded me, I

7           did not see her here, but Senator Ruth Tassle-

8           Thompson has been with us for some time now. Is

9           Brian Paul here? Okay, Barbara Bartoletti?

10          Okay, Maritza Martinez? Maritza Martinez here?

11          Susan Lerner?

12                   MS. SUSAN LERNER, EXECUTIVE DIRECTOR,

13          COMMON CAUSE NEW YORK: Thank you. I know that

14          Barbara Bartoletti was here just a few moments

15          ago, so she may have stepped out momentarily.

16          Thank you for allowing me to testify. I don't

17          know whether you have my written testimony before

18          you, and I'm not planning to read it, but I would

19          like in my discussion to refer to some of the

20          maps which I have attached. And I'm Susan

21          Lerner, I'm the Executive Director of Common

22          Cause New York, and we are a non-partisan, non-

23          profit advocacy organization, and we work on

24          redistricting issues across the state and across

2 the country, and I am very proud that our  
3 colleagues in California were instrumental in the  
4 passage of Prop 11, which is the initiative which  
5 set up the Independent Redistricting Commission  
6 there, and have been very actively involved in  
7 helping the Commission and helping the public in  
8 California to be involved in the redistricting  
9 process. We have established a website of our  
10 own, citizensredistrictny.org, and we've set up a  
11 blog mapping democracy, and the maps that I've  
12 attached to my testimony are up on our blog, and  
13 starting last week and going through the hearing  
14 schedule, it's our intention to post maps that  
15 set forth some of the demographic changes for  
16 each of the regions in advance of your hearings  
17 for the benefit of the public. And to the extent  
18 that I will be testifying in other locations, it  
19 will be a little preview of what I would say to  
20 you about the maps. We are in the process of  
21 drawing statewide maps from a reform, a non-  
22 politicized perspective, and we expect to be able  
23 to share those with you at sometime in the fall.  
24 We'll be drawing the State Senate, the Assembly,

2           and Congressional Districts, applying the  
3           principles which I've included in my testimony,  
4           where we're emphasizing, obviously, the Federal  
5           requirements of one person/one vote, and the  
6           Voting Rights Act requirements, and particular  
7           emphasis on respecting communities of interest,  
8           as those are broadly defined with various  
9           demographic factors as well as the things we're  
10          learning through the hearings from people who are  
11          testifying in different regions, and the  
12          community groups that we're working with  
13          throughout the state, who have approached us  
14          because they know that we are interested in  
15          redistricting. Obviously we are cognizant of the  
16          traditional redistricting factors, and after this  
17          cycle is over, I think it will be very important  
18          to revisit the question of constitutional  
19          amendment, because the 1894 standards really, I  
20          think, tie everybody's hands in terms of really  
21          respecting how our communities actually exist in  
22          today's modern world, and we believe that it is  
23          very important in the process to follow an  
24          incumbent lined process. We think that the

2 public is particularly concerned that there be a  
3 fair, non-politicized resulting map, and we think  
4 that having incumbency residency driving the  
5 process is a factor which is not one that we  
6 believe should be adhered to. And I would like  
7 very much--we also are strong proponents of re-  
8 enumerating incarcerated persons back to their  
9 districts of last residence. So those are the  
10 standards that we believe should be applied. We  
11 are working with some academics to come up with a  
12 clear set of objective guidelines that we are--we  
13 will be using in drawing our maps. We have  
14 licensed maptitude and are almost have completed  
15 our process of collecting the necessary data.  
16 And I would very much like to echo the comments  
17 of Dr. Simmons. Certainly our experience in  
18 California shows that when user-friendly  
19 information is provided to the public, the public  
20 will respond, and are interested in the process  
21 of how the district lines are drawn when they  
22 understand that it does, indeed, affect how their  
23 communities are represented in the legislature.  
24 And New York is behind the curve. As Dr. Simmons

2           pointed out, other states have done a much better  
3           job of inviting the public into the process and  
4           providing them with the information. And one of  
5           the reasons why we did start the blog and we are  
6           posting some maps up there is to invite community  
7           members to become more familiar with  
8           redistricting and the interesting issues and  
9           challenges which the Commission faces.

10                   Turning to the maps that we brought,  
11           regarding the capital region, I would like to  
12           echo some of the comments of Anton Konev. The  
13           demographics are what the demographics are. The  
14           capital region is a region which has experienced  
15           an increase in population, approximately 5%,  
16           since the last census, and as he pointed out  
17           correctly, it is the fact that the increase has  
18           been in the minority population, so it's been a  
19           slight decrease in white population here. And  
20           when we look at the maps that show the  
21           communities of interest, we are struck by the  
22           fact that the cities of Albany, Troy, and  
23           Schenectady in any number of measures do seem to  
24           form their own communities of interest. If you

2 look at the black voting age population, if you  
3 look at the Hispanic voting age population, when  
4 you look at the distribution of median income,  
5 when you look at education levels in the patterns  
6 of where people are living, if you look at home  
7 ownership, I think it's a pretty stark picture,  
8 and certainly when you look at public transit,  
9 commuters as well as the occupational breakdown,  
10 the cities in the tri-city area do seem to form a  
11 fairly distinct community of interest on any  
12 number of measures in relation to the surrounding  
13 suburbs. And therefore, we believe, certainly,  
14 that the Committee--the Task Force needs to  
15 consider how to honor those communities of  
16 interest, not solely from a racial and ethnic  
17 point of view, but those other factors as well.  
18 And certainly currently these are communities,  
19 these cities are split, particularly in the  
20 Assembly Districts, and we suggest to you that  
21 you should very seriously look at keeping them  
22 in--unified within one Assembly District.

23 Less flexibility we find in the Senate  
24 side because of the county requirements, but we

2 figure that there is a way in which to approach  
3 the mapping process, and we suggest that you  
4 consider a district, a Senate District which  
5 would unify Troy and Schenectady, which we know  
6 is a different and somewhat creative approach,  
7 but we think it's something that certainly bears  
8 discussion. I would like to say that we feel  
9 strongly that it is possible to draw fair maps  
10 which satisfy the necessary standards of both the  
11 State and the Federal Constitution with a  
12 deviation that is somewhere between 4 and 6%  
13 total deviation, between the largest and the  
14 smallest. We have subscribed and supported a  
15 bill which would have a 1% plus or minus, a 2%  
16 total deviation. In all honesty and practical  
17 terms, since we have gotten into the mapping  
18 process, on the Assembly level we find that that  
19 is a bit too tight to fully honor the  
20 requirements of the Voting Rights Act, and, of  
21 course, we've got the other restraints of the  
22 State Constitution. But we do think that the 5%  
23 or the total 10% deviation is too large of a  
24 deviation, and we're strong supporters of an

2 independent redistricting process, but our  
3 concern at the end of the day is that the maps be  
4 fair and non-politicized to whomever draws them,  
5 and we realize with the time constraints that  
6 this may be the only opportunity, these hearings  
7 may be the only opportunity for the public to  
8 weigh in before whomever is drawing the lines  
9 draws the lines, and we think it's important that  
10 the public participate as much as possible in  
11 this process and share thoughts with you. So  
12 we're looking forward to, you know, this process  
13 of the hearings, of engaging with groups across  
14 the state, and helping them to find their  
15 communities of interest and understand the  
16 redistricting we'll be offering. We've been  
17 invited to conduct some workshops in different  
18 places, and we hope that we will be testifying  
19 less at these hearings, and community members who  
20 are actually resident of the areas will be  
21 testifying more, hopefully with information that  
22 we can help--help them develop.

23 MR. MCENENY: Thank you, we were very  
24 pleased to hear that you are drawing maps. We

2 encourage this of all interested groups and  
3 citizens, because this is the age that we live  
4 in. It's much more possible, it's easier to do  
5 than it was 10 and certainly 20 years ago. Once  
6 as I said to councilman Konev, you have the wrong  
7 numbers for Albany, they were down at 94.3, and  
8 that number that came out stuck, but it was not  
9 accurate. So I don't think it makes a lot of  
10 difference, but it does when you're trying to  
11 show percentage of growth. And I'm happy to hear  
12 you knocked the 1894 Constitution. I think it's  
13 horribly anti-urban.

14 MS. LERNER: Yes.

15 MR. MCENENY: It's inflexible. It  
16 doesn't allow us to split towns even when there's  
17 a village at the edge of a town, regardless of  
18 the size of the town. It's all well and good to  
19 protect small communities, but some of our towns  
20 are enormously large compared to 1894, and the  
21 Governor's bill on the 1% variance would  
22 ultimately be unconstitutional, because you'd  
23 have to split a town to do that, which is not  
24 allowed. And I agree with you, 4 to 6% is much

2 more realistic. These public hearings, I assume,  
3 are useful to common cause as well, and that  
4 you're looking at the testimony that comes here  
5 and the ideas that come here?

6 MS. LERNER: Yes, absolutely. We're  
7 finding it very helpful, and it's also very  
8 helpful for us in our outreach in the different  
9 areas as a way to focus attention. When  
10 community groups and activities know that there  
11 is a public hearing coming up, then they're  
12 interested in finding out what the demographic  
13 changes have been in their community, and  
14 exploring how one properly discusses how to  
15 define their communities of interest. And so we  
16 find that the hearings are very helpful. I would  
17 like to second the comment that it is difficult,  
18 I think, for the public when the information is  
19 not easily obtainable. And we were able, thanks  
20 to our grassroots supporters, to invest in a  
21 license for the Maptitude software, which is not  
22 inexpensive and is not easy to use. So we have  
23 somebody on staff who has a Master's and is  
24 familiar with the software. But there are, as

2 other states have shown, there are tools out  
3 there which are easier to use. We, on our  
4 redistricting website, actually have a sheet  
5 which is a set of simple instructions for how to  
6 use Google maps to at least help you think about  
7 what your community of interest is and think  
8 about boundaries. It's obviously not the elegant  
9 tool that the mapping software that the  
10 Commission -- that the Task Force is using is,  
11 but it is available to the public on a free  
12 basis, and people in this computerized day and  
13 age are much more familiar with it. I like to  
14 say that if you are familiar with the video game  
15 Sim City, then you can actually engage in  
16 redistricting, because people are now much more  
17 familiar with these multi-factored kind of  
18 analyses in a graphically based world.

19 MR. MCENENY: I think if we've allowed  
20 people only under the age of 25 to do this,  
21 they'd be finished by now.

22 MS. LERNER: I'm not touching that one.

23 MR. NOZZOLIO: I wish to associate  
24 myself with Assemblyman McEneny's remarks, except

2           for the last one. The issue that you bring  
3           forward is extremely helpful, relative to  
4           providing your organization to expand the  
5           potential input that can be brought to this  
6           process. Then I reiterate a suggestion, and I'm  
7           pleased to hear that you're considering drawing  
8           proposed legislative lines for, I assume, the  
9           State Legislative Districts and Congressional  
10          Districts?

11                   MS. LERNER: Correct.

12                   MR. NOZZOLIO: And that I welcome that,  
13           and I know members of the Task Force welcome  
14           that. It's exactly the kind of input we need,  
15           and we appreciate that very much. That our  
16           efforts are to make this as open and accessible a  
17           process as possible. I would also ask that you  
18           do the same and make sure that as you're  
19           providing these inputs, that you share with us  
20           how you came across the process. I think that it  
21           would be more helpful and strengthen the proposal  
22           to understand the methodology and process that  
23           your organization had undergone to have this  
24           input, who provided it, how was it provided. And

2 I do appreciate, also, your comments about  
3 deviations, and implore you to--as my colleague  
4 and friend is representing an urban area, I know  
5 many of us represent more rural areas, and the  
6 Constitution does not allow the severance of  
7 towns for State Legislative Districts, does make  
8 a mathematical difference when you're trying to  
9 achieve exactly. So be mindful of that. It is  
10 something that we have to be, and I then I hope  
11 that in your proposals you will be, as well. And  
12 that again, I hope that you'll be participating  
13 in other hearings that we'll be conducting prior  
14 to the development of maps, and those hearings  
15 that are going to be scheduled once the maps are  
16 developed.

17 MS. LERNER: Thank you. I would,  
18 certainly. We are committed to explaining the  
19 criteria that we use, and the specific choices  
20 that we make. Because, as anybody who is engaged  
21 in this begins to even engage in this process is  
22 aware, the thing that's most fascinating about it  
23 is that there is no one perfect map. There are a  
24 lot of good possibilities as well as a lot of bad

2 possibilities, and choices have to be made. We  
3 are committed to providing the kind of  
4 information that explains the criteria and the  
5 choices that we made, the factors that we  
6 weighed, and we would urge the Commission -- the  
7 Task Force, when it releases its maps, to  
8 similarly explain some of the decision points, so  
9 that the public can understand the basis on which  
10 your maps, which, after all, will be the official  
11 maps, are drawn, and allow people to comment and  
12 hopefully make helpful suggestions. So we very  
13 much want to have this be an open process, and  
14 one where we can explain, at least, how we have  
15 gone about it. I would like to say that one of  
16 the challenges we face right now is in properly  
17 handling the data relating to prison-based  
18 populations. Obviously, with the census data, we  
19 can identify and remove the blocks, but we're  
20 eager to have the task force complete the  
21 analysis so that we are better able to do an  
22 adequate job of the re-enumeration, and not just  
23 simply the removal of those individuals from the  
24 places of incarceration in the process of drawing

2 the maps.

3 MR. NOZZOLIO: Thank you.

4 MR. MCENENY: Senator?

5 MR. DILAN: Yes, I, too, am pleased that  
6 you will be submitting or drawing your own maps,  
7 and I understand that the criteria that you will  
8 be using are those, wherever possible, those that  
9 are contained within the Governor's program  
10 bills. But I am also curious to know, when you  
11 go to draw the Senate lines, I will ask you the  
12 same question that I asked Dr. Simmons. Based on  
13 what number will you be drawing the State Senate?

14 MS. LERNER: Well, we are--we are  
15 looking at that wonderfully arcane formula, and  
16 trying to do an analysis, or it the initial  
17 computation that we are familiar with suggests  
18 that it probably would result in a 62-District  
19 House. From a pure good Government point of  
20 view, if we were not restrained by the  
21 Constitution, we would be advocating for an odd  
22 number of districts, but that's out of our hands.  
23 That's for a later discussion when we revisit the  
24 1894 provisions. And I would like to second Dr.

2           Simmon's request, which is it would be very  
3           helpful to all of us who are spending the time  
4           and the effort to try and make suggestions as to  
5           actual boundary lines, to know what the ultimate  
6           conclusion of the Task Force is in its  
7           application of the formula. Because if--well, if  
8           we had to scuttle everything and change the  
9           drawing, probably it would scramble to do that,  
10          but it does seem as if it would be more helpful  
11          if there could be a discussion and some guidance  
12          from the Task Force of the computation that you  
13          would use. My understanding is that the straight  
14          application of the formula as it has been applied  
15          in previous redistrictings, not the immediate  
16          one, but earlier cycles, and then validated by  
17          the Court of Appeals and other Courts, would lead  
18          to a 62-District map.

19                 MR. DILAN: Okay, I agree with you in  
20                 terms of the number of 62. Unfortunately, the  
21                 numbers that we have indicate that the number  
22                 should stay the same. But, however, I would  
23                 advocate an odd number also. But the  
24                 Constitution and the formula that's there now

2 dictates, apparently, that we stay at 62.

3 MS. LERNER: But in all fairness, I  
4 mean, we know that there was a calculation made  
5 in the last redistricting cycle, which was a  
6 different interpretation of how to apply the  
7 formula, and that's why it would be helpful if  
8 the Task Force were to work out among itself what  
9 rubric they are going to use so that we can be  
10 more participatory and helpful in the process by  
11 providing maps that comport with what you are  
12 expecting to draw yourselves.

13 MR. DILAN: Thank you.

14 MR. MCENENY: Thank you. I see  
15 Assemblyman Peter Lopez is here now.

16 ASSEMBLY MEMBER PETER LOPEZ: Thank you,  
17 Chairman. I won't--I'll try not to read  
18 testimony, but just basically address the primary  
19 premise, and my reflection is primarily on the  
20 issue of rural districts in particular, and we  
21 heard Chairman Nozzolio make reference to rural  
22 communities, and many of our colleagues on this  
23 panel are very familiar with the challenges  
24 demographically, but also geographically--

2           logistically in serving rural districts. And the  
3           main premise that I'm submitting for the Task  
4           Force consideration is a filter that may not have  
5           been--that may not be one that's been assessed as  
6           a matter of statute or requirement, but one which  
7           is a very practical consideration, and that issue  
8           being that of serviceability of a district, given  
9           the relative resources available to an individual  
10          member. And clearly, as we look at rural areas,  
11          and irrespective of who's serving a given  
12          district, regardless of party affiliation, when  
13          you move into rural communities, part of the  
14          challenge is recognizing that when you sever a  
15          town from the basic unit of government, which I  
16          would call from a critical mass perspective a  
17          county level, where services and necessary  
18          attention to economic development and other  
19          aspects of servicing a given community emanate  
20          largely from a county seat, and when you separate  
21          a town or two from its parent county,  
22          particularly in rural areas, you run the risk of  
23          isolating those individual towns as you attempt  
24          to address economic development, housing, any

2           number of critical issues that are import to that  
3           respective community. And I highlighted the  
4           127th, just as a poster child, if I may, and if  
5           you'd turn to page two of your--of the testimony  
6           I provided. I just gave the map, and just for  
7           illustrative purposes, as you look at that  
8           district--and there are many other districts that  
9           are equally big, but this particular district is  
10          additionally complex by the aspect of including  
11          seven counties. So if you start to the southeast  
12          corner, and you'll notice Columbia and Ulster  
13          County, you'll see Saugerties, the town of  
14          Saugerties in the lower right-hand corner, and  
15          Columbia County on the far right adjacent. You  
16          follow the arc of the district, roughly a three-  
17          hour drive, to the southwest corner where you  
18          arrive in Chenango County. And just by  
19          illustration, and many of you are members, others  
20          are staff, imagine the complexity of serving  
21          seven County Boards of Supervisors or County  
22          Legislatures, seven County Farm Bureaus, seven  
23          County Chambers of Commerce, seven County--the  
24          list goes on, offices for the aging, with roughly

2 a 2½ FTE equivalent on staff, and rules of the  
3 House that allow you only one office to service  
4 that district, only one office that's provided  
5 support. Now, certainly in Congress, and this  
6 just leads me back to the issue, is one, the  
7 compactness and the serviceability, given the  
8 resources at hand and the logistic challenges  
9 that go with it. Certainly Congress has  
10 addressed it by providing equal staffing. We  
11 know that the rules in the Senate have changed  
12 somewhat to adjust staffing, and what I would  
13 also say is, as you look at this other rules of--  
14 and again, I am departing a little bit from  
15 script, but it does have bearing for the Task  
16 Force's purposes--travel. By--out of necessity  
17 to serve this district, I literally travel, oh,  
18 about 1,000 miles a week. My 2½ staff I can only  
19 push so far, so I--and it's a privilege,  
20 nonetheless. But a I do that, the Assembly funds  
21 one office, my office in Greene County, which was  
22 under contract, if you can imagine, trying to  
23 service on the far right-hand corner in Catskill,  
24 try to service the rest of that district from the

2           one office that's supported formally by the  
3           Assembly. So, again, not to belabor the point, I  
4           just bring this to the Task Force's attention,  
5           respectfully. I am not alone in this, and  
6           regardless of party affiliation, if you are in a  
7           rural area, you are at a disadvantage in terms of  
8           meeting the full spirit, really, of what the task  
9           force is about. Proper representation, full  
10          representation, one person, one vote, but also  
11          the requirement and expectation that the member  
12          is in a position to provide that service on an  
13          equal basis, regardless of urban, rural, or  
14          suburban. So with that, I'll conclude my  
15          observations. I'll leave you my notes, and  
16          certainly take any questions.

17                 MR. MCENENY: Thank you. Someone else  
18                 at one of the western and central New York  
19                 hearings also mentioned that normally what  
20                 happens is people come in from business  
21                 communities, the political community, keep my  
22                 urban community together.

23                 MR. LOPEZ: Sure.

24                 MR. MCENENY: And when everybody has

2           their urban community together, then, at least  
3           one person mentioned, what happens to all the  
4           rural communities? And the answer is these huge,  
5           sprawling districts. The example is the district  
6           where Senator Gellibrand's--first it was  
7           Congressman Sweeney, then Gellibrand, then  
8           Murphy--

9                   MR. LOPEZ: Sure.

10                  MR. MCENENY: --now Gibson.

11                  MR. LOPEZ: Sure.

12                  MR. MCENENY: The district, if you  
13           looked at it statistically, has a lot in common.  
14           They're all rural, and to some extent suburban,  
15           with three small cities. But on the other hand,  
16           it goes from Lake Placid down through Saratoga,  
17           it goes in back of the City of Troy, goes to Hyde  
18           Park, crosses the river, gets the town next to  
19           Cooperstown, then it's 20 miles from Binghamton.  
20           So they may have a lot in common in some ways,  
21           but they're almost impossible to work for  
22           constituent services. And on a smaller level,  
23           you're showing what happens here, and I don't  
24           think we have an answer. But that is one of the

2           considerations, that as you create nice compact  
3           contiguous urban and densely suburban districts,  
4           you get into that none-of-the-above category  
5           which can be really a disservice to constituents.

6                   MR. LOPEZ:   And thank you, Mr. McEneny.  
7           I would dare say, though, that it's a two-edged  
8           sword, and when you reflect on the demographics  
9           in the state, and just the nature of state policy  
10          and budget making, we understandably have an  
11          urban state.   And so rural areas are  
12          overshadowed, budgetarily, policy-wise.   There's  
13          a bias towards urban-based models.   And so the  
14          whole premise of having a rural voice and  
15          representation, to me, is a critical  
16          consideration.   And demographically, and I'm not  
17          sure with the current census, but I had worked  
18          years ago for a Commission on Rural Development.  
19          Charlie Crook was the chair, Bill Parmet was the  
20          first vice chair.   And in their assessment they  
21          had, through a State definition of rural area,  
22          had identified as many a 2½ million people  
23          representing rural communities across the state  
24          of New York, overshadowed by the urban and

2 suburban populations. And the whole premise  
3 there was that the one-size-fits-all mentality  
4 could be detrimental to rural community issues.  
5 So even as we reflect on the sprawling nature,  
6 there is an advantage to having a commonality of  
7 interests and a rural voice. So your assertion  
8 certainly has merit, but I would dare say going  
9 too far in the other extreme. You risk eclipsing  
10 rural issues by attaching them to an urban  
11 center, because, on a smaller scale, you'll see  
12 an exact duplication of what happens on a state-  
13 wide basis. So there is merit to retaining rural  
14 areas, my point being that, by retaining them and  
15 retaining the rural voice, there also has to be  
16 some attention to the support, the necessary  
17 financial support that goes into that in an urban  
18 center. And I'll use an example. If you're  
19 looking at the rent of a building, there's  
20 adjustment for the relative property value. So  
21 if you're an urban center, rents in my town are  
22 small. So what the Assembly pays for my rent is  
23 puny by comparison to what may happen in  
24 Manhattan or elsewhere. So, respectfully, what I

2           would suggest is, as we make adjustments for  
3           urban and suburban offices, there should be some  
4           reflection on what the adjustments might be to  
5           fully serve a rural district. So it may not be  
6           rent, but it may be some other factor that helps  
7           the member serve that constituency more  
8           effectively.

9           MR. MCENENY: Very good.

10          MR. LOPEZ: Thank you.

11          MR. MCENENY: Members? Bob?

12          MR. OAKS: Just a quick comment. We had  
13          an earlier presenter go through and, you know,  
14          looking at the 127th, which sprawls across six  
15          counties, he was--had proposed, you know, kind of  
16          his own regions, in essence, but suggesting that  
17          Duchess, Columbia, Ulster, Green, and Schoharie  
18          could kind of make five districts and maybe not  
19          sprawl quite as much.

20          MR. LOPEZ: Sure.

21          MR. OAKS: I don't know how those five  
22          would go with serving rural versus urban or  
23          suburban populations, but I think your comments,  
24          as well as his types of comments and others, are

2 all that need to be taken into account as we try  
3 to put this together.

4 MR. MCENENY: Thank you very much.

5 MR. LOPEZ: My pleasure. Thank you,  
6 gentlemen.

7 MR. MCENENY: Jason Planck?

8 JASON PLANCK, ADVOCATE FOR PERSONS WITH  
9 DISABILITIES: Committee members, Honorable  
10 Committee members, thank you very much for  
11 allowing us to speak. I'm an advocate for  
12 persons with disabilities. I wanted to comment  
13 after my prepared statements, at least, to  
14 Senator Dilan and a couple other things after  
15 that of his comments. My name is Jason Planck.  
16 I've been a disability advocate for over 20  
17 years. As such, the disenfranchisement of the  
18 disability voters in the state has been very real  
19 to the point some being not able to vote because  
20 of the discrimination. I have experienced and  
21 seen others being discriminated--have been  
22 discriminated against to the point of having a  
23 hard time to vote because of my disability. In  
24 March of 2006, the Catskill Independent Living

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2 got a grant to do a training for different New  
3 York State counties on building accessibility  
4 training for polling sites. I was asked to  
5 attend the training as a person with a disability  
6 for my own county, Schenectady. The training  
7 didn't include the possibility of persons with  
8 disabilities serving as poll workers. I was able  
9 to convince my county to look at the situation  
10 from both points of view, building access and  
11 employment. As a result, a disability person  
12 still is not able to serve as poll workers,  
13 because the income from that would result in  
14 countable income, and will lose some or all of  
15 the current benefits that that person with a  
16 disability has received for that month. What is  
17 needed is at both Federal and State level, is to  
18 add to the non-countable income section, poll  
19 worker income, not to be counted in calculating  
20 our benefits. The experience of discrimination  
21 also occurred from not having disability parking,  
22 accessible routes being blocked, and the voting  
23 area too small to vote in. When you try to call  
24 the County or the State Election Commission, the

2           only answer is that we're too busy today, call us  
3           back in a couple days. So I ask that you make  
4           sure that the polling sites become more  
5           accessible so you can have a chance to vote and  
6           be counted.

7                         In redistricting, the State and Federal  
8           Districts need to be done in a way that does not  
9           disenfranchise the minority and disability voter.  
10          In my own State Assembly District 105, we have  
11          two different types of interests, both rural and  
12          inner city, and where the inner city is being  
13          disenfranchised by the rural area by having a  
14          higher voting block. We need to create minority  
15          majority districts so that all have a chance to  
16          be heard, and different ways of doing things will  
17          come out. The minority majority districts don't  
18          have to be done in according to race, sex,  
19          ethnicity, disability, but a combination of all  
20          types to form a minority majority district.  
21          These types of districts need to reflect the  
22          population of the state as a whole.

23                         Two other recommendations that I hope  
24          that you'll send to the New York State

2 legislature is the following: 1, we need a  
3 county-wide school district which results in 62  
4 school districts, not the current over 750 school  
5 districts in the state. At the county level it's  
6 so political, the people are not seeing the  
7 bigger picture, which means lower property taxes  
8 because the property tax base will be spread out  
9 over the entire county, not just a small  
10 district. This has no bearing on teachers' loss,  
11 just on management loss from which most of them  
12 are double-dippers anyway. Second, we need to  
13 eliminate the campaign petition drives in which  
14 they disenfranchise both the voter and the  
15 candidate, for which any person has the right to  
16 challenge a signature, and if successful, could  
17 have the candidate thrown off the ballot, and not  
18 have the voter to choose the candidate of their  
19 choice. I, as a person with a disability, it's  
20 very hard to gather signatures, for which there  
21 are architectural barriers in forms of stairs, so  
22 I'm not able to gather enough signatures to help  
23 anyone. Campaign petition drives serve no  
24 purpose in our elective process, and it costs

2 taxpayers too much money to handle the process,  
3 and therefore eliminate it.

4 I have two other things--comments that I  
5 wanted to add. In Schenectady County, and I know  
6 you have no jurisdiction over them, but I'm  
7 hoping that this Commission will not take the  
8 route that Schenectady County did. They went  
9 from--to a--what is called a weighted voting.  
10 Instead, in Schenectady County, we have about 4%  
11 Asian, about 2%--no, 2% Asian, 4% Hispanic, and  
12 about 15% African-American, which is about 22%  
13 minority population. We have about 17%  
14 population of persons with disabilities. About  
15 half of them are minorities. So you add that  
16 together, we have about a 30% minority  
17 population. Currently right now we have two  
18 legislative districts in the City of  
19 Schenectady, and they're dividing the minority  
20 vote down, so that brings to less--they're almost  
21 about 15% of the minorities that are actually in  
22 that. So we've got a 15% to 85% white. And the  
23 legislature decided to, after 46 years, to keep  
24 the status quo. I'm hoping that this Commission

2 will take a look at, when they're doing minority  
3 majority districts, that they're combining it  
4 together.

5 That leads me into Senator Dilan's  
6 question that he asked, which is I hope we go to  
7 63 districts--Senate Districts. And the purpose  
8 of it is that we don't have the circus and the  
9 fiasco that we had when we had--when the Senate  
10 was down to 32 to 32, and everybody was jumping  
11 ship from one side to the other. We need to have  
12 an odd number, because then we don't have to rely  
13 on whether we have a Lieutenant Governor or not  
14 have a Lieutenant Governor. Also, too, is you  
15 were suggesting that at 62 we would need about  
16 330,000 registered voters in each one of those  
17 Senate Districts, if I was remembering from the  
18 beginning of what you were saying to (indiscern.)  
19 this morning. By going to 63, that number will  
20 be lowered back down, and that will--probably  
21 around 250,000. That will make it much more  
22 easier to have a compact minority majority  
23 district. So we'll kill two birds with one  
24 stone. So, you know, I'm hoping that this

2 district can take a look at it.

3 The other piece of the puzzle, somebody  
4 was talking about the computers. We have what's  
5 called Google Earth, and you can be able to  
6 adjust the lines and readjust the lines with  
7 kml.format files. And you can download them  
8 right onto Google Earth. And then if you wanted  
9 to take a look at what the community looks like,  
10 all you have to do is click on the little man and  
11 bring it down, and you can have it even street  
12 views, and you can actually look at the street  
13 views. This is a free program that would be much  
14 available. Also, the New York State website has  
15 not been accessible and nor is in compliance with  
16 Section 508, which is accessibility for persons  
17 with disabilities. And this needs to be moving  
18 forward to be more accessible to persons with  
19 disabilities. Also, too, is when I was looking  
20 on your website, most of the data, when I was  
21 reading on the front page, it said 2002, 2000. I  
22 need new--more update--new information. I know  
23 you guys are staffed, and I know it's kind of  
24 hard, but we need to have some of this

2           updateness. I hope I was able to help you a  
3           little bit from the disability point of view.

4                   MR. MCENENY: Senator Dilan?

5                   MR. DILAN: Yes, I would just like the  
6           clarify the record with respect to the number of  
7           the Senate. I never suggested that we go to 63,  
8           so first I would like to make that clear. What I  
9           did indicate is that the numbers that we do have  
10          from the census, the numbers indicate, and based  
11          on the formula that's in the State Constitution,  
12          that we stay at 62. The numbers--I don't decide  
13          the numbers. The numbers are based by the State  
14          population, which is 19.3. You divide that by  
15          62, you get 312,550. But based on the formula  
16          that we have in the State Constitution, that  
17          number would seem to indicate 62. I, too, prefer  
18          an odd number, so we could prevent things like  
19          what happened during 2009. But the formula is  
20          there and we have to go based on numbers. If we  
21          had to go with an odd number, if we had too, I  
22          would prefer the lesser number.

23                   MR. PLANCK: The one question I wanted  
24          to follow up on that is that if the State

2           Constitution is in violation of Federal Law, so  
3           therefore the State Constitution can--is no  
4           longer valid, so, you know, when you're taking a  
5           look at the 1965 vocational--sorry, the 1965  
6           Voters Rights Act, and you're looking at Section  
7           2 and Section 5, if the State Constitution is not  
8           valid to those two sections, then you can  
9           override that State Constitution, and then you  
10          can be able to put in what would be valid. And,  
11          in this case, a 63-seat State Senate seat. So  
12          you need to take a look at, can't--is the State  
13          Constitution in compliance with Section 2 and  
14          Section 5, and that would be another question  
15          that you guys may need to take a look at, instead  
16          of blindly going down one pathway of saying the  
17          State Constitution is correct. It may not be.  
18          It may be completely--

19                   MR. DILAN: Well, those are all things  
20                   we'll have to look at as we move along. But I  
21                   just wanted to clarify that at no time am I  
22                   suggesting 63. Thank you.

23                   MR. MCENENY: Thank you very much.

24                   MR. PLANCK: Thank you.

2 MR. MCENENY: Rachel Fauss?

3 RACHEL FAUSS, POLICY AND RESEARCH

4 MANAGER, CITIZENS UNION: Good afternoon, members

5 of LATFOR. My testimony, I will say, says

6 morning, but it is now afternoon, and I

7 appreciate the long time you're spending here

8 listening to all the testimony of the public, and

9 I appreciate the ability for me to present my

10 thoughts as well. My name is Rachel Fauss, and

11 I'm the Policy and Research Manager of Citizens

12 Union of the City of New York, an independent

13 non-partisan civic organization of New Yorkers

14 who promote good Government and advance political

15 reform in our City and State. Earlier this year,

16 Citizens Union launched a statewide campaign,

17 Reshape New York, comprised of a coalition of

18 over 37 organizations, including civic groups,

19 issue advocacy groups, unions, and business

20 groups, united and reforming our State's

21 redistricting process. We testify here today in

22 recognition of the overwhelming and diverse

23 public support for redistricting reform. At this

24 third public hearing of LATFOR, it is clear from

2 previous hearings in Syracuse and Rochester that  
3 the public is continuing its call for  
4 redistricting reform. 16 members of the public,  
5 more than half of the 29 participants who  
6 presented their views at the past two hearings,  
7 specifically testified in support of independent  
8 redistricting. And, of course, today there have  
9 been a number of speakers who have made that same  
10 point, and I expect more will later this  
11 afternoon. And many others favor the use of  
12 sensible criteria for drawing lines, such as not  
13 splitting communities and conforming to existing  
14 political boundaries such as cities. Both  
15 independent redistricting and defined and  
16 objective criteria are fundamental elements of  
17 the major redistricting reform proposals that  
18 have been supported by the legislature. The  
19 public has spoken loud and clear in favor of  
20 reform, and will continue to speak in favor of an  
21 independent redistricting commission to draw  
22 State Legislative and Congressional District  
23 boundaries according to fair and objective  
24 criteria, while allowing for robust public input.

2           And on the public input piece, I'd like to echo  
3           comments about making software available to  
4           public to draw their own maps, perhaps using  
5           LATFOR's technical expertise to allow the public  
6           to learn a little bit more about how it works.  
7           But I'd also like to add another piece, and that  
8           is webcasting of the public hearings. I think  
9           while it's great that you've got the video posted  
10          on after the fact, as well as the transcripts, I  
11          think real time posting of the information and of  
12          the testimony that others are giving would be  
13          invaluable.

14                    It is past time for the legislature to  
15          heed the public's call for an independent  
16          commission and return to Albany, where we sit  
17          today, in a special session in past redistricting  
18          reform before the 2012 elections. Had the  
19          legislature done what 184 of its 212 members  
20          pledged or co-sponsored to do, create a new  
21          impartial process for drawing state legislative  
22          lines, this hearing today would have been held  
23          before an independent commission. And instead of  
24          doing what is right and beneficial for both

2 parties in the long run, whatever the political  
3 fortunes are today, it seems that our elective  
4 leaders have thought the majorities can't be  
5 built through policies that are appealing to New  
6 Yorkers without the electoral insurance policy of  
7 gerrymandering. And New York State has one of  
8 the lowest voter participation rates in the  
9 nation, coming at 47th among states in the 2010  
10 elections. This is not surprising, as meaningful  
11 discussion of public policy and real debate that  
12 comes from competitive elections have taken a  
13 backseat to partisan interests.

14 And I'd also like to address some of the  
15 comments that have been made about the timing of  
16 an independent commission. We believe that there  
17 is still time for an independent commission to be  
18 put in place, particularly since, you know, if  
19 legislators were to come back very soon in a  
20 special session to pass reform, an independent  
21 commission could finish the public hearing  
22 process that LATFOR has started, and complete the  
23 job in time for legislators to vote on its plans  
24 before the 2012 elections. And, indeed, we would

2           hope that LATFOR would not currently be drawing  
3           lines without considering the public input given  
4           at these hearings, the last of which is scheduled  
5           for October 5th. And given that, under the State  
6           Constitution, the legislature will have a vote on  
7           the plan from whatever commission is drawing the  
8           lines, simply switching to an independent  
9           commission should not create substantial delays.

10                   And concerning the Move Act, the  
11           legislature itself has not come to an agreement  
12           on a new date for the primary elections, and we  
13           understand it may be possible for the Department  
14           of Defense to issue a waiver for the 2012  
15           elections. The delay in complying with this  
16           Federal Law for overseas and military voters is  
17           no excuse for inaction on other important issues,  
18           such as redistricting reform.

19                   We would also like to comment on the  
20           counting of prisoners in their home residences.  
21           Citizens Union supported the change in law in  
22           2010, and those we recognize that there is a  
23           lawsuit pending, there is no reason that LATFOR  
24           cannot be preparing the data necessary to place

2 prisoners at their home address for whatever  
3 eventuality occurs.

4 The Governor recently reiterated his  
5 pledge to veto lines that are not drawn in an  
6 independent or a non-partisan manner. Further,  
7 he does not believe that LATFOR can be non-  
8 partisan, and if the history of redistricting is  
9 any guide, the public should not expect anything  
10 different this time around. New York has had a  
11 long history of partisan gerrymandering, with  
12 communities being carved--or being divided,  
13 minority groups being under-represented,  
14 competitors' homes being carved out of districts,  
15 and districts varying widely in population size  
16 to favor one region of the state over other  
17 regions. The system has, for decades,  
18 prioritized the re-election of incumbents,  
19 resulting in a 96% re-election rate. We ask that  
20 history does not repeat itself this redistricting  
21 cycle, and for a fair an independent process to  
22 be put in place immediately. We ask that  
23 legislators honor their words and commitments to  
24 redistricting reform by returning to Albany in a

2 special legislative session, to finally end  
3 partisan gerrymandering in enact redistricting  
4 reform. New Yorkers have already waited many  
5 decades for reform, and we and they refuse to  
6 accept postponing reform for another ten years.  
7 Thank you.

8 MR. MCENENY: Thank you. Does the  
9 Citizens Union consider these LATFOR hearings to  
10 be of use to it?

11 MS. FAUSS: I'm sorry, I didn't hear the  
12 last part of it.

13 MR. MCENENY: Do you find these hearings  
14 to be of use, regardless if the system changed as  
15 to who held the pen that drew the lines, are  
16 these hearings valuable to you?

17 MS. FAUSS: Well, I think we certainly  
18 appreciate that, you know, the public is--the  
19 public that is able to attend these hearings, I  
20 think that it's important for them to be able to  
21 present their views, and absolutely necessary for  
22 them to present their views to this commission.  
23 But, you know, I think we would certainly think  
24 that an independent commission might be more

2           attuned to some of the interests of different  
3           communities that aren't represented.

4           MR. MCENENY: But in the absence of  
5           legislative--legislation having been passed, are  
6           we wise to have started when we could, just as  
7           soon as we could after the session was over?

8           MS. FAUSS: No, absolutely, I think  
9           that's--

10          MR. MCENENY: Okay.

11          MS. FAUSS: --that's correct, and it's  
12          something that, you know, given the time  
13          constraints mentioned by other speakers, it's  
14          something that is needed to have started. I  
15          think our argument is that an independent  
16          commission should have been in place certainly  
17          earlier, but given that some work is being done  
18          by LATFOR now, we don't--some of that information  
19          could certainly transfer to another commission.

20          MR. MCENENY: Do you support Governor  
21          Cuomo's proposed legislation?

22          MS. FAUSS: Yes, we do.

23          MR. MCENENY: Are you aware that 1%  
24          would probably be unconstitutional, and would you

2           be more in line with other speakers that if that  
3           was revisited, a higher percentage to allow for  
4           town on borders should be allowed?

5                   MS. FAUSS: Well, I--just as a matter of  
6           clarification, the Governor's bill actually lists  
7           prioritized criteria, and it--up front, before  
8           any of the criteria listed, the State  
9           Constitution and Federal Law is presumed to be  
10          paramount. So following those, the 1% deviation  
11          then follows. So in certain instances, it's  
12          certainly possible that it would not be poss--  
13          that it wouldn't work for every single district--

14                   MR. MCENENY: Okay.

15                   MS. FAUSS: --but I think the most  
16          important thing to Citizens Union is that the  
17          plus or minus 5% is way too much.

18                   MR. MCENENY: What--

19                   MS. FAUSS: It provides way too much  
20          leeway, and, in particular, because of  
21          advantaging one region of the--over the--of the  
22          state over another.

23                   MR. MCENENY: These independent members,  
24          what criteria would be placed on them in the

2 Governor's bill? What would their background  
3 have to be?

4 MS. FAUSS: Well, the bill has a number  
5 of pieces. One is that lobbyists cannot serve on  
6 the Commission, current legislators cannot serve  
7 on the Commission, or former, people who have--  
8 party leaders is another one, and then--and then  
9 I might be forgetting every single piece--

10 MR. MCENENY: That tells it--

11 MS. FAUSS: --but there's a number.

12 MR. MCENENY: I've heard all the people  
13 who can't serve on it, including anybody that  
14 worked in the mail room five years ago and then  
15 got a Ph.D. in sociodemographics and  
16 redistricting from Harvard, because they worked  
17 in the mail room five years ago would be  
18 ineligible. What I've not heard is who is  
19 eligible. I mean, the lobbyists aren't eligible.  
20 I haven't heard anything about donors not being  
21 eligible.

22 MS. FAUSS: Well, something I'd like to  
23 just mention is that--has been discussed at this  
24 hearing is that members of the public are now

2            increasingly being empowered to draw their own  
3            maps. So I think the pool of people who are  
4            gaining the knowledge of the process, who are  
5            learning the tools, is steadily increasing  
6            because of technology. I think California is an  
7            example of the Commission where the same sorts of  
8            criteria are used in terms of the membership of  
9            the Commission, something that's, you know,  
10           certainly new, but they're doing the work, and  
11           Commissioners can also be--their work can be  
12           supplemented by professional staff.

13                    MR. MCENENY: Okay.

14                    MR. NOZZOLIO: In the state of--I  
15           believe it was New Mexico--I believe it was New  
16           Mexico, I may be wrong, but I believe it was New  
17           Mexico that just had a huge controversy about the  
18           so-called independent commission, and an  
19           independent member on that commission who was, in  
20           fact, a contractor for political campaigns across  
21           the country, all of one political party's  
22           persuasion. So it's--I think Assemblyman McEneny  
23           is correct, in pursuing the details necessary  
24           from those who are advocating independence to

2           define independence. Define it appropriately.  
3           Define it concisely and strictly. And that I  
4           think you put a label on someone that says  
5           they're independent, in effect, that's just prove  
6           in one state to not be the case. So it is, I  
7           think, imperative as we learn from these examples  
8           of other states, what we should utilize for this  
9           state and what we should not.

10                   The testimony today from the Brennan  
11           Center was very clear, that we are behind the  
12           eight ball in terms of timing, and that we  
13           appreciate your advocacy, better made to other  
14           members of the legislature than us at this table,  
15           in a sense, because we are simply trying to do  
16           what everyone, I know, believes in, and that is  
17           complying with the law as it exists. And that we  
18           have a legal and moral responsibility, certainly  
19           a fiduciary responsibility, as we've been  
20           assigned to this task force to follow the law.  
21           And that's why we hope that this is a good forum  
22           for you to discuss issues of interest, but at the  
23           same token, we have to focus on the task at hand,  
24           the responsibility at hand, and the law as

2           they're currently written.

3                   MS. FAUSS: And I'd just like to mention  
4           one thing in response to what you said earlier  
5           about, you know, New Mexico in terms of--or  
6           whatever state it might be, in terms of who would  
7           be appointed to the independent commissions. In  
8           the Governor's bill, the legislative leaders  
9           select from a pool of candidates, and presumably  
10          the legislative leaders entrusted all of you to  
11          be qualified and appropriate and up to the task  
12          of redistricting, and we'd hope that given the  
13          legislature's authority under the constitution  
14          over certain elements of redistricting, that the  
15          Cuomo bill would also allow for the legislative  
16          leaders to pick qualified candidates.

17                   MR. NOZZOLIO: And I guess that, as you  
18          proffer the suggestion, I guess I wonder if what  
19          you're saying is not independent redistricting,  
20          but non-legislative oriented redistricting, or  
21          non--but the so-called plan--independent plan,  
22          still requires the legislature to appointment the  
23          members of a commission, as well as to accept or  
24          reject the plan proffered by those commissioners.

2 Are there any states that you have looked at  
3 that, in effect, do not provide the legislature  
4 with the opportunity to decide who's on this  
5 Commission, or the opportunity to accept or  
6 reject a Commission's plan?

7 MS. FAUSS: Well, California is one  
8 example. I could certainly look at other  
9 examples to provide to you at a later date. But,  
10 you know, I think we've--there's been a lot of  
11 discussion today about the State Constitution,  
12 and there are a number of things that we think  
13 would be wise to revise and, you know, I think  
14 that is, you know, in terms of the--not dividing  
15 towns, I think, you know, right now, the  
16 legislature is authorized under the Constitution  
17 to approve of the redistricting plans. But, you  
18 know, other states, that's not the case.

19 MR. MCENENY: Thank you. Senator Dilan?

20 MR. DILAN: Yes, thank you. I'd like to  
21 make two points. One goes to the point of  
22 deviation, and the second point is with respect  
23 to a comment of the previous witness. But first,  
24 you indicate that the criteria that should be

2           used is that criteria that is in the Governor's  
3           program bill, and that bill calls for a plus or  
4           minus deviation of 1%, where possible. That's  
5           allowing for flexibility, so that means wherever  
6           it's not possible, then we go to--maybe to 4% or  
7           5%. But wherever possible, we go to 1%, is that  
8           correct?

9           MS. FAUSS: Yes, that is the language in  
10          the Governor's bill, and like I mentioned,  
11          similar to the piece before the criteria, that  
12          the State Constitution and Federal law has to be  
13          followed. There is some leeway there in that  
14          specific language, but--

15          MR. DILAN: So the Governor's bill  
16          provides for flexibility where, for some reason,  
17          because there's a town at some borderline or  
18          something like that, then we follow that  
19          Constitution, but where possible, we stay at 1%,  
20          is that the way you want to extend it?

21          MS. FAUSS: You know, I can't speak to  
22          an exact number that it would be, and, you know,  
23          Citizens Union's position has long been, you  
24          know, however--you know, if it's a change in the

2           Constitution that's necessary, as the districts  
3           need to be as near in population as possible  
4           between each other. I mean, with the  
5           Congressional seats, as you all know, they're  
6           within one person. While we can't do that under  
7           the State Constitution now, I think the closer we  
8           get to that, the more we're going to have equal  
9           and fair districts.

10                   MR. DILAN: All right, thank you. My  
11           second point, Mr. Chairman, was with respect to  
12           the previous witness, Mr. Jason Planck, who was  
13           citing Federal sections, 2 and 5, I believe, of  
14           the Federal Voting Rights Act. And I just want  
15           to indicate for the record that the Federal  
16           Voting Rights Act would not require the state to  
17           create 63 districts. Federal law does not  
18           determine the size of the legislature. The  
19           Voting Rights Act determines whether the plan  
20           developed by the State provides proper minority  
21           representation based on State law. So I think he  
22           had that reversed, and I just wanted to clarify  
23           that point for the record. Thank you.

24                   MR. MCENENY: I like the hearing we had

2 in Western New York where someone suggested that  
3 we give it to the Canadians, because they would  
4 be neutral.

5 MS. FAUSS: Well, that we would not  
6 support, so--

7 MR. MCENENY: We very much appreciate  
8 your coming forward.

9 MS. FAUSS: Okay, thank you.

10 MR. MCENENY: Thank you very much. I  
11 have Bishop Sylveta Hamilton-Gonzales. I believe  
12 she testified with an earlier group. I also  
13 believe that Brennan Center was mentioned. It  
14 wasn't the Brennan Center, I think it was Common  
15 Causes representative. Is Lattice Monique Walker  
16 here? Lattice Monique Walker? Allison Tupper?  
17 Ms. Tupper, as you're sitting, I would just like  
18 to reflect that the comment by the last testifier  
19 regarding California, I've been informed by  
20 counsel that California does require legislative  
21 approval of their redistricting plan. Thank you  
22 very much, welcome.

23 MS. ALLISON TUPPER: Good afternoon,  
24 Task Force members. Thank you for this

2           opportunity to speak. I have two points to make.  
3           I'm going to try to make my remarks shorter than  
4           I had planned because--and just to reiterate what  
5           some prior testifiers have said. Of course, you  
6           are now the Constitutionally charged body to come  
7           up with the new redistricting, and we thank you  
8           for these hearings and for all the work that you  
9           have been doing, we're glad that you have been  
10          doing. At this same time--

11                   MR. MCENENY: Ms. Tupper, excuse me,  
12                   would you pull the microphone just a little  
13                   closer to you? Thank you.

14                   MS. TUPPER: Okay. We are glad that you  
15                   have this process well underway, and that you are  
16                   having these hearings. At the same time, you are  
17                   in a conflict of interest position, so I'm also  
18                   going to make the case for an independent  
19                   commission.

20                           First, non-partisan criteria. As has  
21                           been said, we want the voters to choose their  
22                           representatives, not the other way around.  
23                           Ultimately, we're going to need a Constitutional  
24                           amendment, but that can wait until 2013. We want

2 the criteria to be clear and to be published,  
3 and, of course, they're going to comply with the  
4 Constitution and laws and the United States  
5 Supreme Court decisions. We want Districts to be  
6 contiguous and compact without small peninsulas  
7 or bays, and we want them--and we want them to  
8 keep communities together. By community, I mean  
9 racial and ethnic, I want to take into account  
10 income and racial and ethnic and language  
11 considerations. In the New York--in the cities,  
12 that means traditional neighborhoods. Outside  
13 the cities it means villages and townships and  
14 counties. I think, to the extent possible,  
15 Districts should vary from each other no more  
16 than 1--vary from the average no more than 1%.  
17 It's clear that that's not always going to be  
18 possible. I would suggest a maximum of 3%, but I  
19 do think there should be a clear maximum, and I  
20 think that 5% is too much. A 10% difference is  
21 huge. The word decimate means reduce by 10%, so  
22 just, in the history of our language, we consider  
23 10% to be huge. So we have to get it lower than  
24 that. Lines should be drawn without considering

2 party enrollment at all. I know that some people  
3 are saying that we should try to make them  
4 competitive with equal numbers of Democrats and  
5 Republicans. I think that that would be--I think  
6 that would be inconsistent with keeping  
7 communities of interest together, so I am against  
8 that. Another--and prison population should be  
9 counted where the prisoners live, not where  
10 they're imprisoned, consistent with New York  
11 State law. Another reason to be consistent with  
12 all of these criteria is that we don't want the  
13 Governor to veto this. We want the--we want it  
14 to work as drawn, and it looks as though you're  
15 going in that direction. I'm really very glad to  
16 hear that.

17 Second, the case for an independent  
18 commission. The current system puts this Task  
19 Force in an unavoidable conflict of interest  
20 situation. Of course, legislators want to be re-  
21 elected, and are loyal to their parties and their  
22 colleagues. But these are--but at the same time,  
23 we want independent criteria. These are  
24 contradictory demands, and historically, I'm

2           afraid to say, the party and the incumbents have  
3           had more weight than the representative  
4           democracy. The current system favors incumbents,  
5           but there are other reasons for incumbents to  
6           have a great advantage in elections. There are  
7           lots of other reasons. My guess is that a fair  
8           and honest non-incumbent related and non-party  
9           related redistricting would not change the  
10          legislature drastically. There might be a few  
11          changes, but it would essentially be the same  
12          body. The current system leaves substantial  
13          parts of our population under-represented, and  
14          one result of that is lower voter turnout,  
15          because too many prospective voters believe their  
16          votes don't count. I'm going to put in a word  
17          for having 61 Senate Districts, because it's an  
18          odd number, and because it would be more  
19          efficient, I would try to--I would rather try to  
20          work to get 33 Senators or 32 senators to vote my  
21          way than 35 Senators--than 34 or 35 Senators, and  
22          I think it should be odd numbered, if it's  
23          possible.

24                           I understand I'm make--in conclusion, I

2           understand I'm making two seemingly contradictory  
3           requests, but I'm making sure that if an  
4           independent commission is created, whether by the  
5           legislature or by the Governor, as others are  
6           suggesting, that I know this task force would  
7           make its work available to them, and that the  
8           procedure would continue. And I hope that we're  
9           going to have our new non-partisan district lines  
10          in good time for our 2012 elections. Thank you  
11          for your time.

12                   MR. MCENENY: Thank you. Did you give  
13                   us an address, or do you represent an  
14                   organization? Do we have it on the testimony?

15                   MS. TUPPER: Yes, I have submitted  
16                   testimony that has my address on it, yes.

17                   MR. MCENENY: Well, for the benefit of--

18                   MS. TUPPER: My name is Allison Tupper,  
19                   I live in New York City, at 526 West 46th Street.

20                   MR. MCENENY: Thank you. That's for the  
21                   benefit of the television camera behind me.

22                   MS. TUPPER: Yes.

23                   MR. MCENENY: Yes, Senator?

24                   MR. DILAN: Yes, you indicated that we

2           should have independent criteria. I've been  
3           calling for criteria of this panel, and that--or  
4           that we have procedures as to how--procedures or  
5           rules as to how we proceed. I don't know what--I  
6           understand what you mean by independent criteria,  
7           but I think that if we at least had criteria that  
8           the public could work from and advocate groups  
9           could work from, I think that would be a good  
10          beginning, so we could all participate in this  
11          process, and even rules as to how we proceed  
12          would be a good thing for us to do. So I think  
13          that's what you meant?

14                   MS. TUPPER: Yes.

15                   MR. DILAN: That we have an open and  
16          transparent--

17                   MS. TUPPER: Open and transparent and--

18                   MR. DILAN: --procedure, because we can  
19          repeat that all we want--

20                   MS. TUPPER: --objective criteria.

21                   MR. DILAN: --but if we don't have  
22          criterias to work with, I don't know how  
23          transparent we are.

24                   MS. TUPPER: Yes.

2 MR. DILAN: Okay, thank you.

3 MR. MCENENY: Thank you very much.

4 Ivonne Hanks?

5 IVONNE HANKS, COMMUNITY REPRESENTATIVE,  
6 LATINO VOICE: Good morning.

7 MR. MCENENY: Good morning. Good  
8 afternoon.

9 MS. HANKS: Good to see everybody in  
10 here. My name is Ivonne Hanks. I'm a little  
11 hoarse, my voice, so my names is Ivonne Hanks.  
12 Please allow me to express my gratitude and my  
13 appreciation for this opportunity to speak to  
14 you. I am here as a New York taxpayer  
15 constituent and an American Citizen. I am very  
16 proud to be able to participate in this  
17 Democratic process which allow me to lift the  
18 voice of the Latino community on this important  
19 issue, and I thank you.

20 As I am sure you are well aware, I won't  
21 repeat number because I know you will have access  
22 to that. In the past decade, the Latino  
23 population of New York State has grown  
24 substantially, and at a significantly greater

2 rate than the non-Latino population. It is no -  
3 - that the largest Latino group, Puerto Ricans,  
4 have a historically high voter participation.  
5 This population growth is having an impact in  
6 many areas, in modern education, health care  
7 services, jobs, and infrastructure. To most  
8 efficiently ensure that Latinos and all New  
9 Yorkers have an equal voice in addressing this  
10 many issues, one person, one vote is not only  
11 essential, but it's crucial to the future of New  
12 York State. And of the many issues where  
13 districting can address is inclusiveness.  
14 Democracy intends that elected officials should  
15 reflect the constituency they serve. This  
16 benefits all citizens regardless of race, origin,  
17 or ethnic identity. District lines should be  
18 drawn that will best represent this constituents'  
19 communities. Gerrymandering does not--does just  
20 the opposite. Only an independent redistricting  
21 commission can create district that the citizens  
22 of New York State can be confident truly  
23 accomplishes this. It is fair, it is democratic,  
24 and it's the right thing to do. Do you have any

2 questions? I thank you again.

3 MR. MCENENY: Thank you very much.

4 MS. HANKS: Thank you.

5 MR. MCENENY: Anne Pope. Anne Pope?

6 Bob Cohen?

7 BOB COHEN, POLICY DIRECTOR, CITIZEN

8 ACTION OF NEW YORK: Good afternoon Assemblyman  
9 McEneny and other members of the LATFOR. This  
10 may be the shortest testimony I've ever delivered  
11 before a legislative committee. I think it comes  
12 from the fact that, one is I'm #23, and two, some  
13 of the issues--the issues that I was going to  
14 speak about have been dealt with, and so I'm just  
15 going to make very, very brief remarks and submit  
16 some written testimony tomorrow. First of all,  
17 I'm Bob Cohen. I'm the policy director of  
18 Citizen Action of New York, which is an  
19 organization that advocates for racial, social,  
20 economic, and environmental justice. We have  
21 chapters in seven communities throughout the  
22 state, including here in the capital district.  
23 Our interest in this, obviously we have a  
24 concern, as do so many other organizations, with

2 fair and ethical Government, and open and  
3 transparent process in addressing the difficult  
4 task of drawing legislative districts. So I have  
5 really only two things I'd like to touch on very  
6 briefly, and I'm hoping to make one or two  
7 comments based on some of the discussions that  
8 happened earlier today. Citizen Action would  
9 like to join with the other non-profit  
10 organizations and others who have said today and  
11 at other hearings that we support an independent  
12 commission. I know that has met with some  
13 resistance or at least skepticism by the members  
14 up on the panel today, but I, you know, to say  
15 something maybe slightly different as has been  
16 said before, it's not only a practical issue of--  
17 I think it's important to remember that the  
18 legislature does have to come back anyway, so  
19 it's not really a case of, you know, even  
20 bringing the legislature back for a special  
21 session because at least it's publicly reported,  
22 the legislature has to deal with the PEF  
23 contract. Wearing my other hat as a healthcare  
24 activist, we hope that you'll act on the health

2 insurance exchange, and that seems to be the  
3 intention of both house and legislature. So, you  
4 know, there's not even the issue, frankly, that  
5 you can come back--that you'd have to come back  
6 just for this issue, and I would echo what other  
7 people have said, that it's not an issue of time,  
8 that there's time to do it.

9 I also want to say--respond, hopefully,  
10 to Assemblyman McEneny's comments about have  
11 these hearings been useful. I think the answer  
12 is clearly yes. I've learned a lot from just  
13 sitting here today, but I don't think, with all  
14 due respect, that that's the issue. You have a  
15 professional staff, there's expertise among  
16 legislators, obviously, enjoying legislative  
17 districts. But the issue is, is--and it's not  
18 even an issue of whether we think or the public  
19 thinks that you're going to vote fairly in the  
20 end in designing district lines. It's an issue  
21 of public perception, and I don't think it's  
22 anything original for me to say that, you know,  
23 the legislature, and as legislators generally are  
24 not always held in the highest regard, and I

2 think there are many principles of law that  
3 simply talk about the perception. And I'll just  
4 give one analogy that affects my organization  
5 directly. With the health insurance exchange,  
6 which has to be set up under the Affordable Care  
7 Act, the coalition that Citizen Action is a  
8 member of, Healthcare for All New York, came up  
9 with a position that said that nobody is directly  
10 impacted financially should serve on the exchange  
11 board. Well, quite frankly, Citizen Action, when  
12 we read the proposal by one of our coalition  
13 partners who started it, we didn't realize, at  
14 first, that this excluded us from potentially  
15 membership on the exchange board, because our  
16 501(c)(3) side public policy and education fund  
17 received a minimal amount of funding for consumer  
18 advice under the Affordable Care Act. So,  
19 although we weren't terribly happy about that, we  
20 instantly took the position of our coalition that  
21 we and other coalition partners, frankly, should  
22 be excluded from the board because of the  
23 perception issue. So I'd just like to move on,  
24 but just make that observation.

2                   On the second issue, I was prepared to  
3                   talk this morning about what Mr. McEneny  
4                   characterized as rumors that some members of  
5                   LATFOR, and it was also reported in the media,  
6                   were at least skeptical about following the  
7                   prison gerrymandering law, which Citizen Action  
8                   played a vital role in getting passed, in terms  
9                   of mobilizing people throughout the state, along  
10                  with other organizations. So I would like to  
11                  reiterate the importance from the perspective of  
12                  our organization that that law be followed, but I  
13                  was very happy to hear that members from both  
14                  sides of the aisle, including, I believe, Mr.  
15                  Oaks, who said he voted against the prison  
16                  gerrymandering law, or would have voted against  
17                  it, have indicated that your intention to follow  
18                  the law, and if so, that's great, we praise you  
19                  for that, and I appreciate that that issue has  
20                  been clarified in the context of these  
21                  proceedings. That's all I had to testify. I'd  
22                  be obviously to take any questions.

23                         MR. MCENENY: Thank you. The reason I  
24                         asked the question on the usefulness of these

2           hearings is that someone fairly prominent in the  
3           State made a comment to the press it was all a  
4           sham, and I thought that was very insulting to  
5           the people who come to completely public forums,  
6           and come up with some very sincere and very  
7           useful suggestions. I thought it essentially put  
8           down the people who came forward knowing, you  
9           know, time is wasting, we have to get ideas out  
10          there, we can't wait until everything is perfect  
11          from one person's point of view or another, and I  
12          thought that was unfair to those people. So I  
13          thought, if some of our good Government groups  
14          who are in fact drawing up plans, and many of  
15          them still advocating that we do this in a  
16          different way, that this is useful, and we can't  
17          stall it off until maybe somebody comes back and  
18          maybe they don't come back, that it was important  
19          to give people a very public outlet, and I was--  
20          and I know my fellow members here feel we were  
21          very much refreshed with the quality of the  
22          testimony of the individuals that have been  
23          coming forward so far and have signed up to come  
24          up for future meetings.

2 MR. COHEN: I totally agree, and again,  
3 the analogy, again, with the health benefits  
4 exchange is there, which is we don't have a  
5 board, I hope you will act on it. I'm not trying  
6 to get away from the topic of the hearing, but  
7 the professional staff that's been hired to  
8 address that with Federal grants is doing its  
9 work, and from our perspective, is doing an  
10 excellent job. So I would agree with that  
11 sentiment.

12 MR. NOZZOLIO: Will Citizen Action of  
13 New York, Mr. Cohen, be submitting any  
14 suggestions to the Task Force regarding lines of  
15 Assembly, Senate, or Congress?

16 MR. COHEN: I mean, I have to say,  
17 Assemblyman Nozzolio, I think--we don't have the  
18 expertise, I think, to do on that level as common  
19 clause has indicated, so just--we may have some  
20 general comments, but we don't have the capacity--  
21 --as far as I know, I will certainly check and  
22 correct this if I'm misspeaking, but I'm not  
23 aware that we have plans to do that.

24 MR. NOZZOLIO: Okay.

2 MR. COHEN: Thanks.

3 MR. MCENENY: Thank you very much.

4 LaDon Alamar? LaDon Alamar? Gene Rodriguez?

5 Gene Rodriguez? Carolyn--oh, Gene, you're here.

6 GENE RODRIGUEZ, COMMUNITY ADVOCATE: I  
7 said good morning to you this morning.

8 MR. MCENENY: I know, we spoke earlier,  
9 three hours ago. Sorry, Gene.

10 MR. RODRIGUEZ: And on that note, I'll  
11 have to say--I'll have to change good morning to  
12 good afternoon. Good afternoon Senator Nozzolio,  
13 Assemblyman McEneny, and the Task Force. I would  
14 like to thank you for giving me the opportunity  
15 to discuss with you today the impact of  
16 redistricting within the communities of color,  
17 and more specifically, the Latino community. It  
18 is throughout our history where the majority or  
19 the people in power have gone to great extent to  
20 hold onto that control. We know and it is  
21 documented that many Americans were denied their  
22 right to participate in a political process  
23 because of their race, income level, and  
24 education or cultural and language

2 characteristics. We would think that this is not  
3 present at this time, but we know better.  
4 Throughout this state, there are communities of  
5 interest that are not what they were 10 or 20  
6 years ago. Manufacturing companies have gone  
7 south, if not overseas. Persons that were born  
8 here are not fully protected of their rights.  
9 Policies are not conducive to ex-offenders  
10 accessibility to reintegrate into the political  
11 process. Disenfranchisement has become the major  
12 reason for these communities to fall through the  
13 cracks of political involvement. This lack of  
14 positive interaction is crucial if the mission of  
15 this task force is to get input from the  
16 communities. Throughout my professional  
17 experiences, this negative impact has transcended  
18 to our youth, especially to those in the  
19 economically challenged communities. I sit here  
20 today to say that I know you and your colleagues  
21 are fully aware of this situation. I can only  
22 hope that this process of redistricting takes  
23 into account those communities that have been  
24 neglected for decades, and the sense of mistrust

2           and apprehension is justified. We can no longer  
3           accept a practice of political or racial  
4           gerrymandering. We must remember that voting is  
5           a right, not a privilege. But I also want to  
6           include that if there is anything that I can do  
7           to make this a more all inclusive process, I am  
8           at your service. Again, I thank you for your  
9           time and for the opportunity to speak. I look  
10          forward to assisting this Task Force in enforcing  
11          the Voter Rights Act, and reaching its ultimate  
12          goal of the equality concept of one person, one  
13          vote. Thank you.

14                   MR. MCENENY: Thank you. Mr. Lopez?

15                   MR. LOPEZ: I just want to ask him a  
16          question. Gene, if you were going to submit a  
17          plan?

18                   MR. RODRIGUEZ: Yes.

19                   MR. LOPEZ: When?

20                   MR. RODRIGUEZ: Later on in the fall, as  
21          many of you may know, there is going to be a  
22          Latino upstate summit where a lot of the  
23          compilation of information will probably be  
24          prepared for that time. Obviously there are

2 steps to be taken so we will notify the  
3 Commission on our progress, and hopefully, as you  
4 all know, you are all welcome to attend that --  
5 at Utica. I think it's October 21st.

6 MR. LOPEZ: When is that?

7 MR. RODRIGUEZ: October 21st.

8 MR. LOPEZ: October 24th?

9 MR. RODRIGUEZ: Up in Utica.

10 MR. LOPEZ: Thank you.

11 MR. RODRIGUEZ: Thank you.

12 MR. NOZZOLIO: Senator Dilan?

13 MR. DILAN: Yes. You're listed as a  
14 community advocate. Do you represent any  
15 particular organization or group?

16 MR. RODRIGUEZ: Not at this time. I  
17 have another hat, but that would be inappropriate  
18 at this time.

19 MR. DILAN: So right now you're acting  
20 as an independent individual?

21 MR. RODRIGUEZ: I would say I'm  
22 dependent on the progress and the successability  
23 of my community that I serve.

24 MR. DILAN: And you just made reference

2 to some future meeting. What is that about?

3 MR. RODRIGUEZ: The Latino Upstate  
4 Summit is an annual event. Last year it was held  
5 here in Albany, the year before in Syracuse. So  
6 what we do is--it's usually the I-90 New York  
7 State thru-way. The cities from Buffalo,  
8 Rochester, Utica, Syracuse, Amsterdam, Albany.  
9 So the community-based organizations get together  
10 to promote certain agenda that may positively or  
11 negatively affect the Latino community throughout  
12 New York State.

13 MR. DILAN: All right, thank you.

14 MR. RODRIGUEZ: Thank you.

15 MR. DILAN: Thank you. Any other  
16 questions?

17 MR. MCENENY: I should point out,  
18 Senator, that Mr. Rodriguez is well known as a  
19 very effective community advocate in a number of  
20 areas.

21 MR. RODRIGUEZ: Thank you.

22 MR. MCENENY: Thank you so much.

23 MR. DILAN: Pleasure to meet you.

24 MR. RODRIGUEZ: Thank you, it's a

2 pleasure.

3 MR. MCENENY: Ana Lorena Diana?

4 ANA LORENA DIANA, VICE PRESIDENT,  
5 HISPANIC COALITION, BOARD MEMBER CENTRO CIVICO OF  
6 AMSTERDAM: Good afternoon. I will be brief. To  
7 all members of New York State Legislative Task  
8 Force on Demographic Research and  
9 Reapportionment, my name is Ana Lorena Diana. I  
10 am here today as the Vice President of Hispanic  
11 Coalition, New York, and also a board member of  
12 Centro Civico of Amsterdam. For the last 18  
13 years I've been a resident of Montgomery County  
14 and Amsterdam, New York resident, and I've been  
15 seeing, I've been a witness of all the changes in  
16 our community that affect and also reflects who  
17 we are as a member of this beautiful fabric of  
18 our society. Historically, after every decennial  
19 census, we have been seeing all the changes in  
20 the redistricting, and many concerns have been  
21 taking place today about all the different venues  
22 that--or much rather the honesty, the fairness of  
23 the process. I am confident about your--I am  
24 confident about what you are going to do, but as

2 a member of a Latino, I truly want to express my  
3 concern that Latinos, we are members of many  
4 different counties and countries--much rather  
5 countries, that we speak one language, but we  
6 also are integrated into an American dream. And  
7 be part of the process, counting us as part of  
8 the process is make us aware of our  
9 responsibilities and duties as American citizens.  
10 According with the data that all of you are  
11 aware, and I am very glad that finally, finally  
12 we are taking some census number into  
13 considerations, the increment of Latino  
14 population has been not only in the place where I  
15 live, you can see many professionals, according  
16 with the census release, in counties considered  
17 white professionals, as Saratoga County. So that  
18 means that Latino, we reflect different  
19 backgrounds and different - - , not only in  
20 professional, but as well as in the economical.

21 So I am standing here today, much rather  
22 as a citizen, to urge all of you for a fair and  
23 transparency redistricting process. I am  
24 confident of that, but I wanted to make sure that

2 a little part of our voice is heard today. And I  
3 am thank you to all of you for your  
4 consideration. Thank you very much.

5 MR. NOZZOLIO: Thank you for that.  
6 Thank you.

7 MR. MCENENY: Thank you for coming.

8 MS. DIANA: Appreciate it.

9 MR. MCENENY: Guiermo Martinez? Guiermo  
10 Martinez? Paul Weidner?

11 PAUL WEIDNER, ACT NOW: Thank you for  
12 hearing me. My name is Paul Weidner. I live in  
13 New York City, and with your permission, I'm  
14 going to be a lot less specific than most of the  
15 testimony today, but I'm also going to be a lot  
16 briefer. I worked several years in developing  
17 countries, so-called developing democracies, and  
18 I had a chance to see some elections that were  
19 taking place there, and in which a winner would  
20 come out with a 98.8% majority of the vote. And  
21 everyone would say, "How wonderful, what unity we  
22 have here." Actually, the wonder was that he  
23 didn't get 100% of the vote, because his name was  
24 the only one on the ballot. It wasn't a real

2 election. So I have come to appreciate all the  
3 more the fact that here in the United States, we  
4 have real elections, the simple act of me casting  
5 a vote where it will count. The actual process,  
6 of course, is what's crucial, and the devil is in  
7 the details: voter registration, getting your  
8 name on the ballot where it's appropriate, the  
9 proper running of polling stations on the day,  
10 all of those details being run in a non-partisan  
11 management of the entire election process. And  
12 needless to say, that includes the way we  
13 constitute our voting districts. So it doesn't  
14 seem unreasonable, then, in this case, and with  
15 all respect for you and the work that you are  
16 doing and have done, to support Rachel Fauss in  
17 her call from Citizen Union for a special session  
18 to address and work for the old cause of  
19 redistricting reform by a strictly independent,  
20 non-partisan body, in an effort to get another  
21 piece of the puzzle, another detail that much  
22 realer in our election process. Thank you.

23 MR. MCENENY: Thank you very much.

24 MR. WEIDNER: Thank you.

2 MR. MCENENY: Jackson Chin?

3 JACKSON CHIN, LATINO JUSTICE PRLDEF:

4 Good afternoon LATFOR members. My name is  
5 Jackson Chin. I have some prepared testimony  
6 that I submitted to the Committee, and I will  
7 amend some of my comments. But first of all,  
8 thank you for holding these hearings. They're  
9 very important, and I believe that since  
10 attending this morning, I have learned many  
11 things, and I am very happy to hear that you will  
12 be having additional hearings for the post-  
13 release maps that this LATFOR body will apply  
14 for. And I think that it is important that the  
15 public know about it, 'cause otherwise we just  
16 learned about it today.

17 I wanted to say that my name is Jackson  
18 Chin, I'm senior counsel at Latino Justice  
19 PRLDEF. PRLDEF, formerly Puerto Rican Legal  
20 Defense and Education Fund, which is an  
21 independent, non-profit, non-partisan civil  
22 rights impact litigation and advocacy  
23 organization. Our mission is to promote the  
24 civic participation of Latinos in the United

2 States, and to promote equal protection under the  
3 law. Now, for the past three decennial recycles-  
4 -districting cycles, Latino Justice has worked  
5 with communities to defend the civil and voting  
6 rights of the Latino community. We have filed  
7 litigation in some cases to challenge  
8 redistricting plans which violated the rights of  
9 the Latino community.

10 I come here today to respectfully talk  
11 about two important points. The first matter is  
12 that we believe that, in terms of the  
13 Congressional plans that you will be drawing, we  
14 urge that the core Latino Congressional Districts  
15 be preserved, and I understand that in the cycle  
16 you will be required to eliminate two  
17 Congressional Districts. Some speculate one  
18 district eliminated from the downstate area, and  
19 the other from the upstate area. But  
20 recognizing, incontrovertibly, that the growth of  
21 the Latino population in this state has been very  
22 substantial and significant over the last ten  
23 years, we feel that we must preserve the four  
24 Latino core Congressional Districts, which are in

2 the five counties of New York City, and those  
3 four Congressional Districts are minority--I'm  
4 sorry majority minority and plurality Latino  
5 population districts. They are currently the  
6 districts held by Congressman Jose Serrano in the  
7 Bronx, Nydia Velasquez in Brooklyn and Manhattan,  
8 Charlie Wrangle in Central Harlem, and Joseph  
9 Crowley in Queens and the Bronx.

10 We at Latino Justice have looked at data  
11 and analyzed various mapping options. We believe  
12 that eliminating the Ninth Congressional  
13 District, once held by Congressman Andrew Weiner,  
14 offers LATFOR the flexible and solid path in  
15 satisfying a number of important redistricting  
16 objectives in 2011. The diverse populations  
17 within the Ninth Congressional District, we  
18 believe, can be readily absorbed into the  
19 surrounding Congressional Districts, and as we  
20 all know, in this round, we need to add  
21 population to all of our Congressional Districts  
22 so that they amount to the new equal population  
23 district size of 717,707 individuals.

24 I think the Ninth CD option is also

2 going to be very useful in your needing to  
3 satisfy a number of legal objectives. We believe  
4 that these objectives are that the Ninth CD  
5 option can preserve existing Latino and black  
6 Congressional Districts, which would avoid  
7 dilution claims. This opportunity to avoid truly  
8 disruptive, and some other options may be even  
9 more disruptive, but this seems to be the best  
10 way to preserve many of the downstate districts.  
11 And then we also avoid the risk of retrogression  
12 in Latino and black Congressional Districts,  
13 which are covered under the Voting Rights Act  
14 Section 5 counties. They fall within these  
15 Section 5 counties.

16 Now, the Ninth Congressional District  
17 can easily support the adjoining Velasquez and  
18 Crowley districts, as they have all seen  
19 expansions in growth in the Latino populations.  
20 The Congressional District that Mr. Crowley  
21 currently has in Queens and the Bronx is covered  
22 under the Voting Rights Act, Section 5. We have  
23 seen large increases of Latinos during the decade  
24 and in his district. We expect that that

2 district would grow into a minority majority  
3 district in the coming decade. Similarly, in the  
4 Velasquez Congressional District, which straddles  
5 the two Section 5 counties, some minor  
6 adjustments to her district could be done with  
7 relative efficacy, by keeping intact within her  
8 district the two Asian communities of Manhattan's  
9 China Town and Sunset Park, as well as the Latino  
10 communities found within the lower East Side, and  
11 Sunset Park and other parts of Kings County.

12 So we also feel that this option would  
13 enable us to shore up additional Congressional  
14 Districts, also protected under the Voting Rights  
15 Act, Section 5. Those are the Sixth  
16 Congressional District, currently held by  
17 Congressman Meeks, the Tenth Congressional  
18 District, currently Congressman Towns, and the  
19 Eleventh Congressional District, which is  
20 Congresswoman Clarke's district. So these will  
21 ensure that the maps for the Congressional  
22 downstate areas would comply with the Voting  
23 Rights Act.

24 We will intend to submit maps,

2 Congressional as well as the State legislative  
3 maps at some future point, but we wanted to make  
4 sure you heard our suggestions about the  
5 Congressional map, and concerns that the Latino  
6 communities have in ensuring that they do not  
7 become split up, that they are compact, and they  
8 are preserved in the best way that we see  
9 possible.

10 The second issue that I came prepared to  
11 talk about, before I heard the announcement that  
12 the Committee intended to follow the law that was  
13 passed to address prison gerrymandering,  
14 something called Part 20, I'm heartened to know  
15 that that is indeed what this Committee intends  
16 to do. I was certainly about to, as you'll see  
17 in my submitted testimony, lambaste the Committee  
18 for failing to follow the law and to neglect its  
19 duty as it proceeds to state under this  
20 redistricting process, but I see--I would also  
21 urge that I think the idea of having a resolution  
22 or some sort of commitment to using geo-coding  
23 data that the Department of Corrections will  
24 supply to you as required under the law, I think

2 that is important. As you may know, Latino  
3 Justice and six other civil rights organizations  
4 ran to State Court to attempt to seek the  
5 compliance of LATFOR in following the  
6 requirements of Part 20, and so I'm encouraged to  
7 hear that this is what this committee says it  
8 will do. I think from the vantage point of the  
9 Latino community, the prison gerrymandering  
10 problem has been a very--has been very impactful  
11 in a very adverse way to the political rights of  
12 Latinos over the last three decades, and with the  
13 waging of the war on drugs, and the Rockefeller  
14 drug laws, the communities of color and low  
15 income individuals have been--have suffered  
16 tremendously. And I think, with Part 20, we  
17 start to address the political issues that have  
18 hindered the democratic rights of these  
19 communities. And so, again, Part 20 is a very  
20 critical law that was passed last year to deal  
21 with the problem of prison gerrymandering and  
22 have--and people who are incarcerated are not  
23 being counted from the pre-incarceration  
24 districts and addresses that they came from.

2           I think the other comment that I would  
3           make is simply that, you know, the Latino  
4           population currently makes up 18% of the State's  
5           residents, and accounts for about 25% of the  
6           State population--prison population, so it is a  
7           very important matter that Part 20 of the law is  
8           complied with by LATFOR in its efforts to do the  
9           state redistricting. So anyway, I want to just  
10          say thank you, and we look forward to presenting  
11          our maps at future hearings, and we would proffer  
12          our assistance in any way to help this body in  
13          its obligations to create fair maps.

14                 MR. MCENENY: Thank you. Will you be  
15                 submitting maps?

16                 MR. CHIN: Yes, we will be submitting  
17                 maps. I don't have a particular date, but we are  
18                 working on them.

19                 MR. MCENENY: Will you do it for the  
20                 whole state or just up - -

21                 MR. CHIN: We intend to have, yes, maps  
22                 for the whole state as well as Congressional  
23                 districting.

24                 MR. MCENENY: Very good. Members?

2 Thank you very much.

3 MR. CHIN: Thank you very much.

4 MR. MCENENY: Ramon Velasquez?

5 RAMON VELASQUEZ, LOCAL CITIZEN: Hi. My  
6 name is Ramon Velasquez. I'm here from - - New  
7 York. You see I have nothing written. The  
8 reason I'm here is to tell you I was a product,  
9 for 17 years, I was counted as an inmate in the  
10 Wyoming County, okay. I never knew that I was  
11 being counted as an inmate at Wyoming County, but  
12 really I'm from Brooklyn, and I never knew that,  
13 that I was counted. So we originally - - New  
14 York came here to disrupt this whole thing, but  
15 we find out--as we come in here we find out that  
16 you guys are going to count through the county,  
17 and we appreciate what you guys are going to do.  
18 You know, it's not right that we'd be counted at-  
19 -myself, as a Wyoming County inmate, when I'm  
20 from Brooklyn, being used for political purpose  
21 up there, you know. And I appreciate that you  
22 guys are going to count the inmates up there now  
23 from where they come from. So we're here to say  
24 we appreciate that it's going to be done. With

2           that, I'm done.

3                   MR. MCENENY: Thank you very much.

4                   MR. VELASQUEZ: You're welcome.

5                   MR. MCENENY: James Hong?

6                   JAMES HONG, CITIZEN, QUEENS, NEW YORK:

7           Good afternoon, members of the Commission. My  
8           name is James Hong, and I am a resident of Queens  
9           in New York City, and I am just here as an  
10          individual. I just want to make a quick comment  
11          on the time that these hearings are held  
12          throughout the state. 10 a.m. on weekday  
13          mornings are not really conducive to public  
14          participation. Senator Nozzolio, you mentioned  
15          that your goal was to have as an open and  
16          transparent process as possible, but openness  
17          means accessibility and I don't think the time of  
18          these hearings are really helpful in that regard.  
19          And being from Queens, I note that the Queens  
20          hearing is on September 8th, and--I'm sorry, the  
21          7th, and that is the day before public school  
22          begins for all New York City. That is a very bad  
23          time for people to be attending any hearing. I  
24          think it's going to be a very hectic time in the

2 City for many, many families, so I think those  
3 two converging, for Queens, that is an especially  
4 bad timing. So if you can, I would ask you to  
5 consider rescheduling those hearings--or that  
6 hearing, and all the hearings subsequent to this  
7 one, to be in the evenings or on the weekends, so  
8 the public can truly participate. That's all  
9 really I wanted to say. And I think the 2.2  
10 million residents of Queens would be delighted.  
11 Thanks.

12 MR. MCENENY: Thank you very much.  
13 Members? All right, we're going to go through  
14 the list again. People I know, a couple of them  
15 have come in. Let's start with Aaron Mair.

16 AARON MAIR, ARBOR HILL ENVIRONMENTAL  
17 JUSTICE: Ladies and gentlemen of the Committee,  
18 I want to thank you for your indulgence and your  
19 time, and I got bound up this morning, part of a  
20 reapportionment litigation lawsuit here in Albany  
21 County. It began yesterday; we're seeking  
22 injunctions. This is the third time. We  
23 anticipate--again, there's no certainty, but we  
24 anticipate we shall prevail. The facts are still

2           the same. And I want to talk a little bit about  
3           that, as well as the broader considerations,  
4           because while all politics are local, just like  
5           the Governor's offices and the State houses  
6           determine who is going to be present, and they  
7           count those State houses when we talk about the  
8           present national elections, it is the local  
9           elections at the counties, it's the county  
10          executives that determine the Assemblymen, the  
11          Senators, and the Congressmen. And it is the  
12          climate at the local levels that ultimately drive  
13          and shape this process which then shapes our  
14          State house, and so on and so forth. So the  
15          lawsuit that I was tied up yesterday is  
16          indicative at the grass--the real grassroots  
17          level where the citizen is actually at of our  
18          experiences, the considerations, and this is even  
19          before we start to get into the considerations  
20          that this legislative task force has to deal  
21          with. I understand and I am aware that there are  
22          other proposals of independent commissions.  
23          Again, if we were to look at climate levels, you  
24          have the higher atmosphere, you have a prevailing

2 wind, a jet stream, and you have what's the  
3 climate at the local level. And before we start  
4 even considering the bigger disenfranchisements,  
5 we have to start tackling and addressing the  
6 local ones, or at least be aware that in how they  
7 play out in shaping this body, which ultimately  
8 shapes our Congressional and our gubernatory  
9 body. So it is quite important. And my notes--  
10 by the way, I apologize, I submitted only five  
11 because of the hearing and the lawsuit, I was  
12 tied up all day, so the time to get to Kinko's,  
13 it was enough to run there, print those out and  
14 at least get some of those, in a much more  
15 detailed one I will leave with the Commission  
16 which has, actually, a copy of our memorandum of  
17 law, which I want entered into the record,  
18 because that detailed memorandum of law is  
19 telling about some of the tactics and strategies  
20 that counties and local municipalities engage in  
21 to systematically disenfranchise and disempower  
22 and play off ethnic minorities off one another.  
23 And let's be crystal clear. It is about power.  
24 And the most important piece of literacy that any

2 citizen, any American can have, our power to  
3 enfranchise the citizen, is understanding the  
4 most fundamental element, which is  
5 reapportionment, which is for two purposes. Most  
6 people don't know this. I gave a talk  
7 approximately a month ago before a bunch of  
8 attorneys and asked him why do we have  
9 apportionment, and many of them pointed  
10 immediately to representation. That is only 50%  
11 of the answer. The other half of it is revenue,  
12 and that should jar you, because that's what  
13 we're dealing with at the national level.  
14 Revenue is a piece of this as well as  
15 representation, the issue of taxation and  
16 representation. So, in other words, we do this  
17 with the anticipation of not only yielding up  
18 revenue for our national or state and local  
19 operations, but we also yielded up, so we can  
20 have effective voices to re-present--again,  
21 represent is the word, re-present, so you're re-  
22 presenting the ideas and the concerns at the  
23 local level. And it is deeply disconcerting when  
24 we find newcomers or those who have been

2 systematic--what I call the forced nations.  
3 It's' the first nations, Native Americans, the  
4 forced nations, those who are slaves, whether you  
5 landed in the Caribbean, Latin America, America,  
6 you are a part of the forced nations. There's a  
7 systematic effort to keep these peoples in their  
8 place, to disenfranchise them and come as a wedge  
9 between them and their power. This is what we  
10 are experiencing here in the county. And this is  
11 important, because it takes the form of  
12 patronage, jobs. These things are very critical  
13 inducements, and these go right to the core of  
14 power. So when you talk about a fair  
15 reapportionment process, it is important that you  
16 look at what's happening right now. We're  
17 talking about the work that's gone--the  
18 reapportionment that's happening right now. The  
19 agendas relative to reapportionment are being set  
20 right now. We are a society--one of the  
21 beautiful things about our democracy, again,  
22 without all those papers, is factions. So those  
23 factions are being set right now. And  
24 understand, all politics are local. A lot people

2           there--everything's immediate, but they don't  
3           really connect the dots on--especially in the  
4           case of minorities, Hispanics and African-  
5           Americans in particular, and I think one of the  
6           interesting playouts, when we talked about the  
7           Pedro Spada incident relative to the Senate and  
8           that struggle, 'cause when new arguments came up,  
9           blacks don't respect Latinos, Latinos don't  
10          respect blacks, and this was the ritual division  
11          from the same people, 'cause ethnically they're  
12          all African descendants. The question is where  
13          they fell at and what's the linguistic stripe  
14          that divides them. The language is not enough,  
15          it is the experience. It is what we fought for  
16          in civil rights with Dr. King, et cetera, and the  
17          long litany of civil rights heroes. And civil  
18          rights are not black rights, civil rights are not  
19          Hispanic rights. Civil rights is basically us  
20          getting down to a common denominator of equality  
21          in citizen. And if you can understand that  
22          citizen's right, then you transcend a lot of the  
23          things that divide you and you come together and  
24          you build coalitions that are effective. My big

2 concern, and we've just talked a little bit about  
3 the Congressional seat, and one's got to  
4 disappear upstate and one's got to disappear  
5 downstate, and we have to protect turf or  
6 existing--my point is, that is not what you want  
7 to look at. Again, going back to my county  
8 example, going back to those county executives,  
9 those local examples, what you are there is to  
10 protect the rights of the citizens. You're there  
11 to protect the civil rights. It's not about the  
12 gangs of New York or the gangs of upstate, it is  
13 about the people. And so to the extent that this  
14 body can come up with a clear set of rules that  
15 a) educates the citizens about their rights and  
16 their franchise, and, more importantly, their  
17 power under reapportionment. This is the most  
18 significant power for any citizen, if they  
19 understand their power. And more importantly,  
20 that any of them have the right to draw our plan,  
21 and that every one of them have a right to submit  
22 that plan. And one of the most important tools  
23 that you can do is make sure that there are  
24 resources like they have down in Florida. They

2           actually have software that's online that people  
3           in communities can go and draw plans and try to  
4           come up with ideas on how their community--or how  
5           best to serve them, without necessarily having to  
6           be a member of somebody's Democratic club,  
7           Republican club, Hispanic club, African-American  
8           club, or any kind of club or whatever, because  
9           those things tend to revert or distort the real  
10          needs and the real concerns. But more  
11          importantly, they don't build, they divide. And  
12          if we are talking about true representation, and  
13          we look at it at the national level as it's  
14          playing out, meaning when we talk about the tea  
15          party, which is predominantly white, not all, but  
16          it is predominantly white, and anti-people of  
17          color. Now borrowing Glen Beckism, I think they  
18          don't like colored people. And I say that  
19          because the language is systematically cloaked  
20          and coated in such a way that it disempowers or  
21          comes up with legislative policies that  
22          disproportionately impact people of color and the  
23          poorer citizens. So to the extent that the  
24          reapportionment process brings together New

2           Yorkers of all stripes, and New Yorkers that are  
3           of minority - - so that they can understand  
4           their power, so they can effectively, at the  
5           local level, whether they're electing a county  
6           executive or electing a mayor, build that  
7           fundamental block so that they can build  
8           effective assembly and senate districts, which  
9           they can also no fair that these in Congressional  
10          districts, they will absolutely have a much more  
11          significant say with regard to the rights being  
12          stripped away.

13                   Right now is the most critical hour in  
14          this country. This reapportionment process this-  
15          -this point within the next couple of years  
16          across this country is going to shape the power  
17          of rich America versus poor America, and how they  
18          use and exploit and stratify their dominant  
19          group, 'cause again, what happens with the  
20          elites, they buy the poor, they tell them that  
21          the minorities are coming, this is where your tea  
22          party backlash comes up. It is we are taking it  
23          from them, which is not true. It is a revenue--  
24          going back to the original intent of

2           apportionment, it is a revenue problem when at  
3           the national level our Congressional delegates  
4           collapse the revenue uptaking stream, it's less  
5           resources down. As these resources become much  
6           more scarce, political coalitions at the local  
7           level and at the county level become even that  
8           much more acute and sensitive. We talk about the  
9           butterfly effect, the power at a local level to  
10          have an asymmetric response due to what we  
11          perceive is a simple action, and these are very,  
12          very, very critical times. So paying attention  
13          to the litigation that we have in the Albany  
14          County in particular, I won't bore you with the  
15          details, but this is the third time in 30 years  
16          that I had to prove that I'm in there, 'cause  
17          under their definition by which they apportion  
18          and created majority minority districts,  
19          President Obama is not black, under their rule.  
20          I, because I self-identified as two-race black--  
21          Jack knows my family history and knows it quite  
22          well, I have three. And my daughters from--my  
23          ex-wife is from Columbia, South America. By the  
24          way, the two first Hispanic sisters attend West

2 Point, already combat veterans, 3227 and also out  
3 at Fort Jackson. They were not considered black,  
4 okay. And then on top of that, even though with  
5 historic redlining and discrimination and a lack  
6 of access to decent housing, education and  
7 credit, they said that the black and Hispanic  
8 community, basically the blacks who speak English  
9 and blacks who speak Spanish, Portuguese or  
10 whatever, or black and Asian, we do not have a  
11 shared history, even though the common history of  
12 slavery is very apparent and very clear. So all  
13 these denial factors are designed to  
14 delegitimize, to fragment--we call it crack--  
15 groups, fracture groups, and divide. Now, some  
16 of our folks, for political and advantage and  
17 economical opportunity will exploit that. We  
18 have the Clarence Thomases of the world, and  
19 that's okay, it happens. Or the Malenches of the  
20 world. Okay, it happens. Some people  
21 internalize - - and do interesting things. But  
22 the consequence of it is at the local level it  
23 exacerbates the systematic discrimination that  
24 comes in the form of malapportioned plans that

2 under-represent and systematically decennial  
3 census, at the decennial census, to  
4 disenfranchise people of color. Again, this was  
5 the third decennial census lawsuit in Albany  
6 County in which we had to prove we are people of  
7 color. Now, just the quicker slide and I'll be  
8 done. I say Albany County 'cause Albany County  
9 is very significant in American history. It is  
10 the place in which the Emery family, Albany  
11 Agriculture Works, Jack knows about this. They  
12 are the equivalent of IBM versus the transistor  
13 radio, the IBM mainframe versus the transistor--  
14 what they did to the cotton gin, they created the  
15 condenser and automate--they're the ones that  
16 revolutionized the actual process of cotton,  
17 which basically intensified and made slavery  
18 profitable. They patented it in 1850 and it came  
19 from here. They also are the founding bedrock,  
20 or - - according to first, of the copperhead  
21 movement. These were basically pro-southern  
22 anti-union empathized with the Confederate states  
23 or those who were seeking disunion. That party,  
24 or descendants of folks that are tied to that

2 culture, are still in action today. We had  
3 Rasmus Corning, who was one of the longest  
4 tenured mayors--and we're only two mayors out  
5 from him. But that culture and the attitude and  
6 the lack of sensitivity and the disrespect that  
7 goes right back to the antebellum slave period,  
8 is still pervasive. And that war, the Civil War,  
9 we're 150th anniversary, we're still fighting the  
10 civil war in Albany County. It is serious. I  
11 understand folks are coming, recent immigrants,  
12 and they're not--this sounds boring to them, but  
13 the most elemental enterprise of our citizenry  
14 goes right to the Constitutional interpretation  
15 of what is a citizen, what is a human being, and  
16 most importantly, fair representation.

17 I will give you the details of the suit.  
18 You will see the details. I have two pages of  
19 what they did and how they concern--and how our  
20 population has grown. The main point in takeaway  
21 for my African brothers and sisters of Spanish  
22 and Portuguese descent, is that there's a bigger  
23 fight. And the local houses, the counties, the  
24 mayors, are very important in determining the

2           Assembly Districts and the Congressional  
3           Districts. It's not enough to say one  
4           Congressional District upstate and one downstate  
5           must disappear. The way it's been done, the area  
6           with the most significant decline of population  
7           loses. So if it means that two people upstate  
8           disappeared, the two people upstate disappeared.  
9           If the area of the state where they've increased  
10          is the metropolitan area, Westchester area, then  
11          they should be increasing by two. This is not an  
12          issue of fairness. It's always amazing as our--  
13          the poor, the working class, start to ascend.  
14          All of a sudden these rules of liberal democracy  
15          start popping out. Remember, before the Senate  
16          was taken back to the Republican majority, before  
17          they were talking about a fair reapportionment  
18          process, now all of a sudden they're silent. But  
19          again, I don't mean to sound partisan, but these  
20          things are tied to very old policies and very old  
21          traditions.

22                    I thank you for your time. Please  
23                    consider what's happening local. Please look at  
24                    these definitions. Please learn from these

2 mistakes that are clearly going on before they're  
3 amplified amongst yourselves. Reach across the  
4 lines, help and support one another, and again,  
5 thank you for your time.

6 MR. MCENENY: Thank you. I'm going to  
7 wait until you go back to your seat before I get  
8 on the history thing. The first, Rasmus Corning  
9 was a big-time abolitionist, and when Vanderbilt  
10 finally dumped him from New York's Central  
11 Railroad labor--organized labor gave him a  
12 torchline parade. So saying anti-labor, he's  
13 also a champion of immigrant rights, so I would  
14 just correct that since we're on TV. Continuing  
15 down, Judith Brink? Judith Brink? Corey Ellis?  
16 Corey Ellis? Brian Paul, Common Cause? Barbara  
17 Bartoletti?

18 BARBARA BARTOLETTI, LEGISLATIVE  
19 DIRECTOR, LEAGUE OF WOMEN VOTERS, NEW YORK STATE:  
20 Good afternoon, and I don't really cherish having  
21 to follow that. That was an academic lesson, and  
22 so much more. But I made the mistake earlier  
23 today of going to the ladies room, and when I  
24 came back--so here I am. And I'd like to say now

2 good afternoon to Senator Nozzolio, Senator  
3 Dilan, Assemblyman McEneny, Assemblyman Oaks, and  
4 the rest of the Task Force members. My name is  
5 Barbara Bartoletti, and I am the legislative  
6 director for the League of Woman Voters--whoops,  
7 is this on yet, still? Can you hear me? Okay.  
8 I am the legislative director for the New York  
9 State League of Woman Voters.

10 The League is a non-partisan, as you  
11 know, organization which encourages informed and  
12 active involvement in Government, and influences  
13 public policy through education and advocacy.  
14 For this current redistricting cycle, we are also  
15 members of a statewide coalition, dedicated to  
16 reforming New York's redistricting process. It's  
17 called Reshape New York, and it consists of 35  
18 organizations, including civic groups, issue  
19 advocacy groups, unions, and business  
20 organizations. The league, as all of you sitting  
21 up there, especially my friend, Roman Hedges, are  
22 aware, the League is not a newcomer to this  
23 subject. Since 1966, we have proposed guidelines  
24 for redistricting. In the 1970s, we organized

2           the Committee for Fair Representation, and in  
3           1982 we wrote model legislation that was  
4           introduced in both the Assembly and the Senate.  
5           We sat at a similar hearing ten years ago, and  
6           here we are again today. I will tell you with  
7           some amount of assurances that I will not be  
8           sitting here ten years from now doing this.  
9           Hopefully, hopefully the people involved in the  
10          ability to change the redistricting process will  
11          have done their work in the intervening ten  
12          years. We'd like to see it done this year, but  
13          certainly I hope that none of us are sitting here  
14          ten years from now still doing redistricting in  
15          the same way we are doing it now.

16                   Behind the League's position on  
17          reapportionment is a conviction that a population  
18          standard is the most equitable way of assuring  
19          that each vote is of equal value in a Democratic  
20          and representative system of Government. The  
21          term "substantially", used in the U.S. Supreme  
22          Court decisions, also allows State Legislature  
23          adequate leeway to provide for any necessary  
24          local diversity and to protect minority

2 representation. The League has a longstanding  
3 support position on the Voting Rights Act of  
4 1965, so I think--and I think all of you are  
5 very, very much aware of that.

6 Over the past year, and I think this is  
7 where the League really has had a great deal of  
8 impact, the League, including the State League,  
9 have organized community forums, educating the  
10 public on the issue surrounding redistricting in  
11 over 35 localities. Partly as a result of this  
12 effort, leagues around the State have become  
13 active and influential players in local  
14 redistricting efforts. The League was involved  
15 in creating independent redistricting commissions  
16 for county redistricting efforts in several  
17 counties, including our most prominent county,  
18 Suffolk County, where this happened a number of  
19 years ago and Suffolk County now does--has an  
20 independent commission for doing their local  
21 redistricting. Ulster County this year, and  
22 Tompkins County. In addition, I think also they  
23 just cleared one in Dutchess County. I think  
24 they've also just gone to an independent

2           redistricting commission. In addition, League  
3           members have also been asked to sit on these  
4           newly formed Commissions because of our non-  
5           partisan commitment. In Suffolk County, the  
6           redistricting commission, as I said, and  
7           association legislation, has become a model used  
8           by others around the state to create new  
9           procedures and independent commissions.

10                   While we appreciate the opportunity that  
11           today's hearing provides to comment on the  
12           redistricting process, we believe that New  
13           Yorkers have already spoken loud and clear on the  
14           drawing of district lines. The public wants an  
15           independent redistricting commission to draw the  
16           lines. They want them for legislative districts  
17           and Congressional districts, according to fair  
18           and objective criteria, while allowing for public  
19           input into the process. An independent  
20           commission drawing district lines would maintain  
21           the--would, I'm sorry, would maintain the  
22           political impasse created by putting partisan  
23           interests before the public's interest. I think  
24           we have talked a great deal today about changing

2           the Constitution in some way. There has been,  
3           you know, the 1% deviation issue and, by the way,  
4           we do support the Governor's program bill,  
5           allowing for a 1% deviation. We do understand  
6           the Constitutional problems with that, and what  
7           we would recommend is that once this--and we do  
8           think there is enough time do a non-partisan  
9           commission, but what we would recommend, and have  
10          been recommending in the middle of very decade  
11          since I have been legislative director, and that  
12          would be to come up with a very thoughtful  
13          constitutional amendment to do this so that we  
14          can have two passages, and put it on a--the  
15          ballot for the public. We did this in 1995. We  
16          did it again in 2005, and I will tell you, not to  
17          chastise any of you sitting up there  
18          individually, but I can tell you, the response we  
19          got every time we went in mid-decade to start  
20          trying to educate legislators about the need for  
21          a Constitutional convention, to clear a  
22          Constitutional amendment to clean this up--we  
23          also have had problems with the Constitutional  
24          convention--however, what we got, the same

2 response from both Senate and Assembly was, "Oh,  
3 please don't bother us now, that's down the road.  
4 We'll take time, we'll do this, it'll get done."  
5 It never does get done, and we know why that is,  
6 and I think if any of you were really--and Roman  
7 Hedges and I have talked about this for years and  
8 years and years, this is how you keep your powers  
9 in each of the houses. It is political  
10 incumbency protection, and certainly what you see  
11 not only here in New York, which I will tell you,  
12 after what happened in Washington this past week,  
13 I don't think anybody is going to call Albany the  
14 most dysfunctional legislature in the country any  
15 longer. It has now passed to Washington. But  
16 what we have found, and what I am very fearful  
17 for all of the citizens of this country in a  
18 representative democracy, is with continued  
19 political gerrymandering and letting the affects  
20 of this enter into the fringes of both political  
21 parties, what we will continue to see is this  
22 disinclination to do anything that is as the word  
23 in Washington was last week, compromise. It's  
24 because they know their seats are secure, you put

2 on top of that campaign finance, and the Citizens  
3 United decision, and you will continue to have  
4 the type of gridlock that will make us an  
5 embarrassment in the rest of the country. I know  
6 you can't do anything about Washington. We feel  
7 very frozen about being able to actually do  
8 anything to help the citizens of this country get  
9 beyond this issue and get back to some kind of  
10 good representation where the voices and the  
11 needs of the citizens of this country are better  
12 represented than are the needs of the  
13 politicians. We can do something about New York  
14 State, hopefully, and it is our hope that if you  
15 come back for a special session in what I'm told  
16 now is perhaps early October, you will consider  
17 passing the Governor's program bill. You will  
18 go, there is still time, you will go to an  
19 independent and let them take what you've already  
20 done and perhaps not impose the need to have the  
21 lines drawn to again, for another ten years,  
22 extend the political gerrymandering to keep the  
23 powers as they are. We also recognize that you  
24 are never going to have, and I think it was my

2           colleague, Blair Horner, so I will give Blair his  
3           due, who said years ago, "You are never going to  
4           have more--or in"--let's take upstate--"you have  
5           more cows upstate than--in some areas--than you  
6           do Democrats, and in the city, you have more  
7           lampposts than you do Republicans. You are never  
8           going to be able to make those districts truly  
9           competitive, but in--competition in this--in our  
10          democracy is that lifeblood of democracy, and if  
11          we don't at least give some opportunity for an  
12          exchange of ideas, with only the look of the same  
13          partisan over and over again, we are not going to  
14          have this dynamic democracy that we so have  
15          fought to protect over the last 250 odd years.  
16          So I would implore you, before it's too late,  
17          allow a special session, allow your work to be  
18          carried on by a non-partisan redistricting  
19          commission, and then, because we must address the  
20          constitutional issues that I'm--I know Jack talks  
21          about quite a bit, we will have to have a  
22          Constitutional amendment, but we can do it in a  
23          thoughtful way, we can look at the deviation--the  
24          population deviation, we can get Mr. Hedges'

2 political science expertise, and we can have a  
3 good constitutional amendment and put these  
4 matters to rest so that, never again, do people  
5 that will succeed me for the League of Woman  
6 Voters, do not have to keep doing this decade  
7 after decade after decade. So I thank you very  
8 much for sticking in there for a long time today,  
9 and I would entertain any questions you might  
10 have.

11 MR. MCENENY: Thank you, thank you, Ms.  
12 Bartoletti.

13 MR. NOZZOLIO: Thank you, Barbara, very  
14 much for your testimony. I have to point one  
15 thing out. I know you were quoting Blair Horner--  
16 -

17 MS. BARTOLETTI: He's moved on.

18 MR. NOZZOLIO: And I guess I really--I  
19 don't know where you're from, but I think to say  
20 that you've got more cows than competitive  
21 districts just simply belies the facts. In  
22 Utica, I'm just making some mental notes here, in  
23 Utica in the last four or five cycles, the  
24 Congressional District went from Republican to

2 Democrat to Republican. In Syracuse it went from  
3 Republican to Democrat to Republican. In the  
4 north country it went from Republican to  
5 Democrat. In the western part of the state, it  
6 went Republican to Republican, and other  
7 retirement, but Republican, and then a Democrat  
8 in the special election this year. The southern  
9 tier went from Republican to Democrat to  
10 Republican. I think that that's just a small  
11 example in about 60% of the geography of the  
12 state where there have been a great amount of  
13 competitiveness and turnover at the Congressional  
14 District level in particular, and not that I--I  
15 think that it's--I don't think you meant to leave  
16 the impression that those--I think you did leave  
17 the impression, frankly, that it was the  
18 Republican areas or the upstate areas were less  
19 competitive. I'd ask you to--that when you go  
20 home to look at the State, look at the urban  
21 areas of the state, and particularly the New York  
22 City area and see if that type of turnover which  
23 we saw in upstate, very significantly over the  
24 past decade, in fact, was not replicated in the

2 City regions and more urban areas of the  
3 downstate area in the state.

4 MS. BARTOLETTI: I think, then, what you  
5 do is make my point. If we--if there is no fear  
6 of incumbency protection as far as independent  
7 redistricting, and I agree with you, many of the  
8 seats in that part of the state do change  
9 depending on, perhaps, campaign finance, perhaps  
10 outside groups that are funding, perhaps seats  
11 that now--I know Bill Parment's seat, he retired,  
12 I think he could have had that seat for the next  
13 20 years if he'd want of it, so--but that became  
14 an open seat. I think there are very great  
15 extenuating circumstances that come in on top of  
16 the redistricting. However, if, indeed, what you  
17 say is true, then it should not matter whether an  
18 independent redistricting commission actually  
19 draws the lines rather than the politicians who,  
20 there is a public perception, you must admit,  
21 that the public perception is that legislators  
22 sitting on the redistricting commission do that  
23 to provide--draw these bizarrely shaped designer  
24 districts to protect their incumbency and their

2 house's incumbency, and therefore they're the  
3 power. And I would really--I don't think you can  
4 convince me that the election of 2010, and that  
5 itself had extenuating circumstances. My  
6 goodness, we went from being a terribly  
7 dysfunctional legislature, and I think the public  
8 heard that, and so that entered into the election  
9 of 2010. However, I would submit to you that  
10 nobody would seriously, if they looked at this as  
11 long as the League and the other good Government  
12 groups have looked at, could say that those  
13 districts are not drawn with the packing and the  
14 cracking and all of the things we know that go  
15 into drawing lines, would not say that they are  
16 drawn to protect as closely as possible the  
17 incumbents, and therefore retain the power in  
18 both the Assembly and the Senate. Now, what I  
19 was--what I think Blair was getting at, and I  
20 would not--never would speak for Blair, but I  
21 think what we were getting at is that you cannot  
22 always create competitive districts, but you  
23 can't just look at redistricting in isolation  
24 either. You must look at all the other variables

2           that are coming into our political system, that  
3           of the--I don't know what exactly we're calling  
4           them in campaign finance lingo these days, but  
5           the Citizens United group of folks that are  
6           coming in with their vast amounts of money,  
7           whether it's in the southern tier and it has to  
8           do with hydrofracting, or whether it's in New  
9           York City and it has to do with something else.  
10          So I think there are other variables, but I think  
11          never would you convince me or any of my other  
12          good government colleagues, that there isn't a  
13          better way to do this redistricting every ten  
14          years, and that is with an independent  
15          redistricting commission, taking the politics, as  
16          much as possible, out of the actual drawing of  
17          the lines. It might not change, I think one of  
18          the other speakers today--it might not change the  
19          way the lines are, much at all. But it would  
20          give the public the confidence that it was no  
21          longer a rigged system by people, politicians,  
22          legislators, who wanted to maintain their own  
23          power base. And I simply would say to you, for  
24          the good of this state's representation and the

2 nations' democracy, that we begin to look at the  
3 perception and we get back to having the voter  
4 confidence that we don't seem to have. As all of  
5 you know, and we can dispute the exact number,  
6 whether it's 30, 32 or 36% voter turnout this  
7 last election, we were 47th in the nation. It  
8 was abominable. People no longer think their  
9 voice is heard. They no longer think their vote  
10 counts. And when that happens, and I've worked  
11 in places in Central Asia where that's the case,  
12 people shut down, and what you then get is an - -  
13 . I don't think anybody sitting up there or  
14 anybody in the state wants us to go down that  
15 road.

16 MR. MCENENY: Thank you.

17 MS. BARTOLETTI: You're very welcome.

18 MR. MCENENY: Thank you very much.

19 Continuing on the list, Maritza Martinez? Latice  
20 Monique Walker? Anne Pope?

21 ANNE POPE, PRESIDENT, ALBANY BRANCH

22 NAACP: Good afternoon. My name is Anne Pope and  
23 I am currently the regional director for the  
24 Northeast Region of the NAACP, and the former

2           President of the Albany branch. Like Aaron, I am  
3           coming here from a Court hearing where I am the  
4           lead Plaintiff in a lawsuit against Albany County  
5           and their redistricting process regarding a fifth  
6           majority minority legislative district.

7           Unfortunately, this is the third time that we  
8           have had to sue the county to get what we  
9           deserved. I'm here today to testify on behalf of  
10          the NAACP and the community--the minority  
11          community, because our community is split between  
12          two Assemblymen, Assemblyman Jack McEneny, who  
13          sits as chair of this group, and Assemblyman Ron  
14          Canistrarie. And I believe that this is unfair  
15          to the minority community because it does dilute  
16          the minority vote. I also believe that it is out  
17          of compliance with the Voter Rights Act of 1965,  
18          and the Civil Rights Act of 1964. So I am going  
19          to briefly voice the concerns felt by the African  
20          American communities across our region and  
21          upstate New York.

22                   One of my heroes, the beloved American  
23          Statesman Frederick Douglas, said that power  
24          concedes nothing without a demand. It never has

2 and it never will. One--as he uttered those  
3 words a century and a half ago. So I'm here  
4 today to actually demand that this government  
5 body acknowledge the fact that there are huge  
6 minority communities across our state that want  
7 and need to have representation in government  
8 that looks like them. You and your staffs here  
9 all have the U.S. census numbers that validate  
10 this point. Of great concern is the current  
11 situation of the lack of minority members in the  
12 New York State legislature who are African-  
13 American or Latino, from areas north of  
14 Westchester County. Our communities constitute  
15 over 46% of the populations of the cities of  
16 Buffalo and Rochester, and over 30% of the City  
17 of Syracuse. In the capital region, both  
18 minority groups have also seen increased growth.  
19 In all of the - - there is a clear absence of  
20 elected officials that resemble the ethnicity and  
21 the race of the residents of these communities.

22 Let me be clear. How is it that New  
23 York State only has three Assembly members who  
24 are African-American, and none who are Latino

2 from upstate counties, while our numbers continue  
3 to grow significantly, and already make up a  
4 significant percentage of the population? And I  
5 don't expect you to answer that today, but I do  
6 expect, as does the NAACP, that the new  
7 legislative districts drawn for the 2012  
8 elections will adequately represent the diversity  
9 of this State.

10 As you all know, the Courts have already  
11 threatened legal--these groups have already  
12 threatened legal actions if Congressional  
13 districts are drawn to dilute minority voting  
14 strength, and I just left the national NAACP  
15 convention in Los Angeles, and redistricting was  
16 one of the main topics there. The coalitions of  
17 Asian, African-American, and Latino groups have  
18 formed--come together to watch this process and  
19 are prepared to ask the Federal Government to  
20 intervene if the lines you draw disenfranchise  
21 our communities and do not allow for more  
22 minority candidates to have a fair opportunity to  
23 run for public office. Here in my home city, the  
24 African-American community has, for decades, had

2 to rely on the Court system for fair treatment in  
3 the process you are undertaking. Here at Albany  
4 we have a situation where the minority  
5 communities are divided into two Assembly  
6 Districts, instead of concentrating that  
7 population into one and increasing the political  
8 and electoral process of this large and growing  
9 population. The people here are very, very  
10 frustrated over that. Unfair practices like this  
11 one must stop. The City of Albany cannot and  
12 should no longer be divided up and carved to  
13 dilute minority voter strength. This is an issue  
14 of fairness, and I call for one city, one  
15 district, and ask you to end this process that  
16 has marginalized minorities in a very clear and  
17 detrimental way, and it has clearly  
18 disenfranchised minority votes. In addition to  
19 this local issue, we see that there are no blacks  
20 or women on LATFOR. There is a clear lack of  
21 diversity in New York. There are 3.1 million  
22 African-Americans, 1.5 million Asian-Americans,  
23 and the state is 52% female, but they have no  
24 voice on LATFOR, who draws the lines for their

2 political representation. This situation should  
3 be corrected. There are no public access  
4 computer terminals for the public to use. And in  
5 closing, I also ask you to continue that there  
6 would be hearings such as these held in the  
7 evenings as well as during the day so that more  
8 people can have access to the hearings and will  
9 not have to take time from their work. Thank you  
10 for this opportunity.

11 MR. MCENENY: In fairness, the  
12 population percentage of African-Americans in the  
13 City of Albany has changed over the years, and in  
14 1990, a decision was made to split the City based  
15 upon race.

16 MS. POPE: Okay.

17 MR. MCENENY: I think you may recall  
18 that, and it was done with many other places  
19 across the country. In the case of Albany, it  
20 was to maximize the African-American vote. The  
21 Hispanic vote or population was not as  
22 significant in 1990 as it would be today.

23 MS. POPE: Correct.

24 MR. MCENENY: And it was sought at the

2           time to find another concentration of African-  
3           Americans. The nearest practical concentration  
4           was downtown Troy, and that's why the two were  
5           put together. When that--when the year 2000 came  
6           with the new census, again, the numbers had not  
7           changed that radically, and once again, Troy and  
8           downtown Albany, at this time more expanded as  
9           minorities moved up the hill, was combined again.  
10          Now we're dealing with very different numbers.

11                   MS. POPE: Okay.

12                   MR. MCENENY: But the division was not  
13           done to hurt the African-American community, it  
14           was done to help it at the time. If numbers have  
15           changed today as they have across the state, then  
16           we should look at it in today's numbers. But the  
17           history of creating the maximum minority  
18           participation in downtown Troy and downtown  
19           Albany was done for all the reasons the NAACP was  
20           demanding across the country at that time when  
21           those numbers were that way.

22                   MS. POPE: So could I feel that there  
23           will be the opportunity taken to look at that  
24           again--

2 MR. MCENENY: Yes--

3 MS. POPE: --and to reconfigure it?

4 MR. MCENENY: --everything is on the  
5 table.

6 MS. POPE: Okay.

7 MR. MCENENY: And--

8 MS. POPE: People are very frustrated--

9 MR. MCENENY: Well--

10 MS. POPE: --and I just hate to go back  
11 to it, but I met Delilah - - prior to her  
12 passing, and not very long before that spoke to  
13 me about that, so--

14 MR. MCENENY: No, other people have  
15 spoken about keeping cities together.

16 MS. POPE: Okay.

17 MR. MCENENY: But in many cases those  
18 cities were broken into black and white  
19 districts, and then added to other areas that  
20 were nearby to maximize minorities.

21 MS. POPE: I think we just feel that we  
22 haven't had representation. You look at Troy and  
23 Albany, Green Island and Albany together is--  
24 hasn't made sense for us.

2 MR. MCENENY: Okay, I just wanted to say  
3 that was the reasons, and it happened around the  
4 country in the 1997 challenge to the  
5 Congressional District in North Carolina, race  
6 became a important consideration--

7 MS. POPE: Right.

8 MR. MCENENY: --not the, and people  
9 began to look at other commuting patterns,  
10 traditional boundaries, traditional  
11 neighborhoods, much better than they did back in  
12 1990. The year 2000 was pretty much perpetuated.  
13 This is now 2010 census and we're taking a look  
14 at that.

15 MS. POPE: Okay, thank you very much.

16 MR. MCENENY: Thank you. Yes?

17 MR. NOZZOLIO: Just a quick question.  
18 You'd mentioned across upstate, the limited  
19 number of African-American representatives, and I  
20 know there's one in Buffalo, Rochester, and  
21 Syracuse. Other people have been asked, and you  
22 talked about possibly greater representation.  
23 Other people have asked about maps being  
24 presented. Have you looked in at all as a

2 possibility to present the Task Force with  
3 proposals that you think that might make that  
4 more likely?

5 MS. POPE: I have not done that, only  
6 because I've been dealing with the county and, of  
7 course, the national, but I could certainly do  
8 that. I think I could do that. What is your  
9 timeline?

10 MR. NOZZOLIO: Our timeframe?

11 MS. POPE: Yeah.

12 MR. NOZZOLIO: Well--

13 MS. POPE: Tomorrow?

14 MR. MCENENY: We don't--assuming things  
15 stay as they are, we don't expect to be actually  
16 drawing anything that's a near finished product  
17 until after the last public hearing, and the  
18 public hearings are in two phases. The last  
19 phase one public hearing is on the 5th of  
20 October. Then drawing will take place during  
21 October, early November, and then when you've  
22 actually got draft maps, that's always a much  
23 more contentious--

24 MS. POPE: Okay.

2 MR. MCENENY: --the same 12 hearings  
3 will be held all over again, but this time with  
4 actual proposed districts that people will weigh  
5 in on. So if something were to come in here over  
6 the next month, month and a half, that would be  
7 still useful. If it comes to us on November 1st,  
8 that's going to be late.

9 MS. POPE: So it's before--thank you, I  
10 will try to do that.

11 MR. NOZZOLIO: Thank you.

12 MR. MCENENY: Thank you.

13 MS. POPE: Thank you.

14 MR. MCENENY: LaDon Alamar? LaDon  
15 Alamar? Carolyn McLaughlin? Carolyn McLaughlin?  
16 Guiermo Martinez? Guiermo Martinez? I believe  
17 that concludes. Is there anyone here that wishes  
18 to speak? We will, of course, welcome any  
19 subsequent participation in other hearings, or  
20 submit it in writing as to your thoughts, and  
21 this applies to the general public of the State  
22 of New York, and suppose and beyond. With that,  
23 do we have a motion to adjourn?

24 MR. NOZZOLIO: Motion to adjourn.

2 MR. MCENENY: Adjourn?

3 MR. OAKS: Second.

4 MR. MCENENY: Now, the members will be  
5 meeting--it's now 2:15--at quarter of 3 at the  
6 latest. We're going to take a break and we'll be  
7 meeting here in this room. And that will be a  
8 regular meeting.

9 (The public hearing concluded at 2:15  
10 p.m.)

Demographic Research and Reapportionment, 8-4-2011

C E R T I F I C A T E

I, Julie Davids, do hereby certify that the foregoing typewritten transcription, consisting of pages number 1 to 207, inclusive, is a true record prepared by me and completed from materials provided to me.



Julie Davids, Transcriptionist

August 12, 2011      Date



**NEW YORK STATE LEGISLATIVE TASK FORCE ON  
DEMOGRAPHIC RESEARCH & REAPPORTIONMENT**

**PUBLIC REDISTRICTING HEARING**

**ALBANY 8/4/2011 10:00 AM**

**HAMILTON HEARING ROOM B**

**LEGISLATIVE OFFICE BUILDING, 2<sup>ND</sup> FLOOR**

**198 STATE STREET ALBANY, NY 12248**

**SPEAKERS LIST:**

1. ALICE GREEN, PHD EXECUTIVE DIRECTOR  
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2. YVETTE D. CLARKE, MEMBER OF CONGRESS
3. MONICA M. ARIAS MIRANDA, MPA  
PRESIDENT & CEO  
THE HISPANIC COALITION NY, INC
4. ESMERALDA SIMMONS, ESQ  
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MEDGAR EVERS COLLEGE  
BLACK NEW YORKERS FOR FAIR REDISTRICTING
5. PETE HEALEY
6. DR. UNA CLARKE, CO-CHAIR  
WOMEN FOR FAIRNESS & EQUITY IN  
POLITICS & GOVERNMENT
7. BISHOP SYLVETA HAMILTON-GONZALES  
WOMEN FOR FAIRNESS & EQUITY IN  
POLITICS & GOVERNMENT
8. THELMA MOREY  
WOMEN FOR FAIRNESS & EQUITY IN  
POLITICS & GOVERNMENT
9. COUNCILMAN ANTON KONEV  
CITY OF ALBANY
10. CHEJIN PARK, STAFF ATTORNEY  
KOREAN AMERICAN VOTERS' COUNCIL (KAVC)
11. SUSAN LERNER, EXECUTIVE DIRECTOR  
COMMON CAUSE NEW YORK
12. ASSEMBLYMAN PETER LOPEZ
13. JASON PLANCK, ADVOCATE  
FOR PERSONS WITH DISABILITIES

14. RACHEL FAUSS, POLICY AND RESEARCH MANAGER  
CITIZENS UNION
15. ALLISON TUPPER
16. IVONNE HANKS, COMMUNITY REPRESENTATIVE  
LATINO VOICE
17. BOB COHEN, POLICY DIRECTOR  
CITIZEN ACTION OF NEW YORK
18. GENE RODRIGUEZ, COMMUNITY ADVOCATE
19. ANA LORENA DIANA  
VICE PRESIDENT, HISPANIC COALITION  
BOARD MEMBER, CENTRO CIVICO OF AMSTERDAM
20. PAUL WEIDNER, ACT NOW
21. JACKSON CHIN, LATINO JUSTICE PRLDEF
22. RAMON VELASQUEZ, LOCAL CITIZEN
23. JAMES HONG, CITIZEN, QUEENS, NY
24. AARON MAIR  
ARBOR HILL ENVIRONMENTAL JUSTICE
25. BARBARA BARTOLETTI, LEGISLATIVE DIRECTOR  
LEAGUE OF WOMEN VOTERS – NEW YORK STATE
26. ANNE POPE, PRESIDENT  
ALBANY BRANCH NAACP

NEW YORK STATE ASSEMBLY  
STATE OF NEW YORK LEGISLATIVE TASK FORCE ON  
DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT

PUBLIC MEETING

LATFOR DATA RELEASE

Hamilton Hearing Room B  
Legislative Office Building, 2nd Floor  
Albany, New York  
Thursday, August 4, 2011  
3:22 p.m. to 3:32 p.m.

NYS LEGISLATIVE TASK FORCE, 8-4-2011

TASK FORCE MEMBERS:

ASSEMBLY MEMBER JOHN J. McENENY, CO-CHAIR

SENATOR MICHAEL F. NOZZOLIO, CO-CHAIR

SENATOR MARTIN M. DILAN

MR. ROMAN HEDGES

MS. DEBRA LEVINE

NYS LEGISLATIVE TASK FORCE, 8-4-2011

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MS. DEBRA LEVINE	6

NYS LEGISLATIVE TASK FORCE, 8-4-2011

2 (The public hearing commenced at 3:22  
3 p.m.)

4 ASSEMBLY MEMBER JOHN J. MCENENY, CO-  
5 CHAIR: Note that all members are present, and  
6 this is our regular meeting of the group to  
7 discuss where progress has been, and to handle a  
8 number of items that need clarification. This is  
9 separate and distinct from the public hearing  
10 that we just held, and will be holding next week  
11 and later on.

12 SENATOR MARTIN M. DILAN: I would like a  
13 point of order please.

14 MR. MCENENY: Certainly. Senator Dilan.

15 MR. DILAN: First of all, with respect  
16 to this meeting, we were told that--first of all,  
17 let me start from the very beginning. I never  
18 received any notification that there was going to  
19 be a meeting after. The only reason my office  
20 found out about the meeting was by going to the  
21 Latfor website. A staff member from my staff  
22 spoke to the executive director on our side. We  
23 were told that was not her responsibility. So I  
24 would like clarity as to who is responsible for

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2 notifying all the members as to regular meetings.

3 MR. MCENENY: Well you're right in that  
4 it was on the website.

5 MR. DILAN: But I'm a member of this  
6 task force. How do we notify the members?

7 MR. MCENENY: And I know I--

8 MR. DILAN: [interposing] Secondly, I  
9 would also like to know as point of order is,  
10 what is the agenda for this meeting, and why the  
11 agenda is not available to the public and myself?

12 MR. MCENENY: What do we got on the--

13 FV: Sir, you may have my copy if you'd  
14 like.

15 MR. DILAN: No I want it in advance and  
16 I want it to be shared with the public also.

17 MR. ROMAN HEDGES: I agree, I think that  
18 that should be something that we do, and if it  
19 didn't happen we should make sure--

20 MR. DILAN: [interposing] It did not  
21 happen at our first meeting, and it did not  
22 happen here today, and I still need clarity as to  
23 who notifies the members. I want to know who's  
24 responsibility it is.

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2 MR. HEDGES: I would urge that the  
3 chairs be responsible to do that, and that we be  
4 better behaved as a group going forward, because  
5 all of the members should be informed, and the  
6 public should be informed.

7 SENATOR MICHAEL F. NOZZOLIO, CO-CHAIR:  
8 In that point of order it's my understanding that  
9 there was a committee notice presented. Could  
10 some member of the staff or the task force  
11 indicate whether that committee notice was in  
12 fact presented?

13 MS. DEBRA LEVINE, CO-EXECUTIVE DIRECTOR:  
14 I honestly didn't know about this meeting until  
15 the last minute myself. I didn't see anything.

16 MR. DILAN: I rest my case. The  
17 executive director on our side admits that she  
18 did not know about this meeting.

19 MS. LEVINE: It would be my pleasure to  
20 make sure that doesn't happen again.

21 MR. MCENENY: We apologize. Senator  
22 Dilan, I know I had spoken to Bob Oaks and to  
23 Roman Hedges about it, but we'll make sure that  
24 in the future there'll be no misunderstanding.

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2 You'll be properly notified in writing. I  
3 thought we had it included in the minutes of our  
4 last meeting. And as far as the exact time and  
5 place, obviously there was a slip up and we  
6 apologize, and you are justified in your  
7 complaint and your observations.

8 MR. DILAN: And I'd also like to note  
9 for the record that the majority of the members  
10 on this panel do have a copy of the agenda. I do  
11 not and the public does not.

12 MR. MCENENY: So noted, and we will make  
13 sure that does not happen again. I think we have  
14 a number of administrative items that we have to  
15 discuss today. I would also point out as Senator  
16 Dilan mentioned that we once again reconfirm, all  
17 members here, that we will follow the law,  
18 particularly in that matter of how prisoners are  
19 counted. The law of the land at the present time  
20 is that they will be counted back home and not in  
21 the prison community, and I think that came out  
22 several times today at the public hearing.

23 MR. NOZZOLIO: Mr. Chairman, in light of  
24 Senator Dilan's point, I think it imperative that

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2 this entire agenda be tabled until such time as  
3 we can have this agenda pro-offered to the  
4 public, and that Senator Dilan made an excellent  
5 point, that I certainly regret this  
6 administrative error in excluding the appropriate  
7 notices to the members of the task force, and  
8 that your point is on point, well taken, and it's  
9 my recommendation, and I'd like to make it in the  
10 form of a motion, that this proposed agenda be  
11 submitted to each member of the task force, as I  
12 believe it has just been done, but that no public  
13 activity be taken or formal activity be taken on  
14 the agenda until the next scheduled meeting, a  
15 meeting of which Senator Dilan's recommendation  
16 should be certainly made appropriately to  
17 everyone.

18 MR. DILAN: I would like to, if I can,  
19 amend the motion.

20 MR. MCENENY: Can I get a second for the  
21 motion first?

22 MV: Second.

23 MR. MCENENY: Okay. Go ahead Senator  
24 Dilan.

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2 MR. DILAN: Sure, I totally agree with  
3 Senator Nozzolio's motion, however I'd just like  
4 to actually make an amendment that based on what  
5 I see here on this agenda, that I would like to  
6 see the election data move even further back from  
7 2006 to 2002. I feel that it should go back to  
8 as far as 2002, and that should be made available  
9 to the public.

10 MR. NOZZOLIO: The motion is, as I  
11 understand it Mr. Chairman, to--mine, is to table  
12 the discussion on these issues until the next  
13 meeting, the next available meeting, at which  
14 time, Senator, then you'd have an opportunity, as  
15 all of us would be able to discuss what needs to  
16 be changed, what needs to be added, and anything  
17 substantive that you'd like to add to this agenda  
18 certainly could be made for the next meeting.

19 MR. DILAN: I will withdraw my  
20 amendment, but I would urge this panel then to  
21 consider going back to 2002.

22 MR. MCENENY: Thank you. I think  
23 there's a number of issues in discussion of  
24 Senator Nozzolio's amendment. I think there's a

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2 number of issues that the staff is working on,  
3 will continue to work on, and I'm sure going back  
4 to the 2002 election is something that they could  
5 report on on the next meeting. And with that is  
6 there an approval vote for Senator Nozzolio's  
7 amendment? Objections?

8 MR. HEDGES: No, but I do have a  
9 suggestion/question; that we actually identify a  
10 time and place such that we can get proper notice  
11 out to everyone. That we normally in the  
12 assembly side of things try to have a seven-days  
13 notice for meetings and so forth. So I'm not  
14 sure what makes good sense, except that we should  
15 make sure it's well in advance.

16 MR. DILAN: I would like to recommend  
17 then, if Senator Nozzolio would consider  
18 restating his motion and indicate the next  
19 regular meeting could be held on the 10th when  
20 we're in Westchester. Also I would like for this  
21 panel to consider that we also have local  
22 election data, not just federal and state data,  
23 available to the public. But I would recommend,  
24 if it's so acceptable to Senator Nozzolio and the

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2 co-chairs that we hold this meeting at our next  
3 public hearing.

4 MR. NOZZOLIO: I have no objection to  
5 that. So let me re-amend the motion before us.

6 MR. MCENENY: I will take a second  
7 amendment. Take a new amendment or a new motion.  
8 Let's take a new motion.

9 [crosstalk]

10 MR. NOZZOLIO: Why don't you move, co-  
11 chair, to set the date and time.

12 MR. MCENENY: We hold a meeting. I  
13 assume it would be acceptable to be following  
14 within one hour maximum, because there was some  
15 confusion today, following the meeting to be held  
16 in Westchester County on the 10th.

17 MV: Second.

18 MR. MCENENY: Those in favor.

19 VOICES: Aye.

20 MR. DILAN: Thank you very much  
21 everyone.

22 MR. MCENENY: Thank you. We instruct  
23 the staff to get the material necessary, the  
24 public notices necessary out there for both our

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2 members, the general public, and staff. Do we  
3 have a motion to adjourn? Do we have a motion to  
4 adjourn?

5 MV: Second.

6 MR. MCENENY: Second. All in favor.

7 VOICES: Aye.

8 MR. MCENENY: The meeting is adjourned.

9 (The public hearing concluded at 3:32  
10 p.m.)

Committee on Governmental Employees, 3-3-2010

C E R T I F I C A T E

I, Walter Baker, do hereby certify that the foregoing typewritten transcription, consisting of pages number 1 to 13, inclusive, is a true record prepared by me and completed from materials provided to me.

A handwritten signature in cursive script that reads "Walter Baker". The signature is written in black ink and is positioned above a horizontal line.

Walter Baker, Transcriptionist

August 13, 2011

NEW YORK STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC  
RESEARCH AND REAPPORTIONMENT

PUBLIC HEARING  
CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING

Westchester County Board of Legislator's Committee Room

800 Michaelian Office Bldg., 8th Floor

148 Martine Ave

White Plains, New York

Wednesday, August 10, 2011

10:00 a.m. to 2:00 p.m.

NYS Legislative Task Force on Demographic  
Research and Reapportionment, 8-10-2011

TASK FORCE MEMBERS:

SENATOR MICHAEL F. NOZZOLIO, Co-chair

ASSEMBLY MEMBER JOHN MCENENY, Co-chair

SENATOR MARTIN M. DILAN

ASSEMBLY MEMBER ROBERT OAKS

CITIZEN REPRESENTATIVE WELQUIS "RAY" LOPEZ

CITIZEN REPRESENTATIVE ROMAN HEDGES

NYS Legislative Task Force on Demographic  
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3 (The public hearing commenced at 10:06  
4 a.m.)

5 SENATOR MICHAEL F. NOZZOLIO, CO-CHAIR,  
6 NYS LEGISLATIVE TASK FORCE ON DEMOGRAPHIC  
7 RESEARCH AND REAPPORTIONMENT: Good morning  
8 ladies and gentleman. The New York State  
9 Legislative Task Force on Demographic Research  
10 and Reapportionment begins its public hearing in  
11 the Westchester County Office building.

12 We thank the County Executive, Esther  
13 Reno [phonetic], and their legislature for  
14 providing this forum for the discussions. My  
15 name is Mike Nozzolio. I am a New York State  
16 Senator representing the Finger Lakes region. I  
17 am very pleased to be here with the co-chair of  
18 LATFOR, Assemblyman Jack McEneny. And let me  
19 introduce other members of the task force.

20 First, Senator Martin Dilan, Assemblyman  
21 Robert Oaks, Citizen representative Welquis Ray  
22 Lopez, and Citizen representative, Roman Hedges.

23 That the hearings will begin, this is  
24 part of the LATFOR's responsibility. The task  
force's mission is to receive public comment on

1 NYS Legislative Task Force on Demographic  
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3 the re-districting process and specifically what  
4 is determined to be a citizen input in the best  
5 interest of this region for having the lines  
6 established for Senate assembly and Congress.

7 We have asked the testifiers throughout  
8 the hearings--and this is now the fourth public  
9 hearing, that we conducted the first hearing in  
10 Syracuse, the second in Rochester, the third in  
11 Albany, this fourth in Westchester. And we are  
12 taking the task force to every region of the  
13 state in conducting hearings and asking for  
14 public input.

15 That the--we ask the commentators to  
16 focus as much as they possibly can on that issue.  
17 What would they like to see structured--what  
18 would you like to see structured as the  
19 appropriate representative lines for those three  
20 legislative bodies. Without further ado, I'd ask  
21 Co-chair Assemblyman McEneny for his comments  
22 this morning.

23 ASSEMBLY MEMBER JOHN J. MCENENY, CO-  
24 CHAIR, NYS LEGISLATIVE TASK FORCE ON DEMOGRAPHIC  
RESEARCH AND REAPPORTIONMENT: Thank you,

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3 Senator. I'm Assemblyman Jack McEneny. I  
4 represent Albany--most of Albany city and a  
5 number of towns in Albany County. And we're  
6 pleased to see the citizen response so far, both  
7 by mail and individually--and by your testimony,  
8 which is critical.

9 Now, all of these hearings and a great  
10 deal of other information is on the LATFOR  
11 website. And we would encourage you, if you can  
12 make it down here today, or if you do test--  
13 testify and you think of something else that you  
14 should have said, to continue to communicate with  
15 us. All of this becomes part of the official  
16 record.

17 A number of people have also drawn  
18 individual maps with recommendations of how they  
19 feel, either the Congressional or the Senatorial,  
20 or the Assembly Districts should be drawn.

21 As the Senator mentioned, this is one in  
22 a series. We are doing 12 public hearings across  
23 the state, as we did the last time in this  
24 legislative process. The first 12 hearings tend  
to be more conceptual--perhaps a little bit

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3 academic, because the only lines that we're  
4 discussing now are the lines that we have, which  
5 have grown obsolete because of the new census.

6 We will then come back at some point,  
7 probably in November and December, and do the  
8 same 12 hearings all over again, most of them at  
9 the same spot. And then we will have, have lines  
10 drawn of the proposed new districts, and that  
11 tends, obviously, to be a more controversial  
12 process.

13 But this is a listening tour which is  
14 very real. We've already gotten a number of very  
15 good suggestions from New Yorkers across the  
16 state. We expect to get more, and without  
17 further delay I would ask, I think Senator--you  
18 wanted to ask if any of our other people up here  
19 on the dais and on the panel would like to  
20 comment.

21 SENATOR NOZZOLIO: Thank you,  
22 Assemblyman McEneny. Are there any members of  
23 the task force that wish to make a comment or  
24 statement at this time? Senator Dilan.

SENATOR MARTIN M. DILAN, NYS LEGISLATIVE

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3 TASK FORCE ON DEMOGRAPHIC RESEARCH AND

4 REAPPORTIONMENT: I would just like to, once  
5 again, thank our co-chairs for continuing these  
6 hearings. And I have made my points in the  
7 previous hearings throughout the state.

8 And I do urge the public to go on to the  
9 LATFOR website and also listen to the previous  
10 hearings to see the contents there. I believe  
11 that we have made some progress and positive  
12 directions, and I'd like to thank the co-chairs  
13 for that. Today I am listening to the co-chairs  
14 and saying that I'm looking forward to listening  
15 to you, the public, with respect to issues here  
16 at Westchester. With that said, thank you.

17 ASSEMBLY MEMBER ROBERT OAKS, MEMBER, NYS  
18 LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH  
19 AND REAPPORTIONMENT: I'm Assemblyman Bob Oaks.  
20 I'll just say my welcome to everyone, and look  
21 forward to hearing the thoughts and comments as  
22 we move forward and in this process. Thank you.

23 ASSEMBLY MEMBER WELQUIS "RAY" LOPEZ,  
24 MEMBER, NYS LEGISLATIVE TASK FORCE ON DEMOGRAPHIC  
RESEARCH AND REAPPORTIONMENT: Good morning,

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3 buenos dias a todos. We ask that you please  
4 concentrate your comment today in how you think  
5 the State Legislative and Congressional District  
6 should be drawn. We want to hear your  
7 recommendation on the composition of the district  
8 in your area. [Spanish translation]. Gracias.

8 SENATOR NOZZOLIO: Thank you very, very  
9 much--members of the task force. That--before  
10 calling up our first speaker today, that the--  
11 we'd like to give special thanks to the Chairman  
12 of the Westchester Board of Legislatures, who's  
13 here, Ken Jenkins. Mr. Jenkins, we appreciate  
14 your participation and thank you very much for  
15 the opportunity to use your beautiful chambers.

16 I'd also note that the minority leader  
17 of the Westchester legislature is here as well as  
18 a working in a variety of advisories, that--Jim  
19 Maisano, thank you very much for being here--  
20 minority leader. With that, we'd also like to  
21 recognize two other county legislators who are  
22 here. They are not--I believe--on the list  
23 immediately, but they may offer testimony, and  
24 forgive me if I mispronounce--Mary Jane Shimsky,

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3 who is here, and Legislator Shimsky, and Jose  
4 Alvarado. With that, Assemblyman McEneny will  
5 begin the hearings today by introducing one of  
6 his colleagues who will be the first to testify.

7 ASSEMBLY MEMBER MCENENY: I'm very, very  
8 pleased to see a colleague and a great friend  
9 here, Amy Paulin, who is a--one of the delegation  
10 in the New York State Assembly, representing  
11 parts of Westchester County.

12 SENATOR NOZZOLIO: As Assemblywoman  
13 Paulin comes up to the podium, I'd like to  
14 highlight to every member that this is a hearing  
15 which is videographed. The cameras here will  
16 create a permanent video record of the hearings,  
17 that they also will be produced and available for  
18 anyone to view on the LATFOR's website. The  
19 entire video of each of the hearings, for the  
20 first time, will be made available to the public.  
21 Thank you, Assemblyman McEneny. Well, thank you,  
22 Assemblywoman Paulin.

23 [Pause]

24 SENATOR NOZZOLIO: Now we're okay.

ASSEMBLY MEMBER AMY PAULIN, MEMBER, 88TH

1 NYS Legislative Task Force on Demographic  
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3 DISTRICT: Thank you, firstly, for holding this  
4 forum on a state redistricting plan in my home  
5 county. I also want to thank you for starting  
6 these hearings over the summer just after our  
7 legislative session concluded, as it is very  
8 important to start the process as early as  
9 possible, considering we may be called back and  
10 the primaries may be at a much earlier date. We  
11 need to make sure to, you know, get this behind  
12 us.

12 Transparency is perhaps the most  
13 essential ingredient of the government. Holding  
14 these hearings in different regions of our state  
15 allows this task force to hear from the people of  
16 New York and to take their concerns into  
17 consideration as you move through your process.

18 As a state legislature, I'm committed to  
19 supporting a fair, equitable and bi-partisan  
20 redistricting process. Any redistricting plan  
21 must ensure that districts are contiguous,  
22 compact, share common interests, and have an  
23 established connection with their district, while  
24 following our federal and state constitutions and

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3 the Voting Rights Act.

4 Clearly, you have a very important job  
5 to do, and as a former president of the League of  
6 Women Voters, I firmly believe that fair  
7 representation encourages confidence in the  
8 political process, and thus greater  
9 participation, which is fundamental to good  
10 government. Equitable representation upholds the  
11 basic principal of "one person, one vote"  
12 established in the U.S. Constitution.

13 I, like you, believe that all of these  
14 principals should be the core of any  
15 redistricting plan. Since you are in my  
16 district, I wanted to take the opportunity to  
17 tell you a little bit about it. It includes  
18 Pelham, Pelham Manor, Bronxville, Tuckahoe, East  
19 Chester, Scarsdale, and parts of the cities of  
20 White Plains and New Rochelle.

21 My district includes a large majority of  
22 residential homes. It is economically affluent  
23 and well educated. 75% of the people have some  
24 college, and about 30% have a graduate or  
professional degree.

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2 My district is geographically compact.

3 One can travel from the Pelham Manor border to  
4 White Plains in 20 minutes, without going outside  
5 the district. The community's borders are  
6 contiguous, and more importantly, people commonly  
7 shop, worship, recreate, socialize and commute  
8 across the borders of these seven communities.

9 Three hospitals, Lawrence, Sound Shore  
10 Medical Center, and White Plains Hospital are all  
11 within the 88th Assembly District and serve the  
12 bulk of our residents.

13 There are two - - , which are more  
14 socio-economically diverse. A high percentage of  
15 these residents have English as their second  
16 language. What is important to note is that each  
17 of these areas represents the bulk of the  
18 minority population in each of these two cities.  
19 These residents share needs and concerns  
20 regarding child care, health care, housing,  
21 language and general quality of life issues.

22 What binds all of these communities  
23 together is their common core values and  
24 interests. Quality public education is a high

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3 priority for every resident in the 88th Assembly  
4 District. School budgets pass easily. Parents  
5 are extremely involved with their local schools.  
6 The residents are hard-working, but graciously  
7 give of their time to their communities and their  
8 neighbors.

8 For example, in the town of Pelham, with  
9 just over 12,000 people, it has 50--50 community  
10 organizations ranging from childcare and little  
11 league to meals on wheels and a senior center  
12 which serves the people of Pelham and surrounding  
13 communities. And I would note that, you know, in  
14 the communities that I represent, it is very  
15 common for the community organizations to overlap  
16 among them and to take care of the residents  
17 within them.

18 As a suburban/urban district, the  
19 residents share a common concern about preserving  
20 green space and creating less intrusive traffic  
21 patterns across borders and within communities.  
22 Our residents are among the highest users of mass  
23 transit, utilizing Metro North, and the Bee-Line  
24 bus, in both southerly and northerly directions.

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3 While these values are not unique to  
4 this district, they are--they form the identity  
5 of each of these communities to an unusual  
6 extent.

7 As I said earlier, I appreciate the  
8 challenging job you have before you. Having  
9 these hearings is a critical pro--part of the  
10 process. Thank you for taking the time to listen  
11 to my comments about my district and for  
12 particularly coming to the county of Westchester  
13 and hearing all of our concerns here. We  
14 appreciate the Task Force commitment to this very  
15 important project, and I look forward to working  
16 with you as it goes along. Thank you very much.

17 SENATOR NOZZOLIO: Thank you,  
18 Assemblywoman. Andrea McCullough, Board Member  
19 Antioch Community Services. Ms. McCullough.

20 ANDREA MCCULLOUGH, BOARD MEMBER, ANTIOCH  
21 COMMUNITY SERVICES: Good morning.

22 SENATOR NOZZOLIO: Morning.

23 MS. MCCULLOUGH: My name is Andrea  
24 McCullough. I am affiliated with a number of  
organizations, and I am a member of the Black New

1 NYS Legislative Task Force on Demographic  
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3 Yorkers for Fair Redistricting. Today I am  
4 testifying for my home neighborhood of Ocean Hill  
5 in Brooklyn, Kings County, New York. Ocean Hill  
6 is a community bordered by Broadway and East New  
7 York Avenues on the north and side, and by Ralph  
8 and Van Sinderen Avenues on the west and east.

9 Often overlooked, we are neighbors with  
10 Bedford - - , Bushwick, East New York and  
11 Brownsville, and we share many of the same ills  
12 of these neighborhoods. Having lived in this  
13 neighborhood all of my 34 years, I am aware of  
14 the history and remember it transitioning from  
15 the Italian neighborhood that it was once to the  
16 predominantly African-American neighborhood that  
17 it is now.

18 I have often--I have also seen the spike  
19 in crime in the 1980's, and most recently the  
20 drop in crime. As a community, we shop and  
21 travel along our main thoroughfares of Atlantic,  
22 Rockaway, and Fulton Avenues. Our access to  
23 major transportation lines make living in Ocean  
24 Hill convenient. It also makes us susceptible to  
abuse by the Department of Homeless Services and

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3 Department of Corrections, that have recently  
4 placed numerous facilities there despite public  
5 outcry.

6 While we have been largely overlooked  
7 for restorative programs, I believe we as a  
8 community, are proud of our homes, blocks and  
9 neighborhood, and would not like to be splintered  
10 when the maps are re-drawn. Public access,  
11 transparency in outreach--had it not been for my  
12 decision to actively involve myself in city  
13 engagement and pursue information concerning  
14 these hearings, I would have been oblivious to  
15 this process, and that may directly affect my  
16 represent--representation and voting power.

17 While the census-taking process, in its  
18 various rounds of the count were highly  
19 publicized, and census takers partnered with  
20 community organizations, the same level of  
21 interaction and outreach should have been done  
22 for this direct effect of the census.

23 My suggestion to provide better outreach  
24 and public access are as follows: notification  
of hearings by various news outlets. People do

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3 still listen to radio and read newspapers. The  
4 ads should be placed in mainstream as well as  
5 local stations and publications to alert the  
6 public of the hearing. Public notification of  
7 these hearings and this process should be  
8 required by law.

9 The time of the hearings is  
10 inconvenient. I was able to take a day off to  
11 attend these hearings, and I'm sure there are  
12 many others that would have liked to attend them  
13 at the--as well, but could not due to the timing.  
14 Evening hours would have allowed more public  
15 input into this process.

16 Why isn't there an app for this? In the  
17 same manner that the MTA allowed developers and  
18 the general public to create their MTA apps, for  
19 mapping the subway system and local transit  
20 lines, instead of doing it privately on their  
21 own, this task force could have made it known  
22 that programs were needed for this redistricting  
23 process, and provided census data from the  
24 previous round in 2000, along with criteria and  
scenarios to developers.

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2           Once the 2010 data became available, the  
3 programs could have been updated, and individuals  
4 and community groups would have access to data--  
5 to census data with the means to make maps that  
6 would be understandable to the common citizen.  
7 I'm not a developer. I'm more like a tech-savvy  
8 consumer, and I don't believe it's too late for  
9 this option. But if developers don't know the  
10 need, they cannot--they cannot create an app or  
11 program to meet it.

12           The web presence is lacking. Googling  
13 New York Redistricting 2011 does not bring you to  
14 the LATFOR website. It doesn't bring a search.  
15 It's a centralized New York government-based  
16 website, where the status of the process along  
17 with the relevant data is accessible. New York,  
18 in comparison to states such as California,  
19 [redrawthelines.ca.gov](http://redrawthelines.ca.gov), is showing very little  
20 information and not inviting individuals and  
21 community groups to be part of the process.

22           This lack of voluntary, voluntary  
23 information sharing appears intentional and  
24 covert. It is government action such as this

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3 that perpetuates the strong distrust of anything  
4 government related, that lives in communities  
5 such as mine.

6 In closing, in view of the recent news  
7 that this Task Force will comply with the law  
8 that ends prison-based gerrymandering, I would  
9 like to emphasize that my vote, and the vote of  
10 every one of my neighbors in Ocean Hill counts.

11 This Task Force should make every effort  
12 to finalize reapportioning of the prison count,  
13 and - - . Instead of using the deviation allowed  
14 by law, this Task Force should desire to be as  
15 precise as possible. Thank you.

16 SENATOR NOZZOLIO: Thank you very much.  
17 Doug Colety? Good morning, Mr. Colety.

18 DOUG COLETY, REPUBLICAN CHAIRMAN OF  
19 WESTCHESTER COUNTY, AND REPUBLICAN COMMISSIONER  
20 OF WESTCHESTER COUNTY BOARD OF ELECTIONS: Good  
21 morning. Thank you, Senator. Good morning,  
22 everyone. My name is Doug Colety. I'm the  
23 Republican Chairman of the Westchester County,  
24 and the Republican Commissioner of the  
Westchester County Board of Elections.

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2 First, on behalf of the Westchester  
3 Republicans, I thank you for holding this public  
4 hearing in Westchester County. I'm impressed  
5 with this Task Force's commitment to holding  
6 public hearings across the state, to ensure that  
7 many voices from different regions are heard - -  
8 in process.

9 As an elected commissioner, I understand  
10 the tight time-frame you are under, especially  
11 since we are all expecting the primaries to be  
12 moved to June in 2012. Therefore, you must  
13 conclude this round of hearings, draft the  
14 district lines, hold another round of hearings,  
15 and then make amendments to the district lines--  
16 all before a necessary vote on the proposed  
17 redistricting plan this February. Thank you for  
18 starting the process early, because you have a  
19 lot of important work to accomplish in a short  
20 time frame.

21 My most important request to the Task  
22 Force is to do your best to assure that we have a  
23 competitive districts for the State Legislative  
24 and Congressional seats after redistricting.

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3 Westchester only has one fully contained State  
4 Assembly District with a Republican Assemblyman,  
5 Bob Castelli, in the 89th district. We ask that  
6 this seat not be gerrymandered.

7 It is a compact and contiguous district,  
8 with common interests, and we hope the  
9 composition remains mostly the same after  
10 redistricting. The seat has not changed  
11 significantly over the past two redistricting's.

12 On the Senate side, there were  
13 significant changes made in 2012, including  
14 changes that caused the Democratic registration  
15 to rise significantly in Senate district 37, and  
16 a Republican registration to decrease in that  
17 district. We ask that such changes be modified  
18 in this redistricting process, and that you  
19 return district 37 to a more competitive  
20 district.

21 For Congress we have no problem if  
22 Westchester's three seats remain mostly the same.  
23 I noticed online that in previous hearings the  
24 question was asked about the size of the State  
Senate. I doubt there are many people in New

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3 York that believe it should remain at 62.

4 Obviously the Senate would be better served  
5 having 63 Senators, so that we will not run into  
6 problems with ties in the future on votes for  
7 leadership.

8 Lastly, I wish to strongly state that  
9 we'd prefer that the current state law be  
10 followed, and that this Task Force perform the  
11 drafting of the district lines as cycle. We  
12 strongly support a bi-partisan redistricting, and  
13 it is clear that this Task Force is premised upon  
14 a bi-partisan redistricting, as there is equal  
15 representation from two major parties.

16 We also--we are strongly opposed to  
17 changing the process in the middle of the game,  
18 to the independent redistricting commission  
19 proposed by Governor Cuomo. We believe that the  
20 independent commission can only be implemented by  
21 a Constitutional amendment, as the procedures for  
22 redistricting are clearly spelled out in the  
23 state constitution. And that the procedures  
24 mandated by the state constitution can only be  
changed by amendments voted on by the

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3 legislature, and then by the people of the state  
4 of New York.

4 We believe that the proposed Cuomo  
5 independent commission is flawed, in that the  
6 composition of the nominating committee, and  
7 commission are very favorable to the Democratic  
8 party, and unfavorable to the Republican party--  
9 especially when compared to LATFOR, which is  
10 truly fair and bipartisan, or the Constitutional  
11 amendment passed by the State Senate this last  
12 session.

13 Once again, the state government is  
14 under time constraints to complete redistricting  
15 over the next six months, and we certainly don't  
16 have time to reinvent the process right now, with  
17 an independent commission--especially one as  
18 politically biased as the Cuomo proposal. Thank  
19 you for your time, and I wish you's much success  
20 with redistricting.

21 SENATOR NOZZOLIO: Any questions?

22 Senator Dilan.

23 SENATOR DILAN: Yes, with respect to the  
24 size of the Senate, is there any reason why you

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3 select the number, 63? Do you think it, it  
4 should maybe go to 61?

4 MR. COLETY: Well, you know, we're not  
5 looking to gerrymander, you know, sitting  
6 legislatures out of their districts or cut the  
7 size to increase the amount of people that each  
8 Senator has to represent.

9 There will be a slight adjustment, but  
10 we feel A, that not taking a sitting Senator out  
11 of the district, or un-electing a sitting,  
12 sitting Senator, or putting all of the Senators  
13 in a position where they have to fight for a  
14 district that they have to keep.

15 SENATOR DILAN: But, the, the point is,  
16 what will be the justification of increasing the  
17 size of the Senate? Ten years ago we increased  
18 it from 61 to 62. So, I, I would think that  
19 there would need to be justification. I believe  
20 that the formula that's in the constitution of  
21 the state of New York right now, and the way that  
22 the census numbers come out, really call for--  
23 perhaps maybe the number is staying at 62. But  
24 if we wanted to change to an odd number, there

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3 would have to be a justification as to why we  
4 would increase.

4 MR. COLETY: We would prefer that the  
5 Senators focus on the redistricting process, and,  
6 and less on self-preservation. By reducing the  
7 number, you're going to reduce the, the body by  
8 one, and it's going to force the Senators to  
9 consider which Senator to cut out, and I think  
10 it's more important we focusing to--we keep the  
11 focusing--focus on redistricting and less on  
12 self-preservation.

13 SENATOR NOZZOLIO: Mr. Colety, thank you  
14 for your testimony. A couple of questions.  
15 First, on the comment by Senator Dilan, as we see  
16 congressional districts growing to the size of  
17 around 717,000 people, it makes, in many's view,  
18 the congressional representatives--just by having  
19 to represent so many more remote, more difficult  
20 to access--a much more difficult job than it was  
21 10, 20, 30 years ago, when the districts were  
22 half of that size. Is that your motivation in  
23 terms of increasing the number of Senate  
24 representatives--in terms of the more closeness

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3 to the people, and the smaller-sized district?

4 MR. COLETY: Well, we would rather see  
5 more representatives in these legislative bodies.  
6 In--in lieu of having more staff. I think as the  
7 size of the districts increase, the legislator--  
8 legislators are forced to hire more staff. I  
9 think it's more important we have more  
10 legislators and less staff.

11 SENATOR NOZZOLIO: One last question.  
12 The issue of putting on your hat as elections  
13 commissioner--that moving the primary date, from  
14 September to June, in the same year that  
15 redistricting for Congressional and state  
16 legislative lines happen--have you forecast what  
17 type of challenges that would create to a large  
18 county board of elections, such as exists here in  
19 Westchester?

20 MR. COLETY: Oh, yeah, they--the--we've  
21 just come out of a redistricting cycle here on  
22 the county--for the county board of legislatures  
23 lines and for two cities within Westchester, the  
24 city of New Rochelle and the city of--the city of  
Yonkers will also be done next year.

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2 But during those two legislative bodies,  
3 it's taken about 90 days to perfect the lines, to  
4 take the metes and bounds, and to move voters  
5 from one district to another, and, and redraw  
6 maps. Having congressional lines, senate lines,  
7 assembly lines, and another city next year, you  
8 know, we're hopeful that this process would be  
9 done by February next year.

10 SENATOR NOZZOLIO: We're concerned with  
11 that compactness of the process. And that's why  
12 LATFOR has begun the process. Assemblyman  
13 McEneny and I agree, and members of the task  
14 force are trying to comply with our fiduciary  
15 responsibilities, and to--whatever is decided,  
16 will be decided--in terms of the final process,  
17 but we could no longer wait.

18 And that's our concern, basically, is  
19 with the timing. And you've sensed that the, the  
20 troops on the ground that must implement the  
21 final product are also anxious about those  
22 challenges.

23 MR. COLETY: Absolutely. Every, every  
24 employee at the board of elections is going to be

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3 working full time on this, the beginning of  
4 February. All of the political parties will have  
5 to interview, fill their candidates earlier. The  
6 petition process is going to be moved much  
7 earlier. So, with everything that the  
8 administrative bodies have to do here in  
9 Westchester with these re-drawing of lines, we're  
10 hopeful to get it done even sooner than February,  
11 if possible.

12 SENATOR NOZZOLIO: Chairman and  
13 Commissioner, thank you very much for your  
14 insights and we appreciate your testimony today.

15 MR. COLETY: Thank you, Senator.

16 ASSEMBLY MEMBER MCENENY: We're also  
17 joined by another colleague from the State  
18 Assembly, Sandy Galef and Gary, Gary Pretlow, my  
19 classmate elected in the same year, also in the  
20 back of the chamber.

21 SENATOR NOZZOLIO: Except that Pretlow  
22 looks a lot younger than you, Jack.

23 [Laughter]

24 SENATOR NOZZOLIO: Pete Healy  
[phonetic]? Pete Healy? Raymond Kiernan?

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3 RAYMOND KIERNAN, RETIRED COMMISSIONER,

4 NEW ROCHELLE FIRE DEPARTMENT: Good morning,

5 Senator, members of the Task Force. My name is

6 Raymond Kiernan. I am just recently retired from

7 the New Rochelle Fire Department, ten days ago.

8 I served as the Fire Commissioner for a period

9 there.

10 Where I worked is with elected officials

11 on every level of government and peers throughout

12 the region to protect our community. During my

13 26 years as Commissioner, the Westchester

14 congressional district lines have been relatively

15 static, with the bulk of southern and central

16 Westchester within one district. From a public

17 safety standpoint, this has been beneficial, and

18 a common interest in needs of our community have

19 been increased--increasingly evident.

20 Just north of New York City, Westchester

21 plays a critical support role in its emergency

22 response and requires robust preparedness. Many

23 from our region responded on September 11th and

24 risked within our own community having increased-

-especially given our vast transportation

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3 network, including I-95, 287, Amtrak, and the  
4 communal railroads. The unique--the unique  
5 status has been recognized by a local safety  
6 professional and it is by the federal government  
7 through information and resource sharing  
8 partnerships.

8 For example, the Westchester County  
9 Special Operations Task Force, which includes  
10 fire departments in New Rochelle, Yonkers, Mount  
11 Vernon, White Plains, East Chester, Scarsdale,  
12 Greenville, Fairview, Harstdale, receive federal  
13 support with help from Congresswoman Nita Lowey,  
14 so that we can work cooperatively to respond to  
15 life-threatening emergencies in the regions.

16 While we have not experienced any  
17 terrorism attacks since September 11, our  
18 training and equipment has been used often in  
19 hazardous situations, including rescue of trapped  
20 workers in trenches, and hazardous material  
21 incidents.

22 We have been particularly fortunate to  
23 be represented by Nita Lowey, from the select  
24 Committee on Homeland Security, and her current

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3 seat on Homeland Security Appropriations

4 Subcommittee. She has been uniquely positioned  
5 to address our collective concerns and individual  
6 department needs.

7 Congresswoman Lowey successfully enacted  
8 legislation to bolster a national strategy for  
9 communications coordination among first  
10 responder, and has secured tens of millions in  
11 direct federal assistance for upgrades to  
12 equipment for local emergency response, and law  
13 enforcement. Congresswoman Lowey has been the  
14 leading advocate in our region for a variety of  
15 invaluable grants. She works across party lines  
16 with Congressman Peter King of Long Island, who  
17 chairs the Homeland Security Committee, to ensure  
18 that the region with, with higher populations and  
19 greater risk receive adequate federal security of  
20 resources.

21 I urge you to strongly consider the  
22 impact of redistricting on our first responder  
23 community. Common priorities and unique  
24 challenges in the northern city suburbs are best  
addressed by maintaining a congressional district

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3 that includes the majority of Westchester County.

4 Safety professionals in our area have a history  
5 of working cooperatively one with another and  
6 with Congresswoman Lowey, that we should continue  
7 to enhance our ability to protect our communities  
8 and keep tax payer costs down.

9 In addition, New Yorkers have seniority  
10 and many jurisdictions in Congress, including  
11 Homeland Security. I urge you to ensure  
12 redistricting does not create competitiveness  
13 among incumbents and could endanger the  
14 effectiveness of our state and region's  
15 representatives. Thank you for this opportunity  
16 to testify before you today.

17 SENATOR NOZZOLIO: Thank you for your  
18 testimony, Mr. Kiernan. And more importantly,  
19 thank you for your lifetime service to volunteer  
20 services and responder services, and professional  
21 services.

22 I--in the--as the tenth year anniversary  
23 of September 11th comes forward, we certainly  
24 want to give even greater pause and thanks for  
the services provided by those in your

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3 profession. So thank you very much for your  
4 testimony. Any questions of the panel? Mr.  
5 Hedges?

6 ASSEMBLY MEMBER ROMAN HEDGES, MEMBER,  
7 NYS LEGISLATIVE TASK FORCE ON DEMOGRAPHIC  
8 RESEARCH AND REAPPORTIONMENT: As you know, we  
9 are going to be required to lose two  
10 Congressional districts, and you've clearly  
11 expressed a strong view that we should pay  
12 attention to incumbency, and not put incumbents  
13 together. But that requirement that we lose two  
14 congressional districts is going to challenge all  
15 of us. How would you suggest that we balance  
16 that concern that you voiced, with that  
17 requirement that we lose two?

18 MR. KIERNAN: Well, I don't really know  
19 the ins and outs of the politics. I just know  
20 that, from a public safety standpoint, and from a  
21 Homeland Security standpoint, we have to address  
22 it the best way possible. I'll leave that up to  
23 you fellas how to--how to handle a situation like  
24 that. I really don't know the answer.

What I can tell you is that we need

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3 constant--better handling of Homeland Security  
4 money to defend the cities that are a perimeter  
5 from New York City. My city was maybe the first  
6 if--maybe Jersey City could have beat us, but we  
7 were one of the first into Homeland--into the  
8 World Trade Center. We were on mutual aid; we  
9 were almost to the Bronx to relocate, and they  
10 said continue on in. So, an incident like that,  
11 or multiple incidents in the region will tax  
12 every department.

13 And basically, you know, law enforcement  
14 has done a great job of preventing incidents. I  
15 think about ten have been prevented in New York  
16 City alone. But sometimes something's going to  
17 get through, sooner or later, and you need to  
18 keep the forces like the fire departments in your  
19 region strong, so they can respond to these  
20 areas.

21 Since they're bolstered up to handle a  
22 weapons of mass destruction, or a terrorist  
23 attack, they are also bolstered up to handle  
24 every day complicated emergencies. Hazardous  
material incidents, construction accidents,

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3 building collapses, etcetera. And that's, that's  
4 what I want to keep strong.

5 I really don't know the answer to your  
6 question. I think that you fellas would know how  
7 to do that a lot better than I do. But I just  
8 have to know that you have to keep areas strong  
9 in public safety. We've thought of falling back,  
10 in the ten years since 9/11. We have had a  
11 situation where people now want to cut, cut, cut  
12 budgets, get rid of this, get rid of that, and  
13 firemen who were once in, you know, held in--in  
14 high esteem ten years ago, now there's battles  
15 over pensions, and costs of fire departments and  
16 everything else. So what we need--we need to  
17 keep our first responders strong. As far as how  
18 to do it, as far as districting goes, I don't  
19 know.

20 MR. HEDGES: Let me follow up, then, in--  
21 -in one way, if I might. You specifically  
22 mentioned two congress people who have particular  
23 roles in that arena in Washington. Would you--in  
24 your view, suggest that we give those two  
individuals, those two districts priority? In

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3 that choice set?

4 MR. KIERNAN: I wouldn't have any  
5 objection, no.

6 MR. HEDGES: Okay, thank you.

7 SENATOR NOZZOLIO: Any other questions  
8 to the panel? Thank you very much, Mr. Kiernan.

9 MR. KIERNAN: Thank you.

10 MR. HEDGES: You know, we are also  
11 joined, just out in the hall right now, by  
12 Assembly member Steve Katz, who has joined us.

13 SENATOR NOZZOLIO: Minority leader, my  
14 sign indicates to me that County Legislator, Mary  
15 Jane Shimsky, would like to speak, and has  
16 another engagement that she must attend. So  
17 please, welcome to County Legislature Shimsky.

18 MARY JANE SHIMSKY, WESTCHESTER COUNTY  
19 LEGISLATOR, 12TH DISTRICT: Good morning and  
20 thank you. Chairman Nozzolio, Chairman McEneny,  
21 members of the New York State Legislative Task  
22 Force on Demographic Research and  
23 Reapportionment, good morning and thank you for  
24 convening this hearing in Westchester County. My  
name is Mary Jane Shimsky. I am the Westchester

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3 County legislator for the 12th legislative  
4 district, which is comprised of the southern two  
5 thirds of the town of Greenburgh.

6 My district, along with certain other  
7 county legislative districts, are contained  
8 within the 35th State Senate district, and the  
9 92nd State Assembly district. Both of my  
10 districts epitomize the best of legislative  
11 reapportionment, and should not be disturbed, if  
12 they continue to meet the population  
13 requirements. Any changes should be limited to  
14 fine tuning, to meet legal requirements.

15 While most of my comments are  
16 specifically geared toward the 35th State Senate  
17 district, which is comprised of the town of  
18 Greenburgh, the town of Mount Pleasant--both in  
19 their entirety, and the part of Yonkers south of  
20 these towns. These comments, for the most part,  
21 apply equally to the 92nd Assembly district as  
22 well.

23 As it currently exists, the 35th Senate  
24 district is compact. It respects municipal  
25 borders. It is diverse, and there is a real

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3 commonality of interest among its communities.

4 It is vital to remember that Westchester  
5 County is oriented from north to south, and not  
6 from east to west. Our major rivers flow from  
7 north to south. Most of our major highways and  
8 most of our mass transit run north/south.  
9 Befitting our county's historical relationship  
10 with New York City, as they currently exist, our  
11 state legislative districts make sense, because  
12 the Hudson River borders on municipalities. The  
13 Saw Mill River, the Saw Mill River Parkway, the  
14 New York State Thruway, the Hudson line of the  
15 Metro North Commuter Railroad--all run through  
16 the communities in these legislative districts.

17 Many of the issues my constituents have  
18 with state government concern these rivers and  
19 transportation arteries. The--this commonality  
20 of interests stand in marked contrast with the  
21 district as it existed before the last  
22 redistricting. At that time, the 35th State  
23 Senate district included the town of East  
24 Chester. I like the town of East Chester. I  
like the people I know from East Chester, but the

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3 commonality of interest was not there, because  
4 that town did not share these arteries.

5 The Hudson River plays a major role in  
6 the western part of the city of Yonkers, as well  
7 as in the towns of Greenburgh and Mount Pleasant--  
8 --but not in East Chester. State aid for  
9 waterfront development along the Hudson,  
10 environmental issues involving the Hudson--  
11 including its cleanup, navigation and recreation  
12 along the Hudson--all concern the municipalities  
13 currently within the 35th Senate district, but  
14 are far less important to East Chester.

15 If there are issues concerning the  
16 Hudson line on the Metro North Commuter Railroad,  
17 or issues concerning the Sawmill River, or the  
18 Sawmill River Parkway, or the southern regions of  
19 the New York State Thruway--those are issues that  
20 affect all of the communities in the 35th Senate  
21 district, as currently configured.

22 East Chester has its own rivers and  
23 transportation arteries to worry about. The  
24 current district's commonality of interest helps  
our communities, because our legislators can

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3 learn our specific issues in depth, and more  
4 single-mindedly look out for our community's  
5 needs. This fosters more legislative  
6 responsiveness to the people.

7 It should also be noted that keeping the  
8 35th State--Senate district "as is," would be a  
9 gesture of bipartisanship, as it was originally  
10 drawn for a Republican incumbent, and is  
11 currently represented by a Democrat. This  
12 electoral pattern suggests a well-drawn district.  
13 Thank you for your time and your attention.

14 SENATOR NOZZOLIO: Thank you, Madam  
15 County Legislature. Any questions of the panel?  
16 That type of insight is very helpful. Thank you  
17 for putting it on the record.

18 MS. SHIMSKY: Thank you very much, Mr.  
19 Chairman.

20 SENATOR NOZZOLIO: Before our next  
21 speaker, I'd like to acknowledge the appearance  
22 of the Honorable Senator Ruth Hassell Thompson.  
23 Very nice to see you again, Senator. Erin  
24 Malloy?

ERIN MALLOY, FORMER PRESIDENT,

1 NYS Legislative Task Force on Demographic  
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3 WESTCHESTER COUNTY LEAGUE OF WOMEN VOTERS, AND

4 FORMER MAYOR, VILLAGE OF IRVINGTON: Good  
5 morning, gentleman. I am Erin Malloy. I live at  
6 35 Riverview Road in Irvington, New York. I am  
7 providing testimony based on my previous  
8 positions as president of the League of Women  
9 Voters of Westchester, and mayor of the village  
10 of Irvington.

11 Many groups are strong--strongly  
12 advocating legislation to put into place an  
13 independent redistricting commission in New York.  
14 On the congressional level, federal law already  
15 addresses some of the inequities and independent  
16 redistricting commission would seek to end. An  
17 equal number of districts per district, or the  
18 "one voice, one vote" principle, is required for  
19 congressional districts.

20 Also, because state officials enact the  
21 new maps, members of Congress are not directly  
22 involved in selecting their own voters. So while  
23 this has been a focus on the state level, we have  
24 the opportunity to work together across various  
regions, party lines, and legislative bodies, to

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3 ensure that New York's new map gives our state  
4 the most advantageous position in Congress.

5 Based on my time in municipal  
6 government, I cannot overstate the value of  
7 having a strong federal representation, not only  
8 to fight for funding for local projects, but also  
9 to ensure that actions in Washington relieve, not  
10 create burdens that force local governments to  
11 raise taxes or compromise services and quality of  
12 life.

13 Even though many people are justifiably  
14 frustrated with Congress's seemingly perpetual  
15 state of stalemate, we cannot lose sight of all  
16 that is respond--all that is at stake for New  
17 York. For example, consider the impact of losing  
18 federal health, security, and transportation  
19 support. Responsibilities to protect our  
20 residents fall to the state, counties, and local  
21 governments. Our infrastructure suffers and  
22 decreases the quality of life for commuters and  
23 residents.

24 We lose opportunities to create jobs in  
construction, health care, and other industries,

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3 and the deficit, between what New York pays in  
4 federal taxes, versus what we get in retiring  
5 from Uncle Sam--currently 80 cents on the dollar--  
6 -could grow even more.

7 That is why I hope you will preserve as  
8 much seniority and leverage and in our delegation  
9 as possible. Locally, Congresswoman Nita Lowey,  
10 and Congresswoman--Congressman Elliot Engle are  
11 effective and responsive representatives. In  
12 addition, Congresswoman Lowey is the only New  
13 Yorker on the Homeland Security Appropriations  
14 Committee, and she works closely with another  
15 senior New Yorker, Republican chair Peter King,  
16 Homeland Security Committee member.

17 She and Mr. Engel both advanced health  
18 care and environmental priorities for our region,  
19 related to the Hudson River, and our many health  
20 institutions here in Washing--Westchester County,  
21 and the broader metropolitan area, from her seat  
22 as the senior member of the Appropriations  
23 Committee, and his on the Energy and Commerce  
24 Committee.

I work as the Director of Development

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3 for Open Gating, an agency that provides day and  
4 residential care for adults with development  
5 disabilities. Our budget has been cut 7.4% this  
6 year, jeopardizing the long-term financial health  
7 of one of the finest providers of this care in  
8 Westchester. Any reductions in federal funding  
9 could have a profound impact on 87 residents, 200  
10 employees, and their families.

11 Now, I know a thing or two about fair  
12 elections. In my first mayoral bid, I had an  
13 electoral victory become a game of chance, which  
14 I lost through the disenfranchisement from one--  
15 of one voter. Political competition is essential  
16 for our electoral system to be effective, and  
17 every elected official should expect to work hard  
18 to earn re-election.

19 I hope your Task Force will avoid  
20 unnecessarily combining districts, in a way that  
21 threatens the service of members who have worked  
22 hard to attain positions that benefit New York  
23 greatly. Thank you very much.

24 SENATOR NOZZOLIO: Thank you very much.

ASSEMBLY MEMBER MCENENY: Thank you.

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3 Did you say you lost by one vote?

4 MS. MALLOY: No, I actually won by one  
5 vote, but they threw the vote out in the Appeals  
6 Court.

7 ASSEMBLY MEMBER MCENENY: My first  
8 election was a tie.

9 MS. MALLOY: The--well, there you go.  
10 What did they do for you?

11 ASSEMBLY MEMBER MCENENY: They gave it--  
12 they gave it to the other guy.

13 MS. MALLOY: God, they give it--

14 ASSEMBLY MEMBER MCENENY: [Interposing]  
15 It was a primary.

16 MS. MALLOY: Oh, well, I had a coin  
17 grab. Thank you very much.

18 SENATOR NOZZOLIO: Thank you very much.

19 ASSEMBLY MEMBER MCENENY: Thank you.

20 SENATOR NOZZOLIO: Assemblyman Katz?  
21 Morning, Assemblyman.

22 STEVE KATZ, MEMBER, 99TH DISTRICT: Good  
23 morning. I get to see some of my, my colleagues  
24 and friends from the, the Assembly down here in  
our beautiful part of the state. I thank you for

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3 coming. I would like to first thank you for  
4 holding an open dialogue about the important  
5 issue of redistricting. Last fall, I ran for  
6 office talking, among other things, about the  
7 dire need for independent redistricting. Simply  
8 put--and I mean no offense by this statement,  
9 whatsoever, because you know how much respect I  
10 do have for what I saw in the last six months up  
11 there with the people involved, the people  
12 involved in--in our government. I mean, no, no  
13 offense whatsoever, but we cannot trust  
14 politicians to make the right decisions when it  
15 comes to prolonging their existence in office.  
16 In my opinion, it is a conflict of interest.

17 Case in point, this past April, the  
18 legislative body in Westchester--the Westchester  
19 Board of--County Board of Legislators approved a  
20 redistricting plan, which the League of Women  
21 Voters walked away from due to exclusion.

22 Challengers were blatantly gerrymandered out of  
23 their districts, to allow entrenched incumbents  
24 to skate by without a fight.

Simply put--this was not right. And I

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3 don't feel that this was democracy at its best.

4 While I commend your hard work in making an open  
5 and transparent process, I remain convinced that  
6 an independent redistricting commission--truly  
7 nonpartisan, would best serve the people of our  
8 state.

9 I thank you again for taking the time  
10 from your--for you--from your summer vacation to  
11 visit us here in Westchester, and I hope you come  
12 to a sound conclusion following these hearings.  
13 Thank you so much.

14 ASSEMBLY MEMBER MCENENY: Thank you very  
15 much.

16 SENATOR NOZZOLIO: Thank you,  
17 Assemblyman. Susan Lerner?

18 SUSAN LERNER, EXECUTIVE DIRECTOR, COMMON  
19 CUASE NEW YORK: Thank you very much, and good  
20 morning. I'm not going to revisit the general  
21 principles which I talked about in Albany--

22 SENATOR NOZZOLIO: [Interposing] I was  
23 just going to say, you look very familiar.

24 MS. LERNER: And I'm going to become  
more familiar, I think, over the course--

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2 SENATOR NOZZOLIO: [Interposing] That's  
3 wonderful.

4 MS. LERNER: --of these hearings. I, I  
5 apologize to the people who are going to be  
6 watching the hearing through the video that will  
7 be put up on the internet, because they won't  
8 have access to some of the maps which I've  
9 provided as part of our testimony--at least  
10 directly in relation to the video. But for  
11 people watching at home later on, the maps are  
12 available on Common Causes Redistricting website  
13 and blog, which is [www.nyredistrict--I'm sorry--](http://www.nyredistrict--I'm sorry--)  
14 [citizensredistrictny.org/blog](http://citizensredistrictny.org/blog). It's our map and  
15 democracy blog.

16 And I'm very pleased to see such a  
17 wonderful turnout here in Westchester, so I am  
18 not going to be talking about Westchester, in  
19 terms of what we've seen in our analysis, because  
20 I think there are community activists and elected  
21 representatives who are in a much better position  
22 to talk about the situation on the ground in  
23 Westchester. Although, it is contained in my  
24 testimony, and there are a number of maps

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3 relating to demographics of Westchester.

4 I'd like to, instead, point out my  
5 testimony, in my written testimony and the maps,  
6 the portion that relates to the Hudson Valley,  
7 because I suspect the justice--there were really  
8 no Hudson Valley activists or community members  
9 at the Albany hearing. There probably are  
10 relatively few, if any, people from Hudson Valley  
11 who will have travelled down to Westchester, at  
12 least in my conversations with those activists.  
13 I wasn't finding people who were planning to be  
14 here. So I'd like to highlight--because there is  
15 no specific--

16 SENATOR NOZZOLIO: [Interposing] And if  
17 I may just interrupt for one second, Ms. Lerner,  
18 that we will ensure that your entire written  
19 testimony will be part of the official record of  
20 these proceedings.

21 MS. LERNER: Right.

22 SENATOR NOZZOLIO: And particularly note  
23 your comments, in its entirety, will be placed  
24 there.

MS. LERNER: So I--so I would expect,

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3 but from my comments this morning, verbally, I  
4 would just like to point to a couple of things  
5 that are interesting about demographic changes in  
6 the Hudson Valley, because I suspect there will  
7 not be community activists to talk about that.  
8 And I think as you are undoubtedly already aware,  
9 the major demographic shifts in our state are  
10 actually seen in the Hudson Valley, or at least  
11 the increase in population. The Hu--the mid-  
12 Hudson region, to the surprise of many, was the  
13 area of the state that showed the greatest  
14 increase in population. And, again, similar to  
15 the situation in Albany, what we see is the  
16 increase in population is primarily due to  
17 minority population increase.

17 So the black population there grew by  
18 25%, the Asian population by almost 40%, and the  
19 Latino population by more than 70%. And, again,  
20 following some of the patterns we've seen in  
21 other places, the--at least the African American  
22 population tends to concentrate in the urban  
23 areas, which include the valley of Spring Valley,  
24 and Rockland County, and the four cities along

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3 the Hudson River.

4 The Hud--the Hispanic population is more  
5 dispersed; but really the salient fact is shown  
6 in the map that we have called Hudson Valley  
7 Population Change 2000 to 2010, and the map that  
8 follows right after that, which is the current  
9 State Senate districts. What we've done is we've  
10 mapped the population shift in the current  
11 districts. And we've provided a color code as to  
12 whether those districts are under-populated or  
13 over-populated on the scale of trying to have a  
14 good--basically equivalent districts, as required  
15 by federal law.

16 The first map shows that there's been a  
17 tremendous significant increase in population in  
18 the Hudson Valley, and when you look at the  
19 second map you see that there are two districts--  
20 State Senate districts there, district 38 and  
21 district 39, which are overpopulated by any  
22 measure.

23 District 38 has more than 10%  
24 overpopulation, and district 39, 5-10%. So  
clearly, the Hudson Valley is an area where the

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3 demographic shifts are going to require  
4 adjustment in the district lines. And that means  
5 also that there will be adjustment in the  
6 congressional district lines.

7 And as we look at some of the factors,  
8 the income--the ethnic populations--the  
9 commonalities of interest, it seems to us that  
10 there are some changes which we would hope to see  
11 in the maps, particularly--not only in the state  
12 Senate but in the congressional districts, where  
13 we question why district 17 is drawn the way it  
14 is, where we believe that the black community in  
15 Yonkers should not be split in two by district  
16 17. And also in district 22, we believe it is  
17 really a--that that district could be much more  
18 contiguous, and that really the five cities of  
19 the Hudson Valley region--Peekskill, Middletown,  
20 Newburgh, Beacon, and Poughkeepsie and certainly--  
21 --at least the four on the Hudson River should be  
22 in the same congressional district, and we  
23 question why that district extends all the way to  
24 Binghamton and Ithaca, hundreds of miles away  
from the Hudson Valley, rather than being

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3 contained within the Hudson Valley.

4 And also in terms of the State Assembly,  
5 we believe, again, that those communities of  
6 interest that are represented by the com--by the  
7 communities which go up the Hudson River are ones  
8 which should be--to the maximum extent, together.

9 We think that Assembly District 1--I'm  
10 sorry, Assembly District 100 right now, takes  
11 Poughkeepsie and Beacon out of Dutchess County.  
12 However, in that situation we believe the cities  
13 are directly connected to areas across the river  
14 by the bridges, and while it looks strange on the  
15 map, we think that that actually may reflect  
16 communities of interest. And we are reaching out  
17 to Hudson Valley activists to ask them whether  
18 those--that conjunction makes sense.

19 But other areas for discussion in the  
20 Hudson Valley of--four assembly districts, we  
21 believe, are the intersection between district 94  
22 and district 95, because the minority communities  
23 of Rockland County and the Spring Valley area are  
24 split, and we question whether that split should  
continue.

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3 And we're also concerned that district  
4 98 on the Assembly side and Senate district 42,  
5 carved Middletown out of Orange County to be  
6 joined with areas far to the north and west, and  
7 we question whether that is a division which  
8 should be continued in the new manner. So thank  
9 you very much.

10 SENATOR NOZZOLIO: Thank, thank you.  
11 It--this type of analysis is extremely helpful to  
12 the Task Force to continue to get that type of  
13 input that--I, I don't know where you're from,  
14 Ms. Lerner, but I assume it's from--in a  
15 metropolitan region, and that it's one thing--I'd  
16 like you to, as you continue to review this  
17 process, give consideration to the fact that when  
18 you make some districts smaller, you will make  
19 other districts much, much, much larger.

20 And--not for today, but--I hope to see  
21 you in the future, that--give some sentiment to  
22 the logistical problems it takes to represent a  
23 district, whether it be for the Senate, the  
24 Assembly Congress, that are larger in geography  
than many states. And then, as you--every action

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3 in this process creates a reaction.

4 And that--again, I know you're urban-  
5 centric, and I hope that in your important  
6 position, that you would look towards the  
7 geographic challenges that these suggestions may  
8 engender. And that I, I understand your  
9 sincerity and your assistance, and it is welcome--  
10 -I mean that sincerely, but I'd like you--and  
11 this is the second time I've had the benefit of  
12 hearing--and the Task Force has had the benefit  
13 of hearing your testimony. I'd like you to  
14 consider that position as well, as you make these  
15 suggestions throughout the state.

16 MS. LERNER: We are very cognizant of  
17 that. Just a personal note--I personally grew up  
18 on a farm, even though I live in the city right  
19 now, so I'm very aware of the difference between  
20 outlook--outlooks and the challenges of distance  
21 in larger districts.

22 And we are reaching out to activists not  
23 only in urban centers, but activists in the  
24 southern tier, in the Adirondacks area, in  
Niagara, and in areas that we feel are often not

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3 heard from in this process, because it's easier  
4 to identify activists in the cities and asking  
5 them to participate in some way, either by filing  
6 written testimony or by sharing their concerns  
7 with us that we can then share with the  
8 committee.

9 So I very much appreciate that comment,  
10 and obviously, you know, in five minutes--we're  
11 just hitting some highlights and are happy to  
12 share further thoughts. In the future, either  
13 part of the hearing process or informally, as we--  
14 as you are struggling with trying to draw a good  
15 map.

16 ASSEMBLY MEMBER MCENENY: Thank you. If  
17 I may? I, I appreciate your testimony and the  
18 fact that you take a different aspect of the full  
19 testimony, so that we can focus on it. And I was  
20 very pleased to see that Common Cause and  
21 yourself acknowledges that when we follow the  
22 Voting Rights Act, and we follow the State  
23 Constitution, that we don't wind up drawing  
24 cubes. It doesn't wind up like a checkerboard.  
It follows concentrations of minorities that

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3 should not and cannot legally be broken up. It  
4 also has a block on border rules. If you break a  
5 city line once, you have to make the math  
6 absolutely exact. In the Congress, the math has  
7 to be exact. And when we get out into the towns,  
8 it doesn't matter if--unless they're larger than  
9 a Senate district, or Assembly district, they  
10 have to be kept together.

11 So sometimes the finished product,  
12 whether it's done by a Common Cause, the League  
13 of Women Voters, or the legislature itself--will  
14 not look the way that a lay person that doesn't  
15 understand these complications, would assume it  
16 would look. And every time there's a spur going  
17 off in one direction, you'll hear charges of  
18 gerrymandering and undue political influence,  
19 when many times that's just the way it is--and is  
20 often legally mandated.

21 MS. LERNER: And, and that's why--thank  
22 you, Assembly Member, we share that concern.  
23 We're doing workshops across the state with  
24 activists, in order to explain some of the ins  
and outs of the redistricting process. There's

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3 no question that in every single presentation I  
4 give on redistricting, somebody stands up and  
5 says, "Why don't we just take a ruler. Why don't  
6 we just do an algorithm? Why don't we just have  
7 square lines everywhere in the state?" And  
8 that's an interesting process to get them to  
9 understand the idea of communities of interest  
10 and the requirements of federal law.

11 So, you know, we--one of the things  
12 which I think is challenging for all of us, is to  
13 help the public understand. And that's why we  
14 very strongly urge you when you do release your  
15 maps, to have an explanation of some of the  
16 choices that you've made. Why there is this--  
17 what might to an untrained eye look like a  
18 strange bulge, and what factors you were weighing  
19 that caused you to make that choice and deviate  
20 from what somebody not familiar with the process  
21 would say should be a straight line.

22 ASSEMBLY MEMBER MCENENY: And that's the  
23 purpose of the second round of hearings, when  
24 people can talk about specific decisions which  
appear to have been made, and you want to know

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3 the reason why, and I think people are entitled  
4 to know those, those reasons.

4 MS. LERNER: Well, I think we're going  
5 to get to know each other very, very well in the  
6 coming six months. Thank you.

7 SENATOR NOZZOLIO: Look forward to that.  
8 Thank you very much for your testimony. That--  
9 also attending today's proceedings is the  
10 Honorable Andrea Stewart Cousins. Senator  
11 Cousins, thank you for your attendance; very nice  
12 to see you again. Professor John Nolan.

13 PROFESSOR JOHN R. NOLAN, COUNSEL, LAW  
14 AND LAND USE CENTER, JAMES D. HOPKINS PROFESSOR  
15 OF LAW, DIRECTOR, KHEEL CENTER ON THE RESOLUTION  
16 OF ENVIRONMENTAL DISPUTES, LAND USE LAW CENTER,  
17 PACE UNIVERSITY SCHOOL OF LAW: Senators, members  
18 of the Assembly and Task Force, thank you for  
19 hosting this hearing in Westchester County. I am  
20 a law professor at Pace Law School. I am Counsel  
21 to the Land Use Law Center.

22 There our work is primarily on  
23 sustainable growth and development--economic  
24 development in environmental conservation. We

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3 work throughout the Hudson Valley. We have now  
4 trained in an intensive leadership training  
5 program 2,500 leaders from that area we've moved  
6 to the Finger Lakes. We've now trained 300  
7 leaders from that area.

8 Altogether, we work with about 500 local  
9 governments throughout the state, and my  
10 perspective on this redistricting matter is  
11 purely governmental, the relationship between the  
12 federal government, the state government, the  
13 county government, and the local governments.

14 We work at the federal level primarily  
15 with HUD, DOT, and EPA. At the state level, we  
16 work with the Department of Transportation, the  
17 Department of Housing, DEC and ESDC. At the  
18 county level we work with planning and  
19 transportation, DPW. And then we work with all  
20 of these local governments, and for things to  
21 work efficiently, there has to be vertical  
22 integration. There has to be a relationship  
23 between federal, state, county and local  
24 interaction resources. The flow of information,  
etcetera.

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3 I want to give you, very briefly, four  
4 examples from our district 18--our congressional  
5 district 18, because it is where we work most  
6 intensively. In that district, we have created  
7 what's called LISWIC, the Long Island Sound  
8 Watershed Inter-municipal Counsel. It was pulled  
9 together primarily because of a federal  
10 influence, under the Clean Water Act. These  
11 local governments each individually had to do a  
12 great deal to control non-plant source pollution.  
13 They had seven things, that each one of them was  
14 required to do independently, and they pulled  
15 themselves together with county government  
16 involvement, with DEC involvement to create an  
17 inter-municipal enterprise to do these things  
18 together at great cost-savings and much better  
19 efficiency.

20 We, in Westchester county, in this 18th  
21 district, we have the I-287 corridor. That is  
22 host to six million square feet of empty office  
23 space, which is a tremendous drag on our tax  
24 base, on our economy, and our jobs. That area  
has been designated by our federal transportation

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3 planning organization as the key transportation  
4 corridor in this metropolitan region.

5 We have got to work together with DOT--  
6 both at the state and federal level, with this  
7 federally created metropolitan planning  
8 organization, and with the governments, between  
9 Tarrytown and Horchestire [phonetic], that--in  
10 Westchester are that--that corridor, that  
11 economic development and transportation corridor.

12 We host every month, mayors from the ten  
13 largest cities in the Hudson Valley. Six of  
14 those are in Westchester County. These are where  
15 500,000 people live, with 15% of the folks there  
16 living at or below the poverty line. Our focus,  
17 because it's their focus, is on economic  
18 development.

19 We're working now with Lieutenant  
20 Governor, we're working with ESDC, we're working  
21 with the federal government--again, on how to  
22 bring jobs into these center cities--these center  
23 cities which are the economic engines of their  
24 region. We cannot do that without integrated  
efforts on the part of the federal, state,

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3 county, and local government.

4 Finally, we're working on the housing  
5 settlement case, the communities in our area--31  
6 of them that have been implicated in the  
7 settlement of the False Claims Act litigation  
8 brought against Westchester County and it's 31  
9 communities, and we are doing a lot of very  
10 productive work with those communities on  
11 developing fair and affordable housing that  
12 requires the energies of the county government,  
13 the local governments, the state government, and  
14 the federal government.

15 And within this 18th congressional  
16 district, we have had the tremendous benefit of  
17 working with Congresswoman Nita Lowey's office on  
18 each and every one of these. And she has a--a  
19 perspective that involves her with the state  
20 agencies. And the state agencies that we're--  
21 that we've worked with understand increasingly  
22 that they have to work with HUD and DOT and the  
23 EPA.

24 So, in closing, I wanted to just cast a  
favorable note on this particular hearing and

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3 your Task Force. We hear so much about the chaos  
4 in our government, about inefficiency of  
5 government--and I think what this Com--this Task  
6 Force, essentially is about--is efficiency in  
7 government--coherence. And I believe that this  
8 perspective of federal, state, county, and local  
9 alignment is incredibly important in your  
10 deliberations, and I appreciate the time to give  
11 you that perspective. Thank you.

12 SENATOR NOZZOLIO: Thank you very much.  
13 Any questions, members of the panel? I see none,  
14 thank you for your testimony.

15 MR. NOLAN: Thank you.

16 SENATOR NOZZOLIO: Mr. Laurence  
17 Goldstein?

18 LAURENCE GOLDSTEIN, CITIZEN: Thank you  
19 for coming to Westchester for this public  
20 hearing. My name is Larry Goldstein, I live in  
21 Mount Kisco, formerly I lived in New Rochelle,  
22 and Mount Vernon. I'm here to defend you in  
23 comparison with the so-called independent  
24 redistricting commission. A common place of  
legislation--at least to an outsider, is that you

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3 get rid of the tough stuff in the title.

4 If there was going to be a law to repeal  
5 the Freedom of Information Act, there's a good  
6 chance that the title would be, "How To Improve  
7 Open Government." And that's what we're dealing  
8 with, with this independent redistricting  
9 commission. It's consistently at its core, a  
10 denominating unit which has eight members, four  
11 of them appointed by the minority and majority of  
12 both houses of legislature. The remaining four,  
13 in theory--two democrats and two republicans,  
14 would be appointed by the governor; which is to  
15 say that the governor gets to choose his--which  
16 political opponents he wants to have against his  
17 party. Nice work if you can get it.

18 The alternative is you. You are  
19 bipartisan. You are half democrat, half  
20 republican. We've got a balanced system. The  
21 risk of going to overly partisan districting, you  
22 can look at in district's--Senate district's 34  
23 and 36. District 34 snakes from the Bronx into  
24 Westchester, down into the Bronx, and then at  
Riker's Island. And in the middle of it, going--

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3 a straight line right through the middle of it,  
4 sometimes it seems like it's like two blocks  
5 wide, is Senate district 36--also from  
6 Westchester to the Bronx.

7 I appreciate all of the concerns about  
8 minority representation and so on, but when you  
9 look at this one, it's very much Eldridge  
10 Sherry's gerrymander.

11 The second objection to this independent  
12 commission is a series of legal issues. We went  
13 back--I remember that 60--there were three years  
14 in the '60s in which we kept having to vote for  
15 the State legislature, because of the WMCA case.

16 I was a young kid at the time, and my  
17 first vote for a State legislator, as far as I  
18 can recall, was Whitney North Seymour, which  
19 probably dates me, but it's--we don't need that  
20 again. And there are legal issues involved with  
21 this so-called independent redistricting  
22 commission. We may put ourselves back in  
23 violation of the federal law--as we found in the  
24 WMCA case. We also, because we're changing the  
process legislatively--rather than

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3 constitutionally, put ourselves at risk of  
4 violating the state constitution.

5 The prudent way around that, of course,  
6 would be to amend the Constitution, find an  
7 appropriate alternative redistricting plan if you  
8 think there should be one--but this one, as  
9 proposed, isn't it. So to avoid, please, more,  
10 more circumstances of Senate district 34 and 36--  
11 keep up the good work; focus, and do what you can  
12 to avoid that quote-unquote independent district.  
13 Thank you.

14 SENATOR NOZZOLIO: In--in your opinion,  
15 Mr. Goldstein--and you raised the constitutional  
16 concerns that I wish you, for the record, would  
17 elaborate on what you believe those  
18 constitutional concerns to be.

19 MR. GOLDSTEIN: You're talking about at  
20 the state or at the federal level?

21 SENATOR NOZZOLIO: At the state level.

22 MR. GOLDSTEIN: At the state level, it's  
23 a legislative function. And--redistricting--

24 SENATOR NOZZOLIO: [Interposing]  
According, according to the New York State

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3 Constitution?

4 MR. GOLDSTEIN: As I understand it, yes,  
5 that's, that's your job. That's what you're paid  
6 for, is to redistrict as one of your functions.  
7 And if you delegate too much of that, that  
8 becomes a risk.

9 SENATOR NOZZOLIO: Any questions,  
10 members of the panel? Thank you, very, very  
11 much.

12 MR. GOLDSTEIN: My pleasure.

13 SENATOR NOZZOLIO: John McEneny.

14 ASSEMBLY MEMBER MCENENY: We are joined  
15 also by Assemblyman Robert Castelli, from here in  
16 Westchester County. Thank you. Thank you for  
17 coming.

18 ROBERT CASTELLI, MEMBER, 89TH DISTRICT:  
19 Good morning, gentlemen. Welcome to the city of  
20 White Plains. As some of you may know, you met  
21 my colleague, Amy Paulin, earlier. We share the  
22 city of White Plains here.

23 My district--the 89th Assembly district,  
24 is the most diverse district in the state of New  
York. And by that I mean simply this--I share

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3 most of the city of White Plains, a number of  
4 Fortune 500 companies. I have three colleges,  
5 one medical school, two state prisons, one of the  
6 largest private airports in the country in White  
7 Plains Airport, and yet I have a multiplicity of  
8 farms and low-income housing.

9 It is at once both one of the wealthiest  
10 districts in the state of New York, and yet in  
11 some cases--especially here in the city of White  
12 Plains and in Mount Kisco, one of the most  
13 diverse; and unfortunately in the area with more  
14 than 4,700 rent control or rent stabilized  
15 apartments, and nine--I'm sorry, 38 different  
16 rent control or rent stabilized housing, so you  
17 can understand that it is a very diverse  
18 district, and it is my great honor to represent  
19 this.

20 I was elected in a special election in  
21 2010. I was re-elected subsequently in November.  
22 It is my pleasure to serve everybody in this  
23 district--republicans, democrats, conservative,  
24 independents and nons alike.

This district was gerrymandered about

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3 ten years ago, and I wish to call that to your  
4 attention. And in one of the strange ironies of  
5 politics, it wasn't gerrymandered for the  
6 advantage of one party over another, but more-so  
7 to give one person a competitive advantage in the  
8 same party over another, and that person had been  
9 replaced, and I have then replaced that  
10 individual here.

11 So it was not so much a political move--  
12 republicans versus democrats--but it was  
13 gerrymandered, nonetheless. My purpose in  
14 appearing before you today, gentlemen, is to  
15 simply ask you and plead for you to engage in  
16 this process in both a bipartisan and an  
17 independent fashion.

18 We have--for the most part, and I most  
19 especially have indicated a desire to see  
20 independent redistricting. Within the confines  
21 that exist within the parameters of this  
22 committee, and our current constitution, I  
23 believe--and I have faith in my colleagues on  
24 both sides of the aisle, that we are capable and  
can do this in a bipartisan, fair and independent

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3 manner.

4 So it is my cause and my case, to  
5 present on behalf of the people in my district--  
6 that plea to you for independent redistricting.  
7 This district is fine, I enjoy serving it. It is  
8 my great personal pleasure to do so. Should you  
9 choose to redistrict it, it would be very hard to  
10 do so, and if it were redistricted, I would  
11 submit to you that if it went back to the  
12 previous way it was redistricted--it probably was  
13 at that point about a 50-50 district, if you look  
14 at the republican-democratic registration, so it  
15 would not give me any competitive advantage one  
16 way or the other.

17 But I would ask you, gentleman, and I, I  
18 know your time is precious so I will finish  
19 speaking now, to please just consider doing this  
20 in a bipartisan and independent manner. And if  
21 there's any way I, or we in the 89th Assembly  
22 district, can help you, it would my--be my great  
23 pleasure and honor to do this. So I thank you  
24 for your time and your efforts on all our behalf.

SENATOR NOZZOLIO: Thank you,

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3 Assemblyman. Any questions from members of the  
4 panel? Thank you very much.

4 MR. CASTELLI: Thank you.

5 SENATOR NOZZOLIO: Jean Johnson. Jean  
6 Johnson? Sharon Lindsey. Good morning.

7 SHARON LINDSEY, PRESIDENT, WESTCHESTER  
8 COUNTY LEAGUE OF WOMEN VOTERS: I'm Sharon  
9 Lindsey. I'm President of the Westchester County  
10 League of Women Voters, and I welcome the  
11 opportunity to stand here before you and thank  
12 you for your service. However, I have submitted  
13 a detailed, written report which I left copies of  
14 outside--which I'm not going to bore you by re-  
15 reading. You can just accept that for the  
16 record. But--

17 SENATOR NOZZOLIO: [Interposing] Would  
18 you, please, sorry for the interruption.

19 MS. LINDSEY: Sure.

20 SENATOR NOZZOLIO: Did you say you had  
21 written testimony you were submitting?

22 MS. LINDSEY: Yes, yes.

23 SENATOR NOZZOLIO: I do not have a copy  
24 of that, in other--

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2 MS. LINDSEY: [Interposing] I left ten  
3 copies at the front desk. But, if. . .

4 SENATOR NOZZOLIO: It could. . .can you  
5 communicate that? Thank you.

6 MS. LINDSEY: I have--I have additional  
7 copies--

8 SENATOR NOZZOLIO: [Interposing] We'll  
9 get one.

10 MS. LINDSEY: --with me, so if there's a  
11 problem.

12 SENATOR NOZZOLIO: We'll get one at the  
13 desk.

14 MS. LINDSEY: I can certainly give them  
15 to you, or forward them to you. The written  
16 statement, which I'm, I'm not going to torture  
17 you with reading in its entirety because I value  
18 your time--it sets forth the league's firm  
19 conviction that an independent commission, and  
20 not yourselves--and certainly no insult intended--  
21 --but you are legislatively controlled and should  
22 be doing redistricting in New York State.

23 Whether it is the one Governor Cuomo  
24 proposed, or it's another one--is irrelevant to

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3 us at the moment. I will just briefly summarize  
4 the complaints that I set forth in the written  
5 statement. The League, as I'm sure you're aware,  
6 is a nonpartisan organization that has  
7 historically stood for fair and equitable  
8 representation of all voters. A legislatively  
9 controlled and somewhat non-transparent  
10 redistricting process that exists at the moment--  
11 and I'm very happy to see you having these  
12 hearings now, but I think we've heard a lot of  
13 testimony about weird districts that have been  
14 carved out in the past to create competitive  
15 advantages, etcetera.

16 It--there is--there is a perception that  
17 this process is tailored to protect incumbents  
18 and discourage competition. And thereby,  
19 frankly, effectively disenfranchise voters. I  
20 note that in the 2010 election, New York State  
21 ranked 47th in overall voter participation in  
22 that election.

23 Clearly, that's not a goal. And I think  
24 it affects--it impacts the decision-making that  
you who are elected engage in when you are

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3 performing your governmental duties. The bottom  
4 line, I think, is that when left to themselves--I  
5 think legislators tend to redistrict in their own  
6 interests, and not necessarily in the interest of  
7 the general electorate.

8 And frankly, with very little meaningful  
9 public access to the process by which this  
10 occurs, the data that is relied on--the League  
11 would urge that the legislators to - - process,  
12 if at all possible this year, and establish an  
13 independent commission to conduct state-wide  
14 redistricting.

15 I think the time has come, on behalf of  
16 the League, to restore more legitimacy to our  
17 electoral process. Thank you very much for your  
18 time and I appreciate your consideration.

19 SENATOR NOZZOLIO: Thank you very much,  
20 and your entire written testimony, which I--did  
21 appear, since you've began speaking--to me, will  
22 be part of the official record.

23 MS. LINDSEY: Thank you.

24 SENATOR NOZZOLIO: I just have one  
question. I don't know if you heard Mr.

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3 Goldstein's comments, a speaker or two before  
4 you, regarding the constitution of the state of  
5 New York, and--

6 MS. LINDSEY: [Interposing] I did hear  
7 them. I was surprised by them, but I really  
8 don't have a comment with regard to that.

9 SENATOR NOZZOLIO: It--I think that--you  
10 have no comment regarding the--that issue--  
11 regarding the constitution?

12 MS. LINDSEY: That is--that is correct.  
13 I will be happy to look into it and forward you a  
14 comment, if you would prefer that.

15 SENATOR NOZZOLIO: Thank you very much.

16 MS. LINDSEY: You're welcome. My  
17 pleasure. Thank you.

18 SENATOR NOZZOLIO: Liam McLaughlin.

19 LIAM MCLAUGHLIN, 2010 CANDIDATE FOR NYS  
20 SENATE: Chairman Nozzolio, Chairman, McEneny,  
21 members of the Commission, it's very good to see  
22 you here today, and thank you so much for coming  
23 to Westchester.

24 I would like to see a fair and  
bipartisan redistricting plan that encourages

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3 contested elections. As many of you know, I ran  
4 last year for the State Senate, because I  
5 believed that people deserve a choice. Myself  
6 and Bob Cohen ran strong in close races and the  
7 voters in those two districts enjoyed exciting,  
8 competitive races, where the issues were openly  
9 debated in the public--which is what good  
10 government is all about.

11 Both parties should have a chance at  
12 victory, and please draft lines that accomplish  
13 that. I also think it's very important to break  
14 the deadlock that is in the State Senate, that  
15 led to the dysfunction and changing leadership.

16 It makes no sense to have an even number  
17 of Senators. It must be an odd number in order  
18 to break ties going forward. It's my belief that  
19 under the constitution, the number should change  
20 from 62 to 63, and I strongly recommend that. We  
21 all saw what the deadlock did to the state, and  
22 that can't be allowed to happen again in the  
23 future.

24 During my campaign for State Senate last  
year, I signed Mayor Ed Koch's Pledge to Support

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3 an Independent Redistricting Commission to draw  
4 electoral lines and end the bi--the partisan  
5 gerrymandering that puts political incumbency  
6 over the public interest. And that was the  
7 actual language from the pledge. I still support  
8 an independent commission for redistricting, but  
9 this substantial change in state law must be done  
10 properly.

11 At no point during the discussions about  
12 the pledge last year, did anyone mention any  
13 proposal from Andrew Cuomo. It was never part of  
14 the debate. It was my intention, when I took  
15 that pledge--it would require an amendment to the  
16 New York State Constitution, to implement the  
17 changes in state law that would create the  
18 independent redistricting commission, since the  
19 State Constitution contains the actual text for  
20 the redistricting in our state.

21 This past March, the New York State  
22 Senate passed a bill to create the Independent  
23 Redistricting Commission through an amendment to  
24 the state constitution. As an attorney, it's my  
belief that that's how it must be done. I

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3 respectfully submit that the accusations in the  
4 media, that the senators who voted for this  
5 constitutional amendment somehow violated the  
6 Koch pledge. And those, those accusations, I  
7 believe, are completely politically motivated,  
8 untrue and misleading.

9 In my opinion, the passage of the  
10 legislation by the senators fully complies with  
11 the pledge. Further, upon my review of Governor  
12 Cuomo's alleged independent commission, it's  
13 slanted against the republican party--and I  
14 cannot imagine how any republican elected  
15 official could be expected to vote for  
16 legislation that has the potential to do  
17 tremendous partisan damage to the republican  
18 party.

19 The state constitution has mandated for  
20 decades that redistricting is performed by the  
21 state legislature, and the Cuomo bill is a clear  
22 power grab by the Governor, in violation of the  
23 checks and balances, and separation of powers.

24 The Governor plays too large a role in  
his redistricting legislation. I still support

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3 an independent commission, but the composition of  
4 such commission must be truly fair to both major  
5 parties--just like the fairness I see in the task  
6 force here before me. With an equal number of  
7 democrats and republicans or--as required by the  
8 constitutional amendment passed in March by the  
9 State Senate--with only five members and no bias  
10 against either party. I thank you for the  
11 opportunity to address you.

12 SENATOR NOZZOLIO: Thank you very much,  
13 Mr. McLaughlin. Questions from the panel?  
14 Senator Dilan.

15 SENATOR DILAN: Yes, just like a  
16 previous witness who testified that perhaps the  
17 Senate should be 63--again, what would be the  
18 justification for increasing the number of the  
19 New York State Senate?

20 MR. MCLAUGHLIN: Well, first of all, I  
21 believe that under the applicable state law and  
22 the constitution, it is allowable to go to 63,  
23 but more practically--

24 SENATOR DILAN: [Interposing] Is it  
allowed to go to 65?

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2 MR. MCLAUGHLIN: I--you know, I believe  
3 it would be, but I--honestly, I'd have to take a  
4 look at that issue. But I, I think it should be  
5 an odd number, regardless--

6 SENATOR DILAN: [Interposing] Why not  
7 61?

8 MR. MCLAUGHLIN: Well, I think 61  
9 practically would, would be a real problem,  
10 because then you'd be eliminating a district--  
11 potentially eliminating a sitting Senator, or a--  
12 or a currently existing Senatorial district, so I  
13 think the plan to go to 63 would, would make a  
14 lot more sense. And cause less chaos.

15 SENATOR DILAN: But are you basing it  
16 on, on any, any formula at all? Or is it you are  
17 picking a number out of a hat?

18 MR. MCLAUGHLIN: Well, it's not picking  
19 it out of a hat, it's the, the closest number--I  
20 think that going down would be a problem, because  
21 you'd be eliminating a, a senator, and then the  
22 allegations would be that it was politically  
23 motivated no matter who it was.

24 So, therefore, by going up you could

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3 take a little bit away from each district in  
4 population and create a, a new district. To me,  
5 that's much more palatable, I believe, to the  
6 public. Having been an elected representative, I  
7 think that that's something that the public would  
8 understand a little more easily than--all of the  
9 sudden, their elected official is now gone.

10 SENATOR DILAN: Now, you're aware that  
11 in the constitution of the State of New York,  
12 there is a method for coming up with the number  
13 and there is a formula, and I believe that we  
14 should follow that formula. And somehow I  
15 believe that this Task Force needs to make that  
16 formula public so the public can also judge for  
17 themselves what that number should actually be.

18 MR. MCLAUGHLIN: Certainly. The more  
19 information that's out there for the public,  
20 obviously, the better.

21 SENATOR DILAN: Okay, one more question.  
22 You, you mentioned that some newspaper articles  
23 made partisan remarks in terms of members signing  
24 the Koch pledge. Is it a fact that many of the  
members did sign the Koch pledge?

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2 MR. MCLAUGHLIN: Yeah.

3 SENATOR DILAN: In the State Senate?

4 MR. MCLAUGHLIN: Absolutely, and I  
5 don't--and I believe that what they've done has--  
6 is in fact honoring the pledge.

7 SENATOR DILAN: How is that?

8 MR. MCLAUGHLIN: The Governor can't, on  
9 his own, come up with a commission. The  
10 redistricting is dictated by the state  
11 constitution.

12 SENATOR DILAN: But my question is that  
13 in the election last year, many members led the  
14 public to believe that they were going to honor  
15 the Koch pledge.

16 MR. MCLAUGHLIN: [Interposing] And I--  
17 and I--

18 SENATOR DILAN: [Interposing] Then the  
19 election is over, and all of the sudden, the  
20 pledge means nothing.

21 MR. MCLAUGHLIN: Well, Senator, I--with  
22 all due respect, I don't believe the pledge means  
23 nothing. I believe that they are honoring the  
24 pledge. It must be done by a Constitutional

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3 Convention; it can't just be done by the  
4 Governor.

5 SENATOR DILAN: Well, I think that that  
6 was perhaps a political ploy--

7 MR. MCLAUGHLIN: [Interposing] I know,  
8 I'm sorry.

9 SENATOR DILAN: When they led the public  
10 to believe that they were going to institute a  
11 independent commission immediately, and by coming  
12 back and introducing a bill that puts it off for  
13 ten years--I think is not what the public was  
14 expecting last year.

15 MR. MCLAUGHLIN: Well, I--well, what the  
16 public was expecting and what legally has to  
17 happen may be two different things.  
18 Unfortunately, the laws the--in this state  
19 require it to be done a certain way.

20 SENATOR DILAN: All right, then I guess  
21 at the end of the day the public will be the  
22 judge of that.

23 MR. MCLAUGHLIN: I guess that's true.

24 SENATOR DILAN: Right, thank you.

MR. MCLAUGHLIN: Sure.

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2 SENATOR NOZZOLIO: Thank you, Senator  
3 Dilan. But, Mr. McLaughlin, I, I asked Mr.  
4 Goldstein and Ms. Lindsey this question regarding  
5 the constitutional amendment, and why that is  
6 relevant. You mentioned it in your testimony.  
7 Would you further elaborate on that issue?

8 MR. MCLAUGHLIN: Well since this issue  
9 is, in fact, dictated by the constitution--it  
10 must be done by a constitutional amendment. It  
11 cannot be done by the Governor proposing a  
12 commission, or, or anything of the sort. The  
13 power is strictly given to the legislature, under  
14 the state constitution. Therefore, it's--the  
15 legislature's power cannot be taken away by the  
16 Governor, and it must be done by amendment.

17 SENATOR NOZZOLIO: That the issue of the  
18 map--I got kind of lost as you were discussing  
19 the selection and your view relative to the panel  
20 decided--to be decided--would you go through that  
21 again, please?

22 MR. MCLAUGHLIN: I'm sorry, could you  
23 explain?

24 SENATOR NOZZOLIO: The--I think you said

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3 something to the effect that the--you had  
4 objections to the method in which either the  
5 panel was selected, or the ultimate result of who  
6 would be on the--so the independent redistricting  
7 panel.

8 MR. MCLAUGHLIN: Well, I think that the  
9 Governor, in his proposal, is playing too heavy a  
10 role in it. Again, this is something that is  
11 specifically and uniquely given--a power that's  
12 given to the legislature. By the governor's  
13 proposal, he's playing way too much a hand in it,  
14 by the appointments that he's making. And I  
15 think it's something that the legislature needs  
16 to, to be handling.

17 SENATOR NOZZOLIO: Thank you very much.  
18 Senator Dilan.

19 SENATOR DILAN: Yes. I don't believe  
20 that the Governor has appointed anyone to any  
21 panel at this point because the state legislature  
22 has not passed his program bill, so therefore he  
23 has not made any appointments that I'm aware of.

24 But a follow-up to the constitutional  
question. If the legislature so chose, could

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3 they give up the right to draw the lines on their  
4 own? And if they passed the legislation to  
5 create an independent commission to redraw the  
6 lines, can the legislature do that?

6 MR. MCLAUGHLIN: Just to your first  
7 point, I don't think that I said that the  
8 Governor made the appointments, and if I did that  
9 was--

10 SENATOR DILAN: [Interposing] All right,  
11 I thought that's what I heard, yeah.

12 MR. MCLAUGHLIN: As his proposed--his  
13 proposal would be to have--

14 SENATOR DILAN: [Interposing] Okay.

15 MR. MCLAUGHLIN: Could the legislature  
16 give up that power? I guess they could, but  
17 honestly I would have to take a closer look at  
18 that. That, in and of itself, might be cause for  
19 an amendment because it would be a shift in power  
20 between the executive and the legislative--

21 SENATOR DILAN: [Interposing] Well, I  
22 think if the legislature chose to pass  
23 legislation to give up that right, I think they  
24 can do that. And if someone did not like it,

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3 like they're doing in the--in the Little case,  
4 challenging this Task Force with respect to the  
5 2000 Prisoner Law that could--that the public has  
6 the right to take that to court also.

7 MR. MCLAUGHLIN: The--point I'm getting  
8 at, Senator, is in the city of Yonkers, when I  
9 was on the city council, if there was a, a  
10 diminution of powers between the legislature,  
11 they, they could not just do that on their own.

12 They could not unilaterally--well, not  
13 unilaterally, but they could not give the power  
14 over to the executive. That would have had to  
15 have been done by referendum, and therefore I  
16 don't know if there's a similar mechanism in--

17 SENATOR DILAN: [Interposing] Well, just  
18 one more clarification. They're not giving it to  
19 the executive, they're giving it to an  
20 independent panel.

21 MR. MCLAUGHLIN: Yeah, well, giving  
22 their powers over to anybody else--they're  
23 elected to do the job. If the powers are under  
24 the state constitution, I don't know that they're  
allowed to just give that power over to somebody

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3 else.

4 SENATOR DILAN: Well, I, I think that if  
5 we chose to pass legislation, I think it's  
6 possible--just like we do in many cases, with  
7 authorities. Thank you.

8 MR. MCLAUGHLIN: Thank you, Senator. I  
9 just--I haven't researched that issue.

10 SENATOR DILAN: Thank you.

11 MR. MCLAUGHLIN: Sure.

12 SENATOR NOZZOLIO: And I--in concluding,  
13 are there any other questions to members of the  
14 panel? I'd just like to say it was very  
15 interesting to hear your testimony and the  
16 testimony of Mr. Goldstein regarding the  
17 constitution.

18 We haven't heard--I, I believe that the--  
19 --that becomes too--it's an inconvenient truth for  
20 others--for many, and on many different issues,  
21 in terms of the state constitution. And I, I  
22 appreciate you bringing it to light on behalf of  
23 the Task Force as part of the record. Thank you  
24 very much for your testimony.

MR. MCLAUGHLIN: And, and thank you

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again for being here.

3 ASSEMBLY MEMBER MCENENY: Thank you.

4 SENATOR NOZZOLIO: Mr.--I don't know if  
5 it's a mister or misses Jan Degenshein? It's a  
6 mister, I apologize in advance for likely  
7 mispronouncing your last name, but thank you very  
8 much for being here. Would you, for the record,  
9 help us in its pronunciation, sir?

10 JAN DEGENSHEIN, CHAIRMAN, ROCKLAND  
11 BUSINESS ASSOCIATION, PRESIDENT, DEGENSHEIN  
12 ARCHITECTS: You did--you did get the gender  
13 right. I am Jan Degenshein, President of  
14 Degenshein Architects in South Nyack, New York.  
15 I also chair the Rockland Business Association  
16 under 2010 as the Platinum level Chamber of the  
17 Year by the Business Counsel of New York State.

18 I would like to thank you, Senator  
19 Nozzolio, and Assemblyman McEneny, for co-  
20 chairing this important Task Force and for  
21 holding this hearing in the lower Hudson Valley.  
22 Honorable representative, ladies and gentleman,  
23 let me state up front--we view the current  
24 congressional districting process--redistricting

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3 process as an opportunity for New York State to  
4 correct a gross injustice imposed upon the people  
5 of Rockland County, in the adoption on June 5,  
6 2002, of the legislation that established our  
7 current congressional district.

8 Up until that time, Rockland--the  
9 smallest land-mass county outside the boroughs of  
10 New York City, composed--along with a small  
11 portion of Orange County, the former 20th  
12 congressional district. And for 30 years, we had  
13 one congressional representative, the great  
14 statesman, Ben Gilman. Our current  
15 representatives, notably Nita Lowey and  
16 Congressman Elliot Engel rep--carry on in that  
17 very fine tradition.

18 The legislation of 2002 carved up  
19 Rockland County into three districts. And one of  
20 those districts we account for only 4% of the  
21 constituency, effectively rendering our voting  
22 interests impotent in that district. We did not  
23 deserve the disrespect shown us at that time.

24 Rockland and Orange had experienced  
population increases. Our districts should have

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3 been sacrosanct. But decisions appear to have  
4 been made purely around political considerations  
5 rather than geographic balance.

6 As in 2002, the State of New York has  
7 lost population, and will lose two more  
8 Congressional seats. Like 2002, the districts  
9 with the greatest loss should be the two to lose  
10 representation. Unlike 2002, we trust this will  
11 be accomplished.

12 No emotion, no politicizing, no  
13 protection of a favorite son or daughter, no  
14 abuse of power--just clean, cogent application of  
15 the intent of the process. And what a pleasant  
16 surprise--with this approach we find  
17 justification to reunite Rockland County, and  
18 return our constituents to a single Congressional  
19 representative, a single Congressional champion  
20 to rep--represent all of us equally, since 70% of  
21 Rockland County presently lies in one district--  
22 this is not a far stretch.

23 Since the last census, Rockland has  
24 experienced an 8.7% increase in population, from  
just under 287,000 to just under 312,000. And we

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3 have shown growth in areas of basic demographic  
4 characteristics pertinent to the redistricting  
5 process. For example, we had a 16.6% increase in  
6 the number of 45 to 64 year olds. A 23.6%  
7 increase in seniors age 65 and over. A 9.1%  
8 increase in the number of children--those under  
9 18, and a 67.2% increase in Hispanic-Latino  
10 population, also a 7.1% increase in total  
11 households.

12 For all of the above, I trust that you  
13 will give the most serious consideration to our  
14 request, and again I thank you for conducting  
15 these hearings.

16 SENATOR NOZZOLIO: Thank you very much.  
17 Any questions of the panel? Hearing none, we  
18 thank you very much for your testimony.

19 ASSEMBLY MEMBER MCENENY: If, if I might  
20 caution on the question of mathematics. If  
21 districts are coming up, and one is short, it's  
22 going to have to go over into the next district  
23 to take people to meet the constitutional  
24 requirement. There's not one district in the  
State of New York representing us in Congress,

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3 which is at the legal number of 7-17-7-07. If,  
4 If we look at ourselves with tunnel vision, then  
5 it's easy to say, "This is what should happen."  
6 But we can't have population falling off the map  
7 on Long Island, and we can't have them dropping  
8 off the map in Canada. It all has to match. And  
9 sometimes it's not neat. But we can't judge from  
10 the center with tunnel vision and forget the fact  
11 that the district next to the--next to us is  
12 light and needs people to survive--at all. And  
13 another one might be heavy--far too many and it  
14 will have to flow into an adjoining district.

15 This is a complicated, complicated  
16 issue. But when things do make sense, we  
17 certainly try to do them. But math does not  
18 always allow us to do it, nor does the Voting  
19 Rights Act, or the constitutional requirements.

20 SENATOR NOZZOLIO: Thank you,  
21 Assemblyman. The minority leader of the  
22 Westchester County legislator--legislature Jim  
23 Maisano indicates to me that the Chairman of the  
24 County Legislature, the Honorable Kenneth  
Jenkins, is available to testify. Thank you,

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3 Chairman Jenkins. And, again, let me reiterate,  
4 on behalf of all the members of the Task Force,  
5 the courtesies you've extended to us in using  
6 this beautiful chamber for this hearing--we  
7 appreciate very, very much. And thank you for  
8 being here today.

9 HONORABLE KENNETH JENKINS, CHAIRMAN,  
10 WESTCHESTER COUNTY BOARD OF LEGISLATORS: Thank  
11 you, Senator. It certainly is a privilege for us  
12 to have you here in the chambers of Westchester  
13 County. And, and certainly to you, Senator  
14 Nozzolio, Assemblyman McEn--oh, excuse me,  
15 McEneny, and Honorable members of the Task Force  
16 on Demographic Research and Reapportionment--and  
17 especially my colleague here on the County Board--  
18 minority leader Jim Maisano. We want to say  
19 that we are so happy that you are here.

20 So good morning, I'm Ken Jenkins, the  
21 Chairman of the Westchester County Board of  
22 Legislators, and again for you choosing  
23 Westchester as one of the sites for these very  
24 important public hearings--we are so grateful for  
that. As you have seen here--at least in

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3 Westchester County, we have recently completed  
4 the redistricting process, and I certainly fully  
5 understand the difficult and important task  
6 that's in front of you. Trying to balance all of  
7 those variables, as we are going through this  
8 process, is extremely difficult, and we  
9 understand the challenges that face before you.

10 Here in Westchester, we were able to  
11 accomplish our redistricting process with a  
12 minimal movement of less than 5% of the entire  
13 population of Westchester, which is just about a  
14 million people. And more importantly--with no  
15 lawsuits. We compare this to our friends in  
16 Nassau County, whose redistricting plan is in  
17 litigation, and where over 45% of the population  
18 had shifted into other districts.

19 And again, understanding that the  
20 numbers have to match up, and it's very difficult  
21 to do. In considering reapportionment for the  
22 State Legislature, please consider compactness--  
23 pursuant to New York State constitutional  
24 requirements. In Westchester, we have three  
State Senators that cross into our neighboring

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3 counties, two that go into New York County in the  
4 Bronx, one in Putman County. And under no  
5 circumstances should that increase.

6 We certainly can see with the numbers in  
7 balancing that we should be able to do that. For  
8 the State Senate, there should also be a  
9 consideration for insuring that the body is an  
10 odd number, by either going up to 63 or down--  
11 back to 61 Senators.

12 I believe the changing demographics  
13 identified in the 2010 census must impact the  
14 State and Congressional redistricting.  
15 Legislative districts must be redrawn or must be  
16 drawn to provide minority communities an equal  
17 opportunity to elect representatives of their  
18 choice.

19 It appears that there is an opportunity  
20 to create some districts based on shared  
21 interests, including social, linguistic, and  
22 other factors--especially in those populations of  
23 higher densities.

24 And finally, while I appreciate the  
opportunity to provide comment on the

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3 reapportionment process, I would have preferred  
4 an opportunity to comment on a draft proposal,  
5 where specific concerns could be identified and  
6 subsequently addressed by your Honorable  
7 Committee. I understand--and I know firsthand,  
8 that New York census data for 2010 was delayed by  
9 several weeks, and I am positive that this  
10 impacted the ability of this Honorable Committee  
11 to have a draft--presentation before us today.

12 Certainly again, I know the difficult  
13 work that lays before all of you--the members of  
14 your staff, and certainly the people of New York  
15 as we go through this difficult process where  
16 people all try to identify and protect their own  
17 communities, but I know you'll be able to be up  
18 to the task of balancing and doing it fairly.

19 Thanks again for the opportunity to  
20 speak this morning--and again, Senators, Co-  
21 chairs, and Assemblyman, we really appreciate  
22 your being here this morning.

23 SENATOR NOZZOLIO: Thank you, Chairman.  
24 Are there any members of the panel wish to, to  
speak? Mr. Hedges.

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2 MR. HEDGES: Just in the way of  
3 information, I think it is the intention of this  
4 group to actually present draft plans at a point  
5 in the future. But prior to putting together a  
6 draft plan, we wanted to hear from people, and  
7 give people an opportunity to shape those draft  
8 plans before we came back to the public and said,  
9 "Now that there's a draft plan in front of you,  
10 what do you think?"

11 And so, I'm expecting that we'll be back  
12 and we'll give you that opportunity, and  
13 hopefully those drafts will reflect some of the  
14 ideas that people have advanced in these  
15 hearings--prior to the drafting put together.

16 MR. JENKINS: Thank you, Mr. Hedges.  
17 And it--certainly you are welcome to come back  
18 here to our chambers, and I'm sure Mr. Maisano  
19 will make sure that we have an opportunity for  
20 that, and we'd love to have you back.

21 MR. HEDGES: Thank you.

22 SENATOR NOZZOLIO: Chairman Jenkins,  
23 before you leave, thank you again for your  
24 testimony. Earlier today, we heard from one of

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3 your elections commissioners echo a sentiment  
4 that this Task Force heard discussed in upstate  
5 larger counties, like Onondaga and Monroe.

6 Westchester's challenge is in  
7 implementing a redistricting plan under the best  
8 of circumstances--was told that it would take us  
9 here in Westchester at least 90 days to do the  
10 redistricting formatting--a logistical formatting  
11 for the local county legislative districts.

12 I asked the, the Commissioner of the  
13 Board of Elections what type of similar process  
14 would there be--or challenge would there be for  
15 the mapping of the Congressional State  
16 legislative lines, and coupled with a potential  
17 June primary, which would compact the entire  
18 process. We don't want this redistricting to be  
19 yet another unfunded mandate to county  
20 government, and that--do you have similar  
21 concerns regarding that objective and those  
22 challenges?

23 MR. JENKINS: Absolutely. Because,  
24 again, when you have the, the time frames as are  
being compressed, especially with the potential

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3 June primary as you mentioned, Senator, the, the  
4 issues for us trying to have the staff available  
5 at the Board of Elections, it would cause us to  
6 wrap up significantly the number of our panel at  
7 the Board of Elections to be able to get the data  
8 in.

9 For us and our redistricting process  
10 this year, we were not able to have our lines  
11 drawn in time. We, we drew them in time, but  
12 they were not in the Board of Elections system in  
13 time for the petition process. So, basically we  
14 ran on both sets of lines, as far as petitioning  
15 was going on.

16 To do this by June--and in Westchester  
17 we also have March elections with village  
18 elections. That creates an additional--an  
19 additional complication that would also, again,  
20 cause us to have additional funds be spent--in  
21 order to make sure that the lines were input and  
22 people were ready to be able to walk petitions at  
23 the earliest possible moment.

24 SENATOR NOZZOLIO: Well, that is a very  
important message, and I appreciate you echoing

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3 it--reiterating it, and it's something that this  
4 task force--and Assemblyman McEneny, I know,  
5 shares my concerns that that's a big reason why  
6 we began this process, because we are certainly  
7 under the gun time wise here.

8 Thank you for your cooperation, your  
9 support--again, the use of this beautiful  
10 chamber, and look forward to seeing you--working  
11 with you in the future.

12 MR. JENKINS: Senator, we look forward  
13 to working with you. Thank you, Assemblyman,  
14 thank you Senator.

15 SENATOR NOZZOLIO: Zelma--Zulema Bre--  
16 Blai--Zulema Blair [phonetic? Steve Suey  
17 [phonetic]? Steve Suey? Betsy MALCOM? Betsy--  
18 Betsy Malcom.

19 BETSY MALCOM, ORGANIZING COMMITTEE, ACT  
20 NOW: Well, thank you for letting me speak--and  
21 please excuse my lack of experience in public  
22 speaking.

23 SENATOR NOZZOLIO: Well, thank you for  
24 being here, and would you be so kind, so everyone  
can hear you, please put the microphone as close

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3 to you as possible?

4 MS. MALCOM: Thank you. Redistricting  
5 happens every ten years, following the census,  
6 because legislative districts are supposed to be  
7 responsive to changes in the electorate. "One  
8 person, one vote" is fundamental to our  
9 democracy. However, here in New York, a history  
10 of gerrymandering has allowed elected officials  
11 to choose the voters who will keep them in power,  
12 denying citizens the right to a fairly contested  
13 election. Incumbents in a legislature of 96% re-  
14 election rate--no wonder voters don't bother to  
15 vote.

16 In the 2010 election, New York State was  
17 47th among the states in voter participation.  
18 New Yorkers clearly feel that partisan interests  
19 have prevented competitive elections, leaving  
20 them essentially disenfranchised. So why bother  
21 to vote? I'm part of a growing course demanding  
22 that an independent, non-partisan panel draw New  
23 York's legislative districts.

24 The LATFOR committee, as currently  
constituted, is intrinsically suspect since it

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3 consists of elected officials with an inherent  
4 conflict of interest. That's not saying any of  
5 you intend to be dishonest, but I feel that this  
6 is an inherent problem. The fact that they  
7 initially said that they might disregard the  
8 current law on prison-based gerrymandering adds  
9 to the appearance of bias and the negative  
10 public--

11 ASSEMBLY MEMBER MCENENY: [Interposing]  
12 Objection. That is 100% untrue. We never said  
13 we would not follow the law--ever. It's all on  
14 tape and you can watch it on the LATFOR website.  
15 At no time did LATFOR say that they would not  
16 follow the law. We said we did not have the  
17 available information at one time. We're--we've  
18 been gathering it for some time. We have never  
19 said--and I was very disappointed when my own  
20 hometown newspaper said we had reversed a stand.  
21 That has never been the stance of LATFOR. And I  
22 believe people have perpetuated that rumor to  
23 discredit LATFOR for their own particular  
24 political agenda.

MS. MALCOM: Well, I have read it in

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3 many places. If it's incorrect, I apologize.

4 SENATOR DILAN: A point of--Mr.  
5 Chairman?

6 SENATOR NOZZOLIO: A point of order from  
7 Senator Dilan. What is your point, Senator?

8 SENATOR DILAN: I would--my, my point is  
9 here that we keep referring to political agendas,  
10 and I don't know where that comes from. But just  
11 to clarify the record, there was--it was not  
12 clear, with respect to the 2010 prisoner law,  
13 what the position of this panel was. However, I  
14 believe last week up in Albany, both co-  
15 chairpersons did publically state that the  
16 intention is to follow the law.

17 MS. MALCOM: I understand that.

18 SENATOR DILAN: And we do appreciate  
19 that.

20 MS. MALCOM: And if you see in my next  
21 sent--

22 SENATOR DILAN: [Interposing] Is that  
23 correct, Mr. Chairman?

24 MS. MALCOM: I said--

SENATOR NOZZOLIO: [Interposing] If, if

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3 I may? And I appreciate it, Ms. Malcom. Welcome  
4 to public speaking. I--

5 [Laughter]

6 SENATOR NOZZOLIO: I know you weren't  
7 involved in public speaking before, and I know--I  
8 apologize for this interruption. As a member of  
9 the committee, and just before you begin, it is a  
10 very important issue that you touched upon. I  
11 think Senator Dilan--Assemblyman McEneny  
12 attempted to clarify the record. Senator Dilan  
13 is attempting to clarify the record, and it is an  
14 important record to clarify. Their comments are  
15 both--are both made.

16 I would also like to make a comment,  
17 that I understand both of my colleague's  
18 comments. What I didn't understand was a  
19 characterization that I said something that I  
20 never said. And that that wasn't made by any of  
21 the members of this panel, it was made by  
22 interpreters of that--of my comments.

23 I read this morning a comment where I  
24 was indicated in, in some public blog that I had  
made a statement at a prior hearing--or a prior

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3 committee meeting regarding this process and the  
4 counting of, of prisoners and the obedience of the  
5 law. And I was shocked. And I hope tomorrow,  
6 when you go home and read about this tomorrow,  
7 that you don't--aren't quoted as saying that  
8 you're totally in favor of what LATFOR is doing,  
9 and that you are, in effect, saying something  
10 that you never said.

11 So I think that's what Assemblyman  
12 McEneny is, is trying to clarify. I was shocked  
13 that, in effect, I would be quoted as saying  
14 something that I never said. With that, LATFOR--  
15 let me reiterate the position--as articulated by  
16 the members, as articulated by us last time at  
17 our hearing in Albany--that every member of this  
18 panel is fully committed to obeying the laws of  
19 the land as they exist; federal law, especially  
20 the Voting Rights Act, state law, and state--the  
21 state constitution. We cannot reiterate that  
22 enough. But we appreciate that--as those giving  
23 testimony for the record recognize the fact that  
24 this Task Force has fully intended as we move  
forward to comply with every nuance of every law

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3 applicable.

4 MS. MALCOM: Well, I appreciate that  
5 that's clear. I do appreciate that. Okay, the  
6 legislature must go back to Albany for a special  
7 session and enact an independent, nonpartisan  
8 redistricting process that will return both the  
9 reality and the public perception of integrity to  
10 our elections. Only then will they truly  
11 represent the nearly two-thirds of voters of both  
12 parties who overwhelming said in a 2010  
13 Quinnipiac poll that they support redistricting  
14 reforms before the 2012 elections.

15 61 of 62 state senators and 123 of 150  
16 assembly members have indicated support for some  
17 kind of independent commission for redistricting,  
18 and yet the legislature has held no vote on the  
19 issue--or at least the state senate has held no  
20 vote on the issue. Instead, we hear that there's  
21 not enough time for an independent commission to  
22 do its job, or that a constitutional amendment  
23 will be sufficient. Neither of these assertions  
24 is accurate.

Switching to an independent commission

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3 soon should not cause much delay, and some delay  
4 is no excuse for act--for inaction on such an  
5 important issue as redistricting reform. Waiting  
6 for a constitutional amendment would mean that  
7 New Yorkers would live with suspect gerrymandered  
8 lines for ten years, which is too long to wait  
9 for our votes to fully count.

10 A constitutional amendment is a good  
11 idea, but it's not a substitute for an  
12 independent commission now. New York's current  
13 system has produced districts so ludicrous that  
14 one--senate district 51 has been nicknamed  
15 Abraham Lincoln riding on a vacuum cleaner. The  
16 60th senatorial district consists of two areas in  
17 two different counties that are more than a mile  
18 apart, and cities including Buffalo are bisected.  
19 Districts have been drawn to exclude specific  
20 political rivals of the incumbent, and it would  
21 be funny if it wasn't so sad how the political  
22 process has distorted our elections.

23 Districts should be compact, contiguous,  
24 and keep cities and other communities of interest  
together without regard to voter registration or

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3 voting pattern. Elections should be competitive.  
4 It's time to restore honesty and good sense to  
5 the districting process by enacting true  
6 redistricting reform now. Thank you.

7 ASSEMBLY MEMBER MCENENY: Do you  
8 support--oh, I'm sorry Senator Dilan. Did you  
9 have a question? The--do you support Governor  
10 Cuomo's alternative, which is the bill that's in  
11 the assembly?

12 MS. MALCOM: I would support that, or I  
13 would support any other similar scheme that would  
14 make it genuinely independent.

15 ASSEMBLY MEMBER MCENENY: Do you feel  
16 that the terminology as to how districts are  
17 drawn now is fair and honest? Any criticism--

18 MS. MALCOM: [Interposing] What  
19 terminology are you--

20 ASSEMBLY MEMBER MCENENY: [Interposing]  
21 Well, the criticism you just gave, Abraham  
22 Lincoln riding on a vacuum cleaner.

23 MS. MALCOM: I mean, I think you can  
24 just look at these maps.

ASSEMBLY MEMBER MCENENY: Exactly. Now,

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3 let's take that district. It is--for want of  
4 more elegant language, it is a glob of  
5 communities along the Hudson Valley, and it has a  
6 long shaft on top of it, which looks like an old  
7 time stove pipe hat. And people who don't travel  
8 in the Mohawk Valley, and perhaps have never been  
9 there, refer to it as Lincoln's hat. That area--  
10 I'm sure there are people out there who give no  
11 benefit of the doubt and do no research, who say,  
12 "Well probably somebody's brother-in-law is a  
13 campaign manager who lives way up in the  
14 Adirondacks wanted to be in the same district.  
15 I'm sure that's it."

16 That stove pipe hat was drawn up 200  
17 years ago. It's called Herkimer County. And  
18 you'll notice with the governor's new Economic  
19 Development Counsels he divided the state into  
20 ten districts and, and as the Chairman Lieutenant  
21 Governor Duffy, that some of these districts look  
22 very good.

23 I don't know what independent board drew  
24 those districts. But at any point, in that one,  
there's that stove pipe hat, hat again. And the

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3 reason is there's a feeling that respecting  
4 county lines that are over 200 years old--where  
5 people have been relating to one another for many  
6 generations--is one of the goals that you try to  
7 reach out and keep. And not knowing what  
8 Herkimer County looks like, and assuming that the  
9 worst of political motivations drew the district  
10 which embraced that county line, I don't think is  
11 fair.

12 Are there examples of gerrymandering in  
13 the state? Undoubtedly, there's no question that  
14 lines favor one individual or one group here and  
15 there, but the massive condemnation of every  
16 district drawn in the state is something that I  
17 think we have to be reasonable about. I am a  
18 sponsor of the Governor's bill, as is Sheldon  
19 Silver and a number of members in the Assembly.  
20 I did not take former Mayor Koch's pledge. For  
21 that, Mayor Plot--Koch referred to me and  
22 campaigned against me as quote an enemy of the  
23 people. I think one of the problem--then when I  
24 went and sponsored the other bill, to my  
embarrassment, I was listed as a hero of the

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3 people.

4 I think one of the problems with this  
5 country today, and its political world, is  
6 extreme language and people drawing lines in the  
7 sands--no matter what. And pre-judging what's--  
8 what the other side wants to do. I think people  
9 in both parties--individuals, people in and out  
10 of government, people who are elected, those who  
11 wish they were--all wish well for this country  
12 and for this state.

13 And that particular map of Lincoln on a  
14 vacuum cleaner, or Lincoln's hat--is an example  
15 of an unfair judgment. And I--since it's in the  
16 testimony, I felt that as a former enemy of the  
17 people--now hero, according to Mayor Koch--that  
18 kind of name calling we don't need, whether it's  
19 for the--a district on the map or individuals.

20 MS. MALCOM: I don't want to indulge in  
21 any name-calling, but I did hear a presentation  
22 by someone who ran and lost for that district.  
23 And in fact he was talking about how very  
24 difficult it was even to run in that district  
because of the huge distances covered and the

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3 diverse populations that were really not  
4 organized in the optimal way, so--

4 ASSEMBLY MEMBER MCENENY: [Interposing]  
5 The--

6 MS. MALCOM: [Interposing] I do think  
7 there are problems with that district, although I  
8 don't know enough to speak about them in detail.

9 ASSEMBLY MEMBER MCENENY: The, the issue  
10 that the Senator mentioned earlier, and some of  
11 the people out in Western New York--we have  
12 actually gotten some very good citizen advice on  
13 how districts should be drawn. And there's a  
14 tendency to want to cluster urban districts  
15 together, and there's a community of interest--we  
16 had some good advice from the Chamber of Commerce  
17 person who was saying try and keep to the SMN--SA  
18 which is the economic district.

19 But what happens is, once you've done  
20 that and everything's neat--someone is left with  
21 a district like the district which has gone back  
22 and forth, the former Congressman Sweeney,  
23 Gillibrand, Murphy, Gibson district--the same  
24 district that goes from Lake Placid down along

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3 the Connecticut and the Massachusetts border,  
4 down to Hyde Park, across the mountains to 20  
5 miles from Binghamton and includes in a backwards  
6 letter "C" the towns next to Cooperstown. Do  
7 they have a community of interest? Yes, I  
8 suppose they do, but it's ten counties. And it's  
9 very, very difficult to campaign in--more  
10 importantly, it's very difficult to manage for  
11 constituent services.

12 So sometimes these districts--we can  
13 make some that make tremendous sense, and people  
14 in rural areas wind up being sacrificed with  
15 these extraordinary sprawling districts. And our  
16 congressional districts are going to be a  
17 nightmare when they go from about 650 or 60,000  
18 up to 7, 17, 707--it's going to be very difficult  
19 to work them. But some of these things--when  
20 you're in a rural area, that's the way it is.

21 MS. MALCOM: Thank you.

22 SENATOR NOZZOLIO: Thank you,  
23 Assemblyman. Betsy, excuse me. That--there's  
24 some questions from members of the panel.  
Senator Dilan?

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2 SENATOR DILAN: Yeah, I would just like  
3 to indicate I, like Assemblyman McEneny, did not  
4 sign the pledge last year. I was also listed as  
5 an "enemy." I, like Assemblyman McEneny, do  
6 support the Governor's program bills. I also  
7 introduced my own two bills, an independent  
8 redistricting commission, and I also support the  
9 Generis bill [phonetic], but I'm still an enemy  
10 of the people. I don't understand that, but  
11 that's not the point here.

12 What I'd just like to clarify, for the  
13 record, again, on the 2010 prisoner law, and the  
14 fact that the position of this panel is clear  
15 that the intention is to follow the law. I think  
16 it's very important that everyone be aware that  
17 there are members of the New York State Senate  
18 that have filed a lawsuit to overturn the law.  
19 The name of the lawsuit is Little v. LATFOR. So  
20 I know that there was some movement in court this  
21 week also with respect to summary judgments and  
22 also to motions being placed in the court.

23 So at the end of the day you might find  
24 that in November or December the courts may rule

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3 against the law, or it does become the law of the  
4 land. If they do, I hope that this panel does  
5 honor that ruling and move forward with the  
6 prisoner count.

6 MS. MALCOM: Yes, I absolutely  
7 understood that there is a lawsuit. And I  
8 absolutely understood that in Scarsdale you were  
9 very explicit that you were intending to obey the  
10 law. Before that, I read in a number of places--  
11 and it may have been inaccurate--that there was  
12 some implication that since there was not  
13 sufficient information that you were in--  
14 intending to go by the old rules. I saw it as a  
15 change in policy. If that's incorrect, I  
16 apologize.

17 SENATOR DILAN: No, no, I was just  
18 wanting to clarify the record that there is a  
19 lawsuit with respect to the 2010 law. So you may  
20 find that in December a court may prevent us from  
21 doing so, and perhaps, you know, some members  
22 definitely of the Senate would like to see that  
23 happen.

24 MS. MALCOM: Thank you.

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2 SENATOR NOZZOLIO: Betsy, before you sit  
3 down, there's one--Ms. Malcom?

4 MS. MALCOM: Yeah.

5 SENATOR NOZZOLIO: I apologize for  
6 saying Betsy.

7 MS. MALCOM: No problem.

8 SENATOR NOZZOLIO: But thank you very  
9 much for your testimony--your patience,  
10 particularly. I just need to clarify, and I  
11 thought you had indicated on the record, that the  
12 Senate has passed an independent redistricting  
13 bill that is in the form of a constitutional  
14 amendment; that that was passed by the state  
15 senate. You indicated that there was no such  
16 measure or--in your testimony. I wish to clarify  
17 for the record that there was.

18 MS. MALCOM: I'm sorry, I meant for  
19 2012. I, I understand that.

20 SENATOR NOZZOLIO: Thank you very much.

21 MS. MALCOM: Thank you.

22 SENATOR NOZZOLIO: Jessica Vicuno  
23 [phonetic]? Vicuna? Jessica, indicate--Ms.  
24 Vicuna, would you please, for the record,

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3 indicate--you are probably the seventh or eighth  
4 testifier in our hearings from an organization  
5 called "Act Now." It's listed as your--is that  
6 correct, that you are--

7 JESSICA VICUNA, ORGANIZER AND VOLUNTEER,  
8 ACT NOW: [Interposing] I'm part of that  
9 organization, yes, but I am representing myself.

10 SENATOR NOZZOLIO: So you're not  
11 speaking on behalf of Act Now? As a member of  
12 the organization, for the record, could you tell  
13 me what is Act Now?

14 MS. VICUNA: Act Now is a group based in  
15 New York City, and they are very much into fair  
16 elections and educating the people about  
17 government and civic policies. And I do believe  
18 that they've been around since 2004. And, you  
19 know, you're going to be seeing us more and more,  
20 as time goes on, so--and I will be seeing you  
21 guys in Manhattan.

22 SENATOR NOZZOLIO: It--it's Act Now is  
23 based in Manhattan?

24 MS. VICUNA: Yes.

SENATOR NOZZOLIO: Where is it based?

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2 MS. VICUNA: You mean the off--

3 SENATOR NOZZOLIO: [Interposing] Is it a  
4 separate office or is it affiliated with--

5 MS. VICUNA: [Interposing] No. We're  
6 just--we're just a group of people in New York  
7 City. We have a Board and an Organization  
8 Committee.

9 SENATOR NOZZOLIO: Is there an office of  
10 Act Now?

11 MS. VICUNA: Not at the moment, not at  
12 the moment. Not that I--you know, we, we are a  
13 very small--

14 SENATOR NOZZOLIO: Do you have a  
15 website?

16 MS. VICUNA: Yes, we do.

17 SENATOR NOZZOLIO: And is it--on that  
18 website a list of the board of directors?

19 MS. VICUNA: Yes.

20 SENATOR NOZZOLIO: Could you tell me, is  
21 it an acronym? Is it Act Now--no, it's just  
22 simply Act Now?

23 MS. VICUNA: It's Act Now, yes.

24 SENATOR NOZZOLIO: It's an accurate--

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3 thank you very much.

4 MS. VICUNA: Okay. I would expect you,  
5 gentleman, to take it easy on me, today?

6 [Laughter]

7 MS. VICUNA: Okay. Okay, good morning,  
8 or good afternoon, members of LATFOR. My name is  
9 Jessica Vicuna and I reside in New York City  
10 district one. Thank you for letting me speak  
11 about the issue. I will testify today to address  
12 the concern for independent redistricting and the  
13 many facets that fall under this issue, such as  
14 counting people in prison, at home, compact and  
15 contiguity, and a special session to pass  
16 redistricting reform.

17 When dealing with the subject of  
18 incarcerated individuals, census bureau currently  
19 tallies who are disproportionately poor and  
20 minorities. For redistricting purposes, where  
21 they are imprisoned, they should be counted for  
22 redistricting purposes in the communities where  
23 they lived before their incarceration--which New  
24 York, Delaware, Maryland recognized in 2010 when  
adjusting, adjusting the census counts for

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3 redistricting. I support this.

4 The issue of compactness is complicated  
5 because it is relative what connects a district  
6 line to another and how a geometric shape is  
7 fairly shaped. A mathematical formula may be the  
8 best way to measure compactness. There are  
9 various methods for calculating the compactness  
10 of a district, including looking at how the  
11 population is distributed within the district,  
12 measuring the borders of the district, or  
13 evaluating the area of the district; the idea of  
14 people who share similar interests and  
15 characteristics will form a community of common  
16 interests, and therefore have representation.

17 However, compactness should be based on  
18 numerical score for each district to set a  
19 particular compact threshold, so that it can be  
20 measured equally, at least as, let's say, compact  
21 X. Not measured by highest or lowest score.  
22 When so-called minority communities who tend to  
23 vote for one particular party and live in smaller  
24 areas or urban centers, as they say, compact  
districts tend to pack these districts in and

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3 dilute their voting strength, favoring the  
4 opposing party.

4 Lastly, I urge for Albany to hold a  
5 special session for redistrict reform. It is an  
6 issue that Cuomo intends to revisit because he  
7 wants independent redistrict commission, am I  
8 correct? So, indeed 184 of its 212 members  
9 pledged or co-sponsored to create a new,  
10 impartial process for drawing state legislative  
11 and congressional lines. If this had passed,  
12 then this hearing would be held before an  
13 independent commission.

14 New York State has a rich history of  
15 partisan gerrymandering, allowing the  
16 disenfranchised to have a voice to say, and while  
17 incumbents continue to hijack the reelection  
18 rate. I believe in competitive, fair elections  
19 and fair share division among our constituents.  
20 Thank you for allowing me to speak about an issue  
21 that is important to myself, the members of my  
22 organization, and to those who stand by this  
23 issue, and, yes, to those who have yet to  
24 discover about redistricting. Thank you.

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2 SENATOR NOZZOLIO: Any questions? Mr.  
3 Hedges.

4 MR. HEDGES: I'm a little confused about  
5 compactness. Do you have a--do you have a  
6 particular version of compactness that you're  
7 interested in, or advocate?

8 MS. VICUNA: Well, if I were to tell  
9 you, I would like a nice check for that. And  
10 some of my - - colleagues. That was just a joke.  
11 I don't have a specific formula for that, but  
12 definitely using statistics--I wouldn't want to  
13 use shapes. I would--like I said, I would use a  
14 numerical score, but that--there are several  
15 programs. I think one particular from Harvard  
16 University, it's called BARD. I haven't really  
17 researched it too much, but they do have  
18 something that was kind of similar to what I just  
19 said.

20 And the reason why I bring it up, it's  
21 because it is such a complicated issue that  
22 really concerns me, and it's some--it is  
23 something that a lot of people have trouble  
24 talking or explaining or articulating about. And

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3 that's why I brought it up today.

4 MR. HEDGES: One of the concerns that is  
5 frequently voiced about compactness as an idea is  
6 that it means multiple things, and they're in  
7 conflict with one another.

8 MS. VICUNA: Correct.

9 MR. HEDGES: A second concern that gets  
10 voiced is that compactness often is directly in  
11 competition with the ability to construct  
12 districts that would give minority groups the  
13 opportunity to elect candidates of their choice.  
14 Do you have a sense of where you come out on  
15 either the complexity, or on the tension between  
16 minority representation and compactness as a--as  
17 a policy?

18 MS. VICUNA: I just feel that--in  
19 regards to that question, I'm really not 100%--I  
20 don't have 100% answer. Like, I'm not really  
21 sure how to answer that because it's, it's such  
22 a--it's going to take me a longer time to sit  
23 here--me stand here and explain this. But I have  
24 a--I have--I do have something to ask you.

Especially--I live in a metropolitan

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3 area. And an area like, let's say ,Bed-  
4 Stuyvesant, which was predominantly African  
5 American ten years ago. And now, with the issue  
6 of gentrification, it's now a totally different  
7 area. I want to ask you how does compactness  
8 fare in that regard? I mean, how did--I mean,  
9 what, what happens to the people that live there  
10 and are pushed out to a smaller area in that--in  
11 Bed-Stuyvesant, you know, which is in Brooklyn?

12 So, you know, it's, it's the reason I  
13 brought up a mathematical formula, is because  
14 it's--to me, it's the only way to kind of deal  
15 with that problem and get away from a circle or  
16 a, a square. Because there--it's too  
17 complicated. It, it gets messy. And sometimes  
18 we just need something a little bit more--a  
19 little bit more simpler.

20 MR. HEDGES: And let me try again on my  
21 question. Many would argue there's a tension  
22 between a constructing compact districts in  
23 constructing districts that give minorities the  
24 opportunity to elect candidates of their choice.  
Do you have a view on that tension? Do you favor

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3 compactness over attempts to construct minority  
4 districts? Do you favor minority districts over  
5 compactness? Do you have a view?

6 MS. VICUNA: I, I--at the moment I do  
7 favor a minority district.

8 MR. HEDGES: Another concern that has  
9 been voiced more recently in some of the academic  
10 literature is that compactness and urban work  
11 nicely together. Compactness and rural--

12 MS. VICUNA: [Interposing] Yes, yes.

13 MR. HEDGES: --don't work so nicely  
14 together, and that advocates of compactness--as a  
15 standard--end up arguing for districts that are  
16 biased against urban areas. Do you have a  
17 thought about that as a problem?

18 MS. VICUNA: I've thought about it, and  
19 I don't have a solution. I don't have a solution  
20 for that. But I, I think that it--that's  
21 something that all of you can, you know, think  
22 about, because it's, it's gonna--it's gonna--the  
23 problem isn't going to go away. It--there has to  
24 be some sort of fair solution to that. I don't  
really have a, a good enough answer for you, you

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3 know, that I feel like you would be satisfied  
4 with, but it's, it's a big concern of mine. And  
5 I, I really do have a lot of faith that, you  
6 know, our leaders will work on that in the  
7 future.

8 MR. HEDGES: Thank you.

9 MS. VICUNA: Okay.

10 SENATOR NOZZOLIO: I'd like to follow up  
11 on Mr. Hedges' questions and, and your issue of--  
12 that you put forward regarding compactness. I  
13 don't know if you heard our discussion with Ms.  
14 Lerner from--on the issue of, of extending a  
15 district so that they're now larger than many  
16 states. I find the issue of compactness one of  
17 great interest. And I have a district that's all  
18 or parts of--I represent a district that has all  
19 or parts of six counties. The smallest  
20 geographic size county--you could put the entire  
21 Manhattan Island within that county and still  
22 have a lot of room to spare in the smallest of my  
23 counties--geographically.

24 MS. VICUNA: Okay.

SENATOR NOZZOLIO: And, so in terms of

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3 compactness, to hear your--you have a meth--and I  
4 guess for the record, are you--are you submitting  
5 to the Task Force a mathematical formula  
6 regarding compactness?

7 MS. VICUNA: I am not submitting a  
8 mathematical formula but--

9 SENATOR NOZZOLIO: [Interposing] Just so  
10 let it be known, for the record, are you--as Act  
11 Now, having any relationship to your proffering  
12 of testimony relative to the Voting Rights Act?  
13 And the requirements that New York must comply  
14 under Article Two and Five sections of the  
15 voting, sections are the--section two and section  
16 five of the Voting Rights Act, and does that not  
17 play into those issues that you are concerned  
18 with?

19 MS. VICUNA: Absolutely, especially,  
20 especially section five, yes.

21 SENATOR NOZZOLIO: Well, I have no  
22 further questions. Any--Assemblyman Oaks?

23 ASSEMBLY MEMBER OAKS: Just a quick  
24 comment, you know, your suggestion that the  
community that you live in or most familiar with

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3 has changed dramatically over the last ten years.

4 MS. VICUNA: Yes.

5 ASSEMBLY MEMBER OAKS: I think, you--you  
6 know, part of the challenge--and somebody used  
7 the word "messy," somebody used the word  
8 "difficult"--clearly those changes, whether it's  
9 your community or others, will be reflected in  
10 the proposal that comes out initially.

11 MS. VICUNA: Okay.

12 ASSEMBLY MEMBER OAKS: And also then we  
13 will gain more input from people, and perhaps--  
14 and we'll make changes to that as, as people  
15 react and respond to that. Those changes may not  
16 be done as you perceive should be, but they--it  
17 clearly, that's part of the puzzle and, and the  
18 process of, of putting this altogether.

19 The other thing is that because there  
20 are defined limits of numbers of people, so in  
21 the state with a little bit of deviation--plus  
22 and minus a bit, but it is difficult to be  
23 totally precise. And so whether an independent  
24 group does it, whether this group does it, or  
25 someone else, the implications--and I think other

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3 members have said it, whether it's following  
4 federal law and the Voters Rights Act, whether we  
5 do ultimately count the prisoners as the law says  
6 to date, or as the court may rule for the law,  
7 and we follow forward, or they rule against it  
8 and we count them where they were in the day of  
9 the census count in the prison--all of those  
10 things will be reflected.

11 So I just want to say that the, the  
12 difficulty of that--no one will be fully happy  
13 with the process, no matter who counts it, but my  
14 commitment and, and I think the members here, is  
15 our effort to try to make this a fair and open  
16 process with the input that you've given others  
17 to try to make this happen.

18 MS. VICUNA: Thank you.

19 SENATOR NOZZOLIO: Thank you.

20 MS. VICUNA: Is that all?

21 SENATOR NOZZOLIO: Thank you very much.

22 Jane Daniels.

23 JANE DANIELS, CITIZEN: Good afternoon,  
24 and thank you for the opportunity to speak. I am  
representing myself, all right? and I would also

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3 state that I support the independent  
4 redistricting. I'd like to also diverge a little  
5 bit from my written testimony that I submitted to  
6 say--sitting here today, I have learned an  
7 incredible amount of civics. It's almost like we  
8 should bring all the kids in ninth grade here at  
9 some point to be able to hear what goes on. But  
10 I don't think 13-year-olds will appreciate all  
11 that goes on to make our government run. I live  
12 in the town of Yorktown. I'm--

12 SENATOR NOZZOLIO: [Interposing] At the  
13 very least, I noticed you were knitting back  
14 there, you maybe got some--you at least got  
15 something accomplished this morning.

16 [Laughter]

17 MS. DANIELS: Sandy Galef can assure you  
18 I always take my knitting with me.

19 SENATOR NOZZOLIO: What are you making?  
20 For the record.

21 MS. DANIELS: For the record, I'm make--  
22 I'm making a tank top. But I've had to rip out  
23 twice in order to get it to fit right. So I can  
24 appreciate your gentleman's trying to get this

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3 puzzle solved with everybody coming at you with  
4 ideas that are at loggerheads with each other.

5 So, I live in the town of Yorktown and  
6 I'm represented by Nan Hayworth in the 19th  
7 district--Congressional district, Stephen Katz in  
8 the Assembly district--that's number--the 99th,  
9 and Greg Ball in the 40th. I've been a resident  
10 of Yorktown since 1968, and I know the Hudson  
11 Valley in a variety of ways because I had worked  
12 for the Hudson Valley Greenway, travelled up and  
13 down the Hudson Valley back in the early '90s,  
14 and then again I worked for the mid-Hudson  
15 Library System, and worked with communities in  
16 the Mid-Hudson area.

17 I'm the author of "Walk the  
18 Westchester," so I have visited over 200 parks in  
19 the process of writing the book. So I think I  
20 know my community had--on the ground, better than  
21 most people. I'm a retired reference librarian,  
22 and have worked in Croton, Nyack, and the Nyack  
23 communities, so I know those residents, when I  
24 worked there, quite well.

Redistricting is obviously a problem--a

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3 puzzle fraught with emotional overtones. The job  
4 is made easier or harder because we can rely on  
5 GIS data, and I was pleased to hear references  
6 earlier to the maps that will be brought and  
7 used. But this doesn't take--this data doesn't  
8 take into account what a community really is,  
9 even when you have the capacity to map the data.

10 For example, I live in Yorktown. It's a  
11 predominantly white, middle class community with  
12 families. The Croton Reservoir and the Taconic  
13 Parkway divide the town. Yorktown has an area  
14 with wealth and low income, that's easy to put on  
15 the map to show where those are. And I--  
16 interestingly enough, it's the republicans in  
17 our--in my town who are more environmentally  
18 savvy. Yorktown is proud to boast it has a  
19 variety of protected open space--including a  
20 state park, a public golf course, and all of you  
21 probably know about the pedestrian bridge over  
22 the Taconic--the bridge to nowhere, which I say  
23 now connects to two town parks.

24 I have some suggestions to make in a  
variety of levels. The districts that have a

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3 decrease in the population should be considered  
4 first to be dissolved, split, or consolidated.  
5 Realistically, it's likely that democrats will  
6 lose one Congressional seat, and republicans  
7 another. That's just the observation that I  
8 have. Don't automatically eliminate the  
9 Congressional seat vacated when Anthony Weiner  
10 from Long Island resigned in June. I've seen  
11 comments in the Washington Post to that effect  
12 and I think that that would be a big mistake.

13           The Hudson River is a geographic barrier  
14 and makes a natural boundary. I know this having  
15 worked in Nyack and lived in Yorktown. The  
16 people there simply were amazed that I would  
17 cross the river on the Tappan Zee Bridge to come  
18 over to work in their community. And I found I  
19 learned a lot by seeing the other side of the  
20 river.

21           So my question is, why is Poughkeepsie  
22 part of Maurice Hinchey's Congressional district?  
23 It's--I know that you--and for what I have  
24 learned today, that you have been--sometimes you  
have to pull pockets from one place to another to

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3 meet the population requirements for  
4 Congressional districts. But I still ask that  
5 question anyway.

6 I now know that you are going to bring  
7 in some non-partisan people to work at--look at  
8 GS--GIS maps and the census tracks. I'm glad to  
9 hear--I'm glad to hear that, and that was part of  
10 my learning process. But now I raise some  
11 questions. It is harder to re--to represent a  
12 more diverse population or one that has more  
13 community interests? I don't expect these  
14 questions to be answered, but I think I need to  
15 raise them.

16 Should Rockland County be just one  
17 district for Congress, the Assembly, and the  
18 State Senate? Aside from the State Senate is  
19 three congressional districts and four state  
20 assemblyman's areas. Should you consider  
21 splitting a par--a town, if there's a physical  
22 barrier such as a river, train tracks, or highway  
23 dividing it? Why does Senator Ball's Senate  
24 district snake up through Dutchess County into  
rural areas, and yet includes Peekskill, which is

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3 a city? Having been to the towns of Stanford and  
4 Washington, they might be smaller than Peekskill,  
5 but are they more like the other towns that  
6 surround them in eastern Dutchess County.

7 And I'd also like--this is more of a  
8 personal interest. I would like to see Yorktown  
9 returned to the 90th Assembly district. We have  
10 more in common with western Putnam County,  
11 Cortland, Ossining, and Peekskill than the folks  
12 in eastern Putnam County.

13 So, in closing, I'd like to say there's  
14 no perfect way to divide up New York--New York  
15 State. I don't envy you. Someone is going to be  
16 upset no matter what you do, and some politicians  
17 will lose, and some will win in the process.  
18 That's the nature of the beast. So again, thank  
19 you for holding the hearings here in Westchester.  
20 And I hope to, to come back to when you're--look  
21 at the maps and see what has been drawn up.  
22 Thank you.

23 ASSEMBLY MEMBER MCENENY: Thank you.

24 SENATOR NOZZOLIO: Thank you very much.

Matt Richter? Matt Richter.

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2 MATT RICHTER, CITIZEN: Good afternoon.

3 I live here in White Plains in Westchester County  
4 and I work on the board of legislators as a  
5 legislative aid, and I thank you very much for  
6 coming to Westchester County today to hold this  
7 public hearing. And I'd like to commend the Task  
8 Force for the hard work you're undertaking on  
9 behalf of the voters of the state of New York.

10 And as I, in capacity, working as a  
11 legislative aid, talk to voters around  
12 Westchester County and, and in fact the entire  
13 state, I believe that the electorate is  
14 experiencing right now a crisis of confidence.  
15 Watching the debt ceiling debate unfold in  
16 Washington and the subsequent downgrade of our  
17 credit rating is just the latest example of the  
18 sort of partisan political wrangling that has  
19 left many voters in New York feeling that party  
20 politics and not principles are the driving force  
21 in a lot of our legislative deb--debates. And  
22 Governor Cuomo's proposed independent commission,  
23 which is in the Assembly, is not one that will  
24 inspire confidence in voters once they take a

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3 look at the details.

4 The Governor's plan is a complicated  
5 one. It has a number of flaws. And the experts  
6 I've spoken to about the plan tell me that it is  
7 inherently flawed and is unconstitutional, in  
8 fact, and will undoubtedly end up being  
9 challenged through litigation. And that kind of  
10 legal standoff is not what will inspire  
11 confidence in voters for lawmakers that New York-  
12 -New York voters are looking for.

13 Secondly, the Governor's appointment  
14 ideas for his commission would unfairly weigh the  
15 appointments in favor of the Governor. And that  
16 kind of gaming the system is obvious to voters  
17 and, again, will only exacerbate the crisis of  
18 confidence felt throughout the electorate.

19 Finally, with the possibility of the  
20 primary being moved up to June, I think it's just  
21 too late in the game for the Governor to be  
22 changing the rules and trying to set up an  
23 independent commission.

24 This Task Force--your Task Force--for  
which is fair and truly bipartisan, has already

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3 held several public hearings like this one is and  
4 is well on the way to a fair and equitable plan,  
5 and Mr. Hedges said will be forthcoming in the  
6 form of a draft, which we all look forward to  
7 seeing.

8 In addition to the Governor's plan, I  
9 also have taken some time to look at the plan  
10 that passed the Senate, and if there were, were  
11 more time, I think that that plan could be  
12 implemented, but there just simply isn't enough  
13 time with the possibility of the primaries being  
14 moved up.

15 You know, redistricting is a difficult  
16 and onerous task, one that we just went through  
17 in the legislative body that I work for. And,  
18 you know, I--I'm confident that we reached a, a  
19 plan that was fair to all the elected officials  
20 and equitable to both major parties, but there  
21 will always be people that feel dissatisfied.  
22 And I just hope that the decision makers in  
23 Albany take this opportunity for redistricting to  
24 inspire confidence that I think is really, really  
lacking right now, and, and allow people to feel

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3 that they're well represented, and feel that the  
4 elective process is one that they're, they're  
5 happy to be engaged in and, and has integrity  
6 that I know you all intend to bring to it. Thank  
7 you.

8 SENATOR NOZZOLIO: Mr. Richter, thank  
9 you very much. Any questions of the panel? I'm  
10 hearing none. Thank you very much for your  
11 testimony. Andrew Beveridge.

12 ANDREW BEVERIDGE, PH.D., PROFESSOR AND  
13 DEMOGRAPHIC CONSULTANT, QUEENS COLLEGE, CUNY, AND  
14 SOCIAL EXPLORER: Good afternoon. I'm really  
15 quite pleased to be here today. My name is  
16 Andrew Beveridge. I live in east Yonkers, and I  
17 am Professor of Sociology at Queens College in  
18 the Graduate Center of Cuny. And since the early  
19 1990's, I've actually been involved in  
20 redistricting in both Westchester County and in  
21 the state of New York to some extent.

22 Most particularly, some of my handiwork  
23 has been discussed here today since I was the  
24 person who helped the Board of Elections--a Board  
of Legislators of Westchester County craft their

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3 plan, and I also helped the New Rochelle city  
4 council craft their plan. And, beyond that, I  
5 also have been involved in redistricting  
6 litigation--most particularly in Westchester  
7 County, in the case of Porkchester [phonetic]  
8 where I served for--with the DOJ, and in New  
9 Rochelle, where I - - New Rochelle.

10 And during the late 1980's, early  
11 1990's, I served as a trustee and for one year as  
12 President of the Yonkers--President of the  
13 Yonkers Board of Education. And for a brief term  
14 I was second vice chair of the Yonkers Democratic  
15 party, as the result of a so-called reform  
16 movement. I was also very active in a number of  
17 civic groups trying to call some of the issues  
18 surrounding Yonkers irrigation orders. And I  
19 understand the kind of work that you people have  
20 to do, because I've been there and have done it.

21 But I also have been on the other side,  
22 where such work ends up in a difficult situation,  
23 and I then worked for people who actually tried  
24 to set aside redistricting plans. And I wanted  
to testify today on three issues. I'm not going

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3 to go through some of the--I'm not going to talk--  
4 -revisit the independent redistricting  
5 commission, or any of those sorts of things. I  
6 have--I have discussed that before. Some of that  
7 is up on the Gotham Gazette website where I write  
8 a, a monthly column.

9 But first I want to congratulate LATFOR  
10 for going along, you know, go--implementing the  
11 prison decision--the prison population, a law  
12 that actually in Westchester County, at the very  
13 last moment, we had to take that into account and  
14 it was somewhat complicated. I still believe,  
15 however, that prisoners really are not residents  
16 of the prison--prisons where they are, but they  
17 are, in fact, involuntary sojourners, as some  
18 call them. And so the councilman at district is  
19 that they're people at large is plainly  
20 incorrect.

21 And, secondly, I want to talk about a  
22 point that probably is seen as kind of technical  
23 and dweeb-ish, which has to do with the citizens  
24 of voting age population. During the last--I  
really call on you people to add these data to

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3 your system, because I believe that you're going  
4 to find out at the end of the day that those are  
5 going to be the data that will drive the  
6 analysis--both of section two and section five.

7 And, as you must know, the census was  
8 redesigned for this round, and the census itself  
9 only ascertained on a very narrow set of  
10 questions--not including citizenship. What used  
11 to be on the so-called census long form, the  
12 census sample, is now asked on the American  
13 Community survey, including the census. So  
14 during the last round of redistricting, the data  
15 were not actually compiled by any governmental  
16 agency, but rather were ordered up by a coalition  
17 of redistricting consultants. However, both  
18 sides ended up using them. And, in my own case,  
19 we used them in New Rochelle, Port Chester, and  
20 for the challenge to the State Senate plan. So I  
21 believe that they are the accepted test for  
22 section two and section five.

23 And this time around a special  
24 tabulation was ordered by the Department of  
Justice. My assumption is they're going to use

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3 that to monitor section five. And it released,  
4 actually, before loss of the population did a  
5 release--it was a release in early February. So  
6 these data can now be used immediately for Voting  
7 Rights Act issues.

8 And there are some differences between  
9 the ACS, you know, Census long form. The first  
10 ACS five year file was released in December, and  
11 the data were collected from 2005 to 2009. As  
12 was the long form, the census ACS is a sample,  
13 and there's--actually the census' computation of  
14 so-called standard error or confidence - - is  
15 plainly wrong, and it vastly overestimates here  
16 in many cases.

17 And the second issue with the ACS is  
18 that results are forced to conform to the--at the  
19 county level, to the census estimates. But the  
20 census itself says that the proportions are  
21 accurate. So I think that you should use the  
22 CVAP.

23 But the most compelling reason is that  
24 for citizenship rates for some immigrant groups  
are really very low. In Port Chester, the

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3 citizenship rate for Hispanics and Asians, I  
4 think, bordered on 30%. So if you don't use  
5 citizen CVAP, you're going to overstate the  
6 actual political strength of some groups and  
7 understate it for others. And I think it makes  
8 it much more complicated.

9 So it also means that calculations  
10 related to racially polarized voting--which I  
11 suspect you will probably do, or have a  
12 consultant do for you--could be misleading. So  
13 therefore I urge LATFOR to release CVAP data for  
14 current and proposed districts. And I have  
15 appended my - - such data for all the current  
16 legislative districts for New York state.

17 And then I also want to comment briefly  
18 on Westchester County lines. I, I want you to  
19 take into account the actual current status of  
20 racially polarized voting here, so as not to  
21 damage minority representation in the Senate or  
22 the Assembly. Put simply, the record of racially  
23 polarized voting--especially for districts as  
24 large as Assembly or Senate in Westchester  
County--is quite attenuated. Analysis for

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3 Westchester County also show a little  
4 polarization at present.

5 For instance, the County Board of  
6 Legislatures, which has 17 seats, and which I did  
7 redistrict, currently has four minority  
8 legislators, three African Americans and a  
9 Hispanic. But, if you look at it from the point  
10 of view of effective majority, it only has one  
11 majority-minority seat. So, in other words, it's  
12 vastly over-performing.

13 Similarly said, district 35, which in  
14 the past showed strong polarized voting, now does  
15 not. The incumbent, an African American, is in a  
16 district with a majority of non-Hispanic white  
17 voting age citizens, with only 13.9 percent--  
18 percentage of African American citizen of voting  
19 age. Yonkers, perhaps, is getting over its long  
20 history of racial polarization. And I urge those  
21 doing the redistricting not to do anything that  
22 would reinforce divisive politics in the  
23 community, since apparently with respect to the  
24 State Senate, the voters are now coalescing  
cross-racially.

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2 Remember, both packing minorities into a  
3 few minority districts, as well as cracking them  
4 by making them a minority--and several can dilute  
5 minority voting strength. However, when one has  
6 a situation where the voters themselves seem to  
7 reject such racial polarization, there is no  
8 reason for those doing redistricting to try to  
9 re-inject such polarization into a community. I  
10 thank you for the opportunity to address this  
11 committee and my--I have a--my--whatever--written  
12 statement is somewhat longer. Thank you very  
13 much.

14 SENATOR NOZZOLIO: Are there any  
15 questions of, of Mr. Beveridge?

16 ASSEMBLY MEMBER MCENENY: You know, I, I  
17 appreciate your, your testimony and would hope  
18 that you would, would send in a copy of the map  
19 of the new districts for Westchester County. Did  
20 you originally have 17, or did you reduce the  
21 number?

22 MR. BEVERIDGE: No, no, we didn't have  
23 17 to start and we saw at 17.

24 ASSEMBLY MEMBER MCENENY: And we'd like

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3 a copy of the new map. We may already have one.

4 MR. BEVERIDGE: Yeah, you probably do,  
5 but that--there would--that would be no problem  
6 sending you that and all of the data, you know,  
7 related to it.

8 ASSEMBLY MEMBER MCENENY: Thank you.

9 SENATOR NOZZOLIO: Senator Dilan?

10 SENATOR DILAN: Yes, thank you very  
11 much, doctor, for your testimony today. I  
12 basically have two questions. The first, in  
13 terms of data, it appears that you have a lot of  
14 background with the data necessary to do  
15 redistricting. Do you feel that this Task Force  
16 at this time has provided sufficient data to the  
17 public in terms of them having the ability to  
18 draw their own lines? Or do you feel that we  
19 need to provide more data?

20 MR. BEVERIDGE: Well, my point really is  
21 that you probably have not because I think you  
22 should add to the data that you have in your  
23 system, the citizen of voting age population  
24 data. And, you know, it has to be probably  
disaggregated to the blocks--from the block

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3 groups, but I think it would serve as a very good  
4 guide when people are looking and the district  
5 and saying, "Is this district Hispanic? Or is  
6 this district African American?"

7 And I know, when we--I was involved with  
8 the State Senate challenge--the challenge to the  
9 State Senate lines last time. And there were a  
10 number of districts that appeared to be Latino,  
11 that when you added citizen of voting age  
12 population, it turned out not to be Latino. And  
13 in, you know, counter-distinction, there are a  
14 number of districts that did not appear to be the  
15 majority African American, then when you use  
16 citizen of voting age population, they, they  
17 turned out to be African American.

18 And I think that citizens of voting age  
19 population, you know, kind of emerged as a  
20 standard during the--during the last decade. And  
21 then there was a--you know, the recent case,  
22 which escapes me at the moment. Basically argues  
23 that a minority group is not actually eligible or  
24 not--cannot make a claim for a district unless  
they're--you know they have a majority. So I

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3 think that you should know when you go in where,  
4 where there's a majority or a minority districts.

5 I think also, however, you know, that  
6 isn't the guide. I mean, you know, you don't  
7 have to say well, "This is what they did if they  
8 sued." You know, you can--you can obviously  
9 craft districts that are better than that, but I  
10 think you should--I think everyone should know  
11 what they're talking about when, when you go  
12 forward.

13 SENATOR DILAN: And do you feel that we  
14 should be going back as far as the last time we  
15 redistricted--meaning going back ten years with  
16 respect to data?

17 MR. BEVERIDGE: No, I--what I'm saying  
18 is that you should put--

19 SENATOR DILAN: [Interposing] I'm asking  
20 do you--

21 MR. BEVERIDGE: --this first on the  
22 voting age data that was released--

23 SENATOR DILAN: [Interposing] No, I  
24 understand what you were saying--

MR. BEVERIDGE: --on February of 2011.

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2 SENATOR DILAN: But, in addition to  
3 that, do you feel--how many years we have to go  
4 back in providing data to the public?

5 MR. BEVERIDGE: Well, it seems to me, to  
6 test retrogression, you need the last decade. I  
7 mean, so you would need data from 2010 and 2000--  
8 including the citizen of voting age data, which  
9 is all right. You know, I understand it showed  
10 up in the late '90--late 2003, after everyone had  
11 drawn all their lines, but it's different this  
12 time because the data are out. So, since the  
13 data are out, even if they have some issues, I  
14 think they should be shared and used.

15 The Department of Justice plainly meant  
16 that to be, and that's why I actually--I appended  
17 a table with my testimony that actually takes  
18 every single district in New York state  
19 currently, and looks at it from the point of view  
20 of citizen voting age. Although, I noticed this  
21 morning I didn't do non-Hispanic/White, but I did  
22 do African American, Hispanic, and Asian.

23 SENATOR DILAN: One more question. I, I  
24 understand that the New York Times had asked you

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3 to put together an analysis--you being an expert  
4 in, in this area. Can you share any of the  
5 points of that analysis with us?

6 MR. BEVERIDGE: Well, actually, some of  
7 that is out. I mean, this part of the analysis  
8 here is in, like, this--the thing I gave you  
9 today, and a part of it is actually on the  
10 website for--when the Senate Dems had a hearing,  
11 some of it's on that website. And I also re--  
12 kind of re-purposed that and put it up--put it up  
13 with an article in the Gotham Gazette website,  
14 where I speak. And I think this material, plus,  
15 you know, anything else you want, I'm--I would  
16 certainly be willing to share.

17 SENATOR DILAN: All right, thank you  
18 doctor.

19 SENATOR NOZZOLIO: Assemblyman Oaks?

20 ASSEMBLY MEMBER OAKS: All right, in  
21 your written testimony, you were talking about  
22 the community survey. You said direct comparison  
23 of the totals in the ACS files with the totals in  
24 the census files can lead to anomalies. This  
will be corrected when the 2006 to '10 ACS files

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3 are released, since those totals will conform to  
4 the census. Do you know when they're going to  
be. . .

5 MR. BEVERIDGE: See, that's--actually,  
6 listening to your February deadline, you know,  
7 that becomes somewhat problematic. As I say to--  
8 this last time they were released February 8th.  
9 I actually was down at the Department of Justice  
10 last week on another matter, and our--maybe it  
11 was two weeks ago. And we discussed that, and I  
12 think they're going to order--you know, they're  
13 going to keep ordering it. So maybe we'll--  
14 they'll get it out quicker.

15 They expect the Jan--the regular ACS  
16 will be released in December again, the five year  
17 file, so my guess is it would be either January  
18 or February. My own--but the other point I  
19 should make is just like--the new ACS will only  
20 have one more year of data. You know, it--but it  
21 will fix a few issues.

22 So I think you should probably use the  
23 '05-'09 for the estimates, and then confirm it  
24 when the '06-'10 comes out because otherwise, you

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3 know, you're basically in a situation where once  
4 the '06-'10 is out, that will be kind of the gold  
5 standard for assessing effective majority. And  
6 so you should, should know that when you pass a  
7 bill--is my view.

8 You know--and also since it has to get  
9 pre-cleared, right? You know, so, you know,  
10 they're going to be using it. So we--you should--  
11 -in other words, I think the public should have  
12 what the DOJ is going to use to assess your  
13 plans. And I think it goes beyond voting age  
14 population--especially in New York. I mean, it  
15 may not be true in, like, South Carolina as much  
16 or something, but New York, with the large number  
17 of immigrants here, I think it has--you know, it  
18 only makes sense that, that you actually  
19 seriously look at citizen of voting age  
20 population.

21 SENATOR NOZZOLIO: My questions deal  
22 with the representation that you have made  
23 regarding the potential sampling inaccuracies of  
24 the survey. And I'd like to hit this on two  
levels, that the issue that's before us is the

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3 Task Force ascribing to this data by putting it  
4 on the LATFOR's website, and in so doing endorse  
5 it's veracity. That's a concern I have, and it  
6 is--it's something that's actually amplified by  
7 your testimony, because it--you discuss the  
8 errors in the process. Please elaborate.

9 MR. BEVERIDGE: Well, there's a  
10 confidence interval with any sample. And the  
11 census in 2000 had, had a sample. It was called  
12 the long form. The reason that people didn't  
13 really grab onto the fact that it was a sample  
14 and that it, you know, had a sampling error had  
15 to do with the fact that it was done at the same  
16 time, and the census bureau called everything the  
17 census. You know, so it was the 2010 census had  
18 a short form and a long form. The long form was  
19 the sample.

20 In 2010 what they--well, what they did  
21 was they split the long form, and it's, it's now  
22 this American Community survey. It's--they're  
23 out there every year. And so, after five years,  
24 they have about the same number of respondents as  
they used to have on the long form. And so they

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3 then released the data. And, you know, when they  
4 first put it out, I looked at some of their  
5 standard errors.

6 And I mean the one that I mentioned in  
7 there is, like, they--you know, we know, for  
8 example, in Westchester County, that there are  
9 not that many Native Americans in Westchester  
10 County and that we would be surprised to find  
11 Native Americans in lots of the block groups in  
12 Westchester County. So every block group in  
13 Westchester County that has no people in it--no--  
14 where they find no Native Americans, the census  
15 bureau has put in an arbitrary number as their  
16 confidence interval--I think it's 133. It might  
17 be 131. It might be 123, but something like  
18 that.

19 So basically they're saying that this  
20 block group could have--where they found no  
21 African Americans--could have as many as 133  
22 African Americans, or as few as minus 133 African  
23 Americans, which is plainly absurd. And so I  
24 wrote a memo and sent it to the census bureau  
about their methods, and actually that memo is up

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3 on--I put--well, someone put it up on Scribbet  
4 [phonetic], so I put it up with the census  
5 bureau's response on Scribbet. So I wrote this  
6 to the census bureau, and they basically  
7 responded that they realize this is a problem,  
8 but that to get it fixed in a production  
9 environment, you know, they're working on it.

10 So it seems to me that, given the fact  
11 that the data exist, you could put it out with a  
12 warning label. Because I think you're going to  
13 find at the end of the day, that you, you will--  
14 you know, it will be used for section five  
15 assessment.

16 SENATOR NOZZOLIO: Well that's fine.

17 MR. BEVERIDGE: So you're basically--

18 SENATOR NOZZOLIO: [Interposing] And  
19 that's appropriate, but I guess the--I don't  
20 think the Task Force should be--I--I'm troubled  
21 with that recommendation. The Task Force is  
22 saying this data may or may not be accurate--is  
23 not the type of responsible public service that  
24 the Task Force should be providing.

MR. BEVERIDGE: Well, frankly, for large

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3 districts--like 700,000 districts or 300,000  
4 districts or 120,000 districts--the standard  
5 error is going to be pretty darn small. You  
6 know, the, the error is going to be very small.  
7 It's large at the--and you know, this is true  
8 with anything. If you have a small sample, you  
9 have a high standard error. So in your block  
10 group you're going to have a small sample, so you  
11 have a high standard error, or, you know, and the  
12 conference interval is very wide.

13 You get into 700,000, which is large.  
14 As you point out, is larger than several states,  
15 including Rhode Island and Wyoming. You know,  
16 when you get up to that level, you're--you know,  
17 the size of your standard error is going to be  
18 minimal. So, so I say to, you know, not to put  
19 it out, it would be actually both irresponsible  
20 and misleading, because they say--

21 SENATOR NOZZOLIO: [Interposing] Well,  
22 the census bureau is--

23 MR. BEVERIDGE: [Interposing] Well, let  
24 me finish.

25 SENATOR NOZZOLIO: And, and I think that

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3 it's not a question of hiding the data. The data  
4 is available through the census bureau, and I--

5 MR. BEVERIDGE: [Interposing] But not to  
6 be used by anybody in New York.

7 SENATOR NOZZOLIO: Well, it's not a  
8 question of "use," it's a question of  
9 accessibility and is that information available.  
10 You're saying that the only way this information  
11 could be available is to put it on the, the  
12 website of the Task Force?

13 MR. BEVERIDGE: Well, you put up VAP  
14 data.

15 SENATOR NOZZOLIO: I, I--

16 MR. BEVERIDGE: [Interposing] You have  
17 voting age population data up on your Task--  
18 website, and that's completely misleading.  
19 Because you're saying that, you know, let's say a  
20 town that has 70% of a town, or, you know, let's  
21 say there's 10,000 Hispanics in a town but only  
22 30,000. Or say this--there's 20,000 Hispanics in  
23 a town. 10,000 of them are voting age and only  
24 3,000 can vote. So putting up the VAP data--  
10,000 is completely misleading. So what you're

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3 saying is you'd rather be misleading like that  
4 than putting up data which has a known  
5 potentially miscalculated error level. I, I  
6 don't--you know that--it strikes me that's a--  
7 that's a very weird position.

8 SENATOR NOZZOLIO: All right. It, it--

9 MR. BEVERIDGE: [Interposing] I mean, in  
10 other words, it's a position--

11 SENATOR NOZZOLIO: [Interposing] I, I--  
12 you've just taken us all on a roller coaster. I,  
13 I think that in terms of the--in terms of the  
14 position is--and the issue is whether or not by  
15 placement of certain data on the website. And  
16 this is--this is not necessarily census data.  
17 This is data that in effect is data regarding  
18 survey--

19 MR. BEVERIDGE: [Interposing] Excuse me--  
20 -it is census data. It's produced by the census  
21 bureau, and it has exactly the same use and, in  
22 effect, provenance as the long--census long form  
23 did in 2000 when it was produced and used for  
24 citizen of voting age population. So, I don't--I  
don't think that's accurate.

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2 SENATOR NOZZOLIO: Which part?

3 MR. BEVERIDGE: The fact that it's not  
4 census data. It's effectively census data.

5 SENATOR NOZZOLIO: It's census data.  
6 However, you just indicated--and this is why  
7 you're testimony is very confusing to me--that  
8 the--you indicated clearly that there was error  
9 in this survey data, yet the survey data, you  
10 said, was the sampling error you had questions  
11 about. It's in your--in your written testimony.  
12 And that, subject to sampling error, and that  
13 however--you know, it quotes you. "However the  
14 proportions of a given group or category in the  
15 ACS should be correct--even in the totals are  
16 incorrect."

17 Well, you tell me how that's helpful to  
18 the public. If it's one way correct--even though  
19 the totals are incorrect, aren't you just simply  
20 putting summersaults onto this process that may  
21 be more confusing to the average citizen than  
22 elaborative?

23 MR. BEVERIDGE: Well, unless, unless you  
24 want to confuse the citizens by pretending like

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3 citizen of voting age population--their percent  
4 of citizens of voting age population is not a  
5 relevant category in a given district, the answer  
6 is no.

6 SENATOR NOZZOLIO: Well, you indicated  
7 that the way around it would to be put a warning  
8 label on the data. So would it not make more  
9 sense to say that this data is available? I'm  
10 not saying it's irrelevant. I'm saying it's  
11 relevant. We don't--I'm not arguing with you  
12 about its relevance, I'm arguing with you about  
13 its accuracy. And it shouldn't--and I'm  
14 questioning, not arguing. I'm questioning about  
15 the accuracy, because we want to do the right  
16 thing.

17 And is the right thing posting something  
18 that we're ascribing to as being accurate when,  
19 in fact, the census bureau has questions with it  
20 itself? And you indicated also the data--you  
21 said two things. You said first the data is out-  
22 -is available now. Well, that's true. However,  
23 you also indicated that the current data is yet  
24 to be released--in terms of updating and its

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3 applicability or reliability, won't be available  
4 until the end of the year. Is that not--

5 MR. BEVERIDGE: [Interposing] It's  
6 updated every year.

7 SENATOR NOZZOLIO: Pardon?

8 MR. BEVERIDGE: So the first--the 20--  
9 the '05-'09 ACS was released last December. The  
10 '06-'10 ACS will be released this December. The  
11 '07-'11 ACS will be released after that. And it  
12 strikes me that, given the fact that this data is  
13 relevant for, for computing effective majorities  
14 of minority districts, the putting it up with its  
15 standard error would be the responsible thing to  
16 do. And making it difficult for the public to  
17 get to it--even though it's going to be used, I'm  
18 sure, by all of your consultants--would be the  
19 wrong thing to do.

20 SENATOR NOZZOLIO: Thank you very much  
21 for your elaboration, and I, I appreciate the  
22 input very much. One more question, member of  
23 the panel. Mr. Hedges?

24 MR. HEDGES: Just, just a question  
regarding the information that you presented in

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3 your written testimony.

4 MR. BEVERIDGE: Sure.

5 MR. HEDGES: You indicate that you've  
6 got a, a calculator. You--you've produced a  
7 number that is citizen voting age population for  
8 a district. Is that something where you had to  
9 do the work, or was that something that the  
10 census bureau has already tabulated that number,  
11 and it's available?

12 MR. BEVERIDGE: No, I had to do that  
13 work.

14 MR. HEDGES: The, the district then--the  
15 fact that the geography for 2000 is the geography  
16 for the survey, but the blocks and descriptions  
17 for 2010 districts are the new census, how did  
18 you bring those in conjunction?

19 MR. BEVERIDGE: Well, I mean, the census  
20 bureau actually has, at the block level, a code  
21 that shows every state legislative district, both  
22 upper and lower house--

23 MR. HEDGES: [Interposing] Right.

24 MR. BEVERIDGE: --of every congressional  
district. So you can assign 2010 blocks easily

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3 to the, the congressional, senate, and, and  
4 assembly districts. So that's up with--in their  
5 block file. And then, what I did was I basically  
6 allocated the data to the--because it's all--into  
7 the--to the block file. So I allocated at the  
8 block file and then built it back up.

9 This was a technology technique that we  
10 used in the court cases I referenced, and where  
11 both sides used these techniques. It wasn't like  
12 one person or another person used the techniques,  
13 you know, we used it and they didn't--we both  
14 used the same techniques. So, you know, so it's  
15 basically out there, it's been used.

16 I think the thing that's a little  
17 strange was that the last time around the CVAP  
18 data was not out until 20--well, they were  
19 ordered up by election data services and several  
20 other comp--firms. And then they weren't  
21 actually out available. And, see, that last time  
22 around, to put it simply, they were available in  
23 time to litigate--not in time to draw. This  
24 time, there would--they would be available in  
time to draw.

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2 MR. HEDGES: I, I understand that. I'm,  
3 I'm just asking the question--

4 MR. BEVERIDGE: [Interposing] Yeah.

5 MR. HEDGES: --that speaks to the  
6 mismatch in geography.

7 MR. BEVERIDGE: Well, it's the blocks.  
8 Blocks mismatch. I mean, you know, the same  
9 thing is true with the blocks. Because the 2000  
10 districts were drawn based on 2000 block lines,  
11 and they've been translated in 2010 block lines.  
12 You know, that--and that's the way, I'm sure, you  
13 computed. I don't know what software you're  
14 using, but I'm sure that's the way you computed  
15 the, the current count, et cetera.

16 SENATOR NOZZOLIO: Excuse me. Excuse  
17 me, Mr. Hedges. If I may? Just on, on that  
18 line, is the geography of this data currently up  
19 to date?

20 MR. BEVERIDGE: It's, it's they're using  
21 2000 geography. But they all--

22 SENATOR NOZZOLIO: [Interposing] So then  
23 it would not be up to date, then, relative to our  
24 2010 census?

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2 MR. BEVERIDGE: They're not up to--no,  
3 that's true, but the census bureau has also  
4 provided tools to make it very easy to move data  
5 from the 2000 boundaries to the 2010 boundaries.

6 SENATOR NOZZOLIO: Well, see, and then  
7 that's exactly my point. The census bureau knows  
8 how to do this. And that's why I'm having--  
9 following your suggestion of LATFOR putting it on  
10 our website, we not only would have to have a  
11 disclaimer, as you recommended, but also a  
12 toolbox, so that the citizen could then  
13 participate with appropriate tools. That, that  
14 means quite a bit in terms of the  
15 responsibilities of the Task Force that I think--  
16 it seems to me a disclaimer plus a tool box makes  
17 for a confused electorate.

18 MR. BEVERIDGE: Well, if you're not  
19 going to use it yourselves for section five  
20 filings, then I'd say go--you know, do it. But  
21 if you--if you actually yourselves use the  
22 citizen of voting age population for section five  
23 filings and to draw districts, then you're not  
24 giving to public everything you're using. That's

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3 all I'm saying.

4 SENATOR NOZZOLIO: I guess I'm searching  
5 for a better way to guide the public on obtaining  
6 this information. At the same token, not having  
7 it too cumbersome and too, too many disclaimers  
8 down the road. Mr. Hedges, did--I interrupted  
9 you. Are you completed? Thank you. Senator  
10 Dilan?

11 SENATOR DILAN: Yes, just a, a  
12 clarification that I need. What you're  
13 suggesting is that if we utilize this data to, to  
14 let's say provide a certain district to have the  
15 ability to select a member of their own ethnic  
16 group, or have that ability to choose an  
17 individual, that we would perhaps have more  
18 accurate data if we use your citizen VAP instead  
19 of just VAP?

20 MR. BEVERIDGE: Oh yeah.

21 SENATOR DILAN: So we would be providing  
22 that community a better opportunity in choosing  
23 someone from their own group?

24 MR. BEVERIDGE: Yeah, it's like you  
wouldn't have a bait and switch. You wouldn't

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3 say this district is 65% Hispanic, but then in  
4 fact--but, you know--vote--say based on voting  
5 age population, but, but then it turns out it's  
6 only 30 or 40% Hispanic when you look at citizen  
7 of voting age. absolutely.

8 SENATOR DILAN: So it--so the example  
9 would be if we had, let's say, 10,000 Latinos  
10 living in a certain district that are over age  
11 18. And let's say in fact, of 10,000, maybe  
12 4,000 may not be citizens that are over 18. So  
13 we're really misrepresenting the number of people  
14 that are really eligible to vote?

15 MR. BEVERIDGE: Right. For, for the  
16 part of the redistricting where you are worried  
17 about effective majorities, yes, which is the--

18 SENATOR DILAN: [Interposing] So, by  
19 using this number, we're using closer to a more  
20 realistic number of what the population within  
21 any given district represents.

22 MR. BEVERIDGE: Right. Even if it has  
23 some error--yes.

24 SENATOR DILAN: Okay, it's better than  
what we're using now--VAP?

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3 MR. BEVERIDGE: Yeah, absolutely.

4 SENATOR DILAN: Okay, thank you.

5 SENATOR NOZZOLIO: Thank you, Senator  
6 Dilan. Any other members of the panel with a  
7 question for Mr. Beveridge? I'm hearing none.  
8 Thank you very much for your testimony, sir.

9 MR. BEVERIDGE: Okay, thank you.

10 SENATOR NOZZOLIO: Justin Wagner.

11 JUSTIN WAGNER, DEMOCRATIC DISTRICT  
12 LEADER, TOWN OF CORTLANDT: I want to thank the  
13 Task Force for this hearing, for the opportunity  
14 to speak, and for a really interesting and  
15 vigorous discussion. I've learned a lot sitting  
16 here. I think everyone else has. And while I  
17 feel a little bit like a, a vegetarian coming to  
18 a steakhouse talking about an independent  
19 commission, I do really want to thank the Task  
20 Force for this opportunity.

21 New York faces a number of immediate and  
22 critical challenges. Just to name a few, we are  
23 not creating enough jobs and we certainly are not  
24 educating our children like we need to be. But,  
however, the reality is that we as a state will

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3 never produce the necessary solutions to these  
4 challenges without first reforming the way  
5 government in Albany works. That starts with  
6 campaign finance reform. That starts with ethics  
7 reform. And it also starts with reforming the  
8 way we draw our district lines every ten years.

9 The foundation of a government that  
10 works for the people is an elected system that is  
11 honest, open, and holds its elected leaders  
12 accountable. Redistricting needs to be removed  
13 from politics and conducted by an independent  
14 commission. Governor Cuomo is right to demand  
15 such a commission, and this is an issue that  
16 residents of the Hudson Valley care deeply about.

17 This May, in Peekskill New York, I  
18 helped organize with a bunch of other  
19 organizations and, and individuals on the ground-  
20 -a rally to call for independent redistricting.  
21 And the people that we speak to about the issue  
22 do not think that redistricting is a complicated  
23 issue. It simply comes down to a question of who  
24 should have the power--the people or politicians.  
The people have the power when redistricting is

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3 independent and fair.

4 Independent redistricting can result in  
5 elections that are on even ground, can allow the  
6 voice of the people to be heard, and truly  
7 reflect the wishes of the citizen in a various  
8 election cycles. The politicians have the power  
9 when they or their appointees are allowed to draw  
10 their own district lines. This is the current  
11 status quo. And the people I talk to about this  
12 issue ask another simple question. Can you  
13 imagine the moxie of a person who goes for a job  
14 interview and tries to both define the  
15 qualifications sought and declare who the  
16 interviewer and ultimate judge will be? Yet this  
17 is exactly what our politicians do year after  
18 year by drawing district lines to minimize  
19 opposition, maximize support, and ensure  
20 reelection.

21 Elections are job interviews where the  
22 people are supposed to do the hiring. But for  
23 years politicians in Albany have gerrymandered  
24 district lines to hijack the influence of their  
constituents in elections. An independent

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3 redistricting commission could right many of  
4 these wrongs.

5 First, districts should be compact and  
6 contiguous. Second, there should be no  
7 consideration given to party enrollment, voting  
8 patterns, or where certain individuals live in  
9 the drawing of district lines. Third, and to the  
10 extent possible, communities of interest should  
11 be kept together in the redistricting process.

12 I have been involved in redistricting  
13 before, when it was not put in the hands of an  
14 independent commission, and it is my belief that  
15 this process simply does not work. In 2000, I  
16 ran for and won a seat as a neighborhood  
17 commissioner in the municipal government of  
18 Washington D.C. while I was a student at  
19 Georgetown University. In that role, as  
20 neighborhood commissioner, I participated in a  
21 Task Force much like this--although in a smaller  
22 room, certainly--to draw district lines for our  
23 area of Washington D.C., district two, which  
24 includes Foggy Bottom, Georgetown, and other  
areas in that part of the city. And despite the

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3 best intentions of every member of the Task  
4 Force, myself included, it was impossible for  
5 individuals not to bring their own political  
6 motivations to the table.

7 Every time we discussed a district, a  
8 line, a group, everyone brought their own  
9 knowledge of who lived where and what such an  
10 impact would have on the various constituencies.  
11 It's my belief from this experience that allowing  
12 politicians or political appointees--despite  
13 their best intentions, to draw district lines is  
14 no way to run a democracy. So I am here to call  
15 for an independent redistricting commission in  
16 the lines of what Governor Cuomo has called for,  
17 and to say that it is time for this broken  
18 process to be reformed, and that's why I urge New  
19 Yorkers to embrace fair and independent  
20 redistricting. Thank you for the opportunity to  
21 testify.

22 SENATOR NOZZOLIO: Thank you very much,  
23 Mr. Wagner. Any members of the panel have  
24 questions for Mr. Wagner? I do. Mr. Wagner,  
thank you very much for your interest and

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3 involvement in our government. That I appreciate  
4 your testimony, and I want to ask about this Task  
5 Force you served on. Was the Task Force--who  
6 made up this Task Force in Washington D.C. that  
7 you served on?

8 MR. WAGNER: Sure. Neighborhood  
9 commissioners, so elected leaders--although the  
10 lowest level of elected government in Washington--  
11 and then also a certain number of citizens,  
12 almost all who were very politically active in  
13 municipal government.

14 SENATOR NOZZOLIO: And what was the  
15 drawing of--what municipal lines? City council  
16 lines, or. . .

17 MR. WAGNER: Sure. The way Washington  
18 D.C. government is organized--we have a mayor, we  
19 have a city council, and then we have  
20 neighborhood commissions. Each commission  
21 represents about 20,000 constituents, and so  
22 those lines are drawn by the local body and then  
23 passed up to the city council.

24 SENATOR NOZZOLIO: So the neighborhood  
commissioners were drawing the lines for city

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3 councilors?

4 MR. WAGNER: No, for their own  
5 neighborhood commission.

6 SENATOR NOZZOLIO: For their own  
7 neighborhood commissioners. It--I--what makes a  
8 neighborhood commissioner any different than an  
9 appointee of a so-called independent commission?  
10 I mean I think that you, you very astutely and I  
11 think wisely indicated that the people were well-  
12 intended, however--to quote you, it was  
13 impossible for individuals not to bring their  
14 political motivations to the table.

15 MR. WAGNER: Sure.

16 SENATOR NOZZOLIO: How would that be any  
17 different, by commissioners or members of the  
18 redistricting commission selected by the  
19 governor, selected by the legislature--how would  
20 that be any different in the same motivations of  
21 human nature?

22 MR. WAGNER: Sure. And I, I think  
23 there's two, two answers to that. One is I think  
24 it would further remove an additional step  
elected leaders. So it wouldn't be senator and

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3 assemblyman's Task Force, it would be the  
4 appointee of--so we're, we're going one step  
5 further away from elected leaders.

6 Second, I think one of the primary  
7 concerns of mine with this Task Force is again--  
8 not the intentions of the people serving on it,  
9 but the air it creates for citizens who, who  
10 quite rightly have been frustrated with Albany  
11 for years. And to have the very people in the  
12 legislature that--that their frustration is so  
13 boiled over at--drawing their own district lines,  
14 I think creates an air of impropriety--even in  
15 none exists, that we should remove from that  
16 process and put into the hands of non-elected  
17 leaders.

18 SENATOR NOZZOLIO: Thank you very much.  
19 Monica Miranda.

20 MONICA M. ARIAS MIRANDA, MPA, PRESIDENT  
21 AND CEO, THE HISPANIC COALITION NY, INC.: Hello  
22 everybody. Nice to see you all again.

23 SENATOR NOZZOLIO: It's very nice to see  
24 you again, Ms. Miranda.

MS. MIRANDA: Thank you for the

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3 opportunity.

4 SENATOR NOZZOLIO: It's the third time,  
5 I believe.

6 MS. MIRANDA: Yes, and not the last.  
7 And I, I did not prepare a statement this time  
8 because I think--well, since I've been attending  
9 several of the hearings, it's very clear that one  
10 of the issues that the community is bringing  
11 forth to this group is the, the issue of being  
12 fair to ensure a--that the electoral--electorate  
13 is represented adequately. So I, I won't bring  
14 that up again. And I really--my main focus on  
15 being present here, on behalf of the Hispanic  
16 Coalition of New York, is to continue raising the  
17 issue and the point that the Latino community  
18 continues to grow.

19 And the--one of the last speakers talked  
20 about voting age population, and I actually will  
21 be presenting that at the next hearing, so I was  
22 glad to hear that. And I did want to highlight  
23 that, since we are in Westchester County, that  
24 Westchester County and the city of New Rochelle  
are listed--according to the census date, they

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3 are--the county is one of the ten, ten top  
4 counties with Latino representation--and so is  
5 the city. The county has 22% Latino population  
6 and the city of New Rochelle 28%. So those are  
7 numbers for you to keep into consideration.

8 And, as you move forward, one of the  
9 suggestions that I would like to offer this body  
10 is--and I would like to see as a constituent--a  
11 little bit more information on the website as to  
12 the process and how the Task Force will be making  
13 decisions. So it--whether it be adding  
14 information to the website, whether or not it's  
15 information I may be able to understand--I would  
16 be okay with that. But as long as I know what  
17 the process is and what data you are looking at,  
18 I think that would be very helpful to me and  
19 perhaps other people--just to know what the  
20 process is and to see what data you guys will be  
21 looking at. And with that, thank you so much.

22 SENATOR NOZZOLIO: Thank you very much.  
23 This is as good a time as any to indicate that  
24 next week hearings will be conducted in, in  
Binghamton and in Buffalo; that we hope to see

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3 you there. That your information that you have  
4 provided us regarding the interests of Hispanics  
5 and the population of the various regions--I  
6 believe you testified in Rochester and, and in  
7 Albany, that the--that information is very  
8 important, and we, we are making it part of our  
9 record. And there is a number of items on LATFOR  
10 task--LATFOR Task Force's website that we hope to  
11 have more information that we can place on the  
12 website for citizen use, and that thank you very  
13 much for your testimony. We hope to see you in  
14 the future.

14 MS. MIRANDA: Thank you.

15 SENATOR NOZZOLIO: Any questions of Ms.  
16 Miranda? Thank you very much.

17 MS. MIRANDA: Thank you.

18 SENATOR NOZZOLIO: Gretch--Graciela  
19 Hyman [phonetic]. Graciela? Gregory Julian.

20 GREGORY JULIAN, PH.D., PACE UNIVERSITY:  
21 Hello, my name is Dr. Gregory Julian. I'm a  
22 political scientist for 20-plus years at Pace  
23 University and a citizen activist having run for  
24 office against some venerable people who were

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3 mentioned today. One was Ben Gilman and one was  
4 somebody who we all respect, Tom Morahan  
5 [phonetic]. I, I think I've been called the Don  
6 Quixote of politics sometimes but, nevertheless,  
7 talking about citizen activism is very important.

8 In listening to this, I--I'm  
9 conceptualizing what I--what I'm seeing here as  
10 the passion play of redistricting, which is part  
11 of the tragedy and comedy of that which is the  
12 New York State Constitution. In 2008, when I ran  
13 for Senate, I called upon the consideration of  
14 having an independent commission in 2008, as well  
15 as a Constitutional Convention to solve the  
16 problem. Ultimately what this passion play  
17 includes are things that have been mentioned by  
18 everybody here in the audience and by yourselves--  
19 the necessity of having civil rights, spatial  
20 compactness, independent commissions, judicial  
21 decision making, congressional state, county and  
22 local equity.

23 The first point here is ultimately this  
24 process is owned by the people--by the people and  
for the people. Secondly, what we've come to

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3 terms with--more and more, is that we are also  
4 engaged in a politics of emotion. And this isn't  
5 any fault if this is our brain at work doing  
6 politics. We are emotional people and we have to  
7 take that into account. And emotions are not  
8 necessarily rational. But, nevertheless, as  
9 important as any other ingredient in this  
10 formula, the three C's of competitiveness,  
11 compactness, and community of interest certainly  
12 should guide your, your deliberations and, and  
13 what your work clearly demonstrates an incredible  
14 integrity in what you've been trying to do to  
15 come to grips with how these go together.

16 And, ultimately, you're being asked as a  
17 politician to be--well, let me--let me--not as a  
18 politician--as an elected official, to transcend  
19 the political and become a statesman, a judicial,  
20 a scholar, an ethical and a consultant. Now, I  
21 understand that there was a pledge, and I urge  
22 you not to be constrained by that pledge. That  
23 pledge was right to take in 2008, when an  
24 independent commission could have been formed,  
and instruct the legislature on what to do, by

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3 bringing in experts, some outstanding experts  
4 that have been brought here, but the bottom line  
5 is you are under the gun.

6 And there's an urgency here to say "You  
7 need to be a-political." A-political is broken  
8 up into two different words--two different ways  
9 you can look at a-political. One, you could look  
10 at a-political about being nonpartisan in--in  
11 relationship to the party. We don't want one or  
12 the other party to gain an advantage  
13 theoretically--and I think emotionally--in this  
14 redistricting process. We are asking for justice  
15 and fairness.

16 The other way in which you have to look  
17 at a-political, is that redistricting without an  
18 awareness or concern of the partisan political  
19 balance of the electorate is maybe not a good  
20 thing to follow because ultimately we are a  
21 public. Blind, a political redistricting, using  
22 data without party affiliation, precinct voting  
23 records, census track data--might in fact not be  
24 in accord with the Voting Rights Act. So I can  
envision, as a scholar, a group of people coming

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3 together in this--in this independent commission  
4 following algorithms that are just pure and  
5 simply frightening to me.

6 I looked at some of those algorithms  
7 over the past few days. The one that was most  
8 frightening is one constructed by four political  
9 scientists from China and one from Stony Brook--  
10 in which they use an algorithm that had absolute  
11 square-ness. Wonderful. But that, to me, is  
12 from a political science point of view is the  
13 very problem we have to deal with. What is not  
14 being considered here is that we have a political  
15 decision to make.

16 From my research in, in political  
17 science, I, I think the solution is pretty  
18 simple. And I--that--that might be shocking to  
19 you. The simplicity is to have symmetrical  
20 fairness. What do I mean by symmetrical  
21 fairness? Basically we all understand that you,  
22 our elected officials, represent us, the public.  
23 That's the process. Until we change it, you are  
24 our representatives. The change in votes there  
of any specific amount in either direction would

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3 produce symmetry, rather than a proportional  
4 change in, in who wins the election, if you make  
5 these changes open and cognizant and transparent,  
6 saying "We are actually going to follow a  
7 symmetrical fairness." And I think that would  
8 generate a little bit more confidence that you're  
9 not feigning a political-ness, and basically  
10 saying what--at this point in time, given 2011,  
11 the only thing that we can really do is try not  
12 to upset the balance of the cart.

13 Because the larger questions have to be  
14 dealt with in a larger context, which is  
15 obviously, in my mind, a real concerted effort to  
16 reduce the complexity and dysfunctionality of the  
17 New York State Constitution as it exists today.  
18 It hasn't been revisited. There are fears that,  
19 if we revisit it, we'll open a Pandora's box, but  
20 ultimately that's what your decision has to be.  
21 You need to look at this constitution and put  
22 into place a system where we don't have to come  
23 back in 2020 or 2021--but literally in 2018 we  
24 could revisit this and then do it with a lot more  
rationality.

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2 I've heard many, many wonderful comments  
3 about what makes up a good district. My place of  
4 work is in the 35th district. Again, it's been  
5 mentioned. It was--it was a district that was  
6 purportedly created for a republican, now held by  
7 a democrat. The fact of the matter is that  
8 district works. It works because people are  
9 flexible and we need to make public decisions.  
10 And our elected officials transcend those in  
11 meeting the public's needs, and the same thing in  
12 Rockland County where I reside. Sure, the 19th  
13 congressional district under Ben Gilman had a lot  
14 of resources poured into it. And when it got  
15 split up into three, not two, three congressional  
16 districts--17, 18, and 19--we all had to adjust.  
17 But the fact of the matter is--we adjusted.

18 So I don't think the decisions that you  
19 are going to make--while they're onerous, are  
20 going to be so profoundly dysfunctional that it's  
21 going to impact the future of politics. I just  
22 really want you to understand that we've given  
23 this, this crisis of confidence of, of algorithms  
24 impacting our financial economic outlooks,

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3 looking for the ultimate intellectual answer to  
4 this--ultimately is not going to work.  
5 Ultimately it comes back to politics. Just try  
6 to maintain symmetrical fairness. Give from one  
7 party, give from another party, and take from  
8 both party. I think that's all you can do.

8 SENATOR NOZZOLIO: Thank you very much.  
9 Any questions of the panel?

10 MR. WAGNER: Thank you.

11 SENATOR NOZZOLIO: Thank you. Thomas  
12 Keller.

13 THOMAS KELLER, MOUNT VERNON REPUBLICAN  
14 CITY COMMITTEE: Good afternoon. I believe I'm  
15 the last speaker. Hopefully I won't be short-  
16 changed.

17 SENATOR NOZZOLIO: Actually you're--

18 MR. KELLER: [Interposing] Second to  
19 last?

20 SENATOR NOZZOLIO: This is Mr. Keller?

21 MR. KELLER: Yes.

22 SENATOR NOZZOLIO: Mr. Keller?

23 MR. KELLER: Yes.

24 SENATOR NOZZOLIO: No, there's a couple

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3 more and then we need to call those that did not  
4 respond, so. . .

4 MR. KELLER: Okay. My name's Thomas  
5 Keller. I live in Mount Vernon. I'm the  
6 Chairperson of the Mount Vernon Republican City  
7 Committee, a thankless job--3,000 republicans,  
8 25,000 democrats--and I don't represent the  
9 republican party. Mr. Colety has already  
10 represented it, Mr. Richter, Mr. Goldstein, Jim  
11 Maisano--I don't know if he's spoken. But most  
12 recently, I came up with a redistricting plan  
13 which I started out--the republican party started  
14 out--Colety and Perecy [phonetic]--and we kind of  
15 came to the same conclusions although we, we  
16 worked independently. Unfortunately the  
17 democrats didn't accept any of our suggestions.

18 And Mr. Beveridge, who left--he carved  
19 up the first legislative district that's  
20 represented by Don--John Testa based on the  
21 Lakeland School District, which for your  
22 information, is in two Putnam communities and, I  
23 think, three Westchester communities. Anyway,  
24 he--I hope, Senator McEneny, or Assemblyman

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3 McEneny? I hope Mr. Beveridge emails you what  
4 you asked for, because he never did that for me.

5 I'm working on bare bones, aged maps,  
6 things like that. Anyway, let me tell you where  
7 I come from. In 1963 the Supreme Court dealt a  
8 blow to states' rights. They came up with "one  
9 man one vote." I was a history major, but I had  
10 to take either sociology or political science. I  
11 took a political science course and I wrote a  
12 paper on that--disagreeing with it. I also  
13 disagree with the Voting Rights Act of '65. And  
14 it wouldn't have happened except the, the  
15 Goldwater debacle gave the democrats super  
16 majorities of--I think we had 140 republican  
17 congressman in the '65-'66 Congress. And at that  
18 time, the old line conservative democrats from  
19 the south just got out-gunned by the liberal  
20 democrats from other parts of the country.

21 Anyway, I was disappointed it was  
22 extended in '82 and further extended in '07, even  
23 though it probably benefits republicans. But you  
24 talk about crazy, quote, gerrymandering or  
gerrymandering and look what some of the

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3 congressional districts look like.

4 Finally, the courts--the Supreme Court  
5 had to get involved and they made some sense out  
6 of it. The black caucus in Congress--they liked  
7 it. Republicans liked it. And there's a pretty  
8 good argument that that's how they took control  
9 in the '90s. Anyway, do not cede authority to  
10 the independent commission. Constitutionally,  
11 you're charged with doing this. Keep it in your  
12 hands.

13 I don't know why the republican senate  
14 passed this LATFOR. Hopefully--and I don't agree  
15 with Shelly Silver on much, but I hope he thumbs  
16 down on it. Rationality, please don't break up  
17 cities, towns and counties--unless it's  
18 absolutely necessary. Do not cross rivers. The  
19 Hudson River widens as it gets down into the  
20 metropolitan area. Up north it's, it's much  
21 thinner, if you will. And up north is a sparsely  
22 populated area that you probably can't avoid  
23 crossing the Hudson up in Albany or further  
24 north. And this applies not only to the Hudson  
River but the East River and the Harlem River as

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3 well. An exception might be Staten Island.

4 Congressionally, they're 450,000.

5 They're going to have to be part of Brooklyn, I  
6 guess, unless they go to New Jersey. So there  
7 are examples like Staten Island--things like  
8 that. You have plenty of time to do this.  
9 There's no panicking. The only panic was around  
10 here in the spring when the county legislators  
11 redistricted. And, and they had an election this  
12 year--they have an election this year. You don't  
13 have elections until the even year--next year.

14 And, by the way, if you go to a June  
15 primary, is this all Chuck Schumer's idea? I  
16 live in a one party town, okay? If we have a  
17 mayoral election--say it was to happen this year,  
18 June 30th--as opposed to a primary of September  
19 13. A democrat is going to win. There's four  
20 democrats competing for the job--including the  
21 incumbent. Whoever wins is going to have to wait  
22 six months to take office--January 1st. I can't  
23 believe, in this day and age, we can't get  
24 military ballots out between the September  
primary and the general election. You know, move

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3 it up to the Thursday after Labor Day. You know,  
4 if that--you pick up five days or ten days--  
5 something like that. And if, if the votes are  
6 there to move it--do it the last week in June.  
7 We have school board elections the third Tuesday  
8 in May, and sometimes there's a revote. First  
9 the--I think second Tuesday or third Tuesday in,  
10 in June. Too many--it'd be too many elections in  
11 a too short period of time there?

12 Okay. All right, on to the  
13 Congressional. Let me make one statement here.  
14 I haven't checked with Doug Colety--he had to go  
15 to court, and he left, but in his prepared  
16 remarks he mentions 2012--I think he means 2002--  
17 two-zero-zero-two, because he's referring to the  
18 past 37th district--Suzy Oppenheimer.

19 SENATOR NOZZOLIO: Who--whose testimony  
20 is that?

21 MR. KELLER: Doug Colety's.

22 SENATOR NOZZOLIO: Thank you.

23 MR. KELLER: I mean, I could be wrong,  
24 but I don't think so. He as 2012 and it should  
be 2002--'02. Okay. Okay, congressional

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3 redistricting. I, I accept the numbers. We're  
4 going from about 650 to 717, New York State's  
5 going to lose two.

6 Let me take you back 20 years to 1991  
7 and 1992. Joe DioGuardi had won in '84 and '86.  
8 He lost to Nita Lowey in '88. He didn't run in  
9 '90. And then, because he wasn't an incumbent,  
10 when he challenged Lowey in '92--this is what the  
11 district looked like. Warren Anderson, I think,  
12 was the republican leader at the time. He's from  
13 upstate. You know, he cut a deal, I guess, and  
14 you know, he didn't--he didn't care about Joe  
15 gonna run again in '92. So Nita Lowey has 67% in  
16 Westchester--of her district; 4% in the Bronx,  
17 going down along the water to connect to Queens--  
18 which he had 29%. That's where he grew up, in  
19 Forest Hills, a big Jewish population.

20 She destroyed DioGuardi in, in Queens  
21 and that's why she won the election and she's won  
22 ever since. It was bad that she had to go over a  
23 river, but I guess if you go back to where you  
24 were born, and people of your ethnic group live  
there--it's a big advantage for you.

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2 I'm not a--I'm not a fan of Nita Lowey  
3 or Elliot Engel, but I feel sorry they have to go  
4 over to Rockland county--both of them. With  
5 Engel it's even worse, because he's got the  
6 Bronx, then he's--all of Mount Vernon, he goes up  
7 along the Hudson river in Yonkers and Greenburgh  
8 and then across the bridge.

9 I sympathize with the people in Rockland  
10 County. They're represented by three different  
11 people, and it's only a very, very small part of  
12 the total district of each of those three people.  
13 20--2002, Governor Pataki, Joe Bruno, Shelly  
14 Silver. We lose two seats, we go from--we're  
15 going from 29 to 27 now? I think we went from 31  
16 to 29. Republicans had, I think, 10 or 12 and  
17 Democrats had 17 or 19--in that--in that range.  
18 They came to an agreement.

19 What happens, Vice President Cheney  
20 comes into the state and says we got to get a  
21 super majority for Tom Reynolds. Tom Reynolds,  
22 former--formerly the minority assembly leader,  
23 ran for Congress in '96, minority assembly leader  
24 in the--in the New York assembly. Runs in '96--

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3 wins. Makes great strides in term--terms of  
4 leadership positions--like number three or four.  
5 And we gotta create a supermajority for, for Mr.  
6 Reynolds.

7 Previous to that, Gilman probably would  
8 have been the republican that lost and Louise  
9 Slaughter, the democrat upstate. But Cheney had  
10 to come in and dictate to Pataki and Bruno, and  
11 we created a supermajority for Reynolds.

12 He only ran two other times, '02 and  
13 '04. He didn't run in '06. And then we lost a  
14 seat, gained it back, lost it again. Don't do  
15 something like that.

16 If President Obama and Nancy Pelosi and  
17 some other people come into the state and want  
18 something done--tell them to bug off like Pataki  
19 should have told Cheney to bug off.

20 And, as far as Ben Gilman goes, a  
21 little--a little background. Ben Gilman. We had  
22 Sue Kelly in at the time. And, uh, Steve Sweeney  
23 represent of the, uh, - - . Steve Sweeney would  
24 have gone all the way up to the Canadian border  
and further west. But Sue Kelly didn't want to

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3 go up to Columbia or in Dutchess--Columbia  
4 County. She'd rather go across the river.

5 And if that hadn't happened, Ben would  
6 have maybe had a, a decent shot against Maurice  
7 Hinchey, may--maybe. I don't know. Okay.

8 New York State Senate, I have to take  
9 issue with, with Mr. Goldstein on--I agree with  
10 him--you should do this yourself. No independent  
11 redistricting commission. Let's go back. John  
12 Calandra--the great John Calandra represented  
13 that district. He died suddenly in '85,  
14 succeeded by Guy Velella--my Senator for many  
15 years. If Guy Velella didn't move into East  
16 Chester, Nick Spano would have gotten it. And  
17 maybe he'd still be in the Senate. But they had  
18 a vote and Velella won, and Spano lost the town  
19 of East Chester--32,000--heavily Republican.  
20 Probably the most Republican town--maybe with the  
21 exception of Harrison in Westchester County.

22 In terms of redistricting--you know, I  
23 don't mind going from the Bronx to Westchester.  
24 It's just crossing a street. The problem I have  
is going over rivers--natural boundaries. And,

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3 and as far as Oppenheimer is concerned--37. She  
4 replaced a republican senator that had to resign.  
5 He's--unfortunately, he's, he's passed away. And  
6 she was contested in the '90s. But then 2001 or  
7 '02 came around, and republicans redistricted.  
8 Velella picked up East Chester. And so it made  
9 Oppenheimer's district more democrat. She liked  
10 it. Except for the last election against Bob  
11 Cohen--she was winning huge majorities.

12 Sometimes I don't think we even opposed  
13 her. We didn't have a candidate. So, you know,  
14 I don't want to--I don't want to be critical of,  
15 of my chairman, Doug Colety, but a little  
16 background has to come out about this. And if  
17 you keep Oppenheimer's district the same--and we  
18 have a big turnout in 2012--a republican victory--  
19 -Bob Cohen's probably going to be the next  
20 Senator. And she may retire for--between now and  
21 then.

22 And, by the way, I'm not a political  
23 consultant. I give my advice free of charge.  
24 And I gave some advice to some people that were  
running for the Senate--Liam McLaughlin, Bob

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3 Cohen. They didn't--they didn't follow my advice  
4 and they lost.

5 Now, I'm not saying they would have  
6 won, had they followed my advice. We, we had a  
7 weak--we had a weak top of the ticket. I would  
8 have preferred Steve Leavy but unfortunately it  
9 wasn't--it didn't happen and our candidate made a  
10 number of missteps. And, you know, it--  
11 unfortunately it had repercussion down, down  
12 lower on the ticket.

13 Okay, now the New York State Assembly.  
14 All right, where is it? Okay, New York State  
15 Assembly. My Assemblyman is right back there,  
16 Mr. Pretlow. And my--no, not my Senator--Klein's  
17 my Senator, but Ruth--Senator Ruth's here. 1994,  
18 Governor Pataki wins. Upsets three term Mario  
19 Cuomo. We had 56--he didn't have any coattails,  
20 though. 56 assemblyman for republicans.  
21 Gradually, late '90s, '01--we're down to 51.  
22 Tochi [phonetic] voted with us. Assemblyman  
23 Tochi. He was the 51st one, I believe. 50 or  
24 the five--I think 51st.

Then came Shelly Silver's redistricting,

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3 and we went from 51 to 42 or 43--probably due to  
4 redistricting. And then we had some special  
5 elections and a few upsets, and lo and behold  
6 we're down to 38. Last two elections--especially  
7 the most recent one--we're up to 51 now. And  
8 don't forget 17 republicans lost by less than 5%  
9 of the vote.

10 The rest of the state should leave New  
11 York City because 65 or 70 assembly people are  
12 from New York City. If you--if you excluded New  
13 York City, republicans would be dominating the  
14 assembly. But anyway, okay.

15 As much as I, I accept defeat at the  
16 county legislature level, I put in a--what I  
17 thought was a fair plan--the republicans did--and  
18 we lost. We get outvoted 12 to 5. No democrats  
19 came over. One of them was retiring--Martin  
20 Rogalski. He's a decent guy, he's voted with the  
21 republicans on common sense things. I was  
22 disappointed that he didn't come over. Rob  
23 Astorino vetoed it--was overridden 12 to 5. It  
24 was unfortunate, but I accept the outcome because  
maybe someday republicans are going to be back in

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3 the majority and the county legislature, and we  
4 will do it.

5 And Rogalski had a personal thing. He  
6 was redistricted by republicans back in the 9--  
7 '90, '91 area, so maybe he had a personal animus  
8 against, against republicans. I don't know. So  
9 I'm not a fan of Shelly Silver, but I think  
10 Shelly Silver and the Assembly should do it  
11 themselves. I think the Senate should do it  
12 themselves. And I think the county legislature--  
13 which they've already done--should do it  
14 themselves because maybe someday the Republicans  
15 will take it over. Hopefully this November we  
16 get nine or more votes, and then we can change  
17 things. Thank you.

18 SENATOR NOZZOLIO: Thank you very much.  
19 Any questions for Mr. Keller by the committee?  
20 If not, thank you, Mr. Keller. Brian Kelly.  
21 Brian Kelly.

22 [Break in audio]

23 BRIAN KELLY, CITIZEN, DUTCHESS COUNTY:  
24 --an interest in redistricting on the one hand,  
and I'm speaking as a district leader in the

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3 Dutchess County Democratic committee on, on the  
4 other hand.

5 And--with regards to Dutchess County,  
6 what Assemblyman McEneny said about Herkimer  
7 County resonates with me. Herkimer has a  
8 distinct shape, which, as you described, has a  
9 significant impact on any map that it's part of.  
10 The way that you deal with that is to--is to  
11 carve it up. And that's not necessarily in the  
12 interest to the people of Herkimer County because  
13 counties are inherently communities of interest.

14 And so with regard to my home county of,  
15 of Dutchess County, which is a politically  
16 marginal county, we have no fewer than five  
17 assembly districts at this time. And our  
18 population would require far fewer than three,  
19 you know, I--if you were just dividing it up  
20 evenly.

21 When you have a county split five ways--  
22 that could be problematic for a number of  
23 reasons. Certainly having, in our case, two  
24 towns, which are the only Dutchess towns in their  
25 respective assembly district, mean for

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3 potentially Dutchess county can, can get the  
4 shaft, so to speak, in terms of that given  
5 assemblyman's focus on, on county issues.

6 In my own work--and I'm going to provide  
7 some, some written testimony that, that describes  
8 a little bit, in my own work and experimentation,  
9 I've been able to develop a variety of maps that  
10 carve up Dutchess County--are fewer than five  
11 times. You could certainly have Dutchess County  
12 divided into three pieces--one of which would be  
13 based around the city of Poughkeepsie and some of  
14 the close end suburban towns. And then you would  
15 have a, a southern Dutchess suburban map. And  
16 then you would have the, the northern Dutchess  
17 and Columbia county district that we have now.

18 So I'm basically talking about the  
19 100th, the 102nd, and the 103rd. And, and like I  
20 said, I'll provide some, some written testimony  
21 in the next day or so to, to supplement that. if  
22 you do that, you end up eliminating the--kind of  
23 doughnut hole phenomenon that we have now with  
24 the cities in Dutchess county, where the city of  
Beacon is surrounded by a town which is in an

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3 entirely different assembly district--and  
4 likewise the city of Poughkeepsie. They're  
5 connected to entities across the river. You  
6 could make an argument for that, as, as Susan  
7 Lerner did earlier. But I think you can make a  
8 stronger argument for the cohesion of a city  
9 being surrounded by its immediate suburbs.

10 You've talked earlier today about the  
11 difficulty in assessing the value of compactness.  
12 I think in this scenario, compact can be a pretty  
13 good thing, because the town of Poughkeepsie  
14 revolves around the city of Poughkeepsie, and  
15 keeping them with each other, I think has a lot  
16 of value.

17 In the maps that I've worked with--that  
18 has a pretty minimal impact on the surrounding  
19 Hudson Valley districts. And as a result, you  
20 would still have a free hand to do what you want  
21 in other parts of the state--without necessarily  
22 displacing incumbents, without causing a lot of  
23 disruption. So, for example, you can--you can  
24 tweak Dutchess County with minimal impact on  
Putnam, on Westchester, on Columbia--and I think

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3 that's advantageous.

4 So, to conclude, a few people have come  
5 up here today and they've asked for you not to  
6 gerrymander their given district. Certainly the  
7 earlier speakers talking about Nita Lowey, for  
8 example, they, they don't want to see their  
9 districts blown up. In our case, in Dutchess  
10 County, what we'd like to see is what--maybe  
11 gerrymandering is the wrong word, but we want to  
12 stop the carving up of, of Dutchess, without any  
13 kind of cohesion in mind. So thank you very  
14 much.

15 ASSEMBLY MEMBER MCENENY: Thank you.  
16 You--will you be sending us a copy of those maps?  
17 Is it with your testimony?

18 MR. KELLY: Yes, yes. My apologies for  
19 not having that ready, I--

20 ASSEMBLY MEMBER MCENENY: [Interposing]  
21 No, that's--

22 MR. KELLY: [Interposing] I assembled a  
23 series of slides, and I think a greater  
24 supplemental text would be better, so I will. . .

ASSEMBLY MEMBER MCENENY: There's plenty

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3 of time. We don't actually get to seriously  
4 drawing until the public hearings are over.

4 MR. KELLY: Right.

5 ASSEMBLY MEMBER MCENENY: So if you  
6 could get that in to us, though, as soon as you  
7 can, that would be wonderful.

8 MR. KELLY: Absolutely. Much  
9 appreciated, thank you.

10 ASSEMBLY MEMBER MCENENY: Thank you.

11 SENATOR NOZZOLIO: Thank you,  
12 Assemblyman McEneny, and thank you Mr. Kelly.  
13 That all are encouraged to submit representations  
14 to the Task Force, and those will be well  
15 accepted. That will conclude our hearing, but we  
16 will call one more time those that were absent  
17 from the scheduled list that asked to testify.  
18 First is Pete Healy. Pete Healy? Gene Johnson?  
19 Gene Johnson? Zulema Blair? Good afternoon, Ms.  
20 Blair.

21 ZULEMA BLAIR, CHAIR, DEPARTMENT OF  
22 PUBLIC ADMINISTRATION, MEDGAR EVERS COLLEGE,  
23 CENTER FOR LAW AND SOCIAL JUSTICE: Good  
24 afternoon. My name is Dr. Zulema Blair, and I am

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3 an Assistant Professor and Chair the Department  
4 of Public Administration in the School of  
5 Business at Medgar Evers College of the City  
6 University of New York. And I'm going to be very  
7 brief. I know we're at the end of our testimony.

8 First of all, let me just speak to  
9 diversity in general, by saying that it is about  
10 recognizing differences between people and  
11 groups; culturally, racially, and I'll add gender  
12 and age in there as well. It's about acceptance  
13 and respect for particular groups.

14 And usually at the planner stage, racial  
15 and ethnic diversity often predicts racial and  
16 ethnic group outcomes in a particular process.  
17 And from the groups that I've been speaking to in  
18 Brooklyn, we think that these principles should  
19 be taken into account. Otherwise, we run the  
20 risk of rolling back progress towards equality in  
21 redistricting decision making process.

22 Also, are some younger voters that--that  
23 are now up and coming and starting to become more  
24 civically engaged. They're just beginning to  
understand redistricting. And, you know, they--

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3 they, they may lose confidence in the process.

4 So we are at a critical juncture in the current  
5 electoral term, so to speak, where voter turnout  
6 is finally on the rise amongst particular groups.

7 And so we would like them to be more  
8 inclusive in the pro--in the process. We don't  
9 want to jeopardize--to jeopardize the most  
10 important political institution, because it, it  
11 will be risky for all. Thus it is vitally  
12 important for redistricting commissions--and I'm  
13 not sure if you want to go independent. That's  
14 not my argument today, but, going forward, to  
15 reflect more geographic, racial, ethnic, gender  
16 and age diversity of the state.

17 For example, we know New York State has  
18 a significant amount of African Americans, over  
19 three million, also a significant amount of women  
20 voters--52%. It's not representative on the  
21 commission at this particular time. Like  
22 incumbents and political parties, racial and  
23 women's group have a role to play in the  
24 redistricting process. A relative voice in the  
face of diversity will add the qualitative

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3 judgment that is needed to redraw district lines.

4 In the past we know that it's been represented.  
5 We'd like for it to continue to do so.

6 In sum, the electoral institution of  
7 redistricting will bring greater confidence. If  
8 withstanding partisan violence--we don't want to  
9 ignore that. The principles of diversity are  
10 here, too. Thank you for listening.

11 SENATOR NOZZOLIO: Thank you very much.  
12 Any members of the Task Force have a question.  
13 I'm hearing none. Thank you for your testimony.

14 [Inaudible]

15 SENATOR NOZZOLIO: Of course, but--would  
16 you be so kind as to just--I want to make sure  
17 that we've--I believe we have asked everyone that  
18 has not had the opportunity. I think we have.  
19 And you, you were right, you are going to be the  
20 last speaker.

21 [Laughter]

22 MR. KELLER: I didn't come with prepared  
23 remarks. I was jotting down notes. You know,  
24 the general news made this announcement about a  
month ago, but no follow-up--no follow-up on news

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3 to Westchester.

4 I had to call Dean Skeletons [phonetic]  
5 office this morning at 9:00 to see if this thing  
6 was on. This wasn't very well publicized. It's  
7 not your fault, but, you know. I have to talk--I  
8 have to--there's a point about Ken Jenkins,  
9 leader of our county legislature, and Mr.  
10 Beveridge.

11 They talk about that only 5% of the  
12 people are going to be switched from the existing  
13 districts to the new districts. In Nassau  
14 County, it's 45%. But you know what he doesn't  
15 tell you is there was a horrible redistricting in  
16 2001, when the democrats took over the county  
17 legislature in '97 or '99. They were in charge  
18 in '01. And it was a horrible, horrible thing.

19 They were getting back at Republicans  
20 for what Republicans did in '91. I'm not going  
21 to mention the person's name, but he took relish  
22 in dividing up Scarsdale into three districts;  
23 Scarsdale's 17,000. Each legislative district's  
24 about 53,000 in Westchester, county legislative  
district. And I, I guess it was retribution--or

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3 whatever it was.

4 So isn't this specious reasoning when  
5 Mr. Jenkins says "We only change things 5%." And  
6 Beveridge--he drew up the plan and they went  
7 along with it. It was a bad plan--that they're  
8 only moving 5%.

9 Now, Nassau County--the Republicans are  
10 in charge. If they have to take--move 45%, so  
11 what? If it takes 100%, so what? You get a new  
12 legislature, maybe. You get a new face. Is it  
13 that bad? So this--this reason of not moving  
14 people, it's just really specious.

15 Oh, again the New York State Senate.  
16 The--Mr. Goldstein says that gerrymandering is  
17 bad, no matter which side does it. Okay. But  
18 when an incumbent does it, and he's in the  
19 majority, to protect his position--you have to  
20 accept the outcome. Calandra did that. Velella  
21 did that. And if we had a candidate, Mr.  
22 Chairman, in 2004 named Anthony Colavita Jr. we  
23 would have held the Velella seat.

24 Instead, we couldn't get him to run, and  
Nick Spano shoves a democrat down our throat

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3 named Coffin from the Bronx. A bunch of us  
4 Republicans get John Fleming to run. And it was  
5 a three way race because there were multiple  
6 party lines that the candidates got in November,  
7 and Klein won--50% to 40% to 10%.

8 I asked Hoffman several times--why don't  
9 you become a republican? And he says well, when  
10 I win, I will. Well, it's too late. And then we  
11 didn't have--we didn't have strong candidates in  
12 '06 and '08, you know, in--in that district, and,  
13 you know, Klein is--has done well. Anyway, thank  
14 you.

15 SENATOR NOZZOLIO: Thank you, Mr.  
16 Keller. With Mr. Keller's comments, that  
17 concludes this hearing in Westchester. We again  
18 wish to thank our hosts, the Westchester County  
19 Legislature, and appreciate very much the  
20 opportunity to take testimony. Assemblyman  
21 McEneny.

22 ASSEMBLY MEMBER MCENENY: Thank you,  
23 Senator. We had 25 speakers. That's what it's  
24 been averaging, and we very much appreciate the  
input that we get from the diverse number of

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3 individuals who come up here. We would encourage  
4 people to also testify in writing by sending in  
5 maps and proposals. It all becomes part of the  
6 record and stay tuned. This is only the first  
7 stage. 12 hearings across the state, and there  
8 will be 12 more when we finally have maps drawn.

9 SENATOR NOZZOLIO: Thank you,  
10 Assemblyman, and again it's very good to work  
11 with you and all the members of the Task Force.  
12 We thank you for your cooperation. That there  
13 will be a meeting of the Task Force immediately  
14 following the hearing at 2:00 p.m. in this room.  
15 The hearing's adjourned. Thank you very much.

16 (The public hearing concluded at 1:53  
p.m.)

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C E R T I F I C A T E

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

A handwritten signature in cursive script that reads "Brandi Dean".

Brandi Dean, Transcriptionist

August 19, 2011

NEW YORK STATE  
LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND  
REAPPORTIONMENT

PUBLIC MEETING  
LATFOR Data Release

Westchester County Board of Legislator's Committee Room  
800 Michaelian Office Building, 8th Floor  
148 Martine Avenue  
White Plains, NY 10601  
Wednesday, August 10, 2011  
2:00 p.m. to 2:50 p.m.

LATFOR Data Release - 8-10-2011

LATFOR MEMBERS:

SENATOR MICHAEL F. NOZZOLIO, Co-Chair

ASSEMBLY MEMBER JOHN J. MCENENY, Co-Chair

SENATOR MARTIN M. DILAN

ASSEMBLY MEMBER ROBERT OAKS

CITIZEN REPRESENTATIVE WELQUIS "RAY" LOPEZ

CITIZEN REPRESENTATIVE ROMAN HEDGES

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

4 SENATOR MICHAEL F. NOZZOLIO: Ladies and  
5 Gentleman the Legislative Task Force on  
6 Demographic Research and Reapportionment LATFOR,  
7 will come to order. Our scheduled meeting today,  
8 the 10th of August in the Westchester County  
9 Legislative Offices. The members of the Task  
10 Force are present. Co-chair and good friend,  
11 Assemblyman Jack McEneny along with Senator  
12 Martin Dilan and Assemblyman Bob Oaks and Citizen  
13 Representatives Ray Lopez and Roman Hedges. This  
14 meeting will come to order. Assemblyman?

15 ASSEMBLY MEMBER JOHN J. MCENENY:

16 Nothing to comment on other than our last hearing  
17 that we just finished. We seem to be getting  
18 good responses from the public. We're averaging  
19 somewhere around 20, 25 people showing up. I  
20 think the lowest was 19 people. The word is  
21 getting out, people are checking into the web  
22 site, and little by little I think the people of  
23 New York are grasping onto the importance of the  
24 project, and also the urgency because of the

1 LATFOR Data Release - 8-10-2011  
2 impending June primary, something we've not known  
3 literally for a generation or more in New York  
4 State.

5 SENATOR NOZZOLIO: That certainly  
6 compacts the challenges of the Task Force. Do  
7 any other members of the Task Force wish to make  
8 a statement or comment? Hearing none, we'll move  
9 to the agenda. I count half a dozen issues that  
10 are appropriate for discussion today. Election  
11 data and which election data will be used for  
12 placement on LATFOR's web site, the census data  
13 that we can agree would be appropriate to place  
14 on the web site, the citizen--the Census Bureau  
15 citizen voting age population data that we  
16 discussed somewhat at the hearing today in  
17 Westchester, also an issue--a number of issues  
18 raised by Senator Dilan that I believe we should  
19 address and that we should discuss. With that,  
20 let me turn it over to Senator Dilan. Were there  
21 any specific comments that you had, Senator, that  
22 you would like to see addressed this afternoon?

23 SENATOR MARTIN F. DILAN: Well, based on  
24 the testimony that we heard today with regard to

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2 the citizen voting age data that would seem to  
3 make more sense to me so if we would look at that  
4 at least we would be providing more accurate  
5 data. I think that would be more logical to  
6 utilize than just simply the voting age  
7 population based on the testimony that was given  
8 by Dr. - - I believe it was. So if that's more  
9 accurate data and we could substantiate that my  
10 recommendation would be that we would do that.  
11 Also, based on our preliminary meeting or the  
12 meeting that was rightfully adjourned until today  
13 I know that we had some numbers with respect to  
14 going back to 2006, and I would respectfully  
15 recommend that we go back to at least the last  
16 time we redistricted and recommend that we go  
17 back to 2000 or 2002, whichever makes more sense,  
18 and there was also election result data that we  
19 talked about with respect to the federal election  
20 data or state data, and I also recommend that if  
21 it makes sense that we would also provide local  
22 election results to the public.

23 SENATOR NOZZOLIO: Comments? Yes, Mr.  
24 Hedges?

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2 MR. ROMAN HEDGES: With respect to  
3 election data, maybe as a place to start, only  
4 because as we put the agenda out to the public  
5 that was the first item on it. I would recommend  
6 that we have two different groups of election  
7 data if we're going to try to go back very far  
8 into the decade, and let me explain. The Task  
9 Force, as they were preparing for the work that  
10 we're doing, have collected the election results  
11 each time there's been a general election related  
12 to the offices that some of you hold related to  
13 the congressional position, related to top-of-  
14 the-ticket kinds of positions, governor,  
15 president, and so forth, and they've done that  
16 each two years and they've done that very well.  
17 They've collected from around the State, they've  
18 got comprehensive collection of data, but there's  
19 an interesting problem that I will present in  
20 just a second that suggests to me that perhaps  
21 our window might be different for different years  
22 because of a complication that we are aware of as  
23 we think about how we are going to analyze it.  
24 As a general matter, the reason we've collected

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2 these data I think are related to the fact that  
3 there is frequently a need to do a detailed  
4 election analysis in conjunction with census data  
5 for voting rights compliance purposes. So in  
6 order to do that you've got to do a very  
7 complicated thing. You've got to specifically  
8 link election results to that census data. The  
9 census data that's the most contemporary is 2010.  
10 So the linkage that's most useful is to the 2010  
11 election. It turns out, just in terms of how the  
12 data are collected and the work that the staff  
13 has been able to do, that that linkage is already  
14 worked out and known in precise format with  
15 respect to the 2006 election, the 2008 election,  
16 the 2010 election, and as it relates to the City  
17 of New York the 2009 election. So that all those  
18 general election results for things like State  
19 Assembly, State Senate, Congress, Governor,  
20 President, in those respective elections we've  
21 got that data and we've got the ability to link  
22 it to 2010 census results and do that very  
23 nicely. I would recommend that those data be  
24 made available to the public. As it relates to

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2 each of those, that linkage is actually fairly  
3 complicated because in the administration of the  
4 local elections they change the election  
5 districts fairly regularly. We have a law that  
6 says they're not supposed to do that but as we've  
7 done things like change the law and implement  
8 HAVA, we created havoc at the local level and we  
9 in statute created some flexibility in the  
10 administration of the election that allowed them  
11 to make those adjustments to implement that HAVA  
12 statute. All of that work has been done as well  
13 so those linkages are well documented. So I think  
14 all of those elections are pretty  
15 straightforward, the linkage to the census is  
16 pretty straightforward, and whether we present it  
17 that way or not I think those elections are well  
18 done, well in hand, and we should make them  
19 available. Senator last time raised the question  
20 of could we go back further. And it turns out  
21 that for the 2000, 2002, and 2004 election they  
22 had already done the linkage but to the 2000  
23 census data. So that's pretty well established  
24 but almost in a different world. So my

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2 suggestion would be that we have those as two  
3 groups of data that we make available, 2006 and  
4 forward--

5 SENATOR DILAN: Okay. What I think what  
6 I'm hearing you say is that the data--the  
7 additional data that I would be requesting is  
8 really irrelevant to the process that we're going  
9 through or least irrelevant--

10 MR. HEDGES: It's least relevant. I  
11 don't think that there's any good reason to make  
12 it available, but I also don't think there's any  
13 good reason to not make it available.

14 SENATOR DILAN: So my point is I'm going  
15 to take you at your expertise in this process I  
16 would say that I would agree to the two sets of  
17 data if there's anyone that wants it and you  
18 would make it available, that's acceptable to me.

19 MR. HEDGES: And the only caveat that I  
20 would sort of urge on all of us going in is that  
21 I know for sure that 2006 and more recent is  
22 doable. I think that 2000 to 2004 is doable but  
23 I would ask staff to look into it and make sure  
24 and make sure they're confident, and that we not

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2 make that available if they're not, and that we  
3 revisit that question if it's not available.

4 SENATOR DILAN: Okay so if you're  
5 telling me that 2006 to present is more relevant  
6 to the 2010 census that's acceptable, but if we  
7 do it in two stages where if the public wants the  
8 information and we can provide it, that also  
9 works.

10 SENATOR NOZZOLIO: And the way I would  
11 suggest for this group to make a decision would  
12 be let's actually agree to make the 2006 and more  
13 recent available no question asked, and that 2000  
14 to 2004 we ask the staff if it's readily doable  
15 that they do it and if they say that it's not  
16 that they come back to us and we revisit it as a  
17 group.

18 SENATOR DILAN: For the purpose of  
19 ensuring that we get data out to the public as  
20 soon as possible I would agree with that.

21 SENATOR NOZZOLIO: Before we vote on  
22 Senator Dilan's motion I think what we should  
23 have is just a preliminary talk about the  
24 confusion that we need to avoid and what we can

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2 do to rectify that. So this is more a statement  
3 to the staff. I think that Senator Dilan's  
4 motion be the years 2006, 2008, 2009, and 2010  
5 data be placed on the LATFOR web site and made  
6 available to the public. Is that accurate  
7 Senator?

8 SENATOR DILAN: Well, I would say that's  
9 the motion of this body because I think that's  
10 the intention of what you wanted to do--

11 SENATOR NOZZOLIO: The second step then--

12 -

13 SENATOR DILAN: The second step -- the  
14 amendment that I had offered.

15 SENATOR NOZZOLIO: Which I guess I'd  
16 like to clarify just is that the prior to 2006  
17 which would be 2002 through 2005.

18 MR. HEDGES: 2002, 2004, and I believe  
19 2000.

20 SENATOR NOZZOLIO: What I would ask that  
21 that data be collected and staff report to us  
22 what appropriate disclaimers, or information--I  
23 don't mean disclaimers, I mean information that  
24 should be accompanying that data that--so there

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2 would be--people would understand this is an  
3 orange not an apple, that we need to tie it to  
4 certain geographic consideration so people won't  
5 be confused thinking that '05 is the same as '06  
6 data, the geography of which that data comes from  
7 is different.

8 MR. HEDGES: Very much so, very much  
9 different. And I would actually suggest an  
10 additional clarification that in many ways is  
11 really technical but simplifies things a great  
12 deal. The Task Force was involved in a project  
13 with the Census Bureau so that election data  
14 could prospectively be available at what's called  
15 a voter tabulation District level. And in that  
16 back and forth with the Census Bureau related to  
17 the geography of the census and related to the  
18 geography of New York State elections the Task  
19 Force suggested to the Census Bureau, Here's a  
20 unit of reporting, a voter tabulation district,  
21 and we'll freeze it--we'll use it for all  
22 elections and all census data, and we'll freeze  
23 it to the geography that they call the 2008 VTD.  
24 And that means that elections for 2006, 2008,

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2 2009, and 2010 are reported by exactly the same  
3 geography. The VTDs are stable and all election  
4 district data are forced to fit. So that if  
5 you're looking at the 2010 election and you would  
6 like to compare it to something from 2008--

7 SENATOR DILAN: It makes sense--

8 MR. HEDGES: --it's got the same  
9 geography, there's no mix-up, there's no  
10 confusion, and it's public.

11 ASSEMBLY MEMBER MCENENY: Did you  
12 include the City of New York in that?

13 MR. HEDGES: The 2009 city elections--

14 ASSEMBLY MEMBER MCENENY: Would be  
15 included?

16 MR. HEDGES: --are included in that same  
17 thought and use that same geography.

18 SENATOR DILAN: So it's agreed.

19 SENATOR NOZZOLIO: So that we know--to  
20 clarify the motion so there'll be no  
21 misunderstanding that the motion before us is to  
22 put forward election data beginning with years  
23 2006, '08, '09, and '10 as well as joining the  
24 2010 census data?

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2 MR. HEDGES: Yes.

3 SENATOR NOZZOLIO: --with the election  
4 district data and that-- Let's just take that up  
5 as a--our first motion. All in favor?

6 ASSEMBLY MEMBER MCENENY: Second.

7 SENATOR NOZZOLIO: Second, I'm sorry. I  
8 should know better, with a parliamentarian  
9 expert.

10 ASSEMBLY MEMBER MCENENY: It's your  
11 resolution.

12 SENATOR NOZZOLIO: It's your resolution.  
13 You're moving it Senator Dilan?

14 SENATOR DILAN: Yes Sir.

15 SENATOR NOZZOLIO: Moved by Senator  
16 Dilan, Seconded by Assemblyman Jack McEneny. All  
17 in favor say Aye.

18 MULTIPLE VOICES: Aye.

19 SENATOR NOZZOLIO: Aye. Opposed?  
20 Hearing on that motion is carried.

21 MR. HEDGES: Can I just make one  
22 observation just so that the public will know  
23 what we're talking about? What that translates  
24 to is the governor's election, the congressional

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2 elections, the State Senate, State Assembly, for  
3 all of those years that are relevant, that it  
4 includes enrollment data for that same set of  
5 years and that in addition the presidential  
6 primaries from 2008 are also available using a  
7 slightly different geography because of the  
8 confusions related to HAVA, but available and  
9 usable and analyzable in both party presidential  
10 primaries.

11 SENATOR NOZZOLIO: The issue with prior  
12 data that Assemblyman Dilan had put forward--

13 SENATOR DILAN: Senator Dilan.

14 SENATOR NOZZOLIO: I'm sorry, Senator  
15 Dilan, that--the issue that Senator Dilan had put  
16 forward earlier that I believe we should take a  
17 vote on is the dissemination of prior data.  
18 Would you like to make that motion Senator?

19 SENATOR DILAN: I just need one more  
20 clarification. I believe I had made an  
21 additional request with respect to local election  
22 results. What is your position - - ?

23 MR. HEDGES: What I know to be true is  
24 that is that except for the 2009 New York City

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2 elections that the Task Force staff has not  
3 collected local data, so that it would be a major  
4 task for them to take that on. It's something  
5 that the staff should I think take a look at but  
6 I don't have any high hopes that it would be  
7 available quickly because local boards of  
8 elections are not terribly responsive. We don't  
9 have it in-house.

10 SENATOR DILAN: Can this be an issue  
11 that we could look at later and address?

12 MR. HEDGES: Yes. Yes.

13 SENATOR NOZZOLIO: We're going to need  
14 to have the qualifier language put in anyway and  
15 maybe we could have some recommendations from  
16 staff at a later date so let's--

17 SENATOR DILAN: For the purposes of  
18 carrying out--first getting out the 2006 plus  
19 data as soon as possible which we already voted  
20 on and my additional request which I really  
21 appreciate that you're also providing that, we  
22 can at least do that and have an understanding  
23 that if we have the ability to provide local  
24 election data that we can address this at a later

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2 meeting.

3 MR. HEDGES: And what I would recommend  
4 in light of your request is that the staff  
5 actually be directed to provide us a briefing on  
6 what they can do.

7 SENATOR DILAN: Okay. Fine.

8 SENATOR NOZZOLIO: There are two issues  
9 regarding the Census Bureau citizenship voting  
10 age population data and requiring that to be put  
11 forward by the Task Force, that Roman would you  
12 please articulate the proposal that you had put  
13 forward.

14 MR. HEDGES: What I had in mind was that  
15 the Census Bureau has released for the very first  
16 time in the context of redistricting, information  
17 about citizenship. In the past that always came  
18 out after redistricting was done with, and as we  
19 heard earlier this afternoon in testimony at the  
20 hearing, the fact that it's available is really  
21 quite exciting. There are some real issues  
22 related to the fact that it's available. It's  
23 based on a sample. It's a good sample. It's got  
24 good statistical properties. I've looked at the

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2 larger study that it's a part of and it's a very  
3 good study and it's very helpful. Citizenship is  
4 particularly important in the redistricting  
5 contest, and the Bureau has released a  
6 specialized product related to it separate and  
7 apart from everything that they had previously  
8 made public. At the national level for every  
9 what's called block group--that means literally  
10 group of blocks, city blocks is the right  
11 equivalent--they have said, Here is the breakdown  
12 on citizenship for this little area. It's got  
13 statistical properties that are pretty good,  
14 they're not perfect, and they're important  
15 qualifications to it that are very technical and  
16 probably not worth getting into, safe to say  
17 there's uncertainty related to the use of this  
18 data. That's part one. Part two is the data is  
19 only available using the geography of the 2000  
20 census, so it doesn't line up at all in any  
21 reliable block-by-block way with the census that  
22 we're using for redistricting. It's not a bad  
23 approximation and it's not terrible but it's far  
24 from straightforward. And my recommendation

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2 would be that despite that ambiguity, some  
3 statistical issues, and some mismatches in  
4 geography, that we make available the census data  
5 with the idea that the census is responsible for  
6 all the problems, we're not going to be able to  
7 explain them, and that people use them sort of at  
8 their own risk. However, that all having been  
9 said, it's still very, very important in my mind  
10 that the Task Force make this available because  
11 the Bureau only made it available for the country  
12 as a whole and that requires an additional level  
13 of user sophistication to go from this very, very  
14 large file that's got New Mexico in it to, Oh I  
15 really only want to look at this area in New York  
16 City or this area in Buffalo. And so I think it  
17 would be very helpful to the public to limit it  
18 to New York but I also think very important that  
19 we not put ourselves in a position of vouching  
20 for the Census Bureau. So my recommendation  
21 would be that it be made available with an  
22 appropriate disclaimer. I also think that if  
23 others would be concerned about it that we should  
24 ask staff to look at it and put it on our list of

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2 things to do if that makes other people more  
3 comfortable. I'm very comfortable going forward  
4 but I know that it's a complicate question, as we  
5 heard this afternoon from Professor - - .

6 SENATOR DILAN: What did you mean by  
7 limited to New York? You mean to New York State?

8 MR. HEDGES: New York State.

9 ASSEMBLY MEMBER MCENENY: Is this  
10 information that the Justice Department will be  
11 looking at in their own right when they review  
12 our civil rights counties or - - ?

13 MR. HEDGES: No one has gone through any  
14 reviews by either the Justice Department or the  
15 court system with this data available to them  
16 because it's never been available before. My  
17 assumption is that everyone will in fact need to  
18 look at it, that the Justice Department will in  
19 fact ask about it, that we will have to kind of  
20 make our own peace with that problem and figure  
21 out how we're going to deal with the technical  
22 and very real uncertainties related to the data.

23 ASSEMBLY MEMBER MCENENY: Well I'm  
24 inclined to support the idea but it's very

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2 complicated and I wonder if we could put this off  
3 and revisit it at one of our subsequent meetings  
4 before we make that commitment.

5 SENATOR NOZZOLIO: I appreciate that  
6 comment very much, Chairman McEneny that what  
7 we've got is a large number of--not large number  
8 of issues. I think what Roman is explaining is  
9 very logical. The problem that I have we brought  
10 out at the hearing in that first of all this data  
11 that will be used is the data that will be  
12 forthcoming at the end of the year, and I know  
13 that that is a problem because that in effect  
14 corrects data that may have been placed either in  
15 prior years or-- I believe that Roman's  
16 suggestion that we have an analysis of this done  
17 in preparation for one of our next meetings makes  
18 a lot of sense and I move that--I place a motion  
19 before the Task Force that this issue become  
20 tabled to provide the opportunity for staff to  
21 review it, to give us appropriate disclaimer  
22 language, to also give us the option of  
23 establishing the link to the Bureau of Census'  
24 database and see what the pros and cons are of

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2 establishing simply a link to that data as  
3 opposed to placing that data on the Task Force's  
4 web site.

5 MR. HEDGES: And in the way of  
6 discussion, I would only make these two  
7 observations--I strongly urge that we actually do  
8 this. I think it would be a mistake for us to  
9 not do it. I also think important to know that  
10 the Census Bureau in a going-forward fashion is  
11 going to update this on an annual basis. This is  
12 data that was for the first time made available  
13 at this small geography level. The fact that  
14 they're updating it is also a brand new thing in  
15 the world of the census. I think that's exciting  
16 and I think that's great. I think given our  
17 timeframes we're going to need to use the product  
18 that's available right now and not wait until the  
19 next release which will occur annually. But with  
20 those two things as observations I'm comfortable  
21 with the thought that we put it on the front  
22 burner and make sure that we're ready to address  
23 it quickly.

24 SENATOR DILAN: I would right now tend

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2 to agree with Mr. Hedges in terms of how we  
3 should move forward. I understand the Co-  
4 Chairman's unreadiness at this time because I  
5 think this also brings on another problem and  
6 that problem is that when we finish the first  
7 round of hearings what data are we going to use?  
8 Are we going to use the citizen voting age  
9 population or are we going to use the voting age  
10 population that historically has been done? So I  
11 think at some point we also have to make that  
12 decision. So in view of that for now if there's  
13 an agreement that we will be addressing this  
14 sooner than later then I would agree to a link at  
15 this time until we hear back from staff.

16 ASSEMBLY MEMBER ROBERT OAKS: Chairman,  
17 I would just offer a couple things--One, I think  
18 it might be helpful as opposed to just giving it  
19 to staff is delineating maybe some of the  
20 questions we might have so that it isn't just  
21 staff coming back and then we say, Oh what about  
22 this, this, and this? So I think as members if  
23 we might funnel that type of question or  
24 information so that we have that. For instance,

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2 like what geography level are we going down to.  
3 If we provide that data are we doing it in  
4 something we're more confident with? The  
5 professor talked today--there is some question--  
6 how big are the margins of error? How  
7 comfortable are we putting this information in?  
8 Are there ways to--bring that down? And if we  
9 give the staff no direction--we just say, Can it  
10 be done and we walk away, we may have less than  
11 what we want from that, so that would just be my  
12 thought.

13 ASSEMBLY MEMBER MCENENY: I'd also be  
14 interested in what's coming out presumably in  
15 December as an update because I know the Census  
16 was thinking in the American Community Survey  
17 that one question might be asked every other  
18 year, and so there might not be an update in  
19 every category. I think specifically of housing  
20 but I don't know how useful the later update is  
21 going to be to us. It might not be apples and  
22 apples. We could look into that too, and so then  
23 they certainly know what questions are being  
24 asked by now.

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2 SENATOR NOZZOLIO: So with that the  
3 motion that we have on the floor, if I can  
4 remember it and reiterate it is that we will take  
5 this issue and ask for our staffs to come up with  
6 a more detailed analysis, an examination of the  
7 pros and cons of putting the data on our web  
8 sites versus establishing a link. I don't think  
9 there's any argument, from me anyway, that this  
10 data, we should try to make the public  
11 knowledgeable of it and available to the public  
12 but it's a question of putting data that may be  
13 questionable in terms of its accuracy on the web  
14 site. I think that was my concern but that could  
15 be one of the discussion points for the later  
16 date. Could we have a vote on that motion?

17 MULTIPLE VOICES: Aye.

18 SENATOR NOZZOLIO: All those who have  
19 voted Aye unanimously. We'll move forward to the  
20 next issue. The Task Force--we may have decided  
21 this already. The Task Fore will make available  
22 the conversion list of the 2008 election  
23 districts which make up the 2008 voting  
24 tabulation districts in the Census Bureau's PL

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2 data. Is there any issue regarding that that we  
3 still have outstanding?

4 MR. HEDGES: I don't think so. There  
5 are a couple of local jurisdictions that have  
6 asked us for this kind of information, as they're  
7 trying to do their own work. And essentially  
8 what it is is the translation--Here's your local  
9 election district. Which voter tabulation  
10 district did you put that number into? And it's  
11 really a very detailed technical document, but I  
12 think it's something we should make available. I  
13 think it's very readily usable by local  
14 professionals, probably not all that interesting  
15 to most people, but no reason to not make it  
16 available.

17 SENATOR NOZZOLIO: Should we put that in  
18 the form of a motion?

19 MR. HEDGES: I would so move that.

20 SENATOR NOZZOLIO: All those in favor?  
21 Put in motion. Wait a minute, wait a minute. We  
22 have the expert parliamentarian in the State  
23 Legislature here with us. We cannot-- A  
24 motion's been moved. Seconded.

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2 ASSEMBLY MEMBER MCENENY: He so moved,  
3 somebody else - - second it.

4 SENATOR NOZZOLIO: All in favor?

5 MULTIPLE VOICES: Aye.

6 SENATOR NOZZOLIO: Thank you. All  
7 right, motion's passed. The last issue that is  
8 on the agenda is the issue of the analysis of  
9 prison--prisoners and how that process is  
10 undergoing. And I believe at the last meeting--  
11 at the end of the last hearing Roman Hedges had  
12 some outlines of the way the process was  
13 beginning. I think it would be very helpful if  
14 you would Roman, to go through that process and  
15 advise as part of the official record what's  
16 being done.

17 MR. HEDGES: Yes. At this point people  
18 working for the Assembly side of the Task Force  
19 have been working on the basic clerical and  
20 detailed backroom analysis that needs to be done  
21 to translate what was received by the Task Force  
22 from docs a list of prisoners into a series of  
23 files that can be used to make the adjustment for  
24 the prisoner count. And the two sets of files

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2 that are in process at the moment are in the  
3 first instance where are the prisons and in the  
4 second instance for those prisoners who have  
5 addresses that are usable where should they be  
6 relocated if the adjustment is to go forward? In  
7 the first group the work is nearly complete. I  
8 would expect that within ten days that work will  
9 be complete in a form that we can provide it to  
10 the Task Force and people can review it and make  
11 the kinds of decisions that need to be made about  
12 it as a work product including, Here's a way to  
13 change it, here's a way to fix it, and so forth,  
14 but at the moment we're I think about ten days  
15 away from that point. We're a little bit behind  
16 that same timeframe as it relates to the other  
17 side of the equation. I would expect that  
18 that's--within a week or so later that will be  
19 available as well. So I think that it's fair to  
20 say that a product available for the Task Force  
21 to look at, examine, and work on, will be  
22 available before the end of the month, and that  
23 it's looking very good in terms of the quality of  
24 the work and looking very good in terms of the

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2 issues that need to be addressed being identified  
3 so that others can make whatever appropriate  
4 conclusions they would like to make.

5 SENATOR NOZZOLIO: This is a daunting  
6 task.

7 MR. HEDGES: It is a daunting task.

8 SENATOR NOZZOLIO: How many inmates  
9 preliminarily have you been--

10 MR. HEDGES: There are 58,000 entries in  
11 the file--the docs provided to the Task Force.  
12 That 58,000 entries is literally a list of  
13 addresses and the addresses are parsed into  
14 separate components, and the number of addresses  
15 for each identified individual--there's a legal  
16 address, there's an address at time of arrest,  
17 there's an address related to the spouse of the  
18 individual, an address related to each of the two  
19 parents of that individual, and an address  
20 related to something called next of kin. With  
21 all of those bits of information as sources  
22 people are going through and examining the actual  
23 detail and trying to look at them and classify  
24 them in terms of things like. Is this an out-of-

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2 state individual by the record? If it is the  
3 statute says you're going to throw it out. So  
4 let's put together a group of those individuals.  
5 Let's put together a group of those individuals  
6 for whom the legal address which seems to be what  
7 the statute suggests that you use--that that  
8 legal address is absolutely clean, unambiguous,  
9 straightforward, there doesn't appear to be  
10 anything unusual about it. That needs to be then  
11 geocoded is what the technicians would call. We  
12 need to go look it up and find out which block is  
13 that address on. That work is going forward as  
14 well. There's another group that are a little  
15 less straightforward--not terribly complicated,  
16 but if for example the address is 22 North 10th  
17 Street and North is abbreviated N. and Street is  
18 abbreviated St. most of the software will reject  
19 that as an incomplete address. Probably we could  
20 straightforwardly write out the word North and  
21 write out the word Street and make that editorial  
22 change and count it as a clean address, but  
23 that's another group. Somebody's actually gone  
24 through and done all of that kind of detailed

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2 work and we're in the process of trying to  
3 document that so that someone else can look at it  
4 and say, Oh no, no that's not a straightforward  
5 translation. That abbreviation isn't what you  
6 said it was. In the case of N. for North Street  
7 I think we would all agree, but that should be in  
8 a group that others could look at. And so that  
9 kind of classification work is going on. I think  
10 when we're all said and done for those addresses  
11 that are usable addresses-- If it's a blank and  
12 there's no even hint in the rest of it or if it  
13 says homeless all the way through those are  
14 clearly addresses that nobody's going to be able  
15 to geocode and nobody's going to be able to look  
16 up, so let's put them all under those categories  
17 and let's finish that work and let's give that to  
18 somebody else to look at, us being the somebody  
19 else.

20 SENATOR NOZZOLIO: Roman, without a  
21 template, without guidance, without even the  
22 statute giving you--giving any of us true  
23 methodology for the process, I think you  
24 certainly have done yeoman work and should be

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2 thanked for taking a leadership role as a member  
3 of the Task Force in moving this issue forward.  
4 I have a concern that I believe it's important  
5 the Task Force hear. With all due respect, and  
6 certainly this is not meant to be in any way a  
7 criticism. It's meant to bring us all to an  
8 understanding. Right now you have deployed  
9 certain members of the Assembly staff to do this  
10 work, and again without the guidance that really  
11 should have been forward [phonetic] in the  
12 statute, but you've begun that work. I think if  
13 LATFOR is going to be subscribing to this  
14 process, which it will have to, and subscribe to  
15 the conformance with the process there needs to  
16 be LATFOR staff engaged in this process with you  
17 and the other Assembly staff and somehow we need  
18 to establish that type of relationship and  
19 mandate if you will. Again, this is--you've got  
20 the ball rolling, you got it started. That's  
21 commendable in every step of the way, but we I  
22 believe from going forward need to somehow expand  
23 this to have confidence that this was done by the  
24 entire LATFOR process as opposed to one House and

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2 one conference.

3 MR. HEDGES: And I certainly agree and  
4 I'm looking forward to that. I only think that  
5 it would do everyone a disservice if we, as it  
6 were, turned over the stack of paper and said,  
7 Why don't you sort through it, and I think that  
8 give us a couple of more days and we'll be in a  
9 position where we can actually help people walk  
10 their way through and do exactly the kind of work  
11 that you're talking about together.

12 SENATOR NOZZOLIO: That may-- Good. And  
13 that may require--Co-Chair McEneny that may  
14 require us spending an entire meeting just  
15 reviewing that process publicly so that we can  
16 make sure that those types of questions are out  
17 there. Anyone else have a comment on this issue?

18 SENATOR DILAN: The only thing-- At  
19 this point we're just getting an update as to  
20 what's going on in terms of the implementation of  
21 the law and at some point we'll be sitting down  
22 to determine where we go next? Is that what  
23 we're talking about here?

24 SENATOR NOZZOLIO: Right.

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2 SENATOR DILAN: Okay, and then of  
3 course--

4 SENATOR NOZZOLIO: And how LATFOR is  
5 going to be engaged--

6 SENATOR DILAN: Together with the  
7 Assembly to a lesser extent because I know how  
8 the staff, the LATFOR staff operates their charge  
9 with this mission, however, I do have some  
10 redistricting staff whatever possible that you  
11 can share information for the purpose of when we  
12 get together it can facilitate making the proper  
13 decisions. If you could share information with  
14 us we would appreciate that. I know that when I  
15 was the Co-Chair last year - - did send us some  
16 preliminary information so we do basically  
17 probably have the same database that you have in  
18 our possession also, but wherever we could be  
19 helpful we would also like to just say that if we  
20 can be helpful we'll be there.

21 SENATOR NOZZOLIO: And this is done by  
22 the United States Census Bureau, the type of work  
23 that is engaged here by just a handful of  
24 dedicated employees. We need to make sure that

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2 there's adequate help, assistance, and review of  
3 that work.

4 MR. HEDGES: And I couldn't agree more.  
5 I really want to compliment the folks that have  
6 been doing this work with me and for me. They've  
7 been doing great work, but I think in the end  
8 it's got to be a joint product and we want to  
9 make sure that it is. What I don't want to do is  
10 slow that down by giving you the mess as opposed  
11 to, No here actually is the work and oh yes  
12 somebody took that scribble that was handwritten  
13 and typed it out so that somebody else could read  
14 it because I can't.

15 SENATOR DILAN: I clearly understand  
16 what you're - - .

17 MR. HEDGES: But that's really all we're  
18 talking about.

19 SENATOR DILAN: I understand what you're  
20 talking about because last year we did see those  
21 problems in the data that was turned over to us.

22 MR. HEDGES: But I look forward to  
23 dragging everybody else in.

24 ASSEMBLY MEMBER OAKS: And I just--

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2 Just as long as we're talking through this I  
3 guess both Senator Nozzolio's and Senator Dilan's  
4 comments I would reflect both of those as far as  
5 making this process a full LATFOR process.

6 MR. HEDGES: And as I said a few minutes  
7 ago I'm hopeful that we're talking about a period  
8 of a just a few days before we can embark on that  
9 joint activity.

10 SENATOR DILAN: Okay.

11 SENATOR NOZZOLIO: Any other issues  
12 members wish to report?

13 MR. HEDGES: Just one thing in the way  
14 of explanation as it relates to the census data  
15 that we're going to be making available. The  
16 Task Force historically had done a bunch of  
17 tabulations as it relates to the way the Census  
18 Bureau provides the data on the individual blocks  
19 to make it a little easier for people to work  
20 with. The Census Bureau provides racial data in  
21 63 categories of race. That's not really  
22 workable at the block level. And what has been  
23 done in the past was really a kind of  
24 standardized amalgamation of that data so that

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2 for example a distinction that's built in which  
3 is a distinction between Hispanic and other  
4 racial groups that the Census Bureau uses, that  
5 the Office of Management and Budget and  
6 Department of Justice have respectively mandated  
7 and accepted, the way that was done in the past  
8 is pretty straightforward and the Task Force has  
9 used that formulation for the last 30 years. In  
10 the last decade the Office of Management and  
11 Budget and Department of Justice had suggested a  
12 different way of presenting that information, and  
13 that different way is really again fairly  
14 straightforward, fairly well accepted. We're all  
15 going to need to use-- I'm going to suggest that  
16 the staff as they're presenting the census data  
17 present it in both forms, both as they used to,  
18 and as the Department of Justice is now  
19 suggesting. And here's an example of the  
20 distinction. In presenting the racial breakdown  
21 the category non-Hispanic Black as an example.  
22 What do you mean when you say that? There are a  
23 lot of different possibilities here. In the  
24 world of 30 years ago when you were asked the

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2 question, What's your race you were given one  
3 choice. In the world of 20 years ago they gave  
4 you--Oh you could answer more than one answer.  
5 And as we've gotten used to that thought the  
6 Justice Department and the Office of Management  
7 and Budget in Washington said, Well let's refine  
8 what we mean when we say non-Hispanic Black then.  
9 We used to say non-Hispanic Black meant if you  
10 said you were Black and no other answer and you  
11 said you were not Hispanic then you were non-  
12 Hispanic Black. The Department of Justice and  
13 the Office of Management and Budget are now  
14 saying, You know, the group of people that say  
15 they're Black and White both, how should they be  
16 counted? Their suggestion is they should be  
17 counted as non-Hispanic Black. So the group that  
18 is non-Hispanic Black under the new construction  
19 of the Department of Justice would be those who  
20 answered Not Hispanic, Black Only, and those who  
21 answered Non-Hispanic, Black and White. That's  
22 the group that they mean. That--shorthand of  
23 that is the DOJ, Department of Justice  
24 tabulation.

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2 SENATOR NOZZOLIO: Is that the  
3 codification made in 2001?

4 MR. HEDGES: It was made subsequent to  
5 2001 and it is now in the regulations the  
6 Department of Justice puts forward as to what  
7 your documents should look like when you submit.  
8 It is what the National Conference of State  
9 Legislatures recommends. It's a pretty doable  
10 tabulation. I'm suggesting that when we make  
11 that census data available we make it available  
12 in the "Department of Justice format" that would  
13 do the things I just described, but for  
14 historical purposes--because the Task Force in  
15 particular always did it the other way--

16 ASSEMBLY MEMBER MCENENY: So you can do  
17 a comparison.

18 MR. HEDGES: You can do comparisons. It  
19 would be nice if you had both.

20 ASSEMBLY MEMBER MCENENY: Sounds good.

21 MR. HEDGES: And I think the Task Force  
22 staff is prepared to do it that way, and I just  
23 wanted to make sure that was what we were doing.

24 SENATOR NOZZOLIO: Do we need a motion

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2 for that, Assemblyman, you think so?

3 ASSEMBLY MEMBER MCENENY: Let's play it  
4 safe.

5 SENATOR NOZZOLIO: Go ahead.

6 ASSEMBLY MEMBER MCENENY: I so move that  
7 the dual system of counting that the Justice  
8 Department now uses and that we have historically  
9 used that both be made available to the public.

10 SENATOR NOZZOLIO: Moved and seconded.  
11 All those in favor?

12 MULTIPLE VOICES: Aye.

13 SENATOR NOZZOLIO: With that motion  
14 concludes the deliberations. Thank you.

15 ASSEMBLY MEMBER MCENENY: Move to  
16 adjourn.

17 SENATOR NOZZOLIO: We're adjourned and  
18 we'll see you all in Binghamton.

19 (The public hearing concluded at 2:50  
20 p.m.)

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C E R T I F I C A T E

I, Nina Weldon, do hereby certify that the foregoing typewritten transcription, consisting of pages number 1 to 42, inclusive, is a true record prepared by me and completed from materials provided to me.



Nina Weldon, Transcriptionist

August 19, 2011



**NEW YORK STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC  
RESEARCH AND REAPPORTIONMENT**  
PUBLIC HEARING: CONGRESSIONAL AND STATE LEGISLATIVE  
REDISTRICTING

WESTCHESTER (WHITE PLAINS)

8/10/2011 / 10:00 A.M.

WESTCHESTER COUNTY BOARD OF LEGISLATORS COMMITTEE ROOM  
800 MICHAELIAN OFFICE BUILDING, 8<sup>TH</sup> FLOOR  
148 MARTINE AVENUE, WHITE PLAINS, NY 10601

**SPEAKERS LIST**

1. ASSEMBLY MEMBER AMY PAULIN, 88<sup>TH</sup> DISTRICT
2. ANDREA MCCULLOUGH, BOARD MEMBER  
ANTIOCH COMMUNITY SERVICES
3. DOUG COLETY, WESTCHESTER GOP CHAIR
4. RAYMOND KIERNAN, RETIRED COMMISSIONER  
NEW ROCHELLE FIRE DEPARTMENT
5. MARY JANE SHIMSKY  
WESTCHESTER COUNTY LEGISLATOR, 12<sup>TH</sup> DISTRICT
6. ERIN MALLOY, FORMER PRESIDENT, WESTCHESTER CO. LEAGUE  
OF WOMEN VOTERS & FORMER MAYOR, VILLAGE OF IRVINGTON
7. ASSEMBLY MEMBER DR. STEVE KATZ, 99<sup>TH</sup> DISTRICT
8. SUSAN LERNER, EXECUTIVE DIRECTOR  
COMMON CAUSE NEW YORK
9. PROFESSOR JOHN R. NOLAN, COUNSEL, LAW AND LAND USE CENTER  
JAMES D. HOPKINS PROFESSOR OF LAW  
DIRECTOR, KHEEL CENTER ON THE RESOLUTION OF  
ENVIRONMENTAL DISPUTES, LAND USE LAW CENTER,  
PACE UNIVERSITY SCHOOL OF LAW
10. LAURENCE GOLDSTEIN, CITIZEN
11. ASSEMBLY MEMBER ROBERT J. CASTELLI, 89<sup>TH</sup> DISTRICT
12. SHARON LINDSEY, PRESIDENT  
LEAGUE OF WOMEN VOTERS—WESTCHESTER
13. LIAM MCLAUGHLIN, ESQ., 2010 CANDIDATE FOR NYS SENATE
14. JAN DEGENSHEIN, CHAIRMAN  
ROCKLAND BUSINESS ASSOCIATION  
PRESIDENT, DEGENSHEIN ARCHITECTS
15. HON. KENNETH W. JENKINS, CHAIRMAN  
WESTCHESTER COUNTY BOARD OF LEGISLATORS

16. BETSY MALCOM, ORGANIZING COMMITTEE  
ACT NOW
17. JESSICA VICUNA, ORGANIZER AND VOLUNTEER  
ACT NOW
18. JANE DANIELS
19. MATT RICHTER, CITIZEN
20. ANDREW A. BEVERIDGE, PH.D.  
PROFESSOR AND DEMOGRAPHIC CONSULTANT  
QUEENS COLLEGE, CUNY AND SOCIAL EXPLORER
21. JUSTIN WAGNER, DEMOCRATIC DISTRICT LEADER  
TOWN OF CORTLANDT
22. MONICA M. ARIAS MIRANDA, MPA  
PRESIDENT & CEO  
THE HISPANIC COALITION NY, INC.
23. GREGORY JULIAN, PH.D.  
PACE UNIVERSITY
24. THOMAS KELLER  
MT. VERNON REPUBLICAN CITY COMMITTEE
25. BRIAN D. KELLY, CITIZEN  
DUTCHESS COUNTY
26. ZULEMA BLAIR, CHAIR—DEPARTMENT OF PUBLIC ADMINISTRATION  
MEDGAR EVERS COLLEGE, CENTER FOR LAW AND SOCIAL JUSTICE

**TASK FORCE MEMBERS PRESENT:**

**SENATOR MICHAEL F. NOZZOLIO**

Co-Chair – NYS Legislative Task Force on Demographic Research & Reapportionment

**ASSEMBLY MEMBER JOHN J. McENENY**

Co-Chair - NYS Legislative Task Force on Demographic Research & Reapportionment

**SENATOR MARTIN M. DILAN**

**ASSEMBLY MEMBER ROBERT OAKS**

**ROMAN HEDGES**

**WELQUIS LOPEZ**



**NEW YORK STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC  
RESEARCH AND REAPPORTIONMENT**

**PUBLIC HEARING: CONGRESSIONAL AND STATE LEGISLATIVE**

**REDISTRICTING**

**BINGHAMTON**

**8/17/2011 / 10:00 A.M.**

**CITY HALL COUNCIL CHAMBERS**

**GOVERNMENT PLAZA**

**38 HAWLEY STREET**

**BINGHAMTON, NEW YORK**

**SPEAKERS LIST**

1. JERRY MARINICH, CHAIRMAN  
BROOME COUNTY LEGISLATURE
2. MICHAEL LANE  
TOMPKINS COUNTY LEGISLATURE
3. EUGENE FAUGHNAN, COMMISSIONER  
BROOME COUNTY BOARD OF ELECTIONS
4. DALE WESTON  
TIOGA COUNTY LEGISLATURE
5. JANE PARK, PRESIDENT  
LEAGUE OF WOMEN VOTERS—BROOME
6. LEA WEBB, COUNCILWOMAN  
CITY OF BINGHAMTON
7. CECILE LAWRENCE
8. WANDA CAMPBELL  
CITIZEN ACTION NY
9. PAUL BATTISTI, ATTORNEY  
BATTISTI, GARTENMAN & THAYNE, P.C.

**TASKFORCE MEMBERS PRESENT**

**SENATOR MICHAEL F. NOZZOLIO**

Co-Chair – NYS Legislative Task Force on Demographic Research & Reapportionment

**ASSEMBLY MEMBER JOHN J. McENENY**

Co-Chair - NYS Legislative Task Force on Demographic Research & Reapportionment

**SENATOR MARTIN M. DILAN**

**ASSEMBLY MEMBER ROBERT OAKS**

**ROMAN HEDGES**

**WELQUIS LOPEZ**

**DEBRA LEVINE**

NEW YORK STATE ASSEMBLY  
LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND  
REAPPORTIONMENT

PUBLIC HEARING  
CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING

Wednesday, August 17, 2011  
City Hall Council Chambers  
Government Plaza  
38 Hawley St., Binghamton, NY  
10:16 a.m. to 12:14 p.m.

TASK FORCE MEMBERS PRESENT:

SENATOR MICHAEL F. NOZZOLIO, Co-Chair

ASSEMBLY MEMBER JOHN J. MCENENY, Co-Chair

SENATOR MARTIN M. DILAN

ASSEMBLY MEMBER ROBERT OAKS

DEBRA LEVINE

ROMAN HEDGES

WELQUIS LOPEZ

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1 Demographic Research and Reapportionment, 8-17-2011

2 (The public hearing commenced at 10:16

3 a.m.)

4 [Music]

5 SENATOR MICHAEL F. NOZZOLIO, CO-CHAIR,  
6 NYS LEGISLATIVE TASK FORCE ON DEMOGRAPHIC  
7 RESEARCH AND REAPPORTIONMENT: Good morning,  
8 ladies and gentlemen. The New York State  
9 Legislative Task Force on Demographic Research  
10 and Reapportionment will come to order. This is  
11 the Binghamton public hearing, and that I, New  
12 York State Senator Mike Nozzolio, co-chair with  
13 Assemblyman Jack McEneny of this task force call  
14 this meeting to order, and are very pleased to be  
15 here in Binghamton this morning. This is the  
16 now--we've had five public hearings.

17 ASSEMBLY MEMBER JOHN J. MCENENY, CO-  
18 CHAIR, NEW YORK STATE LEGISLATIVE TASK FORCE ON  
19 DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT: This  
20 is the fifth.

21 SENATOR NOZZOLIO: This is the fifth  
22 that the hearings began in Syracuse and  
23 Rochester. Continued into Albany and  
24 Westchester, and now into the southern tier, and

1 Demographic Research and Reapportionment, 8-17-2011

2 we are very pleased to be here. Without further  
3 ado, I'd like to introduce members of the task  
4 force. I had mentioned my co-chair, Assemblyman  
5 Jack McEneny. Assemblyman McEneny and I are  
6 getting to--we've known each other for many  
7 years. We're getting to know each other a lot  
8 more closely over these last few weeks in taking  
9 testimony across this state.

10 On my right, I would like to indicate  
11 the members of the task force and the staff of  
12 the task force. To my immediate right is Senator  
13 Martin Dilan. To his right is our--one of our  
14 citizen representatives Welquis Ray Lopez, and  
15 that on his right is staff director, Debra  
16 Levine. to Assembly McEneny's left is New York  
17 State Assemblyman Robert Oaks, and then to his  
18 left is another of the citizen representatives of  
19 the task force, Roman Hedges. We welcome your  
20 testimony, your questions, your comments that we  
21 have a list that we will be going through. If  
22 someone is not present that it will be noted,  
23 skipped over, and then called again at the  
24 conclusion of the hearing. This is in no

1 Demographic Research and Reapportionment, 8-17-2011

2 particular order, but before we begin we'd like  
3 to note the presence of New York State  
4 Assemblywoman Donna Lupardo, and that Assemblyman  
5 Lupardo, we welcome you and thank you for your  
6 attendance. That Senator Tom Libous is  
7 represented by at least two members of his staff,  
8 and that we appreciate Senator Libous' presence  
9 and leadership in the State Senate.

10 Without further ado, let me ask if  
11 Assemblyman McEneny has any comments that he  
12 would like to make, and then any other member of  
13 the panel wish to have any introductory  
14 statements.

15 ASSEMBLY MEMBER MCENENY: All right.  
16 Thank you, Senator. We would remind you that  
17 these hearings are televised. The record then  
18 goes on the LATFOR, which is the code for the New  
19 York State Legislative Task Force on Demographic  
20 Research and Reapportionment. You'll hear that  
21 come up now and then, that word, LATFOR. It'll  
22 be on the web site, so you'll be able to--you  
23 actually see what people say and how they say it.  
24 After that, it's produced as a transcript, and is

1 Demographic Research and Reapportionment, 8-17-2011

2 submitted to the Justice Department and  
3 conceivably to courts that might want it. Also,  
4 on the LATFOR web site is a great deal of  
5 information regarding redistricting. As we  
6 proceed some of you know the rules intimately.  
7 Others may not. We are bound by the civil  
8 rights--the Voting Rights Act of 1965 and also by  
9 the New York State Constitution, which tells us  
10 except for exceptionally large towns, for  
11 example, that towns may not be broken, but  
12 cities, once broken have to be exact for block on  
13 border.

14 Also, in the creation of the 27 new  
15 congressional districts, the numbers have to be  
16 exact. It can vary for the numbers of assembly  
17 and senate as high as 5% above or below be  
18 realistically, we try and--try and keep below  
19 that. And I think that's probably enough for the  
20 ground rules. Senator?

21 SENATOR NOZZOLIO: Thank you,  
22 Assemblyman. Would any other member of the panel  
23 wish to make a statement? Senator Dilan?

24 SENATOR MARTIN M. DILAN, NEW YORK STATE

1 Demographic Research and Reapportionment, 8-17-2011

2 LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH  
3 AND REAPPORTIONMENT: I would just like to say  
4 good morning, and I'm really happy to be here in  
5 Binghamton this morning. And I'm looking forward  
6 to listening to your testimony. And the only  
7 thing I'd like to reiterate is that in the  
8 previous hearings, I have made remarks with--in  
9 terms of the 2010 aprisonal [phonetic] law, and  
10 the size of the senate. And I encourage everyone  
11 here to visit the LATFOR web site where we do  
12 have archived copies of the previous hearings.  
13 And you could also hear testimony from other  
14 individuals at that time. So with that said, I  
15 look forward to hearing from you. Thank you.

16 SENATOR NOZZOLIO: Any other member wish  
17 to--Assemblyman Oaks.

18 ASSEMBLY MEMBER ROBERT OAKS, NEW YORK  
19 STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC  
20 RESEARCH AND REAPPORTIONMENT: Thank you very  
21 much. Just my pleasure to be here today, too.  
22 Really, this has been an interesting and  
23 informative process, and appreciate hearing from  
24 people from the southern tier and the Binghamton

1 Demographic Research and Reapportionment, 8-17-2011

2 area today to help us in the process going  
3 forward. Thank you.

4 SENATOR NOZZOLIO: Thank you very much.  
5 It--with that we'll proceed. wish to first thank  
6 the City of Binghamton for the use of this  
7 council chamber, and we'd like to call up the  
8 chairman of the Broome County Legislature, Jerry  
9 Marinich. And good morning.

10 MR. JERRY MARINICH, CHAIRMAN, BROOME  
11 COUNTY BOARD OF LEGISLATORS: Good morning.

12 SENATOR NOZZOLIO: Mr. Chairman, and we  
13 thank you very much for your participation. I'd  
14 just like to emphasize, before you begin, for the  
15 audience, the comments of Assemblyman McEneny,  
16 that we are creating a video record of these  
17 proceedings. That this is a testament that will  
18 be placed on the LATFOR web site for others to  
19 view. Each of the hearings is receiving this  
20 same designation and will be placed on the LATFOR  
21 web site. But thank you, Mr. Chairman, and very  
22 nice to, to see you this morning, and thank you  
23 for your attendance.

24 MR. MARINICH: Good morning, Senator

1 Demographic Research and Reapportionment, 8-17-2011

2           Nozzolio, Assemblyman McEneny, and members of the  
3           task force. As you know, my name is Jerry  
4           Marinich. I'm the Chairman of the Broome County  
5           Legislature, and I appreciate this opportunity to  
6           share my thoughts with you on redistricting. We  
7           appreciate that you're holding a hearing here in  
8           Broome County. Seeking input from all over the  
9           state, not just in New York City or Albany is a  
10          sign that you really do care about the residents  
11          of the whole state.

12                       Having attended a lot of hearings over  
13          the years, I'll try to be brief. No one likes to  
14          sit up in front of people and talk for 15  
15          minutes. Having served as both Chairman of the  
16          Legislature in the past--and in the past,  
17          minority leader of the legislature, I have a good  
18          perspective on working with members of both  
19          parties. Broome County is a place where both  
20          Democrats and Republicans are competitive in many  
21          elections, and that dynamic means there has to be  
22          cooperation between political parties to get  
23          things done. Much the same way that you have to  
24          do in Albany.

1 Demographic Research and Reapportionment, 8-17-2011

2 I want to primarily discuss three topics  
3 as they relate to redistricting. First, I want  
4 to address the process of redistricting. There's  
5 been a lot of media attention on independent  
6 redistricting. I'm here to tell you, there's no  
7 such thing. Everyone has an opinion or bias of  
8 re--and simply selecting people to make decisions  
9 who have been a different--who have a different  
10 perspective does not make for independent  
11 redistricting. Additionally, both tradition and  
12 the state constitution gives responsibility for  
13 setting district line to the state legislature.  
14 Like it or not, just passing a law or a budget,  
15 it's the role of the state legislature to  
16 compromise, make tough decisions and get the job  
17 done.

18 Here in Broome County, we're working on  
19 a redistricting plan ourselves. In order to work  
20 through the difficult decisions we have to make,  
21 we set up a bipartisan ad hoc committee, much  
22 like your task force, to do research, solicit  
23 public input and then make decisions. And that  
24 process can work to make fair districts. Just

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2       like our state officials, Senator Libous,  
3       Assemblywoman Lupardo, Assemblyman Crouch and  
4       Assemblyman Finch work together in a bipartisan  
5       way in Albany now, I'm confident that members of  
6       this task force can work out a plan that takes  
7       into account the needs of all areas of our state.

8               Second, I want to address the  
9       congressional districts in Broome County. While  
10      Broome County's a major population center in  
11      Upstate New York, our voice is currently being  
12      diminished by having two congressional seats  
13      based hundreds of miles away. These districts  
14      sprawl through many counties and communities in  
15      central New York, the Finger Lakes, the southern  
16      tier, the Mohawk Valley and the Hudson Valley.  
17      It makes no sense. My past three congressional  
18      representatives, a Democrat and two Republicans,  
19      have lived in the Utica area. Nothing against  
20      Utica, but Binghamton is ten minutes away from my  
21      home, and Utica is two hours.

22              Also, Broome County's other  
23      congressional representative lives almost three  
24      hours away in Hudson Valley. Again, while I'm

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2           sure Woodstock and New Paltz are nice places to  
3           visit, they don't have much in common with Broome  
4           County. At the very least, I ask that you join  
5           all parts of Broome County together in one  
6           congressional seat. Broome County is a very  
7           diverse county politically, and putting all of  
8           Broome County in one district would not create a  
9           gerrymandered situation for either party.

10                       Lastly is the issue of the state senate.  
11           After last year's impasse, I can think I can  
12           speak for many people around the state in saying  
13           we need odd number of state senators. Since the  
14           population of New York has grown by 400,000  
15           people since 2000, I would suggest adding a seat  
16           in the senate to make 63 senators. That would  
17           ensure we don't run into the nightmare scenario  
18           of a tie, which would lead to gridlock, lengthy  
19           legal battles, and ultimately the business of the  
20           state grinding to a halt. Again, I thank you for  
21           your time. I thank you for coming to Binghamton.  
22           I thank you for coming to Broome County, and good  
23           luck as you tackle the tough decisions ahead of  
24           you.

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2                   SENATOR NOZZOLIO: Thank you very much,  
3 Mr. Chairman. Any questions? Assemblyman  
4 McEneny?

5                   ASSEMBLY MEMBER MCENENY: an  
6 observation. Because we have grown, and thank  
7 you for acknowledging that. A lot of people say  
8 we've lost population. We haven't. We've gained  
9 400,000 people, but we have not grown as much as  
10 the rest of the, of the nation. And that means  
11 that we'll have no longer 29 members of the House  
12 of Representatives, but 27. When you mention, as  
13 has been mentioned at other hearings, the  
14 sprawling, long distance, and, and inclusion of  
15 communities that seem to have little in common  
16 with one another, which is, I assure you, a  
17 nightmare for constituent services for  
18 congressional staffs and the members themselves,  
19 the hard truth is that we'll be going from 650,  
20 660, something like that, up to--the new number  
21 is 717,707, which means there are districts--  
22 every, single congressional district in the State  
23 of New York, even where there's been a lot of  
24 growth out around Suffolk and in Eastern Long

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2 Island, every, single one of them no longer  
3 qualifies to be a congressional district.  
4 They're all too small. Some will have to gain as  
5 many as 70,000 people, and that's probably one of  
6 the biggest problems facing the task force and  
7 the people of New York.

8 The new number is enormous, so when  
9 you're planning--and we encourage everyone here  
10 to send in maps of what they think a district  
11 should look like at any level, Assembly, Senate  
12 or House of Representatives, that's the magic  
13 number. 717,707, and the federal government is  
14 about as flexible as flint on that number.  
15 They'll split towns, which we tend not to do.  
16 They'll do anything to make that number come out  
17 exact, to the person. And thank you so much for  
18 your testimony.

19 MR. MARINICH: Thank you.

20 SENATOR NOZZOLIO: Any other questions?  
21 Senator Dilan?

22 SENATOR DILAN: Yes, I, I, I would like  
23 to address your third point with regard to the  
24 size of the senate. I know that you make a

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2 comment that we have grown by 400,000 in the  
3 State of New York, but is there an actual  
4 formula, or is there any basis for going up to  
5 63? I know you also said that that state senate  
6 should be an odd number. Why not go down to 61?

7 MR. MARINICH: Again, I think that'll  
8 be--because the population has grown, you know,  
9 400,000, and we hope that all of our economic  
10 machines that we put in place will continue to  
11 have New York State grow. I think at this point  
12 here I think 63 is a better number than 61  
13 because I hope--and I--and I know it's the vision  
14 of everyone up there to make New York State grow.  
15 And if it's going to grow, we're going to need  
16 that representation. We certainly cannot stay at  
17 62. I think 63's a better number because I, I  
18 see growth in the future, and I see--I see growth  
19 as a positive thing.

20 SENATOR DILAN: I believe that at this  
21 time, the way that the census numbers did come  
22 out, and based on the formula that we do have in  
23 the Constitution of the State of New York, I  
24 believe that number would call for the Senate

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2 staying at 62. And if we were to take your logic  
3 into account and say 400,000, then it would be  
4 appropriate to create that senate seat wherever  
5 the population grew. Is that correct?

6 MR. MARINICH: Again you know that's  
7 very--your, your tough decision to make. And I  
8 would just like to see it. I'd like to see it  
9 get off the 62 because as, as we can see, if we--  
10 if we end up with a 31-31, then we know things  
11 are going to--will go to stalemate. There's  
12 going to be--

13 SENATOR DILAN: [Interposing] But if--  
14 but if an odd number is what we're calling for--

15 MR. MARINICH: There's going to be--  
16 there's going to be decisions made to--made to  
17 who, who's going to be in charge, and things like  
18 that. And that doesn't do--bode well for the  
19 state.

20 SENATOR DILAN: Well, I think in view of  
21 all the fiscal problems we're having, I think  
22 going to 63 is going in the wrong direction.  
23 Perhaps we really have to take a look at that  
24 formula, and I'm sure we'll do the right thing.

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2 Thank you.

3 MR. MARINICH: I wish you the best.

4 SENATOR NOZZOLIO: I certainly  
5 appreciate your comments about trying to  
6 establish a number in the state senate that will  
7 prevent future gridlock, and that's something  
8 that that I note and is well-noted in your  
9 testimony. I have a question about your comments  
10 very interesting comments about your decision  
11 herein Broome County to establish a bipartisan ad  
12 hoc committee for the redistricting process. Mr.  
13 Chairman, could you elaborate on that endeavor?

14 MR. MARINICH: Certainly. At the  
15 beginning of the year when we took the majority  
16 back, I knew that we would have to have this  
17 decision done based on the census. And I knew  
18 that in the referendum two years ago that the  
19 voters passed, we had to reduce from 19 to 15, an  
20 odd number. We still stayed at an odd number  
21 from 19 to 15. So I knew that was going to be a  
22 very difficult task, and so I had the chairman of  
23 the County Administration Committee put together  
24 a committee, and he selected two from the

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2 majority party, two from the minority party.  
3 They were each allowed to select someone from  
4 outside of government to sit on, on, on the  
5 committee. We also had an independent or retired  
6 government workers on it, and we had a  
7 representative from the League of Women Voters on  
8 the committee. And we went through this whole  
9 process, and at the end of the day, it passed.  
10 There were nine people on the committee, and  
11 eight people voted for it. And even the League  
12 of Women Voters voted for our redistricting. So  
13 we were--we were able to do that, I think, in a  
14 fair and, and bipartisan way, and we also  
15 included the public. We had interactive maps  
16 that were available on our web site so they could  
17 go ahead and pick different districts, and it  
18 would give us the plus minus--plus or minus the  
19 5% each way. And so they were able to put  
20 together different districts, and so--and they  
21 could submit it to us. We had public--all our  
22 meetings were open to the public, like--much like  
23 this is here for comments from the public. We  
24 took comments through e-mail, telephone, anyway

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2 they wanted to get it to us, and we're--we  
3 listened to all those things, and we came up with  
4 a formula and a map that that the committee came  
5 up with. It was approved by the committee, and  
6 it was approved by the legislative body. But  
7 unfortunately, the, the executive vetoed it.

8 SENATOR NOZZOLIO: Hm. Well that is  
9 unfortunate, particularly the, the amount of work  
10 that you put into the process. But I--the work,  
11 nonetheless, is a template for other work that we  
12 are working here on a bipartisan basis.

13 MR. MARINICH: Yes.

14 SENATOR NOZZOLIO: And I appreciate your  
15 own reference to the local process here in Broome  
16 County with the process that we are engaged in  
17 right now at the state level. So I--without any  
18 further questions--Assemblyman Oaks.

19 ASSEMBLY MEMBER OAKS: Yes, just one, I  
20 appreciate your comments, one on the independent  
21 redistricting, as well as the senate numbers.  
22 Just a quick think on Congress. I guess you  
23 talked about the issue of sprawling and keeping  
24 the county whole. I would say to you that

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2 reflecting on Co-Chairman McEneny's comments,  
3 sprawling is very difficult not to do because of  
4 the size of the numbers. And also because of  
5 having to go to the single person, keeping  
6 counties whole sometimes is also difficult. But  
7 your sensitivity toward that I think is something  
8 that this task force is looking to take into  
9 account as it impacts across the state. But if  
10 you look at Broome County's population, around  
11 200,000, and you even take in your neighboring  
12 that gets to about 450, maybe, the people around  
13 you. There's still 260-or-so-thousand people  
14 even if Broome was the center, having to go out  
15 and find those. And so the impact of putting  
16 that, that together with all the other districts  
17 to be drawn, I think that's just part of the  
18 implication of the difficulty that I--it's  
19 important that you make your comments so that as  
20 these are drawn, they can be taken into account.  
21 So thank you very much.

22 MR. MARINICH: Thank you.

23 SENATOR NOZZOLIO: Mr. Chairman, I have  
24 one more question. A series of questions.

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2           Whereabouts is your district? Where do you  
3           represent?

4                   MR. MARINICH: I represent the town of  
5           Chenango, which is currently District 10 in  
6           Broome County.

7                   SENATOR NOZZOLIO: Do you have the  
8           entire town?

9                   MR. MARINICH: I have the--I have  
10          currently in our current district before we go to  
11          redistricting, I have all--I have nine out of the  
12          ten election districts in my town.

13                   SENATOR NOZZOLIO: One of the concerns  
14          we have that is the state constitution. That's  
15          not a con--the constitution isn't a concern.  
16          Following the constitution is the concern we, we  
17          all have. And the constitution is designed to  
18          protect the integrity of, of towns, and prevents  
19          towns from being cut in this process for state  
20          legislative lines.

21                   I just looked up your congressional  
22          districts, and they do not cut towns, apparently.  
23          in the information we have.

24                   MR. MARINICH: But it does cut the

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2 county.

3 SENATOR NOZZOLIO: But it does cut the  
4 county. And that in some areas where it cuts  
5 towns that has--others have testified, in Monroe  
6 County, in particular how that has wreaked havoc  
7 with administration of that town, the ability to  
8 get grants and the ability to bring attention to  
9 their, their needs. Are--do you find that to be  
10 the case, or could be the case here in Broome as  
11 well?

12 ASSEMBLY MEMBER MCENENY: Well,  
13 absolutely. It's--as you know, it's a lot easier  
14 to deal with one entity than, than multiple  
15 entities. You know what I mean? If you have one  
16 congressmen versus two congressmen, as we do  
17 presently, it seems to me it's easier to go to  
18 one office and, and try to explain your needs  
19 and, and what you would like to see for the  
20 county as a whole. Right now, we're split up in  
21 two. I mean, they're, they're both doing the  
22 best that they can, but they're, they're spread  
23 out so far. The southern tier Broome County has  
24 the largest population base. Let's try to keep

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2 at least that whole for at least one congressmen  
3 instead of splitting it up into two.

4 SENATOR NOZZOLIO: And that was  
5 Assemblyman McEneny's point earlier that a number  
6 of years ago, I recall, when I was a--first an  
7 intern in politics, and I remember finally Howard  
8 Robison represented this area. At that time, the  
9 districts were around the same size as our  
10 senatorial districts now. In the past number of  
11 decades--I won't say how many, but in the--since  
12 those decades have gone by, the districts have  
13 almost doubled, if not more so. the  
14 congressional districts, and that has created, I  
15 think what you're saying the, the, the sheer mass  
16 of--and Assemblyman McEneny said it earlier, the  
17 sheer size of these districts makes it difficult  
18 to have--also the requirement at, at the federal  
19 level, or the non-requirement at the federal  
20 level, if you will, that the towns can be broken  
21 for congressional districts presents upstate, I  
22 believe certain disadvantages for those towns  
23 that need to be cut.

24 MR. MARINICH: I agree. I agree. It,

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2           it certainly does because you're right. We,  
3           we're more rural. We do have our centers. We do  
4           have an increased population base, but other than  
5           that, in Tioga, in Delaware, in Chenango, they're  
6           more of a rular--rural type of county. But  
7           again, I just want to go back. I think Broome  
8           County needs to be the center. Start from there,  
9           if you can, and work your way out, you know, if  
10          that--if that's possible as you're looking at the  
11          map so that at least Broome County can have one  
12          representative, which is the major population  
13          base, which was the engine that drives, you know?

14                    SENATOR NOZZOLIO: In terms of community  
15          of interest I know Senator Libous advocates for  
16          this every day that I hear him in the state  
17          senate, and that is the needs of the southern  
18          tier. Senator Libous said that the prime  
19          advocate for the southern--have always been a  
20          prime advocate for the southern tier. How do you  
21          relate with the, the southern tier communities,  
22          the county legislatures in Tioga, Chemongand  
23          moving west to Bend [phonetic]. Is there, in  
24          fact, a southern tier community?

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2 MR. MARINICH: Well, there is, and I, I  
3 think--I think maybe the governor rec--recognized  
4 that in the fact that he made one of the economic  
5 develop al--development regions is the southern  
6 tier, going all the way out to Corning, New York,  
7 and in, into Delaware County, and he made that  
8 one economic region. So do we all work together?  
9 Yes, we have to. We all have to work together.  
10 I mean, one job is one job.

11 SENATOR NOZZOLIO: Well, thank you very  
12 much, Mr. Chairman, for your very insightful  
13 testimony. We appreciate it, and with that I'd  
14 like to, on behalf of the task force, thank you  
15 very much for your participation.

16 MR. MARINICH: Thank you for the  
17 opportunity.

18 SENATOR NOZZOLIO: It--Michael Lane,  
19 Tompkins County Legislator. Good morning, Mr.  
20 Lane. Would you, for the record, state who you  
21 are, where you're from and what you do?

22 MR. MICHAEL LANE, TOMPKINS COUNTY  
23 LEGISLATURE: Certainly. My name is Michael  
24 Lane, L-A-N-E. And I'm a Tompkins County

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2 legislator from the town of Dryden in Tompkins  
3 County. And I currently chair for our county  
4 legislature, the government operations committee.  
5 In, in real life, I am a lawyer.

6 SENATOR NOZZOLIO: Welcome.

7 MR. LANE: Thank you. And I want to  
8 thank you, too, for holding a hearing on this  
9 important topic here in the southern tier, and  
10 for affording me the opportunity to comment on  
11 your important task. By way of background, as I  
12 said, I'm Michael Lane, a resident of the village  
13 and town of Dryden in Tompkins County. I  
14 formerly served in village government. I was a  
15 mayor of the village of Dryden for ten years, and  
16 I'm now in my 14th year of service as a Tompkins  
17 County legislator. I current--as I said, I  
18 currently chair the county's Government  
19 Operations Committee.

20 Back in 2001, I chaired its  
21 redistricting committee after the 2000 census.  
22 Like Congress and the New York State Legislature,  
23 most counties must be redistricted as well. For  
24 the redistricting process after the 2010 census,

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2 the Tompkins County Legislature has made a  
3 thoughtful and considered decision to establish a  
4 local, independent redistricting commission to  
5 redraw districts to equalize populations. By a  
6 bipartisan and nearly-unanimous vote, a  
7 resolution was adopted by our legislature by  
8 which a nine-member commission was established.  
9 No elected or appointed officials and no officers  
10 of any political parties or committees were  
11 eligible for appointment to that redistricting  
12 committee.

13 The commission was directed not to take  
14 into consideration the residences of any  
15 incumbents and to try to establish districts that  
16 respect municipal boundaries and communities of  
17 interest. There are copies of the resolution in  
18 the memorandum establishing the redistricting  
19 commission next to my written testimony.

20 I believe that Tompkins County may be  
21 the only one in New York that has established an  
22 independent redistricting commission. We did it  
23 for two reasons. The first was to provide fair  
24 divisions to make sure everyone's voice is

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2           equally heard. And the second, as emphasized by  
3           many county legislators at the time of its  
4           adoption, was to send a message to the New York  
5           State legislature that an independent process can  
6           be constructed for redistricting and to do so is  
7           the right thing to do. Even though we are a  
8           junior partner, we chose to set an example.

9                        It matters to our democracy how we  
10           redraw our representative districts, whether at  
11           the congressional, state or county level. The  
12           process should not be about the personal power of  
13           incumbents or loading the dice for one party or  
14           the other. It should be about establishing fair  
15           play. You all know the abuses. For a frank  
16           assessment, I commend to you a book by the former  
17           New York State senator, Seymour Lachman, entitled  
18           *Three Men in a Room*. Mr. Lachman, a Democrat,  
19           describes the said--State Senate gerry--describes  
20           the State Senate gerrymandering after the 2000  
21           census, and in particular, an incident in which  
22           the Republican majority leader promised him a  
23           safely-constructed district, if only he would  
24           change parties or do what the majority leader

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2 told him. An excerpt from that book is attached  
3 to my written testimony.

4 Tompkins County has been the recipient  
5 of substantial gerrymandering abuse. Take a look  
6 at the map. The county is shared by two  
7 congressmen. Before 2000, it was only in one  
8 district, but it's now divided in two. Most of  
9 the county, including where I live, is a part of  
10 District 24, represented by Richard Hanna. But a  
11 narrow wedge, consisting of the towns of Danby  
12 and Ithaca and the City of Ithaca, pierces from  
13 the south and attaches to District 22,  
14 represented by Maurice Hinchey. That  
15 gerrymandering was done for just one reason. To  
16 keep the city and town of Ithaca attached to the  
17 22nd District for Congressman Hinchey because it  
18 had given him the margin of victory in at least  
19 one election.

20 The rest of the towns in Tompkins County  
21 found themselves connected to a district  
22 extending east to Utica and Rome, and then well  
23 into the north country, areas with which there is  
24 almost no community of interest. Because the

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2 county boundaries were not respected and the  
3 Ithaca population center was stripped away, those  
4 towns have very little influence in District 24.  
5 The gerrymandering of Tompkins County for the New  
6 York State Senatorial Districts is even more  
7 offensive. Tompkins County is nearly unique, and  
8 upstate is the home of Cornell University and  
9 Ithaca College. It has a majority Democratic  
10 registration and often votes that way. It ought  
11 to be part of a single district, but has been  
12 split into three parts to dilute its voting  
13 power.

14 The west part of the county, including  
15 the City of Ithaca, is attached to the 53rd  
16 District represented by Thomas O'Mara, which is a  
17 heavily-Republican district. The east part of  
18 Tompkins County is attached to District 51,  
19 represented by James Seward, and then there's the  
20 lone town of Lansing, that is chopped off and  
21 annexed to District 54, represented by Senator  
22 Nozzolio.

23 Senator Seward's district is a  
24 remarkable feat of gerrymandering. As you may

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2           have heard, the irregular shape of that District  
3           looks like the outline of Abraham Lincoln riding  
4           a vacuum cleaner. So much for regular, compact  
5           districts. To reach to the west and eventually  
6           to Cortland and Tompkins Counties, a row of towns  
7           is connected that are obviously there only to  
8           minimally comply with the legal requirement that  
9           the district be contiguous. This dysfunctional  
10          system of gerrymandering is fueled by the  
11          domination of incumbent state legislators. New  
12          legislators appear rarely, except when there are  
13          vacancies caused by death or retirement. Many  
14          incumbents are followed by hand-picked  
15          replacements. Two of Tompkins County legislators  
16          got their jobs after having been employees on the  
17          staffs of retiring popular legislators, who of  
18          course endorsed them. There are many reforms  
19          that are needed to correct the deficiencies in  
20          the New York State Legislature, but none is more  
21          fundamental than to correct the process of how  
22          Senate, Assembly and Congressional districts are  
23          drawn. Since the 1970s and even more so since  
24          the redistricting that took place after the 1980

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2 federal census, there has evolved a fundamental  
3 deal in New York. It goes like this. The  
4 legislature must redistrict every ten years, and  
5 the governor must approve the plan.

6 Three counties in New York City have to  
7 meet federal muster for representation of  
8 minorities under the Federal Voting Rights Act.  
9 The Senate is controlled by the Republicans and  
10 the Assembly by the Democrats. Republicans draw  
11 district lines to favor their incumbents and to  
12 keep voting control of the senate, and the  
13 Democrats do the same in the assembly districts  
14 to keep control there.

15 The congressional districts because both  
16 houses must agree are slightly fairer, but their  
17 irregular shapes make campaigning in them very  
18 difficult for challengers. It's called  
19 gerrymandering, and it's done as a science,  
20 complete with the latest computer technology.

21 I support Governor Cuomo's call for an  
22 independent, nonpartisan redistricting  
23 commission. It's time to act. The details need  
24 to be agreed to, and I'm not minimizing the

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2 difficulty of that discussion. There is time to  
3 do that if the legislature wants it. The process  
4 needs to start now. I would like to see all of  
5 New York State legislators pledge to support  
6 this, as most of them have pledged in the past.  
7 It's the right thing to do for the people.

8 I would conclude by saying that the  
9 current process is undemocratic. Let's do it the  
10 right way. If this task force or the legislature  
11 as a whole recommends districts in the old,  
12 corrupt fashion, then I hope governor--the  
13 governor will keep his word and veto them. It  
14 would not be pretty, and court actions might have  
15 to come into play. Whatever occurs, it's  
16 definitely time that self-serving partisan  
17 gerrymandering come to an end. Make it happen.  
18 Thank you.

19 SENATOR NOZZOLIO: Any questions,  
20 members of the panel? Assemblyman McEneny?

21 ASSEMBLY MEMBER MCENENY: Yes, I was  
22 interested in the comment, which I heard at  
23 another hearing on the Abraham Lincoln on the  
24 vacuum cleaner analogy for the district.

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2 MR. LANE: Yes.

3 ASSEMBLY MEMBER MCENENY: Which is, in  
4 the absence of more elegant language, it's a glob  
5 along the Mohawk Valley with a huge stovepipe hat  
6 on top of it.

7 MR. LANE: Yes. And and--

8 ASSEMBLY MEMBER MCENENY: You're giving  
9 that as an example of gerrymandering?

10 MR. LANE: Yes, because it's act--  
11 obviously with the, the string of towns to  
12 connect the east and west parts of that, which is  
13 the, the broom, if you want on the, on the  
14 picture, or the Abraham Lincoln--on the vacuum  
15 cleaner, pardon me. It's, it's simply put  
16 together to do that. There's no community of  
17 interest in that district from one end to the  
18 other.

19 ASSEMBLY MEMBER MCENENY: So--

20 MR. LANE: districts ought to be  
21 compact, and people ought to be able to travel  
22 across them in a reasonable way.

23 ASSEMBLY MEMBER MCENENY: Do you know  
24 why that hat goes up into the Adirondacks?

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2 MR. LANE: I would assume because that  
3 is a large county up there, and it's--it probably  
4 has a Republican voting record.

5 ASSEMBLY MEMBER MCENENY: Then I would  
6 think you would owe an apology to somebody. It's  
7 called the era--the Herkimer County, County Line,  
8 and the governor, who recently carved up the  
9 state into economic development districts--I'm  
10 not sure what independent advisory group he used  
11 to do it has that same Abraham Lincoln on a  
12 vacuum cleaner shape, and that's because that's  
13 what Herkimer County looks like. And it's looked  
14 that way for 200 years, I would think, more or  
15 less.

16 There are other examples in our history  
17 that aren't pretty on maps. The State of  
18 Maryland, for example, with the huge panhandle  
19 that's probably about ten miles wide before it  
20 gets a little bit, a little bit wider. There are  
21 reasons why some of these lines are drawn, which  
22 have nothing to do with politics, unless it's  
23 purely coincidental.

24 The, the, the Herkimer County Line is

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2           troublesome, but that's their county. And it's  
3           been that way for 200 years, and one of the  
4           things we try to do is to respect municipal  
5           boundaries when they can be respected.

6                   MR. LANE: Assemblyman, I appreciate  
7           that--

8                   ASSEMBLY MEMBER MCENENY: Especially  
9           counties.

10                   MR. LANE: But the, the, the, the figure  
11           that I was re--referencing on the map is, is  
12           larger than Herkimer County. That's just a part  
13           of it.

14                   ASSEMBLY MEMBER MCENENY: Well, we've  
15           also seen others that--where there's a, a rush to  
16           judgment. There's one down in the Bronx, which  
17           the same group that comes up with these rather  
18           memorable statements describes as oops, I spilled  
19           coffee on my map, and the district goes in and  
20           out and about, etc., etc. That's a civil rights  
21           county. That's under the jurisdiction of the  
22           Justice Department, and if you're trying to  
23           establish an African-American opportunity  
24           district and a Hispanic District, they don't all

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2 live in little square boxes. It's not all going  
3 to look like Colorado or Wyoming.

4 And consequently, the product to satisfy  
5 the voting rights act of 1965 is often going to  
6 look very awkward on a map for people who have  
7 particularly never been in that county and don't  
8 understand the patterns of commuting the history  
9 patterns of settlement and so and so.

10 I would be a lot happier if people would  
11 go into the districts that they feel are badly  
12 drawn and then come up with evidence that they're  
13 badly drawn. The Herkimer County one especially  
14 throws me. It's usually from people who have  
15 never been in Herkimer County and have no idea  
16 why Lincoln's stovepipe hat has been put in  
17 there. There's actually very few people that  
18 live there, something like 1,300 people in the  
19 entire hat. But because it's in the same county,  
20 same county seat, same county government, the  
21 tendency is always to include it, as Governor  
22 Cuomo just did with his economic development  
23 district.

24 MR. LANE: I take your point,

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2 Assemblyman, but I think you're missing the  
3 larger picture. We're not talking just about the  
4 hat. We're talking about the whole district.

5 ASSEMBLY MEMBER MCENENY: But if that's  
6 the example, it makes me wonder about the other  
7 examples.

8 SENATOR NOZZOLIO: Senator Dilan.

9 SENATOR DILAN: Morning, sir.

10 MR. LANE: Good morning.

11 SENATOR DILAN: I, I just want to  
12 mention that Suffolk County--Suffolk and Ulster  
13 Counties have recently created independ--  
14 independent commissions. And the question that I  
15 have for you is, do you think that we still have  
16 time to create in--independent commission? I  
17 know that there have been arguments with respect  
18 to the constitutional issue of having two  
19 legislatures pass it, and a ref--public  
20 referendum. But do you believe that if there was  
21 a will in the state legislature to create an  
22 independent redistricting commission, that we  
23 could still do that?

24 MR. LANE: I believe so. I don't

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2 believe it has to be through a constitutional  
3 amendment process.

4 SENATOR DILAN: Um hm. And can you  
5 elaborate? Can we do that, legally?

6 MR. LANE: I believe that the New York  
7 State would, would be able to pass a law that  
8 would be approved by the governor setting up an  
9 independent communication. I know there are  
10 bills that have been in the legislature for years  
11 setting up a very detailed process for that. I  
12 think they could be taken up. I think they sh--  
13 ought to be taken up, and they ought to put the  
14 process in place.

15 Sadly it's, it's, it's approaching the  
16 time when, when things can't happen that way, and  
17 I think that that may be from, from neglect at  
18 the legislative level, and it and that's too bad  
19 because this is the right thing to do. I think  
20 you could still get it done.

21 SENATOR DILAN: Um hm. Thank you.

22 SENATOR NOZZOLIO: Mr. Lane thank you  
23 very much for your testimony. Before you go, I  
24 have a couple of questions.

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2 MR. LANE: Certainly.

3 SENATOR NOZZOLIO: That--for the record  
4 it's my understanding you ran for the New York  
5 State Legislature at some point--

6 MR. LANE: I ran for in a primary  
7 election for Assemblyman, yes. That was in 2002.

8 SENATOR NOZZOLIO: Andin what, what  
9 primary--was that in a--what party was that a  
10 primary for?

11 MR. LANE: I was a Democratic primary.

12 SENATOR NOZZOLIO: It was a Democratic  
13 primary. in terms of your support for  
14 independent redistricting, and this is not--I, I  
15 think we, we did not state this at the outset,  
16 but I think it, it certainly bears repeating,  
17 that decision is not the decision of, of the four  
18 state legislators who are here today. It's a  
19 decision for the entire state legislature. I  
20 guess, though, that your definition of  
21 independent is, is not the same definition as--  
22 that I would have as independent particularly  
23 when this election process as outlined by some of  
24 the proposals is heavily weighted in favor of one

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2 party, that's the Democrat party, over another.

3 Doesn't that bother you at all?

4 MR. LANE: I'm, I'm sorry Senator. What  
5 is weighted toward them?

6 SENATOR NOZZOLIO: It's weighted--

7 MR. LANE: What is weighted?

8 SENATOR NOZZOLIO: This election process  
9 to choose who would be the proposed legislation  
10 that you endorsed in your testimony weights the  
11 selection of the so-called independent body where  
12 some have characterized it at other hearings as  
13 being eight Democrats and two Republicans. Does  
14 that--is, is that the type of independent process  
15 that you are s--espousing here today?

16 MR. LANE: I'm espousing a, a fair  
17 process. The, the details of the legislation  
18 would have to be agreed to by, obviously the  
19 Senate and the Assembly, and Governor Cuomo. And  
20 the last I knew, the, the Senate was still a--  
21 Republicans were still in charge of the Senate,  
22 and Democrats were still in charge of the  
23 Assembly. So I think that if they really wanted  
24 to work something out, they could come up with

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2 something fairly held that was--that was  
3 bipartisan.

4 SENATOR NOZZOLIO: Your comments about  
5 the Constitution, and I, I, I point out, before I  
6 get to that point, that there is a--both parties  
7 equally represented here at the task force. In a  
8 bipartisan fortune--fashion. But the comment  
9 about the Constitution is what--of all the  
10 comments you made, troubles me the most. You are  
11 an attorney, are you not?

12 MR. LANE: I am.

13 SENATOR NOZZOLIO: you believe that the  
14 Constitution of the State of New York would not  
15 be in any way superseded by the establishment of  
16 a--and violated by the establishment of the  
17 proposals now before us, calling for an  
18 independent redistricting process?

19 MR. LANE: No, because the final  
20 approval of the process is going to have to be at  
21 the legislative level.

22 SENATOR NOZZOLIO: But the deviations  
23 that are suggested, required by this proposal are  
24 such that would require the cutting of towns.

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2           And that is the, the constitutional provision we  
3           discussed with the Chairman of the Broome County  
4           Legislature at the prior testimony, and it's one  
5           that bothers me, concerns me the most that to  
6           achieve the deviations suggested in that  
7           legislation that towns would likely have to be  
8           cut in upstate. The issue about the legislative  
9           approval then doesn't that contravene your whole  
10          message about independence? Then how can an  
11          independent communication be established that  
12          still requires the approval as the Constitution  
13          requires, by the legislature?

14                   That would not an independent commission  
15          be established that did not require, should it--  
16          an independent commission be established that has  
17          no legislative approval process in it?

18                   MR. LANE: Well, you could never take--I  
19          agree with the Chairman of the Broome County  
20          Legislature. You can never take everything out  
21          of it that has to do with politics because our  
22          government has to do with politics. But we can  
23          do better. We can--we can come up with a system  
24          of appointing a commission that is not populated

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2 by incumbent legislators that can take a look at  
3 it. Other states have done it. Other states are  
4 doing it. California has gone to a different  
5 process. New York used to lead the nation in  
6 good government. Why aren't we doing that here?

7 SENATOR NOZZOLIO: Any other questions  
8 of Mr. Lane? Hearing none, thank you very much  
9 for your testimony.

10 MR. LANE: Thank you for the  
11 opportunity. I appreciate all you being here.

12 SENATOR NOZZOLIO: Gene--I apologize if  
13 I'm mispronouncing this name. Gene Faughnan?  
14 How bad was that?

15 MR. EUGENE FAUGHNAN, COMMISSIONER,  
16 BROOME COUNTY BOARD OF ELECTIONS: Not too bad.  
17 It's Gene Faughnan.

18 SENATOR NOZZOLIO: Faughnan?

19 MR. FAUGHNAN: Yeah.

20 SENATOR NOZZOLIO: Thank you for your  
21 participation. Could you please, for the record,  
22 indicate who you are, sir, and what you do, and--

23 MR. FAUGHNAN: Yes.

24 SENATOR NOZZOLIO: What you represent?

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2 MR. FAUGHNAN: I'm Gene Faughnan. I am  
3 the Republican Election Commissioner in Broome  
4 County, and I'm also a practicing attorney and a  
5 partner at Hinman, Howard and Kattell, LLP.

6 SENATOR NOZZOLIO: Welcome.

7 MR. FAUGHNAN: Thank you. Good morning.  
8 I'd like to thank you for taking the time to come  
9 to Binghamton to hear the views of our community  
10 on the difficult task that you have been charged  
11 with. At the Board of Elections, we recently  
12 undertook a rebalancing and a consolidation of  
13 election districts here in Broome County, so I do  
14 have a small understanding for what you're going  
15 through. I'd like to express my appreciation for  
16 your willingness to undertake this thankless, but  
17 vital mission.

18 Over the past number of months, this  
19 task force and many legislators have received  
20 criticism in the media and from so-called good-  
21 government groups regarding this particular  
22 process. And for not going with the Governor's  
23 so-called Independent Commission Plan. This plan  
24 calls for a committee to choose the members of

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2 the commission. The committee of eight is chosen  
3 as follows. Four are appointed by the governor,  
4 and one each by the Senate Majority Leader, the  
5 Senate Minority Leader, the Assembly Speaker, and  
6 the Assembly Minority Leader. As was just spoken  
7 about, in my view, that stacks the deck in favor  
8 of the Governor. It ensures that he and his  
9 partisan allies have six of eight votes.

10 It's not even so much a Republican and  
11 Democratic issue. Whoever the governor is, is  
12 going to have the stacked deck when it comes to  
13 the redistrict--or the reapportionment. The  
14 proposals of this so-called independent  
15 commission would then have to be voted on by each  
16 house of the legislature, without amendment, and  
17 only after failing twice can minor amendments be  
18 made.

19 As might be expected from my opening  
20 remarks, I am here for voice my support for this  
21 task force. I'm recognizing the bipartisan  
22 nature of the task force, and I have difficulty  
23 understanding why it is viewed as not being an  
24 independent task force. I mean, this is a group

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2 that is representing both parties. We have  
3 individuals from both government and outside of  
4 government, and to me, that looks like an  
5 impartial and independent body that's making the  
6 decision.

7 I believe that any district--  
8 redistricting and reapportionment plan must be  
9 done in a way that is both fair and legal. The  
10 fair I just spoke about. To me, you have elected  
11 officials. You have non-elected officials. It's  
12 a bipartisan task force that you have here today.  
13 I believe that this structure ensures that your  
14 findings and representations will be the product  
15 of a fair and reasoned, if not contentious,  
16 process. As previously noted, the governor's  
17 plan seeks to stack the deck in favor of the  
18 executive branch. I believe it is neither fair,  
19 nor bipartisan. It is not a suitable replacement  
20 for LATFOR.

21 Now the legal. Under the state  
22 constitution, it is the duty and obligation of  
23 the Senate and Assembly to reapportion  
24 legislative and congressional districts every ten

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2 years. The provisions of Article 3, Section 3  
3 and 4 make clear that this is a non-delegable  
4 duty of the Senate and the Assembly. The Senate  
5 and the Assembly may and indeed have chosen to  
6 delegate fact-finding responsibility for the  
7 adopted plan--or, excuse me, to this task force.  
8 But in the end, the responsibility for adopting a  
9 plan goes back to the legislature. This  
10 responsibility cannot be avoided or delegated.  
11 It is my belief that the governor's proposal runs  
12 afoul of the Constitution. It would not  
13 withstand constitutional challenge.

14 The Constitution provides specific  
15 powers to the branches of state government. Such  
16 powers cannot be altered by mere legislation. I  
17 am of the opinion that the governor's proposal  
18 seeks to unconstitutionally limit the powers of  
19 the legislature. I am of the belief that current  
20 provisions regarding redistricting in the state  
21 constitution should be amended. The Senate  
22 passed a reform several months ago. That reform  
23 would begin by amending the Constitution.

24 The reform transfers the legislatives--

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2 legislature's authority for reapportionment to a  
3 five-member commission. That commission would be  
4 comprised of four individuals selected by the  
5 majority and minority leaders in each house. The  
6 fifth member is chosen by a vote of at least  
7 three of the other four members. And none of the  
8 commission members may be current or past office  
9 holders.

10 The Senate's proposal strikes a partisan  
11 balance, while ensuring an ultimate resolution,  
12 and by definition, by being a--in en--en--  
13 encompassing a constitutional amendment, it's  
14 going to be constitutional. Now, amending the  
15 state constitution is, is appropriately no small  
16 matter. Proposed amendments must be passed by a  
17 majority in both the Senate and the Assembly in  
18 two consecutive sessions. And then place--then  
19 placed before the voters. For this reason, it is  
20 not a change that can be effectively pursued for  
21 this reapportionment.

22 For this reason, I support the current  
23 bipartisan approach to LATFOR, and would  
24 encourage the Senate and Assembly to pass a fair

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2 and constitutionally sound reform. One final  
3 observation. It was mentioned a little bit  
4 earlier, we all recently witnessed the  
5 difficulties in the state Senate with the evenly-  
6 divided Senate. For this reason, it is my belief  
7 that any redistricting plan should envision a  
8 Senate having either 61 or 63. Not an even  
9 number.

10 Again, I want to thank you all for  
11 coming here today and for allowing me to express  
12 my views on this important matter, and I want to  
13 thank you again for your service to our state.

14 SENATOR NOZZOLIO: Thank you,  
15 Commissioner. Any members of the panel wish to  
16 ask the commissioner any questions? Senator  
17 Dilan?

18 SENATOR DILAN: So you're advocating for  
19 an odd number, and you're saying that that odd  
20 number could be 61?

21 MR. FAUGHNAN: Sure.

22 SENATOR DILAN: All right. So you're  
23 just advocating for that. And basically the  
24 state constitution does have a formula that

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2 determines the size of the Senate. So you do  
3 believe that we should follow the Constitution  
4 and whatever that formula is?

5 MR. FAUGHNAN: I, I think you have no  
6 choice but to follow the Constitution.

7 SENATOR DILAN: Thank you. Thank you  
8 very much. Thank you.

9 SENATOR NOZZOLIO: commissioner, before  
10 you leave, I wanted to highlight some of your  
11 testimony. I appreciate your comments regarding  
12 the, this constitutional issues, and speaking as  
13 an attorney on the constitutional issues  
14 confronting changing this process as well as the  
15 partisan aspects of the authority so delegated.  
16 And so thank you for that.

17 I'd like to ask you to take your lawyer  
18 hat off and put your commissioner hat on. that--  
19 Assemblyman McEneny are--and I are concerned, as  
20 I believe other members of the task force are,  
21 with the potential of having an earlier primary  
22 required by the federal government. that primary  
23 has yet to be determined. The speculation is  
24 that it would be sometime as early as June of

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2 2012. What we are trying--one of the lines of  
3 questioning we're trying to ask for the record,  
4 is to understand the dynamics of what that June  
5 primary would mean in a redistricting year where  
6 the Board of Elections would be confronted with a  
7 massive amount of work in a very short period of  
8 time. Do you have any sentiments on that issue  
9 to date?

10 MR. FAUGHNAN: Oh, I definitely think  
11 it's a significant factor. I mean, we--having  
12 re--just changed--

13 SENATOR NOZZOLIO: [interposing] And  
14 excuse me. If I could also indicate, Assemblyman  
15 McEneny just whispered in my ear, as well as a  
16 presidential primary in April of this year.

17 MR. FAUGHNAN: Absolutely. Absolutely.

18 SENATOR NOZZOLIO: You have an April  
19 primary, a June primary and a redistricting  
20 process along with that.

21 MR. FAUGHNAN: As I indicated in my  
22 testimony, we just went through a process of  
23 resetting election districts within Broome  
24 County. A largely apolitical enterprise. I

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2 mean, just where are people going to go vote, and  
3 in what groupings? And even in doing that, it  
4 took a long time. So I appreciate the time that  
5 it takes to do this.

6 When we look at the change in the  
7 primary, I think--I think in part, yes, we would  
8 get squeezed by any sort of reapportionment, but  
9 I am--I'm actually more concerned about the  
10 presidential primary, to be honest with you.  
11 That's, that's something that's more real to me  
12 because it's right in front of my face. And the-  
13 -we have requirements under the Move Act to get  
14 military ballots out in a way that requires that  
15 we get them back. So obviously the primary has  
16 to be moved earlier.

17 I'm assuming that there is some belief  
18 that we can't have a primary during the  
19 summertime because people are on vacation, and so  
20 we then skip over the summer and move to perhaps  
21 June. What that does do is compress our  
22 political calendar, especially on a presidential  
23 primary year in that we are just wrapping up a  
24 presidential primary, and then we have to already

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2           be passing petitions. In fact, as we started  
3           looking at the calendar, it appeared to me that  
4           we would be passing local petitions possibly in  
5           the middle of the presidential primary season in  
6           order to backdate everything enough. Because  
7           really, we, we end up backdating--everything  
8           backdates three months from the primary date,  
9           when we start passing petitions, collecting  
10          petitions, dealing with objections and stuff. So  
11          I mean, I think it's a very real problem, and  
12          then it certainly would be compounded by  
13          obviously reapportionment. And what I began to--  
14          what, what I began to say and didn't really  
15          finish my thought on is that in moving people  
16          around election districts, with the technology  
17          that we have, which believe it or not, is still  
18          very limited it actually is a painstaking, hand  
19          process to move people from one district to the  
20          next. And then it takes re-rechecking and, and  
21          in doing so we were able to fix some things with  
22          911. We found some people's addresses weren't  
23          right and this sort of thing.

24                    But to understand the undertaking of, of

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2 moving people from one district to another, and  
3 then obviously to be undertaking that with a  
4 reapportionment and then combining it with a  
5 presidential primary, an early local primary and  
6 the general election it would be daunting.

7 ASSEMBLY MEMBER MCENENY: Commissioner  
8 Faughnan, earlier they testified--it was  
9 testified that the county had redistricted  
10 itself, and this was vetoed by the executive.

11 MR. FAUGHNAN: Yeah.

12 ASSEMBLY MEMBER MCENENY: What are you  
13 doing for this primary coming up? Are you going  
14 to use the old lines, the new lines?

15 MR. FAUGHNAN: We, we actually had to  
16 create temporary districts to--actually, does--it  
17 doesn't affect us right now because we don't have  
18 a legislative election this year.

19 ASSEMBLY MEMBER MCENENY: Oh, okay.

20 MR. FAUGHNAN: However, however, we did  
21 have a legislator pass away, and so we have a  
22 special election. And in that one legislative  
23 district, we had to create temporary districts.  
24 We had to add I think three extra districts to

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2 recreate that former legislative district that we  
3 thought would be going away, and we created  
4 election districts around.

5 SENATOR NOZZOLIO: Commissioner, I'd  
6 like to come back to the task of having to do  
7 this work. The west--the Chairman of the  
8 Westchester County Legislature testified last  
9 week that he believed this was a huge, unfunded  
10 mandate for the county in its ability to have  
11 this work done in a very short period of time and  
12 it's getting shorter by the minute. What's your  
13 estimate of the scope of the job?

14 MR. FAUGHNAN: It, it took us three full  
15 time employees approximately three solid months  
16 to move people into their new election districts  
17 here.

18 SENATOR NOZZOLIO: For the county  
19 legislation?

20 MR. FAUGHNAN: No, no, no, just for the  
21 entire county, moving them into their new  
22 election districts, not, not the legislative  
23 districts, which haven't been--

24 SENATOR NOZZOLIO: So then with the new-

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2 -a series of new congressional districts, a  
3 series of new Senate districts and Assembly  
4 districts at the state level, what type of scope  
5 would that be for the county?

6 MR. FAUGHNAN: It would be the same  
7 thing all over again. We would do the same thing  
8 again when the new districts are created. And,  
9 and the other thing, I think, from a cost  
10 standpoint, and this goes to back to Chairman  
11 Marinich had mentioned about having one  
12 congressman for the county, and I understand the  
13 difficulties with that. It's, it's like--it's  
14 like squeezing a balloon. You know, you, you  
15 squeeze it in one spot, and it pops out in the  
16 other. And I understand that.

17 but one of the costs that we face in  
18 elections is the cost of printing ballots, and  
19 every additional sort of cut into our county of a  
20 senator, of an assemblyman or a congressman  
21 creates more ballot styles that we have to then  
22 create and print, and it adds significantly to  
23 our costs of elections, in addition to all the  
24 additional work of, of, of making sure that

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2 people are in the right districts and that sort  
3 of thing.

4 SENATOR NOZZOLIO: Thank you very much  
5 for those insights.

6 MR. FAUGHNAN: Thank you.

7 SENATOR NOZZOLIO: Assemblyman Oaks?

8 ASSEMBLY MEMBER OAKS: Yes thank you  
9 very much for some of your comments, especially  
10 about the structure of--and the problems with  
11 some of the redistricting proposals and I guess  
12 I'd just like to echo something said earlier  
13 about we as the task force are carrying out the  
14 law as it is today but as we sit here, I think  
15 some of us have different perspectives or would  
16 support something or would maybe have a change.  
17 And I know the governor's proposal, which you  
18 listed out some of the, the problems with that, I  
19 think it's not a big surprise that it inserts the  
20 governor more as the process of independence, and  
21 I think Senator Nozzolio alluded to in this case,  
22 that would then have one party having more  
23 influence in the process. If you had a  
24 Republican governor at the time of redistricting,

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2 the Republicans would have more influence in  
3 determining who the people are under the  
4 governor's determination.

5 Some of us have other proposals. For  
6 instance, I actually took the governor's  
7 proposal, lessened his influence, still included  
8 him, but made then, also, a super majority, which  
9 in other words, Republicans and Democrats would  
10 have to agree to who went on the, the task force.  
11 So I think you were right to list a number of the  
12 concerns. But I would, again, suggest there are  
13 views and varying views on this committee,  
14 perhaps, of what this whole process should look  
15 like. But today and going forward in the  
16 foreseeable future, we're doing what's required  
17 of us, and perspectives such as yours are greatly  
18 appreciated. So thank you.

19 MR. FAUGHNAN: Thank you.

20 SENATOR NOZZOLIO: Commissioner, one  
21 last question. In terms of primary date and the  
22 timing what would you recommend for an  
23 appropriate primary date?

24 MR. FAUGHNAN: I believe it has to be at

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2           least 30 days earlier than it currently is. And  
3           I guess I'm not so convinced by the thought that  
4           people go on vacation, and therefore we can't  
5           hold a primary in that timeframe. People go on  
6           vacation year round.

7                        SENATOR NOZZOLIO: So that the September  
8           primary could easily be an August primary in  
9           your--let me ask this question another way. That  
10          when, in order to do your job, assuming there is  
11          a June primary, when would you have to have  
12          ideally the lines for the Congress and state  
13          legislature established?

14                      MR. FAUGHNAN: [Laughter] Well, I would  
15          say at least in October, November of the year  
16          before, honestly, because I, I think otherwise,  
17          you are pressing up against the rest of the  
18          process. And like I said, the process--I mean,  
19          to, to the voters, the process begins on primary  
20          day. To the candidates, the process begins three  
21          months earlier. To the Board of Elections, it  
22          starts about five months earlier.

23                      SENATOR NOZZOLIO: with the petition  
24          process beginning at least three months six

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2 weeks, eight weeks earlier, at least a couple  
3 months earlier. We also have another  
4 requirement, a very significant one, where there  
5 is an independent review of the congress and  
6 state legislative districts, and it's because of  
7 the requirements of the national voting rights  
8 act that requires a preclearance process, as you  
9 well know. So you're saying at least 60 days  
10 before the petition process begins, you need to  
11 have--is, is that appropriate?

12 MR. FAUGHNAN: I, I think that's  
13 correct, yeah.

14 SENATOR NOZZOLIO: And if the petition  
15 process began in March for a June primary, then  
16 obviously working backwards, you'd have to have  
17 it by the 1st of the year.

18 MR. FAUGHNAN: At least. And, and like  
19 I said, I mean, we found that the moving around  
20 of voters within just election districts took us  
21 three solid months of three people. Yeah, two to  
22 three months. But I mean, it was a significant  
23 effort for Board of Elections that has six full  
24 time staff.

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2                   SENATOR NOZZOLIO: Well, and, and again,  
3 the cost to the county are, are also staring it  
4 in the face.

5                   MR. FAUGHNAN: And, and the thing is,  
6 it's not--like I said, you know, to the voters,  
7 this process begins when they go to the polls,  
8 but the reality is before that, in addition to  
9 doing whatever we're going to have to do to get  
10 people in the correct congressional, assembly or  
11 senate districts we're in the process of training  
12 inspectors and updating our training materials,  
13 and testing inspectors and testing machines and  
14 doing all the federally-required testing that we  
15 have to do quarterly in addition to the ones that  
16 come up with, with each election.

17                   So I mean, it's, it's, it's not just  
18 that we can allocate people to that particular  
19 task. We have other tasks that are going on  
20 year-round that I don't think are readily  
21 apparent, but they're, they're clearly happening.  
22 And I think any, any, any, anyone in the  
23 elections business will tell you that.

24                   SENATOR NOZZOLIO: Thank you very much,

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2 Commissioner.

3 MR. FAUGHNAN: Thank you.

4 SENATOR NOZZOLIO: Donald Barber,  
5 Supervisor, the Town of Caroline. Donald Barber?  
6 Dale Weston, Tioga County Legislator.

7 MR. DALE WESTON, TIOGA COUNTY

8 LEGISLATOR: Start? [Clears throat] Members of  
9 the legislature, thank you very much for  
10 permitting me to speak. My name is Dale Weston.  
11 I am chairperson of the Tioga County Legislature.  
12 I would like to speak to you with regard to  
13 redistricting and ask you to take my point of  
14 view into consideration when you are deliberating  
15 on this issue.

16 I believe it would be in the best  
17 interest of Tioga County that the county be  
18 represented by one elected member of each  
19 respective legislative body when drawing state  
20 legislative and congressional district  
21 boundaries. [Clears throat] My position is  
22 predicated on the following points. The current  
23 system for redistricting has been in place for  
24 many years, and although it may have some

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2 weaknesses overall, it has served our county very  
3 well.

4 Currently, our district includes parts  
5 of Tioga, Broome and Chemung Counties. Retaining  
6 this structure is important to us because the  
7 residents of these counties not only have  
8 contiguous boundaries; they share many common  
9 ideals, cultures and workplaces. And finally,  
10 redistricting is a constitutional responsibility  
11 of the legislature, and I feel that it should  
12 remain that way. Thank you.

13 ASSEMBLY MEMBER MCENENY: Thank you very  
14 much.

15 MR. WESTON: Thank you.

16 ASSEMBLY MEMBER MCENENY: I appreciate  
17 it. Go to Warren Brown of Cornell University.  
18 Warren Brown? Okay. All right. Move on to Joan  
19 M. Park, President, the League of Women Voters,  
20 Broome and Tioga Counties.

21 MS. JANE PARK, PRESIDENT, LEAGUE OF  
22 WOMEN VOTERS-BROOME: Good morning, members and  
23 staff of LATFOR. My name is Jane Park, actually.  
24 [Laughter] I am a resident of the Town of Owego,

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2 but I am here as President of the League of Women  
3 Voters of Broome and Tioga Counties. The League  
4 is a nonpartisan organization which encourages  
5 informed and active involvement in government and  
6 influences public policy through education and  
7 advocacy. We are also members of a state-wide  
8 coalition dedicated to reforming New York's  
9 redistricting process, Reshape New York, which  
10 consists of 35 organizations, including civic  
11 groups, issue advocacy groups, unions and  
12 business organizations.

13 Over the past year, Leagues in more than  
14 35 localities, including ours, have organized  
15 community forums educating the public on the  
16 issues surrounding redistricting. Partly as a  
17 result of this effort, Leagues around the state  
18 became active and influential players in local  
19 redistricting efforts. The League was involved  
20 in creating independent redistricting commissions  
21 for county redistricting efforts in several  
22 counties, and we've heard mention of Suffolk,  
23 Ulster and Tompkins. And Broome County we worked  
24 with the bipartisan commission.

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2           In addition, League members have been  
3 asked to sit on these newly-formed commissions  
4 because of the non-partisan commitment of the  
5 League. The Suffolk County Redistricting  
6 Commission and its associated legislation have  
7 become models used by others around the state to  
8 create new procedures and independent  
9 commissions.

10           While we appreciate the opportunity that  
11 today's hearing provides to comment on the  
12 redistricting process, we believe that New  
13 Yorkers have already spoken loud and clear on the  
14 drawing of district lines. The public wants and  
15 independent commission, not LATFOR, to draw state  
16 legislative and congressional district boundaries  
17 according to fair and objective criteria, while  
18 allowing for public input into the process. An  
19 independent commission drawing impartial district  
20 lines would maintain the legislature's ability to  
21 give input on the plan and ultimately pass  
22 legislation in accordance with the state  
23 constitution.

24           Voters across all parties believe an

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2 independent body should draw the lines. The  
3 governor has proposed legislation to form and  
4 independent commission. 61 of 62 senators, and  
5 123 of the 150 assembly members have either  
6 signed onto his legislation or legislation  
7 proposed in their respective houses, or otherwise  
8 publically supported reforming the redistricting  
9 process.

10 We believe that the redistricting  
11 process under the new independent commission  
12 should be transparent in all respects, both  
13 through multiple public hearings throughout the  
14 state, and by using technology to have citizens  
15 participate at all stages of the process. All  
16 data on which the commission relies should be  
17 available to the public, both written and  
18 electronically, including all draft and proposed  
19 final maps of districts, criteria used to  
20 generate each draft and proposed final map of  
21 districts, software used to generate each draft,  
22 and final proposed map of districts, all proposed  
23 plans.

24 In all of its 90-plus years of history,

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2 the League has stood for fair and equitable  
3 representation for the people of our state. We  
4 believe that the overriding concern in drawing  
5 new districts is to provide all New York  
6 residents fair representation in Congress and the  
7 Legislature. To do otherwise discourages  
8 participation in the political process and  
9 increases voter cynicism. A key element of  
10 reforming the redistrict process is limiting the  
11 allowable population difference between districts  
12 that in the past has created districts that vary  
13 widely in population size, thereby favoring one  
14 region over another.

15 The current redistricting process has  
16 also historically protected incumbents, including  
17 carving incumbents' competitors' homes out of  
18 districts. This has discouraged competition in  
19 our electoral system. In the 2010 election, New  
20 York State had one of the lowest rates of voter  
21 participation in the nation coming in at 47th  
22 among the states. This is no surprise. Why  
23 should people vote if they face no real choice in  
24 candidates?

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2           The League believes that it is  
3           imperative that an independent redistricting  
4           process be adopted so that people, not partisan  
5           interests, are protected. Ignoring the public  
6           will and continuing with LATFOR proceedings, the  
7           only legally mandated process at this time, will  
8           end in Governor Cuomo vetoing the lines it draws,  
9           making this process a waste of time. Legislators  
10          should return to Albany during a special  
11          legislative session to end partisan  
12          gerrymandering and enact redistricting reform by  
13          handing the power of the pen to an independent  
14          commission to draw impartial legislative and  
15          congressional lines.

16                 New Yorkers can't wait another ten years  
17                 for reform. Thank you.

18                 ASSEMBLY MEMBER MCENENY: Thank you very  
19                 much for your testimony, which is pretty much the  
20                 same that the League has been expressing at all  
21                 of the hearings that we're having across the  
22                 state.

23                 MS. PARK: I know. Uh huh. - - be  
24                 consistent and persistent.

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2 ASSEMBLY MEMBER MCENENY: The  
3 legislation that the League supports, is that the  
4 governor's, that's creating this independent  
5 body?

6 MS. PARK: Yeah, the bill that's  
7 currently in the Senate and Assemblies.

8 ASSEMBLY MEMBER MCENENY: And I think  
9 we've mentioned there are some flaws in that  
10 bill--

11 MS. PARK: You've raised issues about  
12 that. Um hm.

13 ASSEMBLY MEMBER MCENENY: The 1% is, is  
14 unreasonable. So were it to pass would these  
15 hearings be useful hearings? Have these hearings  
16 been useful to the League, to Citizen's Union, to  
17 some of the others? The testimony of people  
18 coming in here, talking about the shape of  
19 districts, whether they want one legislator or  
20 two, whether they want to keep the community  
21 together, is this a useful function in the minds  
22 of the League?

23 MS. PARK: I think the public hearings  
24 serve a useful function, yes.

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2 ASSEMBLY MEMBER MCENENY: Yes, thank  
3 you. The issue of timing--

4 MS. PARK: Yes, I was--yes.

5 ASSEMBLY MEMBER MCENENY: If, if the law  
6 had passed, we'd be in a different position.

7 MS. PARK: I know.

8 ASSEMBLY MEMBER MCENENY: But there's a  
9 lot of laws that didn't pass, or only passed one  
10 house, or if they came back, would have to--have  
11 to be changed.

12 MS. PARK: Right.

13 ASSEMBLY MEMBER MCENENY: Is it the  
14 responsible thing to just move ahead with the  
15 law?

16 MS. PARK: I was talking with people  
17 yesterday who are more into all of the  
18 intricacies.

19 ASSEMBLY MEMBER MCENENY: Yeah.

20 MS. PARK: The, the existing proposed  
21 legislation has room in it for condensing the  
22 timetable, but they--it might have to be revised.  
23 But the sense is that it could be revised and  
24 still be accomplished if there's a special

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2 legislative session, either late this summer or  
3 early in the fall.

4 ASSEMBLY MEMBER MCENENY: Well, you've  
5 seen the, the legislation that the governor has.

6 MS. PARK: Yes.

7 ASSEMBLY MEMBER MCENENY: In which  
8 anyone who ever worked for the legislature in the  
9 last five years could not serve on that  
10 commission, 50% of which would be appointed by  
11 the governor.

12 MS. PARK: 50? I thought there were to  
13 be 11 on that group.

14 ASSEMBLY MEMBER MCENENY: Well, just  
15 going with the, the previous testimony. Is it  
16 11?

17 MS. PARK: I believe that in addition to  
18 the eight appointed by the governor and the  
19 legislators, there are three additional people  
20 appointed.

21 ASSEMBLY MEMBER MCENENY: You're right,  
22 and I misspoke. With the governor having a role  
23 in it, I'm assuming he would appoint his own  
24 individuals that he felt were of a like mind.

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2 What are the qualities--

3 MS. PARK: That's to the nominations  
4 pool I'm talking. Are you talking about the  
5 nominations pool?

6 ASSEMBLY MEMBER MCENENY: Well, I  
7 wonder--I know who can't serve on it.

8 MS. PARK: Um hm.

9 ASSEMBLY MEMBER MCENENY: So if you were  
10 a PhD in demographics, but you had served for  
11 three months as an intern in the--in the Senate,  
12 you could not be on that committee. What are the  
13 qualifications for the people who can be on the  
14 committee?

15 MS. PARK: What are they now?

16 ASSEMBLY MEMBER MCENENY: Would they,  
17 for example be--

18 MS. PARK: No, I don't know any details  
19 on that.

20 ASSEMBLY MEMBER MCENENY: Could be a  
21 major donor to the governor's campaign? Would  
22 that be legal?

23 MS. PARK: I don't think that's covered  
24 in the, the law as proposed. The donors.

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2 ASSEMBLY MEMBER MCENENY: I would--I  
3 would suggest that were that legislation to be  
4 taken as a, a real possibility, that the  
5 strictness that, to my point of view, goes to an  
6 extreme, if you worked in the mail room four-and-  
7 a-half years ago, it doesn't matter. You can't  
8 possibly be there if you have a connection with  
9 the legislature. When you go over to the  
10 alternative, there are no qualifications. We  
11 don't even know if those people need an eighth  
12 grade education, or if they've ever traveled  
13 outside one county in New York State. It, it  
14 seems uneven.

15 MS. PARK: Are there standards set for  
16 the LATFOR members who are not legislators?

17 ASSEMBLY MEMBER MCENENY: Well, at least  
18 four of them have to be elected by the people.

19 MS. PARK: No, I meant the ones that  
20 are--yeah, right.

21 ASSEMBLY MEMBER MCENENY: That's a  
22 pretty strong standard for two-thirds of them.  
23 After that it's, it's private citizens.

24 MS. PARK: Yeah, with--not questioning

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2 their credentials. I'm just saying, have--have  
3 there been formal standards established for  
4 those?

5 ASSEMBLY MEMBER MCENENY: You've got  
6 minimum standards for two-thirds of LATFOR. They  
7 have to be elected by the people in either a  
8 Senate or an Assembly district. I don't know  
9 what the standards are for the governor's people,  
10 his three appointments, for example.

11 MS. PARK: Well--

12 ASSEMBLY MEMBER MCENENY: Do they need  
13 more than an eighth grade education? I would  
14 think that if the League is to support this  
15 legislation, they should point out some of its  
16 low standards that are apparently there by  
17 default and correct that.

18 MS. PARK: I'll take that under  
19 advisement. Thank you.

20 ASSEMBLY MEMBER MCENENY: I'm, I'm a  
21 sponsor of that bill. So is the Speaker, but  
22 realistically, were that bill to ever take on  
23 life, and it's getting awfully late for that.

24 MS. PARK: It is getting late.

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2 ASSEMBLY MEMBER MCENENY: I, I would  
3 think there would have to be an element of  
4 fairness for the alternative, that there would be  
5 equally strict limits on who could be appointed.  
6 Thank you.

7 SENATOR NOZZOLIO: I have a couple of  
8 questions. Are you submitting for the record,  
9 any of the any proposed legislative lines for  
10 congressional or state legislative districts?

11 MS. PARK: No, we are not. I am not.

12 SENATOR NOZZOLIO: Is the League of  
13 Broome and Tioga Counties anticipating that you  
14 will be submitting any lines for congressional or  
15 legislative districts?

16 MS. PARK: No.

17 SENATOR NOZZOLIO: Did the League--how,  
18 how many years have you been a member or a leader  
19 in the, the League in the region?

20 MS. PARK: Ten.

21 SENATOR NOZZOLIO: A decade?

22 MS. PARK: Yeah.

23 SENATOR NOZZOLIO: Thank you for your  
24 service and interest. Is there in this position

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2 that the League is taking now regarding change in  
3 the, the redistricting process, did the League  
4 advocate for this during the last redistricting  
5 process of 2002?

6 MS. PARK: My League--I'm not sure  
7 about--I'm not sure.

8 SENATOR NOZZOLIO: Not sure.

9 MS. PARK: I could check on that and get  
10 back to you.

11 SENATOR NOZZOLIO: Let me ask you some  
12 questions about--and I hope you had the  
13 opportunity to hear the Elections Commissioner.

14 MS. PARK: I did.

15 SENATOR NOZZOLIO: That it's a  
16 monumental task, and I know the League is very  
17 concerned about the integrity of elections.

18 MS. PARK: Right.

19 SENATOR NOZZOLIO: The ability to inform  
20 constituents of particular polling places and  
21 the, in everything that the League has done to  
22 try to enhance voter participation. What are  
23 your views of those comments of the commissioner  
24 regarding the timeframe necessary to make sure

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2 that everything in Broome County is resolves in  
3 an orderly fashion?

4 MS. PARK: I think it has to be factored  
5 into the county's planning on how they're going  
6 to fund and support the work of the Board of  
7 Elections.

8 SENATOR NOZZOLIO: What I'm concerned  
9 about is how the Commissioner told us loudly and  
10 clearly that unless these lines are established  
11 by the end of the year--

12 MS. PARK: Right.

13 SENATOR NOZZOLIO: At the--at the  
14 latest, that with the new primary, with the  
15 presidential primary, with an updated legislative  
16 primary date that there's going to be enormous  
17 chaos and cost associated with that chaos at the  
18 Broome County Board of Elections. Did that not  
19 concern you?

20 MS. PARK: It concerns me, but it  
21 concerns me more that we would have to wait  
22 another ten years to fix this if we don't do  
23 something now. And the information I have is  
24 that if we were to be able to have the special

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2 legislative session, and it--and arrive at some  
3 legislation, that there would be still time to  
4 deal with that process as outlines in the  
5 proposed bills.

6 SENATOR NOZZOLIO: And I wish to echo a  
7 concern that Assemblyman McEneny indicated about  
8 timing. That we are legislators that are trying  
9 to establish, and citizen members that are trying  
10 to establish public input and to get the process  
11 going. We are, we are exist--we are dealing with  
12 the laws that exist and then I know that you want  
13 the law to be a different way but we have no  
14 choice but to pursue--

15 MS. PARK: I understand that, and--

16 SENATOR NOZZOLIO: And that we hope that  
17 during this time--

18 MS. PARK: I appreciate your position.

19 SENATOR NOZZOLIO: That the League will  
20 certainly take our invitation as members of  
21 LATFOR to share with us communities of interest  
22 things that you would like to see in the  
23 redistricting of Congress and state legislative  
24 lines, regardless of who does that in your view.

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2 Eventually completes those lines. So thank you  
3 very much for your testimony.

4 MS. PARK: Thank you. Thank you very  
5 much. Best wishes.

6 SENATOR NOZZOLIO: It was very nice of  
7 you to be here today. Monica Arias Miranda  
8 [phonetic]. Fanny Vileria [phonetic]?  
9 Councilwoman Lea Webb. As Councilwoman Webb is  
10 coming to the podium, I just would like--  
11 Assemblyman McEneny reminded us for the record,  
12 Monica Miranda has submitted testimony to us on  
13 a--to the LATFOR committee on a couple of  
14 occasions. Her written testimony is always  
15 helpful, and most welcome. So with that  
16 Councilwoman Webb thank you for the use of your  
17 chambers.

18 MS. LEA WEBB, COUNCILWOMAN, CITY OF  
19 BINGHAMTON: Yeah, it's a little different  
20 sitting on this side.

21 SENATOR NOZZOLIO: I'm sorry?

22 MS. WEBB: It's a little different  
23 sitting on this side. I'll be on your side later  
24 on this evening. [Laughter] well, welcome to

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2 Binghamton, and thank you for the efforts that  
3 your committee is doing in going across the state  
4 with garnering committee input on this very  
5 important issue. So today, I'll be speaking on  
6 behalf of the committee that I represent here on  
7 the city council, and the broader community work  
8 that I do as a community organizer with Citizen  
9 Action of New York in this area.

10 I just want to draw your attention to  
11 some of the elements of the current district  
12 maps, which I feel are good and, and important to  
13 protect, as well as some things that I feel may  
14 need to be changed. So to the members of LATFOR,  
15 I'm under the assumption that you'll be drawing  
16 the maps for the Assembly and Senate and Congress  
17 this year. I know it is possible that a special  
18 session of the legislature could create a new  
19 independent commission to do this work, and if  
20 they do, I hope that you will support that.  
21 Since separating the legislators from the process  
22 of creating their own districts can only improve  
23 our citizens' confidence in our government.

24 But if the law remains as it is today, I

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2           hope you will consider the following points when  
3           you make the maps for 2012 and beyond. First,  
4           something positive. With the current districts,  
5           we feel that it must be contained in the new  
6           maps, the City of Binghamton is not split, as  
7           some other cities of Upstate New York are and at  
8           any of the legislature levels. We must keep that  
9           intact in the Assembly, Senate and Congress. I  
10          cannot stress this enough. No city the size of  
11          Binghamton deserves to be split in the maps for  
12          any level of state or federal legislative office.

13                        Secondly I would also like to see the  
14          valuable trait of the current assembly map  
15          continued. It properly connects the City of  
16          Binghamton with the closest communities of shared  
17          interest, the Town of Union and Vestal, which is  
18          the current 126th District. And third there is  
19          something, I guess, unnecessary unfair about the  
20          current Senate map and some of the previous  
21          speakers have spoken to this, for the southern  
22          tier. It divides the nearby communities of  
23          shared interest. Binghamton and Ithaca are in  
24          separate districts. And Ithaca is especially

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2 divided. Three senate districts take a portion  
3 of Tompkins County.

4 I feel that these communities should be  
5 united and at the very least, the university  
6 centers of Binghamton and Ithaca should be  
7 linked. A senate district that included, for  
8 example, Tompkins, Broome and the eastern half of  
9 Tioga, would fulfill the population requirements  
10 and would unite these areas of shared community  
11 interest, both economic and academic.

12 And lastly, I would like to advocate for  
13 keeping the 22nd Congressional District as it is.  
14 Similar to my previous statement, it currently  
15 unifies the academic interests in the area as  
16 well as manufacturing interests, and so I would  
17 advocate keeping the district as it is.

18 SENATOR NOZZOLIO: Thank you, very much.  
19 I was listening to you pull together districts,  
20 and you had mentioned the eastern half of Tioga.

21 ASSEMBLY MEMBER MCENENY: Um hm.

22 SENATOR NOZZOLIO: Does that mean you  
23 advocate cutting Tioga?

24 MS. WEBB: If we--if you--if you have to

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2 keep with the population requirement, if you had  
3 to split the county just to make some level of  
4 consistency, that would be my recommendation.

5 SENATOR NOZZOLIO: It's my understanding  
6 the population of Tioga is almost less than half  
7 the size of Tompkins.

8 MS. WEBB: Um hm.

9 SENATOR NOZZOLIO: Is that not correct?

10 MS. WEBB: I believe so, but I think  
11 with bringing those--how the current Senate  
12 district is constructed, you, you're having  
13 Tompkins County split. My--the basis for--

14 SENATOR NOZZOLIO: [interposing] I guess  
15 my point--and I apologize for interrupting. I  
16 don't want you to have to go too far afield. My  
17 point is that you support Tompkins County being  
18 one district together as one county, but you want  
19 to cut Tioga County in half. Isn't that  
20 inconsistent?

21 MS. WEBB: Well, my, my point being that  
22 they have shared interest. The academic centers  
23 as well as their economic interests are similar.  
24 And I believe--like, no one, from my knowledge

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2 and on my--identifies, say, like, Waverly, you  
3 know? You want to keep the areas of common  
4 interest, both academic and economic, in the same  
5 area. That's the reason for my - - .

6 SENATOR NOZZOLIO: [interposing] Thank  
7 you very much for your testimony. Any members of  
8 the panel have any questions?

9 ASSEMBLY MEMBER MCENENY: Thank you.

10 SENATOR NOZZOLIO: Thank you very much  
11 for the use of your chamber, and I hope you're--  
12 you enjoy the other perspective of--on the other  
13 side of the table for--

14 MS. WEBB: I like it. It's nice.

15 [Laughter]

16 SENATOR NOZZOLIO: Thank you very much.

17 MS. WEBB: Just for today.

18 SENATOR NOZZOLIO: Just for today.

19 Thank you very much.

20 MS. WEBB: Thank you.

21 SENATOR NOZZOLIO: Cecil Lawrence.

22 ASSEMBLY MEMBER MCENENY: Cecile.

23 SENATOR NOZZOLIO: I'm sorry. Cecile

24 Lawrence. Good morning, Ms. Lawrence. I

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2 apologize for mispronouncing your first name. My  
3 eyes are not--I should've had my glasses on.  
4 Thank you very much. Welcome, and could you, for  
5 the record, indicate who you are and where you're  
6 from?

7 MS. CECILE LAWRENCE: My name is Cecile  
8 Lawrence, and I live in the Village of  
9 Appalachian, in the Town of Owego, in the County  
10 of Tioga which is in the eastern part of Tioga  
11 County, which would be affected by Congress--by  
12 Councilwoman Webb's suggestion. Almost  
13 everything that I have heard so far validates my  
14 own comments. None of this problem of inadequate  
15 or unrepresentative representation would happen  
16 if we had proportional representation.

17 I should also interject here that I am a  
18 member of the Green Party of New York and I ran  
19 for US Senate on the Green Party Line last year,  
20 so as to facilitate the Green Party getting back  
21 on the ballot, which it did. If we had five  
22 member districts, it would be impossible for  
23 either party to shut out the other by redrawing  
24 lines and parties like the Green Party of New

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2 York could win a few seats, and there'd be no  
3 reason to raise the spectrum of splitting the  
4 vote.

5 Proportional representation is a  
6 principle of elections in which like-minded  
7 groupings, groupings of voters win representation  
8 in accordance to their share of the vote.  
9 Currently, I don't feel that I'm being  
10 represented by those who are in office right now,  
11 and many people who are in the Libertarian Party  
12 or in the Green Party, they feel likewise.  
13 Winning 20% of the vote wins one out of five  
14 seats in a legislature. Winning 51% of the vote  
15 earns three seats and the right to decide, but  
16 not all seat. Proportional representation  
17 contrasts with winner-take-all elections in which  
18 winning 49% of the vote is not enough to earn any  
19 representation.

20 Proportional representation is a modern  
21 democracy. Most modern democracies in the world  
22 today use some form of proportional  
23 representation to elect their local and national  
24 legislatures. And we, in this country and this

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2 state, ought to be doing the same. The time has  
3 come to replace the old-fashioned, two-party,  
4 winner-take-all politics that characterizes US  
5 politics, and proportional representation  
6 provides a modern, all-inclusive method of doing  
7 it.

8 The, the US and India are amongst the  
9 last hold-outs of the old, ancient, British  
10 system of first past the post, winner-take-all  
11 elections. We need a much-needed national debate  
12 about our own switch over to a proportional  
13 election system. The time is now, and the place  
14 to begin is in New York State. The way--the  
15 bipartisan way of thinking is passé. We have a  
16 diverse state, diverse in terms of ethnicity,  
17 race, economy and geography. What is truly the  
18 method of modern democracy is the election of  
19 councils and legislatures by the percentage of  
20 the popular vote. A change which requires--yes,  
21 requires a change in the Constitution of New York  
22 State.

23 Surely if New York State can change its  
24 constitution to allow table gaming as appears to

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2 be in the cards, New York State can change its  
3 constitution to allow proportional  
4 representation, which is a much more important  
5 and crucial issue. Proportional representation  
6 is a way out of the morass--is a way out of the  
7 morass of our current political culture. Thank  
8 you for allowing me to speak here today.

9 ASSEMBLY MEMBER MCENENY: Thank you very  
10 much and only in recent years have I looked  
11 seriously at a parliamentary form of government  
12 and was in, in Israel with a delegation with my  
13 wife in December, and somebody said the problem  
14 with your system is that you create losers. The  
15 one with the 49% is a loser for a full four-year  
16 term in some cases, or less in others, and the  
17 one who's the winner is the winner forever. The  
18 proportional representation works out in a  
19 parliamentary system, provided that you don't  
20 have residency because what happens is the  
21 parties dominate, rather than an individual.  
22 You're not going to have a cult of personality.  
23 People go in there, and they vote for that party.  
24 At the end of it, they take whatever the size of

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2 the body and divide it up according to the  
3 overall vote, which means that the idea that if  
4 you live in Albany, Jack McEneny is going to  
5 represent you, or if downtown Albany, it's going  
6 to be Ron Canestrari, and there's their office,  
7 and they live there. That might not work out.  
8 If you--you'll be assigned a constituency. You  
9 can run in a constituency, but you don't have to  
10 live there. As it is now, technically, you don't  
11 have to live there to run for Congress.

12 What you're talking about would be a  
13 radical difference from the way we have  
14 heretofore and presently do business. It would  
15 be a constitutional requirement. I think you've  
16 got a ways to go to convince people because  
17 they're very unfamiliar with that system, but it  
18 does guarantee a voice for the person who is in a  
19 party where they feel they're not getting the  
20 services or recognition that they need, and they--  
21 -their voices sometimes should completely out in  
22 debate or a Senate or Assembly floor because  
23 there's not one person that belongs to that  
24 party.

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2           It's, it's a very interesting concept.  
3           It's certainly worth a look, but I think that's  
4           for a, a full-blown constitutional convention - -  
5           .

6           MS. LAWRENCE: [interposing] And I'm  
7           sure you, you are concerned also by the  
8           decreasing numbers of people who are voting, and  
9           I think a lot of it has to do with people not  
10          feeling that their voices are being heard.

11          ASSEMBLY MEMBER MCENENY: Especially in  
12          New York State because of that low-voting turnout  
13          just this last fall. That's not uniform  
14          throughout the state. Some areas vote much more  
15          than others.

16          SENATOR NOZZOLIO: Thank you very much.  
17          Any other questions, members of the panel?

18          ASSEMBLY MEMBER MCENENY: Thank you.

19          SENATOR NOZZOLIO: Thank you very much.

20          MS. LAWRENCE: Thank you.

21          SENATOR NOZZOLIO: Wanda Campbell.

22          MS. WANDA CAMPBELL, CITIZEN ACTION NEW  
23          YORK: Good morning. My name is Wanda Mead-  
24          Campbell, and I'm a volunteer with Citizen Action

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2 of New York, and I'd like to thank you for the  
3 opportunity to comment on redistricting. I was  
4 hoping that my comments would be in front of an  
5 independent redistricting commission, as was  
6 promised by many of our state legislators.  
7 Unfortunately, that is not the case. An  
8 independent redistricting committee is important  
9 to help restore confidence in government by  
10 taking some of the politics out of the process.

11 However, given the reality of the  
12 current situation, I advocate drawing districts  
13 more in line with how communities relate and  
14 function together, irrespective of political  
15 interests. I would like to comment on our local  
16 assembly district, 126, currently represented by  
17 Assemblywoman Lupardo. I feel this district is  
18 practical as drawn. It represents both the urban  
19 and suburban core of Broome County, thus matching  
20 like communities with similar needs. Placing  
21 rural communities together in one district and  
22 the city and suburban communities together as is  
23 now drawn works well. The current 126th District  
24 made up of Binghamton, Vestal and the Town of

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2 Union makes sense, and I urge you to keep it that  
3 way. I have heard discussion of dividing parts  
4 of the City of Binghamton, which makes no logical  
5 sense at all, and I urge you to keep this  
6 district as is.

7 In regards to the Senate District, the  
8 52nd, it would be advantageous to unite our  
9 university centers together in one. I know our  
10 current district is lacking in numbers and needs  
11 to grow. My suggestion is that we look at  
12 putting Tioga, Broome and Tomkins Counties  
13 together in one district, and placing Chenango,  
14 Delaware and other rural counties in another  
15 district. In addition to our Senate District--in  
16 addition, our Senate District should mirror our  
17 congressional district so more can be done in the  
18 context of advocacy at the state and federal  
19 levels, particularly for our universities in both  
20 Ithaca and Binghamton.

21 If this district was slightly too large,  
22 I would suggest putting Western Tioga with  
23 Elmira, rather than Ithaca with Elmira, since  
24 that reflects the way these communities now

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2 relate. I would like to advocate keeping the  
3 22nd Congressional District as it is. Our  
4 current congressman has brought the District  
5 together in a functional manner. For the most  
6 part, we are communities bordering Pennsylvania.  
7 This district unites universities through the  
8 area as well as major manufacturing interests,  
9 and I would advocate keeping the District as is.

10 Thank you for your attention.

11 SENATOR NOZZOLIO: Ms. Campbell, thank  
12 you very much. Before you leave, could you  
13 explain for the record--you mentioned your  
14 involvement with an organization. Would you  
15 state for the record what that organization is  
16 and what it does?

17 MS. CAMPBELL: I'm a volunteer with  
18 Citizen Action of New York.

19 SENATOR NOZZOLIO: And could you explain  
20 for the record what is Citizen Action of New  
21 York?

22 MS. CAMPBELL: it's a community  
23 grassroots organization, and my role usually is  
24 in speaking on healthcare issues.

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2 SENATOR NOZZOLIO: And it, is it my--is  
3 my understanding correct that Citizen Action is  
4 an organization that is focusing on progressive  
5 legislative measures?

6 MS. CAMPBELL: well, it depends on your  
7 definition of progressive. We are--I'm out there  
8 defending social security, Medicare and Medicaid.  
9 I never thought of it as progressive, and I guess  
10 it has moved into that category, but yeah. If  
11 people's needs are progressive, that's what we  
12 advocate.

13 SENATOR NOZZOLIO: It--I noticed you  
14 believe that Tompkins, as did Councilwoman Webb,  
15 indicate that they believe Tompkins and Broome  
16 County should be put together.

17 MS. CAMPBELL: bas--bas--basically all  
18 the--

19 SENATOR NOZZOLIO: In all districts--in  
20 congressional districts you indicated it--and I  
21 was confused.

22 MS. CAMPBELL: It already is.

23 SENATOR NOZZOLIO: For which districts  
24 did you believe those two counties should be put

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2 together, and which district--

3 MS. CAMPBELL: They already are. Parts  
4 of it are already united in the Congressional  
5 22nd District. Not all. We know it's split up.  
6 We're advocating that it be also in the  
7 Senatorial District, basically because of the two  
8 leading universities in the area have a lot in  
9 common and have a lot in common for the economies  
10 of those regions.

11 SENATOR NOZZOLIO: Thank you very much.  
12 Dan Battisti.

13 MR. PAUL BATTISTI, ATTORNEY, BATTISTI,  
14 GARTENMAN AND THANE, P.C.: Good morning. How is  
15 everybody? It's Paul Battisti, P-A-U-L. Good  
16 morning. First and foremost, I want to welcome  
17 everybody here to Binghamton. It's a great city.  
18 If you've never been here before, I hope you  
19 enjoy it. I also want to thank each and every  
20 one of you for holding this public hearing today.

21 Again, my name's Paul Battisti. I'm an  
22 attorney here in Binghamton with the firm  
23 Battisti, Gartenman and Thayne, and I've also,  
24 for the last five years, been Chairman of the

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2 Broome County Independence Party. And I first  
3 want to start by saying that I'm very impressed  
4 with this task force, this commitment to holding  
5 public hearings across the state of New York.

6 ASSEMBLY MEMBER MCENENY: [interposing]  
7 Paul, before you continue, we have a card here  
8 that says Dan Battisti, attorney. I don't know  
9 if you wrote that or someone else did. Is, is  
10 there--you're the only Battisti in the room?

11 MR. BATTISTI: Yeah, I just filled it  
12 out when I came through the--came through the  
13 door.

14 ASSEMBLY MEMBER MCENENY: Okay. Well,  
15 then it's Paul.

16 SENATOR NOZZOLIO: We apologize.

17 MR. BATTISTI: If a Dan shows up, I'd  
18 love to meet him. Yeah.

19 [Laughter]

20 SENATOR NOZZOLIO: And Paul, for the  
21 record, Paul--Mr. Battisti, for the record, could  
22 you please indicate your--the--I think you said  
23 you were an attorney. Are you in private  
24 practice?

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2 MR. BATTISTI: Yes, with the firm  
3 Battisti, Gartenman and Thayne. We specialize in  
4 state and federal criminal defense.

5 SENATOR NOZZOLIO: And that is located  
6 in--

7 MR. BATTISTI: Binghamton, New York.

8 SENATOR NOZZOLIO: Thank you very much.

9 MR. BATTISTI: Yes. Again, just  
10 starting from the top, I want to say and stress  
11 that I'm very impressed with this task force and  
12 its commitment to holding public hearings across  
13 the State of New York to ensure that many voices  
14 from different regions are heard during this  
15 redistricting process. We all realize the tight  
16 timeframe you're under, and especially since we  
17 hear the primaries are being moved in June of  
18 2012--up till June.

19 Therefore, under this tight timeframe,  
20 the task--the task force, in my opinion, must do  
21 four things. One, they must conclude this round  
22 of hearings. Two, they must draft district lines  
23 for entire state legislature. Three, they must  
24 then hold another round of hearings, and four,

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2 they must then make changes to all district  
3 lines, all before necessary votes on the proposed  
4 redistricting plan are heard this February.

5 Thank you very much for starting process  
6 early because you have a lot of important work to  
7 accomplish in a very short period of time. My  
8 most important request to you as members of the  
9 task force is to do your best to assure that we  
10 have competitive districts for the state  
11 legislative and congressional seats after  
12 redistricting. Before coming here today, I did  
13 some research online, and I noticed online that  
14 at various hearings, various questions were asked  
15 about the size of the state senate. I doubt  
16 there are many people in New York that believe it  
17 should remain at 62, based upon the past.

18 Obviously the state, in my opinion,  
19 would be better served having 63 senators so that  
20 we will not run into problems with ties in the  
21 future surrounding votes for leadership. New  
22 York's population, based upon my research, has  
23 increased over the last ten years, and I  
24 understand that the number of senators can be

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2 increased when the population of New York  
3 increases by the census as well.

4 I wish to strongly state that I prefer  
5 that the current state law be followed and that  
6 this task force perform the drafting of the  
7 district lines this election cycle. I strongly  
8 support a bipartisan redistricting, and it is  
9 clear that this specific task force is premised  
10 upon a bipartisan redistricting, as there is  
11 equal representation from the two major parties.

12 I oppose changing the process in the  
13 middle of the game to an independent  
14 redistricting commission as proposed by Governor  
15 Andrew Cuomo. While, while I am not opposed to  
16 the concept of independent redistricting, Cuomo's  
17 bill, in my opinion, is flawed. I believe that  
18 the independent commission can only be  
19 implemented by a constitutional amendment since  
20 the procedures for redistricting are clearly  
21 spelled out in the state constitution, and the  
22 procedures mandated by that state constitution  
23 can only be changed by an amendment voted on  
24 twice by the state legislature and then by us,

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2 the people of the State of New York by  
3 referendum.

4 I also believe that the proposed Cuomo  
5 independent commission is flawed, and that the  
6 composition of the nominating committee and the  
7 commission are very favorable to the Democratic  
8 Party and unfavorable to the Republican Party,  
9 especially when we compare it to this specific  
10 task force, which is truly, in my opinion, fair  
11 and bipartisan.

12 Finally, the independent commission that  
13 was passed by the State Senate back in March,  
14 which includes, includes--excuse me--the  
15 necessary constitutional amendment is much fairer  
16 to both major parties in this composition. Once  
17 again, the state government is under tight time  
18 constraints to complete redistricting over the  
19 next six months, and we certainly don't have time  
20 to reinvent the process right now with a new,  
21 independent commission. Again, I want to thank  
22 each and every one of you for your time, and I  
23 wish you the best of luck with the task that you  
24 set out on, the task of redistricting. Thank

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2 you.

3 SENATOR NOZZOLIO: Thank you very much  
4 for your insights and perspective as an attorney.  
5 Questions?

6 SENATOR DILAN: Yes.

7 SENATOR NOZZOLIO: Senator Dilan.

8 SENATOR DILAN: you talk about the size  
9 of the Senate, and you indicated that in your  
10 opinion, you believe that it should be increased  
11 to 63 because of ties in the past. I don't know  
12 if we've had any ties in the past, but that  
13 notwithstanding, what are you basing the 63 on?  
14 Say, any particular formula?

15 MR. BATTISTI: You know, myself--I'm  
16 sorry.

17 SENATOR DILAN: [interposing] Before  
18 you answer that, you also said that you believe  
19 that we should follow the procedures that are  
20 indicated in the State Constitution with respect  
21 to this panel, right?

22 MR. BATTISTI: Correct.

23 SENATOR DILAN: So if there's a formula  
24 in the State Constitution, you should--you also

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2 believe that we should follow that formula?

3 MR. BATTISTI: If there is a formula, as  
4 it relates to the State Constitution regarding  
5 the number of senators for the State of New York,  
6 then I think it's something that definitely  
7 should be taken into consideration. Any time--

8 SENATOR DILAN: [interposing]  
9 Consideration, or we should follow it?

10 MR. BATTISTI: Well, I think it should  
11 be taken into consideration. However--

12 SENATOR DILAN: [interposing] And, and  
13 when we do procedures, we should then follow the  
14 procedures that are there for the basis for, for  
15 this panel, but only consider in terms of the  
16 senate size?

17 MR. BATTISTI: No, no, not at all.

18 SENATOR DILAN: Is that what I'm hearing  
19 you say?

20 MR. BATTISTI: No, what I'm saying is we  
21 have a constitution. And I think we all can go  
22 back to third grade, fourth grade, and we talk  
23 about separation of powers where each branch is  
24 delegated with certain rights. We've got the

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2 executive branch, the legislative branch and the  
3 judicial branch. If we have a law, we must  
4 follow it. However, if we want to modify that  
5 law, change that law, we must go about it the  
6 lawful way, and the lawful way--

7 SENATOR DILAN: [interposing] Yeah, I  
8 understand that part. I, I, I was referring to  
9 the size of the senate because I thought I heard  
10 two different things when you said that there's a  
11 procedure in the State Constitution that this  
12 panel should be the one drawing the lines. I  
13 believe that's what you said. Then we should  
14 follow that procedure according to the  
15 Constitution. So therefore, it would only go to  
16 reason that if there is a formula within the  
17 Constitution, that we also follow what's in the  
18 Constitution.

19 MR. BATTISTI: If there's a law, yes.  
20 We must follow it.

21 SENATOR DILAN: Thank you.

22 MR. BATTISTI: Any other questions from  
23 anybody?

24 SENATOR NOZZOLIO: Hear--hearing none,

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2 we just want to thank you very much for your  
3 insights and comments. Appreciate it very much.

4 SENATOR DILAN: Thank you, though.

5 MR. BATTISTI: Okay. Thank you.

6 SENATOR DILAN: Thank you very much.

7 SENATOR NOZZOLIO: That concludes the  
8 number of individuals who asked to testify. Let  
9 me read the ones that did not answer when called.  
10 Warren Brown, Monica Miranda, Fanny Vileria and  
11 Don Barber. With that on behalf of the LATFOR  
12 task force, Assemblyman McEneny and I wish to  
13 thank all of the participants in today's hearing.  
14 A video record of this hearing will be made--will  
15 be made available on the LATFOR web site. that  
16 we appreciate the diversity of discussion, and  
17 that all who are interested in this process are  
18 encouraged to submit plans and further comment  
19 and testimony through the LATFOR web site in  
20 order for us to have as complete a picture as  
21 possible.

22 We want to thank the City of Binghamton,  
23 and the--particularly the City Council for the  
24 use of their facility, and that with that

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2 appreciate this hearing and the members of the  
3 panel for their participation. Assemblyman?

4 ASSEMBLY MEMBER MCENENY: Likewise, we  
5 thank the City of Binghamton and the people from  
6 this area for participating. We know that some  
7 of the people who were not here today, but names  
8 were here, have already submitted proposals, and  
9 we encourage other people throughout this process  
10 particularly at this early stage of the first 12  
11 hearings, to send in proposed maps, suggestions,  
12 whether it's on one house or the other, or all  
13 three, whether it's on your area or the entire  
14 state. Thank you.

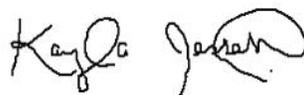
15 SENATOR NOZZOLIO: Any other members of  
16 the task force wish to make a comment? Hearing  
17 none, the meeting's adjourned.

18 [Music]

19 (The public hearing concluded at 12:14  
20 p.m.)

C E R T I F I C A T E

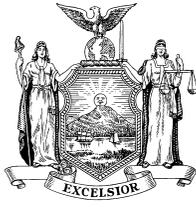
I, Kayla Jessen, do hereby certify that the foregoing typewritten transcription, consisting of pages number 1 to 110, inclusive, is a true record prepared by me and completed from materials provided to me.



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Kayla Jessen, Transcriptionist

August 31, 2011 \_\_\_\_\_ Date



**NEW YORK STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC  
RESEARCH AND REAPPORTIONMENT**

**PUBLIC HEARING: CONGRESSIONAL AND STATE LEGISLATIVE**

**REDISTRICTING**

**BUFFALO**

**8/18/2011 / 10:00 A.M.**

**COMMON COUNCIL CHAMBERS**

**BUFFALO CITY HALL, 13<sup>TH</sup> FLOOR**

**65 NIAGARA SQUARE**

**BUFFALO, NEW YORK**

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13. JOHN MARRIOTT  
TOWN PARK HOMEOWNERS ASSOCIATION
14. FRANK MESIAH, PRESIDENT  
NAACP, BUFFALO BRANCH
15. KEVIN GALLAGHER
15. CLIFFORD CAWTHON  
CITIZEN ACTION OF NY

**TASK FORCE MEMBERS PRESENT:**

**SENATOR MICHAEL F. NOZZOLIO**

Co-Chair – NYS Legislative Task Force on Demographic Research & Reapportionment

**ASSEMBLY MEMBER JOHN J. McENENY**

Co-Chair - NYS Legislative Task Force on Demographic Research & Reapportionment

**SENATOR MARTIN M. DILAN**

**ASSEMBLY MEMBER ROBERT OAKS**

**ROMAN HEDGES**

**WELQUIS LOPEZ**

**DEBRA LEVINE**

**LEWIS HOPPE**

NEW YORK STATE ASSEMBLY  
LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND  
REAPPORTIONMENT

PUBLIC HEARING  
CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING

Thursday, August 18, 2011

Common Council Chambers  
Buffalo City Hall, 13th Floor  
65 Niagara Square, Buffalo, NY

10:00 a.m.

TASK FORCE MEMBERS PRESENT:

SENATOR MICHAEL F. NOZZOLIO, Co-Chair

ASSEMBLY MEMBER JOHN J. MCENENY, Co-Chair

SENATOR MARTIN M. DILAN

ASSEMBLY MEMBER ROBERT OAKS

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2 (The public hearing commenced at 10:08  
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. My name is Jack McEneny. I'm the  
8 assemblyman and co-chair of this New York State  
9 Legislative Task Force on Demographic Research  
10 and Reapportionment, known as LATFOR. I am  
11 joined this morning here with Senator Mike  
12 Nozzolio of Seneca County, and to my right,  
13 beyond the co-chair is Senator Martin Dilan from  
14 Kings County Welquis, also known as Ray, Lopez is  
15 the citizen membership representing the Senate  
16 side, and also we are joined with Debra Levine  
17 who's the co-executive director of the task  
18 force.

19 To my left is my friend and colleague  
20 Bob Oaks, who is the Assemblyman from Wayne  
21 County and the area around there. Roman Hedges,  
22 who's the citizen representative, and the other  
23 co-chair, Lew Hoppe. This public hearing is now  
24 called into session. And we would ask that if

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2           you have written testimony, that you provide it.  
3           If you do not have written testimony, please  
4           follow up with it if you can, and if, for those  
5           who will be watching this televised version,  
6           since all of this is being recorded, you have  
7           additional thoughts people who can't make it to  
8           one of the 12 preliminary public hearings, then  
9           by all means, send in maps, recommendations,  
10          criticisms of what you feel we should know in  
11          order to draw proper lines representing people in  
12          the State Assembly, the State Senate, and in the  
13          United States Congress.

14                        This is the halfway point of the first  
15          stage of public hearings. We are doing 12 public  
16          hearings before we start drawing the lines for  
17          you to give us a general idea of how satisfied or  
18          dissatisfied you are with current lines, and to  
19          make recommendations for the future lines. The  
20          last--this will finish upstate. The next six  
21          hearings will be downstate in the five boroughs  
22          of New York and out on Long Island. The last  
23          public hearing taking place on the 5th of  
24          October. At that point, LATFOR staff will begin

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2 drawing lines, and hopefully during October, at  
3 some point in November, we can start the 12  
4 public hearings all over again, most likely at  
5 the exact same locations across the state.

6 We will move from the more academic,  
7 when we're talking about the existing situation  
8 in the future, to something which will, I'm sure,  
9 be more controversial, will specific maps,  
10 specific lines, specific legislation that we will  
11 ask the public to come in and say, does this  
12 address your concerns. So without further  
13 explanation I would ask my co-chair Mike Nozzolio  
14 if he'd like to add to the welcome.

15 SENATOR MICHAEL F. NOZZOLIO, CO-CHAIR,  
16 NEW YORK STATE LEGISLATIVE TASK FOR ON  
17 DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT: Thank  
18 you very much, Assemblyman, and good morning  
19 ladies and gentlemen. As Assemblyman McEneny so  
20 well stated, this is another of the task force's  
21 attempts to take as much public input as we  
22 possibly can. This process is open. It's  
23 transparent. The proceedings today will be video  
24 recorded, and the video will be placed, as our

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2 other hearings have placed this testimony for the  
3 public to review on the LATFOR web site. This  
4 transparency is important as is upstate  
5 representation.

6 My co-chair and good friend, Assemblyman  
7 McEneny and I represent upstate regions of New  
8 York, as does Assemblyman Bob Oaks a member of  
9 this task force. In Western New York, we know  
10 there are definite communities of interest. We  
11 hope that those communities will be explored and  
12 place on the record today, and that we look  
13 forward to the testimony presented by those who  
14 are willing to testify.

15 Those who may be watching this  
16 proceeding we encourage additional input. For  
17 instance, if someone would like to provide  
18 written testimony, please feel free to do so to  
19 the task force. The LATFOR web site can be  
20 readily obtained, and that we have all the  
21 contact information for the provision of that  
22 input. And we hope that those who do not testify  
23 here in person will--that are interested in this  
24 process will provide additional comment later.

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2 I just want to also say from the outset  
3 of the hearing that we are here to hear from the  
4 public about their concerns with redistricting.  
5 We also have a legal, moral, ethical and  
6 especially fiduciary responsibility. as  
7 appointees to the task force to begin the process  
8 that whatever that process is or you wish it to  
9 be we need to focus on what the law is today and  
10 in order to comply with a myriad of laws, we hope  
11 that through this meeting, we also will entertain  
12 a conversation about what types of time periods  
13 and what other types of laws need to be followed.

14 With that, I'd like to mention and ask  
15 Assemblyman McEneny to mention our legislative  
16 colleagues here. I want to recognize Tim Kennedy  
17 a colleague of ours in the New York State Senate.  
18 Senator Kennedy, it's very nice to see you today,  
19 and thank you for your presence here. And that,  
20 with that, I'll turn it back to Assemblyman  
21 McEneny to announce some of our assembly members  
22 who are here today.

23 ASSEMBLY MEMBER MCENENY: I also see out  
24 there, and I apologize if I miss anyone,

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2 Assemblyman Joe Giglio and former Assemblywoman  
3 Francine DelMonte. And we may very well be  
4 joined during the course of the proceedings by  
5 other members as, as well, of the State  
6 Legislature. Would other members care to make  
7 any opening remarks? Senator Dilan.

8 SENATOR MARTIN M. DILAN, NEW YORK STATE  
9 LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH  
10 AND REAPPORTIONMENT: Yes, good morning,  
11 everyone. I, I would just like to say thank you  
12 very much for having us here in Buffalo, and I  
13 would just like to echo the sentiments of our co-  
14 chairs, and I'm really looking forward to hearing  
15 from Western New Yorkers in terms of your  
16 interests in redistricting, and also I'd like to  
17 echo that my comments from previous meetings. I  
18 stand by those, and I ask all those present who  
19 do watch the previous hearings on our web site,  
20 LATFOR. And I just look forward to hearing what  
21 you have to say, and I'm also interested in  
22 comments with respect to the size of the Senate  
23 and also regarding the 2010 prisoner count law.  
24 Thank you very much.

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2 ASSEMBLY MEMBER MCENENY: Thank you,  
3 Senator. Assemblyman Oaks.

4 ASSEMBLY MEMBER ROBERT OAKS, NEW YORK  
5 STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC  
6 RESEARCH AND REAPPORTIONMENT: Yes, welcome  
7 everyone, and thank you for being here today.  
8 This has--as been mentioned, our sixth hearing, I  
9 believe going throughout and across upstate and a  
10 little bit downstate. Look forward to hearing  
11 your comments. I would also just, to the--to the  
12 co-chairs and the committee in saying as we're  
13 kind of ending the upstate portion of this, just  
14 kind of a recognition. We--I know we've--some  
15 people at our other hearings have testified about  
16 the governor's proposed bill, and other reform  
17 proposals. And some of us have, have presented  
18 proposals as well. And the one that I did  
19 actually, it would suggest or require 13 hearings  
20 and including the north country of New York. And  
21 I, I know on our list right now, we don't have  
22 that, but I would just ask the co-chairs and the  
23 committee as we continue to go through round one,  
24 and as we look at round two of hearings, if we

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2           might consider, and I would hope that we might  
3           find an opportunity to as well try to hold one of  
4           these hearings in the north country. So I would  
5           just put that out on the table for the committee.  
6           And again, as we continue this process, I think  
7           it's been important to hit all the regions of the  
8           state. Thank you.

9                         ASSEMBLY MEMBER MCENENY: Thank you,  
10            Assemblyman. Any of the other members wish to  
11            comment? we remind you that, and as many of you  
12            know, and I see some repeat names here who have  
13            been kind enough to show up at previous hearings,  
14            that we are bound not only by the New York State  
15            Constitution, which makes this a mandated,  
16            legislative process to be done as soon as  
17            practical after the release of census figures,  
18            but we are also bound by some of the provisions  
19            of that Constitution, which does not allow us to  
20            break towns unless they're enormously large,  
21            larger than a Senate or an Assembly District. It  
22            also means that if you once break a city line for  
23            mathematical reasons, then the math has to be  
24            block on border. Meaning if a block can be moved

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2 and the math comes out better, even though it  
3 destroys a neighborhood, it has to happen.

4 Same thing holds true for towns, for  
5 town on border. but the least flexible area of  
6 redistricting is on the federal level for the  
7 Congress, where it must be exact to one person,  
8 if possible, and that often means that lines will  
9 be drawn, which will be insensitive to  
10 neighborhoods, to municipalities, and to  
11 communities in general. So we are bound by that,  
12 plus the Voting Rights Act of 1965, which gives  
13 special protection for minorities who, in the  
14 past, have suffered discrimination. And it goes  
15 beyond that. While it effects all districts  
16 where we have a caution not to diminish  
17 representation that's already there, but also in  
18 the counties of Kings, New York and the Bronx, we  
19 have a special review that must take place by the  
20 Department of Justice, Federal Department of  
21 Justice. So we have a lot of constraints on how  
22 this is done.

23 We have additionally a constraint we've  
24 never had before. The Department of Justice is

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2 concerned that a shockingly-high number of 20% of  
3 the absentee ballots of men and women in uniform  
4 are not being counted in elections. They're  
5 absentee ballots. They're done by mail for  
6 various reasons, serving our nation in the far-  
7 flung areas of the world. It just hasn't been  
8 working.

9 So they want a 45-day window out there  
10 to get the absentee ballots out. Now, you all  
11 know, and some of you probably don't even  
12 remember, but you all know that we have September  
13 primaries in this state. They become  
14 impractical, and you either hold the primary  
15 election in August when the schools are closed,  
16 when people are on vacation, or you hold them in  
17 July, same story, or you move it back to where it  
18 was in the early 1970s, and that means a June  
19 primary. As those of you who work with the Board  
20 of Elections know, if you put 45 days before that  
21 for absentees to go out, you have a period to  
22 challenge or to accept petitions that have been  
23 circulated, then you have a petition period. You  
24 have political conventions designating preferred

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2 candidates, the notice that has to go out before  
3 the convention happens. What are we talking  
4 about?

5 We're talking about having a finished  
6 product in January before the Legislature, that  
7 the Legislature can then examine it and vote on  
8 it probably in February, but we're talking  
9 ideally early February. Governor Cuomo has  
10 expressed his displeasure with this being a  
11 legislative branch function and wants the  
12 governor's office involved in setting up a new, a  
13 new LATFOR, if you will. A new group that he  
14 would term as independent, which would include  
15 essentially nobody from the Legislature who had  
16 served there for the past five years or even had  
17 a job in a mail room for the last five years,  
18 which would be totally independent type of thing,  
19 at least as far as a direct connection with the  
20 Legislature.

21 He has said on several occasions, though  
22 it's been softened a little bit, that he will  
23 veto whatever product comes out of this  
24 legislative function. It's our hope that he,

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2           like all governors, reads legislation before he  
3           vetoes it or before he signs it but that's out  
4           there. And if there's a veto, all that  
5           complicated timetable I gave you, moving  
6           backwards from a June primary, would then need a  
7           more, more review period, whether or not a veto  
8           gets overridden, whether it falls into the courts  
9           by default. so we're, we're under a lot of  
10          pressure, which, as Senator Nozzolio pointed out,  
11          we decided the fiduciary responsibility is to  
12          start just as soon as we could, which we did  
13          immediately after, after session.

14                   For our first speaker, and by the way,  
15          the final thing, we thank you to Mayor Byron  
16          Brown, to the council members here, the City of  
17          Buffalo for being so gracious as to allow us to  
18          use this beautiful room. I would call first  
19          Emilio Coloaiacovo.

20                   MR. EMILIO COLOAIACOVO: Good morning.  
21          For the record, it's Coloaiacovo. It's a  
22          difficult name, but you did a pretty good name  
23          with it.

24                   ASSEMBLY MEMBER MCENENY: Repeat it,

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2 please?

3 MR. COLOAIACOVO: Coloaiacovo.

4 ASSEMBLY MEMBER MCENENY: Coloaiacovo.

5 Thank you.

6 MR. COLOAIACOVO: Well, thank you very  
7 much for coming to Buffalo. My name is Emilio  
8 Coloaiacovo. I'm an attorney here in Erie County  
9 and a resident of Clarence, New York, which is a  
10 suburb of Buffalo. I am impressed this morning  
11 that this task force is bipartisan, with both  
12 parties being equally represented, which I  
13 believe is a critical component of any fair  
14 redistricting process.

15 I have some experience with  
16 redistricting, having just recently served in the  
17 Erie County Legislative Bipartisan Citizen  
18 Commission on Reapportionment. An even number of  
19 individuals sat down to try to draw lines for new  
20 legislative districts. However, the bitterness  
21 of political division, which does not appear to  
22 be present this morning derailed this process,  
23 which ultimately led a federal court judge  
24 drawing new county legislative districts. It's

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2 important that our State Legislature heed our  
3 mistakes and learn from them and develop a  
4 process that is fair and impartial so as to avoid  
5 a federal judge defining districts that citizens  
6 ultimately have to live with, and I think we all  
7 agree that it's best for our peoples'  
8 representatives to put aside that partisanship so  
9 as to avoid a judicial determination.

10 One reason that I'm here today is  
11 because I've read in the media that the state  
12 legislators and this task force have received  
13 criticism for not passing Governor Cuomo's  
14 Independent Commission for Redistricting. I wish  
15 to suggest that the media coverage has not fully  
16 reported this issue and this debate in an  
17 objective manner. The committee and Governor  
18 Cuomo's legislation that picks the commission has  
19 eight appointees. Four by the governor, one by  
20 the Senate majority leader, one by the Senate  
21 minority leader, one by the Assembly speaker and  
22 one by the Assembly minority leader. Therefore,  
23 six members are appointed by Democratic elected  
24 officials, and only two appointed by Republican

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2           elected officials. This does not strike me as  
3           very fair, and as a matter of fact, it's a very  
4           political, mechanism that I think destroys the  
5           independent process that this committee so far  
6           has displayed.

7                        I prefer the equal and bipartisan  
8           approach that this task force has taken and that  
9           was passed by the New York State Senate this past  
10          March that was much more easily balanced. Four  
11          members, a Democrat and Republican from the  
12          Senate and a Democrat and Republican from the  
13          Assembly who then work together to pick a fifth  
14          independent citizen member. This is exactly what  
15          kind of bipartisan process we need.

16                       Further, I believe that the Cuomo  
17          Independent Commission raises serious state  
18          constitutional concerns, and once again, I agree  
19          with the approach taken here and that of the  
20          Senate majority, which is advocated for and  
21          passed legislation to require an amendment to the  
22          state Constitution prior to implementing an  
23          independent commission to prepare a redistricting  
24          plan.

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2           It is important to note, as I will  
3 explain, that if redistricting is done pursuant  
4 to the passage of the Cuomo Commission, I expect  
5 that it will be challenged in court, and the last  
6 thing we need is to create another cause of  
7 action for additional redistricting litigation.

8           It's my view that the current  
9 constitutional provisions governing redistricting  
10 need to be upgraded. Certain provisions under  
11 certain circumstances may run the risk of  
12 violating the Federal Equal Protection Clause.  
13 In a case that was decided in 1964, WMCA versus  
14 Lamenzo, the consequences of that case was that  
15 members of the state Legislature had to run for  
16 reelection in 1964, '65 and '66 to keep their  
17 seats, and I'm sure no one here wants to do that  
18 again. The Constitutional Convention of 1967  
19 attempted to amend the state Constitution to meet  
20 federal requirements such as the equal protection  
21 clause, and to also update the state constitution  
22 for redistricting, but this amendment was  
23 rejected by the voters. Thus, the current  
24 redistricting text runs the risk of a thorough

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2 constitutional violation, and deviation from that  
3 task runs a risk from varying from the state  
4 Constitution. This conflict should be reviewed  
5 and addressed, pursuant to the passage of a  
6 Constitutional amendment that addresses changes  
7 to redistricting.

8 While there has been a public demand for  
9 permanent, nonpartisan redistricting commission,  
10 which I am certainly open to, that demand cannot  
11 be constitutionally provided by a mere  
12 legislative enactment. The state legislature may  
13 not, by statute, bind itself regarding future  
14 legislation. Instead, the state Legislature  
15 cannot merely forego its constitutional assigned  
16 powers. It is questionable if any other  
17 independent redistricting commission can be  
18 created without an amendment, but also an  
19 independent commission certainly cannot be  
20 created for the purposes beyond its existing  
21 session. Our state legislation cannot, in my  
22 opinion, cannot change absolute provisions in the  
23 state Constitution to its liking or to meet  
24 political pressure.

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2           It appears to me that the only means of  
3 achieving a proper independent redistricting  
4 commission were to do so by an amendment to our  
5 state Constitution. As you know, article three,  
6 sections three and four would have to be amended  
7 where the current method of redistricting is  
8 included. In my humble opinion, to change that  
9 method and to remove it from the powers of the  
10 senate and the assembly under article three,  
11 section one of our constitution must be amended  
12 to add the redistricting commission and to fully  
13 provide its powers authorization and set forth  
14 its funding.

15           For it to be truly independent, it has  
16 to be separately set up and independent of any  
17 existing branch of government. The constitution  
18 must also provide what role any commission must  
19 play in the inevitable and ensuing litigation  
20 over redistricting. Lastly, any independent  
21 commission should be comprised of an equal number  
22 of members from our two major political parties.

23           In conclusion, I believe that this task  
24 force holding this hearing should conduct

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2           redistricting this election cycle as required  
3           under the New York State law. I wish to thank  
4           the members for coming here today to Buffalo and  
5           listening to the members of our community, and I  
6           thank the task force for its time, and I wish it  
7           the best in its task of redistricting. Thank you  
8           very much.

9                   ASSEMBLY MEMBER MCENENY: Thank you. If  
10           we could just ask a couple of questions here now.  
11           Your county legislative districts were drawn by a  
12           federal judge. Is that for this fall?

13                   MR. COLOAIACOVO: Yes.

14                   ASSEMBLY MEMBER MCENENY: This fall's  
15           election. And when did you get the final  
16           boundaries from that federal judge?

17                   MR. COLOAIACOVO: They're still working  
18           out the meets and bounds of those legislative  
19           districts, but those districts were included, at  
20           least the rough shape of them, in the decision  
21           which I believe is about two to three weeks old.  
22           So now we have a downsized legislature here in  
23           Erie County where certain members of the  
24           legislature cannot run for reelection without

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2           having to uproot their families and move into  
3           specific legislative districts. But it's a  
4           process that's being placed on an expedited  
5           schedule, where the political parties, not the  
6           people, have an opportunity of identifying who  
7           those members will be on the ballot in in  
8           November.

9                        ASSEMBLY MEMBER MCENENY: Is the  
10           decision being appealed in the court system?

11                       MR. COLOAIACOVO: To my knowledge, no.

12                       ASSEMBLY MEMBER MCENENY: How did you  
13           handle the petitioning?

14                       MR. COLOAIACOVO: What is going to be  
15           the process is that the party chairman or their  
16           delegated executive committees will nominate  
17           certain candidates and those people will appear  
18           on the ballot in November. However, the judge in  
19           his decisions did allow people not nominated by  
20           their respective political parties to circulate  
21           independent designating petitions, and they could  
22           appear on a separate line in the fall.

23                       ASSEMBLY MEMBER MCENENY: So the  
24           parties, is there--what do you do about the

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2 primary in September?

3 MR. COLOAIACOVO: There will be no  
4 primary for the Erie County Legislature.

5 ASSEMBLY MEMBER MCENENY: So you  
6 eliminated the primary, you allowed the, the, the  
7 bosses of the party essentially to pick whomever  
8 they want to run.

9 MR. COLOAIACOVO: That was what the  
10 directive of the decision was, and then by the--

11 ASSEMBLY MEMBER MCENENY: And anybody  
12 else has to go out and get petitions?

13 MR. COLOAIACOVO: That is correct.

14 ASSEMBLY MEMBER MCENENY: How long do  
15 they have to get their petitions?

16 MR. COLOAIACOVO: I believe they have  
17 until sometime in September. The date, I'm not  
18 quite aware of, but, I believe it's middle of  
19 September.

20 ASSEMBLY MEMBER MCENENY: How has the  
21 Board of Elections done with drawing up election  
22 districts for people to go and cast their vote  
23 in?

24 MR. COLOAIACOVO: Well, as I said,

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2 they're still working out the meets and bounds of  
3 those districts, but as you can imagine, there  
4 has arisen a certain degree of confusion about  
5 that process.

6 ASSEMBLY MEMBER MCENENY: But they do  
7 have the meets and bounds of the actual county  
8 legislative district?

9 MR. COLOAIACOVO: I, I believe so, yes.  
10 Yeah.

11 ASSEMBLY MEMBER MCENENY: Yeah, they  
12 would have to. Okay. Senator?

13 SENATOR NOZZOLIO: Thank you very much.  
14 Thank you for your insights, and we need to  
15 further explore, for the record, exactly what was  
16 the experience here in Erie County. As I'm  
17 understanding you, that, there was less  
18 transparency, less opportunity for citizens to  
19 decide on the appropriate candidate of their  
20 choice, party decisions in terms of nominations,  
21 and as Assemblyman McEneny indicated, there is  
22 absolutely no process because of the court  
23 directive now to allow parties to decide through  
24 an open public process and election what the

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2 individual standard bearer for their particular  
3 parties will be. Is that not correct?

4 MR. COLOAIACOVO: Clearly this decision  
5 has taken away from the people their ability to  
6 have a voice in the redistricting process, and  
7 it's something that I hope that this state avoids  
8 because I don't believe that anyone here would  
9 want a federal judge arbitrarily setting  
10 districts that people are going to have to live  
11 with for the next ten years and beyond.

12 SENATOR NOZZOLIO: And I'm, for the  
13 record, shaking my head because as this is our--  
14 we're halfway through the hearing process, and  
15 there, I'm sure, will be people testifying today,  
16 telling us--as there have been at every hearing,  
17 on how they would rather see an independent  
18 process established now. Your comments are very  
19 telling in that if this was to be done, and you  
20 have no objection to this being done at the state  
21 level, as I understand it, but that the  
22 constitution requires certain changes before that  
23 could occur.

24 MR. COLOAIACOVO: Clearly what has been

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2 proposed runs afoul of the Constitution, and to  
3 implement it, certain requirements of the  
4 Constitution need to be amended, and I'm not  
5 quite sure if that can be done properly before  
6 the next election.

7 SENATOR NOZZOLIO: The--an inconvenient  
8 truth being the Constitution of the State of New  
9 York is something that even those with great  
10 intentions, and even those who seek reform must  
11 understand from my perspective that the  
12 Constitution needs to be dealt with in an  
13 appropriate way. Let, let me ask some of the  
14 results in terms of the process as a commission  
15 member. What was your biggest surprise in  
16 serving on the commission relative to the product  
17 produced by the communication?

18 MR. COLOAIACOVO: I, I think that the  
19 people that were selected, had very good  
20 intentions in reaching a product that they could  
21 present to the legislature and ultimately the  
22 county executive. But unfortunately, that  
23 process was hijacked by, a few ideological  
24 individuals who wanted to, in my opinion, corrupt

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2 the process for a political advantage, whereas I  
3 think many of us wanted to do what we could based  
4 upon the law. The law is a stubborn thing that  
5 we ultimately have to adhere to when creating  
6 these districts, but unfortunately I think one of  
7 the, the criticisms I have is the political  
8 nature that it took from the onset, and it made  
9 consensus building almost impossible.

10 SENATOR NOZZOLIO: One of the stories I  
11 read about relative to the size of districts,  
12 wasn't there one district created by the  
13 commission that was over 25% of the land mass of  
14 the county?

15 MR. COLOAIACOVO: No. The--what  
16 happened was that the plan that was proposed and  
17 ultimately ratified by the commission members was  
18 not approved by the legislature, but instead a  
19 democratic majority of the members of the Erie  
20 County Legislature created a district that  
21 spanned pretty much the east and southern  
22 portions of the county, which defied pretty much  
23 all logical expectations that one would have in  
24 redistricting. So that was, again, a consequence

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2 of our inability to arrive on a product that  
3 everybody could sign on to.

4 SENATOR NOZZOLIO: Well, thank you very  
5 much for your testimony. It--I must--I  
6 acknowledge the mayor of the City of Buffalo, a  
7 former colleague Senator--former--once a Senator,  
8 always a Senator. Senator Byron Brown, who's now  
9 mayor of this great city. Thank you, Mayor, for  
10 stopping by.

11 ASSEMBLY MEMBER MCENENY: Thank you.  
12 Other members, any comments or questions? I  
13 thank the--as one who got into elected office  
14 going against his party in a primary, I'm  
15 appalled at the idea that if this is dragged out,  
16 it could eliminate a primary entirely.

17 MR. COLOAIACOVO: That's one of the  
18 byproducts of this process here in Erie County,  
19 yes.

20 ASSEMBLY MEMBER MCENENY: And these  
21 party chair chairmen, chairwomen, they just  
22 select who's going to be running in which  
23 district, or do they have any rules or  
24 regulations as to--

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2 MR. COLOAIACOVO: The judge in his  
3 decision set forth that it's the chairmen of the-  
4 -of the parties, but some of the chairmen are  
5 delegating that responsibility to their executive  
6 committee to have it as open as you can under  
7 these circumstances.

8 ASSEMBLY MEMBER MCENENY: But not  
9 necessarily the full committee?

10 MR. COLOAIACOVO: Not to my knowledge,  
11 no.

12 ASSEMBLY MEMBER MCENENY: Hm. Other  
13 questions? Okay. Thank you. Thank you very  
14 much.

15 MR. COLOAIACOVO: Thank you.

16 ASSEMBLY MEMBER MCENENY: could we ask  
17 Cheryl Green, Former Erie County Attorney, to  
18 come forward? Welcome.

19 MS. CHERYL GREEN, FORMER ERIE COUNTY  
20 ATTORNEY: Good morning. My name is Cheryl  
21 Green, and I recently served as the Erie County  
22 Attorney Chief Legal Officer for the County of  
23 Erie until early last September when I left to go  
24 back into private practice at Lipus, Mathias,

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2 Wexler and Friedman. I want to thank all of you  
3 very much for holding this public hearing this  
4 morning, particularly here in Erie County and  
5 giving us the opportunity to talk to this task  
6 force.

7 This task force's commitment to holding  
8 public hearings across the state to ensure that  
9 many voices from different regions are heard  
10 during the redistricting process is greatly  
11 appreciated, and your willingness to hear from  
12 the public is particularly noteworthy when we all  
13 realize the very tight timeframes that you are  
14 facing. With the potential mandate from a  
15 federal judge to move New York's primaries to  
16 June starting in 2012, you really do have your  
17 work cut out for you.

18 Despite the tough timeframe, the task  
19 force knows what its obligations are under the  
20 law. It is, of course, to begin by concluding  
21 this round of hearings, to draft district lines  
22 for the entire state legislature and Congress, to  
23 hold another round of hearings, and then  
24 ultimately to make changes to the district lines

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2 as necessary. All this must take place before  
3 the Legislature makes the necessary vote on their  
4 proposed redistricting plan to meet the threshold  
5 at a late spring primary. I'm not sure how  
6 you're going to accomplish all of this. , it's a  
7 very tight timeframe, but I do want to let you  
8 know that the fact that you've started this  
9 process very early tells me that you take this  
10 challenge very seriously.

11 As you consider this work, I offer the  
12 following comments for consideration. It is my  
13 hope and certainly the hope of all of the tax  
14 payers in this community and across the state  
15 that the task force does its best to ensure that  
16 we have competitive districts for the state  
17 legislative and congressional seat after  
18 redistricting. Next, I believe that the current  
19 redistricting environment offers you a chance to  
20 fix a quagmire that currently exists, which pegs  
21 the size of the state senate at 62 members. I  
22 know that this issue has come up in the past, and  
23 I know that there are many people in New York  
24 State that agree that it should not remain an

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2 even number.

3           Instead, I believe tax payers would  
4 certainly be much better served if there were at  
5 least 63 seats or an odd number of seats in the  
6 state senate, ensuring that the body is never  
7 deadlocked again as it was a few years ago. New  
8 York's population has increased over the last ten  
9 years, and I understand that the state law does  
10 allow for the number of seats to be challenged  
11 and increased when the population changes.

12           I wish to strongly urge that our state  
13 legislature follow state law when it comes to  
14 drafting these new district lines for this cycle.  
15 This means that the task force should perform the  
16 work that it's called to do, and I strongly  
17 support a bipartisan redistricting process, and  
18 certainly when I look at this particular task  
19 force, there is no doubt that bipartisanship is  
20 first and foremost in everyone's mind.

21           While I support the concept of  
22 independent redistricting, I also believe that  
23 the independent commission can only be  
24 implemented by a constitutional amendment because

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2 the procedures for redistricting are clearly  
3 spelled out in the state constitution. Many,  
4 including myself, believe these procedures can  
5 only be overturned by changing or amending the  
6 state Constitution. Any change without following  
7 these constitutional procedures will certainly  
8 result in lawsuits, and this will delay the  
9 process and leave this process of redistricting  
10 to the courts much like it did here in Erie  
11 County.

12 Redistricting through litigation is the  
13 last thing that any of us should want. We are  
14 in--here in Erie County, as Mr. Coloaiacovo  
15 indicated, we recently witnessed the failure of  
16 the county legislature to draw its own lines, and  
17 because of the legislature's unwillingness to  
18 negotiate a fair downsizing and redistricting,  
19 this was left to a federal district judge to do  
20 himself. It's clear the tax payers never win in  
21 this particular situation when courts are forced  
22 to circumvent this political process because a  
23 legislative body is not permitted and allowed to  
24 do its job.

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2                   Finally, I referenced earlier the  
3                   potential mandate from the federal court to force  
4                   New York to move its primary election date up on  
5                   the, on the calendar. As the former legal  
6                   counsel here in Erie County, I'm very concerned  
7                   about this--the effect that this will have on  
8                   counties and local governments. This change will  
9                   likely require many new leases, polling places,  
10                  movements of polling places, the potential  
11                  increased costs, and many other forced changes,  
12                  much of which gets lost when people aren't  
13                  thinking about this process. I urge the members  
14                  of this honorable task force and your legislative  
15                  colleagues to take this decision out of a judge's  
16                  hand and instead make it yourself in consultation  
17                  with the counties of New York State. This will  
18                  ensure voters are not unnecessarily  
19                  inconvenienced, and confusion is capped at a  
20                  minimum. It is my belief that because of this  
21                  potential mandate hanging over all of our heads  
22                  and the time constraints that it creates, that it  
23                  requires all of us to complete the redistricting  
24                  process as outlined by the state Constitution

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2 without the changes advocated by others.

3 The plain fact is we simply do not have  
4 the time to reinvent the redistricting process if  
5 we hope to avoid the cost and uncertainty of  
6 litigation. I want to thank you again for your  
7 time, and I wish you much success in this  
8 challenge that's facing you.

9 ASSEMBLY MEMBER MCENENY: Thank you.  
10 Senator Dilan.

11 SENATOR DILAN: Good morning.

12 MS. GREEN: Good morning.

13 SENATOR DILAN: Okay, my colleague in,  
14 in, in the Senate refers to the state  
15 Constitution as the inconvenient truth. The  
16 Constitution of the state I guess inconveniently  
17 dictates that the formula for the state senate,  
18 indicates that it should be 62 members of the  
19 Senate. And I understand the point that of what  
20 we went through in 2009 with an even number, and  
21 an odd number would be preferable for the Senate.  
22 But if the state constitution dictates for 62,  
23 shouldn't we follow the Constitution?

24 MS. GREEN: No doubt the state

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2 Constitution needs to be followed by everyone.  
3 However, the state Constitution, at least with  
4 respect to the Senate, does allow for an  
5 alteration in the number, unlike the assembly.  
6 So it--very significantly, the Constitution  
7 itself does allow for a change from the number 62  
8 to an odd number.

9 SENATOR DILAN: But the inconvenient  
10 truth is that as the formula is now in the  
11 Constitution, it dictates that that number be 62.  
12 So based on the number of people we have in the  
13 state of New York, based on the census numbers  
14 that were released, it dictates that we are 62.  
15 So what would justify going to 63? You know,  
16 what are you basing that on?

17 MS. GREEN: Article 3, Section 3, the  
18 New York State Constitution ensures that the  
19 Senate has the ability, unlike the Assembly, to  
20 change its--to change its number.

21 SENATOR DILAN: That is correct. I  
22 agree with you there. I agree with you.

23 MS. GREEN: It does not--it does not set  
24 forth--it does not set for a specific--a very

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2 specific, clear number. So that's why this  
3 particular body, the legislative process, has the  
4 ability to change this. I would encourage  
5 anybody that has any questions about what the New  
6 York State constitution says and what it means is  
7 to take a look at Professor Gailey's [phonetic]  
8 book. This book is the preeminent authority on  
9 New York State Constitution.

10 SENATOR DILAN: But the Constitution is  
11 the Constitution.

12 MS. GREEN: That is correct.

13 SENATOR DILAN: And if the Constitution  
14 dictates that the formula is--would come out to  
15 62, then shouldn't we follow the Constitution if  
16 that's correct?

17 MS. GREEN: Certainly everyone needs to  
18 follow the state Constitution.

19 SENATOR DILAN: [interposing] Thank you.  
20 Thank you.

21 MS. GREEN: But given the changes in the  
22 state population, you could make the change at  
23 this point in time legislatively.

24 SENATOR NOZZOLIO: I think you said it

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2 very well counselor, that the constitution sets  
3 forth a framework, a formula, and that that  
4 formula then provides flexibility in enhancing  
5 numbers as certain other dynamics occur. Is that  
6 not correct?

7 MS. GREEN: That is absolutely correct.

8 SENATOR NOZZOLIO: And that-- I'd like to  
9 go to part of your testimony as your experienced  
10 county attorney. And I know that the county  
11 Board of Elections is a separate entity, but as  
12 County Attorney, I'm sure you had experience  
13 there. And you mentioned it in your testimony.  
14 I'm concerned because of the potential chaos that  
15 could be created by a process that establishes  
16 the lines in wake of a primary date change the  
17 chaos of time could be very costly particularly  
18 to a, a large county like Erie in meeting the  
19 mandate of changing all this process in a very  
20 short period of time. Would you elaborate on  
21 that part of your testimony?

22 MS. GREEN: Sure. I can tell you that  
23 as the county attorney, you're responsible for  
24 managing every contract relative to county

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2 government, including the Board of Elections.  
3 This includes coordination with many polling  
4 places throughout the county. Because Erie  
5 County is a very large county, I can tell you,  
6 you have, you know, insurance requirements and a  
7 tremendous amount of paperwork. The cost that's  
8 incurred to do this is tremendous. There's  
9 overtime that's paid to employees to try to  
10 implement this. There is mass chaos in trying to  
11 determine where the polling places will, in fact,  
12 be, and as, as I can elaborate on the testimony  
13 from my prior colleague, Mr. Coloaiacovo, you  
14 know, at this point in time, we really don't even  
15 know where the polling places are going to be for  
16 this election cycle. So the fact of the matter  
17 is that state, local and county government, it  
18 will cost us millions of tax payers' dollars if  
19 these changes are made very rapidly without a lot  
20 of thought given to it. It's just a tremendous  
21 amount of work from a contractual standpoint to  
22 manage this particular risk.

23 SENATOR NOZZOLIO: Assemblyman McEneny  
24 mentioned this earlier the perfect storm of 2012,

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2 with a changed primary date, a changed  
3 presidential primary date, all in a redistricting  
4 year. Do you have any idea of the potential  
5 costs that could occur two a county the size of  
6 Erie in doing all this this, this work in a very  
7 shortened period of time?

8 MS. GREEN: While I don't have the  
9 actual budget numbers in front of me, and I  
10 haven't run those calculations for this hearing,  
11 I can tell you, it's going to certainly be in  
12 excess of \$2 million just for this community  
13 alone. This is a poor community for the most  
14 part. We really need those resources for our  
15 roads and our bridges and our cultural. That is  
16 money that is money that is not well spent, in my  
17 opinion.

18 SENATOR NOZZOLIO: Thank you very, very  
19 much for your testimony.

20 MS. GREEN: Thank you.

21 SENATOR DILAN: I do have--I do have a  
22 follow up.

23 ASSEMBLY MEMBER MCENENY: Senator Dilan.

24 SENATOR DILAN: I want to really go back

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2 to the question of the size of the senate. You  
3 indicate that there's flexibility, but does  
4 flexibility, if that were the case, work either  
5 way, where it could be flexible that it could go  
6 to 61?

7 MS. GREEN: It most certainly does.  
8 There is flexibility either way under the state  
9 Constitution with respect to the size of the  
10 Senate based on population changes.

11 SENATOR DILAN: And we'll do some more  
12 research with respect to the actual formula and  
13 what it dictates, okay? Thank you.

14 MS. GREEN: You're welcome.

15 SENATOR DILAN: Thank you.

16 ASSEMBLY MEMBER MCENENY: Thank you very  
17 much for your testimony.

18 MS. GREEN: Thank you.

19 ASSEMBLY MEMBER MCENENY: Could we hear  
20 from Frederick A. Wolf, Esquire?

21 MR. FREDERICK A. WOLF, ESQ., DAMON

22 MORELY, LLP: I'm not as old as I walk, but I  
23 followed one of my kids down the ski slope - -,  
24 and put my one knee where God never intended it

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2 to be, so I hobble a little bit until I get it  
3 fixed.

4 ASSEMBLY MEMBER MCENENY: Welcome.

5 MR. WOLF: I--you're getting an overdose  
6 of lawyers here this morning because you heard  
7 from Emilio and then Cheryl Green, and I, too, am  
8 an attorney. The one advantage or disadvantage I  
9 have is I'm basically a municipal corporate  
10 securities lawyer. So I do not have the  
11 background of speaking in court every day, so if  
12 I babble a little bit, please feel free to  
13 interrupt me. I did prepare a written statement,  
14 which I have shared with the staff, and I assume  
15 is available to each member of the panel. I have  
16 practiced law in Western New York for almost 44  
17 years. I'm trying to slow down, but my wife told  
18 me that she married me forever and not for lunch.  
19 So she suggested that I keep going to the office.

20 For a portion of the last most recent  
21 six years, I, too, was the Erie County Attorney  
22 in Erie County. I had the luxury that Ms. Green  
23 doesn't have because financial times are a little  
24 better, and I had about twice the staff to do my

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2 work and make me look good than the current  
3 county attorney has. I've attached a short form  
4 of my bio that only lies a little bit, and I  
5 would like to--I would like to make a few  
6 comments to the task force, which hopefully will,  
7 be something that you will take into  
8 consideration, some of which will kind of  
9 duplicate the comments that were made by Cheryl  
10 Green and Emilio here earlier this morning.

11 First of all, I'd be remiss if I didn't  
12 welcome the members of the task force to Erie  
13 County, and thank you for giving the opportunity  
14 to me and others here at this hearing today to  
15 speak on this very important issue. I am here  
16 today to ask the task force to draft and approve  
17 a fair redistricting plan, one that will lead to  
18 competitive political campaigns across the state  
19 that will ensure that the voters will have a real  
20 choice on Election Day in 2012 for state  
21 legislature and congress. I realize that many  
22 legislators took part in a pledge last year with  
23 the former New York City mayor, Ed Koch, to  
24 support an independent redistricting commission.

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2 I believe that the state should move in  
3 this direction, but don't believe that they  
4 should move so quickly but do it slowly after  
5 giving a lot of thought and consideration to the  
6 various benefits of that commission.  
7 Consequently, I would ask this task force not to  
8 rush through the - - or anyone else in the  
9 legislature at this late date of new legislation  
10 to change an existing process that has already  
11 begun. For this current election cycle, I would  
12 propose that we keep this task force with its  
13 proven past record for doing a job in a manner,  
14 which is both fair and honorable for all the good  
15 citizens for the State of New York in place. I  
16 believe as many do, and as both the prior  
17 speakers indicated that an amendment to the New  
18 York State Constitution would be required to  
19 implement the changes in law necessary to create  
20 an independent redistricting communication.  
21 Along the lines that were proposed by former New  
22 York City mayor Koch. Since the state  
23 Constitution contains the actual text for the  
24 current redistricting process for New York State.

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2           This past March, the New York State Senate passed  
3           a bill to create an independent redistricting  
4           commission through an amendment to the New York  
5           State Constitution, which I believe is consistent  
6           with the legal requirement for creating such a  
7           commission.

8                         Consequently, I respectfully submit that  
9           the accusations by some in the media that the  
10          senators who voted for a necessary constitutional  
11          amendment to create an independent redistricting  
12          commission somehow violated the pledge they made  
13          to Mayor Koch are untrue and misleading. Since  
14          the passage of this legislation by the senators  
15          obviously fully and responsibly complied with  
16          that pledge. Further, I believe that the  
17          independent redistricting commission as now  
18          proposed by Governor Cuomo is not on its face  
19          nonpartisan, and as currently structured, has the  
20          potential to do tremendous damage over the long  
21          run to each--and I emphasize each of the two  
22          major political parties because the majorities  
23          swing back and forth. So one does not know what  
24          the future holds.

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2           The state Constitution has mandated for  
3 decades that redistricting should be performed by  
4 the state legislature, and the bill now proposed  
5 by Governor Cuomo to change that process would be  
6 a clear and arguable violation of the checks and  
7 balances constitutionally proposed to preserve  
8 and perpetuate the existing separation of powers  
9 between the legislative and executive branches of  
10 our state government.

11           As proposed in Governor Cuomo's bill,  
12 the governor would play too large an independent  
13 role in the redistricting process, since the  
14 governor's bill gives him as many appointees to  
15 the key nominating committee for the independent  
16 redistricting commission as both houses of the  
17 legislature combined. That being said, at least  
18 for now, at this very late date, as number of  
19 people have suggested at this hearing this  
20 morning, the governor's only role in the current  
21 redistricting process should continue to be, as  
22 it has been for many decades in the past, to  
23 either sign or veto the final redistricting plan  
24 after it has been passed by our full state

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2 legislature.

3 In short, I support the idea of an  
4 independent redistricting commission, carefully  
5 created after much thought and input by all  
6 interested persons and parties in a manner  
7 consistent with our state Constitution, provided  
8 that the composition of such a commission is fair  
9 to both of our major political parties and the  
10 citizens of this fine state, which I believe is  
11 also a concept embraced by the members of this  
12 task force.

13 That completes my public comments, and I  
14 want to thank you for permitting me to address  
15 the task force this morning, gentlemen and lady,  
16 and I appreciate the fine work that all of you  
17 are doing for the citizens for the State of New  
18 York.

19 ASSEMBLY MEMBER MCENENY: Thank you very  
20 much. I heard at the beginning of your statement  
21 the desirability of having competitive districts.  
22 And I would point out that some districts will  
23 wind up heavily in favor of one party just as  
24 some regions of the state are, or another party.

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2 Personally, I've participated in four primaries.  
3 Three out of four of them not having the backing  
4 of my political party. That competition, if it  
5 doesn't show up in the general election, there's  
6 a safeguard that it shows up in the primary  
7 election. And I was very concerned when I heard,  
8 as I agree with you, it's critical that the  
9 voters have a choice and that the grassroots can  
10 be heard. I was very concerned when I learned  
11 that there would be no primary for the Erie  
12 County legislature. The primary is one of the  
13 great reforms which New York State has had now  
14 for about a century.

15 Do you see, as a--as an attorney and  
16 former County Attorney, do you see any scenario  
17 that if this was dragged out with a veto, a  
18 possible override going into the courts, that we  
19 could wind up without a primary in New York  
20 State?

21 MR. WOLF: I think definitely that might  
22 be the case. It appears from the prior testimony  
23 that the federal district court judge has already  
24 waived the primary. I think you're between a

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2 rock and a hard spot with the time that's  
3 involved. There's not time to appeal that to the  
4 second circuit, the federal courts in New York  
5 City. And probably the parties, as I understand  
6 it, at least the major parties, will live with  
7 that decision, at least at our end of the state.

8 I concur with your comments. My older  
9 brother, who unfortunately passed away at a  
10 fairly young age because of some unfortunate  
11 health problems was primaried to become the  
12 youngest elected Supreme Court judge in New York  
13 State at the age of 37 some years back. And the  
14 primary is, I think, part of the American Dream.  
15 I don't think that politics should be a true  
16 indicator of who's going to hold the seat. The  
17 political bosses, if you will, and maybe that's a  
18 poor choice of words. The political parties.  
19 And that anyone who is qualified under the  
20 Constitution should have a change to be heard by  
21 the voters to decide who in fact would do the  
22 best job for their respective interests. So I'm  
23 100% behind where you're going, and whatever  
24 happens this time, I don't think will happen

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2 again.

3 And you may be forced to just sit back  
4 and watch it happen simply because, as you point  
5 out, the schedule, the time schedule, is so  
6 condensed. To live up to the absentee ballot  
7 requirements and everything else of the Justice  
8 Department, I'm not sure what would happen if you  
9 tried to take this to the next step and appeal  
10 the judge's decision or someone did.

11 ASSEMBLY MEMBER MCENENY: Thank you.

12 Senator?

13 SENATOR NOZZOLIO: Thank you,  
14 Assemblyman. Thank you very much for your  
15 testimony.

16 MR. WOLF: You're quite welcome.

17 SENATOR NOZZOLIO: And I'd like to follow  
18 up on a question that I asked, Counselor Green,  
19 former county attorney Green, on the issue of the  
20 county having to deal with all this at once. By  
21 this I mean a moved-up expedited primary process,  
22 a presidential primary a redistricting year for  
23 congress, New York State senate and New York  
24 State assembly. In putting together the

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2 appropriate polling places, the logistics  
3 necessary to make the election process happen. ,  
4 we understand there will be some cost, but  
5 because of the expedited nature and all these  
6 layers of, of challenge what is your opinion of  
7 the potential chaos that could be created?

8 MR. WOLF: I think I concur with Ms.  
9 Green, that not only--just the implementation of  
10 a program and a plan that's acceptable at the  
11 Board of Elections where there's one Democratic  
12 commissioner and one Republican commissioner, and  
13 then locating the actual polling places and  
14 hiring the people. I could see this costing  
15 easily a couple million dollars, and as many of  
16 you probably know, this county, until very  
17 recently, was a hard control board, the Erie  
18 County Fiscal Stability Authority, and through  
19 the good services of our count executive and the  
20 hard work of people on both sides of the county  
21 legislature, the county has managed to come back  
22 into the black has created a kind of a model  
23 template for other counties, I believe, and now  
24 has a surplus. So we're functioning with a soft

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2 control board. But these are still difficult  
3 times, as Cheryl Green pointed out. Our  
4 unemployment is high. We had a lot of the old  
5 rust belt industries here, and a lot of people--  
6 young people can't get jobs. I have six sons.  
7 My wife and I have six sons, for which I have  
8 paid dearly for 40 years of education, which is a  
9 good thing. The bad thing is four of the six are  
10 out of town, and the fifth is packing his bags.  
11 They're in Denver. They're in Virginia, they're  
12 in Seattle.

13 We have to collectively, all get on  
14 board with the program as part of the  
15 redistricting and representations that takes care  
16 of all the people of the State of New York. I  
17 want to make one quick comment because I may have  
18 been misunderstood. I wasn't suggesting that  
19 there be competitive. All the races have to be  
20 competitive. I just think that the redistricting  
21 plan that's ultimately adopted should create a  
22 competitive environment across the board. I  
23 mean, some, some districts, you know, may be more  
24 favoring one side of the aisle and one on the

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2 other side. But you have to have a  
3 reapportionment or redistricting plan that will  
4 support and give people a fair chance, and, and,  
5 and regardless of their political affiliations  
6 and their thought process. You can't have it  
7 weighted too heavily on part of one political  
8 party or the other in each district. That was my  
9 comment.

10 SENATOR NOZZOLIO: We appreciate that. I  
11 think the, the question I want to come back to,  
12 though, is--

13 MR. WOLF: It's chaotic.

14 SENATOR NOZZOLIO: Is the \$2 million  
15 estimated unfunded mandate from the state because  
16 this process isn't completed in time for the  
17 counties to appropriately react. Would you  
18 further analyze that for us?

19 MR. WOLF: Well, I mean, the county has  
20 a budget as the state does. It's an aligned  
21 budget. The Board of Elections has a budget.  
22 There are provisions. It's a charter form of  
23 government for, for the legislature in  
24 cooperation with the county executive to move

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2 money around. But I think in these tight times,  
3 I'm sure the budget of the Board of Elections, if  
4 you had one of the commissioners here, they would  
5 tell you it's pretty tight. And if this was not  
6 an anticipated--I'm not sure it is an anticipated  
7 act. I sat as County Attorney when they  
8 reapportioned the county the last time, you know,  
9 in 2000, and we went to the federal courts as  
10 well but nobody came up with something that said,  
11 we're not going to have a primary. We got out in  
12 front of it, and we got a consensus on both side  
13 of the legislature of what, what the lines would  
14 be.

15 I think \$2 million is not an  
16 underestimate, and I think that the money is hard  
17 to come by but obviously people will do what has  
18 to be done. We do have a surplus, but that  
19 doesn't mean we should waste it, and I think  
20 logic would dictate that you try to put this  
21 thing together and put it to bed and not change  
22 past practices and, and--[Laughter]--which I  
23 think would be really chaotic to even talk about  
24 at this stage of the game. And people are going

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2 to talk about an independent commission later on  
3 after this go around or election cycle. Let them  
4 talk about it and do it after careful  
5 consideration, so--

6 SENATOR NOZZOLIO: Thank you very, very  
7 much. Any other questions? Thank you.

8 MR. WOLF: Thank you. Appreciate your  
9 time.

10 ASSEMBLY MEMBER MCENENY: Joan Parks?  
11 Joan Parks? Monica Miranda? Oh, Joan. Ms.  
12 Parks, thank you. Good morning. And welcome,  
13 and would you please be so kind as to state your  
14 name, where you're from and whatever organization  
15 you represent as well?

16 MS. JOAN PARKS, PRESIDENT, LEAGUE OF  
17 WOMEN VOTERS - BUFFALO AND NIAGARA: Okay. Good,  
18 good morning to all the members of LATFOR. My  
19 name is Joan Terry Parks, and I am the president  
20 of the League of Women Voters of Buffalo Niagara.  
21 The league is a nonpartisan organization which  
22 encourages informed and active involvement in  
23 government and influences public policy through  
24 education and advocacy. We are also members of a

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2 state-wide coalition dedicated to reforming New  
3 York's redistricting process, reshape New York,  
4 which consists of 35 organizations, including  
5 civic groups, issue advocacy groups, unions and  
6 business organizations. Let me tell you about  
7 our league's experience this year as our county  
8 legislature was reapportioned. Our League  
9 members attended every meeting and hearing to  
10 monitor and evaluate the reapportionment,  
11 reapportionment process in Erie County. The  
12 process failed when a gerrymandered plan approved  
13 by commission members of one political party was  
14 defeated by another gerrymandered plan created  
15 and approved by the opposing party in the  
16 legislature, which in turn was vetoed by the  
17 county executive. The veto was not overruled,  
18 and as you've been told, a federal judge decided  
19 Erie County reapportionment.

20 Representative government and the voters  
21 have not been well-served. The task to create  
22 new districts is a daunting one, as you know and  
23 as has been stated eloquently by people before  
24 me. Therefore, we appreciate the opportunity

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2 that today's hearing provides to comment on the  
3 redistricting process. We believe New Yorkers  
4 want an independent commission, not LATFOR, to  
5 draw state legislative and congressional district  
6 boundaries according to fair and objective  
7 criteria while allowing for public input in the  
8 process. An independent commission, drawing  
9 impartial district lines, would maintain the  
10 legislature's ability to give input in the plan,  
11 and ultimately to pass the legislation in  
12 accordance with the state constitution. Voters  
13 across all parties believe an independent body  
14 should draw the lines. The governor has proposed  
15 legislation to form an independent commission.

16 In addition, 61 out of 62 senators and  
17 123 out of 150 assembly members have either  
18 signed on to his legislation or legislation  
19 proposed in their respective houses, or otherwise  
20 publically supported reforming the redistricting  
21 process. We believe that the redistricting  
22 process under the new independent commission  
23 would be transparent in all respects, both  
24 through multiple public hearings throughout the

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2 state, and by using technology to have students  
3 participate at all stages of the process. All  
4 data on which the commission relies should be  
5 available to the public both in writing and  
6 electronically, including all draft and proposed  
7 final maps of districts, criteria used to  
8 generate each draft, and proposed final map of  
9 districts, software used to generate each draft,  
10 and final proposed map of district and proposed  
11 plans.

12 A key element of reforming the  
13 redistricting process is limiting the allowable  
14 population difference between legislative  
15 districts that in the past has created districts  
16 in New York State that vary widely in population  
17 size thereby favoring one region over another.  
18 The current redistricting process has also  
19 historically protected incumbents. In the 2010  
20 election, New York State had one of the lowest  
21 rates of voter participation in the nation,  
22 coming in 47th of the states. This is no  
23 surprise. Why should people vote if they face no  
24 real choice in candidates?

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2           The League believes it imperative that  
3           an independent redistricting process be adopted  
4           so people, not partisan interests, are protected.  
5           Ignoring the public will and continuing with  
6           LATFOR proceedings, the only legally-mandated  
7           process at this time will end in Governor Cuomo  
8           vetoing the very lines it draws, making the  
9           entire process a waste of time. Legislators  
10          should return to Albany during a--during a  
11          special legislative session to end partisan  
12          gerrymandering and enact redistricting reform by  
13          handing the power to an independent commission to  
14          draw--to draw impartial legislative and  
15          congressional lines.

16                 New Yorkers cannot wait another ten  
17          years for reform.

18                 SENATOR NOZZOLIO: Thank you very much.  
19          Any questions from members of the panel? I have  
20          a question. Will the League of Women Voters be  
21          submitting any plans of legislative lines for  
22          Western New York?

23                 MS. PARKS: At this time, we don't have  
24          any Western New York plans. We have a committee

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2 that has been working on redistricting and is  
3 thinking about the possibility of trying to do  
4 such a thing. I can't give you a definitive  
5 answer.

6 SENATOR NOZZOLIO: Again, your, your  
7 plans and everyone's plans are welcome to the  
8 task force, and please extend this invitation to  
9 all members of the League that if they have any  
10 individual or collective concerns regarding  
11 communities of interest or the process in general  
12 please contact the task force.

13 MS. PARKS: Thank you very much, and I  
14 had made note of that earlier when you said it.  
15 I thought--thank you very much, and we will do  
16 that.

17 SENATOR NOZZOLIO: Thank you very much.  
18 Monica Miranda? Monica Miranda? Fanny Vilerio  
19 [phonetic]? Fanny Vilerio? Assemblyman Andrew  
20 Goodell? Morning, Assemblyman.

21 ASSEMBLY MEMBER ANDREW GOODELL, 150TH  
22 DISTRICT: Good morning. Thank you very much for  
23 allowing me to testify in front of you. I do  
24 have an interest in how this reapportionment

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2 proceeds, but first and foremost, I wanted to  
3 thank each of the members of the task force for a  
4 very difficult, challenging and likely thankless  
5 task. I am deeply ingreted--indebted to your  
6 efforts and deeply thankful that I'm not on your  
7 task force. I represent the 150th District. The  
8 reapportionment process for the 150th is made  
9 easier by the fact that the 150th is bounded on  
10 the south by Pennsylvania, the west by  
11 Pennsylvania, the north by Lake Erie. I,  
12 currently this District is currently about 7,600  
13 residents short of the optimal level, which only  
14 leaves you one choice in terms of adjusting the  
15 size of the district, which is to move toward the  
16 east.

17 I have provided you each with a map with  
18 my recommendations. You'll be pleased to see  
19 that it is one of the cleanest boundaries that  
20 you can possibly recommend, and I would want to  
21 spend just a moment explaining why I make these  
22 recommendations. I recommend that you add to the  
23 150th District the towns of Charlotte, Garry and  
24 Carroll. Garry and Charlotte, the towns of Garry

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2 and Charlotte are currently right on the main  
3 north-south route between our two population  
4 centers, Jamison [phonetic] and Dunkirk. And as  
5 a result, all the residents in Garry and  
6 Charlotte are directly tied into the rest of the  
7 district. By contrast, you'll see that I  
8 recommend that you leave Villanova, Cherry Creek,  
9 Ellington and Poland with 149th. Villanova,  
10 Cherry Creek and Ellington are actually more  
11 closely tied into Cattaraugus County and their  
12 adjoining townships in fact share a common school  
13 district. The Pine Valley Central School  
14 District crosses the county boundary and includes  
15 most of Villanova, Cherry Creek and Ellington  
16 along with the neighboring towns of South Dayton,  
17 Leon and Conewango.

18 Also, those three townships have a lot  
19 more in common with the next largest population  
20 center in that area, which is Gwando [phonetic],  
21 which is in the 149th. I recommend that you move  
22 Carroll into the 150th primarily because Carroll  
23 serves, in many respects, as a suburb of  
24 Jamestown and is very closely tied in with

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2 Jamestown. It has virtually no connections with  
3 its neighboring town of South Valley.

4 I'd love to pick up Poland, but the  
5 numbers just don't work. And so you can see my  
6 recommendations. I think they're very straight  
7 forward, and it might be one of the easier  
8 districts to work on because of the geographic  
9 limitations on what you can do anyway. One other  
10 point that I'd like to make, which is very, very  
11 important to Chautauqua County. For many, many  
12 decades, Chautauqua County was in the same  
13 congressional district as the rest of the  
14 southern tier including Cattaraugus, Allegany,  
15 Steuben and those counties along the southern  
16 tier border. And with good reason.

17 Chautauqua County shares the same type  
18 of economy, the same demographics, the same type  
19 of income levels. We have a lot of connections.  
20 For example, our tourism marketing program is a  
21 three-county program involving Chautauqua,  
22 Cattaraugus and Allegany. Many of our school  
23 districts compete because they are the same size  
24 with neighboring school districts in Cattaraugus

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2 and Allegany County. Although we border Erie  
3 County, our demographics are dramatically  
4 different. Erie County of course is much more  
5 urban, which is probably why you decided to have  
6 this meeting here rather than in Chautauqua  
7 County, although you're always welcome to come  
8 down and visit us.

9 We were always part of the southern tier  
10 until the last reapportionment ten years ago.  
11 While part of the southern tier, we've been ably  
12 represented by both Republicans and Democrats.  
13 In fact, this was the congressional district in  
14 which Stan Lundine represented as a congressman  
15 before becoming Lieutenant Governor under  
16 Governor Cuomo. So we urge you to consider  
17 reconnecting Chautauqua County with the southern  
18 tier. The entire southern tier is connected not  
19 only on a demographic basis, but on a  
20 transportation basis with interstate 86 now  
21 making it slightly--well, the time it takes me to  
22 get to Buffalo is about the same time it takes me  
23 to get past Bath, halfway between Bath and  
24 Corning, and that's even going the speed limit.

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2 So when you look at the demographics and the  
3 characteristics, I really hope that you put us  
4 back in with the southern tier.

5 Again, thank you so much for your work,  
6 and I am so thankful that I am not on your  
7 committee, and so thankful for the work that  
8 you're doing.

9 [Laughter]

10 ASSEMBLY MEMBER MCENENY: Thank you  
11 thank you Assemblyman. Sorry I had to meet  
12 somebody up there briefly but--

13 ASSEMBLY MEMBER GOODELL: Well,  
14 Assemblyman, you can take a look at the map.  
15 That's worth 1,000 words.

16 ASSEMBLY MEMBER MCENENY: When you add  
17 up those counties along the southern tier, do you  
18 go all the way to Binghamton?

19 ASSEMBLY MEMBER GOODELL: No.

20 ASSEMBLY MEMBER MCENENY: You know what  
21 the new magic number is for the United States  
22 Congress?

23 ASSEMBLY MEMBER GOODELL: I don't.

24 ASSEMBLY MEMBER MCENENY: Well, it used

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2 to be about 650, 660, something like that. New  
3 York State grew by 400,000 people, but we didn't  
4 grow as fast as other areas of the country. So  
5 since the congress hasn't changed its size since  
6 1912, it means that the same number of members of  
7 congress, 435, have to accommodate a population  
8 that is more than double what it was in 1912.  
9 And for those who are nitpicking when they put in  
10 Alaska and Hawaii, they just put them in for--  
11 till the next redistricting and dropped the  
12 number back down to that 435 number.

13 So instead of 660,000 people in a  
14 congressional district, you're talking 717,707.  
15 It's an easy number to remember with all those  
16 sevens, but very difficult, especially for  
17 constituent services. We wish it were different,  
18 but it's not. Of the 29 districts that are  
19 currently in the state, there is not one that  
20 meets the requirement of having that many, even  
21 on Eastern Long Island, which does have quite a  
22 bit of growth. There isn't one of them that hit  
23 the 717,707. So I think I haven't done it yet.  
24 I don't know if other members have here yet, but

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2 when you start adding those counties, you're  
3 going to go a lot further east than Bath, New  
4 York.

5 ASSEMBLY MEMBER GOODELL: Well, right,  
6 right now, the 29th Congressional District  
7 includes Chemong and Schuyler, so it takes you to  
8 Elmira, basically. And that's the edge. Right  
9 now, the 29th Congressional District has 654,  
10 residents. Chautauqua County has about 134, I  
11 believe, thousand. So if we're add to the  
12 southern tier, as I recommend, most likely that  
13 would free up some of the northern counties that  
14 are currently in the 29th Congressional District,  
15 such as you know, right now it includes Ontario  
16 and parts of Monroe. So those counties would be  
17 freed up and that makes sense because Monroe  
18 County and Ontario County, which includes  
19 Syracuse and Rochester, again, have a very  
20 different demographic characteristics than the  
21 rest of the southern tier, which is predominantly  
22 rural.

23 And agricultural. So we think it can  
24 make that part of the equation easier. , if that

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2           were the case, I would anticipate that the 29th  
3           Congressional District would still probably  
4           include Chemung, and the distance across the  
5           Congressional District from Jamestown to Elmira  
6           is, about two-and-a-quarter hours.

7                        ASSEMBLY MEMBER MCENENY:   Yeah, the  
8           problem in these--and these hearings, by the way,  
9           have been very useful, very enlightening, I know,  
10          to me and to the other members here.  What we  
11          hear again and again is don't break our city up.  
12          And there's one town that has three Congressional  
13          Districts, and I said to the town supervisor,  
14          isn't it nice to have three voices in Congress?  
15          No, just one.  It's a lot easier to deal with.

16                       But the more we compact urban districts  
17          in upstate New York, the more you leave rural  
18          districts out in the cold, and then you wind up  
19          with these enormous congressional districts that  
20          just go on, I'm thinking of the one and for  
21          people who like competitive, it went from Sweeny  
22          [phonetic] to Gilabran [phonetic] to Murphy to  
23          Gibson.  So it went Republican, Democrat,  
24          Democrat, Republican.  And there's other

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2 districts where there's been a lot of competition  
3 and change, but that district is almost  
4 impossible to work on a constituent point of view  
5 because it's ten counties, which goes from Lake  
6 Placid in the Adirondacks, wraps around the back  
7 of Troy, goes down to Hyde Park, runs over 20  
8 miles from Binghamton or closer, and includes the  
9 towns next to Cooperstown. It's a big backwards  
10 letter C.

11 So one of the things that does--that we  
12 do--we've certainly not made any decisions, is  
13 when you make nice, neat, compact districts, as  
14 we're obliged to do, you wind up with an enormous  
15 none of the above, which becomes very difficult  
16 in terms of representation. Forget election.  
17 It's representation day-to-day.

18 ASSEMBLY MEMBER GOODELL: Well, and if,  
19 you follow my recommendation and put Chautauqua  
20 County back into the southern tier, and we were  
21 in the southern tier for the better part of a  
22 century. , those distances because of Interstate  
23 86 are much, much more manageable now. And of  
24 course I'm personally familiar with it because I

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2 make that trip twice weekly while we're in  
3 session.

4 ASSEMBLY MEMBER MCENENY: Yes.

5 ASSEMBLY MEMBER GOODELL: And if you  
6 look at the representation that we've  
7 historically had in the southern tier, you've had  
8 a couple of congressmen from Chautauqua County  
9 Stan Lundine and my uncle back in the '60s.  
10 You've had Congressman Holton who ably  
11 represented us from Corning, and I believe the  
12 current congressman is from Corning. And you've  
13 had, Congressman Hastings who is from - - in  
14 Cattaraugus County. So the district, the  
15 components of the district, the counties are  
16 relatively comparable size, which opens the  
17 entire district to representation throughout the  
18 district.

19 And we've had high quality  
20 representation with a high quality of visibility  
21 from all of our representatives going back 60, 70  
22 years. And I'm confident that that proposal  
23 would work and would actually be well-received,  
24 not only by the residents in Chautauqua, but the

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2 other residents in the southern tier. That also  
3 frees up your ability to make a more compact  
4 urban district in Monroe or in, - - counties,  
5 which of course will be a challenge as you move  
6 forward.

7 ASSEMBLY MEMBER MCENENY: Hm. The one  
8 map that nobody has given us, which might be  
9 helpful, would be a media map, media circulation  
10 map because that--you know, we hear a lot about  
11 competition, which means entertainment during  
12 October, but there's those two years of governing  
13 that we want to hear about when you're trying to  
14 relate to your constituents to find out their  
15 needs, and if you've got ten counties and 17  
16 newspapers, as is in the case of Gibson's  
17 district, for example, it becomes very difficult  
18 to do your job day-to-day. It's tough on the  
19 staff. You never have enough offices because  
20 we're all cutting down on the cost of, of  
21 government.

22 ASSEMBLY MEMBER GOODELL: That's a great  
23 point. Right now--

24 ASSEMBLY MEMBER MCENENY: [interposing]

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2 Nobody's--somebody's out there listening. Give  
3 us a media map because that's how people  
4 communicate, and you mentioned something, Andy,  
5 which I appreciated. There's a highway, and that  
6 highway brings people together. They go up and  
7 down. People with a business, they want to  
8 expand, they go further up the same highway, and  
9 so you have a true communication and social  
10 intercourse going on there for business. And,  
11 and social life, political life, if you will.  
12 And, sometimes the square on the map may reflect  
13 two or three different areas, but the, the one  
14 that looks long and skinny actually has a  
15 community of interest. We wrestle with it. We  
16 don't have the - - .

17 ASSEMBLY MEMBER GOODELL: [interposing]  
18 Your point on media, I thought, was also well  
19 taken. In the current congressional district,  
20 you have Erie and Chautauqua. There's a little  
21 bit of overlap in media market in the north part  
22 of Chautauqua with the Erie media market, but by  
23 and large Chautauqua County is in a separate  
24 media market completely from Erie County. The

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2 Buffalo news has a little bit of overlap. The  
3 news--the, TV stations out of Buffalo have now  
4 been, by and large, relegated to second status in  
5 Chautauqua County because of the advent of cable  
6 TV and dish network.

7 And don't play the role that they, they  
8 once played. The major media outlets in  
9 Chautauqua County are very local. Low-powered  
10 radio stations and two local newspapers that are  
11 jointly owned. That characteristic is common  
12 throughout the southern tier. So the southern  
13 tier is not really in the Buffalo market, nor in  
14 the Syracuse market or really in the Rochester  
15 market. They're much more localized, much more  
16 cable TV, and much more localized, low-power  
17 radio stations.

18 ASSEMBLY MEMBER MCENENY: Well, I don't  
19 know how we're going to handle this, Andy, but  
20 we'll promise you not to put you in Pennsylvania.

21 ASSEMBLY MEMBER GOODELL: [Laughter]  
22 Well, some of my residents might prefer that, but  
23 in the meantime I appreciate your consideration  
24 for our suggestions.

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2 ASSEMBLY MEMBER MCENENY: All right.

3 Thank you. Let me put in a word for newspapers  
4 because I know there's a lot of people who say,  
5 who reads newspapers anymore. If you're looking  
6 at politics or business, every news director of  
7 every TV and radio before he has his cup of  
8 coffee, there's a newspaper on his desk. That's  
9 where they make up their assignments from, and  
10 that's why media market is important if you're  
11 trying to communicate with your constituents.  
12 And members of the panel, anyone else? Yes, Bob  
13 Oaks.

14 ASSEMBLY MEMBER OAKS: Just a couple  
15 comments, observations. First of all, thank you  
16 very much for being--giving something specific to  
17 the task force. We appreciate when people are  
18 engaged from that standpoint and make proposals.  
19 Obviously as you mentioned, the Assembly one is  
20 you are more in a vacuum than the rest because  
21 you are bordered in three ways, so you can only  
22 go one way pretty much to expand your district,  
23 which makes your proposal even more helpful than  
24 others. But the thing, I guess, I would say that

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2 I most appreciate is picking out the communities  
3 of interest or the school districts to say  
4 rationale why these towns are not those towns.  
5 To have that on the record and have that a part  
6 of it is exactly what we're looking for. And so  
7 thank you for doing that.

8 And on the congressional side, just as a  
9 note for our challenge in, in response to you. I  
10 think if you go from Cattaraugus all the way to  
11 Broome my information that I have is that's  
12 around 704 or 5,000. It would have to be east of  
13 Binghamton to be able to get in a congressional  
14 seat. And so the balance we have is making a  
15 neat, southern tier district probably isn't going  
16 to happen, even if the most you know, genius  
17 minds. It's going to have to go north or further  
18 east, so there are going to be some people out of  
19 media markets, out of common interest. Maybe you  
20 could keep it along 86, as you say, but even in  
21 the best case scenario, it's going to be  
22 difficult to, to draw those seats, and obviously  
23 as you know, we're, we're having to shrink the  
24 entire delegation by two.

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2           So but again, I just say thank you again  
3           for the perspective that you've given, and we  
4           hope that others will bring that as well.

5           ASSEMBLY MEMBER GOODELL: Thank you,  
6           Assemblyman. I will point out before I came  
7           here, I did place a courtesy call to Assemblyman  
8           Joe Giglio, whom I have tremendous respect for,  
9           who is in the 149th district because my  
10          recommendation is that you take three towns from  
11          his district and put it in mine. And Assemblyman  
12          Giglio was very, very helpful to me in also  
13          identifying the commonality of interest in the  
14          towns that I recommend stay in the 149th because  
15          of the economic and social connections that hold  
16          them together.

17          With regard to the congressional  
18          district, right now, the 29th Congressional  
19          District has 654,000. So it's roughly 53,000  
20          short of where you need to be. If you add  
21          Chautauqua County, you'll be over that number  
22          because Chautauqua County has 134,000, which  
23          means that you could keep the easterly bounds of  
24          the 29th Congressional District and drop some of

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2 the northerly portions of Yates or Monroe or  
3 Anandaigua [phonetic]. So in that regard, you  
4 could have a more compact southern tier district,  
5 actually, in terms of geographic location and  
6 free up some of the counties along the north if  
7 that's helpful for you in addressing how to  
8 reapportion around Anandaigua, Syracuse and  
9 Rochester. So again, thank you so much for  
10 allowing me.

11 ASSEMBLY MEMBER MCENENY: Thanks very  
12 much. We appreciate that. If you'd submit a map  
13 to us at some point, that would be helpful, too.

14 ASSEMBLY MEMBER GOODELL: Thank you.

15 ASSEMBLY MEMBER MCENENY: Thank you.

16 Supervisor Mary Holt? Welcome.

17 MS. MARY HOLT, SUPERVISOR, TOWN OF  
18 CHEEKTOWAGA: excuse me, I have a little bit of a  
19 bronchial problem that I've had for a couple of  
20 weeks, but I'm Mary Holtz. I'm the Town of  
21 Cheektowaga's supervisor. I represent one of the  
22 largest towns in western New York. I'm not going  
23 to read all this. This talks about  
24 gerrymandering. I just wanted to talk to you as

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2 a first wing suburb and the importance of our  
3 representation in western New York. It's  
4 important that we are represented fully and  
5 continue our representation, especially our  
6 congressional districts. We have three  
7 congressional representatives here in Western New  
8 York that strongly represent our needs in the  
9 Towns of Cheektowaga and the City of Buffalo. So  
10 I'm here strongly to advocate to keep our  
11 districts and keep our communities in the central  
12 locations and the central areas that represent  
13 our diversity as well as the needs of the entire  
14 Western New York and the, this part of the  
15 community's needs and desires.

16 And that's basically what I'm here to  
17 represent that and to request that from all of  
18 you. I'll keep it short and sweet because I know  
19 you have a lot of people.

20 ASSEMBLY MEMBER MCENENY: Well, thank  
21 you, and we also have a much larger, more  
22 complete statement, and we appreciate your  
23 submitting it.

24 MS. HOLT: Yes, but I just wanted to

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2 represent our community and let you know that the  
3 suburbs also exist and let you know that we're  
4 very much in favor of you working together with  
5 us. And I appreciate your time.

6 ASSEMBLY MEMBER MCENENY: Thank you very  
7 much. Bill Mahoney of NYPIRG?

8 MR. BILL MAHONEY, NYPIRG: Good morning.

9 ASSEMBLY MEMBER MCENENY: Bill.

10 MR. MAHONEY: My name is--my name is  
11 Bill Mahoney with the New York Public Interest  
12 Research Group. As you know, we spoke a month  
13 ago in Syracuse, and I am here today to address  
14 some of the concerns that have been raised about  
15 independent redistricting over the course of the  
16 past month through the various other hearings  
17 you've held upstate. First off, I would like to  
18 address the constitutionality of a bill creating  
19 an independent commission. A couple people  
20 testified earlier today that they were concerned  
21 about legal challenges to a bill because this  
22 would effectively be the state legislature  
23 handing off some of its constitutional authority  
24 to a commission.

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2 I would just like to point out that this  
3 practice happens all the time. I've heard from  
4 one person that there's 15 similar commissions  
5 created each year that handle tasks that are  
6 assigned by the constitution to the state  
7 legislature. Most recently, we've got the  
8 mandate relief task force and even the--even  
9 LATFOR which you're serving on today is a similar  
10 process, even though the government doesn't have  
11 appointment to this commission. The state  
12 legislature still in the end will need to approve  
13 any lines that you recommend, which will be the  
14 case with an independent commission.

15 Also, I would like to speak to the issue  
16 of timing, which has also come up today. I note--  
17 I acknowledge that the deadline for drawing the  
18 lines is rapidly approaching, and we would have  
19 ideally liked to see a separate commission  
20 created several months ago, but as I mentioned  
21 during our last hearing, the boondoggle will  
22 begin if Governor Cuomo vetoes these lines and  
23 leaves it up to the courts to draw them. It will  
24 be a lot more of a headache and will make the

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2 process much more rushed than if we take the time  
3 this fall to create a commission that will have  
4 time to properly draw lines to everybody's  
5 satisfaction.

6 One of the other things that has been  
7 raised is that--is the claim that it's impossible  
8 to draw lines with smaller population deviances  
9 due to constitutional limits on splitting up  
10 towns and things like that. And we do  
11 acknowledge that it can't be perfect right now.  
12 You can't do zero deviation in the Senate and  
13 Assembly like you do in Congress because of such  
14 constitutional limits. But there's no way that  
15 it cannot be much better than it is right now.  
16 It's a 10% deviation, and we have seen time and  
17 again that it is possible to draw lines with  
18 smaller deviations than this. What happens now,  
19 if I understand it correctly, is that regions are  
20 assigned total populations for districts.

21 I use my testimony in Long Island for an  
22 example, where every, single senate and assembly  
23 district in that--on the island in those two  
24 counties has basically a zero population

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2 deviation. I think the largest difference is  
3 five total constituents between the largest and  
4 smallest district over there, and there's no  
5 reason why this can't be expanded throughout the  
6 state to wrap--to dramatically decrease the  
7 population variances everywhere.

8 The final concern I would like to  
9 address today is that of--is a claim that I  
10 believe was raised in Binghamton yesterday, that  
11 Governor Cuomo's bill removes too many quality  
12 appointments to the commission. I've heard it  
13 argued that if somebody's qualified, even if they  
14 do have a connection to a legislature, they  
15 should be able to still serve on the commission.  
16 But I did some back of the envelope math this  
17 morning, and by my count, the people who this  
18 bill occludes, which would include legislators,  
19 recent legislators, lobbyists, staffers and some  
20 of their immediate family as well as party  
21 officials, that would add up to about 40,000  
22 people total. That means that 9.38 million  
23 people out of--or 19.38 million of the 19.42  
24 million New Yorkers are still eligible to serve

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2 on this commission, and I am sure we could find  
3 some quality individuals such as college  
4 professors, businessmen and other people who are  
5 able to handle the modernized mapping technology  
6 who are capable of drawing lines that represent  
7 the people of New York in the best possible way.

8 That wraps up everything I could say.

9 ASSEMBLY MEMBER MCENENY: Bill, what are  
10 the qualifications of the, people that would be  
11 added to bring this up to 11? What, what are  
12 their qualifications?

13 MR. MAHONEY: The qualifications of the  
14 individuals who would serve on the commission?

15 ASSEMBLY MEMBER MCENENY: There's  
16 extraordinary--I mean, if you worked in the mail  
17 room five years ago and went and got a PhD in  
18 demographics, you would not be eligible because  
19 that was a senate or assembly mail room. Well,  
20 there's a four-year limit, so you would still be  
21 eligible under Governor Cuomo's bill. And I--

22 MR. MAHONEY: Well, let's say you had a  
23 summer job while you were getting your PhD. You  
24 would be ineligible if it was within the four-

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2 year period. And when we get to these new people  
3 who are going to bring new blood in after you get  
4 rid of the people who had any connection  
5 whatsoever with the legislature, including their  
6 families, including the former interns, once you  
7 did that, is there any indication that they have  
8 to have an eighth grade education or more?  
9 That's a yes or no.

10 MR. MAHONEY: I do not believe--there,  
11 there is nothing in Governor Cuomo's bill.

12 ASSEMBLY MEMBER MCENENY: Nothing.

13 MR. MAHONEY: But as I mentioned,  
14 there's still 19.4 million eligible New Yorkers.  
15 We could definitely find people in there who  
16 don't have direct ties to the process, so--Upton  
17 Sinclair once said it is difficult to get a man  
18 to understand something when his salary depends  
19 on him not understanding it. And I know that  
20 most of you guys are trying to do the best  
21 possible job and draw the best districts that you  
22 can, but what we've seen time and again it  
23 doesn't always work out that way. We've seen  
24 districts that represent--that try to protect

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2 incumbents than best try to represent the people,  
3 and we just--we, we need to start looking at a  
4 different way of doing this for the next decade.

5 SENATOR NOZZOLIO: Morning, Bill.

6 MR. MAHONEY: Hi.

7 SENATOR NOZZOLIO: How many hearings have  
8 you attended?

9 MR. MAHONEY: This is my second. I've  
10 read the--I've looked at the transcripts and  
11 testimonies for a few of the others.

12 SENATOR NOZZOLIO: And we appreciate your  
13 input, and that, we have six more hearings to go,  
14 and then another 12 after that at least. So out  
15 of the 18 hearings we hope to see you again. it,  
16 --and I think that's part of the point that 18  
17 hearings as a minimum for seeking public input is  
18 what this task force is dedicated to do. Each,  
19 each member, 24 hearings--I'm sorry, 18 more  
20 hearings but 24 in total at least that this task  
21 force is participating in.

22 I, I think you're overly optimistic  
23 about the--about even selecting a commission in  
24 time to do this work. Look how long it took to

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2 put together some of the commissions that you  
3 even referenced in terms of commissions that had  
4 a task forces that were involved with the budget  
5 process. Task forces that have been involved in  
6 the post-budget process. Pulling that all  
7 together is, is going to take a lot of work and  
8 time, and we're running out of time.

9 MR. MAHONEY: I understand, but as,  
10 Assemblyman McEneny referenced earlier, the  
11 voting dates still need to be changed for the  
12 primary, which does mean we're on a shorter  
13 deadline. But that also does mean that you'll  
14 have to come back in the near future, and this is  
15 an issue that could be tackled. And we have seen  
16 commissions with--who are set up and have great  
17 success in just a few months handling equally  
18 complicated issues. The, the healthcare  
19 commission that was created before the budget  
20 process, I believe first met in February. They  
21 were done two weeks before the budget was passed  
22 on time. Granted, there's a lot more numbers,  
23 and there's--

24 SENATOR NOZZOLIO: Well, and like that

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2 bill, that commission was chosen primarily by the  
3 governor, just like the commission that you're  
4 proposing. The independent redistricting process  
5 that you're suggesting is heavily weighted by the  
6 chief executive in terms of the amount of  
7 appoints. But let's--I'd like to address some of  
8 your, your other points. The point about, the  
9 issue of qualifications in response to  
10 Assemblyman McEneny's question. Does it not  
11 bother NYPIRG that major campaign contributors  
12 are not barred from serving in on this commission  
13 as, as a, an element of, of, of their selection?  
14 we seem to bar others but not major campaign  
15 contributors. Why isn't NYPIRG concerned about  
16 that issue? I've yet to hear you mention.

17 MR. MAHONEY: that would be something  
18 that we would definitely consider. I would need  
19 to have some other discussion, about where we  
20 would stand on that, but I wouldn't rule out  
21 supporting such an addendum to the bill. It--  
22 there are lots--keep in mind, the number of  
23 donors in the state is very small. It's less  
24 than the people who have worked for the

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2 legislature or are related to them, and I, I do  
3 think that we could still find many qualified  
4 individuals who are not campaign donors. It was  
5 0.15% of New Yorkers donated even a single dollar  
6 to a state--

7 SENATOR NOZZOLIO: [interposing] Are  
8 those qualified individuals going to participate  
9 in 24 hearings across the state?

10 MR. MAHONEY: You could probably find  
11 people who would be dedicated to so.

12 SENATOR NOZZOLIO: To, to doing the 24  
13 hearings? I'm sure there are some, but I guess  
14 I'm asking you why major campaign contributors  
15 are not disqualified from this commission. Does  
16 that not bother you?

17 MR. MAHONEY: On the surface, it does  
18 raise some concerns. I did not write the bill,  
19 so I can't say for sure why they're not, occluded  
20 from serving on the communication, but it's  
21 something we could look into.

22 SENATOR NOZZOLIO: The, town on border  
23 rule, which Assemblyman McEneny discussed in the  
24 opening--in his opening comments today is an

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2 issue that requires districts within regions be  
3 precise in their, their numbers. Their  
4 population allocations. Are you familiar with  
5 that rule?

6 MR. MAHONEY: The constitutional  
7 language dealing with the town? I have read it,  
8 yes.

9 SENATOR NOZZOLIO: Block on border rule  
10 and town on border rule.

11 MR. MAHONEY: What's that?

12 SENATOR NOZZOLIO: The block on border  
13 rule and the town on border rule.

14 MR. MAHONEY: Yeah.

15 SENATOR NOZZOLIO: That is a, a major  
16 reason, in complying with the state constitution  
17 requiring towns of certain sizes, and most towns  
18 are in this qualification of the state that they  
19 not be cut and split. Yet the mathematical  
20 allocation people requires in large part on the  
21 borders of those districts the size of the towns.  
22 And so I think that's something that maybe we  
23 could discuss further after you have a chance to  
24 look at that particular rule.

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2 MR. MAHONEY: I'm familiar with the  
3 rule, but as I have said, we've seen in regions  
4 there's almost no population deviation. In Long  
5 Island--

6 SENATOR NOZZOLIO: [interposing] But it  
7 has to be that--yes, that's exactly right.  
8 That's the whole point, that within those  
9 regions, because of the town sizes that they--  
10 there has to be precise numbers within the  
11 regions of the state in terms of allocation of  
12 population.

13 MR. MAHONEY: But there's no reason we  
14 couldn't expand it throughout a larger--like,  
15 even in New York City, for example, where we  
16 don't have to deal with splitting up towns or  
17 anything like that, there's still in each borough  
18 almost exactly the same population for every,  
19 single district. There's a variance of just a  
20 few voters.

21 SENATOR NOZZOLIO: [interposing] And  
22 you're saying that's wrong, that's bad?

23 MR. MAHONEY: No, I'm saying we should  
24 just expand that so it's the same on a larger

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2 scale throughout the state so that way, perhaps  
3 the districts in New York City and Long Island  
4 both have the same numbers of voters rather than  
5 having a set number of voters for districts in  
6 Queens versus a different one for voters on  
7 Suffolk.

8 SENATOR NOZZOLIO: Thank you very much.

9 MR. MAHONEY: Thank you.

10 SENATOR NOZZOLIO: Any further questions  
11 of the panel? Thank you.

12 MR. MAHONEY: Thanks.

13 ASSEMBLY MEMBER MCENENY: Do we have  
14 Stuart Berger? And while we're waiting for Mr.  
15 Berger, I am remiss. My colleague Bob Oaks  
16 reminded me that Crystal Peoples-Stokes is here,  
17 our Legislator from the New York State Assembly  
18 representing Buffalo.

19 MR. STUART BERGER, CITIZENS FOR A BETTER  
20 NEW YORK: Good morning. My name is Stuart  
21 Berger. I reside at 82 Brittany Circle in  
22 Rochester. I am currently a member of the  
23 executive committee of the Citizens for a Better  
24 New York, CFBNY, and past president of that

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2 organization. CFBNY, as you may recall, is a  
3 nonpartisan--excuse me--grassroots organization  
4 devoted to state governmental process reform  
5 including redistricting. I'm one of the 16  
6 steering members--committee members of the state-  
7 wide coalition known as Reshape New York.  
8 Reshape New York is a coalition of organizations,  
9 as stated by one of the previous testifiers, from  
10 across New York State dedicated to redistricting,  
11 reprocess, reform. To that end, we support  
12 Governor Cuomo's proposed legislation, S3419 and  
13 A5388, as we have also supported the Gienares-  
14 Jefferies [phonetic] Bill, which is quite  
15 similar.

16 I'd like to address my remarks to Mr.  
17 Nozzolio. During an interchange between Mr.  
18 Nozzolio and Mr. Neil in Rochester Mr. Nozzolio  
19 indicated that the commission's selection process  
20 is more partisan in the governor's legislation  
21 than the current process. Am I quoting you  
22 correctly? The quote is included in the text.

23 SENATOR NOZZOLIO: I'm not sure of the  
24 context of that remark.

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2 MR. BERGER: Pardon me?

3 SENATOR NOZZOLIO: I'm not sure of the  
4 context or accuracy of that remark.

5 MR. BERGER: Well, you can--the context  
6 is included in the testimony. I would like to  
7 pursue this further by summarizing the Cuomo  
8 Bill's provisions on selection process. We've  
9 heard a little bit about that this morning.  
10 Unlike the current process, he bill provides for  
11 the formation of a nominating committee with  
12 members selected as follows. The governor  
13 selects four members, two from each party, and as  
14 the governor has stated, he would cede his two  
15 Republican nominees to Senator Skallis  
16 [phonetic]. It doesn't say anything for the next  
17 ten years, but at least for this process.

18 The temporary president of the senate  
19 selects one member. The speaker selects one  
20 member. The minority of the senate selects one  
21 member, and the minority leader of the assembly  
22 selects one member. The chosen members would  
23 select two co-chairs. The members, as has been  
24 indicated, could not serve if they currently hold

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2 or in the past four years have held elected or  
3 public office, a position as a lobbyist, a  
4 political party position, or a relative or spouse  
5 of an elected or public official. The nominating  
6 committee then would select a pool of 40  
7 potential commissioners who are vetted for  
8 conflicts of interest using the same criteria as  
9 that for the committee and composed of 15 persons  
10 enrolled as Democrats, 15 persons enrolled as  
11 Republicans, and ten persons not enrolled as  
12 either Democrat or Republican, sometimes known as  
13 independence or minority party constituents.

14 The same nominee restrictions apply as  
15 the nominating committee. The apportionment  
16 commission would be comprised of 11 commissioners  
17 selected from the members of the nomination pool.  
18 Temporary president of the senate selects two  
19 members; minority leader of the senate selects  
20 two members, the speaker of the assembly, two  
21 members, and the minority leader of the assembly,  
22 two members. These eight members would then  
23 appoint three additional members, one of whom  
24 would serve as chair of the commission, and no

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2 more than four members of the apportionment  
3 committee--commission would be enrolled in the  
4 same political party, and members would be  
5 selected to represent the diversity of the state.

6 The rest of the legislation deals with  
7 the requirements of the district subject to state  
8 and federal law and the state's Constitution.  
9 The legislation bans the responsibility to  
10 approve or reject the redistricting plan, and if  
11 approved, to send it to the governor for final  
12 approval. There is a process for dealing with  
13 rejected plans.

14 Having reviewed the governor's proposed  
15 legislation, I ask Mr. Nozzolio to explain how  
16 this process is more partisan than the current  
17 process, and specifically, whether he or his  
18 staff have read S3419. I do not mean to impune  
19 Mr. Nozzolio.

20 When I was in Albany on June 1st, I  
21 interviewed a senior staff member from the  
22 Rochester area and a local senator. He also  
23 alleged that the Cuomo bill is partisan, but when  
24 challenged, he indicated that he needed to go

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2 back and read the bill. Similar are the views  
3 with three other Republican senators from across  
4 the state or their staff had similar allegations  
5 about the partisan nature of the bill. These  
6 allegations may be construed as either ignorance  
7 of the bill's content, or a willful  
8 misrepresentation to the senators and their staff  
9 or both. So the people await your response, Mr.  
10 Nozzolio.

11 SENATOR NOZZOLIO: Good morning, Mr.  
12 Berger. Thank you very much for your testimony.  
13 I appreciate you being here again now in our  
14 second hearing that you have been able to attend.  
15 I'd like, for the record, though, for you to  
16 agree that you neither talked to me nor any of  
17 the staff people you're discussing in your  
18 testimony, are members of my staff, is that  
19 correct?

20 MR. BERGER: That is absolutely correct.

21 SENATOR NOZZOLIO: And I thank you very  
22 much for your clarification of that. Mr. Berger,  
23 since you asked me a question, I will respond in  
24 that yes, we did discuss this in hearing format,

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2 back and forth, with you and Mr. Neil and others  
3 in Rochester. That my concerns with this process  
4 is having a fruit of the poisonous tree in the  
5 sense that the roots of this process are flawed.  
6 They're flawed by establishing a process that  
7 provides six Democrat appointees and two  
8 Republican appointees. Six to two, to choose the  
9 members of this commission. That is a weighted  
10 vote and in spite of taking the personalities out  
11 of this, that the governor, according to the  
12 statute, whoever the governor is, will have six  
13 votes--will have four votes, and when joined by  
14 members of his or her party, will have six votes.

15 that to me is a, an inordinate  
16 advantage, disadvantage, and that regardless of  
17 the current governor's intentions, restructuring  
18 a law that will govern all future governors and  
19 all future redistricting processes and to have  
20 that weighted on one side in such a heavy way to  
21 me determines a partisan, a too partisan a  
22 process.

23 And that would be true if a Republican  
24 was a governor or a Democrat was a governor. And

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2 so I ask you, in response to your question, does  
3 it not concern you that the selection process  
4 would be governed by eight people, six of whom  
5 could be appointed by one political party?

6 MR. BERGER: It would concern me if, in  
7 fact, he was required not to select two  
8 Republicans and two Democrats so that the makeup  
9 of the nominating committee is evenly split  
10 between Republicans and Democrats.

11 SENATOR NOZZOLIO: And I appreciate your  
12 sincerity, Mr. Berger. I appreciate your  
13 sincerity, Mr. Berger but I'd also ask you to  
14 just read what's happening in redistricting  
15 processes across this country where so-called  
16 independents were actually contractors for  
17 Democrat political candidates, and in some areas,  
18 Republican candidates. The so-called independent  
19 enrollment that they carried into the process  
20 that they were chosen for as being part of an  
21 independent, and the same could be true of a  
22 Republican enrollee or a Democratic enrollee. I  
23 know Republican enrollees who are contributors to  
24 Governor Cuomo's campaign. I know Democrats who

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2 have contributed to past-Governor Pataki's  
3 campaigns so that there is a--there is always a  
4 manipulation that could occur when you're just  
5 saying you have to take so many of a political  
6 party. It does not guarantee independence. It  
7 does not guarantee a, a, a, particular  
8 philosophy, in effect, is - - in effect. I  
9 believe impugns the process.

10 Let me go just another step further. We  
11 already asked the New York Public Interest  
12 Research Group did it not bother them that  
13 campaign contributors, in fact maybe major  
14 campaign contributors, weren't excluded from  
15 participating on this so-called independent  
16 committee. Let me further ask you whether you  
17 think it's appreciate that union leaders  
18 regardless of a public union or a private union  
19 who are engaged in very active political  
20 activities, why there are no questions about  
21 their participation or, or impediments to their  
22 participation in this so-called independent  
23 process. That's why I think that again, I do not  
24 doubt your sincerity at all. As a matter of

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2 fact, I admire it; you're coming here on your  
3 time. You're traveling from your home in  
4 Rochester to--at least an hour-plus each way, to  
5 make your voice heard, and I appreciate that, and  
6 I hear your voice. But you asked me these  
7 questions.

8 And so I owe it to you to respond  
9 sincerely to my concerns as well, and then I  
10 thank you for asking, and I hope that answers,  
11 --at least addresses some of my concerns that you  
12 called me out to address.

13 MR. BERGER: Thank you for your  
14 response. You asked me whether I'm concerned  
15 about major contributors or union people.  
16 They're registered Republican, registered  
17 Democrats. They fit within the mold of the  
18 selectees, and they're okay, as long--you know,  
19 because you're going to balance this with perhaps  
20 a contributor--major contributor for the  
21 Republican Party, a major contributor from the  
22 Democratic Party, but you're also going to select  
23 independents. Remember that a third of this  
24 state is non-affiliated with either of the major

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2 parties. So--

3 SENATOR NOZZOLIO: But I just mentioned  
4 to you--you know, what happened, I believe it was  
5 in New Mexico where this so-called independent  
6 addition to the independent task force was in  
7 fact an operative of one of the other political  
8 parties. So I think that finding that total  
9 independence, regardless of label, party label,  
10 is a task that's very, very difficult.

11 MR. BERGER: I appreciate that, and I  
12 agree with you. You can distort anything. So  
13 what we're looking for is a process where--and  
14 don't take this the wrong way--the chickens are  
15 not telling us what the hen house should look  
16 like.

17 ASSEMBLY MEMBER MCENENY: Thank you.  
18 Any comment on foxes on that one? [Laughter]

19 MR. BERGER: Well, the foxes, I'm  
20 keeping out of that. They're a different party.

21 ASSEMBLY MEMBER MCENENY: I believe that  
22 you left a category out of people who were banned  
23 from serving, and that's employees or past  
24 employees of the legislature, and that's what my

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2 earlier comments were. I'm sure the governor is  
3 thinking with his legislation, somebody sending  
4 in a chief of staff, when in fact the way the  
5 bill is drafted, it would include an intern or  
6 somebody who was in the mail room. And if, if  
7 this bill ever became law, the 1% would have to  
8 be clarified to conform with the Constitution,  
9 and that's one other thing. Plus, if we're going  
10 to be very strict about who can serve, well,  
11 what's fair for one side is fair for the other.  
12 Anybody else going on that committee would also  
13 have some severe restrictions as well.

14 The senator mentioned some of them. I  
15 just heard for the first time, though, that the  
16 governor had said something about this nominating  
17 committee that he would defer to Dean Skellos  
18 [phonetic], who was the temporary president of  
19 the Senate and majority leader to provide him  
20 with names. Is that correct?

21 MR. BERGER: That's correct.

22 ASSEMBLY MEMBER MCENENY: That's news to  
23 me. And he'd do the same thing for Shelley  
24 Silver, of course?

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2 MR. BERGER: Well, he could. He hasn't  
3 done that.

4 ASSEMBLY MEMBER MCENENY: He hasn't said  
5 that. I mean, if we're going to be reasonably  
6 politically bipartisan and defer to the leader of  
7 one house, then I'm assuming out of fairness,  
8 you'd defer to the leader of the other house.

9 MR. BERGER: Well, I believe he comes  
10 from the same chicken house.

11 ASSEMBLY MEMBER MCENENY: Thank you very  
12 much. Members? Thank you very much for coming.  
13 We appreciate it. Councilman Richard Fontana?  
14 Councilman Fontan here? Councilman David Rivera.  
15 Okay. I know they were in attendance here, and  
16 we appreciate that. Council President Fronzac  
17 [phonetic].

18 MALE VOICE: They were here. They just  
19 - - .

20 ASSEMBLY MEMBER MCENENY: Okay.  
21 Councilman Darius Pridgeon [phonetic] was also  
22 here. And Council Member Michael Kerns  
23 [phonetic]. Michael, would you like to speak?  
24 What was that?

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2 MALE VOICE: - - .

3 ASSEMBLY MEMBER MCENENY: Okay. Thank  
4 you very much. We very much appreciate your  
5 input, and if you have comments later that you  
6 want to make and submit, they'll be taken under  
7 consideration. All right. Moving onto Nicole  
8 Jowsey? Welcome Nicole.

9 MS. NICOLE JOWSEY, CITIZEN ACTION -  
10 BUFFALO: Good afternoon. My name is Nicole  
11 Jowsey. I am the chairperson of the western New  
12 York Regional Board of Citizen Action of New  
13 York, which I'm sure this committee's familiar  
14 with by now. You've heard us testify. Citizen  
15 Action is committed to social, racial and  
16 economic justice, and our position is one that  
17 calls for an independent redistricting  
18 commission.

19 And I hope one that has more than just  
20 one woman member on it. I have to say as a  
21 feminist that there's only one today. I hope  
22 there's more. I'm going to talk a little bit  
23 about gerrymandering. I have a fuller statement  
24 here, but I want to be brief and succinct, so I'm

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2           sure you've heard about gerrymandering as you've  
3           gone through this process. I'm sure you're going  
4           to continue to hear about it, and gerrymandering  
5           really is nothing more than what I consider to be  
6           a--and a lot of people consider to be a political  
7           tool that incumbents use year after year, at the  
8           cost of the constituents and the voters. And it  
9           has harmful impacts, and it's not just harmful in  
10          the fact that politicians have used it to keep  
11          themselves in office, but there are, you know,  
12          more, more harmful effects when it comes to  
13          separating communities, which not only allows for  
14          disproportionate representation, but--and I want  
15          to be clear on this point because it seems to be  
16          something I haven't heard from a lot of people,  
17          it allows for the disenfranchisement of  
18          constituents and voters, particularly people of  
19          color. I, I often hear when we talk about  
20          gerrymandering, some people say, but we're afraid  
21          to use this kind of language, and as someone  
22          who's committed to racial justice, especially in  
23          Western New York, it happens.

24                    There's a practice that's been occurring

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2 especially in the Western New York region, where  
3 communities have been unfairly chopped up along  
4 racial lines. Communities of people of color are  
5 displaced. They're divided and conquered, and  
6 their voice is suppressed. What should be a  
7 scream turns into a whisper while they're divided  
8 among electoral lines. Their representation and  
9 electoral voice suffers and the only one that  
10 seems to benefit are the people so busy trying to  
11 keep their job that they forget that they need to  
12 do their job. And this practice, which I think  
13 is heinous and atrocious, and I think that's the  
14 correct way to describe it, needs to end.

15 So where does that happen? And I think  
16 that this practice needs to end with you because  
17 you are making the recommendations and you can  
18 call for the independent redistricting process.  
19 And I know that time is a concern and money, but  
20 when you're on the right side of the issue, that  
21 really should matter more. And maybe I am  
22 optimistic like someone who previously testified  
23 said, but I don't think optimism or idealism  
24 hurts anyone, especially for our younger

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2 generation or else we're all in trouble.

3 An independent commission needs to be  
4 formed in order to engage in a process that  
5 includes transparency, nonpartisanship. I say  
6 nonpartisanship because oftentimes we overlook  
7 that there is a third party in New York State,  
8 the Working Families Party, and a chance for the  
9 public to weigh in along the way. I had to take  
10 the day off of work to be here today, so, you  
11 know, at times that are maybe a little bit more  
12 convenient for the average working class person  
13 would help.

14 Independent redistricting is the only  
15 way for fair lines to be drawn that's not going  
16 to--will not disenfranchise voters economically  
17 or racially, and I believe it's the only way for  
18 people to have a voice, to be fairly represented.  
19 we have to end the corruption, you know? That  
20 seems to be a campaign promise, and campaign  
21 promises really are just castles in the air, and  
22 it's a little disheartening. So I think this is  
23 one of the ways for politicians to make good on  
24 that promise, and by forming this commission. So

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2 I thank you for your time.

3 ASSEMBLY MEMBER MCENENY: Thank you.

4 The commission shares your concern for, what we  
5 call opportunity districts for persons of color  
6 who are protected by the Voting Rights Act of  
7 1965, and in the case of three counties, have a  
8 special civil rights status where the Justice  
9 Department must review the Bronx, and New York  
10 and Brooklyn. I am familiar with the assembly  
11 district here in, in Buffalo, going back to what  
12 was drawn following the year 2000, and that is  
13 clearly a minority/majority district. Is there a  
14 district that you can name here in Western New  
15 York that has in fact disenfranchised or  
16 deliberately cut down on the opportunities of  
17 people of color?

18 MS. JOWSEY: Yes, I can, and it comes  
19 along city council districts with the state  
20 senate, and it's the Lovejoy District. I know  
21 there have people--Councilman Fontana spoke about  
22 it. It really is--

23 ASSEMBLY MEMBER MCENENY: We don't do  
24 city council districts, okay?

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2 MS. JOWSEY: Right, but it falls into--  
3 it cuts the senate district lines between Senator  
4 Kennedy's and, and Senator Grisanti's lines. The  
5 neighborhoods literally cut in half, but as it's  
6 been known, the, the way that it was cut, and it  
7 was cut by former Senator Stachowski to include  
8 what he was labeled as white Lovejoy versus black  
9 Lovejoy. So it's happened. It still exists  
10 today. That line is still drawn, and so it's not  
11 only separated--

12 ASSEMBLY MEMBER MCENENY: [interposing]  
13 So you would like to see the concentration of  
14 people of color in the former Stachowski  
15 district, and it's Kennedy's now--

16 MS. JOWSEY: Well--

17 ASSEMBLY MEMBER MCENENY: And where  
18 would you put them with to get a higher  
19 concentration?

20 MS. JOWSEY: I mean, I would, in that  
21 particular instance, and I can only speak to  
22 that. I mean, I don't have all the statistics,  
23 and there are other people who will be providing  
24 me with that information in that particular area.

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2 By uniting Lovejoy, you're going to have an equal  
3 representation. You're not just going to be  
4 displacing, you know, the African-American  
5 community, and this way, it's more fair and more  
6 equally representative. It makes the races more  
7 competitive. - - competitive candidates.

8 ASSEMBLY MEMBER MCENENY: Could you get  
9 Citizens Action to provide us with what they  
10 would consider a model map? The only thing I can  
11 tell you, in all honesty, if it doesn't have the  
12 adjoining districts on the map and it's a victim  
13 of tunnel vision, we're not going to take it  
14 seriously. But if you take a cluster of those  
15 senate districts and recommend to us what you  
16 would think would be better.

17 Now, if in fact following the past  
18 census that there was a deliberate demuniton  
19 [phonetic] of the opportunities of people of  
20 color in senate or assembly, let me assure you,  
21 there would be a successful lawsuit under the  
22 Voting Rights Act of 1965. But what has  
23 happened, and it's happened in my own home  
24 district in Albany, is if you were to look at the

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2 population now, you would disagree with where the  
3 line is drawn separating one part of Albany from  
4 Uptown Albany, but you'd be looking with today's  
5 numbers.

6 Had you looked at those numbers ten  
7 years ago, you would say, that makes sense,  
8 putting Downtown Albany and Troy together because  
9 it has the highest concentration for the minority  
10 population, which we're trying to protect and  
11 empower. So I'm not sure if you're making a  
12 condemnation of what went on in the past. Make  
13 sure that that's what those numbers were, and ask  
14 yourself why was there not a successful lawsuit  
15 throwing that out.

16 The population has shifted enormously  
17 through population gain and loss throughout the  
18 state, but also in the makeup of our residents,  
19 particularly with the shifting of African-  
20 American and Hispanics. The--some lines may be  
21 obsolete now from that point of view, but it  
22 doesn't mean that they were drawn for racist  
23 motivation back ten years ago. They reflected  
24 what was there ten years ago before we had the

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2 changes that we've had in our population.

3 MS. JOWSEY: Right, and I take your  
4 point, but with all due respect, I think though,  
5 these issues need to be on the mind when you're  
6 continuing with this process, and to be aware of  
7 that, which I think often gets lost. And so I  
8 take my testimony to reemphasize that, and that,  
9 you know, corruption and these things do happen,  
10 and I mean, you need to be aware.

11 ASSEMBLY MEMBER MCENENY: Thank you.  
12 Please send us suggestions. We'd like to seek  
13 that on a map. Senator?

14 SENATOR NOZZOLIO: Thank you,  
15 Assemblyman. Good morning. I believe it's still  
16 morning. Good morning. I apologize, I was out  
17 of the room for the initial portion of your  
18 testimony. Are you suggesting that the  
19 communities of interest here in the City of  
20 Buffalo be consolidated in certain ways?

21 MS. JOWSEY: No, I'm suggesting not  
22 consolidation--well, I guess in a matter of  
23 speaking--that the lines are drawn to not  
24 separate these neighborhoods and these districts

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2 that have, you know, traditionally separated.

3 SENATOR NOZZOLIO: And you will be  
4 submitting a map describing those?

5 MS. JOWSEY: I will make sure that you  
6 have that information.

7 SENATOR NOZZOLIO: Excellent. Thank you  
8 very much. Assemblywoman Peoples-Stokes?

9 SENATOR NOZZOLIO: They only want to be  
10 recognized. They don't want to speak.

11 ASSEMBLY MEMBER MCENENY: Welcome.

12 ASSEMBLY MEMBER CRYSTAL D. PEOPLES-  
13 STOKES, 141st DISTRICT: Hi. Thank you, and,  
14 thank you all for coming to provide this hearing  
15 here. It's, --last time I seen a lot of you  
16 all was in Albany, so it's nice to see you in  
17 Buffalo for a change. I am certainly, honor the  
18 fact that you all understand the value of  
19 listening to the public across the state on this  
20 topic, and I did hear the senator mention earlier  
21 that there were 18 more hearings, so to that--and  
22 I hope there's at least one more in Western New  
23 York area because as you can see, the room is not  
24 packed, and there are not a lot of people who

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2 don't have an opinion on this issue. Most people  
3 have an opinion on this issue.

4 ASSEMBLY MEMBER MCENENY: There will be  
5 three more in Western New York if we--Rochester,  
6 Syracuse and Buffalo.

7 ASSEMBLY MEMBER PEOPLES-STOKES: Great.  
8 Thank you. Just a brief testimony. I don't have  
9 specifics on what I'd like to see happen, but I  
10 do have some general statements that I do think  
11 are important to your process. Redistricting is  
12 a key component for a representative democracy,  
13 and this process will define the political  
14 geography for the next ten years. So in order  
15 for this process to be judged successful, it must  
16 be responsive to diverse populations to the state  
17 and that will allow them a meaningful opportunity  
18 to participate in this discourse. And again, I  
19 want to thank you for providing that opportunity.

20 I would also like to thank my colleagues  
21 for ensuring that this process has been kept open  
22 and transparent as possible. You know, again,  
23 everybody has an opinion, and everybody wants to  
24 know what it is that you are potentially coming

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2 up with. I am pleased that LATFOR has done the  
3 right thing and agreed to stop the travesty of  
4 counting prison inmates in districts where they  
5 are incarcerated rather than where they would  
6 otherwise live. The notion that this bipartisan  
7 position and that the law be complied with was  
8 assuring to hear from Senator Nozzolio in the  
9 Albany Times Union a few days ago. Thank you  
10 very much for your comments on that.

11 Along with those assurances, I would  
12 like to see the availability of all of the  
13 Department of Corrections data for public view as  
14 well as reasonably possible. Once this geocoding  
15 is completed, it would further help your efforts  
16 to submit a detailed plan and allow the public to  
17 see just how their communities will be, affected  
18 by that particular portion of the issue. I don't  
19 know if you have those numbers yet, but I think  
20 they're important to the process.

21 I think people can make better decisions  
22 as well if they know exactly what those numbers  
23 are. Also, I think LATFOR should look closely at  
24 maintaining Congressional District 28 that have

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2 historically reflected the fair representation of  
3 minority groups within that respective district.  
4 Preservation of this district I think is vital to  
5 providing opportunity for diversity in the  
6 electoral process and providing communities with  
7 opportunities to elect candidates of their  
8 choice.

9 As we move forward into this issue, I,  
10 too, would like to see an independent  
11 redistricting commission, not unlike the plans  
12 proposed by Governor Cuomo and/or the bills that  
13 are currently in the legislature. The common  
14 cause and the NAACP. It seems unfortunate that  
15 with the pressing time constraints that are  
16 before us that this may not happen, but I think  
17 that it is the right thing to do. And if there's  
18 any way possible, I think it would be beneficial  
19 for the citizens of New York to understand that  
20 we--as electives, we understand how important  
21 this issue is and how important their voices are.  
22 To that end, there should be an opportunity for  
23 some sort of independent commission. I'm sure  
24 you already know that I wasn't one of those

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2 legislators who signed onto a pledge. That's  
3 because I don't take pledges. I take an oath of  
4 office, and the oath of office says I'm going to  
5 fight for the rights of people according to the  
6 Constitution of the United States and of New York  
7 State. And I think that that is a right of  
8 people to have independent council on these sorts  
9 of issues. I hope that you all will give that  
10 some consideration and make that one of your  
11 recommendations. Thank you.

12 ASSEMBLY MEMBER MCENENY: Thank you. We  
13 appreciate your input, Assemblywoman, and like  
14 yourself, I did not take the pledge, but I am on  
15 the governor's bill, which, should it ever come  
16 to fruition, should be amended in a number of  
17 ways. I was surprised to learn that after your  
18 rather painful redistricting process for the  
19 county legislature in Erie County, that it went  
20 to the courts and that there will not be a  
21 primary. Do you have any comments on that as an  
22 example or lack of an example of good government  
23 and democracy?

24 ASSEMBLY MEMBER PEOPLES-STOKES: Well, I

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2 was surprised to see that it had come to that end  
3 as well because I think not only are there, you  
4 know, competent and qualified people in the  
5 county legislature, but they are competent and  
6 qualified people in the County of Erie who would  
7 have come up with a plan that would have not had  
8 to be forced into the courts. I'm disappointed  
9 that that did not happen. I think there's far  
10 too much focus on partisan politics as opposed to  
11 just getting out a good redistricting plan, and  
12 that is unfortunate. And I hope that that does  
13 not happen not only anywhere else in New York  
14 State, but certainly anywhere else in America  
15 because it's unfair to the citizens.

16 ASSEMBLY MEMBER MCENENY: Other members?  
17 Bob Oaks.

18 ASSEMBLY MEMBER PEOPLES-STOKES: Thank  
19 you.

20 ASSEMBLY MEMBER OAKS: just a couple  
21 quick things. , One I know as the prior speaker  
22 spoke a little bit about cutting up the city or,  
23 or how that was done, whatever. I just in  
24 looking at Buffalo and the present population, it

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2 would come out to about two complete districts.  
3 Right now I think there's three people who  
4 represent a part of it. Any sense on whether it  
5 would be better to have the city, you know, more  
6 wholly represented or split up?

7 ASSEMBLY MEMBER PEOPLES-STOKES: Well, I  
8 think from a historical perspective, at least for  
9 the last previous ten years, there have been  
10 three representatives for the City of Buffalo  
11 because one of us, being myself, have an entire  
12 City of Buffalo district, and my other two  
13 colleagues representing other surrounding  
14 communities. I think that that has boded well  
15 for Buffalo in terms of the number of  
16 representatives who have a vested interest along  
17 with our colleagues from outside of the area. It  
18 strengthens our representation. So in my  
19 estimation, I think that a plan like that should  
20 be made. I hope that the district that I  
21 represent, the 141st, can remain all City of  
22 Buffalo and that the other two colleagues from  
23 this area will also have two portions, be it may  
24 be smaller, of the City of Buffalo in their

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2 district because again, I think it adds to the  
3 numbers, and certainly bodes for increased  
4 representation.

5 ASSEMBLY MEMBER OAKS: You mentioned  
6 about different perspectives that people have. A  
7 lot of people have an opinion. You mentioned the  
8 28th congressional district and hoping that that  
9 will remain. As I walked in, I saw some people  
10 talking in front of cameras using the 28th as a  
11 great example of a gerrymandered district that is  
12 the example of what shouldn't be done. And so  
13 when you ask--you know, your perspective versus  
14 others who are in attendance today and certainly  
15 among us, I just lay that out, that that's part  
16 of the challenges.

17 ASSEMBLY MEMBER PEOPLES-STOKES: Well, I  
18 think, you know, there's always going to be  
19 opportunities to agree to disagree. I think that  
20 often when we look at the term gerrymandering, we  
21 think of it as a negative, that it is doing the  
22 wrong thing, it's heading the wrong direction,  
23 it's empowering the wrong party, it's empowering  
24 the wrong constituency. I think in the case of

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2 the 28th, what it did was empower people of color  
3 for an opportunity to not, you know, next year--  
4 maybe not two years from now, but to have the  
5 option of being able to elect a representative of  
6 color. There's not any other district, quite  
7 frankly, in upstate New York that provides that  
8 opportunity.

9 The vast majority of the African-  
10 American community and Latino community in  
11 Rochester and Buffalo and certainly I believe  
12 Niagara Falls as well, are located within the  
13 28th. Now, that spans two counties and a lot of  
14 different communities and a couple different  
15 media, outlets, but it also puts a group of  
16 people in a position where if they wanted to two  
17 years from now, four years from now, or even next  
18 year, if they wanted to put forth a candidate  
19 that would have an opportunity to be elected,  
20 then they'd have that opportunity. If that  
21 changes, then they don't have that at least not  
22 in Western New York.

23 ASSEMBLY MEMBER OAKS: My last comments  
24 just come in. You referenced, the prison

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2 counting and the task force's approach to that,  
3 and, just, just to give perspective, I think  
4 there was questions along the way of saying would  
5 the task force follow the law or not, and I think  
6 perspective is, is as the law today, the task  
7 force is moving forward with following the law as  
8 it will. However, just to note, there is a court  
9 case that could change the perspective on that.  
10 Some of us on this task force voted different  
11 ways when that law was originally proposed. Some  
12 problems with that--and the only thing that I  
13 would say is some people kind of given a  
14 perspective of saying that something proactively  
15 has been done that needs to be fixed. This  
16 really--the, the law as it changed something as  
17 the way the census has been carried out since its  
18 inception in 1790. And I think the court case  
19 questions whether or not that will stand. And of  
20 course we will see that as that court case goes  
21 through but clearly we as--I can't speak for all  
22 the members, although I think we've unanimously  
23 said, whatever the law is, whether it's the one  
24 that was passed or if it's challenged and reverts

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2 this task force will follow that law.

3 ASSEMBLY MEMBER PEOPLES-STOKES: Thank  
4 you. I certainly respect that response, and I  
5 believe that the courts will rule in favor of  
6 allowing the inmates to be counted in the  
7 districts where they'll be returning to as  
8 opposed to districts where they're currently  
9 incarcerated. Do you all have any numbers on  
10 that yet by the way?

11 ASSEMBLY MEMBER MCENENY: Not yet, but  
12 we should have them presently.

13 ASSEMBLY MEMBER PEOPLES-STOKES: Just  
14 one other question. Can you--do you have any  
15 idea what would be the delay with the Department  
16 of Corrections in coming up with those numbers?  
17 I'm sure they have head counts, and they have the  
18 data, so what's going on?

19 ASSEMBLY MEMBER MCENENY: They gave us  
20 gross numbers and then gave us an individual  
21 listing with the number to protect the  
22 individual's private identity, and then  
23 possibilities of where their last legal residence  
24 was, where they were sentenced from, where their

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2 parents' address was, etc. And we've been  
3 geocoding, which means we have to put--we can't  
4 just say, they belong in this district or this  
5 census track. We have had staff taking every one  
6 of these 56 or 57,000 inmates and we're more than  
7 half complete with those that can be identified,  
8 and assign them to a census block. And it's our  
9 hope that we'll be done with this at the end of  
10 this month, which is with as many as can be put  
11 in, and that the numbers can be changed when we  
12 actually start drawing lines, which won't be till  
13 October.

14 ASSEMBLY MEMBER PEOPLES-STOKES: Okay.  
15 Well, even more important than the numbers and  
16 how they impact any district or the other is the  
17 fact that I probably have a file about this thick  
18 in my office that just speaks to inmates that  
19 call with issues that they have. And because  
20 they know that they're from Buffalo, and they  
21 think that their representative is me. Well,  
22 right now, it's really not. It's the person  
23 where they're located in and where they're  
24 incarcerated at, but that's not the person that

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2           they call when they need help. That's not the  
3           person that their family reaches out to when they  
4           need help. They reach out to the person from the  
5           district where they live at. So I think not only  
6           have we made some changes with the law, but the  
7           fact of the matter is that the person always look  
8           back to the person where they came from as  
9           opposed to where they're incarcerated at, and  
10          that's just real. So thank you very much.

11                    ASSEMBLY MEMBER MCENENY: I have a  
12           question for the assemblywoman about the law  
13           itself. Do you agree that the prison inmate  
14           should be counted somewhere?

15                    ASSEMBLY MEMBER PEOPLES-STOKES: Do I  
16           agree that they should be counted? Yes, I do  
17           agree that they should be counted, and as a  
18           supporter of the law, a sponsor of the bill, I do  
19           believe they should be counted in the districts  
20           they will be returning to or where they reside  
21           at--where they used to reside at. Again, people  
22           come home from being incarcerated. They still  
23           need to use the services of the community where  
24           they return to, and I think if census numbers

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2 help allow municipalities to access resources from  
3 federal and/or state governments based on  
4 numbers, then the numbers should be where they're  
5 going to be returning to as opposed to numbers  
6 where they're incarcerated.

7 ASSEMBLY MEMBER MCENENY: Assemblywoman,  
8 as one who opposed the law I agree with you that  
9 the prison inmates should be counted somewhere,  
10 but as you are the author of the law and a  
11 supporter of the law and a sponsor of the law,  
12 the law says that if you cannot find the  
13 Department of Corrections, which puts five  
14 addresses on an inmate's dossier, their address,  
15 their parents' address, their last known address.  
16 There's a whole series of addresses. That if for  
17 some reason those addresses cannot be verified or  
18 if there is some problem with the address, that  
19 inmate is just thrown out, is not counted at all.  
20 And I guess I'm surprised to hear you as a  
21 sponsor of the law, as supporter of the law, one  
22 who wants inmates to be counted somewhere, has a  
23 law that in effect provides a nowhere place where  
24 inmates in the state could end up being counted

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2           nowhere. Not in their prison or not in their  
3           address. And that's a job that this task force,  
4           because of this law, which in this part of the  
5           law seems upside down, and it's certainly against  
6           what you're indicating you supported. I think  
7           that's a challenge.

8                       And we had a meeting yesterday where we  
9           will be looking at the methodology of how to  
10          count. But the law says that an inmate should  
11          not be counted at all if that address is not  
12          found, and that, to me, is hurtful to  
13          representation in the state.

14                      ASSEMBLY MEMBER PEOPLES-STOKES: Well,  
15          understanding, you know, that is one of the  
16          pieces of the law, I really don't think there  
17          will be an inmate that you will not be able to or  
18          the Department of Corrections will not be able to  
19          identify where they should be counted at. I  
20          think everything that folks need in order to do  
21          that, I think you'll be able to get that done. I  
22          don't see that as being an option that any of  
23          those 57,000 inmates will end up not being  
24          counted anywhere because nobody can determine

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2 where they're from. I think that's a little  
3 unlikely.

4 SENATOR NOZZOLIO: I think to not count  
5 them is denying them their humanity if you will,  
6 that acting as if those don't exist at all that  
7 under the United States census, we have, counted,  
8 prisoners at their place of incarceration. Not  
9 we. United States Census Bureau has. We're now  
10 one of three states that is doing it this way.

11 Pardon me, it's two states that are  
12 doing it this way. The state of Delaware did  
13 decide to do it this way to decide to count  
14 prisoners at their last known address, found out  
15 the system was too flawed, too cumbersome and too  
16 costly, and they've scrapped the law. That's a  
17 third of the states that have decided to do this  
18 have scrapped the law after they looked at the  
19 logistics involved. But I think to deny the  
20 humanity of counting someone anywhere acts like  
21 that person just doesn't exist.

22 And that's the law that New York pushed  
23 through here.

24 ASSEMBLY MEMBER PEOPLES-STOKES: And I'm

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2 not debating that issue with you, Senator. What  
3 I am saying, though, is that in any law that New  
4 York State pushes through, there's always  
5 compromise, and it doesn't always end up to be  
6 exactly like the sponsors intended it to be. But  
7 I think at the end of the day, when this law is  
8 enforced as it was written, there will be zero  
9 inmates who will not be counted and will be  
10 denied their right, their human right, their  
11 United States right as citizens, to be counted in  
12 an area where either they come from or where they  
13 currently are. A lot of inmates, when they are  
14 released from any institution, they end up  
15 staying in the community where they were  
16 incarcerated at. There's a huge population right  
17 now in Upstate New York that are originally from  
18 New York City as a result of that.

19 So I don't think that at the end of the  
20 day that there are going to be people who don't  
21 have an opportunity to be counted.

22 SENATOR NOZZOLIO: And I hope you're  
23 right, that the law could say it to the contrary,  
24 and we are going to have to wrestle with that in

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2 the days and weeks ahead.

3 ASSEMBLY MEMBER PEOPLES-STOKES: Well, I  
4 thank you for your efforts to wrestle with it and  
5 get it done. I really do.

6 SENATOR NOZZOLIO: Thank you very much.

7 ASSEMBLY MEMBER MCENENY: Members?  
8 Thank you very much Assemblywoman. Bryan Ball,  
9 Western New York.

10 MR. BRIAN BALL, WESTERN NEW YORK

11 STONEWALL DEMOCRATS: Good afternoon. I'd like  
12 to thank the members of this task force for  
13 holding this hearing today and listening to the  
14 citizens of Western New York on the crucially  
15 important topic of state legislative and  
16 congressional redistricting. The process of  
17 creating new districts for our state legislators  
18 and congressional representatives is as necessary  
19 as it is difficult. Every ten years, we are  
20 faced with the task of reevaluating our  
21 populations, determining who currently lives  
22 where in New York State and deciding how all our  
23 people should be represented, which is their  
24 right. My name is Brian Ball, and I am from the

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2 LGBT, and that is the Lesbian, Gay, Bisexual,  
3 Transgender, Questioning and Queer community and  
4 will speak for our interests.

5 I am here today to focus on one of many  
6 crucial elements that should be a part of any  
7 fair redistricting process, the protection of all  
8 minority populations. While we make sure that in  
9 drawing districts, that should be done by an  
10 independent commission, we draw districts that  
11 represent people and not the elected officials  
12 that represent them, we need to make sure all our  
13 minority communities are protected and have their  
14 say in our representative government preserved.  
15 It's a sad reality that the populations which  
16 make up majorities have inflicted oppression on  
17 minority populations. Simply put, a much-needed  
18 role of government is to be fair, to protect  
19 minorities from oppressive majorities, and to  
20 treat all people equally.

21 The African-American community, the  
22 Hispanic community, the working class, our  
23 immigrant communities, our LGBTQ community. We  
24 all need to be treated as equal citizens, and our

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2 civil rights respected by affording us our  
3 community's due voice in our representative  
4 government. While LGBTQ people, for instance,  
5 live and thrive in all areas of our great state,  
6 it cannot be denied that areas exist of high  
7 LGBTQ populations, though we are not accurately  
8 counted to the fullest we could be in the census.

9 For instance, our two Buffalo senate  
10 districts both contain the most highly  
11 concentrated LGBTQ populations in Western New  
12 York. We exist. We live. We work. We pay  
13 taxes, all from our proudly LGBTQ and inclusive  
14 communities. In our great state, there are no  
15 laws which protect all of us in our community  
16 from housing and employment discrimination. Up  
17 until very recently, I was not allowed to enter  
18 into the state civil government contract of  
19 marriage with my long-time partner to protect our  
20 lives and family. And even now, our federal  
21 government denies us the basic civil rights and  
22 protections within its power to our families  
23 through the segregation of marriage rights.

24 And there are no laws which mandate

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2           LGBTQ citizens be included or considered  
3           whatsoever in a redistricting process. But that  
4           of course does not mean that whatever the  
5           redistricting process is here in New York cannot  
6           take our voices and people into consideration as  
7           they would any minority population, person or  
8           vote. Even apart from the issues of minority  
9           community representation is the good that can be  
10          done in simply keep to the best it can be  
11          communities and communities of interest  
12          relatively intact. One would think it is common  
13          sense that splitting up areas such as historical  
14          districts and areas of high urban economic  
15          vitalization with a strong sense of community  
16          would be a poor choice. Redistricting is, by its  
17          nature, change and will naturally create some  
18          separation and disconnect, but it is essential  
19          that any process in a clear, transparent and  
20          nonpartisan way, do its best to keep communities  
21          whole.

22                   And this is especially true for urban  
23                   areas. When communities such as those that  
24                   thrive in east, west, south and north of the City

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2 of Buffalo are kept whole, we can continue the  
3 work that we are doing to constantly improve our  
4 community and city. Block clubs, neighborhoods  
5 and businesses can, if kept together in a  
6 holistic approach, continue to be and grow  
7 without having to deal with being split amongst  
8 district haphazardly in a manner that has sadly,  
9 in the past, only because transparent to the fact  
10 that it has been done to protect politicians and  
11 not the people they were elected to serve.

12 In closing, I'd like to leave those  
13 present with my support for a truly fair  
14 redistricting process. This can only be done by  
15 an independent commission to rightfully oversee  
16 that the process is transparent and of and for  
17 the people, not of and for our legislative  
18 bodies. A key cornerstone to keeping that  
19 promise of fairness is absolutely the protection  
20 of minority communities. Our government exists  
21 to serve and protect our people.

22 Throughout our histories, minorities  
23 have needed that protection, as various  
24 minorities have during the course of the civil

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2 rights movement gained victories and thus their  
3 civil rights. I ask that any process be as  
4 mindful as possible of the LGBTQ community as we  
5 are among the most oppressed by our current state  
6 and federal government and laws as we are denied  
7 basic housing, employment and marital civil  
8 rights and protections. I ask any independent  
9 and fair redistricting process be mindful of our  
10 position, our needs and keep our voice and place  
11 at the table, to determine our representatives in  
12 government as much intact as possible. Thank  
13 you.

14 ASSEMBLY MEMBER MCENENY: Thank you.

15 The Civil Rights Law of 1965 refers to  
16 historically disadvantaged communities who have  
17 been discouraged from participating fully in the  
18 electoral process. Is it your feeling that  
19 people in the gay/lesbian, etc. community have  
20 been discriminated, discouraged from voting?

21 MR. BALL: While not--for instance,  
22 while not as, apparent as certain things like,  
23 Jim Crow's [phonetic] laws were in the past in  
24 doing that, when you have, all levels of our

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2 government in different ways not recognizing an  
3 actual group of people's civil rights and basic  
4 dignity as, tax payers, that does discourage  
5 people from participating in our government,  
6 which is everyone's right. So yes.

7 ASSEMBLY MEMBER MCENENY: Discouraged  
8 from voting?

9 MR. BALL: Absolutely. It discouraged  
10 people from participating in our government when,  
11 year after year, our federal government and  
12 different areas of our government does deny us  
13 basic civil rights and not treat us as equals.  
14 It absolutely discourages people from  
15 participating in government.

16 ASSEMBLY MEMBER MCENENY: I'm not sure,  
17 and I think we would like more input from you.  
18 One of the things that society's progressed  
19 tremendously in the last 10 or 20 years as  
20 witnessed recently by the Marriage Equality Act,  
21 which was passed by this legislature and signed  
22 by the governor. And I think one of the things  
23 that progress shows is that we don't stereotype  
24 people. And I think if there is one thing that

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2           hopefully most New Yorkers have learned is them  
3           is us, and that within every family, within every  
4           community, within every geographic and social  
5           group, there are people who are homosexual and  
6           those that are not.

7                     And I can understand, we do try to keep  
8           neighborhoods together. Little Italy is not  
9           protected, but it would be a shame to break a  
10          Little Italy. There are stereotypes of areas  
11          that are very friendly to the gay community.  
12          Lark Street in Albany. There's an area here in  
13          Buffalo, etc. But I think we would be making a  
14          tremendous mistake thinking that's the only place  
15          where these citizens are. It may be where they  
16          hang out, but it's not where they live. They  
17          live in every town and village and city, rural,  
18          suburban and urban throughout the state of New  
19          York. So I don't know how redistricting, which  
20          is essentially a geographic process, drawing  
21          lines on a map, can in any way protect or show  
22          respect to the gay community.

23                     I can see from a neighborhood point of  
24          view when you've got an area that's the Greenwich

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2 Village, the so-called creative class downtown,  
3 which is doing so much to revitalize our cities.  
4 That's keeping a neighborhood together anyway,  
5 which includes an awful lot of people from all  
6 orientations. How do we redistrict the State of  
7 New York and keep your concerns in mind, and what  
8 is it we're trying to avoid doing that would be  
9 damaging to that community?

10 MR. BALL: Well, to answer the first  
11 part of your question, I think you answered that  
12 question yourself in saying that when you're  
13 keeping these communities of interest, these  
14 LGBTQ communities together, you're keeping whole  
15 neighborhoods together, and that is a good thing,  
16 and that should be done as much as possible. And  
17 I would also just like to state that that  
18 argument, while it does have valid points that  
19 could be applied to--I did reference that in my  
20 testimony. LGBT people live in all areas of our  
21 state, but we do have, very highly concentrated  
22 areas where our families live and exist and don't  
23 just go to hang out.

24 But, and that we are everywhere, but we

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2 are--there are definitely areas where we're  
3 highly concentrated, and just like the African-  
4 American community, the Hispanic community, any  
5 minority community that should have its voice  
6 preserved, we should have that taken into  
7 consideration, just as they do.

8 ASSEMBLY MEMBER MCENENY: If the LGBT  
9 community could advise us of areas of  
10 concentration I'm sure we would take that into  
11 consideration as we would other neighborhoods as  
12 well.

13 MR. BALL: I'd greatly welcome that  
14 opportunity to continue a discussion with that,  
15 at least here for the Western New York area.

16 ASSEMBLY MEMBER MCENENY: Thank you very  
17 much.

18 SENATOR NOZZOLIO: Thank you very much.

19 MR. BALL: Thank you.

20 ASSEMBLY MEMBER MCENENY: Diane  
21 Benzachowski [phonetic]. Diane Benzachowski.  
22 Art Robinson.

23 MR. ART ROBINSON, PRESIDENT, SENECA

24 BABCOCK COMMUNITY BLOCK CLUB: I want to thank

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2           you all for being here. My name is Art Robinson.  
3           I'm a community activist. I also am a president  
4           of Seneca Babcock Community Block Club. I also  
5           am chairman of Neighborhoods Connecting and many  
6           other things with the city.

7                         One thing I haven't heard is one person,  
8           one vote. Nobody's mentioned that at all, and I  
9           think that is the purpose of this all, is the  
10          redistricting is being done because you have to  
11          have the equalization of districts for one  
12          person, one vote. Why don't people understand  
13          that? And one thing I really think about is  
14          neighborhoods and towns and villages to try to  
15          keep them as intact as possible.

16                        I mean, it's--I know it's difficult with  
17          lines being drawn and that, but it's got to be a  
18          priority because to divide them up, I've been  
19          involved with this, with the City of Buffalo,  
20          where my district is part one, part the other.  
21          And it's good sometimes, sometimes it's not. I  
22          just feel that there should be an independent  
23          commission that could be able to determine this.  
24          I mean, this has been going on for decades. This

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2 is something I don't understand is what happened  
3 20 years ago, 30, 40 years ago? Every ten years,  
4 this comes up. It's not like it just appeared  
5 and it just happened this ten years. This  
6 happens every ten years. Has anybody looked back  
7 to see what happened ten years, 20, 30 years ago,  
8 to see how did they handle it and how was it  
9 done?

10 ASSEMBLY MEMBER MCENENY: We thank you  
11 for your testimony. The two examples of how the  
12 state does it for its representation and how the  
13 federal government does it for its representation  
14 show you two extremes in the dichotomy. One  
15 person, one vote, as is required down to one  
16 person in the congressional district, can  
17 slaughter neighborhoods. It can split towns. It  
18 can break up natural communities of people  
19 because the goal is math. Make the math work on  
20 a census that's already out of date and a year  
21 old. That's one extreme. We have to live with  
22 it. I don't personally agree with that as a  
23 professional historian. I think it's insensitive  
24 to communities, and it, it breaks them up.

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2           The other extreme is I think more  
3 reasonable for the senate and the assembly. We  
4 have, on occasion, respected, for example, a  
5 county line. Not taking a little town on the  
6 other side because a town on border also applies,  
7 and try to get that through because it's not fair  
8 to take 1,000 people out of a rural county and  
9 put them in with an urban, suburban county so  
10 that the math is honored.

11           We live--when we actually draw these  
12 lines, we live with the problem that you've  
13 described, and the one that has faced every  
14 redistricting for the past certainly since the  
15 1960s when one person, one vote was first imposed  
16 on all governments except the United States  
17 Senate by the Supreme Court of the United States.  
18 And it's a delicate balance. I can guarantee you  
19 and I think my fellow members here, whatever  
20 comes out of this process, someone is going to  
21 cry foul. Somebody is going to want to go in the  
22 other direction. Either they're upset that the  
23 math in the case of the state districts varies by  
24 as much as 5% above or below the average. We try

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2 to keep it lower than that, but it can  
3 conceivably go that way based on past court  
4 decision. Or because a neighborhood got  
5 butchered for no apparent reason other than to  
6 make the numbers come out.

7 That's where human beings who know their  
8 area have to make hard decisions, and either way  
9 you go, someone is not going to be satisfied. I  
10 personally, having done this for many years on a  
11 local and one occasion, on the state level, like  
12 to see a little variety in the math for the  
13 purpose of keeping neighborhoods and communities  
14 together.

15 MR. ROBINSON: I will say something. I  
16 am very disappointed with Erie County. They've  
17 taken away my vote to vote in a primary, and I  
18 feel most people in Erie County feel that way. I  
19 don't think that should happen anywhere.

20 ASSEMBLY MEMBER MCENENY: I was not  
21 aware of that, and, I find it rather shocking.  
22 That's a real basic right that didn't used to  
23 exist and was fought for with New York as a  
24 leader in the early 1900s, and I can't believe

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2 the courts would do that. But you know, I always  
3 worry when anything goes to court. I worry if  
4 this goes to court.

5 MR. ROBINSON: Well, that's why I'd like  
6 to see this done not going to court because when  
7 it does, this is what happens. People lose their  
8 rights, and when you lose them, it's hard to get  
9 them back.

10 ASSEMBLY MEMBER MCENENY: Your testimony  
11 both on video and anything you submit in writing  
12 or anything you follow up with is part of the  
13 official record. The video is then turned over  
14 to a court stenographer, so it becomes a part of  
15 the written record even if you didn't submit  
16 something in writing, plus what you do submit in  
17 writing, and we appreciate your sentiments and  
18 your understanding of what the challenge is.

19 MR. ROBINSON: Thank you very much.

20 SENATOR NOZZOLIO: Thank you.

21 ASSEMBLY MEMBER MCENENY: Thank you.

22 John Marriott. Welcome.

23 MR. JOHN MARRIOTT, TOWN PARK HOMEOWNERS  
24 ASSOCIATION: Thank you, and thank you for the

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2 opportunity to state my case here. My name is  
3 John Marriott. I live in the town of  
4 Cheektowaga. I am president of an organization  
5 in Cheektowaga called the Town Park Homeowners  
6 Association. And Cheektowaga, you're probably  
7 aware, is immediately adjacent to the City of  
8 Buffalo on an eastern border. The neighborhood  
9 that I live in and are tax payer group, we're  
10 right along the Buffalo border. I live one  
11 quarter of a mile from the Buffalo border.

12 And I want to--I want to speak to the  
13 role of minorities in this redistricting. And I  
14 read in the paper recently, I think a couple of  
15 days ago, there was an article, and I believe it  
16 was USA Today that this latest census data shows  
17 that there's been a very large minority migration  
18 into the suburbs surrounding some of our major  
19 cities. Not only just in New York State, but all  
20 across the USA. We've seen that in our town  
21 being that we're immediately adjacent to Buffalo  
22 and particularly in the neighborhood where I  
23 live.

24 I'm the president of our local tax payer

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2 group in town, and I would say that our  
3 membership now is probably 25 to 30% minority.  
4 And the minority people that are in our  
5 organization and that live in the area, they've  
6 adopted that as their home. They participate--  
7 they can be a force in town government, in the  
8 political arena, and in a social interaction in  
9 the neighborhood. And I just would like to  
10 impress on the board the need to keep the town  
11 boundaries and observe the town boundaries.

12 And I think there's, if I'm not correct,  
13 there's a New York State - - called the Home Rule  
14 Act or Home Rule Law or something like that where  
15 it talks about maintaining the borders within the  
16 town. And we have--if we were to, say, break up  
17 those borders, which was one of the proposals in  
18 the recent county redistricting, what would have  
19 happened on one of the proposals was that the  
20 minority people that lived in Cheektowaga  
21 would've been moved back into Buffalo and that  
22 would take their legislative representation, any  
23 influence of their legislative representation for  
24 issues that they have in the Town of Cheektowage

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2 away from them. Because as we all know, you  
3 know, a lot of times you have to have your county  
4 legislator to go to the town to sell some issues,  
5 and it would dilute that minority representation  
6 somewhat from being able to participate and have  
7 some say-so in their town government.

8 As it was, the redistricting plan that  
9 the judge did, so far as I know--you can't  
10 exactly tell yet. So far as I know, there's not  
11 too much of that involved in it. I think  
12 Cheektowaga largely stays intact, at least in  
13 that portion. But it originally--some of the  
14 original plans that I saw, it wasn't going to  
15 happen. But I just want to impress on the  
16 commission, and they seem to be very receptive to  
17 the suggestions that have been made here today.  
18 I appreciate that. I testified before the Erie  
19 County commission, and they didn't seem to be  
20 interested at all in what any people testified.  
21 They didn't ask any questions like you have or  
22 anything like that.

23 They largely seemed to ignore the input,  
24 and unfortunately, it went to a judicial

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2 decision, which probably turned out to be the  
3 better solution of any one that was proposed,  
4 unfortunately. But I thank you for your time,  
5 and I appreciate the opportunity to speak to you.

6 ASSEMBLY MEMBER MCENENY: We appreciate  
7 your input. In the question of the congressional  
8 district what you describe could happen. We  
9 haven't even begun to draw these lines. In the  
10 case of the state senate and the state assembly,  
11 Cheektowaga must be kept whole. You have 88,000  
12 people in Cheektowaga. If you were one of these  
13 enormous towns on Long Island like Brookhaven or  
14 Amstead, it would be a different story. But  
15 you're well below the size of either a senate or  
16 an assembly district. So you're one of the few  
17 people that we can tell you what won't happen, at  
18 least for state and, --for state redistricting  
19 is that Cheektowaga won't be split. The town  
20 must be kept together, and if for example, when  
21 we're done, let's say we have a district that's  
22 off by 3,000 people, close enough.

23 MR. MARRIOTT: Yeah, yeah, that was our  
24 request from the county, that we keep Cheektowaga

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2 intact.

3 ASSEMBLY MEMBER MCENENY: They're not  
4 bound by it. But--

5 MR. MARRIOTT: I know.

6 ASSEMBLY MEMBER MCENENY: But Congress  
7 is right down to the person, which is very  
8 disrespectful of neighborhoods and  
9 municipalities, especially when you figure the  
10 census is a year old by the time you're playing  
11 with it.

12 MR. MARRIOTT: That's true.

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

15 MR. MARRIOTT: Yes.

16 ASSEMBLY MEMBER MCENENY: We appreciate  
17 it. Eric Walker? Eric Walker? Frank Mesiah.  
18 Welcome. Did I pronounce your name correctly?

19 MR. FRANK MESIAH, PRESIDENT, NAACP -  
20 BUFFALO BRANCH: Yes.

21 ASSEMBLY MEMBER MCENENY: Thank you.

22 MR. MESIAH: It's M-E-S-I-A-H. The  
23 other guy has two S's in his name. That's how  
24 you tell us apart.

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2 [Laughter]

3 MR. MESIAH: My name is Frank Mesiah,  
4 and I'm president of the Buffalo branch NAACP,  
5 and I have basically three concerns, and one,  
6 I've--and it's been modified because I heard some  
7 things. It changed. I didn't know that as  
8 African-Americans are moving into suburban areas,  
9 they're moving into ghettoed areas of the  
10 suburbs, as I just heard. That the mere moving a  
11 line would separate them, so they must be all  
12 going in, in a cluster and maintained in a little  
13 group. So they're not really being dispersed  
14 throughout the community, at least what I just  
15 heard.

16 ASSEMBLY MEMBER MCENENY: I didn't hear  
17 it that way, in all fairness.

18 MR. MESIAH: Oh, okay. Now, my first  
19 concern is the NAACP puts out a report card on  
20 all of the US Senators and House of  
21 Representative members, and the representative in  
22 our area of the 28th and 27th Electoral Districts  
23 have received for the past few years As, a  
24 grading of A. We would like to see that continue

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2 and we'd like to see that arrangement of how  
3 those two Congressional Districts are arranged,  
4 that they should remain that way as far as that's  
5 what we're--because we see those as districts  
6 supporting the NAACP. And so there won't be a  
7 misunderstanding, the NAACP is not just about  
8 black folks. It's about all people, and some of  
9 the legislation, there's 40 pieces of legislation  
10 that these Senators, Gillibrand, Schumer and the  
11 other House of Representative members had to vote  
12 on, and they voted children of undocumented  
13 immigrants, job creation federal student loan  
14 overhaul. Just a whole myriad of, of laws. 40  
15 of them, and I'm not going to take time to read  
16 them, but many of them are not geared toward just  
17 African-Americans. It's geared toward the total  
18 population that all people should be treated  
19 fairly and equitably. The other that is this we  
20 strongly support the redistricting of prisoners  
21 who will now be counted in their homes of record  
22 rather than in their prisoner communities.

23 That view is that Assemblyperson  
24 McEneny, is that who that is? I heard you were a

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2 historian.

3 ASSEMBLY MEMBER MCENENY: I'm sorry.

4 I'm looking at the map to make sure we're talking  
5 about the right district.

6 MR. MESIAH: Okay. And I would just  
7 want to say that I'm glad to hear you're a  
8 historian and not like one of the presidential  
9 candidates who seem to get American History mixed  
10 up. But prior, in this country, we have what was  
11 called the three-fifth rule, and I don't know if  
12 maybe they got students learning mathematics  
13 reading and they never get into history and being  
14 judged, but at that time, what it was, what  
15 congress did was arrange the Africans who were  
16 here, African-Americans, really, slaves, that  
17 instead of being counted for congressional  
18 reasons, it would take, --it was, you know, the  
19 three-fifths rule. Take five of them would only  
20 be worth three fifths of a person.

21 So that multiplied, but what that did  
22 was to give strength to those congressional  
23 districts, and now when we go and we see--we  
24 travel with the NAACP, looking at where some of

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2           these prisons are, those communities benefit by  
3           getting federal monies. They get that federal  
4           money because they can show more people. Then  
5           the local people, it's easier to get a job if  
6           you're close to one of those places. You know,  
7           you take the civil service exam, but if you're in  
8           a city 50, 60, 70 miles away, it's more  
9           difficult. There's a reluctance to take those  
10          exams, and the local people provide--help  
11          provide--the local businesses help provide the  
12          food. So they benefit from those prisoners there  
13          in addition to the federal monies they get  
14          because they get the extra counts.

15                   Now, if you--the point is with the  
16                   three-fifths, those slaves were not allowed to  
17                   vote, but the communities received credit for  
18                   having a population, which brought in certain  
19                   kinds of benefits.

20                   SENATOR NOZZOLIO: Mr. Messiah, sir, sir.

21                   MR. MESIAH: Now, if you fast-forward--  
22                   pardon?

23                   SENATOR NOZZOLIO: Sir, I would just like  
24                   to take that part of your testimony and raise a

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2 couple of questions. Thank you for the  
3 interruption. That the federal census is not  
4 changed by that statute. The United--the statute  
5 that requires prisoners to be counted at their  
6 last known address is only applicable for the  
7 drawing under the statute as drafted and enacted  
8 for state senate and state assembly lines.  
9 Nothing changes, just so you know, to be factual.  
10 Nothing changed in terms of the way the United  
11 States census bureau counts. And that those  
12 designations by the United States census bureau  
13 continue even though the statute exists. So your  
14 thesis about not charging or not counting them in  
15 this location regarding federal assistance or any  
16 other assistance driven by the census formula  
17 just simply isn't a fact.

18 The census still is there. The census  
19 still counts them at the prison, and it--that  
20 continues. Up in the north country a few weeks  
21 ago, a prisoner had a heart attack. It was a  
22 local, ambulance core that picked him up, it took  
23 him to a local hospital where he took a bed that  
24 was otherwise available, and that that local

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2 ambulance care in effect had a cost of that that  
3 individual's care and treatment, a cost that  
4 isn't going to be reimbursed in all likelihood by  
5 any other formula.

6 There also is a, a history replete of  
7 communities providing services to prisons. For  
8 instance, local district attorneys, whenever  
9 there is a crime that is committed within the  
10 prison walls, a local district attorney is  
11 required to prosecute that crime. That costs  
12 local tax payers money. It costs local tax  
13 payers resources.

14 So to just willy-nilly say that there is  
15 only benefit and no cost to the communities I  
16 think is inaccurate, and it belies the facts.  
17 Also, to say that the census formula is somehow  
18 changed is inaccurate, and lastly, whatever aide  
19 is driven by that census formula continues by the  
20 law that exists today.

21 [Crosstalk]

22 SENATOR DILAN: I just need a  
23 clarification first.

24 MR. MESIAH: Oh, I'm sorry.

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2           SENATOR DILAN: Okay. Because first you  
3 said that the federal funds do not change. Then  
4 you used an instance of local ambulance, and you  
5 said, who's paying for that ambulance. But if  
6 the funds don't change, that means there's no  
7 loss of money to the--

8           [Crosstalk]

9           SENATOR NOZZOLIO: Let's assume - -  
10 Senator, thank you for the question, but the fact  
11 is that Medicaid may or may not reimburse the  
12 full cost of that trip. It may or may not  
13 reimburse the full cost of the healthcare. It  
14 certainly won't reimburse--there's no assistance  
15 that will reimburse the district attorney for the  
16 prosecution of any criminal act that takes place  
17 behind the wall. So I thank you for your  
18 question, Senator Dilan, but--

19           SENATOR DILAN: Well, my point is that  
20 if no--if, if all the funds are still staying in  
21 that locality, how can you use an example of  
22 who's going to reimburse. But anyway, I know  
23 that's not a redistricting issue.

24           SENATOR NOZZOLIO: Senator, I was

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2 reacting to the testifier's question that there  
3 was no benefit that there was no cost, basically,  
4 only benefits to the communities that house these  
5 prisons.

6 SENATOR DILAN: Oh, okay. Oh, okay. So  
7 then you agree. So really, the only change in  
8 the law is that for the purposes of redistricting  
9 the prisoners are being counted in their last  
10 home of record. Is that correct?

11 SENATOR NOZZOLIO: no, it isn't totally  
12 correct, Senator, and since you're going to split  
13 hairs, let me split them a little further.

14 [Crosstalk]

15 SENATOR DILAN: No, I'm just looking for  
16 clarification. That's not what I'm doing.

17 SENATOR NOZZOLIO: It's a clarification  
18 that I'd be glad to answer, Senator.

19 SENATOR DILAN: I'm not giving you a  
20 hard time. I just want the record to be clear,  
21 that's all.

22 SENATOR NOZZOLIO: And let me answer your  
23 question, Senator. Not for the purposes--not of  
24 redistricting--

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2                   SENATOR DILAN: [interposing] I can  
3 split hair also if you'd like me to. Go ahead.

4                   SENATOR NOZZOLIO: Your question was  
5 redistricting. It wasn't a question of  
6 redistricting for congressional lines.  
7 Congressional lines are still redistricted not  
8 using this formula based on the law that was put  
9 forward. The congressional lines still are going  
10 to be using only the United States census  
11 figures, which count prisoners at their prison.

12                   SENATOR DILAN: We're clear. We're  
13 clear with that.

14                   SENATOR NOZZOLIO: Thank you, Senator.

15                   ASSEMBLY MEMBER MCENENY: Thank you.

16 Did you want to get into this?

17 [Laughter]

18                   MR. MESIAH: I guess I'm reacting also  
19 to when we lobby, as NAACP in Albany, we see all  
20 these people from these rural areas where there  
21 are prisons also lobbying you state legislators,  
22 and I don't know what about, to either build them  
23 more, etc., because there must be a profit in it.  
24 They're not doing it because they just feel like

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2 good people. They're making money on it. They  
3 have people working there, and it's to their  
4 benefit.

5 And this idea of losing some of those  
6 prisoners to go back to where their home base is  
7 creating, you know--like I say, we see it not  
8 much different than back in the three-fifths time  
9 when people could not vote and were considered  
10 three fifths of a person and are now in these  
11 prisons that are making money. They must be  
12 making money because the people are lobbying for  
13 them, and the prisoners can't vote, but the  
14 community around is benefiting.

15 ASSEMBLY MEMBER OAKS: Mr. Mesiah, just  
16 a point, I think, of clarification. If you look  
17 at the history of the census, the census says on  
18 this day, April 1st, every ten years, we're going  
19 to take a snapshot of America, and it's going to  
20 change on April 2nd. And the only ones--if you  
21 die the day of April 1 and you're born the day of  
22 April 1 you're both going to get counted. That's  
23 about the only one that overlaps a little bit, I  
24 guess. But other than that, it's where you're

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2           residing as of that day, and it is a snapshot.  
3           The person who is in prison today may get out  
4           tomorrow. Maybe they're going to be replaced by  
5           someone else who was arrested or whatever from a  
6           different community, but as in every other case  
7           of the census, a person is tracked only by that  
8           date. If you are a college professor teaching in  
9           Madrid, Spain for a semester, you're not counted  
10          in the census.

11                        It's a snapshot of that day, where  
12          people are, and you know, the prison structure  
13          that you talked about, I think there's legitimate  
14          questions to raise, but mostly it was built as  
15          the prison system grew much in the '80s, in the  
16          '90s they were looking to build prisons in  
17          certain places, and many of the urban areas did  
18          not want them. I remember a press - - going  
19          through of saying, asking the community, the  
20          local rural community, would you be willing to  
21          build, you know, have that built there. It was  
22          not 100%. No one was looking at that as I don't  
23          think economic development as some people might  
24          suggest.

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2           But I think to use a wide view of that  
3           is being a bit you know, expansive. The rural  
4           areas, clearly there are prisons there. There  
5           are prisons closing because the prison population  
6           is going down. If we were to take the census  
7           today from two years ago, it would be reduced  
8           from what it is. But I think--

9           ASSEMBLY MEMBER MCENENY: Assemblyman,  
10          I'm sorry, we want a complete record. We have to  
11          change the videotape.

12          [Music]

13          ASSEMBLY MEMBER OAKS: Other people have  
14          testified over the last few weeks that we've been  
15          doing this, and we really haven't had this  
16          discussion. And so some of the responses,  
17          whatever, almost in reaction to others' views as  
18          well. So that personally directed or your  
19          perspectives. But I would just suggest again  
20          that if we look at the law that there are issues  
21          that would look at it that would, suggest that  
22          there are reasons that historically and  
23          appropriately would make the count locally. But  
24          we will see, and as you've said, whatever the law

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2 says, that's what we're going to do and draw  
3 districts as they impact the state.

4 MR. MESIAH: And we don't want to get  
5 into the difference in why there's so many  
6 African-Americans in some of the prisons, the  
7 crack versus powdered cocaine. You know, 100  
8 grams versus five, and white people generally use  
9 powdered cocaine, and poor people use crack  
10 cocaine, so five grams of that sends them away  
11 unconditionally. Judges have no options. We  
12 have a federal judge here--to refuse to take the  
13 some of those drug cases because of that, because  
14 the judge had no option.

15 And here there were other people more  
16 affluent with, you know, 40, 50 ounces of cocaine  
17 powder with a whole different penalty facing  
18 them. So why we have more people in prison, and  
19 then people start looking at the prisons. And  
20 when we, like I say, get to Albany, and we see  
21 all these people camp--going around, trying to  
22 influence the legislators to do something to  
23 build their prisons, and then all of a sudden,  
24 somebody comes up and says, let's take the

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2 prisoners out and send them someplace else, and a  
3 lot of times now, all these people with the  
4 prisons seem very upset over that for a lot of  
5 different reasons. I say, wait a minute, why?  
6 What's the benefit? Do they lose that much money  
7 on somebody, you know, trying to escape or going  
8 to a hospital?

9 We have a hospital here, Erie County  
10 Medical Center that takes a lot of prisoners.

11 ASSEMBLY MEMBER MCENENY: I think--

12 MR. MESIAH: Are we on again?

13 ASSEMBLY MEMBER MCENENY: Oh, we are on  
14 again and have been for a little bit.

15 MR. MESIAH: Maybe we can terminate  
16 that?

17 ASSEMBLY MEMBER MCENENY: Well, I think  
18 the issue; the truth is always in the middle  
19 somewhere. There were communities in the north  
20 country, for example, would say you were  
21 desperate for a prison. We stepped up to the  
22 bat, and I think they would be upset at the word  
23 profit, when whether you keep your job is more a  
24 case of survival than profit. Profit has

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2 connotations that go beyond that, and while there  
3 are many rural communities that for whatever  
4 reason showed a willingness to take a prison, and  
5 I'm a supporter and a sponsor of that bill, the  
6 one that is now the law of the land, we could  
7 also say, where were our cities who knew  
8 perfectly well where their prisoners were going  
9 and never pushed to have a prison built in a  
10 metropolis.

11 You know, we've made mistakes. The  
12 three-fifth compromise, it took a civil war to  
13 end. 50% of our people didn't vote just for  
14 being women for a very long time. And American  
15 Indians, they weren't counted at all. They  
16 weren't even citizens until 1943. So society  
17 progresses, and we will be here a very long time  
18 if we try and figure out where the blame is.  
19 There's plenty to figure out for everyone, but  
20 you had additional testimony, I think. We  
21 interrupted you, and I would ask you to complete  
22 it if you will.

23 MR. MESIAH: No, it's fine, and I  
24 believe in change. Things are changing. They're

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2 not like they were, but you have to raise these  
3 issues for people to begin to look at them and to  
4 begin seeing where can they be changed. It may  
5 not be changed this year. It may take next year.  
6 It may take five years, but there's people, once  
7 they start to think about it, begin to think  
8 about how do we improve on this. Schools used to  
9 be in the cities when they first started, and all  
10 of a sudden, you know, that whole thing changed,  
11 and the state started to give 90% reimbursement  
12 for schools and 90% reimbursement for bussing  
13 that built up the suburbs and changed that whole  
14 issue of school development from having control  
15 because of the city where all the schools were,  
16 they weren't bussing people in the city to  
17 school, but they were in the suburbs. So they  
18 changed the law. They got 90%.

19 So all of that changes, and now we're,  
20 we're faced with that. But I'm--okay. Let me go  
21 on with, the other issue I had, the third, was if  
22 we go back to--we look at the 60th State Senate.  
23 I think it used to be the 58th, wasn't it? It  
24 was totally within the City of Buffalo, and the

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2 council--the assembly member here talked about  
3 her district is the only one that's totally  
4 within the city. And I'm not--and I haven't  
5 looked at the figures. I haven't looked at the  
6 numbers. I haven't been--because I don't have  
7 those kind of resources, but is it possible to  
8 return that state senate to Buffalo without  
9 increasing the number of senators and retaining  
10 the same number of senators because there's some  
11 people who feel that Buffalo really loses some of  
12 its, relative influence with suburban and rural  
13 areas. As we just heard, we have a rural--a  
14 suburban area, and they're proud of their so-  
15 called minority group, but that if you draw a  
16 line through it, you're going to separate that  
17 minority group, which means they're all in a  
18 cluster. You know, you don't want to call it a  
19 ghetto.

20 It's probably not a ghetto, but you  
21 understand what I'm saying. So that just because  
22 somebody moved to a suburban area does not mean  
23 it's--they're accepted and race is not a major  
24 issue, and especially when we thought--some

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2 people thought they had--with the election of the  
3 president, that everything was now, okay. We  
4 don't have any racial problems. Well, just a few  
5 months ago, we had a fellow running for governor  
6 who drew all kind of votes, many votes, and he  
7 was circulating, at least it was alleged, on his  
8 e-mails of the president with bones through his  
9 nose, big loops, okay? And he saw nothing wrong  
10 with this, and nor did all of the people who  
11 voted for him.

12 I'm talking about what you're faced with  
13 in redistricting where I haven't heard anything  
14 about race. See, what we're doing now, we're  
15 using a double--white folks think that black  
16 folks have never heard this stuff before, and  
17 they're stupid. They can't detect the next  
18 language.

19 See, I can come in here, and I say, oh,  
20 I see you have a girl working for you. That  
21 tells you right away if I don't say, I see a  
22 woman, I've said something about myself by saying  
23 I saw a girl. When some guy running for  
24 president says there's a black cloud over the

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2 country, what does that mean? Oh, it doesn't  
3 mean anything. You know, it's a lang--it does  
4 mean something if you're black. It does mean  
5 something when I try to become president and  
6 somebody--and he wants to be president, he wants  
7 to be president, she wants to be, but they say  
8 that I don't have a legitimate birth certificate,  
9 and there's no--none of the good people  
10 challenging that.

11 And we see that disrespect, etc., coming  
12 forward in a lot of these suburban or rural--I  
13 don't want to call on the party, but the point is  
14 we see that kind of anti-black feeling throughout  
15 the country every day when you turn on the  
16 television and you hear one of these candidates  
17 talking about taking the country back. Taking  
18 the country back from who? The Indians? Who are  
19 they going to take the country back from? The  
20 Arapaho? No. What are they talking about, the  
21 way they try to cover their racism that now when  
22 you start drawing districts in these same  
23 communities where these people, many of the  
24 people in the communities have no spoken out

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2           against that racism that we hear going  
3           nationally, they haven't said a word.

4                   I don't see these communities objecting  
5           to that, and then we now are going to have  
6           somebody draw districts, and we're going to be  
7           blind to that? We're not going to open our eyes  
8           to that? How are we going to deal with that kind  
9           of racism, the sexism that still exists? How do  
10          we deal with that, and I don't know. I don't  
11          know if you're planning. From what I've heard  
12          since I've been here since 10:00 up until a  
13          couple people who just spoke, I didn't even hear  
14          anything like that mentioned. I still hear  
15          people talking about them fags. All right? They  
16          still talk--I still hear people talking about  
17          girls. I'll go out with the girls. You know who  
18          those girls are? No.

19                   Or I have a girl that does my work for  
20          me at the office. Oh, you got some--I call up  
21          and I'm talking to a full-grown woman. I figured  
22          if it was a girl, I'd be talking to some teenager  
23          doing you know, work. But look, that's my  
24          feelings toward some of this. The--in summary,

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2 the prison situation, the maintaining and keeping  
3 the 28th and 27th congressional districts in  
4 place, and exercising some type of understanding  
5 that when you get into drawing these districts to  
6 be aware of some of the subtle racism that is  
7 existing that some of us see as African-Americans  
8 that other people are closing their eyes to.  
9 It's like not seeing the sexism. I noticed when  
10 I said the girl; I watched her jump, okay?  
11 Because she's aware of that.

12 But there's a lot of men here who will  
13 do that and not pay any attention, and there's  
14 things that go on with race that are very  
15 similar. How, then, when you are drawing these  
16 districts that you're able to have the  
17 sensitivities to take into consideration all of  
18 what you've heard today, not just some of it, not  
19 just the numbers, but the affective part. With  
20 that, I thank you.

21 ASSEMBLY MEMBER MCENENY: Well, thank  
22 you for your testimony. I believe we've  
23 mentioned the Voting Rights Act and minorities  
24 several times today. I just went out and spoke

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2 to a minority run radio show on the issue of the  
3 minority population. It's something that's  
4 spoken of very openly, and we encourage that. We  
5 appreciate your testimony. Thank you.

6 MR. MESIAH: Thank you.

7 ASSEMBLY MEMBER MCENENY: Ada Clemens.  
8 Ada Clemens. Kevin Gallagher. Welcome back,  
9 Kevin.

10 MR. KEVIN GALLAGHER: Good afternoon.  
11 My name is Kevin Gallagher. I'm from Penfield,  
12 New York. Street address 1973 Dublin Road. ,  
13 just for your information, I've tried to keep my  
14 testimony short, so the black text is what I'm  
15 going to read. The gray is for your reading  
16 afterwards. I'd also like to make some comments  
17 on what other people have said. Meeting on the  
18 13th floor should be an omen for the current  
19 process. Superstitious architects have removed  
20 the 13th floor from apartment buildings.  
21 Contentious citizens remove gerrymandering from  
22 the redistricting process.

23 Your house leaders have put you in the  
24 hot seat, so expect some heat. Election

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2 districts do not define communities of interest.  
3 Despite substantial differences in district lines  
4 between censuses, the Department of Justice had  
5 no objectives to the 2002 districts. The  
6 protection of communities of interest or minority  
7 voters has not and does not require preservation  
8 of election districts. If the Senate size is not  
9 going to be 62ed, it needs to be resolved  
10 immediately. I'm for a senate size of zero with  
11 a unicameral legislature. I thought the issue of  
12 prison population was resolved by the  
13 Constitution. I have some recommendations for  
14 that prison population. We can discuss that if  
15 you like later.

16 I've taken time to go back and look at  
17 the district sizes, and the numbers show the  
18 following. It is occasionally acceptable and  
19 necessary to cross county lines to balance  
20 district size. In urban and suburban areas due  
21 to the ability to adjust boundaries on a by-block  
22 level is possible to achieve target district size  
23 with remarkable precision. For 137 out of 212  
24 districts, the deviation from the target was less

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2 than 0.09%. For 37 districts, here was  
3 absolutely no deviation from the target number.

4 The problem is that district authors  
5 intentionally set the target numbers incorrectly  
6 to achieve political or partisan goals. The  
7 target district size is determined by the state  
8 census total divided by the number of districts.  
9 No other number is an acceptable target. For the  
10 state legislature, town boundaries must be  
11 respected. Town populations are often larger  
12 than urban blocks. Due to this, in rural and  
13 less urbanized areas, it may be harder to  
14 reconcile district populations, but thorough  
15 attempts must be made and documented.

16 A high level of precision has been shown  
17 for all districts from Westchester County south.  
18 Therefore, a maximum deviation of 1% is  
19 achievable and should be the hard rule to protect  
20 one person, one vote. You've asked me in the  
21 past how districts should be drawn. Every  
22 district shows--correction. Every district  
23 shares a border with one or more districts. When  
24 you have more than one entity making decisions

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2 that affect others, you run into conflicting  
3 interests. In place of a self-centered process,  
4 I am looking at the bigger picture. A process  
5 that is fair to everyone is the goal.

6 There is a hierarchy of responsibility  
7 from the federal to the state, which must be  
8 respected in descending order. One person, one  
9 vote and the Voting Rights Acts are the most  
10 important. The governor's bill addresses several  
11 failures of the current process. The largest  
12 problems are being controlled by the legislature,  
13 partisan, large deviations, not contiguous,  
14 protection of incumbents, and districts drawn to  
15 favor parties. The districts were also drawn to  
16 favor regions. Some of them are unwieldy or  
17 sprawling, and the current districts use party  
18 affiliation as a formation factor. Many of the  
19 districts are incompatible, and it violates the  
20 public trust. The governor's bill, which goes  
21 into greater detail, corrects many of these  
22 items.

23 In 2004, a report from the Brown Center  
24 clearly identified the dysfunction of New York

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2 State Legislature. Progress reports show little  
3 change. So far, the legislature has only  
4 addressed the low-hanging fruit such as empty  
5 seat or proxy voting. I'm not going to discuss  
6 the report with great detail, except it relate to  
7 the current redistricting process. This is part  
8 of the cycle of dysfunction. It's time to fix  
9 this part of the process.

10 Three of the recommendations of the  
11 report have to do with the restrictions of  
12 discharge motions, leadership control over the  
13 calendar, and the power of the speaker and  
14 majority leader. If these rules had been made--  
15 sorry, if these rule changes have been made, a  
16 majority of each house that pledged support could  
17 have passed the governor's bill this session, and  
18 we might not be here. The lack of an independent  
19 commission is unacceptable and a deliberate  
20 failure. However, it is not too late to create  
21 the commission.

22 Detailed committee reports. For the  
23 most part, there are still no committee reports  
24 attached to major bills in the Senate or the

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2 Assembly. Without these notes, we are without a  
3 source of information regarding the intent of the  
4 statutes, so we lack guidance. This is directly  
5 concerns Roman Hedges. There was a policy forum,  
6 and the paragraph is what I'm quoting from her,  
7 so if you'd like to correct my summation, please  
8 do. My summation is that you are a partisan  
9 party member and believe you should use the rules  
10 to advance your interest. And that's what I've  
11 gotten from your testimony. That's--I can't  
12 quite hear you.

13 MS. ROMAN HEDGES NEW YORK STATE  
14 LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH  
15 AND REAPPORTIONMENT: I believe it's a correct  
16 quote.

17 MR. GALLAGHER: Okay. Thank you. I  
18 doubt that you are alone in that opinion. I  
19 believe that you all have some sort of personal  
20 partisan party interests. The current law  
21 through omission of intent allows the  
22 manipulation of rules of this process for self-  
23 interests, and I believe that is contrary to the  
24 public good. If it is a vague law, it needs

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2 revision or replacement. In regards to the  
3 counting of inmates, - - Assemblyman McEneny as  
4 saying we urge our task force members to join  
5 with us in ensuring compliance with both the  
6 letter and intent of the law. You can't pick and  
7 choose which law you're going to apply that  
8 standard.

9 If the intent of the current reapportion  
10 law is to create fair districts for the good of  
11 the people, you have an ethical road block. It  
12 is likely that this entire task force must be  
13 disqualified from the actual line drawing  
14 process. That does not mean you stop what you're  
15 doing now. Good numbers and verifiable data are  
16 being generated by this group as they have in the  
17 past. However, a chain is only as good as the  
18 weakest link. This entire process is jeopardized  
19 by one bad decision, and the current districts  
20 are proof of that. There must be established an  
21 independent, nonpartisan redistricting  
22 commission. The commission can create three  
23 district plans for assembly, three for the  
24 senate, and three plans for the congress.

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2           The role of LATFOR would be to identify  
3 prisoner residences, identify communities of  
4 interest, solicit input from the community and  
5 review redistricting plans. The role of the  
6 legislature would be to vote or approve the  
7 districts of their house and then send it to the  
8 governor. While a Constitutional amendment is a  
9 - - desire permanent fix, a statute is a  
10 necessary current step.

11           Please consider this scenario. A group  
12 of citizens, say from a coalition of good  
13 governments, create a full set of district  
14 boundaries. After some review, would this task  
15 force accept a reapportionment plan? Can a  
16 reapportionment plan created outside this task  
17 force be presented to the legislature or approval  
18 after review or certification? And I'm asking--  
19 I'm asking this either as a question that can be  
20 answered now, or something that could be asked  
21 during a future meeting, and I'm asking from the  
22 representatives from minorities to ask that  
23 question in the next meeting.

24           ASSEMBLY MEMBER MCENENY: Could you

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2 repeat the specific question that you'd like to  
3 see asked at some point in the future?

4 MR. GALLAGHER: I have it in text in the  
5 writing. That would cover it.

6 ASSEMBLY MEMBER MCENENY: That's good.  
7 Thank you.

8 MR. GALLAGHER: A whole lot of New York  
9 State, called a community, are willing to place  
10 their face in an independent commission for the  
11 good of this community. I don't speak for all  
12 those people, but as it turns out, we seem to be  
13 in agreement. You've asked me how I believe my  
14 district should be drawn. My final answer is  
15 fairly through an independent, nonpartisan  
16 commission.

17 I also have some comments on some of the  
18 other things that came up today. These are not  
19 in a particular order. First off is a question  
20 about Erie County situation, and I'm only asking  
21 it as a rhetorical question. Is the loss of  
22 primaries during this cycle in Erie County offset  
23 by fairer districts for the next eight cycles?

24 I want to mention that my town is a town

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2 that is split by three congressional districts.  
3 I think that's a good thing. It allows me to  
4 interact with more of my representatives and  
5 perhaps have a greater voice. I understand how a  
6 municipal leader would prefer a single contact,  
7 though. I don't believe that media markets  
8 should be a consideration for congressional  
9 districts. That's all I have on that.

10 There is no test for office, particular  
11 legislature, but you're asking if there should be  
12 some standard for members of an independent  
13 commission, and I believe that those that appoint  
14 the membership will consider that and provide  
15 qualified candidates. I heard you criticize the  
16 number of appointments by the governor. The  
17 governor does not benefit from any of the line  
18 boundaries in this redistricting process, so I  
19 don't consider that a valid point.

20 , the thought of barring large  
21 contributors from the commission is something  
22 that you can resolve in a--either in a conference  
23 committee or within the legislature. That's  
24 something that you can take care of, and I

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2 appreciate you looking for insight from the  
3 people. I believe someone who spoke before me  
4 resolved that the governor is appointing two  
5 members of each party as part of that commission,  
6 which allows a bipartisan, not a shift. There's  
7 no two, six, six, two shift. It's still going to  
8 be four-four based on those appointments.

9 And another question is, does the  
10 current process that's created the 2002 districts  
11 allow contractors and lobbyists to influence this  
12 process? If it does, then looking at a  
13 commission that resolves those issues will  
14 correct that problem.

15 Having to do with the number of inmates,  
16 while it is important for the federal districts,  
17 do you have any idea if there's a significant  
18 number of inmates that won't have an address  
19 assigned to them? You don't have that  
20 information yet?

21 ASSEMBLY MEMBER MCENENY: There will be  
22 some.

23 MR. GALLAGHER: There will be some.

24 ASSEMBLY MEMBER MCENENY: We don't have

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2 the numbers yet.

3 MR. GALLAGHER: But would it be  
4 statistically significant? You don't know yet?

5 ASSEMBLY MEMBER MCENENY: - - .

6 MR. GALLAGHER: Okay. Because if it's  
7 not, it may not be a big issue. The--as far as  
8 my understanding, the Constitution allows the  
9 legislature to redistrict, and the legislature  
10 allows LATFOR to redistrict, and LATFOR allows  
11 staff to redistrict. Couldn't the legislature  
12 allow an independent commission to draw lines,  
13 and then verify it to satisfy the Constitution  
14 requirements?

15 And finally, district lines should not  
16 divide people. They should join citizens and  
17 communities. Thank you.

18 ASSEMBLY MEMBER MCENENY: Thank you and  
19 we appreciate your coming back again and  
20 elaborating with your testimony. Members? Do  
21 you have any questions? Thank you very much.

22 MR. GALLAGHER: Thank you.

23 ASSEMBLY MEMBER MCENENY: Clifford  
24 Cawthon of Citizen Action, who is the last person

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2 on my list, and we will then--but anyone who  
3 needs to get on the list is welcome to do so.  
4 And it's my distinct pleasure to recognize in the  
5 room today Tom Reynolds, former assemblyman,  
6 former member of congress from this area, and we  
7 appreciate you coming, Tom. Welcome, Mr.  
8 Cawthon.

9 MR. CLIFFORD CAWTHON, CITIZEN ACTION OF  
10 NEW YORK: Thank you very much. Thank you for  
11 coming to this hearing, and thank you for  
12 pronouncing my last name correctly. You're one  
13 of the few people who actually does that.  
14 Anyway, I just had a few thoughts. Some I've  
15 prepared and some I've scribbled down after  
16 hearing other speakers in here. And I think a  
17 lot of people hit a lot of really good points and  
18 raised some - - on GLBT representation.

19 And one of the things I wanted to bring  
20 up was how redistricting does divide us. It  
21 divides us on all those lines, but those lines  
22 are not just--well, those lines are political,  
23 but it affects the development of this region,  
24 how people--the quality of people's lives in this

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2 region. And that's why redistricting is a  
3 strategically important issue for the future of  
4 Buffalo. Oh, sorry, I forgot to say where I  
5 live.

6 I am currently a resident of Amherst,  
7 but I'm going to be moving soon. So anyway, we  
8 as defined by the US Office of Management and  
9 Budget and to New York State's Economic  
10 Development Strategy are one distinct cultural  
11 and economic area. And like other distinct  
12 economic areas, we require adequate political  
13 representation and prompt quality economic  
14 representation. And as some of you know, in  
15 particular, I was there on the 30th of March this  
16 year, and it was a very grim day for working and  
17 low-income people when mainstay [phonetic]  
18 workers were laid off, and state funding was  
19 radically cut due to the governor's budget  
20 against the interests of those folks. That isn't  
21 conducive to economic growth, and we, in the  
22 Buffalo and Niagara region, know what being  
23 deprived of economic stimulus can do.

24 And to secure both state and federal

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2 investment, what we need to do is we need to  
3 unite, what many speakers have said here, and I  
4 believe that due to our diverse population, that  
5 will allow us to have a certain amount of  
6 political pluralism and that political pluralism  
7 will allow us to address a lot of specific issues  
8 for each one of the communities represented in a  
9 specific district. But also, that will allow us  
10 to be able to come together in a really cohesive  
11 way to develop the region.

12 In fact, in the last decade, we've  
13 elected not one by two non-white state senators  
14 who have helped pass significant legislation and  
15 fiercely fought for those that have been  
16 disenfranchised in the past. Of the voting - -  
17 population in--excuse me, in 2010, 55% were non-  
18 white Hispanic, and 37% were black, and making up  
19 the gap, a significant amount of those folks were  
20 Hispanic, Asian, indigenous, etc. So we are a  
21 minority-majority city, and being the seat of the  
22 county as well as a big economic engine for the  
23 entire region is extremely important.

24 So that allows a certain amount of

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2 representation, an amount of consciousness that  
3 Mr. Mesiah alluded to in his speech. And through  
4 that, we've been able to build interracial  
5 political alliances, and to address those class  
6 issues and address socioeconomic justice during  
7 the election and after the election. And if we  
8 are united, we're stronger to sum all that up.

9 So drawing districts are diverse. It's  
10 key to the democracy. I think I've established  
11 that, and you esteemed representatives alluded to  
12 some state legislative and congressional  
13 districts being more kingdoms. I believe someone  
14 alluded to the lack of turnover rate in  
15 elections, how really an incumbent can stand for  
16 life. In fact, while I was up there waiting to  
17 speak, I looked up a couple of facts, and from I  
18 believe OpenSecrets.org, which is affiliated with  
19 OpenCongress.org, it was shocking in 2010, 85% of  
20 incumbents were reelected. And according to New  
21 York Times--

22 ASSEMBLY MEMBER MCENENY: That number is  
23 of incumbents who choose to run. Incumbents who  
24 know they're going to lose don't run. Excuse the

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2 numbers.

3 MR. CAWTHON: Well, regardless of that,  
4 and I'll double check that, regardless, that is a  
5 high number, and it's shocking because an  
6 incumbent that chooses to run should basically be  
7 able to lose, and from my own personal  
8 experiences living in the 26th Congressional  
9 District and my former congressman sitting up  
10 there, Mr. Reynolds, that it's a highly  
11 Republican district, despite the fact that it  
12 actually has a pretty diverse population in terms  
13 of political registration, ideology, etc. So  
14 essentially, if we have even a small mini  
15 kingdom, that's not democracy. That's just  
16 oligarchy. That's not representative of anyone,  
17 right?

18 So an in fact, the New York Times had  
19 something a bit more interesting relative to your  
20 respective offices. In 2008, more than half of  
21 state legislators that ran were reelected with  
22 more than 80% of the vote, which, again, feel  
23 free to check that, but I find that shocking, and  
24 usually I think New York Times is pretty

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2           reputable. So I think there needs to be  
3           something considered in this redistricting. How  
4           dynamic the districts are going to be in terms of  
5           turnover, how competitive the elections are going  
6           to be, whether or not the communities are going  
7           to be divided up and how conducive they are to  
8           overall economic development in our regions and  
9           conducive to larger economic development plans.

10                   Now, a diverse district that is made  
11           fairly and in a rational formation so  
12           representative turnover is responsive to the  
13           needs and the interests of communities, and any  
14           specific cultural and economic district like the  
15           Buffalo-Niagara District or Buffalo-Niagara  
16           Region, excuse me. I mean, that's just simply  
17           pluralism. We have a number of interests working  
18           together in getting their needs addressed. So  
19           pluralism, as I probably alluded to a couple of  
20           times, requires diversity.

21                   And on the prisoner issue, just to--my  
22           personal opinion, not for the organization  
23           because I'm basically just a grad student and  
24           activist for hire, but I do believe that counting

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2 the prisoners in their own districts as  
3 Assemblywoman--people Stokes said, she was right  
4 on the money. And the fact that they can't vote  
5 again, this is my personal opinion, I think  
6 really is a violation of their civil and  
7 moreover, their human rights because prisoners  
8 absolutely cannot participate at all in the very  
9 basic processes of our republic, and I think  
10 that's absolutely horrendous and very silly.

11 And besides that, I'll take any  
12 questions you have, and I thank you for allowing  
13 me to speak today.

14 ASSEMBLY MEMBER MCENENY: Thank you. We  
15 appreciate your--we appreciate your candidness.  
16 Do you think that if a civil servant does a good  
17 job and goes before the people in two years and  
18 said, should I be fired, that most people would  
19 fire them, assuming they did a good job, there's  
20 no scandals, went everywhere they were supposed  
21 to be? Do you think that would be healthy if  
22 they fired half of them for example?

23 MR. CAWTHON: Here's the thing. That  
24 good job is relative because as a student, and--

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2 ASSEMBLY MEMBER MCENENY: [interposing]

3 Well, and that's why we let everybody vote,  
4 because it is relative.

5 MR. CAWTHON: Hold on. I, I, I, I know,  
6 but again, I think if maybe I alluded to  
7 interests in my, small--in my small testimony,  
8 and as a student, I think the governor has  
9 blighted us, and there have been many progressive  
10 or interesting measures such as the independent  
11 council to do redistrictings put forward. But as  
12 a student, I would look at Governor Cuomo's  
13 record, particularly with the cuts. I'd give him  
14 a D-minus, and that's me being nice. So if I was  
15 voting as a student, I probably would try to  
16 support an independent candidate or someone that  
17 is much more progressive than the current  
18 governor.

19 Now, as, as an African-American, I would  
20 look at his policies toward employment and toward  
21 education and toward empowering, especially young  
22 African-Americans, which I believe in Buffalo,  
23 correct me if I'm wrong, there's a high  
24 unemployment rate, almost reaching the 50th

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2 percentile, which is particularly disgusting. So  
3 those interests would have to be taken into  
4 consideration. And as you definitely know, and  
5 as a student of political science I've been privy  
6 to that people don't always vote on rational  
7 decisions, and there's a lot of spin. So if I  
8 was going to--in sum, to answer your question,  
9 really, really, good turnover of bureaucrats is  
10 good for dynamic representative process, if you  
11 know what I mean.

12 ASSEMBLY MEMBER MCENENY: Maybe your  
13 answer would be term limits, instead.

14 MR. CAWTHON: Hm?

15 ASSEMBLY MEMBER MCENENY: Maybe you'd be  
16 more in favor of term limits, then?

17 MR. CAWTHON: yes, yes, I would.

18 ASSEMBLY MEMBER MCENENY: Okay. Thank  
19 you. Any members of the panel have a comment?  
20 Thank you very much. I'm going to go through the  
21 list for people who may have arrived since.  
22 Monica Arias Miranda, who I know has submitted  
23 testimony and shown up for a couple of the  
24 meetings. Fanny Vilario. Several council

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2 members who only wanted to be recognized in order  
3 to show their interest. Diane Benzachowski.  
4 Eric Walker, Ada Clemens. Is there anyone else  
5 who wishes to be heard? There being no others, I  
6 move that this public hearing be ended.

7 SENATOR NOZZOLIO: So moved.

8 ASSEMBLY MEMBER MCENENY: So moved.

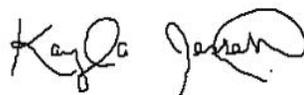
9 Thank you very much.

10 [Music]

11 (The public hearing concluded.)

C E R T I F I C A T E

I, Kayla Jessen, do hereby certify that the foregoing typewritten transcription, consisting of pages number 1 to 197, inclusive, is a true record prepared by me and completed from materials provided to me.



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Kayla Jessen, Transcriptionist

August 31, 2011 \_\_\_\_\_ Date



**NEW YORK STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC  
RESEARCH AND REAPPORTIONMENT**

**PUBLIC HEARING: CONGRESSIONAL AND STATE LEGISLATIVE  
REDISTRICTING**

**SEPTEMBER 7, 2011 / 10:00 AM  
QUEENS, NEW YORK**

1. State Senator Michael Gianaris
2. Karen Koslowitz  
City Council Member
3. Mark McMillan  
Deputy Counsel, Office of the President, Borough of Queens
4. Jerry Vattamala  
Staff Attorney, Asian American Legal Defense and Education Fund (AALDEF)
5. Robert Beltrani
6. Kenneth Cohen  
President, Northeast Queens NAACP
7. Mary Lou Urban  
Secretary, League of Women Voters, NYC
8. Joan Gray
9. Loula Loi Alofoyiannis  
President, Euro-American Women's Council
10. Natasha Korgaonkar  
NAACP Legal Defense and Education Fund
11. Helen M. Marshall  
President, Borough of Queens
12. Barbara Clark  
Assembly Member, 33<sup>rd</sup> District

13. Margaret M. Markey  
Assembly Member, 30<sup>th</sup> District
14. Betty Braton  
Chairperson, Community Board 10, Queens
15. James Hong  
Spokesperson, Asian American Community Coalition on Redistricting and Democracy
16. Jerry Cheng  
Former President and Current Board Member, OCA-NY
17. Bright Limm  
Co-Chair, Steering Committee, Korean Americans for Political Advancement
18. Gurpal Singh  
SEVA Community Organization
19. Rachel Fauss  
Policy and Research Manager, Citizens Union
20. Seema Agnani  
Executive Director, Chhaya Community Development Corporation
21. Rosemarie Daraio  
President, COMET (Communities of Maspeth Elmhurst Together, Inc.)
22. Steven Choi  
Executive Director, MinKwon Center for Community Action
23. Elizabeth Ouyang  
OCA-NY
24. Eileen Reilly  
Executive Director, Maspeth Town Hall
25. Yang Chen  
Executive Director, Asian American Bar Association of NY (AABANY)
26. Linda Lee  
Associate Executive Director, Korean Community Services of Metropolitan NY
27. Rachana Shah  
Redistricting Campaign Director, Taking Our Seat

28. Chejin Park, Esq.  
Staff Attorney, Korean American Voters Council (KAVC)
29. Eileen Reilly (speaking on behalf of Michelle Masone)  
Masone, White, Penkava & Cristoferi, P.C.
30. Dave Crum  
Commander, Catholic War Veterans Post #1
31. Joe DiPietro  
President, Federation of Italian Americans Organization, Queens
32. George Malandrakis
33. Mary O'Hara  
Chair of Housing Committee, Community Board 1
34. Brian Paul  
Research and Policy Coordinator, Common Cause NY
35. Gus Lambropoulos
36. Shena Goud  
South Asian Youth Action (SAYA!)
37. Jamilla Uddin  
Chair, Youth Committee of the Alliance of South Asian Labor
38. Robert Friedrich  
President, Glen Oaks Village
39. Harpreet S. Toor
40. Karen Dennis  
NYCHA, Ravenswood
41. Leroy Gadsen  
President, NAACP-Jamaica Branch
42. Carol Huang, PhD  
Research Coordinator, Asian American and Asian Research Institute

**TASK FORCE MEMBERS PRESENT:**

**Senator Michael F. Nozzolio**, Co-Chair, NYS Legislative Task Force on Demographic Research and Reapportionment

**Assembly Member John J. McEneny**, Co-Chair, NYS Legislative Task Force on Demographic Research and Reapportionment

**Senator Martin M. Dilan**, NYS Legislative Task Force on Demographic Research and Reapportionment

**Assembly Member Robert Oaks**, NYS Legislative Task Force on Demographic Research and Reapportionment

**Roman Hedges**, NYS Legislative Task Force on Demographic Research and Reapportionment

**Welquis Lopez**, NYS Legislative Task Force on Demographic Research and Reapportionment

**Lewis Hoppe**, Co-Executive Director, NYS Legislative Task Force on Demographic Research and Reapportionment

**Debra Levine**, Co-Executive Director, NYS Legislative Task Force on Demographic Research and Reapportionment

NEW YORK STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC  
RESEARCH AND REAPPORTIONMENT

PUBLIC HEARING  
CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING

Queens Borough Hall  
Meeting Room 213 - 1 & 2, 120-55 Queens Boulevard  
Kew Gardens, New York  
Wednesday, September 7, 2011  
10:00 a.m. to 3:15 p.m.

Task Force on Demographic Research, 9/7/11

TASK FORCE MEMBERS:

SENATOR MICHAEL F. NOZZOLIO, Co-Chair

ASSEMBLY MEMBER JOHN J. MCENENY, Co-Chair

SENATOR MARTIN M. DILAN

ASSEMBLY MEMBER ROBERT OAKS

DEBRA LEVINE, Co-Executive Director

LEWIS HOPPE, Co-Executive Director

ROMAN HEDGES

WELQUIS LOPEZ

## Task Force on Demographic Research, 9/7/11

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2 (The public hearing commenced at 10:00  
3 a.m.)

4 SENATOR MICHAEL F. NOZZOLIO, CO-CHAIR,  
5 NYS LEGISLATIVE TASK FORCE ON DEMOGRAPHIC  
6 RESEARCH AND REAPPORTIONMENT: Ladies and  
7 gentlemen, we apologize for the delay. It took  
8 some time to set up the equipment, and that's the  
9 reason for this delay. I'm New York State  
10 Senator Mike Nozzolio. I'm welcoming you all  
11 here today, and we are pleased to be in Queens.  
12 We are the task force designed by statute to  
13 review the redistricting process, to take public  
14 opinion. This is our hearing in Queens. It's  
15 the seventh in a series of a dozen hearings that  
16 we have conducted and will be conducting across  
17 the state. These proceedings are being recorded,  
18 and we ask the young lady who is New York One  
19 that you are very close to being in front of the  
20 camera that is recording these proceedings. For  
21 the first time ever the redistricting hearings  
22 are being recorded and are available for review  
23 on the LATFOR's website. I'm here, very pleased  
24 to be here with co-chairman, Assemblyman Jack

1 Task Force on Demographic Research, 9/7/11  
2 McEneny. Let me before Assemblyman McEneny  
3 indicates his comments, I want to thank those  
4 members of the task force who are here today:  
5 Welquis Ray Lopez, who is a citizen-member of the  
6 task force; Senator Martin Dilan, who is  
7 representing the Senate; Assemblyman Jack  
8 McEneny; and our other citizen representative  
9 Roman Hedges; Assemblyman Robert Oaks is a member  
10 of the task force and is on his way. That there  
11 are over 30 who have asked to testify and present  
12 their comments today, that is wonderful. The  
13 public input is something we welcome. Those who  
14 could not testify but are watching these  
15 proceedings via the internet, please feel free to  
16 submit your written thoughts to the LATFOR Task  
17 Force. We have fought hard to make this the most  
18 open and transparent process possible in  
19 establishing redistricting. There are some who  
20 are going to indicate today that they wish to see  
21 another type of redistricting process  
22 established. That's not for the decision to  
23 establish that different process. It's not up to  
24 the members of this task force. We have to

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2 comply with existing law. Existing law present a  
3 fiduciary relationship to us and responsibility  
4 to us as appointed members of this task force to  
5 conduct these hearings and begin the process, the  
6 process that began in earnest in mid-July. With  
7 that we welcome the testifiers today.

8 Assemblyman McEneny, do you have any opening  
9 remarks?

10 ASSEMBLY MEMBER JOHN J. MCENENY, CO-  
11 CHAIR NYS LEGISLATIVE TASK FORCE ON DEMOGRAPHIC  
12 RESEARCH AND REAPPORTIONMENT: Only to say that  
13 I'm glad we have such a complete turnout, and  
14 understand that as we go through this process,  
15 which is required by our state Constitution, as  
16 well as by the federal government, that we are  
17 limited by certain constraints. When we get into  
18 cities, particularly within counties, we have a  
19 rule in the New York State Constitution called  
20 Block on Border, so I know there will be people  
21 here advocating that their neighborhood be kept  
22 together or joined, perhaps, with a similar  
23 neighborhood. When you're done with the process,  
24 if by moving one block to the wrong side of the

1 Task Force on Demographic Research, 9/7/11  
2 street in your opinion the math comes out better,  
3 it must be done by constitutional law. Also we  
4 are governed by the Voting Rights Act of 1965,  
5 which pays special attention to minorities, which  
6 says that we do not diminish the participation of  
7 minorities, and when possible, we add to that  
8 participation. And I know there will be concerns  
9 about that here, as well. If your organization  
10 like Re-Shape New York or some of the others have  
11 already testified and you have the same points to  
12 make, we'd appreciate it if you'd consolidate  
13 that a bit for the benefit of the people who have  
14 not had an opportunity. Some groups have given  
15 the same message as three or four public hearings  
16 and they're already on television. We don't need  
17 the full text. We get the gist of it. And with  
18 that, Senator.

19 SENATOR NOZZOLIO: Thank you,  
20 Assemblyman. Senator Dilan.

21 SENATOR MARTIN M. DILAN, NYS LEGISLATIVE  
22 TASK FORCE ON DEMOGRAPHIC RESEARCH AND  
23 REAPPORTIONMENT: Yes, good morning to all.  
24 First of all I'd like to thank the co-chairs for

1 Task Force on Demographic Research, 9/7/11  
2 having this hearing in the City of New York and  
3 especially in the County of Queens, and we still  
4 do have some growing pains as a task force, but I  
5 think that we are trying to work out those kinks,  
6 and I feel very positive about that. I just look  
7 forward this morning to hearing from the  
8 constituents in Queens as to what they believe  
9 their Assembly and Senate districts should look  
10 like and also their Congressional districts. So,  
11 with that in mind, I look forward to listening to  
12 your comments this morning. Thank you.

13 SENATOR NOZZOLIO: Any other member of  
14 the task force wish to speak at this time? Thank  
15 you. We have over 40 speakers to testify today,  
16 and our first presenter is colleague, I also will  
17 admit a friend, but not too openly. It's too  
18 late. Senator Mike Gianaris.

19 STATE SENATOR MICHAEL GIANARIS: Thank  
20 you, Senator. Good morning. Let me welcome to  
21 Queens my colleagues, my former colleagues,  
22 especially from my own conference Senator Dilan,  
23 who has done a terrific job representing our side  
24 of the aisle on this task force, friends like

1 Task Force on Demographic Research, 9/7/11  
2 Roman who I work with and Jim Lazanno. Good to  
3 see you all here at Queens Borough Hall. I  
4 grappled with whether to come and testify today,  
5 mostly because I don't think it's a secret to any  
6 of you that I've advocated for a different  
7 process. For several years, back when I was in  
8 the Assembly with Assemblyman McEneny and  
9 Assemblyman Oaks, I introduced a bill to  
10 establish an independent commission that has  
11 since been embraced by many, including, most  
12 notably, Governor Cuomo, and I clearly think that  
13 is the best way to proceed. LATFOR is now moving  
14 forward with this process and I thought it  
15 important to at least come and state as part of  
16 the public record my views on the redistricting  
17 process upon which you are embarking. As such I  
18 guess my first recommendation will go unheeded,  
19 that is that you disband yourselves and establish  
20 an independent commission or at minimum, farm out  
21 the responsibility to a task force, which, is  
22 that better, farm out the responsibility to a  
23 more independent group that I think would  
24 certainly be within your rights under the law to

1 Task Force on Demographic Research, 9/7/11  
2 ask for a draft from a more independent  
3 commission, such as that envisioned by Governor  
4 Cuomo. Short of that, which I expect will not be  
5 embraced by the chairs of this task force, I  
6 would suggest that, given whatever draft LATFOR  
7 produces, I certainly expect will be vetoed as  
8 per the Governor's very clear and unambiguous  
9 position that he will veto any plan that is  
10 produced by this body, I at least suggest that as  
11 you're producing a draft, you produce a plan,  
12 just at least for the purposes of advancing a  
13 dialogue, that embraces the criteria of  
14 compactness, contiguity, and minimal deviation in  
15 population, either zero or one percent, which is  
16 certainly doable.

17 I know there are constitutional  
18 requirements, but there are a lot of people who  
19 can sit with a computer program and an afternoon  
20 and produce a plan that would be perfectly  
21 constitutional with a much smaller deviation. It  
22 is something that many believe has been abused in  
23 the past to produce districts that are over-  
24 populated in one region of the state, under-

1 Task Force on Demographic Research, 9/7/11  
2 populated in another to advance the interests of  
3 the majority parties in either house, and I think  
4 we would go a long way to improving things if we  
5 can move in that direction. So I wanted to  
6 encourage you, in the absence of the ideal, which  
7 is an independent commission, to at least if  
8 you're going to produce a plan that I don't  
9 expect will be enacted into law, but at least  
10 produce a plan that has some of the criteria that  
11 many of the reform advocates are encouraging and  
12 therefore at least we would move the dialogue in  
13 the direction of a fairer and more bi-partisan  
14 process in the future.

15 So I wanted to state that for the record  
16 and, again, thank you for coming to Queens to  
17 solicit and put as part of a process that I view  
18 as a flawed one.

19 ASSEMBLYMAN MCENENY: Senator, the law  
20 is the law, and I'm sorry that the governor was  
21 unable to convince the leadership that his bill,  
22 which I am a sponsor of, couldn't be tweaked in  
23 such a way to address some concerns, perhaps with  
24 some of the suggestions that you made. But are

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2 you advocating that a chief executive should veto  
3 a bill before he's read it?

4 SENATOR GIANARIS: I am not advocating  
5 anything. I was merely restating what the  
6 governor's public position has been, that he  
7 doesn't view this process as a fair one, that he  
8 doesn't view this process as one which would  
9 likely lead to the kind of independent and fair  
10 result that we all would like to see.

11 ASSEMBLYMAN MCENENY: Well as a member  
12 of the Assembly, I may not be pleased that my  
13 colleague, Senator Nozzolio, gets to advise and  
14 consent on the appointment of commissioners,  
15 vacancies, and certain elected officials, and so  
16 on, however, that's the breaks. That's what the  
17 Constitution says. That's what the law says. We  
18 have to live with that Constitution. It is our  
19 hope that following the law and following the  
20 Constitution and observing the Voting Rights Act  
21 of 1965 and remembering also that three of the  
22 boroughs of the City of New York are special  
23 Civil Rights counties, subject to a Justice  
24 Department review, that we will do the best that

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2 we can, and I would hate to think that anyone in  
3 public, elected office would veto a bill before  
4 they read it and assessed whether the results of  
5 the bill were fair and just or not.

6 SENATOR GIANARIS: Well, it's hard to  
7 fault somebody looking at past history of this  
8 body in assuming that the resulting plan will be  
9 biased in favor of the majority parties in either  
10 house. I think that's been the experience,  
11 that's where the votes lie in the group of people  
12 sitting at this table, and to suggest that we  
13 want something that's more fair rather than more  
14 partisan I think is not unreasonable. Now if  
15 this body produces a plan that's more fair than  
16 has been in the past, that's more contiguous,  
17 that's surprisingly more balanced in its  
18 approach, obviously I'm going to speak for  
19 myself, I can't speak for anybody else, but that  
20 would be something in your favor, but that's not,  
21 I think, anything anyone expects to happen.

22 ASSEMBLYMAN MCENENY: As a Senator, I  
23 assume you would recommend to the governor that  
24 he not veto it and that you would vote for it if

1 Task Force on Demographic Research, 9/7/11

2 it was fair?

3 SENATOR GIANARIS: It's very unlikely  
4 for me to imagine that the group before me will  
5 produce a fair plan.

6 ASSEMBLYMAN MCENENY: Well, thank you  
7 for your open mind, Senator.

8 SENATOR NOZZOLIO: Two things that  
9 concern me with the proposal that you put  
10 forward. First and foremost is respect for the  
11 state Constitution, and although it's not really  
12 an issue for the City of New York, it's a huge  
13 issue for upstate, where the Constitution of the  
14 State of New York says that we should not divide  
15 towns for the apportionment of state legislative  
16 districts. That issue bothers me, to get the  
17 mathematical precision that is required by the  
18 statutes that you referenced, Senator, you have  
19 to, you say you don't have to split towns, I  
20 think the danger, because of the congressional  
21 redistricting and that mathematical precision  
22 required, towns are split in upstate New York and  
23 we had testimony in Rochester, in particular,  
24 which focused on the dangers of doing that and

1 Task Force on Demographic Research, 9/7/11

2 the representation that hurts upstate. The more  
3 overriding governmental concern, and it's a  
4 political concern when you talk about bi-partisan  
5 or non-partisan redistricting, when there's eight  
6 members who choose the panel and six of them are  
7 democrats and two are republicans, that seems  
8 overly weighted. I think that even you might  
9 have trouble saying this with a straight face,  
10 Senator, is that six to two, in fact, a bi-  
11 partisan approach to the task, and I think that's  
12 the major objections that those who have objected  
13 to this have put forward.

14 SENATOR GIANARIS: Allow me to answer  
15 your question with a question. Would you support  
16 my proposal that did not involve gubernatorial  
17 appointments but an equal number of appointments  
18 from both parties, because right now it's stacked  
19 in a very different direction?

20 SENATOR NOZZOLIO: Well, I think I can  
21 answer your question to my question by simply  
22 saying, Senator, I'll have to read that in  
23 further detail.

24 SENATOR GIANARIS: You've had five years

1 Task Force on Demographic Research, 9/7/11

2 to do it, Senator.

3 SENATOR NOZZOLIO: Any other questions  
4 of Senator Gianaris? - - we thank you very much  
5 for your hospitality and for you being here  
6 today.

7 SENATOR GIANARIS: Thanks very much.

8 ASSEMBLYMAN MCENENY: Joined by  
9 Assemblyman Bob Oaks, who came in all the way  
10 from Wayne County, and if you know anything about  
11 upstate these days, it took an extra on the train  
12 because of the flooding and we have far more  
13 water than we'd like to see right now.

14 SENATOR NOZZOLIO: The Honorable Karen  
15 Koslowitz. Good morning, Counselor; thank you  
16 for being here today.

17 MS. KAREN KOSLOWITZ, CITY COUNCIL  
18 MEMBER: My pleasure. Good morning and thank you  
19 for your time today. My name is Karen Koslowitz,  
20 and I represent the people of the 29<sup>th</sup> Council  
21 District and part of the 28<sup>th</sup> Assembly District,  
22 which includes Forest Hills and Regal Park. I  
23 have lived in this district for 50 years and for  
24 30 of those years we were represented by one

1 Task Force on Demographic Research, 9/7/11  
2 State Senator. This was consistent with other  
3 elected offices such as State Assembly, Congress,  
4 and Council, which all incorporate Forest Hills  
5 and Regal Park in one district. Forest Hills and  
6 Regal Park make up the entirety of Community  
7 Board Six here in Queens. After 2000 the lines  
8 were redrawn due to political disagreements, and  
9 the residents and taxpayers of Community Board  
10 Six were disenfranchised in their State Senate  
11 representation. The area now falls under four  
12 different State Senate districts, completely  
13 unacceptable and inconsistent with all other  
14 elected offices. The diversity of the people and  
15 the thriving shopping and business areas have  
16 allowed Forest Hills and Regal Park to remain a  
17 bastion of the middle class in New York City. I  
18 strongly urge this committee to unite the area in  
19 the upcoming redistricting procedures and give  
20 the residents of Forest Hills and Regal Park the  
21 strong representation they deserve in the State  
22 Senate. And I kind of want to go along with what  
23 my colleague in the State Senate said, that the  
24 district was redrawn due to political opposition

1 Task Force on Demographic Research, 9/7/11  
2 to the person that was in office, and as a result  
3 we are at the tail end of everybody's district,  
4 and I feel that Forest Hills and Regal Park and  
5 the 29<sup>th</sup> Council District are big taxpayers to the  
6 City, to the State, and they deserve a  
7 representation of one State Senator, two at the  
8 most, not four. Thank you.

9 SENATOR NOZZOLIO: Thank you. Any  
10 questions to the Councilwoman? Thank you very  
11 much, Councilwoman. We wish to extend,  
12 Assemblyman McEneny and all the members of the  
13 task force, wish to extend our thanks to borough  
14 president, former Assemblywoman Helen Marshall.  
15 I had the honor of serving with the borough  
16 president when she was an Assemblywoman and that  
17 she is here represented today because, it's my  
18 understanding, scheduling conflicts preclude her.  
19 Please, for the record sir, would you state your  
20 name?

21 MR. MARK MCMILLAN, DEPUTY COUNSEL,  
22 OFFICE OF THE PRESIDENT, BOROUGH OF QUEENS: Yes,  
23 good morning, my name is Mark McMillan. I am the  
24 Deputy Counsel for the Queens Borough President,

1 Task Force on Demographic Research, 9/7/11  
2 and I have a statement on behalf of the Borough  
3 President I'd like to read. Good morning, and  
4 welcome to Queens Borough Hall. We are delighted  
5 to play host today to the task force and its  
6 important mission. Senator Nozzolio, Assemblyman  
7 McEneny, Assemblyman Oaks, and Senator Dilan, I'm  
8 testifying on her behalf as, unfortunately, she  
9 was unable to be here this morning. The 2010  
10 Census figures are in and while we here in Queens  
11 believe those figures severely undercount our  
12 Borough, we nevertheless remain the most diverse  
13 and second largest county in New York, numbering  
14 over 2.2 million people. For the record we  
15 estimate the Census Bureau undercounted the  
16 population of Queens by at least 100,000 people.  
17 The 2.2 million individuals of Queens live in  
18 dozens of communities as we are a Borough of  
19 neighborhoods. We not only identify ourselves by  
20 Borough, but also by the individual cultures and  
21 traditions that come from our neighborhoods. We  
22 are the only borough that uses the names of its  
23 communities when we use any sort of written  
24 correspondence. In fact, anywhere else in New

1 Task Force on Demographic Research, 9/7/11  
2 York City, if you address an envelope you write  
3 Bronx, New York, Brooklyn, or Staten Island. In  
4 Queens we write Glendale, Bayside, Little Neck,  
5 Forest Hills, Jamaica, or one of the dozens of  
6 other communities. We clearly identify with our  
7 neighborhoods, and in this way we have a very  
8 strong sense of pride. However, this causes  
9 great problems when an elected official does not  
10 represent neighborhoods as a whole. Queens is  
11 also distinctive because we have the most  
12 overcrowded schools in the City of New York.  
13 Thousands of our students are forced to attend  
14 classes in converted locker rooms, bathrooms, and  
15 hallways. Although we are on track of building  
16 schools and have added thousands of additional  
17 seats over the last decade, we need to rely on  
18 our elected officials to fight on our behalf.  
19 Building new infrastructure and quality medical  
20 care are also major issues for our population,  
21 and while we embrace the arrival of a new  
22 generation of immigrants, federal support must be  
23 provided to help meet their needs. In addition  
24 we are the only borough with two major airports

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2 that serve the rest of the city and the whole  
3 tri-state area. Protecting our neighborhoods and  
4 fighting for our needs require cohesive  
5 representation. That is why I mentioned those  
6 substantive issues. For all of these reasons the  
7 importance of wholly-contained districts inside  
8 of each borough is of the utmost importance.  
9 While this has been most highly respected over  
10 past redistricting on a state level, with regard  
11 to our members of the House of Representatives,  
12 our county looks like a bad jigsaw puzzle,  
13 without apparent thought given to keeping  
14 together many of our neighborhoods. The federal  
15 issue of having congressional members  
16 representing more than our borough of Queens is  
17 particularly troublesome. Queens now has six  
18 congressional members representing the borough,  
19 all of whom have been responsive to the needs of  
20 Queens. Yet only one of these members of  
21 Congress represents a district that is one  
22 hundred percent in Queens. In fact, it is often  
23 the case where one neighborhood is divided by two  
24 or more congressional districts. We here in

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2 Queens believe we would be better served by  
3 members of Congress who represent Queens in its  
4 entirety. Our diverse population requires  
5 special attention when it comes to schools,  
6 aviation, transportation, and a host of other  
7 issues. And while we generally see eye to eye  
8 with the other boroughs of the city and Nassau  
9 County, this is not always the case. For  
10 example, two of the three large airports in the  
11 metropolitan area are here in Queens and  
12 therefore our residents bear the brunt of the  
13 impacts from these airports and should garner the  
14 lion's share of benefits, as well.  
15 Unfortunately, we have often had to fight to  
16 retain these special benefits the airports can  
17 convey, and we need our federal representatives  
18 to fight for us in these matters. With regard to  
19 education we have tried for years to get the  
20 federal government to provide additional  
21 assistance for new school construction, as the  
22 majority of our newest students are immigrants.  
23 While we have not been as successful as we'd hope  
24 for, we do need members of Congress who

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2 understand these issues as our current members  
3 do. I could go on and on with regard to these  
4 separate issues, but I know you have a long day  
5 ahead of you. According to the Census, Queens  
6 should have 3.14 Congressional seats, and while  
7 we understand that based on this math we will  
8 need to have at least one of our members cross  
9 county lines, we ask that you take our compelling  
10 and unique situation into account as you go about  
11 the business of drafting new lines for our  
12 elected representatives. I thank you, again, for  
13 coming here to Queens Borough Hall, the seat of  
14 government in Queens, and to listen to our  
15 residents and to take heed of their issues.  
16 Thank you very much.

17 SENATOR NOZZOLIO: Thank you very much,  
18 and please convey our thanks to Borough President  
19 Marshall for your hospitality.

20 MR. MCMILLAN: Thank you, Senator.

21 SENATOR NOZZOLIO: Jerry Vattamala.  
22 Good morning, could you please state for the  
23 record who you are and where you're from?

24 MR. JERRY VATTAMALA, STAFF ATTORNEY,

1 Task Force on Demographic Research, 9/7/11  
2 ASIAN AMERICAN LEGAL DEFENSE AND EDUCATION FUND:  
3 Good morning, my name is Jerry Vattamala. I'm  
4 with the Asian-American Legal Defense and  
5 Education Fund. I'm a staff attorney with the  
6 Asian-American Legal Defense and Education Fund.  
7 ALDEF, as it's called, is a 37 year-old, non-  
8 partisan organization based in New York City that  
9 protects and promotes the voting rights of Asian-  
10 Americans through litigation, advocacy, and  
11 community education. ALDEF submitted proposed  
12 redistricting plans in 2001 for State Assembly,  
13 State Senate, and Congressional districts. ALDEF  
14 advocated for current State Assembly District 22,  
15 the only Asian-American majority Assembly  
16 District, which elected the first Asian-American  
17 State Assembly representative and is home to the  
18 only current Asian-American Assembly  
19 representative. In the area of voting rights,  
20 ALDEF has challenged previous redistricting plans  
21 that diluted minority voting strength. In 1982  
22 we filed objections with the Justice Department  
23 under Section 5 of the Voting Rights Act because  
24 Manhattan's China Town had been divided between

1 Task Force on Demographic Research, 9/7/11  
2 two State Assembly districts. ALDEF also  
3 commented in the last two rounds of New York City  
4 Council and New York State redistricting plans  
5 regarding their impacts on the Asian-American  
6 community. Asian-American are the fastest  
7 growing racial group in New York City. In New  
8 York City Asian-Americans have increased 32  
9 percent over the past decade and now we're almost  
10 13 percent of the city's population, numbering  
11 1,028,119. Seven out of ten Asian New Yorkers  
12 reside in three New York City boroughs: Queens,  
13 Manhattan, and Brooklyn. Asian-American  
14 populations have increased faster than the  
15 overall growth rate of the boroughs in which they  
16 reside. In Queens Asian-Americans have grown 17  
17 times faster than the overall rate of the  
18 borough, and in Manhattan and Brooklyn, 7.5 and  
19 25.75 times faster, respectively. Of all the  
20 municipalities in the nation, New York has the  
21 largest Asian-American population. However, no  
22 Asian-American has ever been elected to the State  
23 Senate or Congress, even though Asian-Americans  
24 comprise 13 percent of the city's population.

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2 Despite having the fastest growth rate of any  
3 racial group in New York City over the past  
4 decade, Asian-Americans continue to be woefully  
5 underrepresented in New York State. Currently  
6 there is only one Asian-American representative  
7 in the State Assembly and no Asian-American  
8 representative in the State Senate. One need  
9 only look at the State Assembly and Senate  
10 district boundaries of Flushing, Queens to  
11 understand why. When candidates of their choice,  
12 such as in State Assembly District 22, sorry,  
13 when communities of common interest are kept  
14 together, Asian-Americans can elect a candidate  
15 of their choice, such as in State Assembly  
16 District 22. State Senate Districts 11 and 16  
17 run straight down the middle of Flushing and  
18 divide the community in half, diluting Asian-  
19 American voting strength. This task force should  
20 eliminate all legislative district configurations  
21 that divide communities with common interests and  
22 ensure that these communities are kept together  
23 in the new districts. As detailed below and in  
24 the attached Asian-American neighborhood maps,

1 Task Force on Demographic Research, 9/7/11  
2 pages 20-22, which have been handed out to you,  
3 Asian-American communities of interest and  
4 neighborhoods are currently unfairly divided  
5 among numerous legislative districts on all  
6 levels. Since Asian-Americans are a protected  
7 minority group under the Federal Voting Rights  
8 Act, districts must be drawn so that Asian-  
9 Americans can elect candidates of their choice.  
10 While the United States Supreme Court has held  
11 that the consideration of race may not  
12 predominate in the redistricting process, the  
13 Court has also held that a paramount districting  
14 criterion is to include communities of interest  
15 in districts. While the Court has defined this  
16 concept as groupings of people with actual shared  
17 interests, social scientists have found  
18 communities of interest to exist when individuals  
19 share significant cultural, economic, political,  
20 and social ties. Here in New York the Federal  
21 Court is Diaz v. Silver, an Eastern District of  
22 New York case in 1997, recognized that Asian-  
23 Americans in Manhattan's China Town and  
24 Brooklyn's Sunset Park were a community of

1 Task Force on Demographic Research, 9/7/11  
2 interest that should be kept together within the  
3 12<sup>th</sup> Congressional District. The Court  
4 specifically recognized the following factors and  
5 shared community concerns: cultural background,  
6 economic status, common media markets, shared  
7 community services and organizations, including  
8 health clinics, stores, public transportation and  
9 workplaces, voting patterns, common languages and  
10 dialects, and common country of origin. Several  
11 Asian-American communities throughout New York  
12 City share common concerns and socio-economic  
13 characteristics, but they have been divided  
14 between two or more districts. We urge this task  
15 force to take a closer look at these  
16 neighborhoods and ensure that Asian-American  
17 communities are kept together and not splintered  
18 among newly drawn districts. ALDEF met with  
19 community groups all over New York City,  
20 specifically where Asian-Americans have clustered  
21 in many of the neighborhoods experienced the  
22 fastest growth. ALDEF asked the community groups  
23 to draw their neighborhood boundaries on a map as  
24 defined by their community. After meeting with

1 Task Force on Demographic Research, 9/7/11  
2 multiple groups from a neighborhood, we conducted  
3 follow-up meetings with the groups to come to an  
4 agreement on final neighborhood boundaries that  
5 all of the groups agreed upon. We also asked the  
6 groups about the most common concerns and issues  
7 in their neighborhoods. Many of the communities  
8 we met with had concerns regarding immigration,  
9 language-assistance, social services, health  
10 care, and workers' rights. These institutions  
11 that provide opportunities, these shared concerns  
12 center on daily neighborhood quality issues as  
13 well as neighborhood institutions that provide  
14 opportunities for education, employment, social  
15 services, immigration rights, and economic  
16 justice. Lastly, groups were asked to identify  
17 the surrounding neighborhoods that were most  
18 similar and the most different to their  
19 neighborhoods. ALDEF interviewed numerous  
20 community groups listed in the attached addendum  
21 that's at the end of the printout in the  
22 following Asian-American communities of interest  
23 that should not be divided. In Queens, Flushing,  
24 which is on the attachment, page 3. This

1 Task Force on Demographic Research, 9/7/11  
2 community defined in our area is currently  
3 divided among Assembly District 22 and 25, Senate  
4 District 16 and 11, and Congressional District 5.  
5 Flushing is home to New York City's China Town in  
6 Queens. The Chinese-American population in  
7 Flushing is mostly from Taiwan. Many of the  
8 immigrant population are limited English-  
9 proficient here and there is a need for language  
10 assistance. Flushing is a Chinese-American  
11 cultural and financial center in New York City.  
12 The neighborhoods of Flushing and Bayside share  
13 many common interests, such as the need for  
14 language assistance, immigration issues, and  
15 reliance on public transportation, and they  
16 should be grouped together into the same  
17 legislative district when possible. Now I've  
18 gone through the rest of these neighborhoods  
19 that's included in the attachment for all of  
20 Queens and Brooklyn, and as you can see, I'll try  
21 to go through this real quick here, in Bayside  
22 you can see, it's currently divided between  
23 Assembly District 24 and 26, Senate District 16  
24 and 11, Congressional Districts 9 and 5.

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2 SENATOR NOZZOLIO: Mr. Vattamala, we  
3 don't want you to hurry through, but the fact is  
4 that this will be submitted for the record, your  
5 written testimony, which we appreciate its  
6 detail. I'll ask you, will you be submitting on  
7 behalf of the Legal Defense and Education Fund  
8 any types of maps or proposed legislative  
9 district lines for congressional and state  
10 legislation?

11 MR. VATTAMALA: Yes, we will be.

12 SENATOR NOZZOLIO: And do you have a  
13 timeframe as to when you would do that?

14 MR. VATTAMALA: Our hope is to have it  
15 before the hearings are concluded. If not,  
16 shortly thereafter. We're working with a number  
17 of other community groups. ALDEF is also a  
18 member of ACCORD, Asian-American Community on  
19 Redistricting and Democracy, it's a coalition of  
20 numerous Asian-American community groups. We're  
21 working with them as well as Latino and African  
22 American groups.

23 SENATOR NOZZOLIO: We encourage that  
24 interaction. We also encourage establishing and

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2 forwarding to the task force specific plans.

3 MR. VATTAMALA: Yes, and if I may, these  
4 maps that I just submitted to the task force on  
5 behalf of ALDEF, this is based on community input  
6 and these are the building blocks to construct  
7 legislative districts, because these are the  
8 neighborhoods that at the granular level, that  
9 they believe should not be divided. We have the  
10 population figures on those maps, as well, so you  
11 can see that if community boundaries encompass a  
12 number of people that are not enough for an  
13 Assembly District, that community will definitely  
14 need to be combined with another community to  
15 construct an Assembly District.

16 SENATOR NOZZOLIO: We encourage you to  
17 submit those plans but to do it relatively  
18 quickly because we, Senator McEneny and I have  
19 shared this information across the state. We  
20 want to emphasis it wherever we go that the  
21 process is fully compacted this year. It's  
22 unlike any other redistricting year, let alone  
23 any other normal election year where, because of  
24 the primary having to be moved in all likelihood

1 Task Force on Demographic Research, 9/7/11  
2 into the late Spring time period, that makes the  
3 entire legislative process compacted and that  
4 petitioning would have to begin much earlier than  
5 ever before. If that's the case then districts  
6 have to be established sooner than ever before,  
7 so we are under a very tight time frame and that  
8 we encourage your participation and encourage you  
9 to submit your suggestions sooner than later.

10 MR. VATTAMALA: I appreciate that, and I  
11 encourage the task force to please review these  
12 maps and this testimony, especially because some  
13 neighborhoods, look at Richmond Hill, look at  
14 Elmhurst, look at how many legislative districts  
15 it's divided into. It's really not fair and we  
16 hope, we expect, that that's not going to happen  
17 again this round.

18 SENATOR NOZZOLIO: Any questions of Mr.  
19 Vattamala? Senator Dilan.

20 SENATOR DILAN: I haven't had the  
21 opportunity to review your maps, but you're  
22 suggesting that there would be a Congressional  
23 district for the Asian community or State Senate  
24 or State Assembly. Can you be more specific in

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2 terms of your verbal testimony and how would that  
3 impact other protected groups or like Latino  
4 groups or African Americans or blacks or  
5 Carribeans?

6 MR. VATTAMALA: Sure, absolutely. The  
7 first step is when you look at the maps you can  
8 see the population numbers, and as I eluded to  
9 before, you see the ideal State Assembly district  
10 is 129,000. So according to those numbers some  
11 of those neighborhood boundaries by themselves  
12 will constitute a legislative district, Assembly  
13 district. Now for a Congressional district,  
14 you'd have to combine numerous of those  
15 communities. We're working closely with PRLDEF-  
16 Latino Justice and other African American groups  
17 to not step on their toes, and we would like them  
18 not to step on our toes. So, it's a  
19 collaborative effort. We are producing draft  
20 legislative district maps for State Assembly,  
21 State Senate, and Congressional, and we will  
22 submit that to you, LATFOR, in cooperation with  
23 the other groups that we're working with.

24 SENATOR NOZZOLIO: Let me emphasize,

1 Task Force on Demographic Research, 9/7/11  
2 too, for the record and for anyone who is  
3 watching these proceedings, that we encourage all  
4 suggestions, particularly in the form of specific  
5 legislative map drawing to be submitted to the  
6 task force and the contact information is on the  
7 LATFOR's website. Mr. Vattamala, any other  
8 questions?

9 ASSEMBLYMAN MCENENY: Just to go over  
10 the calendar one more time, the Justice  
11 Department is concerned that 20 percent of  
12 service men and women do not have their absentee  
13 ballots counted because they get out there too  
14 late, Iraq, Afghanistan, wherever we are in the  
15 world, and they come back too late, and so the  
16 Justice Department is basically ordering us to  
17 change the calendar to add a 45-day period just  
18 to mail out the absentees. Those of you that are  
19 familiar with the political process know that  
20 prior to that, a Board of Elections has to print  
21 these up. Prior to that they have to know who is  
22 on the ballot and often there are challenges to  
23 candidates because of their petitions or one  
24 thing or another. Then there's a petition

1 Task Force on Demographic Research, 9/7/11  
2 period. There's a period to decline or accept a  
3 nomination. You go back through the petition  
4 period, say, five or six weeks, I think, and you  
5 realize that the state legislature is going to  
6 have to vote on this in late February or very  
7 early March. Now our plan is at the moment to  
8 have two sets of hearings. This is the first set  
9 when we talk more or less academically and  
10 theoretically and we talk about keeping  
11 neighborhoods together, though there's always  
12 going to be a neighborhood that's too big and is  
13 going to lose somebody, another that's too small  
14 and going to have it, in order to survive,  
15 encroach on somebody else's. This is generally a  
16 thankless task and nobody's going to be happy  
17 with the final result, they never are. Somebody  
18 always has to give up, somebody has to gain. But  
19 we would like to start drawing, other than just  
20 experimenting here and there, and there are no  
21 finished products out there or even near  
22 finished. We would like to do this during the  
23 month of October. So this is very, very useful  
24 and certainly it's something we're going to look

1 Task Force on Demographic Research, 9/7/11  
2 at, but getting good specific information during  
3 October would be very helpful to us as we develop  
4 a product for the next round of hearings, which  
5 should begin at some point after the election in  
6 late November through December and as little of  
7 January as we need to. Now if the governor  
8 vetoes it, that's another whole issue. The local  
9 county legislative plan in Erie County, for  
10 example, was thrown into the courts and the  
11 courts canceled the primary, which I find rather  
12 shocking. But, you know, we don't want any of  
13 that type thing. We want to get a good product  
14 before the people to really judge during that  
15 latter stage. We want to incorporate as many of  
16 your ideas as we possibly can.

17 MR. VATTAMALA: Yes, and I appreciate  
18 that, and, again, I hope the task force will use  
19 these maps as a guide when drawing legislative  
20 districts. We will submit our draft, Assembly,  
21 Senate, and Congressional, along with other  
22 groups. But for the moment this is a guide based  
23 completely on community input. If you look at  
24 the addendum, you can see how many community

1 Task Force on Demographic Research, 9/7/11  
2 groups we met with throughout all these  
3 neighborhoods. So, I appreciate it.

4 SENATOR NOZZOLIO: Any other questions?  
5 Mr. Vattamala, carrying on, thank you very much.

6 MR. VATTAMALA: Thank you.

7 SENATOR NOZZOLIO: Robert Beltrani.  
8 Good morning.

9 MR. ROBERT BELTRANI: Good morning. My  
10 name is Robert Beltrani of Jackson Heights,  
11 Queens, New York. First I'd like to thank you  
12 for coming to Queens for this public hearing.  
13 I'm much appreciative to see that this task force  
14 is in fact bi-partisan, being represented equally  
15 by both parties, and we also have citizen  
16 involvement, as well.

17 SENATOR NOZZOLIO: Mr. Beltrani, would  
18 you do us a favor? We can hear you, but in the  
19 back of the room they can't, so if you bring that  
20 microphone as close to you as possible.

21 MR. BELTRANI: This one, right? Not  
22 that one. We don't really care about that one.  
23 One reason that I'm here today is because I've  
24 read in the media recently, and actually it was

1 Task Force on Demographic Research, 9/7/11  
2 mentioned by an earlier speaker about the State  
3 Legislators on this task force coming under  
4 criticism for not passing Governor Cuomo's so-  
5 called independent commission for redistricting.  
6 Clearly the media coverage has not fully reported  
7 the real issues involved in the debate in an  
8 objective manner, which probably come to no  
9 surprise. I'm getting used to that. One thing  
10 I'd also like to point out is I was shocked to  
11 see that you were surprised that legislation  
12 might be vetoed before it was read, since we  
13 recently saw in the federal government some very  
14 significant legislation was passed without being  
15 read. So, we have a veto without being read, but  
16 we're going to get a passing.

17 ASSEMBLYMAN MCENENY: This is a little  
18 shorter than that.

19 MR. BELTRANI: We got to pass it before  
20 we can find out what's in it. Anyway, the  
21 nominating committee that was proposing Governor  
22 Cuomo's legislation, that panel picks possible  
23 members of the commission, has eight appointees,  
24 four of them chosen by the governor, one by the

1 Task Force on Demographic Research, 9/7/11  
2 Senate majority, one by the Senate minority, one  
3 by the Assembly speaker, and one by the Assembly  
4 minority leader. Therefore as currently  
5 constructed that would be six members would be  
6 appointed by a Democratic official and only two  
7 would be appointed by a Republican official.  
8 Clearly, that's not a very fair process. In fact  
9 it's very political and not an independent  
10 process at all, and if it were reversed and the  
11 Republican was the governor, it would be equally  
12 unfair to the Democratic party. I can't imagine  
13 why either house of the State Legislature would  
14 relinquish to the governor so much power in the  
15 redistricting process. This has never been the  
16 case under New York State law, which clearly  
17 provides that the State Legislature is  
18 responsible for redistricting. I much prefer the  
19 equal and bi-partisan approach of this task  
20 force. I also support the legislation that was  
21 passed in the State Senate this past March that  
22 was much more evenly balanced than the governor's  
23 plan, with four members being selected by the  
24 legislature, a Democrat and Republican from the

1 Task Force on Demographic Research, 9/7/11  
2 Senate, a Democrat and Republican from the  
3 Assembly, who would then get together and try to  
4 pick out a citizen member. This is exactly the  
5 kind of bi-partisan process that is needed in the  
6 State of New York. Further I believe that the  
7 Cuomo independent commission raises some serious  
8 constitutional concerns. I know it's in vogue to  
9 just put the Constitution aside and do what we  
10 want, but that's problematic, and I agree with  
11 the approach of the bill passed in the State  
12 Senate, which includes an amendment to the state  
13 Constitution prior to implementing an independent  
14 commission to prepare for redistricting plan. It  
15 is important to note that if a redistricting is  
16 done pursuant to the passage of the Cuomo  
17 commission, clearly that legislation will be  
18 challenged in court. That's something that we do  
19 not need, given the time table and everything  
20 else. It would create a tremendous mess and we  
21 don't need an additional cause of action to be  
22 created. Now while there has been a public  
23 demand for a permanent non-partisan redistricting  
24 commission, which I'm open to that discussion,

1 Task Force on Demographic Research, 9/7/11  
2 that demand cannot be constitutionally provided  
3 by a mere legislative enactment. The State  
4 Legislature may not by statute bind itself  
5 regarding future legislation. The State  
6 Legislature cannot merely forego its  
7 constitutionally-assigned powers. Not only is it  
8 questionable whether any independent  
9 redistricting commission can be created without a  
10 constitutional amendment, but also an independent  
11 commission cannot be created for a period beyond  
12 the existing session. How state legislation  
13 cannot change provisions in the state  
14 Constitution merely by passing a law and it  
15 should especially not be attempted just to  
16 satisfy political pressure from special interest  
17 groups. It appears to me that the only means of  
18 achieving a proper independent redistricting  
19 commission would be to do it by an amendment to  
20 the state Constitution. As you aware Article 3,  
21 Sections 3 and 4 of the state Constitution would  
22 have to be amended since it is the section of the  
23 Constitution which governs the redistricting in  
24 our state. In my opinion to change that method

1 Task Force on Demographic Research, 9/7/11  
2 and to remove any part of the redistricting from  
3 the powers of the Senate and the Assembly under  
4 Article 3, the Constitution must be amended with  
5 such changes such as adding a redistricting  
6 commission and to provide for that commission's  
7 powers, its authorization, and its funding.  
8 Further, for a redistricting commission to be  
9 truly independent, which I'd love to hear how  
10 that is actually done other than what I'm looking  
11 at, it has to be separately set up and  
12 independent of an existing branch of government,  
13 and that's the trick that you'd have in drafting  
14 that legislation and the amendment to the  
15 Constitution. The Constitution should also  
16 provide what role any commission may play in the  
17 evitable annual litigation over redistricting.  
18 Lastly, an independent commission must maintain  
19 complete fairness of the two major political  
20 parties, which is not the case in the governor's  
21 current proposal. Therefore I believe that this  
22 task force holding the hearing today should  
23 conduct redistricting for this cycle, as clearly  
24 required by New York State law. Thank you for

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2 your time, and I wish you well and good luck.

3 You have a hard task before you, particularly  
4 here in Queens.

5 SENATOR NOZZOLIO: Thank you, Mr.  
6 Beltrani. One of the things that we brought up  
7 in other hearings is that independence is in the  
8 eye of the beholder and that you have to have a  
9 number of strictures to establish independence.  
10 Under the current proposals, none of those  
11 proposals have listing elimination of campaign  
12 contributors, of heads of political action  
13 committees, of union or business officials who  
14 are part of the representation process through  
15 associations and other types of associations, and  
16 those, by not excluding those individuals, you in  
17 fact say that they can be independent and it's  
18 very difficult to expect that to happen.

19 MR. BELTRANI: Yes.

20 SENATOR NOZZOLIO: Thank you for your  
21 testimony. Any other questions of the panel.

22 ASSEMBLYMAN MCENENY: We were thinking  
23 maybe Canadians might be neutral.

24 MR. BELTRANI: That's probably in vogue,

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2 too.

3 ASSEMBLYMAN MCENENY: But given the  
4 biased English-speaking press, only French  
5 Canadians, then they wouldn't have any bias.

6 SENATOR NOZZOLIO: Thank you very much.

7 MR. BELTRANI: Thank you very much.

8 Good luck.

9 SENATOR NOZZOLIO: Kenneth Cohen. Good  
10 morning, Mr. Cohen.

11 MR. KENNETH COHEN, PRESIDENT, NORTHEAST  
12 QUEENS NAACP: My name is Ken Cohen. I'm the  
13 president of the Northeast Queens branch of the  
14 NAACP and regional director for the New York  
15 State Conference Metropolitan Council. That's  
16 all the branches of New York City. Today I'm  
17 here to make a blanket testimony on the  
18 redistricting process in the State of New York.  
19 The NAACP has a 102-year history of voter  
20 development, education, mobilization,  
21 encouragement, and protection. The mere right to  
22 vote for women and people of color has always  
23 been a priority. The New York State Conference,  
24 its regions and branches are making testimony

1 Task Force on Demographic Research, 9/7/11  
2 across the great State of New York to bring  
3 everyone's attention to the importance of  
4 diversity, inclusion, and transparency in this  
5 redistricting and redrawing of lines. As many of  
6 my colleagues in Buffalo, Rochester, Albany, to  
7 the tip of Long Island have made it so eloquently  
8 clear that this panel does not reflect the  
9 diversity of New York State by the number of  
10 women and persons of color that are represented  
11 on your panel. Across this state branches are  
12 meeting the challenges in court to protect the  
13 issues of the past so they do not continue into  
14 the future. The hard-fought battles for voter-  
15 rights and empowerment by those whose shoulders  
16 we stand will never be forgotten, because if not  
17 for those NAACP volunteers, there would be no  
18 districts of color in many counties. The  
19 reflective number of incarcerated men and women  
20 who live in New York City are in the thousands  
21 and are imprisoned in facilities upstate, but  
22 those individuals should be counted at their  
23 place of residence and not their place of  
24 incarceration. The NAACP is a non-partisan

1 Task Force on Demographic Research, 9/7/11  
2 organization that stands for good government and  
3 practices. We must be respectful and mindful of  
4 district lines, the Civil Rights' battles to get  
5 them, and the battles now to keep them, which is  
6 why we are here and why we should always be,  
7 there should always be a process of inclusion and  
8 in transparency. The NAACP and New York State  
9 Conference and its branches will continue to  
10 stand for those who cannot stand or speak out for  
11 their self and to be on the side of right.

12 SENATOR NOZZOLIO: Thank you. Mr.  
13 Cohen, before you leave, do you believe that all  
14 prisoners in this state, regardless of who they  
15 are, should be counted?

16 MR. COHEN: Yes, at the place where they  
17 reside, not in the, in their residence, in their  
18 homes, the address that was given to the court  
19 system, not in the prison where they are  
20 currently incarcerated and where their numbers  
21 count for their families and children.

22 SENATOR NOZZOLIO: You believe, and let  
23 me just restate this, that you believe that every  
24 prisoner in this state should be counted.

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2 MR. COHEN: Yes.

3 SENATOR NOZZOLIO: Thank you very much.

4 Mary Lou Urban.

5 MS. MARY LOU URBAN, SECRETARY, LEAGUE OF  
6 WOMEN VOTERS: My name is Mary Lou Urban, and I'm  
7 secretary of the League of Women Voters of the  
8 City of New York. The League is a non-partisan  
9 organization which encourages informed and active  
10 involvement in government and influences public  
11 policy through education and advocacy. We are  
12 also members of a statewide coalition dedicated  
13 to reforming New York's redistricting process,  
14 Re-Shape New York, which consists of 35  
15 organizations. While we appreciate this  
16 opportunity to share our thoughts on the  
17 redistricting process, we feel compelled to  
18 preface our remarks with our belief that the  
19 public has spoken loud and clear in favor of  
20 independent redistricting and no longer supports  
21 a system controlled by a legislative body whose  
22 lines it is redrawing. An independent commission  
23 drawing impartial district lines would maintain  
24 the legislature's ability to give import on the

1 Task Force on Demographic Research, 9/7/11  
2 plan and ultimately pass legislation in  
3 accordance with the state Constitution. As we  
4 approach redistricting our state we are mindful  
5 of the fact that while our population has grown,  
6 other states have even larger population gains.  
7 As a result New York State will lose two  
8 Congressional seats. Our concern is that in  
9 redrawing the lines for the remaining 27  
10 Congressional seats and all of the State  
11 Legislative districts, population be fairly and  
12 equitably distributed. In addition we believe  
13 that counting prisoners in their home districts  
14 and not in locations where they are temporarily  
15 incarcerated is now state law and should be  
16 followed in this redistricting process. We are  
17 also concerned about how the 2010 Census  
18 undercount estimated at 200,000 people in New  
19 York City will affect downstate representation  
20 and funding. A key element of reforming the  
21 redistricting process is limiting the allowable  
22 population differential between legislative  
23 districts. In the past this practice has  
24 resulted in districts of widely varying

1 Task Force on Demographic Research, 9/7/11  
2 population with sparsely populated upstate  
3 districts and densely populated downstate  
4 districts. After the 2000 Census, the New York  
5 Legislature approved a redistricting plan which  
6 allowed a plus or minus five percent population  
7 differential in Assembly and State districts.  
8 While this may seem like a very small disparity,  
9 it resulted in some districts being ten percent  
10 larger or smaller than others. Historically the  
11 redistricting process has protected incumbents,  
12 including carving insurgents' homes out of  
13 districts and has discouraged competition in our  
14 electoral system. In the 2010 election New York  
15 State had one of the lowest rates of voter  
16 participation in the nation, coming in at 47<sup>th</sup>  
17 among 50 states. The League has been in the  
18 forefront of promoting informed voter  
19 participation for over 90 years, and we strongly  
20 believe, and in 2010, the voters should elect the  
21 candidates of their choice and not have  
22 incumbents or a political party draw the lines in  
23 such a way as to protect their interests and  
24 power base. Over the past year local League

1 Task Force on Demographic Research, 9/7/11  
2 organized community forums, educating the public  
3 on the issues surrounding redistricts in over 35  
4 localities. Partly as a result of this effort,  
5 leagues around the state became active and  
6 influential players in local redistricting  
7 efforts. In New York City the League co-  
8 sponsored a redistricting forum with the Brennan  
9 Center and the Women's City Club. The New York  
10 City League has developed a legislative  
11 redistricting question and answer brochure in  
12 response to requests for information on how the  
13 process works. Time is of the essence in drawing  
14 new district lines, as there is a possibility  
15 that 2010 primary date may be moved from  
16 September to June. Fortunately the technical  
17 tools available to draw lines, taking in account  
18 natural boundaries and the 2010 Census, have made  
19 it easier to form representative districts. The  
20 state legislature should return to Albany for a  
21 special legislative session to end partisan  
22 gerrymandering and enact redistricting reform by  
23 endorsing an independent commission to draw truly  
24 representative, impartial legislative and

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2 Congressional lines. Continuing with the current  
3 LATFOR proceeding will result in Governor Cuomo  
4 vetoing the very lines it draws. New York cannot  
5 wait until 2021 for meaningful redistricting. We  
6 do have copies of this brochure if you would like  
7 it. Thank you.

8 ASSEMBLYMAN MCENENY: Thank you. Are  
9 you advocating that the governor should veto the  
10 plan before he looks at it because it wasn't  
11 drawn up by a group of his choosing?

12 MS. URBAN: No, he should read it first.

13 ASSEMBLYMAN MCENENY: He should read it  
14 first. Thank you.

15 SENATOR NOZZOLIO: Before you leave,  
16 thank you very much for being here. The League  
17 of Women's Voters has testified at now every  
18 hearing. You made it a hundred percent so far.

19 MS. URBAN: We will finish the rest of  
20 them, too.

21 SENATOR NOZZOLIO: I hope so. We have  
22 five more, so, and then after those five we'll  
23 have an additional, as many as a dozen following  
24 any plans that are put forward, so we welcome

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2 your further participation. Will the New York  
3 City League of Women Voters be submitting any  
4 plans to the task force?

5 MS. URBAN: I don't believe so. It  
6 would have to come from our New York State,  
7 because this is a state issue.

8 SENATOR NOZZOLIO: You mentioned the  
9 counting of prisoners. Do you believe that all  
10 prisoners should be counted in New York State for  
11 purposes of redistricting?

12 MS. URBAN: Yes.

13 SENATOR NOZZOLIO: Thank you very much.

14 MS. URBAN: You're welcome.

15 SENATOR NOZZOLIO: Joan Gray.

16 MS. JOAN GRAY: Good morning.

17 SENATOR NOZZOLIO: Good morning.

18 MS. GRAY: My name is Joan Gray. I am a  
19 concerned citizen speaking for myself, and I  
20 reside in Littleneck, New York, and I thank you  
21 for holding this hearing in Queens today.

22 SENATOR NOZZOLIO: Just feel free to  
23 bring that very close to you.

24 MS. GRAY: I am impressed with this task

1 Task Force on Demographic Research, 9/7/11  
2 force's commitment to hold public hearings across  
3 the state to ensure that many voices from  
4 different regions are heard during this  
5 redistricting process. We all realize the tight  
6 frame you are under, especially since we hear the  
7 primaries are being moved to June in 2012.  
8 Therefore, under this tight timeframe, this task  
9 force must first conclude the round of hearings,  
10 two, draft district lines for the entire state  
11 legislature, three, hold another round of  
12 hearings, and four, then make changes to the  
13 district lines all before necessary votes by the  
14 Assembly and the Senate on the proposed  
15 redistricting plan in February. So I thank you  
16 for starting the process early because it is  
17 clear that you have a lot of important work to  
18 accomplish in a short amount of time. My most  
19 important request to the task force is to do your  
20 best to assure that we have competitive districts  
21 for the state legislative and Congressional seats  
22 after redistricting. We can all agree that our  
23 state is better served by allowing as many  
24 contested seats as possible so voters will have a

1 Task Force on Demographic Research, 9/7/11  
2 real choice on election day. I noticed online  
3 that at previous hearings the question was asked  
4 about the size of the State Senate. I doubt  
5 there are many people in New York that believe it  
6 should remain at 62. Obviously the Senate would  
7 be better served having an odd number of Senators  
8 so that we will not run into problems again with  
9 ties on future votes for leadership. Since New  
10 York's population has increased over the past ten  
11 years based on the Census, I recommend that the  
12 Senate be increased to 63 Senators, while I  
13 recognize there is a formula under state law to  
14 determine the number of Senators. However, if  
15 you reduce it to 61, it will cause political  
16 problems because one district will have to be  
17 terminated. I wish to strongly state that I  
18 prefer that the current state law be followed and  
19 that this task force perform the drafting of the  
20 district lines this election cycle. I strongly  
21 support a bi-partisan redistricting and it is  
22 clear that this task force is premised upon a bi-  
23 partisan redistricting, as there is equal  
24 representation from the two major parties sitting

1 Task Force on Demographic Research, 9/7/11  
2 before me. I oppose changing the process in the  
3 middle of the game to the independent  
4 redistricting commission, as proposed by Governor  
5 Cuomo. While I'm not opposed to the concept of  
6 independent redistricting, the Cuomo bill,  
7 however, is deeply flawed. I believe that the  
8 independent commission can only be implemented by  
9 a constitutional amendment since the procedures  
10 for redistricting are clearly spelled out in the  
11 state Constitution, and the procedures mandated  
12 by the state Constitution can only be changed by  
13 an amendment voted on twice by the Senate, by the  
14 State Legislature, and then by the people in New  
15 York in a referendum. I also believe that the  
16 proposed Cuomo independent commission is flawed  
17 in that the composition of the nominating  
18 committee, and thus the commission itself, is  
19 very favorable to the Democratic party and  
20 unfavorable to the Republican party, especially  
21 when compared to this task force, which, from  
22 what I can see, is truly fair and bi-partisan. I  
23 do not agree with the governor's usurping the  
24 constitutional of the state legislature by giving

1 Task Force on Demographic Research, 9/7/11  
2 himself a large role in the redistricting  
3 process, which raises serious legal questions  
4 about the constitutionality of the Cuomo bill.  
5 Once again the state government is under tight  
6 time constraints to complete redistricting over  
7 the next six months, and we certainly don't have  
8 time to reinvent the process right now with an  
9 independent commission, especially one as  
10 politically-biased and legally-questionable as  
11 the Cuomo proposal. Finally I wish to note that  
12 only a few months ago, Erie County rushed through  
13 an independent commission to redistrict the  
14 county legislature and it was a total failure.  
15 The redistricting plan that was put together by  
16 the independent commission never passed the  
17 legislature and a federal judge, or possibly his  
18 law secretary, or possibly a group of legal  
19 interns, ended up drafting the district lines.  
20 New York State does not need the same kind of  
21 chaos when we are already under tight time  
22 constraints. I thank you for your time, and I  
23 wish you much success with this project.

24 SENATOR NOZZOLIO: Thank you very much

1 Task Force on Demographic Research, 9/7/11  
2 for your testimony. Any questions of the panel?  
3 Senator Dilan.

4 SENATOR DILAN: Yes, good morning.  
5 First of all, I see that your name is listed  
6 here. Who do you represent?

7 MS. GRAY: I represent myself.

8 SENATOR DILAN: Are you affiliated with  
9 any organization?

10 MS. GRAY: No, I'm not.

11 SENATOR DILAN: Or any political party?  
12 No one? You're just representing yourself?

13 MS. GRAY: Right.

14 SENATOR DILAN: Okay, so then, I have a  
15 question with respect to the size of the Senate,  
16 because you brought that up in your testimony.  
17 What basis do you feel that the Senate should  
18 increase?

19 MS. GRAY: My understanding is that  
20 there has been an overall increase in the  
21 population of New York State. I worked the  
22 Census last year. I was in charge of 14  
23 enumerators, all of whom were highly-educated,  
24 extremely-dedicated, and ferreted out every

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2 single person that could possibly be counted.

3 So, I have every assurance and confidence that

4 the Census data is correct. And in the event

5 that the number of Senators has to change, I

6 recommend that it change to a non-even number in

7 order to avoid the stalemates—

8 SENATOR DILAN: [Interposing] That  
9 uneven number could be 61, is that correct?

10 MS. GRAY: My understanding is that this  
11 will cause problems because a district will have  
12 to be eliminated.

13 SENATOR DILAN: Already, maybe, I just  
14 have two more comments. You know, in view of the  
15 fiscal straits that the state sees itself in, the  
16 possibility of adding another State Senate  
17 district could possibly cost the citizens of the  
18 State of New York well over a million dollars,  
19 considering that a person coming in would need to  
20 hire a staff, pay that member, equipment,  
21 supplies, insurance, benefits, etc., etc., but I  
22 guess I want to go towards, in the Constitution  
23 of the State of New York, there is a formula that  
24 dictates the size of the Senate. Utilizing that

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2 formula, it would dictate that the Senate be left  
3 at 62 or go to 61 you would agree with that, that  
4 we follow the Constitution?

5 MS. GRAY: I would definitely agree that  
6 you follow the Constitution, however, if the  
7 Census changes require an increase in the number  
8 of Senators, then I would agree that it should go  
9 up instead of down. The cost of hiring staff is,  
10 I can't even accept that as a legitimate excuse  
11 for, or a legitimate reason for not increasing  
12 the size of the Senate. If it costs so much for  
13 each Senator to run his office, then why don't we  
14 have fewer Senators, or if money is the issue,  
15 then, frankly, I don't believe that money is the  
16 issue.

17 SENATOR DILAN: Okay, well the fact is  
18 that there is an economic situation and the State  
19 of New York had to reduce services to citizens to  
20 the tune of ten billion dollars in the current  
21 budget, but let's put that aside.

22 MS. GRAY: Ten million is-

23 SENATOR DILAN: [Interposing] Ten  
24 billion.

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2 MS. GRAY: That's a little more  
3 significant.

4 SENATOR DILAN: Putting that aside-

5 MS. GRAY: [Interposing] That doesn't  
6 upset me.

7 SENATOR DILAN: Okay, putting that  
8 aside, you agree that whatever the Constitution  
9 of the State of New York dictates should be the  
10 rule?

11 MS. GRAY: I think we should absolutely  
12 follow the Constitution.

13 SENATOR DILAN: All right, thank you.

14 SENATOR NOZZOLIO: Thank you very much.  
15 A request that the co-chair and I are honoring,  
16 someone that will be called now, Loula Loi  
17 Alofoyiannis.

18 MS. LOULA LOI ALOFOYIANNIS, PRESIDENT,  
19 EURO-AMERICAN WOMEN'S COUNCIL: Good morning.

20 SENATOR NOZZOLIO: Good morning, and  
21 please for the record, help us by appropriately  
22 saying your name and your title, as well.

23 MS. ALOFOYIANNIS: Yes, my name is Loula  
24 Loi Alofoyiannis, and I'm the president and CEO

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2 of the Euro-American Women's Council and very  
3 active member in the Hellenic American Community  
4 since 1974. In my view there is a natural  
5 connection between Western Queens and Eastside  
6 Manhattan. They should be drawn together.

7 SENATOR NOZZOLIO: I'm sorry, please, if  
8 you would, because of the recording, if you would  
9 please move the microphone closer to you.

10 MS. ALOFOYIANNIS: Thank you so much. I  
11 thought they have - - as a feature. In my view  
12 there is a natural connection between Western  
13 Queens and the Eastside of Manhattan and they  
14 should be drawn together. Western Queens is at  
15 the heart of the Hellenic community in the United  
16 States but our archdiocese is headquartered also  
17 on the Eastside and many of our organizations are  
18 located there and many members of our community  
19 live there. As a Greek-American woman I can tell  
20 you that no matter, no member of Congress was  
21 paying attention to Greek issues until the two  
22 areas were united. Recognizing the importance  
23 of our community in the district, Congresswoman  
24 Carolyn Maloney created a Hellenic Caucus in the

1 Task Force on Demographic Research, 9/7/11  
2 Congress. Since then there has not been not a  
3 single - - Greek vote in the Congress and our  
4 issues have received the attention and the  
5 concerns that they deserve. Our organizations  
6 have been celebrated. Our events have been  
7 honored, and our desire to have a Greek  
8 participate in the - - program has been fulfilled  
9 through the years Congresswoman Carolyn Maloney,  
10 through her bill. If the two areas are separated  
11 our community's interests actually will be  
12 deleted. We are not numerous enough to be a  
13 majority of any district, but when these areas  
14 are joined, our voting strength is sizeable  
15 enough to hold attention. Unifying Western  
16 Queens and the Eastside of Manhattan magnifies  
17 our voices, gives our community clout, and  
18 ensures that we are a large enough group to  
19 receive attention. Please, I beg you, do not  
20 divide Western Queens from Manhattan. Give us a  
21 chance. The Greek Americans, they are very  
22 productive citizens in this United States of  
23 America and especially in New York State that I  
24 live. I thank you so very much.

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2 SENATOR NOZZOLIO: Are you referring to  
3 Congress, the Senate, and the Assembly, or  
4 concentrating on Congress?

5 MS. ALOFOYIANNIS: Congress, yes. I  
6 thank you so very much.

7 SENATOR NOZZOLIO: The majority leader  
8 of the New York State Senate is Senator Dean  
9 Skelos.

10 MS. ALOFOYIANNIS: I know, he's Greek  
11 and my friend.

12 SENATOR NOZZOLIO: And he, you're right  
13 about both of those counts, so thank you very  
14 much.

15 MS. ALOFOYIANNIS: And thank you so very  
16 much. I appreciate it. Good day.

17 SENATOR NOZZOLIO: L. C. Harris.  
18 Natasha Korgaonkar. Thank you, good morning.  
19 Would you please be so kind as to state your full  
20 name for the record?

21 MS. NATASHA KORGAONKAR, NAACP LEGAL  
22 DEFENSE AND EDUCATION FUND: Absolutely. My name  
23 is Natasha Korgaonkar, and I serve as assistant  
24 counsel with the NAACP Legal Defense and

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2 Educational Fund. Founded under the direction of  
3 Thurgood Marshall, LDF is the nation's premier  
4 Civil Rights law firm. LDF's mission is to use  
5 legal, legislative, public education, and  
6 advocacy strategies to promote the full, equal,  
7 and active participation of African Americans in  
8 our democracy. On behalf of LDF I'm pleased to  
9 present testimony at today's hearing before the  
10 LATFOR. My testimony will address the importance  
11 of adhering to traditional principles of  
12 redistricting, including compliance with Section  
13 2 of the Federal Voting Rights Act.

14 SENATOR NOZZOLIO: Ms. Korgaonkar, your  
15 entire testimony will be submitted for the  
16 record. It looks like it's very thorough and we  
17 appreciate that thoroughness. Feel free to  
18 summarize it as you go forward.

19 MS. KORGAONKAR: Sure. In particular,  
20 my testimony will briefly address three points  
21 that focus on the importance of those bodies  
22 charged with redistricting. One, remaining  
23 mindful of their obligations under the Voting  
24 Rights Act, two, keeping communities of interest

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2 together, and three, maintaining existing  
3 effective minority opportunity districts and  
4 seeking additional opportunities to create new  
5 ones. First, compliance with the Voting Rights  
6 Act is an essential requirement of any  
7 redistricting proposal. In particular Section 2  
8 of the VRA prohibits voting practices that were  
9 either enacted with racially discriminatory  
10 intent or that have racially discriminatory  
11 effects. As the Supreme Court held in *Thornburg*  
12 *v. Jingles*, Section 2 prohibits minority vote  
13 dilution. Vote dilution occurs where minority  
14 voters are unable to participate equally in the  
15 political process and to elect their preferred  
16 candidates of choice in a given district because  
17 the majority in that district votes as a block to  
18 minimize or to cancel the effectiveness of the  
19 minority vote. In the redistricting context  
20 examples of unlawful vote dilution include  
21 cracking, packing, and stacking. Cracking refers  
22 to the act of spreading a cohesive group of  
23 minority voters across a large number of  
24 districts, thus depriving members of that

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2 community of the concentrated voting strength  
3 necessary to elect candidates of their choice.  
4 The term packing, by contrast, refers to the act  
5 of compressing minority communities into a small  
6 number of districts, which results in district  
7 with unnecessarily high minority populations,  
8 essentially bleaching adjacent districts of  
9 minority influence. Finally, stacking is the  
10 process by which districts that are artificially  
11 majority minority are constructed such that the  
12 districts contain a large low-income minority  
13 population, along with a smaller, more affluent  
14 white population. While stacked districts do  
15 appear to be majority minority, they still dilute  
16 the minority vote by capitalizing on the fact  
17 that lower-income populations are less likely to  
18 turn out to vote for a variety of reasons, many  
19 of which stem from those communities socio-  
20 economic realities. Each of these means of  
21 diluting minority vote strength could be  
22 actionable under Section 2 of the Voting Rights  
23 Act. Redistricting bodies and communities alike  
24 should all be aware of whether proposed

1 Task Force on Demographic Research, 9/7/11  
2 redistricting plans employ any of these tactics  
3 and should steer clear of plans that do. Second,  
4 drawing compact districts that keep communities  
5 of interest together should be an essential  
6 priority of any fair redistricting plan. In a  
7 state as diverse as New York, and particularly in  
8 a borough as diverse as Queens, communities of  
9 interest can mean many things to many different  
10 people. However, the core concern of this idea  
11 is straightforward. Communities of interest are  
12 population groups whose needs, concerns,  
13 objectives, and conditions are shared. The  
14 shared experiences and goals can be found among  
15 people in a number of different ways, including  
16 groups that share immigration histories, income  
17 levels, language identities, educational  
18 backgrounds, housing patterns, or environmental  
19 conditions. Where possible communities of  
20 interest should be kept intact because they're  
21 naturally-allied stakeholders in the issues that  
22 connect them. Third, in light of the many  
23 tactics that can and have been used to suppress  
24 the minority vote, it's important to know what it

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2 means for minority voters to have an equal  
3 opportunity to elect a candidate of our choice.  
4 There are essentially three main types of  
5 effective minority opportunity districts, which  
6 my written testimony will explain in greater  
7 detail. However, another fourth type of district  
8 to remember is an influence district. In an  
9 influence district minority can't elect a  
10 candidate of their choice, but they do have a  
11 sufficiently large enough presence to have  
12 influence on the political process. In an  
13 influence district a minority group may not be  
14 able to elect their candidate of choice outright,  
15 but the group would be large enough such that the  
16 winning candidate in that district would need the  
17 communities vote in order to win and would  
18 thereby have to be responsive to the group's  
19 needs. Although some commentators have used the  
20 terms "coalition", "crossover", and "influence  
21 districts" interchangeably, there are crucial  
22 differences among the three. Most importantly,  
23 while coalition and crossover districts give  
24 minority voters an opportunity to elect a

1 Task Force on Demographic Research, 9/7/11  
2 candidate of their choice, influence districts  
3 don't. Therefore influence districts are in no  
4 way a substitute for effective minority  
5 opportunity districts. Nevertheless where only  
6 an influence district can be drawn, they should  
7 be strongly considered as a way to support  
8 minority groups' effective participation in the  
9 political process. In conclusion, I'd like to  
10 offer three observations. First, given the  
11 Supreme Court's recognition of the persistence of  
12 racial discrimination in voting, legislatures  
13 must remain mindful of their obligations under  
14 the Voting Rights Act. The VRA remains an  
15 essential tool for minority community empowerment  
16 and engagement. Second, redistricting plans  
17 should maintain effective minority opportunity  
18 districts. The dismantling of any such districts  
19 could also invite liability under Section 2 of  
20 the VRA. Third, those charged with redistricting  
21 must be mindful of opportunities to both maintain  
22 effective minority opportunity districts and to  
23 seek additional opportunities to create new ones.  
24 This is important even if a particular minority

1 Task Force on Demographic Research, 9/7/11  
2 community does not yet reach a 50 percent  
3 threshold in a proposed district. Keeping  
4 communities of interest can serve as seeds for  
5 what will later become effective minority  
6 opportunity districts. Helping to foster growth  
7 of political participation among minorities by  
8 seeking new opportunities for their engagement is  
9 especially important in a part of the state as  
10 diverse as New York City and in a borough as  
11 dynamic as Queens. Thank you, and I'd also like  
12 just to answer preemptively a question that you  
13 were asking some of the other testifiers  
14 regarding the counting of prisoners. It's our  
15 position that prisoners should only be counted if  
16 we're able to locate their home addresses, and if  
17 we're not, they should be removed from the data  
18 set and not counted. They should only be counted  
19 if we have their actual home addresses.

20 SENATOR NOZZOLIO: So you're suggesting,  
21 not suggesting, you're recommending, that a  
22 number of prisoners not be counted at all.

23 MS. KORGAONKAR: I'm recommending that  
24 prisoners whose home addresses are available be

1 Task Force on Demographic Research, 9/7/11  
2 counted in the districts that are their home  
3 districts, where they came from pre-  
4 incarceration. When prisoners' home addresses  
5 aren't available I do believe that they should be  
6 counted as part of the state population for  
7 purposes of Congressional reapportionment, but  
8 should not otherwise be counted.

9 SENATOR NOZZOLIO: Well that, so for  
10 Congressional legislative districts they be  
11 counted, but not state legislative districts?

12 MS. KORGAONKAR: They be counted as part  
13 of the New York State population, yes, for  
14 Congressional purposes.

15 SENATOR NOZZOLIO: But in terms of the  
16 dichotomy between counting individuals for state  
17 legislative districts versus Congressional  
18 districts, you're not concerned that literally  
19 thousands of people might not be counted in this  
20 process?

21 MS. KORGAONKAR: My concern is that they  
22 be counted where they're from, and if we don't  
23 have a home address for a given incarcerated  
24 person, I don't think—

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2 SENATOR NOZZOLIO: [Interposing] They  
3 should be counted at all, is what you're saying.

4 MS. KORGAONKAR: No, that's not correct.  
5 They should be counted as part of the New York  
6 State population, because they are. They should  
7 not, however, be counted as part of the  
8 population of the district in which they're  
9 incarcerated, because that is not their home  
10 district.

11 SENATOR NOZZOLIO: Any other questions  
12 of the panel? Assemblyman Oaks.

13 ASSEMBLY MEMBER ROBERT OAKS, New York  
14 State LEGISLATIVE TASK FORCE ON DEMOGRAPHIC  
15 RESEARCH AND REAPPORTIONMENT: Thank you very  
16 much. A couple of things, I appreciate the  
17 descriptions of cracking and packing and stacking  
18 and getting perspectives on that and the  
19 influence districts. I think those are helpful  
20 as we look forward. I did hear you say that we  
21 ought to look at history as we go forward and use  
22 that some. One of the challenges, I think, of  
23 the issue, the Senator just noted, on counting  
24 prisoners. I think one of the challenges is

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2 since 1790, when the Census started, it's always  
3 historically been wherever anyone is incarcerated  
4 and through all the Census up to this point,  
5 people have been counted where they are  
6 incarcerated. The implication that today,  
7 obviously, it has an impact I think as we look at  
8 prison population, both where people are from,  
9 perhaps racial and ethnic makeup, that it has  
10 impact of shifting numbers in the state, but from  
11 1790 until this time it's been a consistent  
12 thing, and it was not determined in 1790 for any  
13 purpose other than counting, and we've always  
14 followed that. So I guess my sense is without,  
15 we are changing the intent of the Census by  
16 making that change, and apparently now we may  
17 have up to, even with this law, up to 14,000 or  
18 15,000 prisoners that may not be counted at all  
19 if it's to be implemented that way.

20 SENATOR NOZZOLIO: Before you leave, I'm  
21 surprised, really, at the approach that you're  
22 denying in this advocacy, that you'd be denying  
23 the humanity, literally, of thousands of people.

24 MS. KORGAONKAR: I'm sorry?

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2 SENATOR NOZZOLIO: Denying the humanity  
3 of, literally, thousands of people by not  
4 counting them at all. If they are part of, if  
5 for some reason or another the last known address  
6 is not established, then they, for state  
7 legislative purposes, do not exist, and that, to  
8 me, it's a confusing denial of humanity, and I  
9 think that that is certainly your opinion and  
10 it's on the record, but it's a confusing one to  
11 me. I should emphasize that your recommendations  
12 regarding the Voting Rights Act will be taken by  
13 this task force very seriously, that each person  
14 on the task force is fully committed to complete  
15 compliance with the Federal Voting Rights Act,  
16 that the Justice Department and/or the courts are  
17 going to have to review whatever plans are put  
18 forward and that we are very mindful of the need  
19 to comply with the letter and spirit of the  
20 Voting Rights Act. So your comments regarding  
21 that are certainly helpful, and we have full  
22 agreement on those objectives.

23 MS. KORGAONKAR: Thank you, sir, and I'd  
24 just like to politely disagree that my position

1 Task Force on Demographic Research, 9/7/11  
2 denies the humanity of any person, whether  
3 incarcerated or not. We do advocate that every  
4 prisoner be counted for Congressional purposes  
5 and simply not that prisoners are counted as  
6 living in places where they're simply  
7 incarcerated. Thank you.

8 SENATOR NOZZOLIO: Thank you very much.  
9 Assemblyman McEneny.

10 ASSEMBLYMAN MCENENY: I'm very familiar  
11 with the cracking and packing, which to me means  
12 the artificially putting people into a  
13 neighborhood beyond what would make sense or  
14 deliberating dividing a constituency. I'm not as  
15 familiar with stacking. My background is as an  
16 historian. I also took the Census for the  
17 federal government for four counties in the  
18 1980's. I believe in redistricting by  
19 neighborhood. Very often, and I am more familiar  
20 with local redistricting, very often an historic  
21 neighborhood will have some restored brownstones  
22 in it, and it will be surrounded by buildings  
23 that have deteriorated or are more blue collar  
24 and that that area is often the heart of a

1 Task Force on Demographic Research, 9/7/11  
2 neighborhood and has been, in some cases, for  
3 over a century. Within the minority community  
4 which will dominate in the poorer housing, there  
5 will be certain educated leaders from that group  
6 who are themselves minorities who for reasons for  
7 finding better housing for their families will  
8 get an opportunity to finally buy into one of  
9 these restored brownstones. Are you advocating  
10 that that area, because that block, let's say, is  
11 overwhelmingly white, should be cut out of the  
12 poorer neighborhood, even though for a century  
13 they've been together and that, in fact,  
14 leadership is therefore eliminated. Those who  
15 have progressed well in society on a socio-  
16 economic and educational level who live on the  
17 wrong side of the street, so to speak, but a  
18 street that has always been one neighborhood,  
19 when you describe stacking, does that mean that  
20 you should deliberately carve it out for a  
21 numerical goal and leave those undereducated,  
22 more impoverished people, without potentially  
23 perhaps a great leader?

24 MS. KORGAONKAR: No, I don't think that,

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2 that parts of a community that should naturally  
3 be kept together, or even parts of a block, as  
4 you described, should be unnaturally cut out of a  
5 district in order to avoid any kind of  
6 configuration that has any kind of name, simply  
7 that the traditional principles of redistricting  
8 be respected and that among those principles be  
9 an inquiry to the intent of any line drawing.

10 ASSEMBLYMAN MCENENY: I don't think  
11 stacking was one of those principles in 1965. To  
12 me that's a new term, and I'd be very interested,  
13 and I know you've submitted written testimony as  
14 to what court order that was. Thank you.

15 MS. KORGAONKAR: Thank you.

16 SENATOR NOZZOLIO: Thank you very much.  
17 We are joined by first and foremost the borough  
18 president, Helen Marshall. Thank you very much  
19 for the courtesies you've extended to the task  
20 force. It's wonderful to see you again, a former  
21 colleague in the Assembly, that your testimony  
22 was submitted by your deputy counsel McMillan,  
23 and that we appreciate the fact that we're here  
24 today.

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2 MS. HELEN MARSHALL, PRESIDENT, BOROUGH  
3 OF QUEENS: First of all we welcome you here, and  
4 I am a child of reapportionment. We were very  
5 fortunate in our area in Queens, way back. I was  
6 able to go to the Assembly because we asked them  
7 to please do a fair count, and we did in our  
8 area, and we always encourage people to do the  
9 Census. We went in one community, we went from  
10 having only two elected officials, one was in the  
11 City Council, and the other was in the New York  
12 State Assembly. Well, when we walked out of that  
13 court, we had four Assembly seats, one State  
14 Senate seat, and a Congressional seat, because it  
15 was the fair thing to do, right here in Queens.  
16 So I respect redistricting, not only for  
17 political reasons, but for human reasons. The  
18 young lady who is suggesting that you should not  
19 count those who do not have an address that they  
20 can give you, okay, so you can trace where they  
21 really lived, the reason she's doing that is  
22 because many of the small towns up where the  
23 prisons are, they all want the prisons to be  
24 there, but on the other hand, these people who

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2 are in prison are being counted as residing  
3 there, and actually they are, at that moment they  
4 are living there. But on the other hand, it  
5 swells their vote. I don't mind people having  
6 power. How could I say I don't, right? Well,  
7 that's what I believe she's getting at, all  
8 right. I have Riker's Island, right there in  
9 Queens, and it's supposed to be between Queens  
10 and Brooklyn, and the Bronx rather, but and I go  
11 into those prisons, okay, and I talk to them,  
12 mostly the women and the young, what they call  
13 adolescents are 16 to 19 year-olds, so that I  
14 know what it looks like there. And I know in  
15 many instances this is the Rose M. Singer Women's  
16 division at Riker's Island. They do a lot to  
17 help these girls get back on their feet, etc.  
18 Now some of the girls are incorrigible, but I  
19 don't think anybody is totally incorrigible. But  
20 as far as Queens is concerned, we have a real  
21 handicap this time, because the Census, even  
22 though we put people into the Census we pushed it  
23 and pushed it and pushed it in all languages,  
24 what happened is that we're undercounted. Now

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2 Queens is a very large borough and has a large  
3 population, and I don't know how it happened that  
4 we are in the position that we are. Also all of  
5 our Congressmen and one woman, okay, all of them  
6 share districts with other counties. When I went  
7 down to the Foley Square Court, I looked at the  
8 map and I said, you know, in an area that we have  
9 so many strong voters, the people there really  
10 can't vote somebody from their own community, and  
11 that was not good. So we stayed there and we  
12 stayed there and in that instance, the fact that  
13 the three panel judge court ruled that since  
14 Queens, and we're not under the Voting Rights  
15 Act, because we always have 50 percent of our  
16 people registered to vote, but in two instances,  
17 on the southern end, we have a State Senate seat  
18 which goes into Brooklyn, which is covered by the  
19 Voting Rights Act, and on the northern end we  
20 have a district that goes into the Bronx. It's a  
21 Congressional District. And so that's what did  
22 the job for us. So people have to really look  
23 when it comes to reapportionment. It's not  
24 something to just pass by. You've got to look at

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2 your area and, me, I have to look at the whole  
3 borough and make sure that we're getting our bang  
4 for our buck, okay. But I appreciate the fact  
5 that you're coming, you're going to go to each of  
6 the boroughs, is that what you're going to do?  
7 Good, okay. Thank you very much and I've been  
8 following it for a long time.

9 SENATOR NOZZOLIO: Thank you, Borough  
10 President. Assemblywoman Barbara Clark.

11 ASSEMBLYMAN MCENENY: As my colleague,  
12 Ms. Clark, comes up here, I want to recognize  
13 Barry Gradientia (phonetic), a former member of  
14 the New York State Assembly and your deputy.

15 ASSEMBLY MEMBER BARBARA CLARK, 33<sup>RD</sup>  
16 DISTRICT: Is it afternoon yet. No, not quite.  
17 Good morning. Thank you for calling me. I like  
18 to listen, so I'll still be here for a while. I  
19 wanted to be here today and thank you for coming  
20 out here and doing this hearing, because I think  
21 nothing right now is more important to our state  
22 than hearing from the people about the issue.  
23 This comes about every ten years, and I just have  
24 about four major issues that is important to me.

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2 The first is that the process remain open to the  
3 public scrutiny and public input and that you're  
4 doing. So, I appreciate that happening. The  
5 other is that minority communities maintain the  
6 ability to elect people of their choice. The  
7 other is the lines adhere to the principles of  
8 contiguousness and compactness, and I'm really,  
9 really worried about this discussion. My  
10 district borders Nassau County. I'm really  
11 worried about discussions that I'm hearing, not  
12 broadly, but to some degree about moving city  
13 districts outside of New York City. I think that  
14 would be the worst thing in the world for the  
15 people, and it would also be difficult for the  
16 elected representative that represents those  
17 areas. I can imagine myself finding out about  
18 all the different kinds of government that I read  
19 about in Nassau County. It would be a task, not  
20 trying to make it easier for the elected person,  
21 I just think it would be better, the communities  
22 would be better served if they all stayed within  
23 the New York City jurisdiction. The communities  
24 would share an interest, not be fractured purely

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2 for political reasons, and that has happened, and  
3 it has happened in my Assembly District. It  
4 becomes devastating to the community. When I was  
5 first elected, just as a quick example, South  
6 Jamaica houses, at that time they called them 40  
7 houses, huge apartment complex, 1005 apartments  
8 there, those buildings were split in half. Why?  
9 They were active politically and the perception  
10 was that these many people together can make or  
11 break an election. It was bad for them, so I was  
12 fortunate to have an Assembly person who also  
13 represented Howard Leach at the time, who didn't  
14 mind me representing the whole place, so the  
15 people still came to me with their issues and I  
16 went to the whole housing development when there  
17 was issues I wanted to address, but it was not  
18 the right thing to do. So an issue like that  
19 really has to be given consideration, and I'm  
20 sure you're going to do that. The other is the  
21 integrity of the existing communities are very,  
22 very important. I'll give you one quick example.  
23 My house is located on the edge of my Assembly  
24 District. The homes across the street are not in

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2 my district, but what's behind those homes is a  
3 cemetery. Now the dividing lines, I know,  
4 generally go along a highway, but the cemetery  
5 behind that row of houses would not create a  
6 problem. One young woman who left home, went  
7 away to college, stayed away from home forever,  
8 she came back and moved back in with her mother  
9 after her father passed, and she came to me last  
10 year. She says, "I just learned I can't vote for  
11 you, you know, I'm right across the street, I  
12 can't vote for you." I said, "Well, listen, when  
13 the lines were drawn that side of the street was  
14 not in the Assembly District." It wasn't in it  
15 when I got there, the Assembly District. So  
16 those are little small issues, and it's not a  
17 huge lot of people there, but they feel  
18 disenfranchised, because they know me because  
19 they see me every day. They see me getting in my  
20 car and leaving home, but they can't vote for me.  
21 So if there were anything else besides the  
22 cemetery back there, I could see, you know, that  
23 you've got to do it where you've got to do it,  
24 that somebody's going to get hurt, but in this

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2 case, that's not the case, and I would like for  
3 that to be considered. The people's voice, I  
4 think, is very important in this whole process,  
5 and of course you're here, being sure that you  
6 hear the people's voice, so I will just end with  
7 that and suggest to you, and based on everybody  
8 that I see sitting up there, I know you're very  
9 concerned about what people think. But there's  
10 one other thing that I want to add to that. The  
11 discussions about the independent drawing of the  
12 districts by different organizations who decide  
13 that that's how it should be. That's a very,  
14 very touchy issue, because if anyone believes  
15 that people, John Q. Citizen, not elected  
16 representatives don't have some organized  
17 organizations that are in communication with  
18 elected officials, I mean, I think they're  
19 fooling themselves or a prior elected official,  
20 if I should say that. So it sounds good, but I  
21 want to depend on people who are elected to try  
22 to get this done in the most expeditious manner  
23 that we can get it done, because I think it's  
24 important for people to know ahead of time where

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2 we're going and how we're going there. So thank  
3 you so much for having me.

4 SENATOR NOZZOLIO: Thank you,  
5 Assemblywoman.

6 ASSEMBLY MEMBER CLARK: Nobody has to  
7 ask me any questions, right?

8 ASSEMBLYMAN MCENENY: I'll ask you a  
9 question, because you were the one who told me  
10 what stop on the subway, and I doubt I would have  
11 made it on time if you didn't throw in the union.  
12 While I've got you here, if I may, one of the  
13 things that sounds great is the governor's one  
14 percent variance from district to district, and  
15 we have heard a succession of speakers, primarily  
16 neighborhood advocates across the state, who have  
17 said, "Keep my neighborhood together. I don't  
18 care whether it's a little larger or a little  
19 smaller, as long as we're together. Don't draw  
20 artificial boundaries that separate people." But  
21 calling for a one percent variance would take  
22 away the power to, for example, use the Queens-  
23 Nassau County line as a boundary if you went to a  
24 strict one percent, it would be cases where a few

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2 odd blocks on the suburban side of the street  
3 would be added to the city and so on. And right  
4 now it's unconstitutional, because there are a  
5 couple of enormous towns in upstate New York that  
6 you're obviously going to put them together.  
7 They're going to right on the money, but they're  
8 probably going to be two percent or two and a  
9 half percent or whatever it is, and the type of  
10 thing that you mentioned, like, for heaven sake,  
11 there's nothing behind those houses but a  
12 cemetery, some of these things we're forced to do  
13 for mathematical reasons, but we will have our  
14 hands totally tied if we're locked into an  
15 inflexible one percent. And that particularly  
16 gets important when you're looking at county  
17 lines and neighborhoods and physical boundaries  
18 of super highways where people don't know each  
19 other on the other side and you want to make the  
20 line straight. Unfortunately there's talk now of  
21 a constitutional amendment. If that's to happen,  
22 block on border and town on border have to be  
23 revisited. You're all urban people, but up in  
24 upstate New York, we have tiny little villages

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2 that are built on a stream. The stream is the  
3 town line. So we wind up separating a little  
4 village that has a mayor and trustees, has been  
5 there for a century and a half, because we can't  
6 split the town by cutting the other half out. So  
7 there's a lot of things that we don't like to see  
8 that we have to live with at the time, and the  
9 one percent just exacerbates that problem.  
10 There's times when there's, you make it as close  
11 as you can, bearing in mind cynically that it's  
12 already a year out of date, but there are times  
13 when one percent doesn't serve the people.

14 ASSEMBLY MEMBER CLARK: I hear you, and  
15 that's why I say that I respect those of you who  
16 know the full details of how this has to work  
17 and, you know, we'll live within that, but the  
18 whole goal is, and I believe that you will do  
19 that, is that as much fairness as possible go  
20 into this process. You've heard me say that  
21 before. You've heard me through Roman, right?

22 SENATOR NOZZOLIO: Thank you so much.  
23 And we have another member of the New York State  
24 Assembly from Queens, the Honorable Marge Markey.

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2 Good afternoon, Assemblywoman.

3 ASSEMBLY MEMBER MARGARET MARKEY, 30<sup>TH</sup>

4 DISTRICT: Good afternoon, Senator. I think what  
5 I'm about to say is remarks very similar to my  
6 colleague Barbara Clark, and I think other  
7 representatives from the State Legislature have  
8 also said the same thing about keeping  
9 communities whole, and that's very important to  
10 me and my district. I do have prepared remarks  
11 that I will read to you and then be open for  
12 questions afterwards. I am Assemblywoman Marge  
13 Markey, and I want to thank my colleagues in  
14 state government for the opportunity for the  
15 public to express its views on your demographic  
16 and reapportionment work. As you deal with such  
17 fundamental issues as the one man, one vote  
18 requirement in formulating district lines, I want  
19 to urge you to also give the greatest  
20 consideration to the subject of neighborhood  
21 integrity. And that's what we have in Queens  
22 County. We have neighborhoods. I don't think we  
23 have what we refer to upstate as neighborhoods,  
24 but in Queens and Brooklyn, that's how we

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2 identify ourselves. Dividing large communities  
3 into different legislative districts is unfair to  
4 both residents and those who represent them. For  
5 residents there is confusion on which  
6 representative to look for help and assistance.  
7 As my colleague just mentioned a woman across the  
8 street from her wasn't able to vote for her, and  
9 I think that's ridiculous. For legislators there  
10 is a need to address basic issues in multiple  
11 neighborhoods in accompanying reduction in the  
12 impact that an elected official can have on  
13 behalf of their constituents. Every community  
14 has its own distinctive civic, institutional, and  
15 social structure. To do our job most  
16 effectively, a public official must also be  
17 informed about the unique basic issues for that  
18 community, no matter how small a portion it  
19 represents. Our work on behalf of constituents  
20 is already implicated by overlapping  
21 jurisdictions of local government districts  
22 dealing with such services as police, fire,  
23 health, education, and planning. The more pieces  
24 of communities we represent, the more difficult

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2 it is to be effective on their behalf. Now I  
3 represent - - with Woodside, Dutch Kills, Middle  
4 Village, Astoria, and that's difficult. They're  
5 all wonderful people. They all have their  
6 individual issues, but it is difficult to get the  
7 whole picture of a community if you're not  
8 representing it. Since I entered the Assembly in  
9 1999 my district has been centered upon the  
10 community of Maspeth where I have strong personal  
11 and family roots. I have worked hard to be a  
12 responsive and conscientious representative for  
13 Maspeth, as well as other communities that are  
14 included in the 30<sup>th</sup> Assembly District. I  
15 understand your mandate to draw district lines,  
16 to meet a specific population target figure,  
17 however I urge you to do so by respecting the  
18 integrity of recognized community boundaries in  
19 order to minimize the number of different  
20 communities that are included. In particular I  
21 ask that you please redraw the district in a way  
22 that keeps Maspeth unified in the new 30<sup>th</sup>  
23 Assembly District, and I say that not only for  
24 Maspeth, but also for Woodside and Astoria. I

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2 really think they should be kept whole and I  
3 would appreciate it if you would be able to do  
4 that.

5 SENATOR NOZZOLIO: Thank you,  
6 Assemblywoman. Betty Braton.

7 MS. BETTY BRATON, CHAIRPERSON, COMMUNITY  
8 BOARD 10, QUEENS: Thank you very much for the  
9 opportunity to offer some comment here today. My  
10 name is Betty Braton. I'm the Chairperson of  
11 Queens Community Board 10. I'll try to keep my  
12 remarks brief. We will be sending you some  
13 written comments as this process moves forward.  
14 Earlier you heard from the representative of our  
15 Borough President and from one of our City  
16 Council members talking about Queens and  
17 communities. We identify by our communities.  
18 Our people are sometimes not effectively  
19 represented because of the nature of the lines  
20 that were drawn. For example, Queens Community  
21 Board 10 in the 2000 Census had roughly 127,000  
22 people within it. The 2010 Census, although I  
23 don't agree with it, it is what it is and we'll  
24 have to live with the numbers, says we have about

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2 125,000 people, 123,000 people. After the 2000  
3 Census that segment of our population, which is  
4 in some clearly defined neighborhoods, I have  
5 within the community board three and a half zip  
6 codes, three full zip codes and a half of  
7 another. Within those zip codes there are  
8 individual communities, but I'll keep it to the  
9 zip code level, because I think that is something  
10 that really needs to be done, certainly within  
11 the City of New York. Within Community Board 10  
12 and those three and a half zip codes, I have five  
13 Assembly Districts that criss-cross. I have two  
14 Senate Districts that criss-cross, and I have two  
15 Congressional Districts criss-crossing, and three  
16 City Council Districts. In order to effectively  
17 represent on the larger level of the entire  
18 Community Board, there's an awful lot of  
19 interaction that has to take place between our  
20 elected officials and us. For example, last  
21 week, you know, it's a relatively minor thing,  
22 but last week we had to conduct a public hearing  
23 in regard to a bus route change. You know, I know  
24 that you all understand the difficulties of

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2 scheduling meetings, to have to deal with that  
3 many elected officials, because this bus route in  
4 question, it was like a ten-block change in a bus  
5 route involved. I had to involve the offices of  
6 a number of different elected officials to set up  
7 a meeting just to discuss it. It's a difficult  
8 thing when representing people. I'll use as an  
9 example my own community where I personally live.  
10 It has some very clear geographic boundaries.  
11 It's bounded on the south by a large body of  
12 water. It's bounded on the west by the Brooklyn  
13 County line. It's bounded on the east by an  
14 airport, and it's bounded on the north by a major  
15 highway. However, the 30,000 people in 2000 and  
16 the 25,000 people in 2010 are in two different  
17 Senate Districts, two different Congressional  
18 Districts, and even within there, the same parts,  
19 if you went to a segment of the community, little  
20 A and little B might be in the same Senate  
21 District—

22 ASSEMBLYMAN MCENENY: [Interposing]

23 What's the name of the community?

24 MS. BRATON: Howard Beach. For example,

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2 one area is in one Senate District, another  
3 portion is another Senate District, and then when  
4 you go to the Congressional District, even the  
5 two pieces that are in two different parts are  
6 not together in the next district. It just makes  
7 effective representation difficult. People don't  
8 know where they are. For example, last night  
9 there was a hot and heavy Congressional race  
10 going on in that area now. There was a debate  
11 last night. Part of the community is involved in  
12 that Congressional race, part of the community is  
13 not. The church where the debate was held was  
14 not even in the district where the Congressional  
15 race is taking part, but it's a main church in  
16 the community. It's just the difficulties that  
17 we face in day to day dealings in government. It  
18 makes it harder. So I would urge you as you move  
19 this difficult process forward, I understand all  
20 the mathematics that you have to deal with, that  
21 you look upon communities within the City of New  
22 York, most especially in Queens, because many of  
23 our community boundaries are from the old town  
24 boundaries from many, many years ago. We have a

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2 lot of geographical distinctions. We are the  
3 most diverse county in the state, Community Board  
4 10 that I represent is the most racially diverse  
5 community district in the City of New York,  
6 according to the Furman Center for Urban Research  
7 and Real Estate. We can create districts that  
8 are ethnically represented and racially  
9 represented, but we also need to geographically  
10 keep them compact and keep people in the same  
11 communities in districts together. Thank you.

12 ASSEMBLYMAN MCENENY: Who drew up  
13 Community Board 10?

14 MS. BRATON: Those lines are drawn by  
15 the Department of City Planning, for example,  
16 following the Census. They will review the lines  
17 and draw them. The last changes that were made in  
18 terms of Community Board 10 was back after the  
19 1980 Census.

20 ASSEMBLYMAN MCENENY: Right, we have  
21 them in Albany, too. I drew them.

22 MS. BRATON: After each Census they will  
23 divide up again the lines. I would think there  
24 won't be too many changes in the boundaries,

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2 because the Community Board boundaries tend to  
3 follow, to a large extent, at least in Queens,  
4 the geographic boundaries.

5 ASSEMBLYMAN MCENENY: I found at least  
6 in my upstate experience that they did a good job  
7 following the 1980. They'd give you a printout  
8 of education, income, ethnicity, everything, and  
9 then they never came back again and said do it  
10 yourself.

11 MS. BRATON: Well we have, you know,  
12 within the wards in Queens, the 14 Boards, the 80  
13 changes, which I think were excellent changes,  
14 they made the boundaries co-terminus with the  
15 city's service agents. For example, a police  
16 precinct, the fire district, the sanitation. We  
17 have the same boundaries, which makes governing a  
18 little easier.

19 SENATOR NOZZOLIO: A few observations,  
20 Community Board Chair, the first is that the  
21 Congressional issues that you talk about, in  
22 large part, because of the mathematical precision  
23 that they have to be precisely identical with no  
24 variation, leads to the chaos and confusion that

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2 you described just with a debate. The second  
3 question gets to the independent, so-called  
4 independent redistricting that would be blind by  
5 law to those kinds of concerns that you  
6 reference, which I think are extremely legitimate  
7 concerns, concerns that I share with you, me  
8 being an upstater from the Finger Lakes region,  
9 the same types of dynamics in terms of severing  
10 communities, severing jurisdictions, communities  
11 of interest in particular. The third is the  
12 split between Queens and Nassau, and having that  
13 now become, because of state legislative  
14 precision that is being proposed, those lines  
15 would have to be crossing those borders. Would  
16 you reiterate or elaborate, at least, on your  
17 concerns with that process?

18 MS. BRATON: I realize it's a difficult  
19 process, and I'm really not expert enough to  
20 offer that opinion, I would just urge that  
21 wherever possible, we try to keep zip codes  
22 together, because that at least gives a  
23 geographical definition where there may have to  
24 be some variance at some point, but at least that

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2 keeps full communities together, what people  
3 regard as full communities.

4 SENATOR NOZZOLIO: Any other questions,  
5 members of the panel? Thank you very much.  
6 James Hong.

7 MR. JAMES HONG, SPOKESPERSON, ASIAN-  
8 AMERICAN COMMUNITY COALITION OF REDISTRICTING AND  
9 DEMOCRACY: Good morning or is it good afternoon?  
10 My name is James Hong, and I'm speaking on behalf  
11 of the Asian-American Community Coalition on  
12 Redistricting and Democracy, ACCORD for short.  
13 ACCORD is a non-partisan coalition of  
14 organizations and individuals committed to  
15 advancing the opportunity of Asian-Pacific  
16 American and Minority Communities to meaningfully  
17 participate in the political process. ACCORD  
18 recognizes that redistricting plays a pivotal and  
19 fundamental role in these opportunities, and we  
20 support redistricting plans that keep together  
21 communities of interest that exist in and around  
22 ethnic neighborhoods across New York. ACCORD's  
23 members include the Asian-American Bar  
24 Association of New York, Asian-American Legal

1 Task Force on Demographic Research, 9/7/11  
2 Defense and Education Fund, Asian-Americans for  
3 Equality, Asian-Pacific Americans for Progress  
4 New York, Chinese Progressive Association,  
5 Korean-Americans for Political Advancement,  
6 Korean Community Services Metropolitan New York,  
7 Minkwon Center for Community Action, OCA New  
8 York, Queens Borough Hill Neighborhood  
9 Association, SEVA, Taking Our Seat, United  
10 Chinese Association of Brooklyn, and Dr. Carol  
11 Huang of Queens, New York. I'd just like to ask  
12 some of our members are here today. I'd like you  
13 all to stand up, maybe come out into the aisles  
14 and show the task force things that they need to  
15 hear and see. We are here giving public  
16 testimony because Asian Pacific Americans have  
17 been, like most minorities, negatively impacted  
18 by the practice of gerrymandering that is the  
19 norm in our redistricting cycles. The Asian  
20 population of New York has grown 36 percent since  
21 2000, and the population is now over 1.4 million  
22 or 7.3 of the entire state. But only 1 out of  
23 212 legislators are Asian-American, and she  
24 represents a district of less than 130,000. We

1 Task Force on Demographic Research, 9/7/11  
2 note that the district is also the only one at  
3 any level of government in the state that was  
4 drawn as an Asian majority minority district.  
5 But we want to state for the record that there is  
6 now enough APA population in compact and  
7 contiguous areas to support not one, but four,  
8 majority minority Assembly Districts, at least  
9 one majority minority Senate District, and a  
10 Congressional District of much greater Asian  
11 voter influence than any current Congressional  
12 District. Now ACCORD is not advocating nor  
13 recommending such districts at this time, but the  
14 potential for these districts reveals, again, an  
15 extreme incongruity of population to  
16 representation. Indeed the current  
17 Congressional, State Senate, and State Assembly  
18 lines are reasons for grave concern from the  
19 standpoint of the Voting Rights Act. There is a  
20 clear and prevailing cracking of multiple APA  
21 communities that can be seen on maps that overlay  
22 district boundaries with the Asian population in  
23 New York, and you can see the graphics 1, 2, and  
24 3 attached to my testimony. This situation has

1 Task Force on Demographic Research, 9/7/11  
2 given ACCORD, our coalition, reason to appear  
3 today and affirm the following statements before  
4 this task force and the public. New York State's  
5 redistricting processes have historically not  
6 resulted in elections where communities of color,  
7 including those of APAs have the opportunity to  
8 meaningfully participate in the political process  
9 and to elect representatives of their choice.  
10 Current district lines often fail to reflect the  
11 compact neighborhoods and communities of interest  
12 where APAs reside. In fact many current district  
13 lines divide such neighborhoods and communities  
14 of interest into multiple districts and result in  
15 vote dilution for minorities in those areas. And  
16 by their nature ethnic communities are likely to  
17 be communities of interest and district plans  
18 should reflect this dynamic. These  
19 neighborhoods, or portions of these  
20 neighborhoods, contain residents sharing  
21 economic, social, political, cultural,  
22 linguistic, and educational concerns that deserve  
23 to be reflected in the results of the  
24 redistricting process. We expect our elected

1 Task Force on Demographic Research, 9/7/11  
2 officials, and by this we mean all of our elected  
3 officials, to uphold the Voting Rights Act of  
4 1965 and consequently, in light of that act,  
5 support district maps that keep together the  
6 communities of interest that exist either wholly  
7 or partly in, but are not limited to the  
8 following neighborhoods. In Queens, Elmhurst,  
9 Jackson Heights, and Woodside, Flushing, Murray  
10 Hill, East Flushing Queens Borough, Bayside  
11 Hills, Richmond Hill, and South Ocean Park,  
12 Floral Park, Bell Rose and Queens Village,  
13 Briarwood, and Jamaica Hills. There are others  
14 in Brooklyn and Manhattan, but we'll get to that  
15 later in other public hearings. So whenever  
16 possible, the communities of interest in these  
17 areas should be kept together and placed in a  
18 single district, be it a Congressional and/or  
19 State Assembly District. In cases where the  
20 district size is too small for the entire  
21 community of interest, care should be taken to  
22 examine the dynamics in that area and accordingly  
23 place the community in as few districts as  
24 possible. Thank you.

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2 ASSEMBLYMAN MCENENY: Thank you. You  
3 said 24 percent growth?

4 MR. HONG: Thirty-six percent across New  
5 York State.

6 ASSEMBLYMAN MCENENY: Across the state.

7 MR. HONG: Yes.

8 ASSEMBLYMAN MCENENY: Okay, thank you.

9 MR. OAKS: In your description, an  
10 earlier presenter had talked about influence  
11 districts and then the issue of cracking  
12 districts. Are you suggesting in your maps that  
13 these are majority Asian districts or districts  
14 of influence? In other words, where it would be  
15 a sufficient number, an opportunity where you  
16 create 20, 30 percent where your views are more  
17 heard or actually in a majority of Asian  
18 residents that would perhaps have more  
19 opportunity to elect their individuals.

20 MR. HONG: ACCORD is for creating  
21 districts that respect communities of interest  
22 that can elect their representatives of their  
23 choice. The maps that I presented, those are for  
24 seeing racially where people are in Queens and to

1 Task Force on Demographic Research, 9/7/11  
2 see evidence of cracking. We are not advocating  
3 for any specific districts at this time. We're  
4 not saying let's create a majority minority  
5 district here or there. The reason I brought  
6 that up was to highlight the great disparity in  
7 population to representation. I'm saying there's  
8 a potential to all of these district, but right  
9 now there is only one at the Assembly level.

10 MR. OAKS: Thank you.

11 MR. HONG: Thank you. Yes, all of our  
12 coalition members are working on maps and we are  
13 working together to come to an agreement to have  
14 maps to present to the task force.

15 MR. OAKS: Okay great, thank you.

16 ASSEMBLYMAN MCENENY: Thank you. Joyce  
17 Moye. Jerry Cheng.

18 MR. JERRY CHENG, FORMER PRESIDENT AND  
19 CURRENT BOARD MEMBER, OCA-NY: Good afternoon, my  
20 name is Jerry Cheng. I'm testifying on behalf of  
21 OCA New York as a Board Member and the former  
22 President. Founded in 1976 OCA New York,  
23 formerly known as the Organization of Chinese  
24 Americans, is a non-profit and a non-partisan

1 Task Force on Demographic Research, 9/7/11  
2 organization dedicated to protecting and  
3 advancing the political, economic, social, and  
4 cultural rights of Asian-Americans. The 2010  
5 Census revealed Asian-Americans now comprise 13  
6 percent of New York City's population. The  
7 number of Asian-Americans has soared to a million  
8 with 500,000 in Queens alone. Over the past ten  
9 years, scores of Asian-Americans have registered  
10 to vote and become more active in politics. We  
11 urge LATFOR to keep communities of interest that  
12 contain a high concentration of Asian-Americans  
13 together. My testimony primarily focuses on  
14 Flushing and Bayside. I have lived with my  
15 family in - - Hill and in Jamaica Estates, south  
16 of Flushing for 38 years. I eat and shop in  
17 Flushing at least once a week and go to Casino  
18 Park regularly to exercise. My family and I also  
19 belong to - - Parish in Flushing. I'm recently  
20 retired. For 37 years I worked as a city planner  
21 with the Tri-State division at the Department of  
22 City Planning. I review zoning applications for  
23 transportation agency for New York City including  
24 Flushing and other parts of Queens. As a member

1 Task Force on Demographic Research, 9/7/11  
2 of various professional organizations I have  
3 organized events at the civil location in  
4 Flushing. OCA New York covers the five boroughs  
5 of New York City including Queens. This year OCA  
6 New York - - naturalization training in downtown  
7 Flushing that attracted over 100 people. We  
8 participate in the Flushing - - New Year parade,  
9 conduct voter registration, and organize  
10 community education forums, including meeting  
11 with the Queens District Attorney involving crime  
12 again Asian-Americans. We co-sponsored - - for  
13 City Council District 20, State Assembly District  
14 22, and the State Senate District 11 and 16 at  
15 the Flushing Public Library. We participate in  
16 the international drag boat races in - - . OCA  
17 New York also works with Flushing-based groups  
18 like - - Center for Community Actions, the  
19 Chinese Planning Council, Queens Division, Korean  
20 Community Service, and the Flushing Chinese  
21 Business Association. Our join projects include  
22 language access, voter empowerment, and  
23 immigration reform. As a non-profit organization  
24 run by volunteers, OCA New York lacks the

1 Task Force on Demographic Research, 9/7/11  
2 resources to draw redistricting maps, but we feel  
3 community groups should participate in  
4 redistricting. This process will define the  
5 boundaries of political empowerment for the next  
6 decade. That's why OCA New York has joined  
7 ACCORD, Asian-American Community Coalition on  
8 Redistricting and Democracy. OCA New York's  
9 position on redistricting is based on its  
10 community involvement, input from its Queens  
11 members, including myself, and the 2010 Census,  
12 and the 2005-2009 American Community Survey for  
13 State Assembly District, OCA New York supports  
14 State Assembly District 22 remaining intact.  
15 This district includes the heart of downtown  
16 Flushing, which is heavily commercial with  
17 Flushing Library, Flushing shopping mall, many -  
18 - restaurants, grocery stores, and schools. More  
19 than 60 percent of the residents in Flushing are  
20 Asian. Bayside currently is divided in two  
21 Assembly Districts, District 24 and District 26.  
22 OCA New York supports the creation of a new  
23 Assembly District that puts at a minimum Bayside  
24 - - together with - - and Murray Hill because of

1 Task Force on Demographic Research, 9/7/11  
2 their approximation to one another and share  
3 socio-economic data. All three neighborhoods  
4 share bus routes and - - railroad, have a  
5 sizeable population, thirty to forty percent of  
6 the residents who speak English less than well,  
7 an Asian population between 40 to 50 percent of  
8 which majority are Chinese and Korean with a  
9 median age of approximately 42. For State Senate  
10 lines, Flushing is currently divided in two State  
11 Senate Districts, District 11 and 16. OCA New  
12 York supports the creation of a new State Senate  
13 district that keeps Flushing at the minimum. In  
14 the Senate District with Murray Hill, Avondale,  
15 and Bayside, there exists a community of interest  
16 between these neighborhoods. There is a  
17 transaction of law of residents traveling between  
18 Flushing and Bayside, passing through Murray Hill  
19 and Avondale for shopping, restaurant, and  
20 business. The - - buses connect all four  
21 neighborhoods. Chinese or Korean churches are  
22 almost every two or three blocks along these bus  
23 routes. These bus routes also run through - -  
24 and Murray Hill playgrounds. Residents in

1 Task Force on Demographic Research, 9/7/11  
2 Bayside and Murray Hill take the bus to Flushing  
3 to connect to the number seven subway. The Long  
4 Island railroad also connects these four  
5 neighborhoods. Twenty to thirty percent of  
6 Murray Hill, Avondale, and the Bayside residents  
7 commute to work via public transportation. Over  
8 the years many Asian-Americans who originally  
9 lived in Flushing moved to these neighborhoods as  
10 their households grew. They still commute to  
11 Flushing frequently to work, shop, attend church,  
12 and to visit family and friends. For instance,  
13 one of our members lived with her brother in  
14 Flushing, but they both travel to Bayside almost  
15 daily to teach at the Queens Borough Community  
16 College. Another Flushing member not only  
17 travels to Bayside one to three times a month,  
18 but also stops to visit friends and family in the  
19 middle neighborhoods of Murray Hill and Avondale.  
20 Our members who travel in the opposite direction,  
21 for example, a member who lives in Bayside  
22 travels one to three times a week to visit her  
23 mother who lives in Flushing. We hope LATFOR  
24 will incorporate our suggestions into drawing of

1 Task Force on Demographic Research, 9/7/11

2 new State Assembly and Senate District lines.

3 Thank you.

4 SENATOR NOZZOLIO: Thank you very much.  
5 Bright Limm.

6 MR. BRIGHT LIMM, CO-CHAIR, STEERING  
7 COMMITTEE, KOREAN AMERICANS FOR POLITICAL  
8 ADVANCEMENT: Good afternoon, my name is Bright  
9 Limm, and I am a co-chair of Korean Americans for  
10 Political Advancement, also known as KAPA, for  
11 short. My remarks today are presented on behalf  
12 of this organization. KAPA is a non-profit,  
13 membership organization based in New York City.  
14 We promote a broad policy platform encompassing  
15 political and civil rights, the rights of  
16 immigrants, and economic and social justice. We  
17 are not affiliated with any political party, but  
18 we do promote policies that are generally  
19 considered to be progressive. Our dues-paying  
20 membership includes residents of Queens,  
21 Manhattan, and Brooklyn, and our email list  
22 includes residents from all five boroughs. What  
23 distinguishes KAPA from other progressive  
24 advocacy organizations is not so much what we

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2 advocate, but with whom. That is to say, our  
3 mission is to engage our fellow Korean-Americans  
4 politically and to help Korean-American  
5 communities in New York City to realize our  
6 political potential towards progressive ends. As  
7 you can imagine then, redistricting is an issue  
8 that relates directly to the mission and work of  
9 KAPA, and it has been a top priority of ours this  
10 year. In addition to educating our members over  
11 the past several months on both the principles  
12 and the process of redistricting in New York, we  
13 have entered into two coalitions to further our  
14 advocacy work. The first of these, as you heard,  
15 is ACCORD, the Asian-American Community Coalition  
16 on Redistricting and Democracy, which is  
17 concerned primarily with protecting Asian-  
18 American communities of interest. KAPA is also a  
19 member of the Re-Shape New York Coalition, which,  
20 as you know, advocates an independent  
21 redistricting process. My original plan was to  
22 speak on both of those coalitions, and the  
23 organizations - - them, but out of respect for  
24 the wishes as stated in the opening remarks of

1 Task Force on Demographic Research, 9/7/11  
2 Co-Chairs McEneny and Nozzolio, I will keep the  
3 latter remarks regarding the independent process  
4 to a minimum. Now regarding what the ACCORD  
5 coalition is about and KAPA's role in it, we  
6 recognize first of all that the task of drafting  
7 district maps is very complex, particularly in  
8 areas as diverse as Queens and the different  
9 experts may reasonably disagree on precise  
10 boundaries. Accordingly, we will wait until  
11 after the task force has released its recommended  
12 maps to the public to comment on any of the  
13 specific details.

14 SENATOR NOZZOLIO: Excuse me, Mr. Limm,  
15 will you be submitting any maps yourself, or any  
16 suggested plans?

17 MR. LIMM: No, KAPA as an organization  
18 will not, but it will participate in the  
19 decision-making process in the ACCORD coalition.

20 SENATOR NOZZOLIO: Thank you.

21 MR. LIMM: Thank you. However, we do  
22 wish to emphasize here today the main message  
23 that any maps that are drawn must protect  
24 communities of interest. As you know, many of

1 Task Force on Demographic Research, 9/7/11  
2 these communities of interest are comprised of  
3 geographically contiguous and compact  
4 neighborhoods that are socio-economically similar  
5 and politically-cohesive and in Queens many of  
6 these either have substantial Asian-American  
7 populations or are comprised primarily of them.  
8 In considering what communities of interest exist  
9 in Queens, we strongly recommend that the task  
10 force utilize and indeed rely upon the excellent  
11 field work and analysis performed by ALDEF, whose  
12 testimony you heard earlier today. As a member  
13 of the ACCORD coalition, KAPA has had an  
14 opportunity to review in advance the findings and  
15 analysis presented by ALDEF in today's hearing  
16 and without a doubt, we have found ALDEF's  
17 methodology to be rigorous and its conclusions to  
18 be fully in accord with KAPA's own demographic  
19 research and field operations experience. In  
20 addition and on a similar note, we strongly  
21 support the data mounts and analysis provided by  
22 Common Cause, particularly in its analysis of  
23 Queens and as you probably know a sample of their  
24 work regarding Queens can be found on the Citizen

1 Task Force on Demographic Research, 9/7/11  
2 Redistrict New York website. By the end of this  
3 hearing you will have no doubt heard from  
4 numerous organizations and individuals, the  
5 troubling and rather conspicuous statistics  
6 regarding political representation of Asian-  
7 Americans in New York. In particular you will  
8 have heard, probably several times, that while  
9 the Asian-American population has increased over  
10 30 percent in Queens over the last decade, and  
11 almost 36 percent statewide, there is only one  
12 Asian-American legislator in all of the Assembly  
13 and State and none in Congress. You may also  
14 hear from several groups that the Asian-American  
15 population grew four times as fast as that of the  
16 second fastest group and that with a figure  
17 surpassing one million, the Asian-American  
18 population in New York City is greater than that  
19 of Los Angeles and San Francisco combined. In  
20 light of this divergence between demographic  
21 realities and political realities, it is  
22 difficult to deny that Asian-Americans have been  
23 extremely under-represented in our state and  
24 federal legislative offices. While the rapid

1 Task Force on Demographic Research, 9/7/11  
2 growth in the Asian-American population over the  
3 past decade accounts for some degree of under-  
4 representation, no doubt, still the current  
5 district lines account for at least a significant  
6 portion of this phenomenon. KAPA hopes that the  
7 task force will study closely the information  
8 provided by ALDEF and Common Cause, that they  
9 will concur with the view of KAPA and numerous  
10 other organizations and activists who believe  
11 that at least several Asian-American communities,  
12 if not certainly cracked or packed, suggest there  
13 is serious evidence of cracking and packing, and  
14 particularly I would refer to those maps provided  
15 by ALDEF. And finally we would hope that the  
16 task force would ensure that these communities  
17 are protected from vote dilution in the new  
18 district lines. Now I just want to make maybe  
19 three or four lines regarding the independent  
20 redistricting process, and thank you for  
21 indulging me. As I noted earlier KAPA is also a  
22 member of Re-Shape New York, which is a statewide  
23 coalition consisting of 35 organizations, as you  
24 know. The member of this coalition are united in

1 Task Force on Demographic Research, 9/7/11  
2 the objective of reforming our state's  
3 redistricting process. While KAPA very much  
4 appreciates this opportunity provided by LATFOR  
5 to comment at this preliminary hearing, I would  
6 be remiss and perhaps even a bit disingenuous not  
7 to be very clear that KAPA has serious  
8 reservations with the current process. It is  
9 KAPA's position that a legislatively controlled  
10 entity, no matter how knowledgeable and no matter  
11 how well-intentioned its individual members may  
12 be, is subject to a conflict of interest to which  
13 no legislators should be subject. Indeed if the  
14 promises of the 184 of the legislators 212  
15 members is to be taken seriously, it would seem  
16 that the legislators themselves agree with this  
17 view. I won't rehearse all the arguments in  
18 favor of an independent redistricting commission  
19 or recount counterarguments to the question of  
20 its constitutionality, you've heard these all  
21 before. Rather, I will simply add one point  
22 about the process and why KAPA feels it is  
23 essential to discuss the process at this hearing.  
24 The current redistricting process has

1 Task Force on Demographic Research, 9/7/11  
2 consistently protected incumbents and discouraged  
3 electoral competition. There is plenty of  
4 evidence for that. Besides reducing voter  
5 turnout this lack of competition has also made it  
6 more difficult historically for Asian-American  
7 and other communities to achieve more adequate  
8 representation of their interests in the  
9 legislature and that person need not be an Asian-  
10 American. It just makes it harder for  
11 politically-cohesive communities to have their  
12 interests represented. This phenomenon, in turn,  
13 creates a vicious cycle in which the individuals  
14 with the means to redraw districts have the  
15 incentive not to recognize communities of  
16 interest that are not already protected in the  
17 current district maps. Accordingly, KAPA  
18 believes that providing public input on the  
19 proposed district maps is necessary but  
20 insufficient condition for producing voting  
21 rights equality in New York. The other necessary  
22 condition is the creation of an independent  
23 redistricting process with the commission that is  
24 protected from political calculations.

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2 Legislators should return to Albany during  
3 special legislative session to end politicized  
4 redistricting practices and enact reform that  
5 hands the redistricting power to an independent  
6 commission. Thank you very much for your time  
7 and for your consideration.

8 SENATOR NOZZOLIO: Thank you very much,  
9 Mr. Limm. Any questions? Assemblyman McEneny.

10 ASSEMBLYMAN MCENENY: I'll just make an  
11 observation that when you discuss the  
12 representation as it is in 2011 and will be in  
13 the election of 2012, that the dynamics and the  
14 history and the numbers of Asian-Americans back  
15 ten years ago were dramatically different and to  
16 assume that there was some deliberate effort to  
17 curtail the legitimate ambitions of Asian-  
18 Americans back then, those lines reflected what  
19 went on at that time and who lived in the City of  
20 New York and elsewhere. So, the reason we do our  
21 redistricting every ten years and have since the  
22 earliest days of our republic, as a  
23 constitutional republic, is to stay with the  
24 present and look to the future. So it's easy to

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2 condemn the past if you have today's numbers, but  
3 you have to use the numbers of the past, as well.

4 MR. LIMM: I completely agree. Thank  
5 you for bringing that up. I appreciate the  
6 opportunity to clarify myself. I didn't mean to  
7 infer what you were concerned that I was  
8 inferring. What I meant was not to infer intent  
9 or motivation, of an intent to crack or pack, but  
10 that to keep the districts in the new district  
11 maps substantially similar to the way they are  
12 now in this round would amount to cracking or  
13 packing. Does that make sense?

14 ASSEMBLYMAN MCENENY: Yes, thank you  
15 very much.

16 SENATOR NOZZOLIO: Gurpal Singh.

17 MR. GURPAL SINGH, SEVA COMMUNITY  
18 ORGANIZATION: Good afternoon, my name is Gurpal  
19 Singh. I am the co-founder of a community  
20 organization called SEVA, which means community  
21 service in the language of Punjabi, which is in  
22 India. SEVA's a non-profit community  
23 organization based in Richmond Hill, Queens. Our  
24 mission is to empower immigrant community members

1 Task Force on Demographic Research, 9/7/11  
2 to address and meet the challenges that arise in  
3 their neighborhoods. We've done voter  
4 registration drives, we've registered thousands  
5 of voters in southwest Queens. We've done  
6 citizenship fairs. We've done, we have a very  
7 large youth component. We're working on senior  
8 issues. So we're just a grassroots community  
9 organization. We work with the United States  
10 Census Bureau for over a year in this past  
11 Census. We managed about \$100,000 budget with  
12 the Federal Census Bureau. We were able to  
13 increase the Census participation of immigrants  
14 in south Queens, southwest Queens, by three  
15 percent, which was the goal of the Census. Our  
16 volunteers personally filled out 1700 Census  
17 forms directly, and we reached about 68,000  
18 people through our Census efforts. We had a  
19 number of committees and we've made tens of  
20 thousands of posters and fliers and tee shirts,  
21 and the outreach worked, and we created a very  
22 large coalition. We have about 60 community  
23 organizations that are members of our Census  
24 coalition. Many elected officials and others

1 Task Force on Demographic Research, 9/7/11  
2 were also with us. Now, the next step,  
3 obviously, in the Census issue is redistricting.  
4 I'm here representing SEVA and the people in the  
5 organizations that we work with. I kind of want  
6 to, you know, the communities that we work with  
7 want to kind of shift away a little bit from the  
8 ethnic/racial paradigm, and we want to talk about  
9 sort of a larger constituency, which are  
10 immigrants. So we have in Queens, 47 percent of  
11 the people are foreign born, are immigrants.  
12 That's the latest Census data. 36 percent of New  
13 York City is foreign born. I'm an immigrant  
14 myself. 21 percent of the state is comprised of  
15 foreign born people, immigrants. So in Queens  
16 the largest constituency there is are immigrants,  
17 47 percent. If you compare that, there's 27  
18 percent of the white population in Queens, and 19  
19 percent of Queens is African American black. So,  
20 to put that in perspective, at how large this  
21 constituency is, 47 percent. We've heard the  
22 economic data over and over. Immigrants are the  
23 driving force in the economics of the city, the  
24 state. 215 billion in economic activity in the

1 Task Force on Demographic Research, 9/7/11  
2 five boroughs alone in 2008. We're talking about  
3 68 percent of all new homeowners in the city are  
4 foreign born. So we can go on and on about, you  
5 know, this being a community of interest,  
6 immigrants themselves. So, that's why I've  
7 submitted some maps. I didn't have, my printer  
8 broke down, I wasn't able to print all of them,  
9 but we'll be submitting a full report with what  
10 we think should be the redrawing of the lines. I  
11 don't see the maps in front of you that I  
12 submitted out front, but we are talking about a  
13 community we're calling the southwest Queens  
14 community of interest, or if you-

15 SENATOR NOZZOLIO: [Interposing] Excuse  
16 me. Those maps, I want to make sure they're  
17 cataloged. Do you have, did you submit copies  
18 for the-

19 MR. SINGH: [Interposing] I had five  
20 copies, I didn't have all ten, but I will be  
21 submitting a report following this.

22 SENATOR NOZZOLIO: I think it's very  
23 important, I don't know if you heard us discuss  
24 this with other members that testified today, but

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2 we welcome the opportunity for submissions. Feel  
3 free to submit whatever plans you have for the  
4 Borough or the city or the state.

5 MR. SINGH: Yes, we're just focused on  
6 southwest Queens. So, that's the only map, it's  
7 in front of you there what our idea of a  
8 community of interest is, so the southwest Queens  
9 community of interest includes neighborhoods of  
10 Richmond Hill, South Richmond Hill, Ozone Park,  
11 South Ozone Park, and Woodhaven. It's bordered  
12 by a park in the north, it's bordered by a  
13 highway, the - - Expressway on the east, it's  
14 bordered by the Brooklyn and Queens border on the  
15 west, and the south is another highway. So it's  
16 a very sort of naturally occurring community.  
17 There's natural borders there. Now that  
18 neighborhood consists of, and I'm going to call  
19 it SWQCI, if you will, Southwest Queens Community  
20 of Interest, SWQCI. This neighborhood consists  
21 of 78 Census tracts, houses about 200,000 people,  
22 and 22 percent of that neighborhood is Asian, 38  
23 percent is Latino, 15 percent is white, 13  
24 percent is other, and 12 percent is black. So

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2 it's not a homogenously one ethnicity. It's a  
3 very mixed neighborhood and the largest, I think,  
4 over 60 percent of that neighborhood is  
5 immigrants, whether they be Latino, whether they  
6 be south Asians or Guyanese or Trinidadians, it's  
7 immigrants. And it's very different from the  
8 neighborhoods to the north, Glendale and Maspeth  
9 and to the south, Howard Beach and to the east  
10 Jamaica and St. Albans. So it's very unique in  
11 that sense, it's a very diverse immigrant  
12 population, and so we've stated earlier that it's  
13 the largest constituency in Queens, but there are  
14 no districts created to empower immigrants as a  
15 whole. So if we do not create a district,  
16 whether it be an Assembly or a Senate, to empower  
17 the immigrants as a whole, then we're not going  
18 to be able to elect people who will advocate for  
19 immigrants' rights at the city level, at the  
20 state level, at the federal level, and so we're  
21 never going to be able to create advocates for  
22 immigrants as a whole and not just one ethnic  
23 group. So the other thing about the SWQCI  
24 neighborhood besides its diverse immigrant

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2 population, they have the same struggles, whether  
3 you're a Latino or a South Asian, if you live in  
4 that neighborhood, you are riding on dilapidated  
5 trains. The transportation system in that  
6 neighborhood, in those neighborhoods is extremely  
7 dilapidated. No escalator anywhere. It's all  
8 the L-line, the J and the A. And there is a  
9 failing school system. The public school system  
10 is literally failing. Schools are closing down  
11 in those neighborhoods. It's very different.  
12 There's a large South Asian community in Bell  
13 Rose and eastern Queens. Now that South Asian  
14 community is dealing with a very different set of  
15 issues as compared to the South Asians in  
16 Richmond Hill. Bell Rose Queens has one of the  
17 best education districts in the city, and the  
18 South Asians who live in Richmond Hill are  
19 dealing with one of the worst in the city. So,  
20 we kind of try to want to move on beyond the  
21 ethnic paradigm and talk about what communities  
22 are facing, issues as a whole. I can go on, but  
23 I do want to mention two things. LATFOR divided  
24 that community into two Senate Districts directly

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2 in half. I actually live on the block that's the  
3 border, and it's the center of the community, and  
4 LATFOR divided that part of our community in half  
5 in the Senate. So to the west it's Senator Adabo  
6 in 15 and to the east is Senator Huntley, and I'm  
7 sad to say that both of those representatives  
8 essentially ignore that part of their district.  
9 There's no representation, really. Those  
10 neighborhoods, the SWQCI neighborhood is divided  
11 into seven Assembly Districts, seven Assembly  
12 Districts. I also live on the block that's the  
13 dividing line, which is in the center of the  
14 community. So, we're not, all we're saying is  
15 unite. There's no need to have a neighborhood  
16 divided into seven Assembly Districts, and I can  
17 list them, just for the record. Assembly Miller  
18 is in Assembly District 38. Cook in Assembly  
19 District 32, Lancman in Assembly District 25,  
20 Mayersohn in Assembly District 27, Titus in  
21 Assembly District 31, Assembly District 23 is  
22 vacant. It was Pheffer. Assembly District 28,  
23 well 27 is also vacant and so those are, the  
24 Swqci neighborhood, this community of interest

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2 becomes a very insignificant part of all these  
3 Assembly Districts and therefore historically,  
4 currently, we have no representation. None of  
5 these elected officials, I'm sorry to say, have  
6 done anything or have proposed any legislation or  
7 opened up a district office, you know, or  
8 anything in these neighborhoods. And why would  
9 they? It's five percent of this person's  
10 district, ten percent of the other's, three  
11 percent of this guy's, and so really common  
12 sensically it doesn't jive with anyone out there.  
13 No one knows who their Assembly Member is. So, I  
14 will kind of end with that and take any questions  
15 you may have.

16 ASSEMBLYMAN MCENENY: Where's the  
17 community board drawn?

18 MR. SINGH: It's two boards. Ten-

19 ASSEMBLYMAN MCENENY: [Interposing] Just  
20 two?

21 MR. SINGH: Two. Ten, as Betty  
22 testified earlier, Betty Braton, and nine is the  
23 northern part of those communities. Yeah.

24 SENATOR NOZZOLIO: Your maps that you're

1 Task Force on Demographic Research, 9/7/11  
2 submitting, please make sure that you do so as  
3 quickly as possible, because we have a tight  
4 deadline and we would welcome the opportunity to  
5 reflect those concerns you raised in new mapping.

6 MR. SINGH: Yeah, we're just waiting on  
7 some final data analysis. We should have them  
8 out by Monday at the latest.

9 SENATOR NOZZOLIO: That would be very  
10 helpful.

11 MR. SINGH: Okay. All right, thank you.

12 SENATOR NOZZOLIO: Before our next  
13 speaker, we've been informed we need to take a  
14 one minute break to change the batteries in which  
15 microphones? Let's do this. Let's change this  
16 microphone first so we can do it quickly. Next  
17 speaker will be Rachel Fauss. Rachel Fauss.  
18 Good afternoon, Ms. Fauss. It's good to see you  
19 again. I know you testified before this task  
20 force in the past. Welcome again, and since your  
21 microphone is fixed first, you have the mike.

22 MS. RACHEL FAUSS, POLICY AND RESEARCH  
23 MANAGER, CITIZENS UNION: Sure, I appreciate  
24 that.

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2 SENATOR NOZZOLIO: Would you be so kind  
3 as to pull that as close as you can to yourself  
4 so we can all hear you?

5 MS. FAUSS: Yes. Okay, is that better?

6 SENATOR NOZZOLIO: Yes, thank you.

7 MS. FAUSS: My name is Rachel Fauss, and  
8 I'm the policy and research manager of Citizens  
9 Union of the City of New York, an independent,  
10 non-partisan, civic organization of New Yorkers  
11 who promote good government and advanced  
12 political reform in our city and state. Having  
13 previously testified to you in Albany, I'd like  
14 to present mostly some research that Citizens  
15 Union has prepared regarding the demographic  
16 makeup of Queens. Citizens Union, however,  
17 continues to believe that our demographic  
18 analysis supports our position that an  
19 independent redistricting commission should be  
20 established this Fall to draw impartial district  
21 lines, and we have asked the legislature to  
22 return in a special session to enact this  
23 important reform. Before continuing with my  
24 testimony, I'd like to address a couple of points

1 Task Force on Demographic Research, 9/7/11  
2 that were raised earlier in this hearing  
3 regarding Governor Cuomo's independent  
4 redistricting commission. Regarding the  
5 constitutionality of this proposal, Citizens  
6 Union had a pro bono analysis by Weil Gotshal  
7 that looked into in depth the constitutionality  
8 of the Cuomo bill and found that it was  
9 constitutional. Specific to the point about the  
10 delegation of the legislature's authority, this  
11 commission itself, LATFOR, is actually a  
12 delegation of the legislature's authority by  
13 enacting, it was enacted by law. So the  
14 independent commission established in the Cuomo  
15 bill similarly is a delegation of authority, but  
16 it's the legislature enacting it itself. Also  
17 the nominating committee in the governor's bill,  
18 yes the governor does appoint four members of the  
19 committee, but two of them are required by the  
20 statute, the bill, excuse me, to be Democrats and  
21 two Republicans, and he stated that he would  
22 actually give those two appointments, the  
23 Republican appointments, to the Senate majority  
24 leader, Dean Skelos. It was discussed that

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2 LATFOR, as it is currently construed, is bi-  
3 partisan, and while that is true, it does give  
4 greater deference to the majorities in each  
5 house, and there could be a change, as there has  
6 been in the past and it's not a guarantee that  
7 the legislature will have a majority, Republican  
8 majority in the Senate and Democratic majority in  
9 the Assembly to have that bi-partisan balance.  
10 So we truly believe that there has to be not just  
11 the bi-partisan balance between the majorities,  
12 excuse me, I'll explain this a little better.  
13 There should be appointments from all of the  
14 leaders, the legislative leaders, equal  
15 representation of all the legislative leaders,  
16 and the Cuomo bill would do that. I'd also like  
17 to address the point that was raised about the  
18 counting of prisoners. Something that I'd like  
19 to mention is that several counties in New York  
20 State do not count prisoners for their local  
21 races for the county legislature. So, Citizens  
22 Union supported the enactment, the change of the  
23 law last year, to count prisoners at their home  
24 residence, and we support that reform, and we

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2 continue to support that reform knowing that  
3 while many of the prisoners are going to be  
4 counted at their home residence, those that are  
5 not counted, there's no connection that they have  
6 to the community in the districts where the  
7 prisons are located. So getting on to my  
8 testimony, Citizens Union examined the 2000 and  
9 2010 Census data and we believe that the current  
10 system of redistricting prioritizes incumbent re-  
11 election, maximizes the seats of the party in  
12 power, and holds at the expense the  
13 representation of growing minority groups. To  
14 the extent that partisan gerrymandering benefits  
15 those currently in power, who have historically  
16 been white males, the redistricting process has  
17 been slow to reflect the changing demographics of  
18 the state. The tables below in my testimony  
19 summarize our findings in Queens. We are  
20 concerned by the disparity between the Queens  
21 population of Asian-American and Latinos and the  
22 proportion of State Legislators who are Asian or  
23 Latino. We recognize that there are a number of  
24 factors that contribute to the election of

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2 candidates to office, the ability to raise  
3 campaign funds and the group's participation in  
4 the political process, for example, but we  
5 believe that a major contributor to the lack of  
6 equitable representation in Albany is the current  
7 redistricting process. The lack of fair and  
8 objective criteria in the drawing of district  
9 lines has allowed the protection of incumbent  
10 legislators, while not requiring the protection  
11 of communities of interest. And I think this has  
12 been discussed by a number of speakers today. In  
13 Queens 22.9 percent of the population is Asian.  
14 This is up from 17.6 percent in 2000, yet only  
15 one seat of 18, or 5.6 percent, representing the  
16 Queens Assembly delegation in the State  
17 Legislature is held by an Asian, who is  
18 Assemblywoman Grace Meng in District 22. This  
19 disparity exists despite the fact that ten  
20 Assembly Districts clustered together have an  
21 Asian population of 20 percent or larger,  
22 suggesting that if lines were drawn differently,  
23 Asian representation might be increased. Our  
24 detailed analysis of legislative districts is

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2 attached with my testimony. In the State Senate  
3 there are no Asian Senators from Queens despite  
4 Asian-Americans being, again, 22.9 percent of the  
5 population, and this disparity exists despite the  
6 fact that three Senate Districts clustered  
7 together have Asian populations of 22 percent or  
8 larger with two Districts 37 percent or larger,  
9 suggesting if the lines were drawn differently,  
10 Asian representation may be increased. Likewise  
11 the Latino or Hispanic community is 27.5 percent,  
12 up from 25 percent in 2000, yet only one seat of  
13 eighteen, or 5.6 percent, representing the Queens  
14 Assembly delegation in the legislature is held by  
15 a Latino, Francisco Moya of Assembly District 39  
16 in Jackson Heights, one State Senator Jose  
17 Peralta, Senate District 13 out of seven State  
18 Senators serving Queens, or 14.3 percent, is  
19 Latino despite a population of 27.5 percent. We  
20 recognize that there are many competing interests  
21 in establishing fair districts for communities  
22 and that is why Citizens Union supports the  
23 enactment of fair and sensible redistricting  
24 criteria that would ensure more equal-sized

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2 districts, protection of communities of interest,  
3 and the drawing of districts that would not  
4 discourage competition. Criteria such as these,  
5 as well as the formation of an independent  
6 redistricting commission, if enacted this Fall in  
7 a special session, would go a long way to  
8 ensuring that the state legislature better  
9 reflects the diverse population it serves.  
10 Thanks for the opportunity to present testimony,  
11 and I'm available for any questions.

12 ASSEMBLYMAN MCENENY: Do you remember  
13 what the percentage of Asians was when those  
14 districts were drawn up ten years ago?

15 MS. FAUSS: Yes, that's actually  
16 included in the testimony, and even considering  
17 the 2000 populations, it's a disproportionate  
18 amount of—

19 ASSEMBLYMAN MCENENY: [Interposing] Was  
20 it a lot less?

21 MS. FAUSS: Well, the Hispanic  
22 population was 25 percent—

23 ASSEMBLYMAN MCENENY: [Interposing] No,  
24 the Asian.

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2 MS. FAUSS: It was 17.6 percent in 2000,  
3 and only 4 percent, and that's of the borough of  
4 Queens, and only 4 percent of the State  
5 Legislators from Queens are Asian-Americans, so  
6 there was a disparity in 2000, as well.

7 SENATOR NOZZOLIO: Is the opinion that  
8 you cite from your counsel part of your  
9 testimony?

10 MS. FAUSS: It's not, but I'd be happy  
11 to send it to you.

12 SENATOR NOZZOLIO: Yes, I'd like a copy  
13 of that.

14 MS. FAUSS: Yes, it was mostly, I'm  
15 raising that in response to earlier comments, so  
16 I apologize for not bringing it with me, but I'll  
17 be happy to submit that to the committee.

18 SENATOR NOZZOLIO: Any other questions?

19 ASSEMBLYMAN MCENENY: Will Citizens  
20 Union be offering their suggestion of how these  
21 maps should be drawn?

22 MS. FAUSS: It's not something that we  
23 have currently decided to do, mostly because  
24 we've been very focused, as you know, on

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2 enactment of changes this year to the process,  
3 but, you know, our coalition partner, Common  
4 Cause, is drawing lines and we may participate  
5 with them in that process, but it's something  
6 that we are considering, and I appreciate you've  
7 got a tight timeframe, and it's something we  
8 would need to do very soon.

9 ASSEMBLYMAN MCENENY: It's a lot easier  
10 to criticize than when you actually try and put  
11 the numbers together with the various  
12 constraints, so I would like to see just what  
13 Common Cause does come up with when they have to  
14 actually walk the walk.

15 MS. FAUSS: Yes, I mean, we understand  
16 that there are, it's a complex web of different  
17 interests, and that's why we support the  
18 enactment of more specific and straightforward  
19 criteria about what the rules should be.

20 SENATOR NOZZOLIO: One thing I, back to  
21 your advocacy on behalf of an independent  
22 commission, as you call it. I don't want to go  
23 through the ratios, I mean the 6-2 is disturbing,  
24 certainly, to me in terms of those that are

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2 chosen to select, but I don't see any  
3 restrictions on those who have contributed to  
4 campaigns, have been involved in political action  
5 committees, or head of unions or business  
6 organizations that advocate particular plans.  
7 None of those are restricted from being on the  
8 so-called independent commissions. How do you  
9 rationalize your support for those so-called  
10 independent commissions without those  
11 restrictions?

12 MS. FAUSS: Well, let me first say that  
13 lobbyists, so many that would be representative  
14 of the organizations as you mentioned, heads of  
15 unions, and other interests, would be precluded—

16 SENATOR NOZZOLIO: [Interposing] Only if  
17 they are hired to be a lobbyist, but if they're  
18 the head of the political action committee of the  
19 union, or the head of a political action  
20 committee of a business association, they are not  
21 precluded. If they're major contributors to the  
22 Governor or the Speaker or any Senator, they're  
23 not precluded under this plan. How can you say  
24 that it even has the chance of being independent

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2 without those exclusions?

3 MS. FAUSS: Well, let me also say that  
4 Citizens Union doesn't disagree with you. We're  
5 very interested in having the discussion about  
6 what an independent commission should look like--

7 SENATOR NOZZOLIO: [Interposing] But how  
8 could you support it without having that as a  
9 threshold predicate for, how can you support it  
10 without having those assurances, if you're really  
11 supporting a truly independent process?

12 MS. FAUSS: Well, let me say, we would  
13 support that, and, you know, I think it's  
14 important to get back to the table and talk about  
15 what an independent commission would look like,  
16 and this is the first time I've heard of that as  
17 a piece that could be put into the independent  
18 commission, and I don't think we would, we don't  
19 disagree with that.

20 ASSEMBLYMAN MCENENY: It's come up at  
21 several public hearings.

22 MS. FAUSS: Okay. This is the first  
23 hearing that I've been present at that I've heard  
24 it. So, but we don't disagree with you. I think

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2 that's a good addition that could be made to the  
3 bill.

4 SENATOR NOZZOLIO: We will probably have  
5 17 more hearings, and we welcome your  
6 participation in those hearings in the future.  
7 Thank you.

8 MS. FAUSS: Thank you.

9 SENATOR NOZZOLIO: Seema Angani. Thank  
10 you very much, and please, would you correct me  
11 in the pronunciation of your last name.

12 FEMALE VOICE: Oh, you got it right.

13 SENATOR NOZZOLIO: I got it right?  
14 That's three times. Thank you very much.  
15 Please, for the record indicate who you are and  
16 where you're from.

17 MS. SEEMA AGNANI, CHHAYA CDC: Good  
18 morning, my name is Seema Agnani, I'm with Chhaya  
19 CDC, we're a community based organization in  
20 Queens and Jackson Heights. We work with South  
21 Asian immigrants throughout the borough and  
22 throughout the city, actually, and you know a lot  
23 of what I wanted to say has been said, so I don't  
24 want to take up too much time, but the South

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2 Asian community is spread out throughout the  
3 borough. Our organization works primarily on  
4 tenant rights and foreclosure prevention, so I've  
5 tried to also include some of the information  
6 that we have in terms of where foreclosures are  
7 occurring and add that to the conversation of  
8 what we think about when we think about these  
9 districts, because a lot of the borough is really  
10 going to continue to face a crisis in terms of  
11 housing and owners that will need to have elected  
12 officials represent them. So I have included  
13 some maps of where the foreclosures have occurred  
14 in the borough, particularly the areas of concern  
15 are in the Richmond Hill, Ozone Park area,  
16 Jamaica and Jackson Heights. I think that we  
17 should think about those economic issues, as  
18 well, moving forward, particularly in light of  
19 the current housing crisis, and, you know, the  
20 foreclosure crisis is by no means over, and so  
21 those homeowners are going to need strong  
22 representation in the years ahead. Also I sort  
23 of want to reaffirm what my colleagues have  
24 talked about. We're working with the Asian-

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2 American Legal Defense and Education Fund and  
3 some of the other community based organizations  
4 representing our community before us. So the  
5 neighborhoods we are specifically looking at, you  
6 know, we did an on-the-ground survey in 2010, we  
7 surveyed more than 400 South Asian residents,  
8 those from India, Pakistan, Bangladesh, as well  
9 as the Caribbean, and, you know, I sort of  
10 included a list of the top neighborhoods that we  
11 found where the communities residing, including  
12 Woodside, Jackson Heights, Jamaica, Briarwood,  
13 Flushing, Ocean Park, Richmond Hill. We also  
14 wanted to highlight the Kensington, Brooklyn area  
15 as Parkchester in the Bronx, where there are  
16 parts of those communities where there are high  
17 concentrations of South Asians that were not  
18 necessary documented by the Census that we need  
19 to think about. So we're going to work with our  
20 partners on giving our input on those maps. So  
21 finally, the four communities of interest that  
22 we're really urging the task force to think about  
23 keeping together, Woodside and Sunnyside right  
24 now, you know, a lot of South Asian immigrants

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2 and other immigrants more broadly live in those  
3 communities and, you know, function between,  
4 right now those communities are split between  
5 four different Assembly Districts and three  
6 Senate Districts. So I've included a list there.  
7 Jackson Heights and Elmhurst, again, we support  
8 what ALDA put forward in terms of keeping those  
9 communities together. You know there's also a  
10 concern that we have in the area of housing that  
11 there's the historic part of Jackson Heights, and  
12 then there's the not-historic component, and we  
13 wouldn't want to racially segregate those  
14 communities too much, either. So I think we have  
15 to find a balance of keeping those communities  
16 together. Briarwood and Jamaica, again, there's  
17 a very large Bangladeshi, Napali, and Indo-  
18 Caribbean community there. Right now that's  
19 split up between two different Assembly Districts  
20 and three Senate Districts. And finally  
21 Richmond Hill-Ozone Park area, you've heard  
22 before, there are at least four districts in the  
23 Assembly in that area, as well as two Senate  
24 Districts. This is one of the largest

1 Task Force on Demographic Research, 9/7/11  
2 communities in Queens where a community is  
3 concentrated, and they have no representation  
4 whatsoever on the city, state, or federal level,  
5 and so really it's time. These communities have  
6 grown substantially. The Bangladeshi community  
7 has one of the fastest growing population rates  
8 in our city today, and so we really need to make  
9 sure that those communities have adequate  
10 representation. Thank you.

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

13 ASSEMBLYMAN MCENENY: Hold it. I've  
14 been here through all of this, and I think you  
15 have, as well, and I've seen people from the  
16 subcontinent and people who are Chinese and  
17 Taiwanese and Koreans come forward and I'm  
18 impressed with what I think I see is a unity  
19 among all Asian peoples using a generic  
20 definition of Asian, which I assume would include  
21 Indians, Pakistanis, and so on. Is that my  
22 correct assumption, that there's a unity of  
23 purpose here?

24 MS. ANGNANI: Absolutely. I mean, we're

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2 working together, you know, and again, you know,  
3 obviously we have some differences as always,  
4 but—

5 ASSEMBLYMAN MCENENY: [Interposing] But  
6 on this issue and the issue of representation, is  
7 it your observation that the general generic  
8 Asian community is on the same page?

9 MS. ANGNANI: Yes, it's not necessary  
10 generic, but yes, absolutely. I think that we  
11 are working together to ensure that our  
12 communities are represented, absolutely,  
13 absolutely. Indo-Caribbean community is very  
14 challenging to document in terms of the Census,  
15 and so even though it's one of the largest  
16 immigrant groups in the area, there's really no  
17 way to count it, so we really need to look at  
18 other factors, I think. But yes, we are aligned,  
19 and I'm very happy to see so many of my  
20 colleagues here today, because I do think this is  
21 very important.

22 SENATOR NOZZOLIO: Thank you very much.

23 MS. AGNANI: Thank you.

24 SENATOR NOZZOLIO: Rosemarie Daraio.

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2 ASSEMBLYMAN MCENENY: I'll take this  
3 opportunity to introduce Assembly Member  
4 Francisco Moya who I apologize for not  
5 recognizing earlier, he has been here with us for  
6 quite a while now.

7 SENATOR NOZZOLIO: Thank you,  
8 Assemblyman.

9 MS. ROSEMARIE DARAIIO, PRESIDENT, COMET:  
10 Hi, good afternoon, everybody.

11 SENATOR NOZZOLIO: Good afternoon. If  
12 you would suffer just a brief interruption. It's  
13 been, we're now in our third hour. I wish there  
14 would be no, if you have any conversation, please  
15 take it out of the room. I respect the speaker.  
16 We're here to listen to the speaker. We're here  
17 to stop the conversations of others and let's, if  
18 you have to speak, please leave the room to do  
19 so. Thank you.

20 MS. DARAIIO: My name is Rosemarie  
21 Daraio, and I'm the president of COMET. It's a  
22 community organization that covers Maspeth, South  
23 Elmhurst, and the Winfield section of Woodside.  
24 Our border is generally bounded by the south of

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2 Queens Boulevard from 65<sup>th</sup> Place to Woodhaven  
3 Boulevard and extends throughout the community of  
4 Maspeth. For years we have been suffering as a  
5 result of the gerrymandering of our communities.  
6 Not only has our voting power been diluted, but  
7 our efforts to maintain, and in some cases,  
8 improve the quality of life for our residents who  
9 live here has become a daunting task. Nearly  
10 everything we try to accomplish necessitates us  
11 to reach out to a plethora of electeds who cover  
12 our neighborhoods. Residents in our communities,  
13 no matter what their ethnicity, go to the same  
14 schools, shop in the same stores, and are  
15 affected by the same crime and quality of life  
16 issues as their neighbors. To chop us our  
17 neighborhoods for political or ethnic  
18 representation diminishes the strength of our  
19 neighborhood as a whole, and we have been feeling  
20 the brunt of these actions for years. Many  
21 residents no longer vote because they believe  
22 their input will have no effect on the ultimate  
23 outcome. You only have to look at the population  
24 in our communities, registered voters, and the

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2 number of votes cast in prior elections, and it  
3 will prove my point. I certainly hope this isn't  
4 the goal of the New York State Legislative task  
5 force for this redistricting. We urge you to do  
6 whatever possible to keep our communities and  
7 people who live there as a whole, rather than a  
8 victim of carve-outs similar to what was done in  
9 the past. We want to see district lines follow  
10 community lines and natural borders. Thank you.

11 SENATOR NOZZOLIO: Thank you very much.

12 Carol Huang. Carol Huang. Steven Choi.

13 MR. STEVEN CHOI, EXECUTIVE DIRECTOR,  
14 MINKWON CENTER FOR COMMUNITY ACTION: Good  
15 morning.

16 SENATOR NOZZOLIO: Mr. Choi, for the  
17 record, please, would you state who you are and  
18 where you're from?

19 MR. CHOI: Sure, absolutely. My name is  
20 Steven Choi, and I'm the executive director of  
21 the MinKwon Center for Community Action, and I  
22 thank you for giving me this time and opportunity  
23 to speak today. On behalf of the Minkwon Center  
24 and the communities that we work with, I'm here

1 Task Force on Demographic Research, 9/7/11  
2 to discuss our interest in the redrawing of  
3 election districts for the State Assembly, State  
4 Senate, and Congress that is taking place. The  
5 MinKwon Center was established in 1984 to meet  
6 the needs of the Korean-American community.  
7 Since our founding we have made a profound  
8 presence in the Korean-American community through  
9 various grassroots organizing, education, and  
10 advocacy initiatives that address important  
11 community issues including immigration policies  
12 at the national, state, and city levels, voter  
13 rights, and cultural awareness. In the interest  
14 of time I'll try to shorten my testimony to make  
15 it more concise. The MinKwon Center is active on  
16 this election redistricting issue, because we  
17 believe that fair and equitable redistricting is  
18 absolutely critical to our goal of increasing  
19 civic engagement of the Korean-American, Asian-  
20 American, and immigrant communities we work with.  
21 We have engaged in civic participation efforts  
22 since the early 1990's. Many Korean-American  
23 voters were disempowered and disenfranchised by  
24 barriers that have prevented them from fully

1 Task Force on Demographic Research, 9/7/11  
2 participating in the electoral process. Our  
3 community's voters are confused by complicated  
4 procedures, improperly denied in language  
5 materials, and unlawfully harassed at the polls.  
6 To combat this the MinKwon Center has sought to  
7 empower voters from the start of the electoral  
8 process to the finish, registering new immigrant  
9 voters, educating them with bi-lingual materials  
10 and candidate forms, mobilizing them to vote, and  
11 them protecting them at the polls. We also  
12 engage deeply in the 2010 Census through a  
13 grassroots approach to community participation.  
14 We used a comprehensive effort to educate the  
15 community, provide Korean language resources, and  
16 go door to door engaging community members to  
17 actively participate, and through our efforts we  
18 were able to help increase Census participation  
19 in our home track of Flushing by nearly 15  
20 percent. Our goal through these civic engagement  
21 efforts is completely non-partisan. We do not  
22 support or endorse any politicians or parties.  
23 Our goal, instead, is to help these new immigrant  
24 communities build power, to develop a strong

1 Task Force on Demographic Research, 9/7/11  
2 voice on important community issues, and then  
3 hold elected officials accountable on these  
4 issues. So we believe that election  
5 redistricting is perhaps the most crucial civic  
6 engagement issue for these next ten years and  
7 beyond. The drawing of election districts is in  
8 many ways the drawing of democracy's foundation.  
9 If districts are drawn properly, in ways that  
10 take into account natural communities of  
11 interest, that respect the Voting Rights Act, and  
12 that adhere to the principles of one person, one  
13 vote, then we are rewarded with competitive  
14 elections, politicians who are accountable to  
15 their communities, and the protection of  
16 historically disenfranchised minorities.  
17 Unfortunately, that has too often not been the  
18 case in New York State. Districts have often  
19 been drawn in ways that reflect the interests of  
20 incumbents, not communities. Minorities,  
21 including Korean-Americans and Asian-Americans  
22 have historically seen tactics that have diluted  
23 their votes and rendered them politically  
24 powerless. Districts have not been drawn to

1 Task Force on Demographic Research, 9/7/11  
2 follow natural community boundaries. Instead  
3 they have tied together parts of different  
4 communities that have little in common other than  
5 the fact that they may be politically  
6 advantageous to a particular incumbent. This is  
7 especially true for the Asian-American community.  
8 Our numbers have grown tremendously since 2000.  
9 We are the fastest growing racial group in both  
10 New York City and New York State and we make up  
11 either a majority or a significant minority in  
12 many legislative districts, and yet there is only  
13 one Asian-American in the entire state  
14 legislature. The redistricting process is also  
15 critical. The body charged with drawing these  
16 districts, in this case LATFOR, should engage the  
17 community in a robust, public debate, and this  
18 public debate should happen through hearings and  
19 forums that are open and easily accessible for  
20 our entire community. They should be publicized  
21 well in advance through many different channels  
22 and should be held in a variety of locations and  
23 times to best encourage participation. They  
24 should reach out to the wide range of New York's

1 Task Force on Demographic Research, 9/7/11  
2 vibrant immigrant communities with translated  
3 hearing notices, materials, and interpreters at  
4 our hearings, and unfortunately LATFOR's current  
5 process has fallen far short of this. There have  
6 been no efforts to actively publicize these  
7 hearings, particularly for minority communities,  
8 such as Korean and Asian-Americans. They have  
9 been held during mornings on weekdays, seriously  
10 inconvenient for most community members who are  
11 either at work or at school. There has been no  
12 effort whatsoever to provide language access  
13 measures for our community, access that is  
14 legally required by the Civil Rights Act. These  
15 problems in the redistricting process give us  
16 serious concerns as to whether our groups and  
17 communities are being heard. Now the MinKwon  
18 Center for Community Action is committed to  
19 working closely with our allies and communities  
20 so that the redistricting process helps bolster  
21 democracy, not undermine it. We will continue to  
22 educate our community about redistricting, to  
23 engage them to actively participate in the  
24 process, and to advocate strongly for our

1 Task Force on Demographic Research, 9/7/11  
2 communities' interests in the final district  
3 lines. We will do this through ACCORD, the  
4 Asian-American Community Coalition on  
5 Redistricting and Democracy, and we will also  
6 work closely in concert with other historically  
7 disenfranchised communities. Our recommendations  
8 today will relate specifically to the communities  
9 of Flushing and Bayside where most of our  
10 communities reside. We refer to the maps of both  
11 Flushing and Bayside included with this  
12 testimony, developed by our ACCORD Coalition  
13 partner, the Asian-American Legal Defense and  
14 Education Fund. For Flushing we recognize that  
15 this community, bordered on the west by the Van  
16 Wick Expressway, the north by 32<sup>nd</sup> Avenue and 27<sup>th</sup>  
17 Avenue, the east by Utopia Parkway and 189<sup>th</sup>  
18 Street, and the south by the Long Island  
19 Expressway, represents a true community of  
20 interest. Flushing community members share many  
21 common characteristics. A recent survey of  
22 Flushing showed that more than 65 percent of the  
23 total population, almost two thirds, are  
24 immigrants, and of those groups 70 percent are

1 Task Force on Demographic Research, 9/7/11  
2 from Asia, primarily from China, Korea, and  
3 India. As recent immigrants language access is a  
4 key issue. A majority of households who speak  
5 Asian are linguistically isolated, as are a third  
6 of all Spanish-speaking households. This  
7 community has become one of the largest immigrant  
8 gateways in New York City as immigrants have  
9 flocked to one of the city's largest public  
10 transit hubs. In Bayside as we define it, as  
11 bordered on the west by the Clearview Expressway,  
12 the north by 33<sup>rd</sup> Avenue and 33<sup>rd</sup> Road, the east by  
13 the Cross Island Parkway, and the south by 73<sup>rd</sup>  
14 Avenue, is also another true community of  
15 interest. Bayside is home to a large Korean and  
16 Asian-American community, many of whom have moved  
17 from Flushing to own a home in Bayside's  
18 residential neighborhoods, but who still retain  
19 close familial, cultural, and economic ties to  
20 Flushing. Asian-American communities in both of  
21 these neighborhoods are linked by historically  
22 similar voting patterns, and candidates from  
23 these communities have often run for similar  
24 offices at the same time to take advantage of

1 Task Force on Demographic Research, 9/7/11  
2 these similar voting patterns. It is the MinKwon  
3 Center's belief and recommendation that not only  
4 are Flushing and Bayside communities of interest  
5 in their own right, but they also should be  
6 grouped together in the same legislative district  
7 when possible. Together with our ACCORD  
8 coalition partners, we will continue to advocate  
9 for these principles throughout the entire  
10 redistricting process. We will also join our  
11 ACCORD partners in calling for a meeting with  
12 LATFOR, about LATFOR's failure to respond to a  
13 July 20<sup>th</sup> letter that outlined our concerns with  
14 the process and asking for more information  
15 regarding the timeline, process for public input,  
16 and timing of hearings, a letter that received no  
17 response. Now the principles and process of how  
18 New York State's election districts are drawn  
19 will determine this state's political future for  
20 the next decade. We will continue to be involved  
21 to ensure that our communities are heard and that  
22 our political rights are protected. Thank you.

23 SENATOR NOZZOLIO: Thank you, Mr. Choi.  
24 Before you leave I hope you have a copy of that

1 Task Force on Demographic Research, 9/7/11

2 letter with you.

3 MR. CHOI: I believe we do have a copy  
4 of that letter.

5 SENATOR NOZZOLIO: Before you leave  
6 would you make sure that I, and whatever copies  
7 you have, that members of the task force receive  
8 that letter. I was looking at the staff of the  
9 task force. They indicate that they did not  
10 have, seen, that letter. That does not mean that  
11 it wasn't received. I don't, members of the task  
12 force, have not seen that letter, and I would  
13 very much like to see it prior to you leaving.  
14 I'd also appreciate your comments on behalf of  
15 the Asian community, and particularly the Korean  
16 community, and that we have been given a list of  
17 those publications. I'm glad you're here today  
18 to testify on behalf of others and hope that in  
19 the future as we are going to have at least 17  
20 more hearings across the state that we will have  
21 your input at those hearings. If you have any  
22 plans that you would like to submit, we would  
23 welcome those specific plans for Congress and the  
24 State Legislative lines. There were papers such

1 Task Force on Demographic Research, 9/7/11  
2 as the Korean Times, the Sing Tao Chinese, also  
3 the India Abroad, we spent to publicize the  
4 hearings literally thousands of dollars in those  
5 publications. If you're saying that those  
6 payments were inadequate to advertise these  
7 hearings, I certainly, members of the task force  
8 would welcome additional suggestions that you may  
9 have. So for the record I wanted to state that  
10 we have submitted advertising for these hearings  
11 in those publications, would be glad to look at  
12 expanding the network of publications where we  
13 could get the word out. I'm glad the word was  
14 out enough to have you here today, and we will  
15 look to your letter to see if there are specific  
16 issues that additionally we could address  
17 directly between now and the time we meet again.

18 MR. CHOI: I appreciate your comments,  
19 and the letter, I believe was hand-delivered on  
20 July 20<sup>th</sup>, by OCA-New York, and we do have a copy  
21 here, and I'm sure that we'd be happy, more than  
22 happy to both present this letter and also to  
23 think of meetings so that we can talk about some  
24 of the issues that were raised in this letter.

1 Task Force on Demographic Research, 9/7/11  
2 Just a quick note about maps, as several of our  
3 partners have mentioned earlier today, we are  
4 working in coalition with ACCORD to come up with  
5 specific district maps that will be done in  
6 concert we hope together with other communities  
7 of, historically disenfranchised communities, and  
8 we hope to have that very soon, hopefully before  
9 LATFOR produces your own maps. Then finally I  
10 know that ACCORD as a coalition is more than  
11 happy to think about ways in which to engage our  
12 community members. I think that several of the  
13 community members, a lot of the community members  
14 who appeared today at our hearing were actually  
15 either members or community members of our groups  
16 and interested individuals that came through our  
17 organizations, but I think that more can be done  
18 to engage other community members and to make  
19 sure we get as wide community participation as  
20 possible. I believe our other ACCORD partner,  
21 OCA, has something to state very quickly about  
22 the letter. Is that right?

23 ELIZABETH OUYANG, OCA-NY: LATFOR  
24 members, with due respect, I hand-delivered a

1 Task Force on Demographic Research, 9/7/11

2 copy of the letter on July 20<sup>th</sup> to 250 Broadway.

3 Here is a copy.

4 SENATOR NOZZOLIO: Please, we don't  
5 doubt that at all. We fully believe that you  
6 presented the letter. Obviously the letter was  
7 not shared with members of the task force, and  
8 that if you have another copy we will make copies  
9 today so that we can ensure that the letter is  
10 shared with members of the task force. Again, we  
11 don't doubt for a second that you didn't deliver  
12 this. It was a miscommunication, and we as  
13 members of the task force didn't have the benefit  
14 of the copy of the letter.

15 MS. OUYANG: With all due respect,  
16 members of the task force, it was delivered  
17 twice. It was delivered on July 20<sup>th</sup> with six  
18 signatures to the letter and again on July 28<sup>th</sup>  
19 when an additional five organizations joined  
20 ACCORD. So, you know, that's really  
21 disconcerting to us to here who, we can't get  
22 answers by phone, oftentimes, and our only access  
23 is by mail or maybe at these public hearings and  
24 that you're not getting our letters, and this is

1 Task Force on Demographic Research, 9/7/11  
2 from the community, this is from the public, that  
3 is really, really disconcerting. I delivered one  
4 letter to the task force and an additional letter  
5 to the each of you, you know, and this is the  
6 proof that I was there, and that's really  
7 disconcerting and I had a member, I had the  
8 receptionist sign that she received it.

9 SENATOR NOZZOLIO: And we don't doubt  
10 that for a second.

11 MS. OUYANG: Very disconcerting.

12 SENATOR NOZZOLIO: Well, and we don't  
13 doubt that for a second, we share your concerns.  
14 We have not seen, members of the task force have  
15 not seen that letter, pure and simple, and it's  
16 not your fault, it's the fault of the staff of  
17 the task force, and we will make sure that that  
18 does not happen again, and that's why before you  
19 leave here today, we want to see that letter.  
20 Thank you very much. Eileen Reilly.

21 MS. EILEEN REILLY, EXECUTIVE DIRECTOR,  
22 MASPETH TOWN HALL: Good afternoon, everyone.  
23 Although I was here when I should have said good  
24 morning, I'm going to strongly suggest that we

1 Task Force on Demographic Research, 9/7/11  
2 get a timer for your next 17 meetings. My name  
3 is Eileen Reilly, I'm the director of Maspeth  
4 Town Hall, which is a 501-3C non-profit community  
5 center. Our center offers educational,  
6 recreational, cultural programs serving the  
7 families of Maspeth and the surrounding  
8 communities. We provide programs for the two  
9 year-old to the eight-two year-old. We have over  
10 a thousand members and we service over 800  
11 children daily in our afterschool programs, which  
12 I have to add that each school has serving  
13 children that speak almost 15 different  
14 languages. Maspeth is a long-established  
15 community and is served by other non-profit  
16 organizations such as ours who gives us a strong  
17 sense of identity and purpose. I am urging you  
18 to keep Maspeth community undivided in the same  
19 Assembly District. It is important to us that in  
20 creating the new lines for legislative and Senate  
21 district, that Maspeth as a whole remains  
22 together, unified in a single district. The  
23 support of our elected officials, particularly  
24 Assemblywoman Marge Markey, has been essential to

1 Task Force on Demographic Research, 9/7/11  
2 our success as an organization. Their advice and  
3 assistance is invaluable in dealing with problems  
4 we encounter with the city, state, and state  
5 agencies, and funders. Their support for Town  
6 Hall and its programs is an important signal to  
7 the entire community about the high-quality  
8 importance of our work. To be most effective for  
9 Maspeth residents and the important  
10 constituencies that are served by Town Hall, it  
11 is absolutely essential that the entire community  
12 remain part of a single Assembly District. Thank  
13 you for your time.

14 SENATOR NOZZOLIO: Thank you.

15 ASSEMBLYMAN MCENENY: Yang Chen. I did  
16 skip somebody. I'll get them next. That's all  
17 right. Please have a seat.

18 MR. YANG CHEN, EXECUTIVE DIRECTOR,  
19 ASIAN-AMERICAN BAR ASSOCIATION OF NEW YORK: Good  
20 afternoon, my name is Yang Chen—

21 ASSEMBLYMAN MCENENY: [Interposing]  
22 Linda Lee will be next. I apologize to her.

23 MR. CHEN: Well, my apologies to Linda.  
24 My name is Yang Chen. I am the executive direct

1 Task Force on Demographic Research, 9/7/11  
2 of the Asian-American Bar Association of New  
3 York. We call it AABANY, for short, which sounds  
4 suspiciously like Albany, but I'm saying AABANY.  
5 AABANY is a professional membership organization  
6 of attorneys concerned with issues affecting the  
7 Asian-Pacific-American, or APA community.  
8 Incorporated in 1989, AABANY seeks not only to  
9 encourage the professional growth of its members,  
10 but also to advocate for the APA community as a  
11 whole. AABANY is the New York affiliate of the  
12 National Asian-Pacific-American Bar Association,  
13 also known as NAPABA. We come before you today  
14 to urge the establishment of districts that  
15 reflect and do not divide contiguous communities  
16 in Queens that encompass large swaths of APA  
17 voters. We also stress that LATFOR should draw  
18 lines consistent not only with existing  
19 communities of APA voters, but also consider  
20 emerging APA communities. Almost 50 percent of  
21 all of New York City Asian-American population  
22 exists in Queens. While the extensive Chinese  
23 and Korean communities in Queens are well-known,  
24 Queens has the largest concentration of South

1 Task Force on Demographic Research, 9/7/11  
2 Asian Americans in the country while also having  
3 a significant population that includes  
4 Bangladeshi and Pakastani communities. Taken  
5 together it's no surprise that Queens is the most  
6 populous APA county on the east coast. The total  
7 population of just the APA community in Queens is  
8 larger than the entire population of Staten  
9 Island. The APAs are a significant contributor  
10 to American society in all facets, including the  
11 economy, the city's cultural diversity, and even  
12 the military. APAs make up approximately nine to  
13 ten percent of the classes of 2014 at West Point,  
14 the Naval Academy, and the Air Force Academy,  
15 while representing only four point eight percent  
16 of the nation's total population. Queens is  
17 experiencing an explosion of growth in the  
18 population of APAs. According to the 2010 Census  
19 data, 22.8 percent of Queens is Asian-American,  
20 up from 17.5 percent in 2000. The concentration  
21 of Asians in the Flushing area of Queens grew by  
22 about 119,000 people in the last ten years, while  
23 the borough itself did not experience growth over  
24 all. In Flushing itself the Asian population

1 Task Force on Demographic Research, 9/7/11  
2 grew by 37 percent, a net growth of 13,469  
3 people. The growth is not limited to Flushing,  
4 however, as other neighborhoods have experienced  
5 similar surges such as Murray Hill, where the  
6 Asian population grew by 32 percent, a net  
7 increase of 6,597, East Flushing where the Asian  
8 population grew by 44.5 percent, a net gain of  
9 4,889 Asians, and Queens Borough Hill, where the  
10 Asian population grew by 45 percent, a net  
11 increase of 4,196. APAs are not just growing in  
12 numbers, but they are also increasingly  
13 concentrated into contiguous communities. An  
14 analysis performed by the Center for Urban  
15 Research at the City University of New York,  
16 using 2000 and 2010 Census data, shows that while  
17 many of the 29,486 Census blocks changed their  
18 ethnic composition, APA populations became the  
19 predominant ethnic subgroup of the area's overall  
20 population in 1,168 of these blocks. That's a  
21 net growth of about 250 percent. The statistics  
22 show significant trends in community growth that  
23 should be reflected in the way that district  
24 lines are drawn. As the last ten years have

1 Task Force on Demographic Research, 9/7/11  
2 shown, APA communities are emerging at a rapid  
3 pace and we urge this committee to consider what  
4 has happened, what recommendations it received in  
5 the past, and the realities represented by the  
6 data. When taken together this committee should  
7 recognize current trends and demonstrate a level  
8 of foresight that is justified by the recent  
9 Census data. The drawing of district lines to  
10 accurately reflect the reality of Queens  
11 communities is not just good policy and good  
12 government, but good law. The Voting Rights Act  
13 of 1965 mandates that district lines be created  
14 that protect minority voting rights and political  
15 representation. To that end they must fairly  
16 reflect minority voting strength. As this  
17 commission is well aware, the Supreme Court has  
18 sought to define the ways by which this should be  
19 accomplished. While race cannot be the only  
20 factor under the Equal Protection clause of the  
21 Constitution, it is clear that race can and  
22 should be one of the many factors considered. We  
23 are asking this commission to recognize that  
24 there are communities of interest that share

1 Task Force on Demographic Research, 9/7/11  
2 common interests in Queens County that are not  
3 reflected in the existing district divisions.  
4 Under the law socio-economic background  
5 similarities, shared common goals, contiguous  
6 geography, and common lifestyles are factors that  
7 define such communities. We ask this commission  
8 to address two pitfalls of redistricting, packing  
9 and cracking. A packed district is where members  
10 of a community that could otherwise be  
11 represented in a number of districts are  
12 concentrated to the extent that they hold a  
13 strong majority in one district while diluted the  
14 outliers of this concentration. A cracked  
15 district is where a contiguous community is  
16 fractured in a way that dilutes an otherwise  
17 contiguous community that could exercise their  
18 voting rights meaningfully. We recognize the  
19 forward thinking this commission has exhibited in  
20 the past in drawing the borders of Assembly  
21 District 22. We would ask this commission to  
22 exhibit the same forward thinking to consider  
23 that even that district has experienced  
24 significant growth of Asian-American communities

1 Task Force on Demographic Research, 9/7/11  
2 of interest in the last ten years and that other  
3 areas of Queens have shown a similar growth and  
4 are projected to grow in the next ten years.  
5 AABANY is part of ACCORD, the Asian-American  
6 Community Coalition for Redistricting and  
7 Democracy, a coalition of community groups and  
8 non-profit organizations seeking to effect  
9 positive change in the legislative process as it  
10 relates to the APA community. This is consistent  
11 with AABANY's goals of representing the legal  
12 interests of our members and advocating on behalf  
13 of the APA community of New York. This public  
14 hearing is the primary mechanism by which the  
15 community can provide input to the committee  
16 members of LATFOR. AABANY urges the committee  
17 members to enfranchise thousands of APA citizens  
18 to be active participants in the political  
19 process. APAs have recently taken up this call  
20 to press for representation in government and  
21 have survived such oppressive federal legislation  
22 as a Chinese Exclusionary Act of 1880, which was  
23 only repealed in 1943 after more than half a  
24 century of discriminatory immigration policy

1 Task Force on Demographic Research, 9/7/11  
2 directed at Chinese and other Asian immigrants.  
3 APAs make up a growing community that is  
4 politically maturing and this is a tremendous  
5 opportunity for LATFOR to reflect the reality of  
6 the demographics of this borough and to give  
7 voice to a community that enhances, enriches, and  
8 encompass the Borough of Queens. We thank you  
9 for this opportunity and we anticipate that this  
10 committee will heed the mandates of federal law  
11 bolstered by the realities of the demographic  
12 data and provide the communities of Queens a  
13 representative voice that reflects the true  
14 composition of its diverse population. Thank  
15 you.

16 ASSEMBLYMAN MCENENY: Thank you very  
17 much and you reminded me of something earlier, an  
18 individual was commenting on it would be nice to  
19 have this in the evening. As it is we've got 24  
20 of these things across the state and the people  
21 up here travel many hours just to get here, but  
22 that's the reason why we have organizations like  
23 yours that can come and speak for those people  
24 who are working during the day and would find it

1 Task Force on Demographic Research, 9/7/11

2 very inconvenient. Also the website is something  
3 that has access, provides access for everyone to  
4 listen to your very valuable testimony, and we  
5 appreciate it.

6 MR. CHEN: Well, thank you for your time  
7 today.

8 MR. OAKS: Just a quick comment and  
9 question. One, I truly appreciate your  
10 perspectives and help as we move forward in this  
11 process. One thing that you mentioned, though,  
12 you did mention both the changes from over the  
13 last ten years and what our work will do in  
14 taking that into account. You also mentioned  
15 something about anticipated growth and changes,  
16 and I just want to make sure that our  
17 deliberations can only do what the Census gives  
18 us and not take into account what the changes  
19 into 2011 and beyond as we put these together.  
20 Obviously that perspective may be helpful  
21 somewhat, but basically we can only deal with  
22 what we have, so I just wanted to make sure that  
23 was—

24 MR. CHEN: Right, and I believe that the

1 Task Force on Demographic Research, 9/7/11  
2 participation of ourselves, as well as the  
3 members of ACCORD is to bring to light, to shed a  
4 light, on these factors that perhaps may not be  
5 as sensitive to as we are, and certainly the data  
6 is out there and we hope that you make full use  
7 of it so that the Asian-Pacific-American voice  
8 can be, in fact, heard at the electoral level.  
9 Thank you.

10 SENATOR NOZZOLIO: Ms. Linda Lee. Linda  
11 Lee. Good afternoon.

12 MS. LINDA LEE, ASSOCIATE EXECUTIVE  
13 DIRECTOR, KOREAN COMMUNITY SERVICES OF  
14 METROPOLITAN NEW YORK: Good afternoon. So my  
15 name is Linda Lee, and I'm actually here  
16 representing KCS, Korean Community Services of  
17 Metropolitan New York, which is a mouthful, so  
18 you can just say KCS, and I'm the associate  
19 executive director there and our organization is  
20 also a part of ACCORD, as well. You have copies  
21 of the written testimony, so as opposed to just  
22 reading from it, I figured I would just speak  
23 from a personal as well as community perspective.  
24 I was actually born in Elmira, which most people

1 Task Force on Demographic Research, 9/7/11

2 downstate don't know where it is.

3 SENATOR NOZZOLIO: First of all we're  
4 very happy to hear that. Second of all, it's  
5 something that is very, my wife graduated from  
6 Elmira College, and we're very pleased that you  
7 have that upstate connection.

8 MS. LEE: Yes, and I actually lived  
9 there for about ten years and then moved to Long  
10 Island and was there for about twenty years and  
11 now live in Queens. So I guess you could say I'm  
12 kind of doing the opposite move that most Asian  
13 populations are sort of moving east, and I'm sort  
14 of going the opposite direction. But just from  
15 my experience in working in mainstream, I guess  
16 you could say, for a lack of a better term,  
17 society, as opposed to working in the Asian  
18 community, I have to say there's a lot of things  
19 that we're fighting against. One of them, in  
20 particular, being the mono-minority myth, and I  
21 have to say after working in the community only  
22 just for about a couple of years, there is a lot  
23 going on underneath the surface. There is a  
24 tremendous amount of need in our community. As

1 Task Force on Demographic Research, 9/7/11  
2 people have mentioned before, there is a  
3 tremendous growth, which also means that the  
4 needs are growing in terms of our population  
5 size, and also statistically I would say one in  
6 four Asian seniors, our organization actually  
7 focuses a lot on senior services and Helen  
8 Marshall, who's not here right now, has been a  
9 big supporter, actually, of our services that we  
10 offer. So one in four seniors actually live in  
11 poverty and there's a high linguistic isolation  
12 rate, especially among Korean-Americans, it's  
13 over 60 percent, actually. Also the highest  
14 rates of depression and suicide in terms of  
15 mental health are the highest rates, are growing  
16 in Asian seniors as well as women. So the reason  
17 why I bring this up is just to reiterate the fact  
18 that our community has very specific needs, just  
19 like a lot of the other Asian and South Asian  
20 communities, and that's why we're here today,  
21 sort of uniting and asking that this all be  
22 considered when you guys are drawing the district  
23 lines and keeping these communities of interest  
24 together, especially because their needs are sort

1 Task Force on Demographic Research, 9/7/11  
2 of particular, even just in terms of language  
3 alone. So I think it would be great to sort of  
4 have a more competitive election process and be  
5 able to elect someone that we feel would  
6 represent our communities, and I certainly, and I  
7 say this with respect, I certainly don't envy  
8 your position, because I know that it's  
9 definitely a great task that you have ahead of  
10 you, but definitely to consider all these  
11 testimonies that you've heard today in your  
12 process. So thank you very much.

13 SENATOR NOZZOLIO: Ms. Lee, thank you,  
14 and your testimony as written will be submitted,  
15 as well, for the record.

16 MS. LEE: Great, thank you.

17 SENATOR NOZZOLIO: Thank you for being  
18 here. Rachana Shah. Good afternoon.

19 MS. RACHANA SHAH, REDISTRICTING CAMPAIGN  
20 DIRECTOR, TAKING OUR SEAT: Good afternoon. My  
21 name is Rachana Shah, and I'm with Taking Our  
22 Seat, which is a Queens-based, non-partisan, not-  
23 for-profit organization. Taking Our Seat was  
24 founded to empower South Asian-Americans in the

1 Task Force on Demographic Research, 9/7/11  
2 electoral process by eliminating South Asian  
3 voter dilution through the redistricting process.  
4 We're also here as part of ACCORD and so we fully  
5 support all the other members who have spoken  
6 today. Thank you for giving me the opportunity  
7 to speak. Attached to the written testimony is  
8 our latest report on how to stop South Asian  
9 voter dilution through the drawing of multi-  
10 ethnic districts, which we call mosaic districts.  
11 Just to take a note, as you asked earlier, Taking  
12 Our Seat defines South Asian-Americans as anyone  
13 who can trace their ancestry back to the  
14 countries of South Asia or to a South Asian  
15 diaspora. This includes Bhutan, Bangladesh,  
16 India, Nepal, Pakistan, Sri Lanka, The Maldives,  
17 Trinidad and Tobago, Guyana and Suriname, and  
18 there's many others. Taking Our Seat was formed  
19 because of South Asian communities' growth in  
20 population and economic power over the past  
21 decade has not translated to electoral influence.  
22 South Asian-American voters do not have viable  
23 choices at the polls and for South Asian-American  
24 candidates seeking elected office, the door has

1 Task Force on Demographic Research, 9/7/11  
2 been closed. Taking Our Seat seeks to level the  
3 playing field for South Asian-American voters by  
4 analyzing data from the 2010 Census to help  
5 inform the redistricting process. We focused  
6 heavily on data collection, research and  
7 analysis, and used this as a basis for our  
8 community organizing and our legislative and  
9 legal advocacy efforts. There is not a single  
10 South Asian-American representing New York in  
11 Congress, in either house of the State  
12 Legislature, or in the New York City Council.  
13 These facts don't reflect the strength of the  
14 number of South Asian-Americans from the 2010  
15 Census. According to the 2010 Census there are  
16 351,000 South Asian-American in New York City.  
17 This represents an increase of 61 percent over  
18 the last decade. Of these nearly 60 percent  
19 reside in Queens County. The largest communities  
20 of South Asian-Americans are founded in the  
21 following cluster of neighborhoods: First is  
22 Richmond Hill and South Ozone Park, Second is  
23 Briarwood and Jamaica Hills, Third is Jackson  
24 Heights and Elmhurst, Fourth is Bell Rose and

1 Task Force on Demographic Research, 9/7/11  
2 Floral Park. These neighborhoods and the South  
3 Asian-Americans living in them are victims of  
4 cracking. For example, Richmond Hill and South  
5 Ozone Park are broken into six different State  
6 Assembly Districts. Briarwood and Jamaica Hills  
7 are broken into five State Assembly Districts.  
8 On page 2 of the attached report you'll see a  
9 detailed outline of more examples and the exact  
10 district numbers at every level of government.  
11 The case law gives somewhat of a meandering brute  
12 when we try to look at ways to stop South Asian  
13 voter dilution. So Taking Our Seat proposes  
14 diverse multi-ethnic districts. This would stop  
15 South Asian voter dilution while taking into  
16 account the close proximity in which South Asian-  
17 Americans live to other races. In Queens  
18 County's top 100 concentrated South Asian-  
19 American Census tracts, South Asian-Americans  
20 tend to live in proximity to other minorities in  
21 the following - - . 56 percent Latinos, 28  
22 percent black, 16 percent non-South Asian Asians.  
23 Only seven percent of the top 100 South Asian-  
24 American concentrated Census tracts have a white

1 Task Force on Demographic Research, 9/7/11  
2 majority. We conclude that South Asian-Americans  
3 live in multi-cultural Census tracts and  
4 neighborhoods where a community of interest  
5 actually includes multiple races. Using 2010  
6 Census data Taking Our Seat identified what we  
7 call melting pots Census tracts, which have at  
8 least 15 percent South Asians where no other  
9 racial group exceeds 40 percent of the total  
10 population of that Census tract. The melting pot  
11 Census tracts anchor clusters of neighborhoods  
12 based on the existing neighborhood boundaries and  
13 that is the basis of these districts. You'll  
14 find actually color-coded maps of this on pages  
15 16 and 17 of the report. Keeping these clusters  
16 of neighborhoods whole in the redistricting  
17 process will stop the dilution of South Asian-  
18 American votes, as well as respect neighboring  
19 communities and preserve existing neighborhood  
20 lines. When drawing legislative district lines,  
21 Taking Our Seat requests that the following  
22 cluster of neighborhoods be kept whole. First is  
23 Richmond Hill, South Ozone Park and Ozone Park.  
24 Second is Briarwood and Jamaica Hills. Third is

1 Task Force on Demographic Research, 9/7/11  
2 Jackson Heights and Elmhurst. Fourth is Bell  
3 Rose, Queens Village, Floral Park, and Glen Oaks.  
4 Again, going back to the report you'll see our  
5 detailed analysis of the common community  
6 characteristics in transportation, schools, etc.,  
7 and information on the communities of interest.  
8 By keeping all of these neighborhoods together in  
9 larger districts or by combining them in whole to  
10 form complete districts, South Asian-American  
11 voter dilution could be eliminated while  
12 maintaining the multi-cultural aspect of these  
13 vibrant neighborhoods. I just want to take one  
14 moment to mention the list of emerging  
15 neighborhoods we have on pages 6 and 7 of the  
16 report. Now I know that you mentioned just a few  
17 minutes ago how you can't fully take it into  
18 account, but we feel strongly enough that these  
19 neighborhoods are small, but they are there. So  
20 if you could take a look at that. Thank you for  
21 the opportunity to speak and I welcome any  
22 questions that you have.

23 SENATOR NOZZOLIO: Ms. Shah, thank you.  
24 I reviewed your testimony, it's very helpful, the

1 Task Force on Demographic Research, 9/7/11  
2 entire testimony you submitted for the record.  
3 Do you expect your organization to be submitting  
4 any specific lines for Congressional and Senate,  
5 Assembly Districts?

6 MS. SHAH: For the actual legislative  
7 district lines, we've been working with ALDA and  
8 the other members of ACCORD, so we've really been  
9 working with them and so those maps that are  
10 submitted will have our input.

11 SENATOR NOZZOLIO: Do you know what the  
12 timeframe is for that submission?

13 MS. SHAH: I believe, as Jerry  
14 mentioned, they hope to have it in before the end  
15 of the hearings.

16 SENATOR NOZZOLIO: End of the hearings?

17 MS. SHAH: I believe.

18 SENATOR NOZZOLIO: Which means the--

19 MS. SHAH: [Interposing] That, you'd  
20 have to ask ALDA.

21 SENATOR NOZZOLIO: With your office, and  
22 for the record, we need to have, we would welcome  
23 that input, we need to have it prior to the  
24 beginning of October, or in or around the

1 Task Force on Demographic Research, 9/7/11

2 beginning of October. The hearings, the first  
3 round of hearings will end the first week of  
4 October and so thank you, and if you could be  
5 aware of that timeline it would be helpful to us.

6 MS. SHAH: Certainly. I just do want to  
7 mention that the neighborhood maps that we did  
8 provide in the report, we feel very strongly  
9 about keeping those together within different  
10 district lines. Thank you very much.

11 SENATOR NOZZOLIO: Thank you very much.  
12 Chejin Park.

13 MR. CHEJIN PARK, ESQ., STAFF ATTORNEY,  
14 KOREAN AMERICAN VOTERS COUNCIL: Hi, good  
15 afternoon. My name is Chejin Park, staff  
16 attorney for the Korean-American Voters' Council.  
17 The Korean-Americans Voters' Council is a non-  
18 profit organization, non-partisan community  
19 education and advocacy organization with the - -  
20 to empowering Korean-American and Asian-American  
21 communities in the New York City. The Asian-  
22 American community is one of the fastest growing  
23 groups in New York from 2000 to 2010. Asian-  
24 Americans now comprise 1,420,000 people or 7.3

1 Task Force on Demographic Research, 9/7/11  
2 percent of the total state population. Despite  
3 the rapid growth in population Asian-Americans  
4 are vastly under-represented in the New York  
5 State Legislature. There is only one Asian-  
6 American, the Honorable Grace Meng, Assembly  
7 District 22 in the State Assembly, and there is  
8 no Asian-American member in the State Senate.  
9 We would like to recommend that the legislative  
10 districts are redrawn to reflect the fair  
11 proportion of Asian-Americans in the state, to  
12 reflect the growing electoral viability of Asian-  
13 American state legislators, to eliminate the  
14 potential for disenfranchisement of Asian-  
15 American population, and to keep communities of  
16 interest together. As you already know the  
17 Federal Voting Rights Act requires that new  
18 boundaries be drawn in a manner which provides  
19 minority communities with the opportunities to  
20 elect representatives of their choice if they  
21 can. However, in 2001 the state legislative  
22 districts, other than Assembly District 22, were  
23 disparately drawn to disenfranchise Asian-  
24 American communities in north Queens. For

1 Task Force on Demographic Research, 9/7/11  
2 example, Senate District 11 and 16 were not only  
3 tailored to split the Asian-American population  
4 in - - and along the Long Island Expressway  
5 neither - - was considered. Please refer to the  
6 map behind it. The map is a current map, not the  
7 recommended map. According to Census 2010 Asian-  
8 American population in Senate District 11 and 16  
9 are 36.6 percent and 44.3 percent of total  
10 population, respectively. We would like to  
11 recommend that maps of Senate District 11 and 16  
12 be drawn to keep Asian-American population in one  
13 district so that Asian-Americans' vote is not  
14 diluted. We would also like to recommend that  
15 drawing 80, 24, 25, 26 respecting that Asian-  
16 American community is a community of interest and  
17 keeping them in one district. In the districts  
18 there are significant number of Asian-Americans.  
19 Asians comprise 40 percent, 38.9 percent, and  
20 38.7 percent, respectively, in the district. In  
21 2001 Asian-American community was divided into  
22 many districts in different levels. Asian-  
23 American votes have been diluted. It is time to  
24 finish this unfair practice. On behalf of the

1 Task Force on Demographic Research, 9/7/11  
2 Korean-American community and Asian-American  
3 community we would like to urge LATFOR members to  
4 keep these communities of interest undivided and  
5 allow Asian-Americans to have their share or  
6 voice in Albany. And also as part of Re-Shape  
7 New York Coalition member would like KAVC is a  
8 strong supporter of the independent redistricting  
9 commission and - - . Thank you.

10 SENATOR NOZZOLIO: Mr. Park, thank you  
11 very much for your testimony and suggestions.  
12 Your testimony will part of the official record  
13 as your recommendations, as well. Are you going  
14 to further refine those and submit any maps in  
15 the future?

16 MR. PARK: No, currently we are working  
17 with ALDEF, so they will submit that. ALDEF's  
18 map is kind of a map of Asian-American  
19 communities. We will give our comments on them.

20 SENATOR NOZZOLIO: Thank you very much.  
21 Any other questions? Thank you, Mr. Park.  
22 Eileen Reilly.

23 MS. EILEEN REILLY ON BEHALF OF MICHELLE  
24 MASONE: I'm actually speaking on behalf of

1 Task Force on Demographic Research, 9/7/11  
2 Michelle Masone who had a funeral today. Maspeth  
3 is one of the smaller neighborhoods in Queens. I  
4 have encountered many lifelong Queens residents  
5 who did not know where Maspeth was located.  
6 Maspeth is home to people of many different  
7 ethnic backgrounds. People may know that Maspeth  
8 has one of, if not the largest, Polish  
9 populations in Queens. However, they may not be  
10 aware that this also contains a large population  
11 of Chinese, Hispanic, Irish, Italian, Greek,  
12 Korean, and Middle Eastern people. You can drive  
13 down one block in Maspeth and find all these  
14 people living side by side. Maspeth may not have  
15 the highest concentration of any individual  
16 minority group, but its strength is the diversity  
17 of its population. If Maspeth were to be  
18 divided, the balance would be lost. Some of  
19 these groups would lose their identity when  
20 included in a district with a much larger  
21 population of some other ethnic group. Other  
22 groups may join the district where they are  
23 already a part of a heavy majority thereby  
24 diluting their vote. As I have already stated,

1 Task Force on Demographic Research, 9/7/11  
2 Maspeth is a small neighborhood, it is not well-  
3 known compared to the other areas of Queens, such  
4 as Flushing or Astoria. Perhaps because of this  
5 that it seems Maspeth draws the short end of the  
6 stick an awful lot. For instance, the MTA  
7 already has two bus depots in Maspeth with plans  
8 to add a third. A waste transfer station is  
9 located in our town, and there are still talks of  
10 the cross-harbor tunnel, which would allow trains  
11 from New Jersey to take a tunnel directly to  
12 Maspeth where trucks would be waiting to continue  
13 the shipment to Brooklyn, Queens, and Long  
14 Island. All of these facilities cause congestion  
15 and pollution in Maspeth. If Maspeth were to be  
16 divided, the elected officials would be less  
17 likely to be concerned with the issues that  
18 Maspeth faces since they would represent just a  
19 fraction of the population. Maspeth is a small  
20 town. Everyone knows each other and greets each  
21 other in the street, but it's also like a small  
22 town in that everyone will unite to fight against  
23 problems in the community. If it were broken  
24 into different districts, it would be impossible

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2 for us to hold any elected official accountable  
3 for their actions or lack thereof in Maspeth. I  
4 urge you to please keep us as one district.

5 Thank you for your time.

6 SENATOR NOZZOLIO: Thank you very much.  
7 David Crum.

8 MR. DAVE CRUM, COMMANDER, CATHOLIC WAR  
9 VETERANS POST #1: Thank you for letting me  
10 speak. My name is David Crum. I'm the Queens  
11 Commander of the Catholic War Veterans and  
12 Commander of Post #1 of the Catholic War  
13 Veterans. I don't know if the distinguished  
14 party knows, but the Catholic War Veterans of the  
15 United States was founded in Astoria, Queens in  
16 1935. It's the only Catholic organization that  
17 holds a Congressional charter. It was signed by  
18 President Reagan in 1984. Again, my name is Dave  
19 Crum. I have lived in the community of Long  
20 Island City for 38 years. Long Island City was  
21 once an independent city. It was created in 1870  
22 from the merger of the Village of Astoria, the  
23 Hamlets of Ravenswood, Hodges Point, Blissville,  
24 Sunnyside, Dutch Kills, Steinway, Bowery Bay, and

1 Task Force on Demographic Research, 9/7/11  
2 Middleton in the New Town Township. Thus  
3 historically all the communities of western  
4 Queens were united with each other and separate  
5 from the other parts of Queens. An 1896 map of  
6 Long Island City shows that Long Island City  
7 consisted of the area west of Bowery Bay Road,  
8 accordingly to the map of the greater Astoria - -  
9 which no longer exists in its current form, ran  
10 straight across from Flushing Bay through the  
11 area now covered by LaGuardia Airport south to  
12 the eastern side of Calvary Cemetery. It is an  
13 area that is compact, contiguous, and virtually  
14 entirely located in the 14<sup>th</sup> Congressional  
15 District. The fact that Long Island City is a  
16 city is reflected in the way that the  
17 neighborhood was developed. Long Island City is  
18 quite simply more city-like than other areas of  
19 Queens. It is more compact, more urban, indeed,  
20 it's more like a mini-Manhattan. Other areas of  
21 Queens are more sub-urban in feel and with more  
22 single family homes, fewer apartment buildings,  
23 less density. We are more akin to the eastside  
24 of Manhattan than other areas of the district,

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2 especially as seen by the influx of new residents  
3 from Manhattan after 9/11. I believe it makes  
4 sense to retain the historic integrity of Long  
5 Island City in drawing district lines. As your  
6 predecessors so wisely did in 2001, the Queens  
7 portion of the 14<sup>th</sup> Congressional District  
8 currently covers virtually all of what was once  
9 Long Island City, in my view it makes greater  
10 sense to keep these communities, this together.  
11 To separate them from the rest of Queens and, in  
12 fact, to ensure that all of Long Island City will  
13 be a district that includes the Eastside of  
14 Manhattan. This will be in keeping with the  
15 historical past and reflect our community's  
16 natural connections with Manhattan. Thank you.

17 SENATOR NOZZOLIO: Before you leave, I  
18 wish to thank you for your direct testimony.  
19 More importantly, thank you for your service to  
20 our nation as a veteran and we respect immensely  
21 the contributions you and the members of the  
22 Catholic War Veterans have made to our state and  
23 nation. Thank you for your particular input.  
24 Does any member of the panel have a question?

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2 MR. CRUM: Senator, if I might also  
3 state, you had mentioned earlier this morning  
4 about the voting rights of our servicemen  
5 overseas. As a veteran those individuals who  
6 have their life on the line every day deserve the  
7 right to vote. So anything that you can do to  
8 make sure that they get their ballots would be  
9 greatly appreciated.

10 SENATOR NOZZOLIO: Thank you very, very  
11 much. Joe DiPietro. Good afternoon.

12 MR. JOE DIPIETRO, PRESIDENT, FEDERATION  
13 OF ITALIAN AMERICAN ORGANIZATION, QUEENS: Good  
14 afternoon to your panel. Welcome to Queens.  
15 Greetings from Astoria, the heart of Queens, as  
16 they say.

17 SENATOR NOZZOLIO: We've saved you for  
18 the beginning of the third hour, the person of  
19 your great personality, you're enlightening the  
20 panel with your presence. Thank you. I'm sorry  
21 I stand corrected. It's our fourth hour.

22 MR. DIPIETRO: Thank you. Again my name  
23 is Joseph DiPietro. I'm the president of the  
24 Federation of Italian American Organization of

1 Task Force on Demographic Research, 9/7/11  
2 Queens. It's a long name, but I learned to live  
3 with it. I believe that the people who drew the  
4 map for my Congressional District ten years ago  
5 got it right. They drew western Queens together  
6 and they joined us with Manhattan. That's  
7 consistent with the nature of the people who live  
8 here, and we are an extremely diverse group with  
9 people who trace their ancestry to more than 100  
10 countries across the globe, many of whom have  
11 arrived here relatively recently. The United  
12 Nations, also located in the 14<sup>th</sup> Congressional  
13 District, will feel - - . The East River is a  
14 body of water that unites the eastside of  
15 Manhattan with western Queens. It doesn't divide  
16 us. If you look at the map of the 14<sup>th</sup>  
17 Congressional District as it is currently drawn,  
18 you'll see that it follows a number of natural  
19 borders that unite western Queens and separate  
20 this area from all the other parts of Queens.  
21 The district is bordered by New Town Creek and  
22 picks up Long Island City's central business  
23 district near LaGuardia Community College. There  
24 are the Sunnyside rail yards, which forms the

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2 border of much of the districts in the middle and  
3 then LaGuardia Airport and Grand Central Parkway  
4 from the border of the north. If I were to draw  
5 the district, I'll expand it around LaGuardia  
6 College to bring in more of Long Island City,  
7 Sunnyside, Woodside Communities. Thank you, and  
8 God bless you for all this patience that you  
9 have.

10 SENATOR NOZZOLIO: Thank you very much,  
11 Mr. DiPietro. Next witness is George  
12 Malandrakis. George if you, for the record,  
13 would be so kind as to state your full name and  
14 where you're from.

15 MR. GEORGE MALANDRAKIS: I sure will.  
16 My name is George Malandrakis. I reside in the  
17 beautiful Borough of Queens, in Astoria born and  
18 raised. I plan on staying here the rest of my  
19 life. More people of Hellenic ancestry live in  
20 Astoria than in any urban area outside of Greece.  
21 While so many of us live in Queens, many of our  
22 organizations are headquartered on the eastside  
23 of Manhattan, including our cathedral, the  
24 headquarters of the Greek Orthodox Church.

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2 Despite the presence of so many Hellenes in  
3 western Queens, our issues were largely ignored  
4 until our community was united with the eastside  
5 of Manhattan. By joining these communities of  
6 interest together, Hellenes finally received the  
7 attention we deserve. Congresswoman Carolyn  
8 Maloney listened to our concerns and formed the  
9 Hellenic Caucus. Until the caucus existed,  
10 Hellenes across the United States could contact  
11 their individual members to express our concerns,  
12 but the caucus provided a structure and a focus  
13 so that there was a way of the members to work  
14 together. It has made it easier for our issues  
15 to receive proper attention in the House of  
16 Representatives. Thanks in part to the efforts  
17 of the members of the caucus, Greece recently  
18 became a visa-waiver country, making it easier  
19 for us to have family members and friends come  
20 from Greece and visit us. For years Greece was  
21 one of the few countries in Europe that was not  
22 included in the visa-waiver program. That meant  
23 while we could visit Greece at any time, our  
24 family and friends had to go through an expensive

1 Task Force on Demographic Research, 9/7/11  
2 and cumbersome visa application process and many  
3 were denied entry or delayed, so they missed  
4 weddings, births, and other family celebrations.  
5 I believe that splitting western Queens from the  
6 eastside of Manhattan would dilute the strength  
7 of our community and would make it much less  
8 likely that our representative would care about  
9 our issues. After all no one paid attention  
10 until these two areas were joined. Thank you for  
11 allowing me to present my testimony. Thank you  
12 very much.

13 SENATOR NOZZOLIO: Mary O'Hara.

14 MS. MARY O'HARA, CHAIR, HOUSING  
15 COMMITTEE, COMMUNITY BOARD 1: Good afternoon,  
16 and welcome to Queens. My name is Mary O'Hara,  
17 and I'm a lifelong resident of western Queens. I  
18 believe that western Queens is best-served as a  
19 district united with the eastside of Manhattan.  
20 We are only a few minutes by subway from  
21 Manhattan and linked by numerous bridges and  
22 tunnels. Our area is one of the most diverse in  
23 the world, with dozens of different languages  
24 spoken by local residents. There are a few

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2 things that really unite us, and one of them is  
3 transportation. Many of our residents work in  
4 Manhattan and how they get to work really  
5 matters. There is a large construction project  
6 in our community known as Eastside Access, which  
7 will bring commuters from Long Island to Grand  
8 Central Terminal, helping to expand capacity on  
9 the Long Island Railroad. When completed there  
10 will be a new Long Island Railroad stop in  
11 Sunnyside, Queens, giving us an additional option  
12 for travel to Manhattan. It will also bring  
13 commuters to businesses in our area. Worthy of  
14 note in strained economic times is the fact that  
15 the project is generating 22,000 jobs and  
16 billions in economic activity. It is important  
17 to note that construction for the Eastside Access  
18 is largely in the 14<sup>th</sup> Congressional District,  
19 which includes both western Queens and the  
20 eastside of Manhattan and is ably represented by  
21 Congresswoman Carolyn B. Maloney. Because the  
22 Congressional Representative for Grand Central  
23 Terminal also represents the Sunnyside Rail  
24 Yards, we have one member of Congress who is

1 Task Force on Demographic Research, 9/7/11  
2 really paying attention to both parts of the  
3 project. She has worked to secure funding for  
4 the project and recently helped redirect three  
5 hundred million dollars of high-speed rail  
6 funding to herald interlocking at Sunnyside Rail  
7 Yards to resolve the competition among Amtrak,  
8 New Jersey Transit, and the Long Island Railroad  
9 by giving each system dedicated tracks. That  
10 will help save time for commuters on all three  
11 systems. Congresswoman Maloney has been a  
12 staunch advocate for the Sunnyside stop and the  
13 creation of it and the completion of that stop in  
14 Queens. Her knowledge and experience  
15 representing the interests of both sides of the  
16 project have helped move the project forward and  
17 ensure that residents of western Queens will  
18 benefit, not just Long Islanders, from this  
19 project. Someone representing only Manhattan  
20 would not have the same interest in western  
21 Queens, and someone representing only western  
22 Queens would not have the same knowledge or  
23 experience with all aspects of the project. That  
24 is why it is in our best interest as residents of

1 Task Force on Demographic Research, 9/7/11  
2 western Queens to have one representative who  
3 cares about both the Manhattan and Queens aspects  
4 of this Eastside Access project. Thank you, good  
5 afternoon.

6 SENATOR NOZZOLIO: Thank you, Ms.  
7 O'Hara. Brian Paul. Good afternoon, Mr. Paul.

8 MR. BRIAN PAUL, RESEARCH AND POLICY  
9 COORDINATOR, COMMON CAUSE NEW YORK: Thank you  
10 for allowing me to testify. Good afternoon. Is  
11 that loud enough? My name is Brian Paul, and I'm  
12 the research and policy coordinator for Common  
13 Cause New York. As we previously testified  
14 Common Cause New York strongly supports  
15 redistricting reform and independent  
16 redistricting, but we also believe it is  
17 important to take advantage of these hearings to  
18 offer independent analysis to help inform how New  
19 York's district lines should be redrawn. For  
20 today's hearing in Queens I'd like to focus on a  
21 few points regarding the major demographic  
22 changes that have taken place here during the  
23 last decade and how these changes should inform  
24 the redrawing of new district lines. A more

1 Task Force on Demographic Research, 9/7/11  
2 complete analysis is available online at our map  
3 and democracy blog found at  
4 [www.citizensredistrictny.org](http://www.citizensredistrictny.org). For now I've  
5 provided copies of all the maps, which I'll be  
6 referring to so you can follow along as I speak.  
7 I see you have them. So around on the front of  
8 that the first map is just a listing of Queens'  
9 neighborhoods, which may have been useful at the  
10 start of the hearing to understand all these  
11 different places people are referring to. It's  
12 quite a complicated tapestry of neighborhoods.

13 ASSEMBLYMAN MCENENY: Could you wait  
14 until we have your testimony in front of us?

15 MR. PAUL: You don't have it.

16 SENATOR NOZZOLIO: We've got a lot of  
17 them, we're trying to figure out which one it is.

18 MR. PAUL: Should have the big, full-  
19 page sized maps in a paper clip. Got it? All  
20 right. So with over 2.2 million residents in  
21 neighborhoods as different as downtown Flushing  
22 and Rockway Beach, it's important for whoever  
23 draws the lines to spend extra time studying the  
24 varying demographics of Queens. Queens is known

1 Task Force on Demographic Research, 9/7/11  
2 as the Borough of Immigrants and for good reason.  
3 Increasing numbers of neighborhoods in Queens, as  
4 others have testified, are over 50 percent  
5 foreign-born with residents hailing from dozens  
6 of countries from throughout the globe. Map  
7 number 2 on there just shows the differences in  
8 population density throughout the borough. You  
9 have neighborhoods that have dense downtowns and  
10 you have neighborhoods that are essentially  
11 suburbs, so it's important to be aware of that  
12 kind of geography when drawing districts. Map  
13 number 4 shows immigrant concentrations of  
14 foreign-born residents and then after that,  
15 looking at the changes that have happened since  
16 2000, Queens shares one major trend in common  
17 with many areas of upstate that we've looked at,  
18 a rather steep decline in the white population  
19 that was offset by a rapid rise in the minority  
20 populations. In the case of Queens, the  
21 borough's demographics are shifting with a steady  
22 decline of long-established white and black  
23 communities being offset by the rapid rise of  
24 newer immigrant populations. Overall the non-

1 Task Force on Demographic Research, 9/7/11  
2 Hispanic white population in Queens declined by  
3 over 116,000 individuals, or almost 16 percent in  
4 the ten years since 2000. The non-Hispanic black  
5 population declined by almost 27,000 individuals  
6 or over 6 percent. In contrast the Hispanic and  
7 Asian populations grew by 10 percent and almost  
8 31 percent, respectively. The Hispanic  
9 population has increased most significantly in  
10 neighborhoods like Corona, Woodhaven, and  
11 Ridgewood where it strengthened existing Hispanic  
12 majorities in those neighborhoods. Asians now  
13 make up the majority of voting age residents in  
14 many parts of Queens, including Elmhurst, Jackson  
15 Heights, and Flushing, as well as suburban areas  
16 like Bayside, Bell Rose, and Jamaica Estates, as  
17 others have testified already. Flushing is now  
18 New York's largest China Town, and it's also home  
19 to a large Korean population and these growing  
20 populations have increasingly spread to the east,  
21 again as you've heard before, to the more  
22 suburban areas like Bayside. Richmond Hill,  
23 Jamaica Estates, and Bell Rose in South Queens  
24 and Central Queens are heavily South Asian and

1 Task Force on Demographic Research, 9/7/11  
2 Elmhurst-Jackson Heights is an incredibly diverse  
3 mixture. With such dramatic changes in Queens'  
4 demographics, dramatic changes in the district  
5 lines should follow. If you look at Map 13 it's  
6 just a quick overview of the current  
7 Congressional Districts. The current District 5  
8 stretches deep into Queens from Nassau County  
9 joining a huge area to the suburbs of Long  
10 Island. While it may make sense to join some of  
11 the suburban communities in far eastern Queens  
12 with Nassau County, we do not believe it makes  
13 sense to include Flushing, Corona, and Elmhurst,  
14 the borough's most densely urban and immigrant  
15 neighborhoods inside the district. With New York  
16 State losing two Congressional seats in this  
17 cycle, one of the seats lost will almost  
18 certainly be within New York City. As many in  
19 the media have discussed, the most likely  
20 candidate for elimination is District 9. Not  
21 only in our opinion because of the resignation of  
22 the long-time incumbent, but also due to the  
23 shifting demographics within that district to  
24 Asian and Hispanic majorities. If District 9

1 Task Force on Demographic Research, 9/7/11  
2 were eliminated, a new district could potentially  
3 be drawn from Jackson Heights across Flushing  
4 Meadows Park through Flushing to Bayside that is  
5 over 35 percent Asian voting age population,  
6 allowing the Queens Asian community a greater  
7 opportunity for representation in Congress. The  
8 current District 5 could still take the eastern-  
9 most heavily suburban areas of northeast Queens  
10 and join it with Nassau County. The current  
11 State Senate districts in Queens are also highly  
12 problematic, as you'll see on Map 14. Districts  
13 11 and 16 currently, as others have expressed,  
14 crack the Asian community in Flushing almost  
15 right down the middle. A majority-Asian State  
16 Senate District could easily be drawn in Flushing  
17 consisting of downtown Flushing and areas to the  
18 south and east. Such a district would also make  
19 far more sense based on basic neighborhood  
20 geography than the current District 16's shape.  
21 The current geography of Elmhurst and Jackson  
22 Height's districts also crack the Asian  
23 community, perhaps even more egregiously than in  
24 Flushing, cracking it into four different State

1 Task Force on Demographic Research, 9/7/11  
2 Senate Districts, Districts 16, 13, 15, and 12.  
3 While it's not possible to draw a majority Asian  
4 district based in Jackson Heights, the current  
5 lines in this area also stand for much  
6 improvement. Beyond concerns of ethnic  
7 representation, we believe that neighborhoods  
8 should never be cracked into arbitrary pieces in  
9 this manner. Many of Queens' Assembly Districts  
10 are also drawn in ways that divide neighborhoods,  
11 as many of the others have testified here today  
12 and in ways that no longer make sense with the  
13 current demographics. In the Flushing area, for  
14 example, only one Asian majority seat is  
15 currently drawn in downtown Flushing and the rest  
16 of the Asian community in northeast Queens is  
17 cracked into three different districts. Two  
18 majority-Asian voting age population districts  
19 can be easily created in northeast Queens to  
20 reflect the explosive growth of the Asian  
21 community there. The current Corona and Jackson  
22 Heights Assembly Districts are equally  
23 problematic, dicing the neighborhoods into  
24 arbitrary pieces and cracking both the Asian and

1 Task Force on Demographic Research, 9/7/11  
2 Hispanic communities. Asian-majority areas in  
3 Jackson Heights and Elmhurst are sliced into five  
4 different Assembly Districts, 34, 39, 35, 28, and  
5 30. An Asian-majority Assembly seat can be drawn  
6 based in Jackson Heights, while also drawing the  
7 two Hispanic majority districts in Elmhurst-  
8 Corona into more compact neighborhood-based  
9 shapes. Richmond Hill is another significant  
10 Asian neighborhood that is sliced into multiple  
11 pieces, in this case, five Assembly Districts,  
12 depriving the South Asian community there from  
13 the opportunity to have a voice. In closing, I'd  
14 like to thank you once again for the opportunity  
15 to testify and express my hope that you will  
16 seriously consider the information presented in  
17 this testimony, as well as the many insightful  
18 testimonies of local Queens' residents offered  
19 here today.

20 SENATOR NOZZOLIO: Thank you very much,  
21 Mr. Paul. Any questions?

22 ASSEMBLYMAN MCENENY: Just a comment.  
23 We certainly appreciate the work that you and  
24 Common Cause have done in making these maps

1 Task Force on Demographic Research, 9/7/11  
2 available to people. They will go on the, I  
3 think we'll have them on the website or the  
4 equivalent, and it really lets people understand  
5 exactly what's going on. Your comment that we  
6 don't believe that these neighborhoods should  
7 ever be cracked, I wish the State Constitution  
8 agreed. Some of the numerical goals that are put  
9 on, we often have to slice off a piece of a  
10 neighborhood, and we feel very bad when that  
11 happens. But as much as possible we try and keep  
12 them together. Thank you.

13 MR. PAUL: That's certainly true, but  
14 the lines could definitely be improved in that  
15 way.

16 SENATOR NOZZOLIO: Gus Lambropoulos.  
17 Gus, be so kind for the record to appropriately  
18 pronounce your last name for us.

19 MR. GUS LAMBROPOULOS: My name is Gus  
20 Lambropoulos. It begins with a "Lamb", Lamb-bro-  
21 poulos.

22 SENATOR NOZZOLIO: Lambropoulos, very  
23 nice to see you, sir. Welcome.

24 MR. LAMBROPOULOS: Thank you. Thank you

1 Task Force on Demographic Research, 9/7/11  
2 very much for having me here and listening to my  
3 testimony. My name is Gus Lambropoulos. I'm a  
4 proud member of the Hellenic-American community  
5 in Astoria, Queens. I want to impress on the  
6 members of the committee just how important it  
7 has been to me and my friends and neighbors that  
8 Congressional District includes both western  
9 Queens and Manhattan. Western Queens is the  
10 heart of the Hellenic community in America, but  
11 in many ways the organizing structure is located  
12 in Manhattan. The church has always been an  
13 important part of the Hellenic life, and the  
14 Greek Orthodox Diocese of America are located on  
15 East 79<sup>th</sup> Street. Archbishop oversees eight  
16 metropolis, more than 500 parishes, and more than  
17 800 priests. Additionally, the Holy Trinity  
18 Greek Orthodox Cathedral is located on East 74<sup>th</sup>  
19 Street. Thus the spiritual center of the  
20 Hellenic life is located across the river on the  
21 east side of Manhattan. Many of our businesses  
22 and professional organizations are also located  
23 on the east side of Manhattan. For example, the  
24 Hellenic Medical Society of New York is located

1 Task Force on Demographic Research, 9/7/11  
2 on 34<sup>th</sup> Street. The Hellenic Chamber of Commerce  
3 is located off 3<sup>rd</sup> Avenue, and the Hellenic-  
4 American Bankers' Association is also located on  
5 the Eastside. Several organizations dedicated to  
6 preservations and presentations of the Hellenic  
7 culture are also located on the 14<sup>th</sup> Congressional  
8 District, including the Onassis Public Benefit  
9 Foundation and the Onassis Cultural Center housed  
10 at the Olympic Tower on 5<sup>th</sup> Avenue and the  
11 Foundation for the Hellenic Culture on 57<sup>th</sup>  
12 Street. Although there are tens of thousands of  
13 Hellenic-Americans in New York, no one  
14 represented our interest until Astoria was united  
15 on the east side of Manhattan. When the two  
16 communities were united it must have created a  
17 critical mass because issues of importance to the  
18 Greek community received focus and Congressional  
19 attention for the first time with the founding of  
20 the Hellenic Caucus by Representative Maloney.  
21 We had been living in large numbers in Astoria  
22 for decades, but none of the members of Congress  
23 who represented us ever devoted such attention to  
24 our issues until Astoria and the Eastside were

1 Task Force on Demographic Research, 9/7/11

2 united. If you split us up from the Eastside, I  
3 would be worried that our concerns would no  
4 longer receive the same degree of attention. I  
5 grew up in Astoria and it's never been the same  
6 since Maloney came into power, and it's been  
7 very, very beneficial, because, you know, ever  
8 since we're united, we've gotten a lot of  
9 attention. As you can see Astoria is always  
10 growing, received a lot of attention.

11 SENATOR NOZZOLIO: As to the Senate  
12 Majority Leader, Senator Skelos, I'm sure he will  
13 chastise me for the mispronunciation of your  
14 names, but with a name like Nozzolio you get used  
15 to it. Thank you very much for your testimony,  
16 any questions? Thank you very much.

17 MR. LAMBROPOULOS: Thank you very much.  
18 Thank you.

19 SENATOR NOZZOLIO: Shena Goud.

20 MS. SHENA GOUD, SOUTH ASIAN YOUTH  
21 ACTION: Hello, my name is Shena Goud, I'm  
22 representing SAYA, South Asian Youth Action. I'm  
23 speaking on behalf of Uday Tambar, the Executive  
24 Director of SAYA, and I would like to thank you

1 Task Force on Demographic Research, 9/7/11

2 for giving me the opportunity to speak today.

3 SENATOR NOZZOLIO: Your written  
4 testimony will be submitted for the record.

5 MS. GOUD: Thank you. As background  
6 SAYA was founded in 1996 with the mission to  
7 create social change and opportunities for South  
8 Asian youth to realize their fullest potential.  
9 It is the only organization of its kind in New  
10 York City, dedicated to providing non-sectarian,  
11 comprehensive youth development services to low-  
12 income South Asian youth. Although many of our  
13 youth represent South Asian countries such as  
14 Afghanistan, Bangladesh, Guyana, India, Nepal,  
15 Pakistan, Sri Lanka, and Trinidad, we also serve  
16 youth from African-American, Asian, Latino, and  
17 other racial and ethnic backgrounds. In regards  
18 to the earlier discussion, a significant number  
19 of our youth identify as Indo-Caribbean, or West-  
20 Indian and for our purposes we classify them as  
21 South Asian, as well. As you have heard from  
22 other speakers, the South Asian community is a  
23 Queens phenomenon. As Table 1 shows, in Queens,  
24 one in eight youth is South Asian. The South

1 Task Force on Demographic Research, 9/7/11  
2 Asian community is one in need. Based on the  
3 U.S. Census American Community Survey from 2008,  
4 21.7 percent of South Asian youth in Queens live  
5 below the federal poverty level, compared to 16.7  
6 percent of all youth in the borough. To meet the  
7 demands of this growing community, SAYA currently  
8 offers programs at our center in Elmhurst and at  
9 four public schools in Queens in Flushing, Ozone  
10 Park, South Ozone Park, and Richmond Hill. We  
11 served 650 youth this past academic year and have  
12 served over 7000 since our inception. In the  
13 clusters of the South Asian population where we  
14 provide services, we see a tremendous need for  
15 resources to support the culturally and  
16 linguistically competent delivery of services.  
17 Ideally, to ease our burdens on serving this  
18 population and to get better incomes for our  
19 youth, keeping these communities whole within the  
20 redistricting process will help turn legislative  
21 attention to the needs of South Asian youth.  
22 Thank you.

23 SENATOR NOZZOLIO: Any questions of the  
24 members of the task force? Thank you, Ms. Goud.

1 Task Force on Demographic Research, 9/7/11  
2 Edwin Cadiz. Foster Mayer. Jamilla Uddin. Good  
3 afternoon.

4 JAMILLA UDDIN, CHAIR, YOUTH COMMITTEE OF  
5 THE ALLIANCE OF SOUTH ASIAN LABOR: Good  
6 afternoon. My name is Jamilla Uddin. Can you  
7 hear me back there?

8 SENATOR NOZZOLIO: Yes. Pull the, the  
9 whole base, just bring the whole base closer to  
10 you.

11 MS. UDDIN: My name is Jamilla Uddin, I  
12 am a member and the chair of the Youth Committee  
13 of the Alliance of South Asian-American Labor,  
14 also known as ASAAL. ASAAL is an organization  
15 comprised of South Asian-Americans that are  
16 members of labor unions and committed to sharing  
17 our political experience from the trade unions  
18 with the larger South Asian community. We seek  
19 to build a more dynamic culture of civic  
20 participation. Currently we have chapters in the  
21 Boroughs of Queens, Brooklyn, and the Bronx.  
22 Redistricting in past years has led to the  
23 gerrymandering of South Asian enclaves. Richmond  
24 Hill is divided into five districts, diluting the

1 Task Force on Demographic Research, 9/7/11  
2 strength of the community. In Bell Rose and  
3 Queens Village the community is split directly in  
4 half between the 24<sup>th</sup> and the 33<sup>rd</sup> Assembly  
5 Districts. This is unacceptable. The time has  
6 come for this body to recognize that the South  
7 Asian community, particularly in the Borough of  
8 Queens, deserves better. The increase in  
9 political participation in this community is  
10 well-noted, with candidates from this community  
11 succeeding as district leaders, county committee  
12 members, judicial delegates, and strong showings  
13 in City Council races. ASAAL recommends that  
14 this task force make a recommendation that the  
15 South Asian community be united, that it be  
16 recognized as a community of interest and kept  
17 together in all legislative districts. ASAAL  
18 also calls on Governor Cuomo to veto any  
19 redistricting proposal which continues to  
20 gerrymander the South Asian-American community,  
21 especially in the areas of Richmond Hill and Bell  
22 Rose and Queens Village. Thank you.

23 SENATOR NOZZOLIO: Thank you very much.  
24 Any questions, members of the task force? Thank

1 Task Force on Demographic Research, 9/7/11

2 you for your testimony. Thomas Cong. Robert  
3 Friedrich. Good afternoon, Mr. Friedrich. Would  
4 you be so kind as to state who you are and where  
5 you're from for the record?

6 MR. ROBERT FRIEDRICH, PRESIDENT, GLEN  
7 OAKS VILLAGE: My name is Bob Friedrich, and I'm  
8 President of Glen Oaks Village, a cooperative  
9 housing development in eastern Queens. I gave  
10 you all a copy of our newsletter to show that we  
11 are a community of diverse people. We are the  
12 largest garden apartment co-op in New York State,  
13 with a population of 10,000 residents who live in  
14 our co-op of Glen Oaks Village. Glen Oaks  
15 Village is located along Little Neck Parkway  
16 between the Grand Central Parkway and Union  
17 Turnpike. Our property covers more than 125  
18 acres in two non-contiguous sections, which are  
19 very close to each other and is made up of 134  
20 buildings. As a former member of Community Board  
21 13, a member of the Queens Civic Congress, a  
22 founder of the President's Co-op and Condo  
23 Council, and an active member of the civic  
24 community at large, I understand the importance

1 Task Force on Demographic Research, 9/7/11  
2 of community involvement in the political process  
3 and the even greater importance of maintaining  
4 the political integrity of a co-op within the  
5 political boundaries of a single district. Our  
6 10,000 residents rely on the co-op Board of  
7 Directors to watch out for their interests in the  
8 most important possession they own, their home.  
9 In the past our co-op has been balkanized and  
10 split into separate legislative districts. This  
11 has hurt our ability to speak out as one voice to  
12 legislative representatives and has lessened our  
13 political potency. In years past our two non-  
14 contiguous sections of Glen Oaks, which are very  
15 close to each other, had separate New York City  
16 Council Districts. Currently we are divided  
17 between two Assembly Districts. We work closely  
18 with both our Assembly Members, David Weprin in  
19 the 24<sup>th</sup> A.D. and Ed Bronstein in the 26<sup>th</sup> A.D.,  
20 but we maximize our political strength and voice  
21 by being in a single district. Currently 80  
22 percent of Glen Oaks resides in A.D. 24 and about  
23 20 percent resides in A.D. 26. It's important  
24 for communities as diverse as ours to have

1 Task Force on Demographic Research, 9/7/11  
2 political lines drawn that protect that diversity  
3 and maintain the integrity of our community  
4 borders and its residents. I therefore urge you  
5 to consider this and pay particular attention to  
6 the community in which a legislative district  
7 line is being drawn. These are not merely  
8 streets, but real live communities of individuals  
9 that expect legislative district lines to respect  
10 the boundaries of their co-op and home. I urge  
11 you to maintain the legislative integrity of Glen  
12 Oaks Village by ensuring that it falls fully  
13 within the district lines drawn by your  
14 commission. And for the record, the borders of  
15 Glen Oaks Village fall within the following  
16 boundaries: very simple to look at a map, on the  
17 north it's the Grand Central Parkway, and by the  
18 way, this is in the testimony, so I really ask  
19 that you take a look at this and when you do your  
20 maps, just think about that. The north is Grand  
21 Central Parkway. The south is Union Turnpike.  
22 The east is Northshore Towers Golf Course and the  
23 LIJ Medical Center, and the west is Commonwealth  
24 Boulevard. It's very simple, look at a map, you

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2 see the box, you put that box within a single  
3 district and then you've covered Glen Oaks. By  
4 placing this area within a single legislative  
5 district, you will be maintaining the political  
6 integrity of our co-op and its 10,000 residents  
7 and will have achieved the noble goal of keeping  
8 our neighborhood together. I urge you to please  
9 do so. I'm not sure if you guys draw the lines  
10 or you have staff, but please show this to them  
11 so when they draw the lines it's really very  
12 simple. Get us all in one district. It's really  
13 very important for us. Thank you so much.

14 SENATOR NOZZOLIO: Thank you, Mr.  
15 Friedrich and thank you for your patience and for  
16 returning. I know your schedule. We're in a  
17 long hearing day. Where is Glen Oaks situated in  
18 a Senatorial District? Which Senatorial District  
19 is Glen Oaks in?

20 MR. FRIEDRICH: We were in 12, I think  
21 Frank Padovin's District, it's now Tony Avella's  
22 Senatorial District, and it was all within that.  
23 In the past, currently the Assembly Districts are  
24 cut in half, but the City Council and the Senate

1 Task Force on Demographic Research, 9/7/11  
2 District were all in that. But in the past it's  
3 always been different. They've always chopped us  
4 up and it really is important, and it's very  
5 simple, because when people are drawing lines,  
6 they don't really know that, so they'll draw a  
7 line there without really thinking about the  
8 community. Those boundaries are very easy to  
9 follow. You follow those, and we're all in one  
10 district. It doesn't matter to me whether we're  
11 in A.D. 24 or A.D. 26, we work well with both,  
12 but it's important that we really be within one  
13 single legislative district. I thank you guys  
14 very much. I know it's been a long day for you  
15 also.

16 SENATOR NOZZOLIO: Mr. Friedrich, thank  
17 you very much. Harpreet Toor. Good afternoon,  
18 Mr. Toor.

19 MR. HARPREET TOOR: Good afternoon,  
20 thank you. Thank you very much. Thanks for  
21 giving time and spending time here. I'm going to  
22 make it real quick. Lot of things which I was  
23 going to talk, it has already been talked about  
24 like Richmond Hill, Ozone Park, South Ozone Park,

1 Task Force on Demographic Research, 9/7/11  
2 so I'm not going to repeat that information. My  
3 name is Harpreet Toor and I was President of - -  
4 Culture Society and Chairman, which is the oldest  
5 and biggest on the East Coast - - and of course,  
6 I'm South Asian from India, Punjabi, of course.  
7 Why there are no South Asian-Americans in the New  
8 York State Legislature or the New York City  
9 Council and what are the consequences for a  
10 growing community that has no such  
11 representation, especially if you look like me,  
12 then there is a big issue about certain things.  
13 Queens has the largest concentration of South  
14 Asians, which you have heard, and between 2000  
15 and 2010 there was more than 32 percent increase  
16 in the population of the Asians overall, and as  
17 far as the South Asians are concerned, South  
18 Asian actually increased by about 36 percent and  
19 these are all Census datas. When I ran for the  
20 City Council, which I ran for City Council  
21 District 48 last year, which was a special  
22 election, that campaign, my campaign, even though  
23 it was a short campaign, I ran my campaign for  
24 about four weeks, the number of people who came

1 Task Force on Demographic Research, 9/7/11  
2 out to vote, it increased manifold because there  
3 was interest of the community to have someone who  
4 can understand them, represent them, and talk  
5 about the issues which affect the community. It  
6 is basically what we call the empowerment of the  
7 community - - so what we are looking for is  
8 empowering the community from your committee and  
9 start off dividing the community which is right  
10 now Richmond Hill, like was already mentioned,  
11 divided into six Assembly Districts, four City  
12 Council Districts, two Congressional, and two  
13 State Senatorial Districts. It's a small town.  
14 South Asian-Americans, we want to fulfill our  
15 dreams. When we came to America we dreamed all  
16 about it, and we know what it means to be an  
17 American, and that dream cannot be fulfilled  
18 until and unless the playing field is level for  
19 everybody. That's basically the American dream  
20 which I would call. Naturally, South Asian we  
21 have per capita, highest per capita income,  
22 highest family income, highest level of formal  
23 education, and they also happen to be  
24 contributing into political as well as non-profit

1 Task Force on Demographic Research, 9/7/11  
2 activities as one of the highest per capita  
3 contribution for that also, from the South Asian  
4 community. The community, however, we do  
5 recognize what it will take us to be where we  
6 want to be, and we cannot be there unless and  
7 until, like I said before, the playing field is  
8 level for us. For example, I will just quote  
9 something which I was told during my campaign  
10 during one of the debates. When the question was  
11 asked to another candidate, if you are not a  
12 candidate would you work for him. He told me on  
13 that debate right there he said no I will not.  
14 The following question was why not. The answer  
15 was because he's not one of us. That's what we  
16 are looking for that we are one, yeah, we may  
17 look different, it doesn't matter where we come  
18 from, but our needs are basically the same and to  
19 meet those needs and to meet the people  
20 understand, we have to have that kind of district  
21 where we can compete and we can win and let the  
22 best candidate come out as a winner and start off  
23 with somebody like me being told just because  
24 being minority and the district being

1 Task Force on Demographic Research, 9/7/11  
2 gerrymandered in a way where we cannot have our  
3 voice, so that's why I was told what I was told,  
4 and I'm definite that had it not been like that,  
5 nobody would really have dared to say something  
6 like that, and that, too, on a public forum. The  
7 responsibility for drawing new district lines of  
8 Queens must be recognized growing South Asian  
9 community. The number of South Asian  
10 communities, like I mentioned, we are—the last  
11 budget that was passed by New York City, the  
12 South Asians got only 2.4 percent of  
13 discretionary funding whereas they constitute 13  
14 percent of the population. That is, again, by  
15 the community we look at it as because we are not  
16 getting proper representation because of the  
17 redistricting we are expecting that  
18 gerrymandering which took place, it will at least  
19 help us. The testimonies where you heard that  
20 the high schools in Richmond Hill - - which are  
21 really bad, one of the reasons is because when  
22 you vote one elected official, he is like, "It is  
23 not my area. You go to the other one, it's not  
24 my area." When you are divided into four or six

1 Task Force on Demographic Research, 9/7/11  
2 different elected officials, who do you really go  
3 to? Who you really complain to? We really  
4 can't. I really would appreciate, you know, if  
5 some of you can spend a day either in Richmond  
6 Hill, or forget about going to Richmond Hill,  
7 just go to Kennedy Airport. Just spend about an  
8 hour there and you will see that people coming  
9 out, those are the new immigrants into this  
10 country, and they will really, that's where you  
11 will have the answer to a lot of your questions,  
12 that where we are heading, and you will see the  
13 Punjabis, you will see the Bengalis, Pakastanis,  
14 I mean, basically, you name it, from South Asia,  
15 you will see it. That's what we call - - . You  
16 probably heard that name before right now, I  
17 don't know, but we call it - - which means,  
18 basically, home-grown. Elective bodies should  
19 effectively show the mix of the people living in  
20 Queens, not in Queens, but everywhere else also.  
21 Once we are visible, that will make a difference.  
22 We understand the issues of the community, the  
23 needs of the community, issues such as that of  
24 the issue I just mentioned about division of the

1 Task Force on Demographic Research, 9/7/11  
2 funding, issues such as being part of New York  
3 City NYPD. We can't be, because there is no law,  
4 we are told point blank that you cannot be  
5 because it's not allowed. The - - can protect  
6 the Queen, they can be part of the Indian Air  
7 Force, Indian Army, they can be part of the  
8 Canadian RCMP, Royal Canadian Mounted Police, why  
9 they can't be part of the NYPD? Why? Because  
10 nobody is really taking up our issue and talking  
11 about it, and that's another reason that why you  
12 should really look at that, that why our  
13 communities should be put together in a way where  
14 we will have our voice heard. The question is  
15 not having just a majority district, but the  
16 question is where we have enough - - where that  
17 elected person whosoever he or she may be, will  
18 have to listen to the needs of the community - -  
19 . I'm looking for all the support which the  
20 community can get from this redistricting  
21 committee. You can make that happen if the  
22 redrawing of the district lines happens in bolder  
23 spirit and the letter of the law intended when  
24 the Census count was designated as the basis of

1 Task Force on Demographic Research, 9/7/11  
2 redistricting. - - I really appreciate and it's  
3 a glorious and wonderful opportunity and  
4 responsibility, we really look forward that you  
5 cherish it while you have it, value it, and  
6 deliver the right thing, and I personally believe  
7 that if nobody's happy with your job, that means  
8 you have done your job right.

9 SENATOR NOZZOLIO: With that, we fully  
10 agree, and thank you for your insights, very  
11 helpful. Karen Dennis. Good afternoon, Ms.  
12 Dennis.

13 MS. KAREN DENNIS, NYCHA, RAVENSWOOD:  
14 Good afternoon.

15 SENATOR NOZZOLIO: Please, for the  
16 record state who you are, where you're from, and  
17 if so, who you represent, if anyone.

18 MS. DENNIS: My name is Karen Dennis.  
19 I live in Queens. I am representing public  
20 housing. My name is Karen Dennis, and I'm a  
21 resident of New York City Housing Authority. I  
22 live in Woodside Houses and I do volunteer work  
23 mostly at Ravenswood Houses, but also around the  
24 district and throughout the community. As a

1 Task Force on Demographic Research, 9/7/11  
2 community activist and advocate, I can tell you  
3 that there are many issues that unite the  
4 residents of NYCHA and western Queens, from our  
5 needs for fresh foods and the fact that we join  
6 together to bring fresh vegetables and fruits to  
7 our neighbors, to our efforts in community  
8 policing initiatives with the PSA 9 Police  
9 Community Council, and other local precincts in  
10 the police-service area. This includes our  
11 Annual National Night Out Against Crime events.  
12 Western Queens is a unique blend of  
13 neighborhoods. Many people who live in one  
14 development have relatives who live in another  
15 one of the other four developments in western  
16 Queens. As a former chairperson of the  
17 neighborhood advisory board of Queens 1 for DYCD,  
18 I understand a lot about how the Census works in  
19 low-income neighborhoods and rezoning, as well as  
20 redistricting and how it will hurt this community  
21 I am representing here today. I have watched  
22 these efforts in other areas of Queens and my  
23 Congressional Representative has listened and  
24 addressed our concerns when legislating for us to

1 Task Force on Demographic Research, 9/7/11  
2 keep the residents of New York City Housing  
3 Authority informed and heard when it comes to  
4 major changes in our communities. Along 21<sup>st</sup>  
5 Street, which is a major transportation corridor  
6 for our area, NYCHA residents have four different  
7 developments: Astoria, Queens Bridge, North and  
8 South Ravenswood Houses. That makes it easy to  
9 get from one housing development to another, and  
10 Woodside, which is slightly northeast of the  
11 other developments and in between a multitude of  
12 religious and educational institutions also  
13 allows many to have access to various shopping  
14 and services throughout western Queens. With  
15 NYCHA being vast in its resident base, our  
16 demographics touch the lives of many youth, young  
17 adults, and senior citizens from every ethnic  
18 background. We have the Boys and Girl Scout  
19 Troops and the events that we do with the young  
20 people together, we try to encourage them by  
21 utilizing the ideals of the Scouts to help  
22 others, to represent others, to encourage them to  
23 succeed, as well as to support their communities.  
24 We have unique cultural, economic, and natural

1 Task Force on Demographic Research, 9/7/11  
2 assets and a very diverse community that shows  
3 support for its park, especially Astoria Park, as  
4 well as the surrounding infrastructure of bridges  
5 and the needs to repair the seawall. This also  
6 includes the enhancement of our greenways.  
7 Lastly, we are separate and distinct from other  
8 Queens communities. We should continue to be  
9 represented by our member of Congress, Carolyn  
10 Maloney, and we believe we benefit from being  
11 united with a district that includes the east  
12 side of Manhattan, since we share concerns about  
13 the East River and its shorelines, and the  
14 hospitals and partner medical facilities and let  
15 us not forget the hub access for transportation  
16 from the various means and methods our shared  
17 communities utilize from both boroughs and the  
18 preservation for safety of the bridges that  
19 surround New York City Housing Authority  
20 developments and the residents that live with  
21 them. Keep our Congressional District 14 as it  
22 is supporting our community and its very diverse  
23 constituency. I would like to thank you for  
24 allowing me to speak here today and voice my

1 Task Force on Demographic Research, 9/7/11  
2 views regarding the upcoming possible  
3 Congressional redistricting. Thank you.

4 SENATOR NOZZOLIO: Ms. Dennis, thank you  
5 very much. Carol Wilkins. Elizabeth and Thomas  
6 Mooney. Archie Spigner. Leroy Gadsen. Good  
7 afternoon, Mr. Gadsen.

8 MR. LEROY GADSEN, PRESIDENT, NAACP-  
9 JAMAICA BRANCH: Good afternoon. I'm Leroy  
10 Gadsen, President of the Jamaica Branch of the  
11 NAACP. I sit before you today with mixed  
12 emotions as I look at you and your willingness to  
13 serve in such a worthy and civic cause. I am  
14 offended as an American that this body with such  
15 an awesome legislative task or duties of the  
16 highest standard is devoid of any African-  
17 Americans, Asians, and we have a young lady, just  
18 one young lady from this entire state. Truly we  
19 have evolved beyond the 1950's. If we were to  
20 turn back the hands of time 100 years in 1911,  
21 this is exactly how this panel would look. This  
22 is a terrible indictment upon the leadership of  
23 the state. I don't fault you for answering the  
24 call to serve in this capacity, however I

1 Task Force on Demographic Research, 9/7/11  
2 question the manner of composing a segregated  
3 panel with the purpose of creating and making  
4 redistricting decisions in a just and fair  
5 interest of all the citizens of New York State.  
6 This is a terrible indictment upon the great  
7 State of New York. However, this makes your job  
8 and responsibilities even more so important. It  
9 is our hope that as you carry out your duties and  
10 responsibilities that you will rise above it all  
11 and update the hands of time in the government  
12 and structure of New York State. I thank you and  
13 give you my upmost respect for agreeing to serve  
14 in such a capacity as you have agreed to serve  
15 in. As we look at this state, the most sacred or  
16 cherished part of a democracy is the right to  
17 vote or the right of the people to pick who's  
18 going to govern them. There is no greater right  
19 than the right to vote in a democracy. Here in  
20 the NAACP we view and cherish this concept of  
21 good government. Since our inception some 102  
22 years ago until the present minute, we've always  
23 recognized and valued the right to vote. America  
24 has always had its choice of good government. In

1 Task Force on Demographic Research, 9/7/11  
2 fact this nation was founded on the principle of  
3 no taxation without representation. For those  
4 who know the history of the Boston Tea Party,  
5 although they were viewed as criminals and  
6 thieves by the British, they were viewed as  
7 heroes in the colonies. However, when it comes  
8 to African-Americans, we - - black folks, America  
9 has always had a double standard of what is good  
10 and beneficial to the rest of the country as  
11 opposed to what is good and beneficial for  
12 African-Americans. So while the colonies and  
13 eventually America was enjoying the fruits of a  
14 representative government, people of color, we  
15 were still living in a so-called democracy with  
16 no right to vote. Although not restricted,  
17 however, such existence was usually found on the  
18 plantation. Prior to the Civil War the South  
19 wanted to count black slaves for representation  
20 in Congress but deny them representation or any  
21 right to participate in government. We have to  
22 be very careful that here in New York State we  
23 don't duplicate the attitude of the South. When  
24 we look at our contribution to America, we built

1 Task Force on Demographic Research, 9/7/11  
2 this country for free, we did a good job, because  
3 she's still standing. We fought in every war - -  
4 . Truly we are some of America's most loyal  
5 citizens. If anyone has a right to participate  
6 in this democracy, it is the African-American  
7 citizen. We are the only race of people where  
8 laws were created for the specific purpose of  
9 denying us the right to vote. No other race of  
10 people has been killed or destroyed or maimed in  
11 the manner which we have in the pursuit of just a  
12 simple, basic democracy of the right to vote.  
13 For black folks, African-Americans, voting was  
14 always a dangerous and tricky business. Lives  
15 and property have been lost and blood has been  
16 shed in this pursuit. First we couldn't vote and  
17 then it was legal to vote, but we were denied the  
18 opportunity to vote. There were many rivers and  
19 hurdles to cross, killings and beatings, and a  
20 few of our white brothers, Mr. Andrew Goodwin, 20  
21 years old, from Queens, and New York's 25 year-  
22 old Michael - - , both conscientious young men  
23 who were killed in the right to vote for all man.  
24 I can present you with volumes of names of

1 Task Force on Demographic Research, 9/7/11  
2 persons of different races who were killed in  
3 just trying to make America great and do what  
4 she's supposed to do when it comes to this thing  
5 called this vote. But I chose these two because  
6 they were sons of New York. In fact one, Mr.  
7 Goodwin, went to college just a few miles from  
8 here at Queens College. Their conscience level  
9 rose above their surroundings. They gave their  
10 life in pursuit of the right thing. You have the  
11 chance to make sure these - - both black and  
12 white didn't die in vain. When you draw district  
13 lines to dilute and weaken minority voters, you  
14 allow them to die in vain, because the right to  
15 vote is only half of the answer. Full  
16 participation means the availability to cast a  
17 deciding - - vote or influence who would  
18 represent you. We're not asking you to lay down  
19 your life. We're asking you to do the right  
20 thing. In addition to the killings, there were  
21 numerous other obstacles conspired and created in  
22 back room politics to prevent and deny African-  
23 Americans the right to vote. Such obstacles  
24 included literacy tests, grandfather clause,

1 Task Force on Demographic Research, 9/7/11  
2 landowner test, laws of livelihood, denial of  
3 loans, police arrests, loss of jobs, state and  
4 government Constitution interpretation tests.  
5 1965 we know the United States passed Voting  
6 Rights Act. A key word in that prohibitive  
7 attempts to dilute African American voting  
8 strength. Just to think, we were two years from  
9 the assassination of - - and one year from the  
10 assassination of Mr. Goodwin and Mr. - - . Here  
11 we were, 200 years later basically after the  
12 Boston Tea Party and eventually signing the  
13 Constitution of the United States of America, and  
14 America finally decided to include us, at least  
15 in principle, if not in deed. You can inquire of  
16 any of us of African descent here in America, and  
17 we all have a story to tell of what our parents  
18 told us and what we witnessed and experienced in  
19 our pursuit of the right to vote and participate  
20 in this democracy. It might not be as tragic as  
21 killing and it might be as tragic as killing, but  
22 we each have our own story as to how America has  
23 treated us as a people when it comes to the right  
24 to vote and participation in this democracy. Our

1 Task Force on Demographic Research, 9/7/11  
2 ballot, unlike any other ballot, is covered with  
3 the blood of those of all races of a greater  
4 conscience who laid down their life just to  
5 ensure that we would not only have access to the  
6 ballot box, but a meaningful access and  
7 involvement in deciding on who is going to  
8 represent us in government. Although we hold a  
9 monopoly on suffering, we do not hold a monopoly  
10 on disenfranchisement. We also note that our  
11 Hispanic and Asian brothers and sisters are also  
12 disenfranchised by the redistricting process.  
13 Every election day we see attempts to dilute our  
14 voting strength. We see broken down machines,  
15 lost keys, understaffed polling sites, improperly  
16 equipped polling sites, and now we are mandating  
17 picture and government identification in order to  
18 vote. We see redistricting in this state where  
19 you cut out election districts so that you weaken  
20 a heavily populated upstate minority voting  
21 strength and strengthen the less-populated  
22 predominately upstate voting districts. It is a  
23 land of make believe to think that we have  
24 arrived to full citizenship and participation

1 Task Force on Demographic Research, 9/7/11  
2 with the right to vote in this democracy. We ask  
3 and we challenge you to remain true to the intent  
4 of the Equal Protection Clause of the 14<sup>th</sup>  
5 Amendment and the right to vote definition of the  
6 15<sup>th</sup> Amendment of the United States Constitution  
7 and do the following: one, we ask that you draw  
8 legislative districts that will not dilute the  
9 ability of minority group voters to elect the  
10 representatives of their choice or to influence  
11 electoral outcomes; two, we ask that you make all  
12 redistricting decisions based on the New York  
13 State Constitution Article 3 and Section 4 which  
14 requires Senate districting on the basis of the  
15 growth of the counted population; three, we ask  
16 you to count and design every district with the  
17 same population ratio; four, in redistricting a  
18 legislative district we ask you to refrain from  
19 racial gerrymandering where as you - - the less-  
20 populated upstate, predominantly white districts  
21 in upper New York State, while undercounting the  
22 heavily populated minority districts in downstate  
23 New York. Currently the 29 downstate districts  
24 contain 75 percent of the black population, 80 of

1 Task Force on Demographic Research, 9/7/11  
2 the Asian population, 81 of the Hispanic  
3 population of New York. - - like Westchester,  
4 Bronx, Manhattan, Brooklyn, Staten Island, etc.  
5 These - - contain 47.88 percent of the state  
6 population, yet they constitute 46.77 percent of  
7 the - - Senate Districts. The 24 upstate  
8 district contain 17 percent of the black  
9 population, 11 percent of the Asian population,  
10 and 9 percent of the Hispanic population. Such  
11 counties as northern Westchester, Putnam,  
12 Dutchess, Columbia, Albany, etc. The  
13 predominantly white upstate districts contain  
14 37.6 percent of the state population, but they  
15 constitute 38.71 of the 62 Senate districts.  
16 This has to change if we are going to honor the  
17 Equal Protection Clause in the 14<sup>th</sup> Amendment,  
18 because the predominantly upstate has a greater  
19 representation than the predominantly minority  
20 downstate. There goes the one man, one vote  
21 concept of American democracy. If you are to be  
22 fair, the lines drawn, which gave in 2002, which  
23 gave predominantly white upstate over-  
24 representation, included the prison population in

1 Task Force on Demographic Research, 9/7/11  
2 the upstate counties. Truly you cannot remove  
3 more than 50,000 persons from upstate population  
4 calculations without redistricting to reflect  
5 that change in population. The line drawn for  
6 Senate configuration is going to wave a red flag.  
7 In addition we remind you that any plan you put  
8 forth that dilutes minority voting strength is -  
9 - under Section 5 of the Voters' Rights Act, and  
10 there's another challenge of the Equal Protection  
11 Clause of the 14<sup>th</sup> Amendment. We thank you. We  
12 salute you for the great job you've undertaken.  
13 We ask that you respect the right of minority  
14 participation in this democracy.

15 SENATOR NOZZOLIO: Thank you, very much,  
16 any questions? With that we thank you very much  
17 for your testimony.

18 MR. GADSEN: Thank you, sir.

19 SENATOR NOZZOLIO: Before concluding we  
20 will call those that were called before that did  
21 not respond. Elsie Harris, Joyce Moye, Carol  
22 Huang. Good afternoon.

23 MS. CAROL HUANG, PHD, RESEARCH  
24 COORDINATOR, ASIAN-AMERICAN AND ASIAN RESEARCH

1 Task Force on Demographic Research, 9/7/11

2 INSTITUTE: Good afternoon.

3 SENATOR NOZZOLIO: As we are beginning  
4 the sixth hour, and please for the record, will  
5 you state your name?

6 MS. HUANG: Good afternoon. My name is  
7 Carol Huang and I serve as the research  
8 coordinator—

9 SENATOR NOZZOLIO: [Interposing] I'm  
10 sorry, Ms. Huang, would you, thank you.

11 MS. HUANG: Good afternoon. My name is  
12 Carol Huang and I serve as the research  
13 coordinator for the Asian-American and Asian  
14 Research Institute of CUNY. One of our recent  
15 issues is to conduct scholarly and unbiased  
16 studies on policy impacting Asian-American  
17 communities. Redistricting is one of our major  
18 research agenda of the year. In our 2011 annual  
19 conference on the theme of Asian-American civic  
20 engagement toward social change this past May, we  
21 devoted two panels of redistricting, just on  
22 redistricting. But I am here today as a  
23 concerned individual and as part of ACCORD. CUNY  
24 and - - only serve as identifier of where I work.

1 Task Force on Demographic Research, 9/7/11  
2 I'm also a member of the program committee of  
3 American Educational Research Association, an  
4 educational research organization with more than  
5 20,000 members globally. Next section I'm going  
6 to talk about Asian-American population in New  
7 York. Asian-American - - have grown rapidly in  
8 every decade since the Family Reunion Act of  
9 1965. The Chinese Student Protection Act of 1992  
10 granted almost 70,000 amnesty to Chinese students  
11 and their family members. Most of them were  
12 eligible for citizenship in 1997, thus in 2000  
13 Census we witnessed a surge of Asian-American  
14 population. In 2010 Census the growth of Asians  
15 was even more striking. New York City, the  
16 largest city of United States, more than twice  
17 the size of the second largest one, Los Angeles,  
18 the number of Asians in New York City rose about  
19 two percent from 2000 to 2010, a 32 percent  
20 increase, making it the city's fastest growing  
21 racial group. In Queens alone the South and  
22 Southeast Asian population grew nearly 31 percent  
23 during this period, the largest increase of any  
24 immigrant group in Queens. Queens had 2.2

1 Task Force on Demographic Research, 9/7/11  
2 million people and Asians now account for 23  
3 percent of the overall population, while whites  
4 and Hispanics each made up 28 percent. A  
5 majority of the Asians in Queens are coming from  
6 China and India, but other groups including  
7 Bangladeshis, Pakistanis, Nepalese immigrants are  
8 increasing in numbers, as well. Asian-American  
9 population in redistricting, APA communities,  
10 like other ethnic minorities, have a history of  
11 seeing their neighborhoods gerrymandered and thus  
12 having their voters split into multiple  
13 districts. The ethnic enclaves are routinely  
14 divided into several adjacent districts so that  
15 they constitute only a minority of those  
16 districts when they easily be the majority  
17 population of a single district. Therefore,  
18 hundreds of thousands of APA voters often cannot  
19 exert their power of their numbers and thus have  
20 severe consequences on decision making affecting  
21 them in our community as a whole. I'm going to  
22 present a case study based on my expertise on  
23 education policy. A case study, Schooling an  
24 Asian-American in New York City, out of 32 New

1 Task Force on Demographic Research, 9/7/11  
2 York City school districts, the Asian population  
3 is concentrated in six school districts, which  
4 corresponded with Asian residential clusters in  
5 the city. In these six districts they are  
6 further concentrated in predominantly Asian  
7 majority schools with different intensities. For  
8 instance in District 2, which includes part of  
9 Manhattan's China Town, the first China Town in  
10 New York City, the financial district, - - , 22  
11 percent of the students are Asian and a heavy  
12 concentration of Chinese population. In three  
13 schools P.S. 43, 93 percent, P.S. 2, 84 percent,  
14 P.S. 124, 91 percent, out of a possible 26  
15 elementary schools. In the middle school I.S.  
16 130 has a Chinese enrollment of 90 percent.  
17 Meanwhile in Queens school districts the  
18 concentration of Asian students is not as  
19 intense. For example, in District 26, the  
20 Bayside area, where 47 percent of all the student  
21 population is Asian, most of these elementary  
22 schools are only about 50 percent, or less than  
23 50 Asian, and only one school has an Asian  
24 population higher than 70 percent. District 24,

1 Task Force on Demographic Research, 9/7/11  
2 Flushing area, had 19 percent Asian students with  
3 four Asian majority elementary schools. In  
4 Brooklyn District 20, including Sunset Park, the  
5 third China Town, with a 35 percent Asian  
6 population has a pattern of distribution similar  
7 to that of the District 2. Five elementary  
8 schools and three junior high schools in Sunset  
9 Park have high percentage of Asian population,  
10 P.S. 69, 76 percent; P.S. 160, 72 percent; P.S.  
11 105, 89 percent; P.S. 48, 53 percent; P.S. 112,  
12 51 percent; P.S. 176, 54 percent; Junior High  
13 School 227, 57 percent; I.S. 187, 66 percent. I  
14 am going to, based on the statistics that I  
15 present, I'm going to have a conclusion. The  
16 difference in school population in Manhattan  
17 China Town, Flushing, Bayside, and Queens and  
18 Sunset Park in Brooklyn is likely related to the  
19 fact of Asian political engagement in these  
20 areas. Where Manhattan's China Town has - -  
21 divided Asian-American political community.  
22 Flushing's political community is highly  
23 mobilized and Sunset Park as a newly emerging  
24 Asian cluster does not have political

1 Task Force on Demographic Research, 9/7/11  
2 representation at this point. Based on our  
3 initial study, we find that this play a role in  
4 the public school in those communities. Noting  
5 that political power has always been tied to the  
6 well-being of the school, it becomes clear that a  
7 - - pattern in levels of political engagement in  
8 these areas result in different placement  
9 patterns. In Flushing where there is more  
10 political representation of Asians made possible  
11 by redistricting, Asian students tend to go to  
12 school with lesser Asian concentration.  
13 Educational attainment and student test scores  
14 are strongly correlated to the parents' economic  
15 status. Race plays an important factor in a  
16 school placement. Unfortunately in a city of  
17 great diversity, ethnic minority students are  
18 placed in highly minority-concentrated school if  
19 their parents lack political and economic power.  
20 Reassurance of fair redistricting to respect the  
21 voting power of the community of interests will  
22 benefit us all. Thank you very much for  
23 listening to me.

24 SENATOR NOZZOLIO: Thank you very much.

1 Task Force on Demographic Research, 9/7/11

2 Thank you. Edwin Cadiz. Foster Mayer. Carol  
3 Wilkins. Elizabeth and Thomas Mooney. Archie  
4 Spigner. With that, anyone else that had signed  
5 up wishing to testify, please submit that  
6 testimony to the LATFOR website. The hour is now  
7 after beginning our sixth hour of hearings and we  
8 appreciate all those who have attended who have  
9 provided testimony, that this is the seventh  
10 hearing, excuse me, it's the seventh hearing we  
11 have five more to go and we appreciate the  
12 hospitality of the Queens Borough in allowing  
13 this to happen. With this I take a motion to  
14 adjourn?

15 ASSEMBLYMAN MCENENY: I move that we  
16 adjourn.

17 SENATOR NOZZOLIO: All those in favor?  
18 Thank you very much. The hearing is concluded.

19 (The public hearing concluded at 3:15 p.m.)

Task Force on Demographic Research, 9/7/11

C E R T I F I C A T E

I, Trisha Ruckart, do hereby certify that the foregoing typewritten transcription, consisting of pages number 1 to 251, inclusive, is a true record prepared by me and completed from materials provided to me.



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Trisha Ruckart, Transcriptionist

September 20, 2011

NEW YORK STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC  
RESEARCH AND REAPPORTIONMENT

PUBLIC MEETING  
TASK FORCE CENSUS DATA RELEASE

Queens Borough Hall  
Meeting Room 213 - 1 & 2, 120-55 Queens Boulevard  
Kew Gardens, New York  
Wednesday, September 7, 2011

\*IMMEDIATELY FOLLOWING LATFOR PUBLIC HEARING\*

Task Force On Demographic Research, 9-7-2011

TASK FORCE MEMBERS:

SENATOR MICHAEL F. NOZZOLIO, Co-Chair

ASSEMBLY MEMBER JOHN J. MCENENY, Co-Chair

SENATOR MARTIN M. DILAN

ASSEMBLY MEMBER ROBERT OAKS

DEBRA LEVINE, Co-Executive Director

LEWIS HOPPE, Co-Executive Director

ROMAN HEDGES

WELQUIS LOPEZ

## Task Force On Demographic Research, 9-7-2011

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1 Task Force On Demographic Research, 9-7-2011

2 (The public meeting commenced at 3:33  
3 p.m.)

4 ASSEMBLY MEMBER JOHN J. MCENENY, CO-  
5 CHAIR, NYS LEGISLATIVE TASK FORCE ON DEMOGRAPHIC  
6 RESEARCH AND REAPPORTIONMENT: I call the meeting  
7 to order. Note that all members of LATFOR are  
8 present, as well as the co-directors of the task  
9 force.

10 And we've just completed our seventh  
11 public hearing in which 40 people came in and  
12 participated directly and others continue to send  
13 testimony and suggestions and maps and we  
14 encourage that throughout the entire process.

15 To come up to date on some issues that  
16 we had before, the first issue is the question of  
17 census and election data; election data joined to  
18 the census data on the web site. Does someone  
19 care to enlighten us that on the staff? Roman?

20 ROMAN HEDGES, NYS LEGISLATIVE TASK FORCE  
21 ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT: I  
22 think that what was left unresolved at our last  
23 point of discussion was whether or not we were  
24 going to provide the census data and the election

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2 data in a single file that was linked so that you  
3 could in fact, individually or however you  
4 wished, do an analysis of voting with race as a  
5 factor determining those votes.

6 And what I believed that we had  
7 concluded was that we would, in fact, release the  
8 data that way and there was some lack of clarity  
9 on that matter. And I would urge that we do  
10 release it that way.

11 SENATOR MICHAEL F. NOZZOLIO, CO-CHAIR,  
12 NYS LEGISLATIVE TASK FORCE ON DEMOGRAPHIC  
13 RESEARCH AND REAPPORTIONMENT: I think that this  
14 is an issue we could move forward in. The  
15 earlier concerns that we evidenced I believe have  
16 been taken care of and so we believe it's  
17 something that we can move forward in  
18 expeditiously.

19 MR. HEDGES: If anyone would like to do  
20 that as a formal motion, I will make that as a  
21 motion.

22 SENATOR NOZZOLIO: Would you present  
23 that as a motion, Roman?

24 MR. HEDGES: Yes, I would move that we

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2 release to the public the census and election  
3 data that we have compiled in a single, unified  
4 file.

5 ASSEMBLY MEMBER ROBERT OAKS, NYS  
6 LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH  
7 AND REAPPORTIONMENT: Second.

8 SENATOR NOZZOLIO: All in favor.

9 MIXED VOICES: Aye.

10 SENATOR NOZZOLIO: So moved.

11 ASSEMBLY MEMBER MCENENY: Unanimously  
12 carried.

13 SENATOR NOZZOLIO: There's a question of  
14 request for additional data; the data we already  
15 have in our database and/or other requests of  
16 data not presently in house.

17 MR. HEDGES: And I think the nature of  
18 the question there really was coming from Senator  
19 Dilan and it was asking us to take a look and see  
20 what historical other election data we could make  
21 available. And I think that the technical issue  
22 that is embedded in that is that the link of that  
23 data to census is really only possible using the  
24 2000 census.

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2 And so, insofar as someone wished to do  
3 an analysis of those elections that are more  
4 historical prior to 2006, those data that we have  
5 can only be linked to the 2000 census.

6 I don't know if they are already  
7 available in that form. I never thought to ask  
8 the staff, but I know that even if it were, it  
9 would be to the 2000, and it may not be already  
10 done. It might be a big project.

11 SENATOR MARTIN M. DILAN, NYS LEGISLATIVE  
12 TASK FORCE ON DEMOGRAPHIC RESEARCH AND  
13 REAPPORTIONMENT: I believe that the way it was  
14 originally proposed is that we were going to  
15 release data going back to 2006. Am I correct?

16 MR. HEDGES: That's correct.

17 SEN. DILAN: And then I had requested  
18 that that go back to 2002.

19 MR. HEDGES: Correct. Exactly.

20 SEN. DILAN: And I believe that the  
21 response I got from you at the West Chester  
22 meeting I believe it was, was that there was an  
23 issue with geography or--

24 MR. HEDGES: That's right.

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2 SEN. DILAN: or collecting those. And I  
3 thought that if that is the case, if we do have  
4 the data, if there's a request for it, that  
5 perhaps we could release the data.

6 And if, let's say perldoc [phonetic],  
7 for example; it would be incumbent upon them to  
8 do whatever conversion may be necessary. Because  
9 I think it would put a burden on our staff or our  
10 resources to do that. But at least we could have  
11 the data available if it's requested.

12 MR. HEDGES: Then I guess I would just  
13 ask, could staff tell us what we've got?

14 MS. LEVINE: I actually can do that and  
15 we do have - - all the data - - 2000. We do have  
16 election and enrollment data going back to the  
17 year 2000 based on the 2000 census and geography  
18 file. And the list would include, for 2000,  
19 enrollment, for all counties, Democratic Primary,  
20 Congressional District 17, 5 and 19, the general  
21 election for President, U.S. Senate, Congress,  
22 Senate Assembly, all counties, non-New York City  
23 local races, the county legislature for the  
24 general election in Suffolk District 5.

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2 2001, Democratic Party Mayor, all city  
3 counties, borough President, District 5, 47-81,  
4 City Comptroller, all city counties, Public  
5 Advocate, all city counties, City Council, all  
6 city counties, Districts 1, 2, 4, 6-7, 37, 40,  
7 42-47, 49, 50, the Republican Primary Mayor, all  
8 city counties, the Democratic Run-off Mayor, all  
9 city counties, Public Advocate, all city  
10 counties, general election Mayor, all city  
11 counties, borough President, all city counties,  
12 city council, all city counties, all districts,  
13 City Comptroller, all city counties, Public  
14 Advocate, all city counties. For non-New York  
15 City local races, there's a Trustee, general,  
16 Hempstead Village, Council, general, Hempstead  
17 Village at large, Nassau Judge, general,  
18 Hempstead Village, County Clerk, general, West  
19 Chester, County Legislature, general, West  
20 Chester District 17, Town Council Democratic  
21 Primary, White Plains at large.

22 That's 2001. Do you want me to read all  
23 of this?

24 SEN. DILAN: My position is that I

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2 believe that we already voted to release data up  
3 to 2006. Is that correct?

4 MS. LEVINE: Yes.

5 SEN. DILAN: So my request simply is  
6 that if we have the data and someone requests  
7 that data, that we make it available to them. If  
8 we do not have the data, then I believe that that  
9 data would be readily available at their local  
10 Board of Elections.

11 All I'm saying is whatever we do have in  
12 house, that we provide it. If we do not have it,  
13 we can't give it to them. Is that fair?

14 ASSEMBLY MEMBER MCENENY: That's seems--  
15 we shouldn't be responsible.

16 SEN. DILAN: I agree.

17 SENATOR NOZZOLIO: And I don't believe  
18 we need a separate motion for this Senator,  
19 unless you feel like [Background Noise].

20 SEN. DILAN: Well I mean, if we can just  
21 go on record that if we do have data available in  
22 house and there's a specific request made and we  
23 do have it, then we provide it. If we do not  
24 have it, then we can say, "Well, you would have

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2 to get that from your local Board of Election."

3 SENATOR NOZZOLIO: I don't object to  
4 that at all.

5 ASSEMBLY MEMBER MCENENY: None at all.  
6 If you--

7 SENATOR NOZZOLIO: You want to make it a  
8 motion?

9 SEN. DILAN: I so move.

10 ASSEMBLY MEMBER MCENENY: Second.

11 SENATOR NOZZOLIO: All in favor.

12 MIXED VOICES: Aye.

13 ASSEMBLY MEMBER MCENENY: Does that  
14 bring us to the Tiger files or do we have to  
15 handle that as a separate issue?

16 MR. HEDGES: I think it's resolved in  
17 what we just did.

18 ASSEMBLY MEMBER MCENENY: Which brings  
19 us to the question of the American Community  
20 Survey data. And for somebody watching this on  
21 the web, this is a statistical sample which gives  
22 information on education and on income and a  
23 number of other socio-demographic, ethnicity,  
24 etc.

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2 And one of the things it gives is,  
3 whether you're a citizen or not--and the question  
4 was whether we should accumulate that data in a  
5 useful form.

6 And I think what we saw here today in  
7 Queens is the desire to create Asian districts or  
8 at least concentrations of Asian-Americans that  
9 would not be divided unnecessarily and whose  
10 aspirations could be respected to really find out  
11 whether something could be produced at the poles.

12 It is important to know who's a citizen  
13 and who is not. I think it's useful information.

14 SENATOR NOZZOLIO: I share your thoughts  
15 that the data is certainly important and should  
16 be utilized. The situation though is changing  
17 rapidly and there will be new data put forward.  
18 When are we expecting the new data to arrive?

19 MS. LEVINE: Before the end of the year;  
20 December, January--

21 SENATOR NOZZOLIO: Sometime within the  
22 next 90 days or so there will be a whole new  
23 series of data that will be forthcoming. It's  
24 been our position that we wait until that data is

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2 received from the Census Bureau to then go

3 forward because it's this data that we will end

4 up having the draw the appropriate lines from.

5 MR. HEDGES: The thing is that what the  
6 Bureau has made available that's unique with  
7 respect to citizenship is that the data are  
8 available at what's called the Block Group Level;  
9 a much finer geography than is normal for the  
10 American Community Survey. I don't believe that  
11 there's any plan on their part to do that detail  
12 in the next release, so that that actual  
13 comparable data might be months and months away  
14 as opposed to days away.

15 And I would prefer to put that  
16 citizenship data at the Block Group Level out  
17 into the public arena, knowing that there are  
18 some issues with it. It uses the 2000 census  
19 geography, not the current geography and it is a  
20 one-time kind of special release of something at  
21 a much finer level of geography than otherwise  
22 will be available through the Community Survey.  
23 And that's really why I thought it would be good  
24 to make it available.

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2 SENATOR NOZZOLIO: What I don't like  
3 about that data is that we as a task force will  
4 be validating it when, in fact, we're not certain  
5 of its own validity and of its own accuracy.

6 My view is a compromise should be  
7 achieved and that let's link the appropriate web  
8 sites. Let's put a link to the Census Bureau.  
9 This is available from the Census Bureau. And  
10 let those who are seeking the information be  
11 assisted by the task force.

12 But I think that to have us state that  
13 this is endorsed by the task force in terms of  
14 its accuracy and its data, I think is a leap that  
15 I believe is inappropriate.

16 MR. HEDGES: I would certainly be  
17 comfortable with whatever kind of disclaimer is  
18 needed to say these are the Bureau's data and  
19 they have, described by the Bureau, many  
20 weaknesses and users should beware.

21 SENATOR NOZZOLIO: We talked about this-

22 -

23 MR. HEDGES: Yeah, right.

24 SENATOR NOZZOLIO: at the last meeting;

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2 that the type of disclaimer that we should put on  
3 the information. I think it would be much easier  
4 to say the data is what it is. You can get it  
5 from the Census Bureau and here's the way to do  
6 it in an easier way.

7 And so with that, my distinguished co-  
8 chair, what's your recommendation?

9 ASSEMBLY MEMBER MCENENY: I think we  
10 have to agree to disagree on this because I don't  
11 even endorse the census numbers for Queens. I  
12 think there's an undercount, but it is what it is  
13 and we're stuck with it unless something comes  
14 out of the clouds to rescue Queens and add more  
15 people and obviously that's highly unlikely to  
16 happen.

17 But I'd just go on record; I think if  
18 you put a disclaimer on it and you make it  
19 convenient to people--I happen to be maybe too  
20 close to it, having taken the census as a Census  
21 District Director some years ago. I think it's  
22 useful and I think it gives information which  
23 goes beyond simple race and age.

24 And so, I'd like to see it on our web

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2 site, but if we don't have a consensus there,  
3 then I think the fall back is to refer to it and  
4 let people look it up themselves, at least for  
5 the moment.

6 SENATOR NOZZOLIO: Is this one that we  
7 could agree to disagree precisely, but I think in  
8 terms of the objective, would someone entertain a  
9 motion, someone develop a motion?

10 It looks like I'm on my own here. Let  
11 me proffer this as a suggestion. The American  
12 Community Survey data is available at certain  
13 locations that we can--rather than fight to parse  
14 the language of a disclaimer, why don't we just  
15 indicate on the task force, and this is a motion,  
16 that the task force place the fact that this data  
17 is available and provide the link so someone with  
18 a click of the button could be directed to where  
19 that information is located?

20 MALE VOICE: Second it.

21 SENATOR NOZZOLIO: Second it. It's a  
22 motion. It's been seconded. Any discussion?

23 MALE VOICE: You want to vote?

24 SENATOR NOZZOLIO: Let's call a vote.

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2 All in favor?

3 MIXED VOICES: Aye.

4 MALE VOICE: I'm a no.

5 SENATOR NOZZOLIO: I'm a no as well.

6 Two no's against 4 aye's.

7 SEN. DILAN: Can I just make a comment  
8 please?

9 ASSEMBLY MEMBER MCENENY: Certainly.

10 SEN. DILAN: You know, at this point I'm  
11 going to vote for it, but I would respectfully  
12 request that at some point before the release of  
13 the proposed lines that we address this issue  
14 again and if that's the case, then I will vote  
15 for it; that we could, as we get closer to the  
16 release, revisit it. Then I would vote for this  
17 at this time. Is that fair? If that's the case  
18 with that condition, I will vote yes.

19 ASSEMBLY MEMBER MCENENY: I'll believe  
20 that we're going to get useful information in  
21 December when I see it. I think more likely what  
22 you see is the only thing you're going to get.  
23 But let's move on here in the question of the  
24 prisoner data. I'm sorry; election data to

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2 voting tabulation district equivalencies. Roman,  
3 do you want to take item three there?

4 MR. HEDGES: I thought that we actually  
5 had agreed to do this in a--I believe that it was  
6 going to try to be up already.

7 MS. LEVINE: Well, I thought it was up  
8 already and along with the field data - - the  
9 election data, but for this discussion, this will  
10 identify to the public what 2008 election  
11 district comprised each 2008 voting tabulation  
12 district for which census data - - and so  
13 basically somebody - - determined - - .

14 Just to repeat; what we're talking about  
15 here is the identification of 2008 election  
16 districts to the 2008 BTB voting tabulation  
17 geography. And so the task force is going to put  
18 on its web site so that this might be more so for  
19 local redistricting, but you will able to  
20 identify by county what 2008 election districts  
21 make up the 2008 voting tabulation districts.

22 And I know the data was already  
23 submitted to the Assembly, who is responsible for  
24 uploading this to our web site, along with the

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2 election joint to the census data. So if it's  
3 not there already, as we've all agreed, it will  
4 be there I would assume by tomorrow.

5 MR. HEDGES: Great.

6 ASSEMBLY MEMBER MCENENY: I don't think  
7 we need a vote on that. Item four is Part 20 of  
8 Chapter 57 of the laws of 2010; the issue of the  
9 prisoner data and repatriating, if you will,  
10 those that we can back to their homes.

11 MR. HEDGES: What I'd like to do is to  
12 spend a couple of minutes and describe what work  
13 has been done and then at the conclusion of that  
14 make a suggestion for sort of next steps.

15 What we did, and the "we" is important  
16 here, because the we was Assembly only without  
17 anyone else's input that we desperately need to  
18 have. We sat down and took the work that we were  
19 give by the Department of Corrections, which was  
20 a list of all inmates without a name identifier;  
21 but a list of all inmates and their address prior  
22 to incarceration. The list also had on it the  
23 facility that they were located in at the time  
24 that the census was done, which was April 1st,

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2 2010.

3 We got from them 58,237 records and they  
4 were identified as being from 68 facilities.

5 There are only 67 facilities today and about to  
6 be fewer than that, but the 68 that they gave us,  
7 which was the number on the census day.

8 The Census Bureau gave us a different  
9 document. They gave us group quarters and in the  
10 classification of group quarters they had a  
11 category called adult correctional population.

12 There were 186 blocks in New York identified as  
13 having adult correctional population in them and  
14 those blocks had a total population of 117,717.

15 That having been said, there was no  
16 facility identifier on that block. There was  
17 only this block has got this many people in it  
18 that are in a group quarters called adult  
19 correction facilities, or adult correctional  
20 population, excuse me. It's got federal prisons  
21 in that number, it's got state prisons in that  
22 number, it's got county jails in the number, it's  
23 got other kinds of local facilities, it's got  
24 immigration facilities; a whole bunch of things

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2 that we didn't think were all covered under Part  
3 20 of the laws.

4 And that having been said, the task then  
5 became can we match these? Can we figure out  
6 which one is which thing? And we spent a fair  
7 amount of time doing just that.

8 We started out with that list of blocks,  
9 the 186, and said, "Well, only 75 appear to have  
10 adult correctional facilities of the sorts that  
11 DOCS is talking about; the 68 that they gave us."  
12 And that's in the form of some blocks only have  
13 one facility on them; some blocks are actually  
14 reflective of portions of a prison. There's one  
15 prison that's on four blocks as best we can  
16 figure it out and so on.

17 I can go through all that excruciating  
18 detail but the net effect is there were 75 blocks  
19 that we could do that link and when I say, "Do  
20 that link," we not only used the DOCS list that  
21 we got, we used information that we got from  
22 Cornell University that had a contract with the  
23 Census Bureau to help them identify where the  
24 prisons were.

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2 And so we had that list of things to  
3 work with. We had our own institutional  
4 knowledge about where the prisons were and we  
5 also employed Google Map and Google satellite  
6 pictures and discovered some things like the  
7 following.

8 This block that is reported by the  
9 Census Bureau as having an adult correctional  
10 population to it is actually a parking lot next  
11 to the prison. And they've reported nobody in  
12 the prison but a whole lot of people in the  
13 parking lot. We assumed, an assumption that we  
14 made was that we could make that identification  
15 and go with it.

16 In every instance where we had those  
17 kinds of mistakes, we used all of the various  
18 tools that we had to try to nail them down. We  
19 recorded every one of those judgments so that  
20 we'll be able to have the staff look at them and  
21 second guess them as appropriate and we could  
22 work on coming to an agreement that those were  
23 the right determinations.

24 That all having been said, in every

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2 instance where those kinds of mistakes occurred,  
3 they were always within a municipality; that is  
4 to say, within a town. So it, from a  
5 redistricting at the state legislative level,  
6 never matters. Whether we get the right block or  
7 not, it's important that we got the right  
8 facility and the right number, but probably not  
9 important that it not be the parking lot and be  
10 the DOCS facility next door.

11 In addition to that, it never crossed a  
12 state legislative line either. It was never any  
13 instance where that misidentification or mis-  
14 location or error or whatever term you wish to  
15 use for it, would actually have any material  
16 importance.

17 That all having been said, we went  
18 through, we did all of that identification. We  
19 then did the next piece of the task which is to  
20 say, "Okay, here's the report from the Census  
21 Bureau. Here's the count from DOCS. We're  
22 charged under the statute to do a subtraction.  
23 Subtract these people out of that block for the  
24 purposes of redistricting. So let's take a look.

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2 Do those blocks make sense? Is the population  
3 that's reported always bigger than the DOCS list  
4 says it should be?" And the answer is: almost  
5 always. Most of the time, it's bigger. Some of  
6 the times, it's actually equal to the Census  
7 reported number and the DOCS list.

8 There are a few instances where it's not  
9 and there are a sum total of 38 people in all of  
10 those blocks where we've got more people on our  
11 list from DOCS than the Census Bureau reported  
12 people on that block. And in those instances,  
13 the conclusion that we came to was, "Well, you  
14 can't end up with a minus number. You can't have  
15 negative population. So let's call it zero and  
16 say that there's a small error." It affects 38  
17 individuals.

18 That having been said, in all instances  
19 where the number was bigger than the list said it  
20 should be, there's usually a pretty straight  
21 forward explanation for why that could happen and  
22 it makes sense to say there are still people left  
23 on that block. An easy example is in many of the  
24 prisons, the warden actually lives at the prison.

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2 His residence is there. He should have been  
3 counted there and he shouldn't be subtracted.  
4 He's not a prisoner.

5 In some instances we have other kinds of  
6 facilities on the same block. In upstate New  
7 York, in the Utica area, we have on the same  
8 block a mental health facility. We have a  
9 facility that is kind of in the middle. It's the  
10 sexual predators' facility and a traditional  
11 prison. And they're all in the same block.

12 The part that we believe that we were  
13 supposed to be subtracting out was the DOCS  
14 population. So that's what we did. And there  
15 are still several hundred people on that block,  
16 as we think there should be.

17 That having been said, that's exactly  
18 the kind of stuff that staff has got to look at  
19 together. This shouldn't be something that we've  
20 just done by ourselves and we would welcome  
21 somebody second guessing us on that. And if  
22 there are other mistakes that we've made in the  
23 course of doing this, we'd welcome those  
24 corrections be made to our work as well.

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2 That having been said, that's kind of  
3 half the exercise. The other half of the  
4 exercise is now that they've been subtracted,  
5 we've got to go figure out where they are  
6 supposed to be places. And what that requires is  
7 looking at those addresses and actually doing the  
8 thing that the technicians call geocoding those  
9 addresses.

10 Well for starters, what DOCS gave us  
11 wasn't one address for each person. They gave us  
12 six. And they gave it to us in a particular form  
13 and that particular form isn't always completely  
14 in compliance with our software's requirements.

15 For example, all the words have to get  
16 spelled out. Well, DOCS didn't always spell the  
17 word out. BX is what we think they used as their  
18 abbreviation for Bronx. Well, there's another  
19 place where we've got to have somebody else  
20 looking at that with us, but we said, "Okay,  
21 every time they said BX, we should write out the  
22 word Bronx because the software won't let us look  
23 it up as BX."

24 We've got about 32,000 of the 58 that

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2 were in the category of there no ambiguity.

3 There was a complete address in the right format.

4 Those we can look up. There were 2,433 where the

5 address given was an out-of-state address. Well,

6 that's pretty easy. The statute says don't add

7 them in anywhere.

8 We had another 1,276 where there was not

9 a clue as to what the address was. It said

10 nothing. It was completely blank in all six

11 versions of the address. Or it said something

12 like homeless. Or it said unknown. Things that

13 were clearly not anything you could work with.

14 So the group that was clean; 32,000,

15 that's part one. The group that's clean the

16 other way you're not going to do anything with.

17 That's part two in those two pieces.

18 The next group was 14,154 records where

19 we think it was only that minor editing kind of

20 thing; BX becomes Bronx. And we recorded that as

21 a distinct category. And in each instance where

22 we made what I would call a reformatting kind of

23 decision, we've kept them as distinct. That's

24 what we did here. We even wrote down which part

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2 of the address we reformatted.

3 So, for example, if it said 1333 5th  
4 Street and 5th was 5 th instead of five written  
5 out, we made that amendment and we noted that it  
6 was in the street address that we made an  
7 amendment. When we change Bronx; BX to Bronx, we  
8 said, "Well, that was in the city field that we  
9 did that." And in each instance, that detail is  
10 recorded line by line. We went through every one  
11 and did those kind of detailed things.

12 The next group is more problematic. We  
13 saw something in the record in a field other than  
14 legal address and we used it. And we used it  
15 because we thought in the context of reading the  
16 entire bit of information that we had about that  
17 prisoner, that that substitution was merited.

18 Those questions all have to be looked at  
19 and again, we took a stab at it. We think it's  
20 very good, but we also think that other people  
21 need to look at it as well.

22 So those are kind of the big picture  
23 categories. 32,000 clean, easily in the format  
24 that we need them to be in. 14,000 need to be

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2 amended a little bit. 8,000 need substitution of  
3 some sort. And a few that we are going to say  
4 from the get go just aren't going to make it.  
5 All of that then constitutes the beginning. Now,  
6 let's go look them up.

7 Now, it took us several different passes  
8 to get to that point that we had addresses to go  
9 look up, but that's the bottom line. We've now  
10 got a bunch of addresses to go look up. When we  
11 did that, we were able to locate 40,000. That is  
12 to say, we could get a block assigned to that  
13 address. There was such an address in today's  
14 world. That doesn't mean that that address that  
15 we couldn't find wasn't there ever. It means we  
16 couldn't find it. And we're going to say them,  
17 "They're not a match. We don't have an address.  
18 We can't do anything with them."

19 So if you want to kind of do big picture  
20 there; we started with 58,000. We've got about  
21 3,500 that fall into the category that statute  
22 says you are not going to look them up because  
23 they're out of state or because there's nothing  
24 there to look up.

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2 In the group that we could figure out  
3 the address for when we looked them up, we could  
4 find 40,000. So that constitutes the group that  
5 we believe needs to be added back on the  
6 appropriate block throughout the state. And when  
7 we've done that work, we've recorded at every  
8 step of the way, "Here's exactly the  
9 determination that we made and here's exactly  
10 which part of the address that we have done  
11 something with, if we've done anything at all  
12 with." The 32,000 there's nothing to write down  
13 about.

14 So, that constitutes the bulk of the  
15 work. There are a whole bunch of details on the  
16 editorial process that we went through. An  
17 example of some of that complexity that is worth  
18 citing and then moving on; when we went to look  
19 up an address and we were looking for 115 Main  
20 Street and the software told us there isn't such  
21 an address; 115 Main Street, because in that town  
22 they call it North Main Street. We took a look  
23 at that and we made those kinds of changes too  
24 and that was in that 14,000 where we made those

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2 minor editorial things. We felt pretty  
3 comfortable with those kinds of changes as well.  
4 We don't think we were providing a guess there.  
5 I think we thought we were doing good, solid  
6 research to make sure that we weren't locating  
7 somebody incorrectly.

8 When we found in a particular community  
9 that there was a Fourth Street but not a Fourth  
10 Avenue and it said Fourth, we said Street. But  
11 when we get to Queens, where there are 14 things  
12 each with their own made up name, we couldn't  
13 figure out what to do, so we didn't. You know,  
14 in Queens there's a Road, there's a Place,  
15 there's a Street, there's a Avenue and sometimes  
16 they're actually right next to each other. It's  
17 pretty hard to do anything with that and so we  
18 didn't.

19 SENATOR NOZZOLIO: With that--

20 MR. HEDGES: One more thing. So in our  
21 mind, what we would like to do is give this  
22 detailed work in the form of a spread sheet to  
23 the joint staff and see if we can work on this  
24 together with us having done what we think of as

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2 a first draft.

3 SENATOR NOZZOLIO: Thank you. First of  
4 all, as a co-member of this task force, I want to  
5 thank Roman Hedges individually for his efforts  
6 in this endeavor. It is obviously a large  
7 endeavor; one that the Census Bureau would have  
8 trouble with and they're a bureau. And they're a  
9 bureau that's funded by the federal government  
10 and is extensive in terms of the resources they  
11 have available to make these types of call.

12 So from that standpoint, Roman, I wish  
13 to reiterate my thanks to you for starting this  
14 process and for your attempts and your staff's  
15 attempts to push this forward.

16 I have a number of questions. I have a  
17 number of concerns. I think that one of the ones  
18 that comes to mind immediately is how long did it  
19 take you just to geocode the prisons in this  
20 state?

21 MR. HEDGES: Since we were kind of doing  
22 both of these things at the same time, I'm not  
23 sure that I could give you a precise, but it was  
24 several weeks.

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2 SENATOR NOZZOLIO: Several weeks just to  
3 locate the facilities; extracting them from the  
4 census. So I think that what I'm--let alone the  
5 58,000 individuals. I assume it took more than  
6 several weeks to even begin that process.

7 Your suggestion is one that I want to  
8 try to put in the form of a motion; that is, this  
9 task force has a lot of different elements to it  
10 and this is one. We're finding that at the very  
11 least there are approximately 20,000 people that  
12 just have, at this point, no location to them.  
13 Is that--

14 MR. HEDGES: That's correct.

15 SENATOR NOZZOLIO: And that to me means  
16 20,000 people are not being counted and that to  
17 me is a large town in upstate New York  
18 equivalent, or a major neighborhood in the city  
19 of New York. It's something that--we need to  
20 take your work further. We need to have deployed  
21 more resources to this. We need to have a joint--  
22 --so let me try to put this in the form of a  
23 motion.

24 The issue of all data, all methodology,

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2 review of all the consultants--I understand you  
3 used one of my alma maters, Cornell University,  
4 as a check. Maybe you could just explain for the  
5 record what deployment was made; what type of  
6 services were elicited from Cornell University.

7 MR. HEDGES: What Cornell had done is  
8 they have actually made public the fruits of  
9 their labor; which was to say, they were under  
10 contract with the Census Bureau to help the  
11 Census Bureau locate the prisons. And so they've  
12 actually made available on the web and we used  
13 they're resource in that sense. We didn't hire  
14 them--

15 SENATOR NOZZOLIO: This was not a  
16 contractual or personal services contract or  
17 anything like that?

18 MR. HEDGES: No, not at all. But we--I  
19 had actually gone to a conference that was hosted  
20 by our Department of Economic Development; our  
21 meaning the state, with a person who was on this  
22 project for Cornell doing a presentation. And  
23 based on what I learned at the presentation, I  
24 said in regards to this upcoming project, "Gosh,

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2 this is a resource that we need to tap."

3 So I had some conversations with one of  
4 the faculty members who was involved in it and  
5 then we sent a staff person of ours over to  
6 Cornell to talk to him at greater length. We  
7 found out that they were going to make this stuff  
8 all available on the web, so from that point on,  
9 we simply used the web resources that were there.  
10 And in several instances they still are in  
11 dispute with the Census Bureau. They say the  
12 prison's across the street and the Bureau is  
13 still reporting it as not in the right place,  
14 according the Cornell.

15 That was part of the reason that we got  
16 comfortable with the notion that we need to go  
17 look these things up ourselves. We're going to  
18 use Google as a tool because they're got that  
19 resource available, so it's public information  
20 there as well. But that's really what allowed us  
21 to do the triangulation. Here's what looks like  
22 a group quarters, adult correctional. This is  
23 the block the Bureau's got it on. We've got  
24 Cornell saying, "No, it's not. It's across the

1 Task Force On Demographic Research, 9-7-2011  
2 street." Well, then let's go look ourselves and  
3 see what it says. And it looks to us like it's  
4 across the street just as our knowledge of DOCS  
5 and the Cornell knowledge of DOCS would have  
6 suggested it was. And since it didn't affect  
7 districts or municipalities, we said that that's  
8 an error we can correct and move on.

9 SENATOR NOZZOLIO: Let me try to make  
10 this again in the form of a motion. The review  
11 and verification of this entire prisoner counting  
12 is necessary because, unlike the census data and  
13 the election data, this will be a product of  
14 LATFOR. This is something that needs to be  
15 completely as accurate as we can possibly make  
16 that.

17 So, my recommendation, again in the form  
18 of, or try to put it in the form of a motion, is  
19 that a total review of the process, in terms of  
20 reviewing it as well as cataloging it, needs to  
21 be part of this record. All the data utilized,  
22 all the methodology, all the software used needs  
23 to be chronicled and that the staff the LATFOR be  
24 determined by the two co-executive directors

1 Task Force On Demographic Research, 9-7-2011  
2 should put together a task force now to work in  
3 conjunction with the work that has been done to  
4 provide its verification and report to the LATFOR  
5 committee. Can I have that as a second?

6 ASSEMBLY MEMBER MCENENY: I'd like to  
7 second that.

8 SENATOR NOZZOLIO: Co-chair seconds it.  
9 For a discussion, Senator Dilan?

10 SEN. DILAN: If it's acceptable to you,  
11 Mr. Chairman, I would also like to request as  
12 part of your motion that we also include the two  
13 minority conferences staff in this review also.  
14 As you know, for the past two years I was a co-  
15 chair and my staff did start to do some of this  
16 work last year and they do have some expertise  
17 and I believe that they could also be of  
18 assistance and ensure that the adequacy of the  
19 data is 100% and I believe that all members of  
20 the task force and their staff should be involved  
21 in that review.

22 SENATOR NOZZOLIO: I agree and have no  
23 objection to that modification of the--let's put  
24 it right in the form of that resolution.

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2 ASSEMBLY MEMBER MCENENY: I second - - .

3 SENATOR NOZZOLIO: So McEneny seconds  
4 Senator Dilan's amendment. Let's vote on the  
5 whole process at once. All those in favor?

6 MIXED VOICES: Aye.

7 SENATOR NOZZOLIO: Okay. Anyone  
8 opposed? Thank you. And let's set a date  
9 certain. This task is much more complex than the  
10 legislature, the movers of this, in terms of the  
11 resources and the direction and the entire  
12 process and again, Roman, I'm complimentary to  
13 you on the extensive nature of this project and  
14 for you to get it through. I think that we would  
15 like to see though a full review beginning in  
16 earnest by this time next week; that we do not  
17 have hearings next week. I think next week would  
18 be a good opportunity to begin that review  
19 process and then let's give a two week window to  
20 having that. Is that sufficient for, in terms--  
21 so that within two weeks, let's say a report by  
22 the end of the month which would coincide with  
23 our hearing date and next meeting date in the  
24 first week of October.

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2 SEN. DILAN: First week of October? You  
3 want it - - at the Suffolk meeting or--

4 SENATOR NOZZOLIO: At the hearing. So  
5 then, let's--

6 SEN. DILAN: At the Suffolk meeting?

7 SENATOR NOZZOLIO: At the--our next  
8 meeting will be held, or our last meeting of the--  
9 -our first meeting after the end of this month  
10 would be in Nassau, so why don't we suggest that?  
11 Nassau, Suffolk.

12 ASSEMBLY MEMBER OAKS: Just two quick  
13 items. One is kind of a side note. Is there any  
14 update at all on the court case that's still  
15 outstanding on this issue at this point?

16 MALE VOICE: Nothing.

17 ASSEMBLY MEMBER OAKS: Okay. And number  
18 two; I know what was given today I think was in  
19 PDF format of information. Is there any chance  
20 to have that in excel or not? Is that--

21 MR. HEDGES: I think the staff working  
22 on it is going to have to have it in excel  
23 because they're going to have to be able to move  
24 it around. So I see no reason not to do that.

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2 The reason that we were interested in  
3 making it in PDF form is so that someplace it was  
4 frozen that no one could inadvertently do  
5 anything to. And I think that we're confident  
6 that we've got that now and that we can use that  
7 as a starting point and you're going to have to  
8 be able to manipulate it or you can't do that  
9 work.

10 MALE VOICE: A vote on your resolution as  
11 amended. I don't think we voted.

12 SENATOR NOZZOLIO: I think we said all.

13 MALE VOICE: Did we? All right.

14 SENATOR NOZZOLIO: Yes, I think we did  
15 and the agreement is a report at our next  
16 scheduled meeting, which will be after the  
17 hearing in Suffolk County.

18 ASSEMBLY MEMBER MCENENY: We have one  
19 more item on here. We've had requests from  
20 Senator Dilan and from Assemblyman Oaks for  
21 additional hearings, specifically in Nassau  
22 County and not just Long Island and someplace up  
23 in the North Country.

24 I would like to recommend in the

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2 interest of time and cost that we compromise on  
3 that and put both of those hearings in the  
4 schedule that we'll be making up now to do the  
5 final set of public hearings. So instead of  
6 doing 12, we'll do 14.

7 SENATOR NOZZOLIO: And I have no  
8 objection to that concept. If I may though,  
9 there may be other areas of the state that also  
10 would like to be reached during that process and  
11 that again, I have no objection to those two that  
12 are listed, but I would want to have, I would  
13 like to remain the option open for that to be  
14 cleared with potentially additional sites after  
15 the maps.

16 ASSMELBY MEMBER OAKS: Just a quick item  
17 from my perspective; obviously I understand the  
18 concern of time and trying to move forward. I'm  
19 sure that your consideration is appreciated if,  
20 in the next round, we are able to do that, I  
21 think--you know, it's not perfect, but in the  
22 interest of making everything work, I think that  
23 that--I appreciate your consideration of it and  
24 look forward to having that schedule be

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2 inclusive.

3 ASSEMBLY MEMBER MCENENY: Thank you very  
4 much.

5 SEN. DILAN: You know, I did make the  
6 original request with respect to Nassau County.  
7 I think that the census data that was recently  
8 released indicated that there is communities of  
9 interest in that area and I think that they have  
10 the same right that every single other city or  
11 town or county deserves and I believe that there  
12 should be a hearing with respect to Nassau County  
13 prior to the release of the plans and I believe  
14 that they should have input. A hearing after the  
15 proposed maps are drawn is really, it's a  
16 compromise and at some point they'll have input,  
17 but really as the co-chair in our house has  
18 indicated that he does want to hear what the  
19 citizens of the state of New York have to say.  
20 And I think that Nassau County has never had a  
21 hearing with respect to redistricting and I think  
22 that they're due that just like many counties  
23 throughout the state of New York. And Nassau  
24 County is a very populated county that merits a

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2 hearing of its own.

3 ASSEMBLY MEMBER MCENENY: I think some  
4 of us have always thought of it as a Long Island  
5 hearing and this is not something that's being  
6 held out in Montauk or in Riverhead. It's being  
7 held right on the boarded of the two counties,  
8 but unfortunately it has to be in one county or  
9 another, so I don't think it's a case of dissing  
10 Nassau. We're right on the boarder as far as I  
11 can tell from the map.

12 MALE VOICE: I'm not leaving Nassau and  
13 I'm - - everybody can get there.

14 [crosstalk]

15 ASSEMBLY MEMBER MCENENY: Excuse me a  
16 second. If you want to be recognized, you'd  
17 speak into the mic so this could be recorded; so  
18 we could make it part of the record and not turn  
19 this into a circus.

20 I understand what you're saying  
21 Assemblyman, however I can use the counter  
22 argument, and I hope I don't upset anyone in New  
23 York City. But here in New York City, we're  
24 holding a hearing in each county. We're also

1 Task Force On Demographic Research, 9-7-2011  
2 holding a hearing in Staten Island, which is a  
3 very small county. Nassau County is a very large  
4 county and we're going to be holding five  
5 hearings in New York City. I believe that Nassau  
6 deserves its own hearing.

7 WELQUIS LOPEZ, NYS LEGISLATIVE TASK  
8 FORCE ON DEMOGRAPHIC RESEARCH AND  
9 REAPPORTIONMENT: With all due respect to Senator  
10 Dilan, I live in Nassau County and I've been  
11 living in Nassau County since I was basically 15  
12 years old. And Nassau and Suffolk County are  
13 basically in the middle of it. That's the best  
14 way you do so you can attract both participants  
15 to come in.

16 I think that people won't have any  
17 problem coming to that area. We have done it in  
18 many occasions in different things with education  
19 and we get everybody involved and they come right  
20 there.

21 So personally, if you talk about the  
22 other; the city, how many millions of people the  
23 city has. So I think that if you have it on the  
24 borderline, which is Nassau and Suffolk, you're

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2 hitting both at the same time.

3 SEN. DILAN: So, let's do it on the  
4 borderline of Nassau.

5 SENATOR NOZZOLIO: Thank you all very  
6 much. I look forward to seeing everyone tomorrow  
7 at our hearing in the Bronx and without further  
8 ado--

9 MALE VOICE: So, what's happening with  
10 this issue?

11 ASSEMBLY MEMBER MCENENY: You want it as  
12 a motion?

13 SENATOR NOZZOLIO: There was a  
14 discussion; my understanding, a discussion that  
15 the hearing schedule for next time, there would  
16 be a general agreement that those additional  
17 sites would be considered. But I also would like  
18 to see some other sites considered too. So, I  
19 guess this is, for lack of a better word, tabled  
20 until then.

21 ASSEMBLY MEMBER MCENENY: And at the  
22 very least, there will be a North Country and a  
23 Nassau added to the list.

24 MALE VOICE: Thank you.

1  
2  
3  
4  
5

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SENATOR NOZZOLIO: Thank you all.

(The public hearing concluded at 4:26  
p.m.)

Committee on Governmental Employees, 3-3-2010

C E R T I F I C A T E

I, Trisha Ruckart, do hereby certify that the foregoing typewritten transcription, consisting of pages number 1 to 47, inclusive, is a true record prepared by me and completed from materials provided to me.



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Trisha Ruckart, Transcriptionist

September 19, 2011

NEW YORK STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC  
RESEARCH AND REAPPORTIONMENT

PUBLIC HEARING  
CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING

Bronx Community College  
Gould Memorial Library Auditorium  
2155 University Ave  
Bronx, New York  
Thursday, September 8, 2011  
10:00 a.m. to 2:23 p.m.

Committee on Redistricting, 9-8-2011

TASK FORCE MEMBERS:

SENATOR MICHAEL F. NOZZOLIO, Co-Chair

ASSEMBLY MEMBER JOHN J. MCENENY, Co-Chair

SENATOR MARTIN M. DILAN

ASSEMBLY MEMBER ROBERT OAKS

DEBRA LEVINE

ROMAN HEDGES

WELQUIS LOPEZ

LEWIS HOPPE

## Committee on Redistricting, 9-8-2011

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2 (The public hearing commenced at 10:00  
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, and welcome to the Bronx Community  
8 College in the Bronx community, who is hosting  
9 this public hearing of the New York State  
10 Legislative Task Force on Demographic Research  
11 and Reapportionment.

12 The purpose of our meeting today is  
13 obviously to listen to the community as to their  
14 thoughts of the current districts which are  
15 already drawn and now obsolete, and how they  
16 would like to see the new districts for the New  
17 York State Assembly, the New York State Senate,  
18 and the House of Representatives in Washington.  
19 What do they feel would be most representative  
20 and serve well the people of their community?

21 We have well over 60 people signed up--  
22 once again. We had a very good hearing with 40  
23 people testified over in Queens yesterday. We  
24 will be back to do the other three boroughs two

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2 weeks from now. What you're witnessing is a part  
3 of the first phase of information gathering,  
4 which is--at this point, 12 public hearings  
5 across the state from Buffalo down to Long  
6 Island, and people talking conceptually the  
7 changes that they would like to see that they  
8 feel would be most in compliance with the law--  
9 the spirit of the law, the state constitution,  
10 and all of the other restraints that we have to  
11 make sure that we deliver good government to our  
12 people.

13 We would ask that as you come forward to  
14 testify, we remind you that this is televised.  
15 It goes on the website. People who obviously  
16 can't make it here during the day, people who  
17 want to watch it in detail can watch this on the  
18 LATFOR website. LATFOR is the abbreviation for  
19 the Task Force.

20 Now, we are joined today--and I'll let  
21 my fellow members speak in a moment. I am Jack  
22 McEneny. I am the co-chair from the--from the  
23 New York State Assembly. To my right, Roman  
24 Hedges is the Citizen Participant--also from the

1 Committee on Redistricting, 9-8-2011  
2 Assembly. And not with us today, the first  
3 meeting that he's missed, is normally a colleague  
4 from the New York State Assembly, Robert Oaks  
5 from Wayne County. The group is bipartisan. It  
6 comes out 50/50 Democrat and Republican, 50/50  
7 Senate and Assembly. And I will turn it over to  
8 my co-chairman, Senator Mike Nozzolio who will  
9 introduce his members representing the Senate,  
10 and make whatever remarks he feels are  
11 appropriate.

12 SENATOR MICHAEL F. NOZZOLIO, CO-CHAIR,  
13 NEW YORK STATE LEGISLATIVE TASK FORCE ON  
14 DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT: Thank  
15 you very much, Assemblyman. Good morning ladies  
16 and gentleman. I'm Mike Nozzolio. I probably  
17 represent the 54th Senatorial district and  
18 prouder to be a member of this Task Force and co-  
19 chair with Assemblyman McEneny.

20 That on my immediate left is a colleague  
21 representing on the Task Force, Senator Martin  
22 Dilan. An individual who is not here yet, as a  
23 citizen member, is Welquis "Ray" Lopez. And that  
24 also here is the Executive Director of the Task

1 Committee on Redistricting, 9-8-2011

2 Force, Debra Levine.

3 The Task Force, as Assemblyman McEneny  
4 said, its mission, it's fiduciary and ethical  
5 obligation is to go into the state and every  
6 corner of the state and hear what people have to  
7 say about redistricting. And specifically about  
8 what types of community of interests they wish to  
9 see reflected in redistricting for the Congress,  
10 the State Senate, and the State Assembly.

11 That this is our eighth hearing, Jack,  
12 and that there will be another four hearings  
13 after this, and that we will have another dozen  
14 hearings after all that, to continue to take  
15 testimony. And our goal has been to make this  
16 the most open and transparent process possible.

17 Emphasizing again--we are being  
18 recorded. That your testimony in its entirety  
19 will be recorded and placed on our LATFOR website  
20 for anyone to view. We ask you who have--those  
21 of you who have written testimony, to submit that  
22 written to us for the record. And that entirety  
23 of written testimony will be submitted and be the  
24 volume of background that we are collecting. And

1 Committee on Redistricting, 9-8-2011  
2 feel free to summarize that testimony and  
3 emphasize the key points that you wish to--the  
4 Task Force to focus on.

5 Without further ado, I know Senator  
6 Martin Dilan, who has been at every hearing, and  
7 worked very hard, also would like to say a few  
8 words.

9 SENATOR MARTIN M. DILAN, NEW YORK STATE  
10 LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH  
11 AND REAPPORTIONMENT: I would just like to say  
12 good morning to everyone. And I really look  
13 forward to listening to your views regarding what  
14 you feel your State Assembly and State Senate--  
15 and especially your Congressional district should  
16 look like in the--in the future. So I'm here to  
17 listen to you and [foreign audio]. Thank you.

18 SENATOR NOZZOLIO: Thank you, Senator  
19 Dilan. Mr. Hedges, do you have any comments  
20 you'd like to make? Thank you, we will begin  
21 the--taking the testimony here. Our first  
22 testifier is a good friend, a co-leader with me  
23 on the Senate Crime--Victims Crime and  
24 Corrections Committee, Gustavo Rivera. Senator--

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2 thank you very much for being this host Senator  
3 of this meeting today, and that it's always good  
4 to see you.

5 SENATOR GUSTAVO RIVERA: Same here,  
6 Senator. Do I need to turn this on? I don't  
7 know if it's on. Hello? Hello? Yes, I guess  
8 it's on. Good morning, Senator Nozzolio, Senator  
9 Dilan, Assembly member McEneny, Mr. Hedges, and  
10 Ms. Levine. Welcome to the Bronx and welcome to  
11 the 33rd district. We're right in the middle of  
12 it. This is the district that I represent very  
13 proudly.

14 My testimony has already been submitted,  
15 but I am going to read it into the record, if you  
16 will permit me. My name is State Senator Gustavo  
17 Rivera, and I represent the 33rd Senate District  
18 located in the northwest Bronx. The district  
19 includes the neighborhoods of Fordham,  
20 Kingsbridge, University Heights, Riverdale, Van  
21 Cortlandt Park, Bedford Park, and East Tremont.

22 I have lived in the 33rd Senate District  
23 for the last 11 years, in Kingsbridge, on the  
24 corner of University and 195th Street. And last

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2 year I was elected by my neighbors to represent  
3 them in the State Senate. According to the 2010  
4 census, I now represent 314,246 Bronxites, who  
5 live in the 33rd Senate district.

6 Before I continue my testimony, I want  
7 to say that I believe that New York State should  
8 be undertaking this process with an independent  
9 redistricting commission, that can draw fair  
10 lines without partisan gerrymandering, that  
11 reflect the neighborhoods and communities that we  
12 as New Yorkers call home. While the legislature  
13 has yet to pass the independent redistricting, I  
14 will continue to push to make independent  
15 redistricting a reality in New York.

16 In the absence of an independent  
17 commission, I believe it is important that  
18 members of the community testify before New York  
19 State Legislative Task Force on Demographic  
20 Research--LATFOR, and that the Task Force create  
21 opportunities to listen to the community at times  
22 accessible to the majority of individuals--most  
23 of whom work during the day. And it is for that  
24 reason that I recommend that your next round of

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2 hearings take place in the evening, so that more  
3 of my constituents, other Bronxites and other New  
4 Yorkers are able to attend.

5 Obviously, everyone here today  
6 understands the importance of the Task Force  
7 undertaking and how critical it is to involve the  
8 community before drawing lines that will have an  
9 impact for the next decade. I am here today both  
10 in my capacity as State Senator representing the  
11 district that we are sitting in right now, and as  
12 a ranking member, as Senator Nozzolio mentioned,  
13 of the Crime Victims Crimes and Corrections  
14 Committee.

15 And I want to take a moment to advise  
16 that this Task Force follow the decision--follow  
17 the law to count incarcerated individuals in  
18 their home communities during the redistricting  
19 process. In my district alone, there would be  
20 1,219 individuals that should be counted in their  
21 homes in the Bronx, rather than an upstate jail  
22 or prison. Counting these individuals in the  
23 Bronx means counting them in the neighborhoods  
24 they are coming home to, when they are released

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2 in the next few years, and ensuring that their  
3 interests are properly represented.

4 As State Senator, I represent the 33rd  
5 Senate District here, a contiguous state--a  
6 continuous Senate district in the northwest Bronx  
7 that runs almost the extant of the Grand  
8 Concourse. There are natural borders created by  
9 Harlem River to the west and the Botanical  
10 Gardens, Bronx Zoo, and Fordham University to the  
11 east. There are entire commercial districts and  
12 small business hubs contained in the 33rd Senate  
13 district in Tremont, Fordham, Kingsbridge, and  
14 along Jerome Avenue, and Gun Hill Road.

15 Technically, the 2010 census tells us  
16 that the 33rd Senate district is 65% Latino, 25%  
17 African American, and 10% white. But communities  
18 of interest are not only formed around ethnic or  
19 racial groups. For example, in the 33rd Senate  
20 district, they emanate from the economic,  
21 recreational, and educational anchors that  
22 attract individuals from not only the Bronx or  
23 New York, but from throughout the world to this  
24 area. There are economic anchors like Montefiore

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2 Medical Center, Bronx-Lebanon Hospital, and St.  
3 Barnabus Hospital, that provide jobs to Bronxites  
4 living in the 33rd Senate district. Our  
5 recreational anchors in the district, like  
6 Williamsbridge Oval Park, Bedford Park--in  
7 Bedford Park, and St. James Park in Fordham, are--  
8 --or on the edge of our district, like the  
9 Botanical Gardens or the Bronx Zoo--define so  
10 much what it is like to live in our  
11 neighborhoods.

12 I am also fortunate to have several  
13 colleges and universities that serve as  
14 educational anchors, in the 33rd Senate district,  
15 including Bronx Community College--in which we  
16 are today, Lehman College to our north, and  
17 Monroe College on Jerome Avenue. These ins--  
18 institutions are not only--are not only providing  
19 an education for countless Bronxites that live in  
20 this area, but they are a cultural and ed--  
21 community center, providing access to knowledge  
22 and opportunity.

23 These anchors, in many ways, shape and  
24 define communities of interest, in the 33rd

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2 Senate district. There may be some areas where  
3 there is greater concentration of African  
4 Americans, Dominicans, Puerto Ricans, West  
5 Africans, Garifuna or Albanians, for example.  
6 But more frequently than not, individuals are  
7 brought together through shared interest and  
8 shared experiences to become a community.

9 In the 33rd Senate district, community  
10 members have come together around issues of their  
11 economic interest, their quality of life, and  
12 educational opportunities for the young people of  
13 the northwest Bronx. Hospitals--being the  
14 largest economic engine in the district--means  
15 there is a real shared interest in ensuring that  
16 they have the funding to continue operating and  
17 thriving in the northwest Bronx, and that these  
18 hospitals are able to serve the very communities  
19 they are situated in.

20 The residents of the 33rd Senate  
21 district live in diverse neighborhoods like  
22 Bedford Park that has a sizeable Latino, black,  
23 and white population, and live in the same  
24 buildings, such as Amalgamated housing, where

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2 large Jewish, Latino and African American  
3 communities are represented.

4 These shared experiences mean shared  
5 housing concerns, and concerns about the quality  
6 of public education in the area. That is why  
7 voters in this district have been able to come  
8 together to build coalitions and to come together  
9 as a community, to coalesce around the goal of  
10 electing representatives who they feel represent  
11 their interests and the interests of the  
12 district--as well as then removing a  
13 representative when the voters felt he was no  
14 longer serving the interests of the community.

15 I am asking today that these communities  
16 be kept together around the economic,  
17 educational, and recreational anchors that bind  
18 them together. In addition--in addition to  
19 looking at the changing demographics, I believe  
20 we need to take a look at the neighborhoods--the  
21 anchors that make up and define the 33rd Senate  
22 district, and keep the communities that have  
23 formed around them together.

24 So again, I thank you for giving me an

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2 opportunity to be here with you today, and I'm  
3 looking forward to the rest of the hearing.  
4 Thank you.

5 ASSEMBLY MEMBER MCENENY: Thank you,  
6 Senator. Are there any questions or comments  
7 from the panel?

8 SENATOR NOZZOLIO: Thank you, Senator.  
9 Very good to see you again. I appreciate your  
10 advocacy for your district, thank you. Our,  
11 first witness. . .

12 ASSEMBLY MEMBER MCENENY: Nelson Castro,  
13 Assembly member.

14 SENATOR NOZZOLIO: Why don't you go  
15 ahead, Jack, and introduce him.

16 ASSEMBLY MEMBER MCENENY: I noticed my  
17 colleague, Assembly member Nelson Castro.  
18 Nelson? Did you--did you want to make an opening  
19 remark? Then proceed, please.

20 NELSON CASTRO, ASSEMBLY MEMBER: By the  
21 way, thank you to--thank you for coming to my  
22 district. So, good morning. I--I'm going to  
23 read this testimony, which is basically geared  
24 towards the creation of a new congressional

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2 district--not a new congressional district, but a  
3 congressional district that would actually  
4 include the upper Manhattan area and the west  
5 Bronx area.

6 As you know, my name is Nelson Castro,  
7 and I am representing myself. Please allow me to  
8 thank you for the opportunity to appear on record  
9 supporting this, the creation of a congressional  
10 district that will allow residents of northern  
11 Manhattan and the west Bronx communities to have  
12 a fair representation in turn of the cultural,  
13 linguistic, and socio-economic background.

14 During the last four decades, upper  
15 Manhattan--as documented by the Census, that has  
16 been a stronghold for a vibrant Latino community,  
17 as portrayed by the professional business and  
18 community and faith-based organization and  
19 educational institution in this area.

20 In the last two decades, there has been  
21 a spill of residents from the upper Manhattan,  
22 relocating into the west part of the Bronx, me  
23 being one of the examples. The 2010 census data  
24 clearly track this movement. This shift is

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2 practically visualized as we witness the increase  
3 of public transportation within this contiguous  
4 communities at the main connection point between  
5 upper Manhattan and the west Bronx.

6 Being the BX-12, BX-3, who actually move  
7 people--thousands of people on a--on a daily  
8 basis from upper Manhattan to--into the Bronx,  
9 and vice versa. As well as the numerous tax  
10 bases that actually service our community.

11 And I don't know if you remember, last  
12 year when we--well two years ago, when we had  
13 actually--one of the proposals on the table was  
14 to toll the bridges, the East River bridges--that  
15 we opposed to tolling the 207th Street Bridge,  
16 because it's basically a street--a high street  
17 that actually connects two communities.

18 So that was the argument back then and  
19 that argument is so ever present now in this--in  
20 this redistricting hearing. We're talking about  
21 two communities that, you know, now have the same  
22 businesses--both on one side and then the other.  
23 I know of people that actually come to school  
24 here at Bronx Community College that live in

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2 Washington--in Washington Heights, and vice  
3 versa. People that live in the Bronx and go to  
4 Bronx--City College. So, this has been a  
5 community of common interests. We want to keep  
6 it that way.

7 We want to have one congressional  
8 representative, because, you know, if I--if I am  
9 going to the doctor in the--in the northern  
10 Manhattan area, and I see the developments that  
11 one congressional member is doing in that--in  
12 that particular area, and yet I do all my stuff  
13 in Washington Heights. Let me tell you, there  
14 have been cases--many, numerous cases, of people  
15 that actually have registered--live in--live in  
16 the Bronx, but they continue to be registered in--  
17 -in upper Manhattan. And they continue to do  
18 every bit of business in the northern Manhattan  
19 area. And yeah, they live in the Bronx.

20 And we're at a disadvantage here in the--  
21 -in the west part of the Bronx. Therefore we  
22 should definitely consider combining both  
23 district--the upper Manhattan area and the west  
24 Bronx area into one congressional district.

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2 Thank you very much.

3 ASSEMBLY MEMBER MCENENY: Thank you.

4 The next testifier, Burnell Arthur Richardson

5 [phonetic]. Burnell Arthur Richardson? Jay

6 Sevino [phonetic], or Sevinno. Jay Sevinno?

7 Alonso de Castro? Good morning.

8 ALONZO DE CASTRO, PRESIDENT, EAST OF

9 LACONIA COMMUNITY ASSOCIATION, CO-PRESIDENT,

10 NORTHEAST BRONX COMMUNITY COALITION: Good

11 morning.

12 SENATOR NOZZOLIO: Morning, Excuse me,

13 Mr. Castro.

14 MR. CASTRO: Sure.

15 SENATOR NOZZOLIO: Mr. Castro--before

16 you speak, I'd like to recognize the arrival of

17 the citizen member of the Task Force, Welquis

18 "Ray" Lopez. That Ray has been attending all of

19 the hearings, and is the--one of the citizen

20 representatives of the Task Force. Thank you.

21 MR. CASTRO: Good morning. My name is

22 Alonzo de Castro, and I am co-president of the

23 Northeast Bronx Community Coalition, and the

24 President of the East of Laconia Community

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2 Association.

3 My family and I have resided in Bronx  
4 County for over 50 years. I have been involved  
5 in the political process for over 25 years,  
6 having served as state committee man and district  
7 leader.

8 I thank you for the opportunity to speak  
9 to you today on my community, and our need to  
10 have a congressional district that meets the  
11 needs of my community, and the community of  
12 residents that share my experience as residents  
13 of the Bronx, New York City, and southern  
14 Westchester. Today, I am here in support of  
15 district lines for the Senatorial and Assembly,  
16 as represented by Senator Ruth Hassell-Thompson,  
17 and Assemblyman Carl Heastie. With respect to  
18 district lines, I urge your committee to strongly  
19 consider the natural relationship that exists  
20 between my neighborhood in the Bronx, with the  
21 adjoining communities in Manhattan and  
22 Westchester.

23 I support the drawing of a congressional  
24 district that recognizes these areas as one,

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2 formally acknowledging a relationship that  
3 already exists. I urge you to do so with the  
4 following principles in mind. A district that by  
5 nature flows from southern Westchester to  
6 northern Manhattan, to the African American  
7 sections of the Bronx, best represents how our  
8 communities can continue to have representation  
9 that best understands our struggle, one that has  
10 been chronicled in history, and more importantly,  
11 one that undoubtedly continues today.

12 The after-effects of slavery and Jim  
13 Crow have lingered, causing our people and our  
14 children to still lag behind the majority  
15 population and achievement, advancement and  
16 economic development. We sorely need  
17 representation that not only understands these  
18 issues, but can actually personally articulate  
19 them in the halls of Congress.

20 The principle of communities of  
21 interest, by definition, states that a community  
22 must be recognized as distinct by those outside  
23 of the community. There is no doubt that the  
24 general population acknowledges the black

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2 community as one distinct community.

3 Moreover, as those who have self-  
4 identified themselves as African Americans, or  
5 black, there is more than ample self-recognition  
6 as one community, as witnessed by the United  
7 States census. The black community is one  
8 community.

9 Lastly, as one community, we are  
10 effected by government action to our benefit--and  
11 even sometimes to our detriment. The community  
12 of interest principle, as traditionally defined--  
13 more than aptly applies to the black communities  
14 of northern Manhattan, the Bronx and southern  
15 Westchester.

16 Please allow me to speak on this in  
17 practical terms. As the President of the  
18 northeast Bronx Community Coalition, I have on  
19 several occasions coalesced with groups in my  
20 adjoining areas to advocate for better services.  
21 We have consistently joined with residents,  
22 clergy, and business owners from these areas for  
23 better transportation, youth services, senior  
24 services, and housing. We have fought for youth

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2 services most recently, calling for the  
3 development of a community center to meet the  
4 needs of the children from the surrounding areas  
5 because we are all facing the same issues: higher  
6 than average crime, lower than average education  
7 attainment, and increasingly diminished job  
8 opportunities.

9 Attached to my testimony is what I and  
10 my constituents believe would bring the fairest  
11 representation possible. In addition, with all  
12 due respect to my Latino brothers and sisters,  
13 I've included proposals for the 14th district and  
14 the 16th district--which protects and presents a  
15 similar outcome for the Latino community.

16 I cannot stress more the importance of  
17 having a minority district that shares common  
18 political, social, and cultural interests. Our  
19 analysis indicates that we have an opportunity to  
20 have representation that represents our common  
21 interests from northern Manhattan to southern  
22 Westchester. And we can bring about fair  
23 representation and meet the goal of communities  
24 of interest. We urge you to consider our

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2 proposal strongly.

3 In conclusion, this country of ours is  
4 now witnessing at some states in this union  
5 passing laws inhibiting citizens from exercising  
6 their right to vote. As you draw the lines for  
7 Congress, the Senate, and the Assembly, I  
8 respectfully remind you of the Civil Rights Act  
9 of 1965 as it applies to Bronx County. Thank you  
10 very much.

11 ASSEMBLY MEMBER MCENENY: Thank you very  
12 much. Nestor Montilla? Nestor Montilla.

13 NESTOR MONTILLA: Yes, I'm here. Thank  
14 you. Mr. Chairman Nozzolio, Mr. Chairman,  
15 McEneny, and members of this Task Force, my name  
16 is Nestor Montilla. I'm a property owner here  
17 right just across the street on Horizon Avenue  
18 [phonetic]. But I'm here representing the  
19 National Dominican American Council. It's a  
20 civic community engagement initiative, composed  
21 of local councils and the United States.

22 ASSEMBLY MEMBER MCENENY: Excuse me, Mr.  
23 Montilla, there's a lot of echo. Would--I don't  
24 know if you back up a little bit.

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2 MR. MONTILLA: All right.

3 ASSEMBLY MEMBER MCENENY: Let's try that  
4 and see how that works.

5 MR. MONTILLA: The National Council  
6 actually joins other--

7 ASSEMBLY MEMBER MCENENY: [Interposing]  
8 Thank you, that's better.

9 MR. MONTILLA: --organizations--that  
10 sounds better? Leaders and community based  
11 organizations in the U.S. advocating for the  
12 socio-economic and political development of our  
13 communities in areas concerning education,  
14 economic development, health, immigration, and  
15 community empowerment.

16 My remarks today express the position on  
17 recommendation of the National Dominican American  
18 Counsel. Our position is that we are endorsing  
19 and supporting the community's efforts to have a  
20 new Latino congressional district created, a  
21 district that would reflect the ever-growing  
22 Hispanic population of the state of New York.  
23 Our recommendation is a map proposal, I have  
24 submitted already for your consideration.

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2 Mr. Chairman and members of the Task  
3 Force, as we prepare to testify before you today,  
4 we spent many weeks trying different ways to draw  
5 the map proposal that you have in front of you,  
6 that you will have access to. It is a Latino  
7 majority congressional district, in essence, a  
8 re-drawing of congressional district 14. The  
9 proposal, which is 60% Latino, encompasses Latino  
10 neighborhoods from El Barrio in Manhattan to the  
11 west and north of the Bronx and to the south of  
12 Yonkers.

13 This map indeed reflects the growth of  
14 the Latino population in these neighborhoods, and  
15 also reflects their common interest and  
16 peculiarities, including common language,  
17 culture, a way of life, place of work, and  
18 basically where they practice their religion and  
19 go about doing their lives.

20 As we kept trying--drawing sample maps,  
21 we were pleasantly surprised to find out that it  
22 didn't matter how you draw it, we could always  
23 end up drawing a majority Latino congressional  
24 district. You could draw east to west, north to

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2 south, and it didn't matter the direction we  
3 took. The main reason for this is the increasing  
4 number of Latinos in the city. We are here. We  
5 are not an invisible population any more. We are  
6 here.

7           Despite our number, however, Mr.  
8 Chairman, our community has not been able to  
9 garner the respect or representation that we  
10 deserve. For instance, this last decade, the  
11 Hispanic population of New York, as validated by  
12 the 2010 census, indicates that in New York City,  
13 the Hispanic population is larger than the  
14 Italian, Irish and Jewish population combined.

15           In the state of New York alone, the  
16 Hispanic population grew by 19.2%, which  
17 indicates that the time to draw more than a few  
18 Hispanic congressional districts is overdue. It  
19 is a fact that Hispanics are under-represented in  
20 New York State. It is a fact that Hispanics are  
21 under-represented in New York City. And I'll  
22 tell you that the recent growth of the overall  
23 New York State population, which is 19.2% , as I  
24 said, one could conclude by looking at these

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2 numbers from these percentages and growth of the  
3 Hispanic community, that we merit proportional  
4 political representation.

5 If you take into consideration--if you  
6 take under consideration the fact that the New  
7 York City Latino community alone makes up  
8 approximately 30% of the entire city population,  
9 and the recent growth of the overall New York  
10 State population, which is like I said, 19.2%,  
11 again--it merits proportional political  
12 representation.

13 So, we in the Latino community have been  
14 challenging the U.S. census population numbers,  
15 because traditionally, without exception, the  
16 census has been under accounting our community  
17 for as much as 10%. Added to this undercount  
18 percentage, is the fact that mainly Latinos who  
19 were born in the U.S.--and particularly in New  
20 York City, list themselves as either Caucasians  
21 or African Americans. This is due to the fact  
22 that Hispanics reflect a rainbow of colors. Yet  
23 we are not categorized by the U.S. census as a  
24 racial group--but rather, as an ethnic group.

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2 So whether you are Dominican, Columbian,  
3 Ecuadorian, Mexican, or Puerto Rican, we are  
4 Hispanics, Hispanic Americans, primarily sharing  
5 a common language and a common heritage. So the  
6 importance of creating a new congressional  
7 district as the one we are proposing to you  
8 today, would encompass not only 60% of the Latino  
9 population, but also would bring a greater  
10 understanding of the cultural sensitivity, and  
11 meet present social and community needs that are  
12 particular to the New York Latino community, such  
13 as bi-lingual education, immigration, affordable  
14 housing, job opportunities, and among many other  
15 important matters--additional federal funding for  
16 our schools, our hospitals, and Latino  
17 organizations.

18 Approving our proposal would guarantee  
19 full representation and--about to finish--and  
20 also will guarantee full respect for all Latino  
21 workers or taxpayers, our children, the elderly,  
22 youngsters, men and women, families, and all  
23 people residing in our community today. So  
24 please approve this map and give our community a

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2 voice in Washington D.C. We urge you to afford  
3 our community the opportunity to ensure fair  
4 representation. Thank you.

5 ASSEMBLY MEMBER MCENENY: Thank you very  
6 much.

7 ASSEMBLY MEMBER WELQUIS "RAY" LOPEZ, NEW  
8 YORK STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC  
9 RESEARCH AND REAPPORTIONMENT: I want to ask a  
10 question. Mr. Montilla? Hello?

11 MR. MONTILLA: Oh, yeah.

12 ASSEMBLY MEMBER LOPEZ: I want to ask  
13 you--first of all, I want to say--I apologize to  
14 all of you for being late. [Foreign audio].

15 MR. MONTILLA: That gives all New  
16 Yorkers trouble, right?

17 ASSEMBLY MEMBER LOPEZ: [Laughs] Are you  
18 going to be submitting a plan or a map?

19 MR. MONTILLA: Sir, I'm sorry--

20 ASSEMBLY MEMBER LOPEZ: [Interposing] I  
21 said if--are you going to be submitting a plan or  
22 a map?

23 MR. MONTILLA: We did--I did already. I  
24 turned it in at--

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2 ASSEMBLY MEMBER LOPEZ: [Interposing]  
3 Okay, because it looks like we haven't received  
4 it, that's why.

5 MR. MONTILLA: --the front desk, and I  
6 also sent it by email as--following the  
7 directions that you put on the website.

8 ASSEMBLY MEMBER LOPEZ: Okay, great.  
9 Thank you, appreciate it. Thank you very much.

10 ASSEMBLY MEMBER MCENENY: As I'm sure,  
11 everyone understands the growth of the state of  
12 New York to 19.2 million people was not the same  
13 rate of growth as other areas of the country.  
14 And because of that, every single congressional  
15 district which we now have, does not qualify to  
16 be a congressional district.

17 They're short people, some of them  
18 70,000 people short, others as little as 10,000.  
19 The new districts will have to be exact. When we  
20 deal with the State Assembly and the State  
21 Senate, the courts have given us leeway, two,  
22 three, four percent--even up to five percent  
23 above or below the norm. But when we draw a  
24 congressional district, it is to the person as

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2 far as possible, so that even constitutional  
3 prohibitions on splitting towns, for example, not  
4 relevant here but certainly throughout much of  
5 the rest of the state, all that goes out the  
6 window in favor of the federal. So the new  
7 number is 707,717 people. So it's a--the  
8 congressional districts will be much larger than  
9 what we are used to. Could we call Haile Rivera?

10 SENATOR NOZZOLIO: Before our next  
11 speaker, Senator Dilan and I would like to thank  
12 Senator Ruth Hassell-Thompson for being here  
13 today. Senator Thompson, it's always great to  
14 see you, Ruth. And that I thank you for your  
15 continued input. I believe this is the second or  
16 third hearing you've attended. And I appreciate  
17 that very, very much.

18 ASSEMBLY MEMBER MCENENY: Mr. Rivera?  
19 To be followed by Senator Ruth Hassell-Thompson.

20 HAILE RIVERA, FOUNDER AND EXECUTIVE  
21 DIRECTOR, HANDS ON NEW YORK LINKED WITH  
22 DOMINICANOS UNIDOS DE NEW YORK: Her first,  
23 right?

24 ASSEMBLY MEMBER MCENENY: No--you.

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2 MR. RIVERA: Me first? Well, I'll be  
3 short, because I didn't actually--I didn't bring  
4 my speech today, as I wanted to prepare--have  
5 more time to prepare it. But I do, just for the  
6 record, want to state that as a resident of this  
7 district, of the 33rd Senate district, and the  
8 86th Assembly district, I am very proud to have  
9 my representatives here. And I will stand for  
10 the record behind my State Senator Gustavo  
11 Rivera--no relation, by the way. But I will  
12 stand behind his statement of his speech today,  
13 and for the future I will submit the record as  
14 far as where we want to proceed with the  
15 district. Thank you.

16 ASSEMBLY MEMBER MCENENY: Thank you very  
17 much. Senator?

18 RUTH HASSELL-THOMPSON, SENATOR: Thank  
19 you and good morning. I did not come prepared to  
20 testify, as I have at each of the hearings. I've  
21 come to lend support and legitimacy to this  
22 process, and to ensure that people from the  
23 community have as much time as possible to  
24 express their concerns.

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2 I do appreciate you coming to the Bronx  
3 and allowing the people here and in lower  
4 Westchester to have the opportunity to share with  
5 you some of the concerns that they have. And  
6 certainly I want to be sure that we all go on the  
7 record, indicating that this is not a perfunctory  
8 process, but that the--that the voice of the  
9 people will in fact be heard. And so therefore  
10 it is very important that as many people as  
11 possible do speak.

12 And then given the opportunity to allow  
13 us to understand and know, as we get to the final  
14 stages of drawing the lines, where people really  
15 are. So I thank you very much for the  
16 opportunity this morning.

17 ASSEMBLY MEMBER MCENENY: Thank you,  
18 Senator. The Reverend Bill Marzel [phonetic], or  
19 Mizel? Reverend Bill Mizel? Pete--oh, I'm  
20 sorry. Barbara Stronczer?

21 BARBARA STRONCZER, PRESIDENT, BEDFORD  
22 MOSHULU COMMUNITY ASSOCIATION: Good morning. My  
23 name is Barbara Stronczer, and I'm here on behalf  
24 of the Bedford Moshulu Community Association. I

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2 am their President. We are a not for profit  
3 grass roots community organization located in the  
4 Bedford Park area of the northwest Bronx. We  
5 meet each month and work to improve the quality  
6 of life in our neighborhood. All of our members  
7 are volunteers.

8 Bedford Park is a multi-ethnic community  
9 with a strong and varied housing stock. Six  
10 story rentals, private homes, and coops encompass  
11 the area. Our area includes Fordham University  
12 and the Botanical Gardens to the east, Lehman  
13 College to our west, and Montefiore Hospital to  
14 our north. We are also fortunate to have the  
15 beautiful parklands of Moshulu Parkway running  
16 through our neighborhood.

17 We are not here to complain about our  
18 elected officials, since they have been  
19 responsive to community requests. We are here to  
20 ensure that the proposed redistricting will  
21 enhance our ability to work together as a  
22 community.

23 Unfortunately, our area has been the  
24 victim of partisan gerrymandering during the past

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2 ten years. Moshulu Parkway encompasses three  
3 assembly districts. One piece of Moshulu Parkway  
4 is aligned with a major piece of Riverdale.  
5 Another section of Moshulu Parkway is cast off to  
6 a section of Morris Park in the east Bronx. A  
7 third section of Moshulu Parkway is joined to the  
8 south with the 78th Assembly district.

9 It has been impossible for the residents  
10 of Bedford Park and neighboring Norwood, whose  
11 composition and needs are very similar, to work  
12 together for improvements in our area. Since we  
13 represent a very small portion of these three  
14 assembly districts, we are often overlooked for  
15 funding and capital improvements in the area.

16 We are requesting that an independent  
17 nonpartisan committee be established to redraw  
18 the lines in our community. We feel strongly  
19 that Bedford Park and Norwood should be  
20 represented by the same elected officials. The  
21 district needs to be co-terminus and not cobbled  
22 and divided as done ten years ago. This current  
23 division has led to a divided approach to issues  
24 and problems in the area.

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2 We are in favor of Governor Cuomo's  
3 demand for independent redistricting. We feel  
4 strongly that unless a non-partisan committee is  
5 established for this task, that our community  
6 will again be sliced and diced to the detriment  
7 of our local needs and concerns. I thank you for  
8 this opportunity to speak and represent my  
9 community.

10 ASSEMBLY MEMBER MCENENY: Thank you very  
11 much. We'll try Reverend Bill Mizell? Pete  
12 Healy [phonetic]. Is Pete Healy here? Maria  
13 Teresa Feliciano.

14 MARIA TERESA FELICIANO, PRESIDENT,  
15 DOMINICAN AMERICAN NATIONAL ROUNDTABLE: Good  
16 morning.

17 ASSEMBLY MEMBER MCENENY: Good morning.

18 MS. FELICIANO: Is this close enough? I  
19 don't get it. Good morning, Co-chairman  
20 Nozzolio, McEneny, members of the Task Force.  
21 I'm Dr. Maria Teresa Feliciano. And on behalf of  
22 the Dominican American National Roundtable, a  
23 National Organization advocating for the rights  
24 and interests of over two million Dominicans in

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2 the United States, including the large population  
3 of Dominicans in New York, I would like to thank  
4 you for the opportunity to address the Task Force  
5 regarding the redistricting of New York's  
6 Legislature and Congress.

7 We understand the task at hand is New  
8 York's constitutional process of adjusting the  
9 lines of its legislature and Congress to comply  
10 with one person, one vote requirements for fair  
11 representation in any legislative body across the  
12 country. As indicated by co-chair Senator  
13 Nozzolio, at the August 4th hearing in Albany,  
14 this Task Force's job is to carry out this  
15 responsibility governed by Civil Rights Law,  
16 Voting Rights Law, and the concern that New  
17 Yorkers be properly represented. This, while  
18 seeking to reflect the will of the electorate,  
19 provide minorities with appropriate  
20 representation, and keep communities of interest  
21 together.

22 In carrying out your mission, we would  
23 like you to consider the following; according to  
24 the 2010 U.S. census, there are 50.5 million

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2 Latinos in the United States, composing 16% of  
3 the total population. Latinos increased by 15.2  
4 million or 43% between 2000 and 2010, which  
5 accounted for over half of the total population  
6 growth that occurred in the United States over  
7 the past ten years.

8 In New York, for example, Latinos  
9 accounted for one out of every two individuals  
10 added to the total adult population in the state.  
11 Latinos make up 19.2% of the state's total  
12 population and has grown to approximately 30% of  
13 the New York City population. This not taking  
14 into account the traditional 10% undercounting of  
15 the U.S. census, which fig--whose figures, by the  
16 way, we are currently challenging.

17 If not for the growth of the Latino  
18 population, I could say New York State could  
19 probably be losing three congressional districts  
20 instead of two. As a note of interest, when you  
21 combine the Latino population of three large  
22 cities of Los Angeles, Miami, and San Antonio, it  
23 is approximately the same size as the New York  
24 City's. The Latino congressional representatives

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2 in these cities are basically six, yet New York  
3 is represented by only two Latino congressional  
4 members who have been serving for the past 25  
5 years.

6 The new New York Legislative map must  
7 reflect the state's changing demographics. The  
8 emergence of Latinos as the largest minority in  
9 the state requires the creation of majority  
10 Latino districts or Latino opportunity districts,  
11 that will allow us to elect candidates of our  
12 choice in numbers commiserate with our  
13 population.

14 We propose a map of a majority Latino  
15 congressional district--which I have submitted  
16 online, that will unite the communities of  
17 interest of El Barrio, Washington Heights,  
18 Englewood, and the Bronx; a district that would  
19 have 60% Latino population. It will be comprised  
20 of communities that share places of work, places  
21 of worship, shopping centers, socio-economic and  
22 educational interests, as well as challenges.

23 These maps--these maps are for the Task  
24 Force the opportunity to add one of the needed

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2 five Latino congressional districts, and uphold  
3 the spirit of the Voting Rights Act. It is  
4 evident that the biggest challenge facing this  
5 Task Force, in its attempt to provide fair and  
6 accurate representation to all New Yorkers, is  
7 the drawing of maps that will result in the  
8 number of additional congressional and senatorial  
9 majority Latino districts needed.

10 That the explosion of the Latino  
11 population in New York be accurately and fairly  
12 reflected in its legislature. In a democracy,  
13 the principal of one person, one vote, is a  
14 sacred concept. It should apply in New York.  
15 And ensuring a greater voice for Latinos in the  
16 house of power. We look forward to working with  
17 the Task Force to contribute in your effort to  
18 make sure that New York achieves fair and  
19 constitutional redistricting. Thank you.

20 ASSEMBLY MEMBER LOPEZ: So this is the  
21 map that you submitted, not for district 15,  
22 right?

23 MS. FELICIANO: Yes, sir. The district  
24 14, 15, and 16--we have submitted online.

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2 ASSEMBLY MEMBER LOPEZ: Okay, thank you.

3 ASSEMBLY MEMBER MCENENY: Thank you very  
4 much.

5 MS. FELICIANO: Oh, I'm sorry. One more  
6 observation, is it possible that Task Four  
7 schedules a meeting in the evening, at some  
8 point? We understand that many individuals are  
9 unable to take off from work and--

10 ASSEMBLY MEMBER MCENENY: [Interposing]  
11 Well, we actually have 14 more meetings  
12 scheduled, one in the Bronx. And we could  
13 certainly consider that. Senator Rivera also  
14 mentioned it. It was also mentioned yesterday in  
15 Queens. Now I would--I would point out that in  
16 Queens we had 40 people testifying. Here we have  
17 63. If we were to start--oh, we're up to 66 now--  
18 -and growing because we don't turn people down  
19 when they show up at the door.

20 So I would caution--and we will  
21 certainly listen to those requests, but if we  
22 give people time to get home from work--because  
23 that's what we're being told, there are people  
24 who are out working, they can't handle this,

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2 etcetera, and we were to start at 6:30, then what  
3 time would these people get home? It was a four  
4 and a half hour meeting yesterday, because we  
5 also had--was it seven hours? Yeah, yeah, I'm  
6 sorry, it was seven hours, which means people  
7 would be going home at 3:00 in the morning.

8 MS. FELICIANO: Well, you would be  
9 pretty much--like in Lee, Massachusetts. The  
10 hearing began at 6:30 and ended at 1:45. But  
11 that was a meeting allowing for people who can  
12 take off from work and are able to--

13 SENATOR NOZZOLIO: [Interposing] Your  
14 suggestion is very well taken and we will try to  
15 accommodate it. I think that that's certainly a  
16 concern that we've tried to address by televising  
17 these hearings. That you are on video, as  
18 everyone who is speaking is on video. And that  
19 certainly we welcome people to submit written  
20 testimony at their convenience through the  
21 website--the LATFOR website. And this is as good  
22 a time as any to cite that. Debra, what's the  
23 name--the address?

24 ASSEMBLY MEMBER DEBRA LEVINE, CO-

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2 EXECUTIVE DIRECTOR, NEW YORK STATE LEGISLATIVE  
3 TASK FORCE ON DEMOGRAPHIC RESEARCH AND  
4 REAPPORTIONMENT: Info@Latfor.state.

5 SENATOR NOZZOLIO: LATFOR--

6 MS. FELICIANO: [Interposing]

7 Info@LATFOR.state.

8 ASSEMBLY MEMBER LEVINE: You can call  
9 the Task Force at 212-618-1100 and we'd be happy  
10 to assist you in--

11 SENATOR NOZZOLIO: [Interposing] And  
12 that again is also for the record, any one  
13 viewing these proceedings, if you want to get to  
14 the LATFOR website, help us as a community  
15 advocate, to get citizens that are interested to  
16 look at the LATFOR website, to provide written  
17 testimony.

18 It doesn't have to be anything real  
19 formal, just people's thoughts. Emails are  
20 welcome. And we're trying to use the technology  
21 we have available to enhance citizen  
22 participation. So rather than even having to go  
23 to a hearing, someone can sit at their computer  
24 and indicate exactly what they are thinking. And

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2 that will be part of the official record of these  
3 proceedings. So help us get that word out, and  
4 we'll do all we can to accommodate the requests  
5 that you've made.

6 MS. FELICIANO: Thank you.

7 SENATOR NOZZOLIO: Thank you.

8 ASSEMBLY MEMBER MCENENY: We would also  
9 point out that individuals who are working are  
10 represented here by the very groups that are  
11 testifying. Our assumption is that they are well  
12 networked into the people that they represent,  
13 when they speak for those individuals. And we  
14 are blessed by having a great many citizen  
15 groups, neighborhood groups, people who represent  
16 disenfranchised minorities, etcetera. Could we  
17 call Gregory Lobo Jost?

18 GREGORY LOBO JOST, DEPUTY DIRECTOR,  
19 UNIVERSITY NEIGHBORHOOD HOUSING PROGRAM: Hi,  
20 good morning. Thank you for the opportunity to  
21 testify here today in the Bronx. My name is  
22 Gregory Lobo Jost. I am the deputy director of  
23 the University Neighborhood Housing Program,  
24 which is a non-profit affordable housing group

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2 that came out of community work in the northwest  
3 Bronx. And I'm also--mostly speaking on behalf  
4 of myself. I am a Bronx resident, as well as  
5 working in the Borough.

6 And while I support redistricting reform  
7 and independent redistricting, my hope right now  
8 is that, you know, whoever is drawing the maps  
9 does their best to keep real neighborhoods  
10 intact, along the lines of what both Senator  
11 Gustavo Rivera and Barbara Stronczner were saying--  
12 --just reiterate a little bit of what they say.

13 I live in the Norwood section of the  
14 Bronx, which is actually one of the neighborhoods  
15 that's very easy to draw its borders. And I  
16 worked in the Fordham Bedford section. And as  
17 was mentioned, you know, I cross Moshulu Parkway;  
18 I cross through three different assembly--state  
19 assembly districts in about six or seven minutes  
20 on my way to work. And if I continued another  
21 couple of minutes I'd be in a fourth assembly  
22 district.

23 And, you know, that--that--it really  
24 depends, though. It's a real contrast for us.

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2 So that--with our State Senate district--the 33rd  
3 district, we really feel like it's a great  
4 representation of common neighborhoods with  
5 common population demographics, places where  
6 people are--a real neighborhood feel. And the  
7 feeling feels really empowering.

8 While with our Assembly districts, it  
9 just feels like we're split up and the places of  
10 power of where the majority of people in those  
11 districts are--is far away. And we have no  
12 connection to those neighborhoods at all. And  
13 so, just from that sense--I really hope that the  
14 new districts that are drawn can model on more of  
15 what the 33rd Senate district is like, and keep  
16 real neighborhoods intact.

17 I know there's some other Senate  
18 districts that are completely not keeping  
19 neighborhoods together. They go around--that are  
20 not even contiguous in the Bronx, I think it's  
21 the 34th Senate district doesn't connect in the  
22 Bronx, there's two parts, but they go through  
23 Westchester. I'm just advocating for the point  
24 of view of keeping neighborhoods together. So I

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2 brought--you know, there's--I brought along a  
3 map. I make maps a lot, and I put them into the  
4 packet, but basically they're just showing, like,  
5 it's a neighborhood map from the Department of  
6 City Planning.

7 I don't think these are the perfect maps  
8 of what neighborhoods are. It's kind of  
9 subjective, but I think it's great to have  
10 participation by all of us in the community,  
11 citizens groups, neighborhood groups,  
12 individuals, and it would be great to have more  
13 input in terms of--not just at this stage, but  
14 maybe after some of the district maps are drawn,  
15 if they're in draft form and we can make  
16 comments--I think it would be great. Maybe we  
17 could be able to have some input on maybe saying,  
18 like, all right, these two neighborhoods, you  
19 know, they're--the demographics are what they  
20 are, but, you know, there's no historical  
21 connection. There's no real connection between  
22 those neighborhoods. And, you know, in addition-  
23 -that--that's really my main point.

24 I also support, you know, keeping the

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2 population deviation low. And really the whole  
3 point of counting prisoners in their home  
4 districts as well. But my real point is just  
5 that it would be great to have--for us to have  
6 more input on keeping neighborhoods intact in the  
7 new districting. Thank you.

8 ASSEMBLY MEMBER MCENENY: Thank you.  
9 Assembly districts are 128,787. If your  
10 neighborhood is larger than that, some of it will  
11 wind up going to another district. If it's  
12 smaller than that, you'll have to absorb another  
13 district. And that's the hard part of  
14 redistricting, trying to keep neighborhoods  
15 together. One person, one vote makes that  
16 difficult on many occasions.

17 Ted Jefferson [phonetic]? Ted  
18 Jefferson? Phillipe Feblez [phonetic]? Phillipe  
19 Feblez? Rosa Ayola [phonetic]? Rosa Ayola? We  
20 will go back over this list and call any name  
21 where a person wasn't here--didn't get here yet.  
22 And we would hope that in all cases when we see a  
23 name, that something will be submitted in--in  
24 writing, if at all possible, as well. Cecilia

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2 Baez? Good morning.

3 CECILIA BAEZ: [Testimony read by  
4 Yudelka Tapia] Good morning. My name is not  
5 Cecilia Baez. My name is Yudelka Tapia. And I--  
6 when I came in, it was up to the 70 number and I  
7 have to go to work, and I know that she's not  
8 coming today. So I took her space. And I am  
9 Yudelka Tapia. And I have lived in this  
10 community for more than 20 years.

11 ASSEMBLY MEMBER MCENENY: Who's space is  
12 that that you were taking?

13 MS. YUDELKA TAPIA: Cecilia Baez--the  
14 one that--the name that you called.

15 ASSEMBLY MEMBER MCENENY: Oh, okay--

16 MS. TAPIA: [Interposing] She's actually  
17 working; she couldn't be here.

18 ASSEMBLY MEMBER MCENENY: Sure.

19 MS. TAPIA: When I came today, the list  
20 was up to the 70 numbers.

21 ASSEMBLY MEMBER MCENENY: Sure.

22 MS. TAPIA: And I also have to go to  
23 work.

24 ASSEMBLY MEMBER MCENENY: Yeah.

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2 MS. TAPIA: And I didn't want to miss  
3 the opportunity to--

4 ASSEMBLY MEMBER MCENENY: [Interposing]  
5 Yeah, very good.

6 MS. TAPIA: --testify today.

7 ASSEMBLY MEMBER MCENENY: Okay.

8 MS. TAPIA: So I took her space. But my  
9 name is Yudelka Tapia. I am the elected district  
10 leader for the District 86, and a resident of the  
11 33rd district. And I've been living in this  
12 community for more than 20 years. And I've been  
13 a community advocate for the more than 20 years  
14 that I've been living in the Bronx. And I thank  
15 you for the opportunity to address you, regarding  
16 covering the current district impasses.

17 We understand that one of the biggest  
18 issues facing this Task Force is to ensure the  
19 Latina populations are well represented in all  
20 levels of government. Despite the status as the  
21 largest minority group in the United States,  
22 Latinos are dramatically under-represented in  
23 elected office. Although approximately 50  
24 million Latinos in the United States live, making

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2 up 17% of the nation's population, out of 535  
3 members of Congress, only 28--5% is Latino. This  
4 pattern of under-representation extends to the--  
5 to the state level also. In New York, only 2 out  
6 of 29 Congressional seats are Latino. A very  
7 small percentage of the Senate and the Assembly  
8 are Latino.

9 We are grossly underrepresented at all  
10 level in New York. The redistricting process  
11 forces this Task Force the opportunity to create  
12 at least one additional congressional district,  
13 where our community can elect a candidate of our  
14 choice. Such map would unite the communities of  
15 Washington Heights and the Bronx, and provide us  
16 the opportunity of a Latino majority district. I  
17 ask that you consider giving us this map. Thank  
18 you very much.

19 SENATOR NOZZOLIO: Thank you. Before  
20 calling our next witness, we'd like to  
21 acknowledge the presence of the Honorable Bill  
22 Perkins, New York State Senator. Senator, it's  
23 very good to see you. And thank you for  
24 attending today's proceedings. As a courtesy to

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2 our elected officials, if you would like to speak  
3 now or at some other time at this proceeding,  
4 please let us know. Good to see you, Bill.

5 ASSEMBLY MEMBER MCENENY: Thank you.

6 Wilson Terrero?

7 WILSON TERRERO: Good morning. This is  
8 not going to be the first time you're going to be  
9 hearing from me, if you go to Westchester County.  
10 Good morning everyone, elected officials, members  
11 of the Task Force. My name is Wilson Terrero,  
12 I'm a council member of the city of Yonkers,  
13 representing the second council district. I live  
14 at Ox Street, Yonkers, New York. Thank you for  
15 the opportunity to address this body regarding  
16 the redistricting process.

17 We understand that your job is to adjust  
18 the lines of the New York State Legislature, as  
19 well as the Congress. To comply with one person,  
20 one vote requirement, for fair representation in  
21 all legislative bodies. It is evident, based on  
22 the census figures, that the biggest task facing  
23 this Task Force in its attempt to provide fair  
24 and accurate representation to all New Yorkers,

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2 it is the drawing of a number of additional  
3 Congressional and Senatorial majority Latino  
4 districts that will reflect the explosion of  
5 Latino population in New York. You have the  
6 challenges of insuring that Latinos are  
7 accurately and fairly reflected in this  
8 legislature.

9 Drawing the legislative maps with  
10 majority Latino population should be simple. One  
11 only has to look at the map to see where Latinos  
12 are concentrated. One congressional district,  
13 including the population of Washington Heights,  
14 the Bronx, the Yonkers--stands out.

15 I request that this Task Force give us  
16 such district that it brings together those--  
17 these communities of interest who share places of  
18 worship, shopping malls, places of work, and  
19 socio-economic interest, and allow us--and allow  
20 us to elect a candidate of our choice. Thank you  
21 for your time and consideration.

22 ASSEMBLY MEMBER MCENENY: Thank you very  
23 much, Councilman. Paola Martinez. Good morning.

24 PAOLA MARTINEZ: Good morning. Good

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2 morning, members of the Task Force. My name is  
3 Paola Martinez, and I live at 2289 5th Avenue,  
4 Apt 2S, New York, New York, 10037. I thank you  
5 for the opportunity to address this body  
6 regarding the current redistricting process.

7 I request that in drawing the new  
8 legislative districts in the state of New York,  
9 you can see that the rapid growth of the Latino  
10 population, the emergence of Latinos as the  
11 largest minority in the state, as per 2010  
12 census--requires the creation of majority Latino  
13 districts, or Latino opportunity districts that  
14 will allow us to elect candidates of our choice  
15 in numbers commensurate with our population.

16 I submit that in drawing the new  
17 legislative maps, you do not look at the  
18 residence of incumbents, or at the party makeup  
19 of these streets, or attempt to manipulate the  
20 numbers of districts for any party, or to secure  
21 unwarranted privileges of Legislative membership  
22 for yourself or others. For the lines to be  
23 fair, you must be blind to incumbents, party  
24 membership, and adhere to sensible standards.

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2 I ask you to give--I ask you to give us  
3 a map, that joining the Latino population of  
4 Washington Heights and the Bronx, provide us with  
5 the opportunity of electing a congress member of  
6 our choice, by giving us a majority Latino  
7 district. Thank you.

8 ASSEMBLY MEMBER MCENENY: Thank you very  
9 much. Idelsa Mendez?

10 IDELSA MENDEZ: Good morning, members of  
11 the Task Force, my name is Idelsa Mendez and I  
12 live on 430 East 138th Street. I thank you for  
13 the opportunity to address you regarding the  
14 redistricting process.

15 The redistricting process has historic--  
16 historically protected incumbents including  
17 carving down competitive incumbent's homes out of  
18 the districts, and discouraging competition in  
19 the electoral process. The 2010 election, New  
20 York State had one of the lowest rates of voters'  
21 participation in the nation, as voters have  
22 become disenfranchised with the process. And  
23 part of it has to do with the redistricting  
24 issue.

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2 Reapportionment only comes once in a  
3 decade. And the public perception regarding  
4 redistricting is that New York legislators choose  
5 their voters. This commission is the only  
6 legally mandated process at this time, and I  
7 appreciate that this is a very complex process,  
8 that there is a lot that you have to consider.

9 I am requesting that in the end you make  
10 the right judgment calls and maybe voters will -  
11 - representation by voting. Latino voters and  
12 population of New York clamor for fair  
13 representations, for the conditions to be created  
14 that mean elect candidates of our choice.

15 Our growth calls for congressional  
16 district joining our Washington Heights and Bronx  
17 community, that will lead to the election of a  
18 Latino Congress member. We have only two out of  
19 29 Congress members; 19% of the population should  
20 have five. I ask the Task Force to uphold the  
21 spirit of the 1965 Voter Right Law, that we might  
22 have just representation. Thank you.

23 ASSEMBLY MEMBER MCENENY: Thank you very  
24 much.

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2 ASSEMBLY MEMBER LOPEZ: Let me ask you a  
3 question.

4 ASSEMBLY MEMBER MCENENY: Yes. Ray?

5 ASSEMBLY MEMBER LOPEZ: Okay, let me ask  
6 you a question. Are you going to be submitting a  
7 plan or a map of the district?

8 MS. MENDEZ: Yes, we are in the process  
9 of submitting the map as well.

10 ASSEMBLY MEMBER LOPEZ: Yeah, I  
11 encourage everybody that when they come and speak  
12 and talk about a hope that they can, you know, do  
13 it, all right?

14 MS. MENDEZ: Oh, okay.

15 ASSEMBLY MEMBER LOPEZ: Thank you.

16 MS. MARTINEZ: Thank you.

17 ASSEMBLY MEMBER MCENENY: Thank you.

18 Rafaela Zapata?

19 RAFAELA ZAPATA: Good morning. Before I  
20 start, I would like to make an observation. I  
21 think--I see that it is a gender disparity in  
22 your Task Force. We need more women representing  
23 our communities.

24 My name is Rafaela Zapata and I live in

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2 East 149th Street in Yonkers. I thank you for  
3 the opportunity to address you regarding the  
4 current redistricting process.

5 I ask you today that in carrying out  
6 your duties, you avoid pitfalls of the last  
7 redistricting process in 2010, and produce maps  
8 that will accurately and fairly reflect the New  
9 York population and allow just representation.  
10 That at the end of the process we, the people,  
11 don't come to you and rightly accuse you of  
12 having manipulated the system that the Assembly  
13 can be dominated by one faction, of having us  
14 crush the voices of the people, of having reached  
15 the Senate district so that it is controlled  
16 through numeric and demographic trickery, of  
17 having protect incumbents that at the expense of  
18 the challengers and citizens, of having hacked up  
19 social communities in favors of political  
20 boundaries, of having failed to keep communities  
21 of interest together, and diluting the  
22 communities voice.

23 I ask that at the end of the process, we  
24 can come to you and say thank you for doing your

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2 job well. And making the interest of our  
3 community a priority. I ask you to give us at  
4 least one additional majority Latino  
5 congressional district, containing the Latino  
6 communities of Manhattan and the Bronx, that we  
7 might be fairly represented.

8 I ask that--I ask that you uphold the  
9 Voters Rights Act for my community. And as our  
10 president says--and I want--I would like you to  
11 take this into consideration. If the Latino  
12 community falls behind, this whole country--the  
13 United States, will fall behind. Thank you.

14 ASSEMBLY MEMBER MCENENY: Thank you.  
15 Jose Cruz [phonetic]? Jose Cruz? Miguel Santana  
16 [phonetic]? Miguel Santana? Valentine Silvario  
17 [phonetic]? Valentine Silvario? Marita Del  
18 Torro [phonetic]? Marita Del Torro? Marita Del  
19 Torro? Eduardo Hopelman? Eduardo Hopelman.  
20 Good morning.

21 EDUARDO HOPELMAN: Good morning,  
22 everyone. Good morning. For the members of the  
23 Task Force, my name is Eduardo Hopelman. I live  
24 on 24 Cooper Street in Manhattan, and I would

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2 like to thank you for the opportunity to address  
3 you regarding the current district--

4 ASSEMBLY MEMBER MCENENY: [Interposing]  
5 Excuse me, I'm having hearing--would you move the  
6 mic now so it's more directly pointed at you?  
7 There you go, okay.

8 MR. HOPELMAN: Okay, thank you.

9 ASSEMBLY MEMBER MCENENY: That's better.  
10 Would you start over, please?

11 MR. HOPELMAN: I thank you for the  
12 opportunity to address regarding the current  
13 district process. I am requesting that you take  
14 into consideration the following information  
15 while drawing the new maps.

16 The U.S.--the U.S. census 2010 reported  
17 an increase in Latino population, 15.2 millions  
18 from 2000 to 2010. This means more than half of  
19 the total growth of U.S. population--27.3  
20 millions, the country's population increased by  
21 9.7% while the Latino population increase for  
22 43%.

23 In the state of New York, the Latino  
24 population increased three million. We're at

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2 136,718 or 18.2%. In the total population,  
3 Latinos are 20% of the New York City population  
4 and the majority in the Bronx.

5 According to the U.S. Constitution, the  
6 Constitution of the state of New York, the newly  
7 elected district to reflect this, among other  
8 things. This Task Force has the mission to draw  
9 a district according to 1965 Voter Rights Act,  
10 guaranteeing fair and just represented--  
11 representation to communities of interest.

12 According to the percents of the Latino  
13 population in New York, there should be five  
14 Latino Congress members. - - and 21 Assembly  
15 members. I ask that you create at least one  
16 additional Congressional district uniting the  
17 communities of Washington Heights, Inwood, the  
18 Bronx, and Yonkers. That may be--that may elect  
19 a candidate of our choice. Thank you.

20 ASSEMBLY MEMBER MCENENY: Thank you.  
21 Suzie Lazada [phonetic]? Suzie Lazada? Yeah,  
22 yeah, I will. Reverend Bill Mizell?

23 SENATOR NOZZOLIO: Reverend, excuse me.  
24 Before you speak, if I'd ask those people in the

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2 back of the room to take conversations outside.

3 Please do not--please show respect for those that  
4 are speaking. Any conversations, please take  
5 them outside the door.

6 BILL MIZELL, REVEREND, BRONX/WESTCHESTER  
7 CLERGY: Thank you. Good aft--good morning, my  
8 name is Reverend Bill Mizell. I'm an Associate  
9 Pastor of Congregation of Care, Grace Baptist  
10 Church in Mount Vernon, New York. I represent a  
11 coalition of clergy from the Bronx and southern  
12 Westchester that have come in favor of the  
13 rewarding--redrawing of the 15th Congressional  
14 district, to represent northern Manhattan, the  
15 Bronx, and southern Westchester county.

16 The redistricting of the 15th  
17 Congressional district has a common thread that  
18 reflects the population with the common interest  
19 and the constituency for the advancement of  
20 minority representation in Congress as well as in  
21 the district. The 15th Congressional district  
22 that is being proposed by the Bronx in southern  
23 Westchester Clergy Coalition has been redrawn to  
24 reflect those who share a common economic,

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2 communal, cultural and political interest.

3 As clergy, many of our members move back  
4 and forth between Westchester County, the Bronx,  
5 and northern Manhattan, for worship, shopping,  
6 food, family, and other important goods and  
7 services. The mobility of the family and  
8 community residents from Harlem and Manhattan to  
9 the Bronx, and Mount Vernon and New Rochelle in  
10 Westchester County is not new. The movement has  
11 been consistent for decades and neighborhoods  
12 continue to maintain close ties.

13 The redrawing of the 15th Congressional  
14 district would bind these historical ties and  
15 give more political leverage and future  
16 connection to those who are already community and  
17 culturally related. As a member of the clergy, I  
18 can personally testify that there is a strong  
19 connection with clergy in Manhattan, the Bronx  
20 and Westchester count--County. We share pulpits,  
21 common values, and communal interests that uphold  
22 our community in the interest of those we serve.

23 It is not uncommon in New York State-  
24 wide races for clergy in Manhattan, the Bronx,

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2 and Westchester County, to coalesce on issues of  
3 interest in regards to crime and balance, housing  
4 and education, youth and seniors. The economic  
5 and housing makeup in the proposed districts of--  
6 is of similar value for many of our church  
7 members. They range from single family homes to  
8 high rise Mitchell-Llama buildings. Many of our  
9 members that make up these districts range from  
10 poor to middle class--hardworking families. They  
11 come to worship with similar concerns for their  
12 community, their jobs, and their children.

13 As clergy, we have answered the call to  
14 speak for the vi--voiceless and uplift the  
15 broken. And this--and these quality of life  
16 issues that have been raised in the past by  
17 clergy for residents, that there are similar  
18 anxieties when it comes to housing and jobs.

19 Throughout the proposed district from  
20 Manhattan to Mount Vernon, residents want to  
21 maintain the safety of the community and security  
22 of their family, and live comfortably without the  
23 threat of national cuts to assistance in housing,  
24 education, medical care, and only through fair

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2 representation can we assure that these services  
3 could--services and goods will be maintained.

4 The 15th congressional district being  
5 proposed is one of many districts that legally  
6 require minority representation. The boundaries  
7 being proposed in the 15th Congressional district  
8 allow for minority repress--representation where  
9 there has not been an African American  
10 congressional representative in the Bronx and  
11 Westchester.

12 The redistricting would allow for fair  
13 representation for the mainly African Americans--  
14 the many African Americans that reside in these  
15 neighborhoods of common interest. Therefore, the  
16 congressional district being proposed would not  
17 only be impartial but historical.

18 The Bronx and Westchester County Clergy  
19 Coalition also support fair representation for  
20 the 14th and 16th congressional districts, where  
21 the Latino population has grown over the last ten  
22 years. In conclusion, we would like to reiterate  
23 the importance of a minority district with people  
24 who have shared and continue to share common

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2 political, social, cultural interests. The  
3 redistricting of the 15th Congressional district  
4 will not only bring those interests together  
5 politically, but impartially and historically for  
6 the next ten years.

7 I'm sure the committee agrees that fair  
8 representation is the goal of redistricting. And  
9 we should do all we can to make it possible.  
10 That makes--this plan makes it possible.

11 Attached you will find a copy of the  
12 proposed map with the 15th Congressional  
13 distance--district that the Bronx and southern  
14 Westchester County Clergy Coalition is  
15 supporting. I thank you for your time and  
16 consideration in this matter.

17 ASSEMBLY MEMBER MCENENY: Reverend,  
18 thank you for your testimony. And we  
19 particularly appreciate a map being submitted as  
20 well. The district that's been proposed by  
21 several speakers, is one that would go from  
22 Washington Heights up through the--up to Inwood  
23 and through the west Bronx and then up. And I  
24 wonder what section--are you talking southwest

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2 Yonkers as well? Because you say southern  
3 Westchester County, or going over to Mount  
4 Vernon?

5 REVEREND MIZELL: Mount Vernon. I was  
6 speaking specifically about Mount Vernon.

7 ASSEMBLY MEMBER MCENENY: Would you need  
8 southwest Yonkers as well, to hit the map?

9 REVEREND MIZELL: No.

10 ASSEMBLY MEMBER MCENENY: Just Mount  
11 Vernon.

12 REVEREND MIZELL: Yes.

13 ASSEMBLY MEMBER MCENENY: Okay, thank  
14 you very much. Luis Facundo. Good morning.

15 LUIS FACUNDO: Good morning. Mr.  
16 Chairman, members of the Task Force, my name is  
17 Luis Facundo and I live at 425 West 205th Street,  
18 New York City. I am also doing business in  
19 Yonkers and the Bronx. Thank you for the  
20 opportunity to address you regarding the  
21 redistricting process.

22 I am here to represent the thousands of  
23 people that do not know today the importance of  
24 this hearing. We understand that your job is to

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2 adjust the lines of the New York State  
3 Legislature, as well as the Congress, to comply  
4 with one person, one vote requirements for the  
5 fair representation in all legislative bodies.

6 It is evident, based on the census  
7 figures, that the biggest task facing this Task  
8 Force is an--is an attempt to provide fair and  
9 accurate representation to all New Yorkers. It's  
10 drawing of a number of additional congressional  
11 and senatorial majority Latino districts that  
12 will reflect the explosion of Latino population  
13 in New York.

14 You have a challenge of ensuring that  
15 Latinos are accurately and fairly reflected in  
16 its legislature. Drawing legislative maps with  
17 min--minority Latino population should be simple.  
18 The populations of Washington Heights, the Bronx,  
19 and Yonkers, for example, make a complete and  
20 contiguous map that joins community with many  
21 commonalities. They share shopping centers,  
22 churches, places of work. They should also  
23 share the members of Congress who represent it.

24 I request that this Task Force give such

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2 district that it brings together these  
3 communities of interest and allows us to elect a  
4 candidate of our choice.

5 Members of the Task Force, take for  
6 example the B-line bus service and the number one  
7 train. If you get in on the number one and run  
8 to 240nd street, and then you take the B-line to  
9 Carroll Avenue, you will notice the commonality  
10 of working class families, all together. As a  
11 difference, sometime when it's rain, a lot of  
12 these individuals get wet because a lack of  
13 protection from the elements. These are the  
14 points important.

15 We know what maps and geographic  
16 information has done to the process, but we're  
17 talking about people. For that reason, I ask and  
18 request to you--this body, which should respect  
19 the drawing of a legislative map with a majority  
20 Latino population. It should be simple. We are  
21 the labor force of the future of America. Thank  
22 you.

23 ASSEMBLY MEMBER MCENENY: Thank you very  
24 much. Marieta Estrella [phonetic]? Marieta

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2 Estrella? Miriam Morales [phonetic]? Miriam  
3 Morales? Facundo Knight [phonetic]? Facundo  
4 Knight? Francesca Pena [phonetic]? Francesca  
5 Pena? Brian Paul? Good morning. I would point  
6 out that if you're speaking out on behalf on  
7 Common Cause, that we have heard the message a  
8 number of times and would like to hear  
9 particularly anything that you want to add to  
10 that message.

11 BRIAN PAUL, RESEARCH AND POLICY  
12 COORDINATOR, COMMON CAUSE NEW YORK: Yes, good  
13 morning. Yes, I'll be offering specific  
14 testimony regarding the Bronx this morning.

15 SENATOR NOZZOLIO: I should add for the  
16 record that we saw you yesterday.

17 MR. PAUL: Yes.

18 SENATOR NOZZOLIO: And that I--

19 MR. PAUL: [Interposing] And will be at  
20 every hearing.

21 SENATOR NOZZOLIO: --look forward to the  
22 new developments that you're bringing to the  
23 table since yesterday.

24 MR. PAUL: Okay, thank you. Well, we'll

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2 be at every hearing in New York City, offering  
3 specific analysis for each borough. So thank you  
4 again for allowing me to testify.

5 My name is Brian Paul and I'm the  
6 Research and Policy Coordinator for Common Cause  
7 New York. As we've previously testified at other  
8 hearings, we continue to support redistricting  
9 reform and independent redistricting. And we'd  
10 also like to thank the Task Force for moving  
11 forward with its compliance with Chapter 57, of  
12 the laws of 2010 in a transparent manner, at the  
13 hearing yesterday.

14 For today's hearing in the Bronx, I will  
15 focus on providing an overview of the demographic  
16 changes in the borough and analysis of some  
17 issues with current district lines in Congress  
18 states--and Assembly. And as always, a more  
19 complete analysis is available online on our  
20 mapping democracy blog at  
21 [www.citizensredistrictny.org](http://www.citizensredistrictny.org).

22 Do you all have copies of the maps I've  
23 provided? Okay. Just to begin, you've gotten  
24 the neighborhood map from other folks. I'll skip

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2 over that. The neighborhoods of the Bronx are a  
3 complex mosaic. They range from dense urban  
4 concentrations to areas of single family homes  
5 that are essentially suburban in character.

6 While south and central Bronx is densely  
7 urban, Wakefield and the north of the borough is  
8 middle density and Riverdale in the northwest and  
9 some neighborhoods in the eastern half are  
10 essentially lower density suburbs as map two  
11 population density illustrates.

12 And there are some major socio-economic  
13 differences between certain areas of the borough.  
14 The south and central Bronx are much more densely  
15 populated and majority lower income tenants who  
16 work in blue collar and service sector jobs,  
17 compared to the more middle income east Bronx and  
18 the more affluent area of Riverdale in the  
19 northwest.

20 Overall the population of the Bronx grew  
21 by almost 4% since 2000 and this growth has been  
22 concentrated in the south central Bronx.

23 Neighborhoods that grew the most were Morrisania,  
24 and Crotona Park area. So in every region where

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2 we've looked at the factors driving population  
3 growth in New York State, we've found that it has  
4 been growth in the minority and immigrant  
5 communities that has helped boost the population,  
6 as others have testified today.

7 In the Bronx, the non-Hispanic white  
8 voting age population decreased by more than  
9 35,000, or 21%. And this pattern of white  
10 population decline in historically white majority  
11 neighborhoods in the outer areas of the borough  
12 is the same pattern that we've seen in Queens and  
13 we'll see in Brooklyn as well. It's a pattern  
14 that holds city-wide.

15 In contrast to the white population  
16 decline, non-Hispanic black voting age population  
17 of the Bronx grew by almost 20,000 or roughly 7%.  
18 But even more significantly, it has been growth  
19 in the Hispanic community, as many have said  
20 today, that has really boosted the borough's  
21 population. The Hispanic voting age population  
22 of the Bronx grew by close to a 100,000  
23 individuals in the last ten years, or almost 23%.  
24 The Bronx is now a majority Hispanic borough,

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2 with Hispanics accounting for over 51% of the  
3 voting age population.

4 One--if you look at map 9 in my  
5 testimony, one interesting pattern that reveals  
6 itself on a map of Hispanic population change in  
7 the last ten years, is the relative decline of  
8 the Hispanic population in Washington Heights and  
9 Manhattan, compared to strong growth in adjacent  
10 communities of the Bronx. And since these  
11 figures indicate that almost 19,000 Hispanics  
12 left Washington Heights since 2000, and there  
13 seems to be a movement into the Bronx of the  
14 Dominican population.

15 Unlike the situation we discussed  
16 yesterday, with the Asian population of Queens,  
17 for the most part--a Hispanic population in the  
18 Bronx, especially when you compare it to the  
19 situation in Queens with the Asian community, is  
20 much better represented by existing lines.

21 Regarding Congress and the State Senate,  
22 however, there are a few specific issues that  
23 should be looked at. The Bronx is currently  
24 divided between three congressional districts.

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2 Of these districts, only district 16 is entirely  
3 contained within the borough, encompassing the  
4 core of the south and central Bronx, with a solid  
5 Hispanic majority.

6 District 7 joins the east Bronx with a  
7 small area of Queens in the Elmhurst-Corona area.  
8 And while we object to the current line of that  
9 district in the Queens portion, the idea of  
10 dividing the Bronx between the south and central  
11 areas and the east, generally makes sense based  
12 on distinct socio-economic demographics.

13 As others have noted today, district 17  
14 is highly problematic, however. This district  
15 currently combines the black communities of the  
16 north Bronx and Mount Vernon with Riverdale, and  
17 then in a shape that snakes up the Hudson River  
18 to cross into Rockland County. Instead of  
19 following this strange gerrymandered shape, this  
20 district could instead join the north Bronx with  
21 the towns and cities of southern Westchester,  
22 including Yonkers, New Rochelle, Mamaroneck, and  
23 then going up the Long Island Sound to  
24 Portchester.

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2 And that district in that shape would be  
3 much better aligned with demographic  
4 commonalities, geographical common sense, and  
5 communities of interest.

6 In the State Senate, the Bronx is  
7 currently divided between six districts, four of  
8 which are a Hispanic majority, one of which is a  
9 black majority. While districts 28, 32, 33 are  
10 relatively compact, districts 31, 34, and 36 are  
11 some of the most oddly meandering districts in  
12 the state right now.

13 District 31 extends from Washington  
14 Heights and Riverdale far down into the upper  
15 west side along the Hudson River in a shape that  
16 actually cuts out many individual blocks from  
17 their surrounding neighborhoods. Now these lines  
18 were drawn ten years ago as a political  
19 gerrymander, and should be repaired in the new  
20 cycle. District 31 could remain based in  
21 Washington Heights, but should perhaps be joined  
22 with neighborhoods across the river and the  
23 Bronx, where the Dominican population has been  
24 growing. If this were done, there is still

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2 plenty of room for districts 28, 31, 32, and 33  
3 to remain based in the south and central Bronx  
4 areas.

5 If the section that is currently cut out  
6 and joined with district 36 were redistributed to  
7 these districts instead, this extension of  
8 district 36 from the north Bronx into this area  
9 violates many of the basic principles of good  
10 government redistricting, as it extends in a non-  
11 contiguous shape that blatantly divides  
12 neighborhoods. More areas of the north Bronx and  
13 Mount Vernon could be added to that--the  
14 rectangular core of district 36 to make up for  
15 the population loss.

16 Similarly, we leave that the inclusion  
17 of Fordham University area, into state district  
18 34, rather than one of the districts based on the  
19 central Bronx, is also misguided. And as Senator  
20 Rivera testified about neighborhood anchors, I  
21 think that neighborhood anchor belongs in a  
22 central Bronx-based district.

23 In the State Assembly, we've also heard  
24 someone testify about the division of Norwood,

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2 and that's the basic issue with the assembly  
3 districts right now, divided into three.

4 District 80 snakes over from the east  
5 across the park and in an unnecessary shape that  
6 could easily be avoided.

7 And in closing, I'd like to thank you  
8 once again for the opportunity to testify, and  
9 express my hope that you will seriously consider  
10 the information presented in this testimony, and  
11 the many testimonies of the local Bronx residents  
12 and elected officials offered here today, thank  
13 you.

14 ASSEMBLY MEMBER MCENENY: Thank you.

15 SENATOR NOZZOLIO: Thank you.

16 Discussions are helpful. Are you planning to  
17 submit maps for proposed districts?

18 MR. PAUL: Yes, we will be submitting  
19 maps for the complete state, all levels--probably  
20 in about a month from now, I would say.

21 SENATOR NOZZOLIO: I'm sorry, I couldn't  
22 hear you.

23 MR. PAUL: Early October.

24 SENATOR NOZZOLIO: Early October.

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2 That's terrific, because this gives us a chance  
3 to discuss the time frame that the--there are a  
4 number of forces that are requiring the earlier  
5 than later establishment of lines to be proposed  
6 for the public scrutiny and the review of the  
7 legislature. So thank you for your participation  
8 and I encourage further input.

9 MR. PAUL: All right, thank you very  
10 much.

11 SENATOR NOZZOLIO: The Honorable Cynthia  
12 Cox?

13 ASSEMBLY MEMBER MCENENY: Actually--  
14 before you start, please, Ms. Cox, I want to say  
15 that Assembly member Dinowitz is here, and we're  
16 happy to see him.

17 HONORABLE CYNTHIA COX: Good morning,  
18 okay. Good morning.

19 ASSEMBLY MEMBER MCENENY: Good morning.

20 HONORABLE COX: I am the Honorable  
21 Cynthia Cox. I am very pleased to be here. I am  
22 an elected district leader of the 79th Assembly  
23 district, located in the Bronx. I reside in 800  
24 Concourse Village West, the Bronx, New York,

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2 which is known as Concourse Village. Concourse  
3 Village is--has over 1800 corporate units.

4 I am here to testify before you that New  
5 York State's Legislative task was for demographic  
6 research and reapportionment. As an elected  
7 public official, I offer you the testimony for  
8 this region to have the lines established at the  
9 Senate, Assembly, and Congress level. As elected  
10 judicial leader, what would you like to see  
11 structured as an appropriate representation line  
12 for these legislation bodies, namely the Senate,  
13 Assembly, and the Congressmen. Exactly what your  
14 attorney has stated.

15 We have drawn individual maps--will be  
16 submitted, with our recommendation on how the  
17 lines should be drawn for the Senate, Assembly  
18 and Congressmen. I strongly support our maps and  
19 recommendation, because this is the best way for  
20 our community to enjoy a better life. It's the  
21 best way to have a safe life for themselves and  
22 their families.

23 All the corporate of--owns of--at  
24 Concourse Village makes a vital contribute to our

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2 economic and our culture. They pay taxes, vote,  
3 every primary and general election. It's unfair  
4 to decrease the election represent--  
5 representation in the Senate, the Assembly, and  
6 the Congress. As our--as our representation is  
7 decreased, it will cause a severe hardship and  
8 burden on our community, especial our senior  
9 citizen, our youth, our single parents, our  
10 unemployed, our working families, and our  
11 neighbors who are struggling with their major  
12 sicknesses.

13 It is unfair to deny access to decent  
14 health care and basic human needs. It's only  
15 fair to draw the lines the way we recommend it.  
16 If the Assembly and Senate district under--  
17 underrepresentation, our community will suffer.  
18 Our probable need will be overlooked and not  
19 addressed until they have become big problems--  
20 more severe and difficult to solve. This is the  
21 results of increased costs. The increased costs  
22 will be passed onto the rest of the higher ta--  
23 higher taxes, less services, benefits to the  
24 community.

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2 Finally, because of the state, our  
3 economy is also the right thing to do. I urge  
4 you to support the lines and maps we have drawn  
5 for the legislative body of the Senate, the  
6 Assembly, and the Congress. Please support our  
7 recommendation.

8 Thank you for your attention to this  
9 important issue, and thank you for your  
10 commitment to the healthier representation,  
11 economic survival in all of the Bronx.  
12 Respectfully submitted, the Honorable Cynthia  
13 Cox, thank you.

14 ASSEMBLY MEMBER MCENENY: Thank you very  
15 much. Do you have maps that you're submitting?

16 MS. COX: Yes.

17 ASSEMBLY MEMBER MCENENY: Okay, thank  
18 you, that's important. We'd like to receive  
19 them, during September if possible. John Garcia?  
20 John Garcia. Fernando Terado [phonetic]?  
21 Fernando Terado? Carmen Acosta? Good morning.

22 CARMEN ACOSTA, ASSOCIATION MUJERES  
23 PROGRESISTAS: Good morning, members, official--  
24 elected officials of the state of New York. My

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2 name is Carmen Acosta, and I represent the  
3 Association de Mujeres Progresistas, translated--  
4 the Association of Progressive Women. I am the  
5 secretary of that organization. And I stand  
6 before you because I believe that this is a very  
7 important issue for our community. Again, thank  
8 you for inviting the community to this hearing.

9 Unfortunately, many who would like to be  
10 here, that would not miss this opportunity--  
11 cannot be here because they are working, making  
12 ends meet, and keeping a roof over their family's  
13 head. It is the hope of the community that a  
14 hearing be scheduled during working hours and  
15 prefer--probably in Washington Heights area.

16 ASSEMBLY MEMBER MCENENY: During working  
17 hours or after working hours?

18 MS. ACOSTA: After working hours--off-  
19 working hours.

20 ASSEMBLY MEMBER MCENENY: What time  
21 would you like to see that begin?

22 MS. ACOSTA: I'd say between 7:00, 9:00,  
23 6:00, 8:00--those hours.

24 ASSEMBLY MEMBER MCENENY: If it was

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2 yesterday's hearing in Queens, add seven hours to  
3 7:00 at night, and you'll find out when you'll  
4 get out.

5 MS. ACOSTA: And we could be here all  
6 night, too. That--that's important--this is an  
7 important issue for us, and I don't think that  
8 anyone would be, you know--

9 ASSEMBLY MEMBER MCENENY: [Interposing]  
10 Unless they had child-raising responsibilities  
11 and the babysitter had to get to school.

12 MS. ACOSTA: What I believe is that  
13 there are work--a work-able time frame that  
14 community can be here to participate. And I  
15 think that should be looked into--very important  
16 for us.

17 We're working people and--you know, we  
18 have those responsibilities as well, but we also  
19 like to be engaged civically--particularly in  
20 these kinds of meetings. So the Association of  
21 Women Progresista is a community-based  
22 organization that serves the communities of  
23 Washington Heights, Hamilton Heights, and Inwood.  
24 But I'm not limited to those areas of--and they

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2 serve in the areas of health care, education,  
3 immigration, and issues of domestic violence.

4 Our programs--AMP's programs are family  
5 focused and uniquely tailored to the needs--and  
6 very mindful of the time limitations of working  
7 women, head of household, and their children.

8 Congressional district 15 contains the  
9 areas that we serve. But for the past ten years,  
10 AMP has seen many of our participating families  
11 move to the adjacent neighborhoods of Highbridge,  
12 Kingsbridge, Marble Hill, and other parts of the  
13 northwest Bronx. Nevertheless, these families  
14 remain loyal to the programs that AMP offers,  
15 such as Dancercize, Play Streets--Clear  
16 [phonetic] programs to help combat childhood  
17 obesity. We welcome their participations in  
18 special events, in commemorating the Three Kings  
19 Days and midsummer Health Fair programs.

20 Families from across the Bronx come and enjoy AMP  
21 staple of activities and many other special  
22 projects that are both educational and enriching.

23 As part of its commitment, AMP will  
24 continue to help women and their families take

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2 advantage of services that are available within  
3 the district's seamless borders. The new  
4 district should reflect elements of a desirable,  
5 well-rounded, balanced block of Hispanic voters.  
6 It will unite social, cultural, racial, ethnic,  
7 and economic interests in that area.

8 Without a doubt, we'll be the subject of  
9 discussion and consideration in the next  
10 legislative session in Congress. Most  
11 importantly, reapportionment of the--of the  
12 congressional district 14, 15, and 16 will be  
13 significant and a necessity for several reasons.

14 One, the 2010 statistics of the census  
15 shows that there's a growing number in those  
16 districts of Hispanics. So that one Congressman--  
17 --Jose Serrano, which does a wonderful job, is not  
18 sufficient to fill the void and the challenges  
19 that lie ahead.

20 There are commonalities of issues, that  
21 affect the community, in education, economic  
22 opportunity, health and welfare, which demand  
23 more representatives, rather than less, with  
24 skills that can handle the increase in volume and

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2 culturally sensitive nature of the issues and the  
3 needs.

4 The shifting population of displaced  
5 tenants--its composition that is made up of a  
6 pattern of women who are single head of  
7 household, and a pattern of mobility that  
8 indicates that these diverse group of Hispanics  
9 are bidding for resources, that are  
10 interconnected. And that crisscross territories--  
11 northern Manhattan and northwest Bronx.

12 Act--activist Hispanic leaders have  
13 matured politically. And more than ever, are  
14 prepared for full civic engagement at the federal  
15 level of government. Our youngsters want to go  
16 to Washington D.C. to proclaim their rightful  
17 place at the table where decisions are being made  
18 about their future.

19 AMP has a duty again to support the  
20 redistricting efforts of the Coalition for Fair  
21 Representation. And we'll be remiss if we did  
22 not advocate for those families who are looking  
23 to have their voices heard in Congress. AMP  
24 believes that due to its natural progression, the

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2 reapportionment will be carved out in ways that  
3 include maximum cohesiveness of interest, and  
4 emerging political prowess among new immigrant  
5 voters that are contained in the areas of  
6 northern Manhattan and the northwest part of the  
7 Bronx.

8           There's a big presence of Hispanic  
9 families--on both sides of the I-87 corridor, who  
10 can be better served by an increase of elected  
11 officials that have lived the Hispanic  
12 experience. For these reasons stated above,  
13 Association de Mujeres Progresista supports the  
14 present proposal to redraw the lines as it is in  
15 the map submitted by the Coalition for Fair  
16 Representation. Reapportionment, where fair  
17 representation is achieved, is long overdue in  
18 our community. Thank you very much.

19           ASSEMBLY MEMBER MCENENY: Thank you very  
20 much. Fredas Vina Moscosa [phonetic]? Fredas  
21 Vina Moscosa? Aldrin Bonilla? Good morning.

22           ALDRIN BONILLA, EX-CUNY IN THE HEIGHTS:  
23 Good morning, and thank you for your service on  
24 the Task Force. Since much of what I want to say

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2 has been stated, I'll just submit for the public  
3 record--

4 SENATOR NOZZOLIO: [Interposing] Mr.  
5 Bonilla?

6 MR. BONILLA: Yes?

7 SENATOR NOZZOLIO: Could you be so kind  
8 as to pull the microphone closer to you?

9 MR. BONILLA: Yes, so I'll submit for  
10 the public record so as to not repeat and save  
11 some time, but I would like to offer my support  
12 for the redistricting map that represents and  
13 reflects the clear and compelling and growing  
14 community of interest that has taken shape over  
15 the decades in northern Manhattan--the northwest  
16 and west neighborhoods of the Bronx.

17 These neighborhoods roughly comprised of  
18 Washington Heights, Inwood, Marble Hill,  
19 Kingsbridge, Fordham, University Heights,  
20 Highbridge, that are connected through several  
21 key, heavily trafficked and utilized bridges--not  
22 least of which are the 181st Street bridge, 207th  
23 Street bridge, and 225th Street bridge. These  
24 bridges have--these communities, on average, are-

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2 -have more in common with each other than they do  
3 with the rest of their current congressional  
4 districts.

5 A newly redrawn congressional district  
6 that comprises these neighborhoods would align  
7 democratic representation with the demographic  
8 growth in shifts that have accelerated over the  
9 last decade, and reinforced the common lived and  
10 shared reality on the issues around immigration;  
11 housing stock and affordability; public  
12 transportation; road and bridge infrastructure;  
13 river front access and parkland use; small  
14 business job creation; education quality; school  
15 over-crowding and school construction, as well as  
16 non-profit social service agency capacity  
17 building.

18 The pressing and growing common lot of  
19 this community of interest make the  
20 unconventional possible. For example, a large  
21 northern Manhattan based non-profit organization,  
22 such as [foreign audio], being called upon to  
23 manage and operate several programs in the west  
24 Bronx, for youth services, immigration, women's

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2 services, and not least of which the much  
3 heralded mosaic Beacon school.

4 Or vice versa, a Bronx-based institution  
5 of higher learning such as Hostess Community  
6 College [phonetic] being called upon to create an  
7 extension program in Washington Heights-Inwood,  
8 to offer continuing education, licensing, and  
9 professional certificate programs.

10 I am a resident of the Bronx, but I am a  
11 former resident of Washington Heights, like so  
12 many other thousands of people who have made that  
13 transition. Nonetheless, the bridges that I  
14 speak of serve to unite us and coalesce us around  
15 northern Manhattan and the west Bronx. For play,  
16 work, prayer, economic activity and business  
17 activity, this community of interest--we cannot  
18 wait another ten years for the recognition and  
19 respect of this community interest that is  
20 growing and compelling. Let us not sit here ten  
21 years from now and have to then divvy up and  
22 carve up a net loss of two more congressional  
23 seats because people have decided to implement  
24 the teabowl hypothesis, and not vote--but vote

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2 with their feet and go elsewhere. Thank you.

3 ASSEMBLY MEMBER MCENENY: Thank you very  
4 much. Luis Ducos [phonetic]? Luis Ducos? Kenya  
5 Abru [phonetic]? Kenya Abru? Rafael Beaumont?  
6 Good afternoon.

7 RAFAEL BEAUMONT, 161ST STREET: Hi, good  
8 morning--good afternoon, it's after 12:00, yes,  
9 hi. Thank you for this opportunity. This is the  
10 very first time that I'm testifying before a  
11 congressional--legislative body, and I'm very  
12 happy to do so.

13 As a student of political science, I  
14 was--I was always expecting to see the  
15 legislative process in action, and this is the  
16 opportunity for me to see that. I am a member of  
17 a northern Manhattan, west Bronx commission for  
18 fair representation, and as such I am in support  
19 of redrawing the new lines, where a new--a new  
20 conger--congressional district is to be--or  
21 should be--or should be created.

22 I'm not so much interested in the--in  
23 the ethnic composition of any--of any district in  
24 New York. What I'm interested is in the

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2 political process and the legal process to take  
3 its natural or legal process. And that is that  
4 after a particular geographical area acquires a  
5 particular number of residents, according to the  
6 law, a new district or the lines should be  
7 redrawn.

8 And basically that's why I'm here--to  
9 support. That's why I became involved in--in my  
10 organization. And that's one of the things that  
11 I--I'm going to be working for, for the next few  
12 months.

13 I'm an educator. And one of the things  
14 that I explain to my students is that the  
15 American political process is one of the best one  
16 in the world, once--number one--once you learn  
17 how it works, and number two--once you are  
18 committed to it. And that's--and that's the  
19 reason why I'm here. And again, as an educator,  
20 one of the things that I'm planning to do is to  
21 organize workshops within my community to explain  
22 what's going on here so more people can become  
23 involved. And so more people can be--can--make  
24 come before you to urge you to--just to redraw

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2 another district as the law requires.

3 And again--I live in a community,  
4 Washington Heights, that has acquired a number of  
5 residents that are new--that--that according to  
6 the law, a new committee should be--a new  
7 congressional district should be created. And  
8 basically that's what I'm here for.

9 ASSEMBLY MEMBER MCENENY: What do you  
10 teach?

11 MR. BONILLA: I'm sorry?

12 ASSEMBLY MEMBER MCENENY: What do you  
13 teach, you say you're an educator?

14 MR. BONILLA: I teach preparation of  
15 legal documents. I have been doing this  
16 opportunity for the last five years. And I'm  
17 also a legal professional for the last 30 years.  
18 And I have been residing in New--in Washington  
19 Heights for the last 35 years. I was a member of  
20 my community board for seven years. So I'm  
21 really--I'm really committed to my community.  
22 That's why once- I found out that we have reached  
23 that--that number of residents, I'm here to urge  
24 you just to create another district, okay?

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2 ASSEMBLY MEMBER MCENENY: Very good,  
3 thanks. Thank you very much for your testimony.

4 MR. BONILLA: Yeah, thank you for the  
5 opportunity.

6 ASSEMBLY MEMBER MCENENY: Yeah. Ramone  
7 Murphy [phonetic]? Ramone Murphy? Marcia  
8 Garcia? Marcia--ah. Good afternoon.

9 MARCIA GARCIA, CLUB DE LEONES: Good  
10 afternoon, members of the Task Force and elected  
11 official of the State of New York. My name is  
12 Marcia Garcia, and I reside at Washington--I am a  
13 resident of Washington Height and Inwood section  
14 of Manhattan.

15 I am representing the New York Leone  
16 Club, which is a club that has served our  
17 community for many years. And most of the  
18 members reside in this area. I am also a member  
19 of a northern Manhattan and west Bronx Coalition  
20 for Just Representation.

21 I am here today in front of this  
22 commission to request consideration for map  
23 presented by our Coalition to have a  
24 congressional representation. To defend the

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2 interests of our people, we are a minority  
3 community in need of numerous services such as  
4 housing, more school, health care. These  
5 services could be only obtained by having a good  
6 congressional representation from somebody  
7 familiar with our need. That is the reason why  
8 it's so important to us to obtain at least two  
9 congressional seat. I thank you for the  
10 opportunity to have a voice in this important and  
11 much needed process, thank you.

12 ASSEMBLY MEMBER MCENENY: Thank you.

13 SENATOR NOZZOLIO: Thank you.

14 ASSEMBLY MEMBER MCENENY: Father Ricardo  
15 Dajardo [phonetic]? Ricardo Dejardo? Jose  
16 Zabala? Good afternoon.

17 JOSE ZABALA, ZABALAALDIA.COM-181ST  
18 STREET: Buenos dias.

19 ASSEMBLY MEMBER MCENENY: Buenos dias.

20 MR. ZABALA: [Foreign audio]

21 ASSEMBLY MEMBER LOPEZ: Do you  
22 understand?

23 ASSEMBLY MEMBER MCENENY: Yo entiendo  
24 pequito, pero. . .

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2 MR. ZABALA: Okay, [Foreign audio].

3 Okay, my nombre is Jose Zabala. [Foreign audio].

4 ASSEMBLY MEMBER MCENENY: Muchas  
5 gracias.

6 [Applause]

7 ASSEMBLY MEMBER LOPEZ: [Foreign audio]

8 MR. ZABALA: [Foreign audio]

9 ASSEMBLY MEMBER LOPEZ: Basically, what  
10 he testified to--and we apologize for not  
11 translating, but I will do that now. Basically  
12 what he testified to was regarding Washington  
13 Heights and the Bronx, which several other  
14 individuals had testified to that, and they're  
15 recommending an additional congressional district  
16 with the opportunity to elect a Latino in the  
17 5th--in the Washington Heights Bronx area.

18 And basically what I said to him was  
19 thank you for his testimony, and that we will  
20 take his recommendations into account, as we will  
21 everybody else who has testified. Thank you.  
22 Excuse me?

23 [Inaudible conversation with audience  
24 member]

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2 ASSEMBLY MEMBER LOPEZ: Well, I just  
3 translated, thank you. We can move on, sir.

4 ASSEMBLY MEMBER MCENENY: Tony Matta  
5 [phonetic]? Tony Matta? Ubaldo Santos  
6 [phonetic]? Ubaldo Santos? Altagracia Iraldo  
7 [phonetic]? Altagracia Iraldo? Sandra Harris  
8 [phonetic]? Sandra Harris? Wilma Alfonso  
9 [phonetic]? Wilma Alfonso--Alonso? Luis Para  
10 [phonetic]? Luis Para? David Williams? Steve  
11 Santana.

12 STEVE SANTANA: Good morning, to the  
13 Task Force. Thank you. I would like to thank  
14 you guys for the opportunity--to give us the  
15 opportunity to present ourself to you guys to let  
16 you know the needs that we have. To have a  
17 congressional seat together in the area,  
18 basically represented by Latino. Basically  
19 leaving Latinos there--we have a lot of needs.

20 We need a representative for us to  
21 understand our culture, to understand that we  
22 need more support from the federal government.  
23 To understand the opportunity that we are looking  
24 for when we come to this country. These areas

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2 basically on the upper Manhattan side, Washington  
3 Heights and the west Bronx, where I live, has  
4 been not well represented. And we'll--we want  
5 you to take into consideration the needs that  
6 these re--resident have. Please take into  
7 consideration that--the needs that we have.  
8 Thank you very much.

9 ASSEMBLY MEMBER MCENENY: Leonida  
10 Garcia? Leonida Garcia. Good afternoon.

11 LEONIDA GARCIA: [Foreign audio].

12 ASSEMBLY MEMBER MCENENY: [Interposing]  
13 No, excuse me. Pardon me. If this is to be  
14 productive for everyone in the room, I would ask  
15 if somebody might translate at the same time.

16 MS. GARCIA: [Translated through Mr.  
17 Lopez] Okay. The distinguished members of the  
18 committee, of the Task Force, my name is Leonida  
19 Garcia. I'm a resident--I'm sorry? Of east of  
20 the Bronx. [To Ms. Garcia].

21 MS. GARCIA: West Bronx.

22 MS. GARCIA: [Translated through Mr.  
23 Lopez] West Bronx, thank you. I came to ask you  
24 that you take into consideration the necessity of

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2 the Hispanic in the area, that we should have  
3 representation at the level of Congressman--  
4 Congressperson. And that they represent also our  
5 language and culture. And our interests,  
6 economic and social. The high cost of living has  
7 taken over a lot of my families and friends--and  
8 a friend of ours that a restaurant from the area--  
9 --that they have to be--they moved from the area  
10 in the east of the Bronx, to form a new community  
11 close to the area. [To Ms. Garcia] Look--I'm  
12 sorry, say that again, I'm sorry. I lost you  
13 there.

14 MS. GARCIA: Okay. [Foreign audio]

15 MS. GARCIA: [Translated through Mr.  
16 Lopez] Nonetheless, them--the same as other  
17 Latinos, they cross daily. They cross the north  
18 of Manhattan daily, so they can receive basic  
19 service, like medicine, doctors, food, education,  
20 work, and civic involvement in the community.  
21 They are a legal resident of the Bronx, and they  
22 receive service in the community.

23 I ask you--oh, why don't they get the  
24 service in the new area? They tell me they don't

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2 know the assistant of a new service in the area.  
3 And they don't know where their representatives  
4 are located--where they live. I came here today  
5 to ask you that you should take into  
6 consideration our necessities that we of Latin in  
7 these two communities are facing, north of  
8 Manhattan, east of--west of the Bronx.

9 MS. GARCIA: Yeah, okay.

10 MS. GARCIA: [Translated through Mr.  
11 Lopez] Of the Bronx--that they have in common.  
12 And that they will have--they will give us  
13 opportunity so we can obtain political  
14 representation in the area. [To Ms. Garcia] I'm  
15 sorry, I lost you right there. Go back again.  
16 [Interpreting] So that they can give us  
17 opportunity--political representation--oh  
18 federal, okay, representation. [To Ms. Garcia]  
19 Go ahead. [Interpreting] Capable to provide us  
20 the resources--the resource--necessary resource  
21 so they can empower us--so they can empower us to  
22 this level.

23 We are asking this commission that you  
24 take the decision--correct decision so you can

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2 protect this community--the Spanish community.  
3 That we live in both counties--we have com--hold  
4 on--common interests--common interests--common  
5 interests. We consider this is a very just  
6 cause--right cause to make sure that you do this,  
7 of course. And correct. Thank you. Ethical and  
8 correct. That your decision should be ethical  
9 and correct.

10 ASSEMBLY MEMBER MCENENY: Thank you very  
11 much for your testimony, and we thank Welquis  
12 Castro, a member of the Task Force, for  
13 translating. Lopez--I'm sorry, I'm looking at  
14 Mr. Castro as I say that. Luis Espinal? Good  
15 afternoon.

16 LUIS ESPINAL: Good afternoon. Good  
17 afternoon, Honorable member of the Committee.  
18 Good afternoon everyone. My name is Luis  
19 Espinal, and I am here representing the northern  
20 Manhattan and west Bronx Coalition for Fair  
21 Represent--Representation. Please allow me to  
22 thank you for the opportunity to appear on record  
23 supporting the creation of a congressional  
24 district that will allow residents of the

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2 northern Manhattan and west Bronx communities to  
3 have fair representation in term of cultural,  
4 linguistic, and socio-economical background.

5 During the last four decades, upper  
6 Manhattan, as comment by the census data, has  
7 been a stronghold for the Latino community as  
8 portrayed by the professional businesses,  
9 community and faith based organization and  
10 educational institution in this area.

11 In the last two decades, there has been  
12 a spill of residents from upper Manhattan  
13 coalition into the western part of the Bronx.  
14 The 2010 census data clearly tracks this  
15 movement. This shift is practically - - as we  
16 witness the increase of public transport--  
17 transportation within this contiguous community  
18 at the main connection points between upper  
19 Manhattan and the west Bronx. Bronx 12, Brown  
20 Street, Bronx 36--as well as numerous taxi bases.

21 Those who have relocated to the western  
22 part of the Bronx continue to use--to use the  
23 upper part of Manhattan island--not only to visit  
24 relatives and friends, they remain in the old

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2 neighborhood back also to continue getting  
3 essential services such as health care, shopping,  
4 civic, education, and laser.

5 While crossing the new political lines  
6 of New York City and State, congressional  
7 district, you now have before--you now have  
8 before you a historical opportunity to provide  
9 this similar community, who share the same  
10 linguistic, cultural, and socio-economic values  
11 with the representation and voice at the federal  
12 level. This is the--demographically possible  
13 while preserving the political representation at  
14 the federal level of the African American  
15 community to the south of the Puerto Rican  
16 community to the west.

17 Honorable commission member, I call on  
18 you to marry with the history by allowing your  
19 action and decisions be fair, just and ethical.  
20 I would like to make a simile between this good  
21 opportunity that I'm having right now, in  
22 connection with that one voice that we could have  
23 at the federal government, okay? At the federal  
24 level, all right? Thank you.

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2 ASSEMBLY MEMBER MCENENY: Thank you very  
3 much. Alanda Sancho--Sanchez?

4 ALANDIS SANCHEZ: Good morning.

5 ASSEMBLY MEMBER MCENENY: Good  
6 afternoon.

7 MS. SANCHEZ: Good afternoon. Actually  
8 we came here at 10:00, yeah, I see why you're  
9 here when you say seven hours.

10 Okay, my name is Alandis Sanchez, and  
11 I've been a business owner for over 20 years in  
12 this community, district 86. I'm here  
13 representing northern Manhattan and west Bronx  
14 coalition for fair representation. Please allow  
15 me to thank you for the opportunity to appear on  
16 record supporting the creation of a congressional  
17 district that would allow residents of northern  
18 Manhattan and west Bronx communities to have fair  
19 representations in terms of cultural, linguistic,  
20 and socio-economic background.

21 I--with this--I am going to support  
22 something with my own experience of what it's  
23 been living in Washington Heights and moving into  
24 the Bronx as a teenager. I was expressing to Mr.

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2 Castro yesterday, when we spoke about this issue.  
3 I said this is a very important issue for me. We  
4 do not want to wait another ten years, because my  
5 experience was that even though my family moved  
6 to the west Bronx, I didn't feel familiar with  
7 the new neighborhood.

8 Everything I did in Washington Heights--  
9 I went to school in Washington Heights, and if I  
10 was--if I wasn't empowered by being among my  
11 community, I would have probably not been lucky  
12 enough to have good grades, to be able to go to  
13 the school that I wanted to.

14 Most of my classmates had to go to a  
15 zone school, which is decided by your district.  
16 Which meant that I would have had to go to  
17 Roosevelt, which wasn't a very good school at  
18 that time. Which really panics me. I was lucky  
19 enough, like I said, to have good grades and be  
20 accepted into one of the best schools in New  
21 York. And it was on 135th Street and Convent  
22 Avenue [phonetic], which was Manhattan. It was  
23 very convenient. I loved it.

24 I think our children need to be--they

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2 need to be empowered by where they come from.  
3 And this is--one of the things that I loved when  
4 I real--when I actually realized this--that New  
5 York was a boiling point of all cultures. And  
6 until that time that I really understood that, I  
7 was--I was--felt out of place. But at the time  
8 that I was empowered by the knowing that, not  
9 only us Latinos are here, Italians are here,  
10 Jewish are here, and they all have a place in  
11 Congress, as a federal--in the federal level.

12 We also want a piece of that boiling  
13 point at--to be represented and to understand the  
14 needs of our community. I am very strongly  
15 advocating for something that would actually make  
16 my kids, because--for me it's very important to  
17 keep my roots. I have a toddler. I have a baby.  
18 And I am--I am doing my work to keep them knowing  
19 that they are Latinos. They have a Spanish last  
20 name. And I'm very proud of it. I want them to  
21 be empowered by it--by it. I don't want them to  
22 be feeling that they are out of place because  
23 they come to be born in a place where they have  
24 no representation.

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2 So for me, it is very important that  
3 these lines are rearranged in a way--to be  
4 honest, the first time I came to the--to the  
5 idea, I was lost. I was like--I don't understand  
6 how this is going to work. Northern Manhattan,  
7 west Bronx--I thought districts were supposed to  
8 be--and when I looked at it in that perspective  
9 of how you want to be represented as a community  
10 that have the same worships, that have the same  
11 language, that have probably the same needs, I--I  
12 totally understood.

13 I said--of course we need that, of  
14 course. I'm going to be there and I will be  
15 there all the way. This is the opportunity that  
16 we were--we've been looking for. I came here  
17 when I was seven. Well--I'm 40 years old and  
18 I've been here so many times. And this is part  
19 of my community, but I really understand that--I  
20 feel American. But I understand that we have a  
21 community that will--that it's still coming in,  
22 and we're still going to be a boiling point for a  
23 long, long, long time.

24 I would really appreciate if you would

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2 honor our commission members, our cultural marry  
3 your view with the history allowing us to the  
4 action of fair decision and ethical--and we would  
5 really, really, really be so happy to actually  
6 see this happen now. Thank you.

7 ASSEMBLY MEMBER MCENENY: Thank you very  
8 much.

9 MS. SANCHEZ: Did you have a question.

10 ASSEMBLY MEMBER MCENENY: Yeah, Senator  
11 Dilan.

12 SENATOR DILAN: No, we'd just like to  
13 thank you.

14 MS. SANCHEZ: Okay.

15 SENATOR DILAN: Okay, I just want to, on  
16 behalf of State Senator Nozzolio, our co-chair,  
17 acknowledge the presence of State Senator  
18 Vemanette Montgomery from Kings County. Welcome  
19 and thank you for your presence.

20 ASSEMBLY MEMBER MCENENY: Thank you.  
21 It's good to see you, Senator. Yocasta Polanco  
22 [phonetic]. Yocasta Polanco.

23 MALE VOICE: Can someone take her spot?  
24 She's not here.

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2 ASSEMBLY MEMBER MCENENY: Oh. Could I  
3 ask that we go through the list first, and then  
4 we would allow you to--because that's basic--

5 MALE VOICE: [Interposing] Because we  
6 did that before, you know, we could do that--

7 ASSEMBLY MEMBER MCENENY: [Interposing]  
8 Well, because we made the mistake before, we  
9 should continue to be consistent? Very well, at  
10 the--at the recommendation of our local host. Go  
11 ahead, sir, and give us your name.

12 DAVID WILLIAMS: Okay, my name is David  
13 Williams. [Foreign audio]

14 ASSEMBLY MEMBER MCENENY: Are you going  
15 to--hold on a minute. Do you want to do it, Ray?

16 ASSEMBLY MEMBER LOPEZ: Let's do it  
17 again. Okay.

18 MR. WILLIAMS: My name is David  
19 Williams, right?

20 ASSEMBLY MEMBER LOPEZ: Yeah, si.

21 MR. WILLIAMS: [Interpreted through Mr.  
22 Lopez] The person in this forum is to establish  
23 the interest that the Dominican community and the  
24 African community has to--so they get recognized

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2 something that was establish in the 2000 census.  
3 That we recognize the amount of Hispanics that  
4 they live in this side, in the county of Bronx.  
5 And that this requires that we reach a level of  
6 federal representation, an adequate and dignified  
7 of representation in the federal government, so  
8 we can defend our interests and our rights.

9 Twenty two years I've been  
10 superintendent of the Bronx. I--I have seen the  
11 necessity of our community and the growth of our  
12 community. I have the perception that is--this  
13 is the right time that we have a representation--  
14 federal representation that can carry on the help  
15 that our--that our community needs.

16 The same as the upper Manhattan, like  
17 the Bronx, they have 75% of business people that  
18 they contribute economically to the growth of  
19 the--of the--Manhattan, the city of New York.  
20 That is justified that in both counties that we  
21 have a dignified representation. And have the  
22 perception that this committee has a  
23 responsibility--so they can have the  
24 responsibility--the historic responsibility to

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2 make the impossible a reality.

3 For the next elections--federal--our  
4 county has--want a representative--federal  
5 representative. And lastly, I want to inform  
6 that the numbers--that the census came out in the  
7 two counties justify--they justify the position  
8 that we are just discussing right now. We came  
9 to ask for and justify the reason why they should  
10 do a federal representation, so we can recognize  
11 it.

12 I want to apologize that I came and  
13 spoke in my language, but it is the language of a  
14 lot of different people--well known people.  
15 Thank you.

16 SENATOR NOZZOLIO: Thank you very much.  
17 I'd like to acknowledge the presence of the  
18 Honorable Larry Seabrook, a former colleague.  
19 Great to see you. Yajira Ramirez [phonetic]?  
20 Yajira Ramirez? Nelson Castro? Nelson Castro--  
21 he spoke. Abraham Jones?

22 ABRAHAM JONES, EXECUTIVE DIRECTOR,  
23 CLAREMONT NEIGHBORHOOD CENTER, INC.: Good  
24 afternoon. My name is Abraham Jones. I am the

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2 executive director of Claremont Neighborhood  
3 Centers, a community based organization in the  
4 Bronx. I also stay here as a resident of the  
5 Bronx. And also I serve on the Executive Trustee  
6 Board at my church, the Bible Church of Christ--  
7 which is located in the Bronx. We also have a  
8 location in Mount Vernon. So we have a community  
9 of interest there.

10 I'd like to just share with you a couple  
11 of thoughts that I have. I am sitting here, as  
12 we are looking at redistricting. And I'm  
13 thinking about the long and the very, very hard  
14 fought battle that was won through the Voting  
15 Rights Act. I'm thinking about all the  
16 challenges that were faced and how, in the end,  
17 we were successful.

18 And so I'm here because I have a concern  
19 of making sure that communities of color still  
20 stay united. I'm also here for another issue and  
21 that's the issue of the count for prisoners. As  
22 we look at the community remaining united, I  
23 think that through this long, hard fought battle,  
24 that we must make--ensure--we must ensure that

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2 those communities that have worked and worked and  
3 worked and been supported by elected officials  
4 still remain united.

5 In my work with the Board of Elections,  
6 as a coordinator, I cannot tell you how very,  
7 very disenchanting it is for me to have to turn  
8 away voters. Because they come to the polling  
9 site; they find out that--that their district or  
10 the--where they're supposed to vote is--whether  
11 it's across the street or across town, they're  
12 disenchanted, they're angry, they're upset. And  
13 many often just refuse to go across town to cast  
14 the ballot because they feel that they've now--  
15 once again, been disenfranchised.

16 And so it is important that you  
17 understand that people who have become accustomed  
18 to voting and knowing who their representatives  
19 are, that we make sure that they don't remain  
20 confused. We're talking about single families;  
21 we're talking about seniors which live in our  
22 communities. As Executive Director of Claremont  
23 Neighborhood Centers, we work with all  
24 populations of people. We work with--for the

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2 census, we was a site, in which we encouraged  
3 people to vote. We encouraged people--I'm sorry,  
4 to--not to vote, I'm sorry. We encouraged people  
5 to take the census to be counted. To be counted.

6 In my organization, we work with all  
7 populations of people. I've done work with  
8 immigrants. And so I'm listening to a lot about  
9 different populations and I'm--I got stuck on one  
10 word--voting age. But I'd like to submit to you,  
11 gentleman, that because someone is voting age, it  
12 does not mean that they can legally vote. And I  
13 know that this may not be politically correct;  
14 however, it is politically true. And so I just  
15 want to submit that to you for your  
16 consideration.

17 And, in leaving, I just would like to  
18 read something to you--actually from the Voting  
19 Rights Act, section five, which states that, "it  
20 should consider the effect of the proposed  
21 changes. And will the proposed change lead to  
22 retrogression." And that's an interesting word,  
23 "retrogression." Will any of these changes lead  
24 to "retrogression"--worsening of the position of

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2 minority voters. For instance, a proposed plan  
3 may effectively decrease the number of minority  
4 elected officials as well as decrease the voting  
5 strength of the minority group. Thank you.

6 ASSEMBLY MEMBER MCENENY: Thank you.

7 [Applause]

8 ASSEMBLY MEMBER MCENENY: Maria Luna?

9 Maria Luna? There she comes. Good afternoon.

10 MARIA LUNA, DISTRICT LEADER AD 71: Good  
11 afternoon. Well, I came early in the morning,  
12 but I am happy to be here with all of you today.  
13 My name, as you know, is Maria Luna. I was born  
14 in Santiago, the Dominican Republic. I am a  
15 proud, naturalized American citizen. I am a  
16 resident of Washington Heights, in the other side  
17 of the river.

18 As a citizen of this great nation, I  
19 have the opportunity to participate in the  
20 political life, engaging my time mainly in  
21 educating other members of my communities and  
22 newly immigrants about our political system and  
23 the responsibility to join with others in the  
24 bettering of all equally.

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2 I am the only Latina to be elected as  
3 the first biracial of the New York State  
4 Democratic Party, and the first Dominican  
5 American elected to a party position here in New  
6 York. I'm a district leader on the 71st Assembly  
7 district. I'm also a member of the New York  
8 State Democratic committee. Let me add that I'm  
9 also the first Dominican American ever elected as  
10 a member of the Democratic National Committee  
11 serving on the Credentials committee [phonetic].

12 I was an elector placed to President  
13 Obama in 2008, and a delegate to many  
14 presidential democratic conventions--going back  
15 to Jimmy Carter.

16 So here I am, with a very significant  
17 appeal to this commission, to see me as a voice  
18 for the newly organized northern Manhattan/west  
19 Bronx Coalition for Fair Representation. Our  
20 goal is that you, distinguished members of this  
21 committee, will recognize the importance at this  
22 time, based on the figures of the U.S. census--  
23 the 2010 census, and considering approve our  
24 recommendation of creating a congressional

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2 district that will allow the residents of our  
3 communities to see fulfilled the promise of the  
4 lands of opportunities.

5 You will hear in this hearing about our  
6 Latino linguistics, socio-economic background,  
7 and everything else. How we have done--how we  
8 have grown in numbers, but this should not be  
9 enough for you to agree to our requests.

10 What we hope you do is to be fair and  
11 transparent. Recognize our contribution, and  
12 then one day soon, one of us will serve as  
13 representative in the United States Congress.

14 There has always been resistance to  
15 fully embrace equality for all. But the  
16 increasing number of Latinos in the map that I  
17 presented today--I submitted the ten copies that  
18 I was asked to submit--also we put it online,  
19 that this is a historic opportunity for all here  
20 in New York--in New York state, to share--to  
21 share equally in the decision makings at the  
22 congressional level. And we hope you make a  
23 decision based on facts, not on emotions.

24 I also would like to apologize. Some of

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2 our--the people who came, they are, you know, a  
3 member of our coalition have said that they are--  
4 we are lacking services, and so on and so on.  
5 Each one have a right to say--to make a statement  
6 said. We don't want to offend anybody. We need  
7 to make sure that we leave together with all the  
8 groups and that we have the same opportunities of  
9 representing each other.

10 I always tell everybody, when I register  
11 people to vote, and to encourage people to  
12 participate--it's just not a color of the skin  
13 only that is a fact. We need to see how the  
14 person is going to deliver for everybody equally.  
15 We have been served highly by Congressman Charles  
16 Rangel, by Jose Serrano, for--and Congressman  
17 Engel, we have also been represented highly at--  
18 the congressional delegation of New York state is  
19 one of the best. We need to continue that.

20 We also have to be part of the same  
21 table. We want to make sure that everyone feels  
22 that we can--that we are brothers and sisters,  
23 that we need to continue working for the future  
24 of our country, the future of our children. So

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2 it's not a matter of color, height and how tall,  
3 and how heavy, and how skinny we are. We need to  
4 reassure that we respect each other, that right  
5 now we have the opportunity--since in New York,  
6 we are losing two congressional seats.

7 People have to understand that by  
8 drawing lines just based on the way I speak, the  
9 way I sound, the way I look--is not really the  
10 fair way of doing things. We need to share at  
11 the table equally--as I said before, but also  
12 take into consideration the increasing numbers of  
13 Latinos. That also needs to be sure that they  
14 are inclusive. They are going to be part of the  
15 seams of our particular state.

16 So I hope that you as a commission, take  
17 into consideration our request, is not fighting  
18 with each other, it's also only participating  
19 with each other that is important to us. Thank  
20 you so much.

21 ASSEMBLY MEMBER MCENENY: Thank you.

22 Ana Garcia [phonetic]? Ana Garcia? Jose Cruz?  
23 Jose Cruz? Dr. Hazel Dukes?

24 [Laughter]

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2 ASSEMBLY MEMBER MCENENY: Good  
3 afternoon.

4 DR. HAZEL N. DUKES, PRESIDENT, NAACP NYS  
5 CONFERENCE: [Testimony read by Biarni Burke] I  
6 guess you know there's a need to clear up one  
7 thing. I am Biarni Burke, I am the President of  
8 the Bronx branch NAACP.

9 ASSEMBLY MEMBER MCENENY: What is your  
10 name, sir?

11 MR. BIARNI BURKE: Burke--Biarni Burke.

12 ASSEMBLY MEMBER MCENENY: Biarni Burke.

13 MR. BURKE: Yes.

14 ASSEMBLY MEMBER MCENENY: Representing  
15 Hazel Dukes?

16 MR. BURKE: Ah, yes.

17 [Laughter]

18 MR. BURKE: Thank you. Thank you, Task  
19 members, for allowing me to give testimony as to  
20 why it is important that the 15th congressional  
21 district remain intact as a traditionally African  
22 American congressional district.

23 In my testimony, I will seek to outline  
24 the reasons why the 15th Congressional district

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2 is so very important to the residents of Harlem  
3 and to African American communities throughout  
4 the United States, and why it should be expanded  
5 through African American neighborhoods in the  
6 Bronx and Westchester County, in order to  
7 preserve our historic legacy and quality  
8 congressional representation.

9 As you know, the 15th congressional  
10 district is a voting rights district, protected  
11 by section five of the Voting Rights Act of 1965.  
12 Historically, efforts have been made to preserve  
13 the 15th Congressional district, given the  
14 seniority of this district and the historic and  
15 every-day significance of what it means to have a  
16 Harlem district. This deference to the Harlem  
17 district is not due to political influence, but  
18 the true needs of our people for a guaranteed  
19 voice in Congress. Without it, Manhattan would  
20 not have a single African American federal  
21 representative, nor the political involvement  
22 that we so cherish throughout Harlem.

23 Since 1945, Harlem has had two  
24 Congressman--Adam Clayton Powell, Junior, and

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2 Charles B. Rangel. This speaks to the power  
3 which this district gives our residents and the  
4 power that our people give to the representatives  
5 of this district, the power that allowed  
6 Congressman Powell to become the first African  
7 American - - of any congressional committee, and  
8 the power that allowed Congressman Rangel to  
9 ascend to the chairmanship of the powerful Ways  
10 and Means Committee.

11 The NAACP, along with both Congressmen,  
12 has successfully advanced our agenda,  
13 concurrently with the advancement of our elected  
14 officials. Without the Harlem district, there  
15 would be no Federal Voting Rights Act. Without  
16 the empowerment of African Americans in the  
17 north, it could be said the Civil Rights Act, the  
18 Voting Rights Act, and countless other federal  
19 mandates aimed to give our people the rights we  
20 have always deserved, would have gone down as a  
21 one-sided argument, not the complex social  
22 movement that we still foster today.

23 With the help of Congressman Rangel and  
24 Congressman Powell, we have brought more federal

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2 funding into impoverished inner cities. We have  
3 created empowerment zones, aimed at stimulating  
4 job creation, education and business development.

5 We have ended apartheid in South Africa.  
6 We have reimagined the possibilities of our  
7 people, given all African Americans throughout  
8 our society faith and hope, and helped pave the  
9 way for our first African American President,  
10 Barack Obama.

11 Some may say otherwise, but we in Harlem  
12 know that is imp--that is because of our leaders  
13 whom we first fostered before any other district  
14 in the nation, that we can thank our rising power  
15 and community improvement.

16 As you know, all is not well in Harlem.  
17 We have unemployment beyond the city, state, and  
18 national averages. Most importantly among young,  
19 black males. We have high levels of poverty  
20 among our children and our elderly above the  
21 city, state, and national averages. More people  
22 from our district rely on social services,  
23 subsidized housing, subsidized medical care above  
24 city, state, and national averages.

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2 Our district needs all the attention it  
3 deserves, and cannot--and should not be diluted,  
4 but rather strengthened. Unfortunately, many  
5 areas in the Bronx and lower areas of Westchester  
6 County suffer the same problems and have a  
7 similar demographic makeup to the 15th  
8 congressional district. This is precisely why we  
9 must hold these neighborhoods close to us, and  
10 refuse to allow division among our people and our  
11 neighborhoods, because we are one.

12 Our congressional district should become  
13 one as well. You see, Harlem is not just a  
14 place, but a state of mind. It is the cultural  
15 capital of black American diaspora. Harlem is a  
16 community that is known throughout the world--  
17 throughout the city. And that is because of our  
18 culture. It only makes sense that we would seek  
19 to bridge the Harlem River with our brothers and  
20 sisters into the fold. In the first--last  
21 census, Harlem demographically looked a lot like  
22 Bronx does today, with many problems and little  
23 hope. By tying our neighborhoods together, we  
24 would empower the districts north of Harlem with

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2 the veracity and tenacity that made our body  
3 politic famous.

4 The United States Constitution promises  
5 a guaranteed voice for communities, a right that  
6 was reaffirmed by the Voting Rights Act. Harlem  
7 is a vibrant community, with cultural  
8 institutions ranging from the religious, to the  
9 arts, to fine dining, with a bevy of historical  
10 institutions interspersed throughout our  
11 neighborhoods.

12 We have the Cathedral church of St. John  
13 the Divine, Riverside Church, St. Martin's  
14 Episcopal Church, St. Phillip's Church, Convent  
15 Avenue Baptist Church, Abyssinian Baptist Church,  
16 Malcom - - and Chavez - -, Metropolitan AME,  
17 Canaan Baptist Church, and hundreds more. We  
18 have Sylvia's, Red Rooster, Longdell's  
19 [phonetic], The Lenox Lounge, The Apollo Theater.  
20 We have Grant's Tomb, the Studio Museum, the Jazz  
21 Museum of Harlem, and City College.

22 Many of these institutions are as  
23 utilized by Bronx and Westchester African  
24 American communities as they are by members of

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2 the Harlem community. It only makes sense to tie  
3 communities of similar mindsets together  
4 politically, to guarantee our voice is heard loud  
5 and clear for generations to come. We are  
6 African Americans, Afro-Caribbeans, and  
7 Continental Africans. Our people are of one  
8 cloth, and we must bind ourselves together to  
9 preserve and expand our power on the national  
10 stage.

11 By creating districts with different  
12 purposes than preserving the voting rights  
13 district, we would not only be softening our  
14 voices, but conceding that our neighborhoods no  
15 longer need a collective voice to be heard in  
16 Congress. This is simply untrue, and the  
17 underrepresentation of African Americans in the  
18 United States Senate and the United States House  
19 of Representatives speaks to the continuing need  
20 for our political unification.

21 Simply put--the 15th congressional  
22 district is a powerhouse in our community and in  
23 Washington. By carving it up weakens the black  
24 voice. We would potentially set our

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2 neighborhoods back at least a generation.

3 As I stated before, we are a high needs  
4 district--very much like some parts of the Bronx,  
5 such as Eastchester and Williamsbridge. By tying  
6 our communities together, we would maintain our  
7 voice, strengthen our people, and continue the  
8 uphill battle to improve our city, state, and  
9 nation.

10 As President of the New York State  
11 NAACP, I have a responsibility to ensure that our  
12 people are adequately represented at the  
13 bargaining table. In an effort to see our  
14 communities responsibly represented, I have a  
15 plan that I hope will help guide this Task Force  
16 in its deliberation.

17 We black New York residents need the  
18 15th congressional district to continue our  
19 uphill climb and hope that this Task Force will  
20 do the right thing and work with our communities  
21 to create the future that we all need for our  
22 city, state, and nation to flourish.

23 Thank you for allowing me to deliver  
24 this testimony on behalf of the communities I

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2 have dedicated my life to representing. I will  
3 be glad to answer any questions that you should  
4 have at this time.

5 ASSEMBLY MEMBER MCENENY: Thank you, Mr.  
6 Burke, and express our gratitude to Hazel Dukes  
7 for that--that testimony.

8 MR. BURKE: Thank you.

9 ASSEMBLY MEMBER MCENENY: Walter J.  
10 Edwards?

11 WALTER J. EDWARDS, CHAIRMAN, HARLEM  
12 BUSINESS ALLIANCE: Good afternoon. My name is  
13 Walter Edwards, Chairman of the Harlem Business  
14 Alliance and CEO of Fullspeck, LLC [phonetic], a  
15 Harlem-based green building development  
16 corporation.

17 I would like to extend my thanks to the  
18 members of the Task Force for holding this  
19 hearing today to hear the concerns of the  
20 communities and individuals who will be the most  
21 affected by possible redistricting.

22 I will address the Task Force as an  
23 independent business representative, a coalition  
24 of Harlem located businesses, and as a Muslim

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2 American of African descent, two distinct  
3 groupings which will be impacted by any redrawing  
4 of political lines.

5 The Harlem Business Alliance serves as  
6 an advocate for the preservation and retention of  
7 Harlem business community. Founded in 1980, we  
8 have worked diligently to establish Harlem as a  
9 self-sustaining business community and make our  
10 collective voice part of the decision making  
11 process on the local, state, and federal level.

12 Hence, this is why I am here today.  
13 Harlem is historic, brand new tradition and  
14 eclectic. We are the cultural center of black  
15 America. We are moving forward with an eye on  
16 history. We are home to famous business,  
17 legendary attraction, ma and pop grocery stores,  
18 and street side vendors. In short, Harlem is a  
19 small town in a big city, with all the history  
20 and dreams that have made New York City what it  
21 is today.

22 This is one reason that we need to  
23 preserve Harlem and Harlem's congressional  
24 district as the black district it is today.

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2 Harlem is home to internationally renowned chefs,  
3 historic soul food restaurants, celebrated ethnic  
4 and cultural institutions, holy sites to black  
5 Christians and Muslims alike.

6 Harlem is home to large scale housing  
7 developments, Lenox Terrace, Riverton, Delano  
8 Village, 3333 Broadway, and a plethora of New  
9 York City Housing Authority property.

10 Harlem is home to City College, Columbia  
11 University, Bernard College, Union Theological  
12 Seminary, and Yeshiva University. Harlem is a  
13 fully intact community and any divisions to our  
14 representative--representation could be  
15 potentially devastating to both our community and  
16 our political power.

17 I do not believe that we should be  
18 divided, but united with similar communities in  
19 the Bronx and perhaps Westchester. From a  
20 business standpoint, part of what makes Harlem so  
21 attractive to business development is the long-  
22 standing ties that the business community has  
23 with political community. We have forced each  
24 other's growth in terms of creating self-

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2 sustaining businesses and encouraging our elected  
3 officials to lend a helping hand to indigenous  
4 business people.

5           Congressman Rangel, our second  
6 Congressman since 1945, and I have worked with  
7 both of them, thank God--helped alter the federal  
8 empowerment's own program, which give tax  
9 incentives, grants and bonding authority to local  
10 communities. This helped create the second  
11 Harlem Renaissance, which we are seeing the  
12 positive effects today.

13           Despite the economic revitalization  
14 which we have seen since the last redistricting,  
15 Harlem still remains a high needs area. Many  
16 people rely on government benefits to survive and  
17 many businesses rely on government benefits to  
18 prosper. We have thousands of people living in  
19 housing and many more relying open--upon federal  
20 aisles and subsidy.

21           Simply stated, Harlem needs the precious  
22 government funding that we currently receive, and  
23 any political division could threaten the ability  
24 of the representatives to bring these dollars

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2 home.

3 The 15th congressional district has  
4 always been one that has gotten attention from  
5 the federal government, due to our historical  
6 nation and empowered population. And I believe  
7 that by extending the borders to better reflect  
8 the historic demographics of Harlem, we'd  
9 continue this trend for the benefit of our  
10 people, our defenders, and our neighborhoods.

11 The Harlem Business Alliance has many  
12 connections with other groups representing  
13 minority business people, and if we were able to  
14 share a congressional district with members of  
15 our ethnic community, who live in the Bronx and  
16 Westchester, it is my positive belief that we  
17 could extend our relative prosperity outward. By  
18 linking our neighbors which would have of the  
19 same negative demographic trends, such as high  
20 unemployment and poverty, we would be able to  
21 bring more federal assistance to the people who  
22 need it most.

23 Additionally, by bridging the gap  
24 between our similar communities, we will bring

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2 our longstanding business development agencies,  
3 empowerment zones and advocacy groups to parts of  
4 New York who haven't seen such investment. We  
5 would be able to bring our expertise to  
6 communities which share Harlem's demographics and  
7 show our businesses off who've been working on  
8 the edge of fiscal stability.

9 Businesses that already are in good  
10 standing would be connected, both political and  
11 culturally to newly developing businesses, and  
12 that would stand to benefit all of New York--not  
13 just one ethnic group.

14 As I stated before, I am also speaking  
15 to you as a Muslim American of African descent.  
16 We are a rising demographic in Harlem, the Bronx,  
17 and Westchester. In fact, anywhere the African  
18 diaspora resides, Harlem and the Bronx are  
19 longstanding bastions of Islamic faith, with  
20 countless mosques and houses of worship available  
21 to the religious diverse population that comprise  
22 our neighborhood. Although I do not have the  
23 hard numbers of how much of the population in the  
24 15th congressional district is constituted by

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2 Muslims, it is apparent to any resident that we  
3 are a growing force.

4 So not only is the 15th congressional  
5 district a protected district, according to the  
6 Voting Right's Act of 1965, it has also fostered  
7 the growth of religious tolerance with any  
8 diverse community--African and African American  
9 Muslim are a segment of the population not often  
10 politically represented, and especially not on a  
11 national level.

12 But I have found that with the current  
13 structure of political representation, we have a  
14 voice and some political clout that has benefited  
15 both the followers and non-followers of my  
16 religion. The Harlem group--the Harlem  
17 congressional seat has become a force for the  
18 oppressed in the United States and throughout the  
19 world. And that is because we have people from  
20 around the world comprising our community.

21 It is my hope that we can take this  
22 representation to a similar demographic, and keep  
23 our communities whole and guarantee that we have  
24 a united voice at the bargaining table.

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2 I believe that the Bronx and Mount  
3 Vernon offer the best possible outcome for  
4 preserving our co--and economic continuity. And  
5 I would encourage you to view our efforts to  
6 preserve our community in a light that they  
7 deserve--the light of freedom, empowerment, and  
8 just representation.

9 Thank you for this opportunity to voice  
10 these thoughts today. I look forward to  
11 continuing this dialogue and answer any questions  
12 that you may have.

13 And in closing, I would say that as we  
14 look around our nation today, and see the ugly  
15 head of racism raising its head, what would we be  
16 if we didn't have our representatives  
17 representing us as we need them. Thank you.

18 ASSEMBLY MEMBER MCENENY: Thank you.

19 [Applause]

20 ASSEMBLY MEMBER MCENENY: William  
21 Stanford? William Stanford--okay. Good  
22 afternoon.

23 WILLIAM STANFORD: Yes, this is my  
24 proposal. The portion--western Broadway Avenue--

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2 AK Broadway above to 25th Street--between 225  
3 Street and the border should be considered as  
4 Manhattan--not this borough, for the obvious  
5 reason, okay?

6 Most districts--well, you mentioned--you  
7 didn't mention the city council, but you  
8 mentioned the other three. Any particular reason  
9 why? You mentioned the State Assembly, you  
10 mentioned the State Senate, you mentioned the  
11 Federal Congress--you didn't mention the city  
12 council.

13 ASSEMBLY MEMBER MCENENY: No, because we  
14 have no jurisdiction over the city council. The  
15 city of New York redistricts itself when the time  
16 comes.

17 MR. STANFORD: Okay, scratch that. All  
18 right, so. . .most of these districts have--lie  
19 in one borough, but it would be nice if they just  
20 lie--if all the districts lied in one borough, to  
21 avoid confusion. There's very few of them,  
22 there's very--I just feel one--most of them  
23 should just lie in one borough. I'm not saying  
24 you can't--you know, extend them. But, it would

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2 be nice if--here in the New York City region,  
3 they lie in one borough because there's too much  
4 confusion here.

5 But--part of one--part of a district in  
6 Brooklyn, and part of it in Staten Island--when  
7 Staten Island technically belongs to New Jersey--  
8 so it's considers--I guess it's a fake New York  
9 borough. . . As far as the districts go, I think  
10 they should just be left the way they are. I  
11 don't know, maybe they should just be left the  
12 way they are.

13 ASSEMBLY MEMBER MCENENY: We don't have  
14 the option to leave it the way it is, because the  
15 numbers differ from district to district. And  
16 they have to--because of the Voting Rights Act,  
17 as far as individual groups, but also because of  
18 the New York State Constitution. And because of  
19 the federal one person, one vote ruling, every  
20 ten years it very rarely comes out exactly the  
21 same.

22 And even if it does in one district, if  
23 the one next to it is between the river and the  
24 district, and they're short 10,000 people then

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2 you have to eat into one of the districts next to  
3 it. So the map gets redrawn every ten years.

4 MR. STANFORD: So, all right, but. . .  
5 if the districts--well cause districts change, my  
6 politicians will change. But it would be nice if  
7 I can elect who I wish to elect, not necessarily  
8 the person who represents the neighborhood I live  
9 in.

10 ASSEMBLY MEMBER MCENENY: Mm-hmm.

11 MR. STANFORD: Especially if I deem that  
12 politician is a crook. And we have some crooked  
13 politicians here in the New York City region, but  
14 I'll mention the names some other time.

15 But in the future, if you hold public  
16 hearings here, you should post signs all over the  
17 campus so we don't get disproportioned. I had to  
18 go through hell trying to find this building  
19 because you hadn't even posted signs. You had  
20 one posted sign right outside this building, but  
21 you didn't have any all over the campus. That's  
22 unfair to us.

23 ASSEMBLY MEMBER MCENENY: Well, the one  
24 thing that you can remember as far as seeing what

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2 went on, you can actually watch it now on the  
3 web--on the webcast that--that the Task Force  
4 maintains. So you'll be able to watch every bit  
5 of testimony that's here. Plus, ultimately there  
6 will be a whole report that comes out of what  
7 everyone said, including yourself.

8 MR. STANFORD: Yeah, but the problem is  
9 I don't have my own computer, so if I want to  
10 watch it on webcast, I have to--

11 ASSEMBLY MEMBER MCENENY: [Interposing]  
12 Go to--

13 MR. STANFORD: [Interposing] Right--I  
14 have to go out of my way--

15 ASSEMBLY MEMBER MCENENY: You have to go  
16 to the public library.

17 MR. STANFORD: Right, but I have to  
18 supply the use of my own computer and then you--  
19 and then borrow the library computer. Because we  
20 know how library computers can be. We know how  
21 Dell computers can be. Dell computers give you  
22 hell. . .you know.

23 ASSEMBLY MEMBER MCENENY: Okay, well  
24 thank you for--

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2 MR. STANFORD: [Interposing] It isn't--

3 ASSEMBLY MEMBER MCENENY: --coming down  
4 and giving us your opinion. That's what it's all  
5 about.

6 MR. STANFORD: All right, but do you  
7 think it's possible that in the future--if the  
8 districts change, that a law could be placed  
9 stating I could elect who I want in the  
10 Democratic party--not necessarily who represents  
11 me? Because that's what I've always wanted over  
12 the years. I want to let who I want to let--not  
13 who the powers that be decide who I should let.

14 ASSEMBLY MEMBER MCENENY: The pit--  
15 political process allows you to go out and to  
16 advocate. We try and find meaningful districts  
17 that you can advocate for the individuals and the  
18 causes that you believe in.

19 MR. STANFORD: Oh--okay, but this--fine.  
20 But I just hope that in the future, I can elect  
21 who I wish to elect in the Democratic party, and  
22 not necessarily the person who represents my home  
23 address, especially if I can't be bothered with  
24 him or her.

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2 ASSEMBLY MEMBER MCENENY: So noted.

3 Thank you for coming in.

4 MR. STANFORD: Thank you.

5 ASSEMBLY MEMBER MCENENY: Claudia  
6 Nesbitt [phonetic]? Claudia Nesbitt? Carlos  
7 Sierra?

8 CARLOS SIERRA: Good afternoon,  
9 everyone. Good afternoon, members of the Task  
10 Force. I thank in advance for allowing me an  
11 opportunity to testify before you. My name is  
12 Carlos Sierra. I am a proud resident of the  
13 Bronx. I live a few minutes away from here--from  
14 this wonderful campus.

15 I am a proud--mostly a proud member of  
16 the Legal United Latin American Citizen--LULAC,  
17 the National American Roundtable--the NAR, the  
18 National Association for the Advancement of  
19 People of Colors--the NAACP, and the Bronx  
20 Democratic County Committee.

21 But today I am speaking on behalf of  
22 myself as a Bronx resident. I have to support  
23 the plea of our Honorable Assemblyman Nelson  
24 Castro, as well as the NAR president Dr. Maria

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2 Teresa Feliciano, which is to create a new  
3 congressional district that will represent part  
4 of the upper Manhattan and the west Bronx.

5 I believe the new district will help us  
6 enhance our quality of life by securing  
7 additional Congressional funds, and more  
8 political power.

9 I am a perfect example of how both areas  
10 impact our lives. For example, when I was a  
11 teenager, I went to school in the Bronx--Taft  
12 High School. It is located in the Highbridge  
13 section of the Bronx. But at the same time, I  
14 assisted as volunteer for cultural events in  
15 Manhattan. I participated in cultural programs  
16 with Elisa Mericana [phonetic] that had several  
17 facility--that has several facilities in  
18 Manhattan, as well as many other not for profits  
19 in Manhattan. Now I continue to live in the  
20 Bronx in the Highbridge section of the Bronx, but  
21 I work in Manhattan, in Washington Heights.

22 Like myself, my son, young Luis Sierra,  
23 now goes to school in Highbridge, in the Bronx,  
24 but he play baseball in Manhattan. Finally, it

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2 is important for me to state for the record that  
3 I am not here advocating on behalf of the  
4 creation of a district that will help benefit any  
5 particular ethnic group.

6 However, I ask that the Task Force  
7 consider the creation of a new congressional  
8 district. And in doing so, I hope that you will  
9 consider preserving and enhancing the culture,  
10 religions--cultural, religion, and economic  
11 dynamic that helps us move forward as one  
12 community.

13 I thank you in advance, and as a former  
14 student here--one who graduated from Bronx  
15 Community College, I thank you for being here,  
16 choosing this wonderful campus among many other  
17 facilities that you had available. And I also--I  
18 would love for you to take a walk over our  
19 wonderful campus--especially the Great Hall of  
20 Fame of Great Americans. Again, I thank you.  
21 And God bless all of you for being here. Thank  
22 you.

23 ASSEMBLY MEMBER MCENENY: Thank you. We  
24 also appreciate your alma mater and we will look

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2 at the hall of fame.

3 MR. SIERRA: Thank you.

4 ASSEMBLY MEMBER MCENENY: Johnny Goff  
5 [phonetic]? Johnny Goff? Elizabeth Thompson?  
6 Elizabeth Thomp--oh. Good afternoon.

7 ELIZABETH THOMPSON, KINGSBRIDGE HEIGHTS  
8 NEIGHBORHOOD IMPROVEMENT ASSOCIATION: Good  
9 afternoon, everybody. My name is Elizabeth  
10 Thompson. I'm representing Kingsbridge Heights  
11 Neighborhood Improvement. And Kingsbridge--I  
12 lived in Kingsbridge over 30 years. I volunteer  
13 at Kingsbridge Heights Neighborhood Improvement  
14 for half of that or more.

15 My child got killed in Kingsbridge. So  
16 there is a lot of things that I know that need to  
17 be done in our area--whoever become the  
18 representative for our community, we would like  
19 to make sure that they listen to the community.  
20 And as one of the things I feel that when people  
21 get empowered, they do not listen to the people.  
22 And we are overcrowded. We are from Science High  
23 School, Walton High School, PS 86, 304, and 207--  
24 and the Armory.

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2 And the filtration in our area, we need  
3 a lot of things done in our community. And I'm  
4 here to represent African American--we have no  
5 jobs. We're--we have homeless. We definitely  
6 need a lot of things. Whoever goes in power have  
7 to recommend the community and listen to the  
8 voice of the community.

9 And I'm sitting here--this is my first  
10 time coming to one of these hearings, and I'm  
11 listening very careful on key events and key  
12 notes that the people are talking about. And I  
13 want to make sure that ya'll listen to them,  
14 because we need a lot of things to be done.  
15 Thank you.

16 ASSEMBLY MEMBER MCENENY: Thank you very  
17 much. Councilman Larry Seabrook? Senator  
18 Nozzolio and I are always happy to see one of our  
19 alumni.

20 LARRY SEABROOK, COUNCILMAN: It's good  
21 seeing all of you here and welcome to God's  
22 country. It--it's certainly--having the  
23 opportunity--and I certainly know the work of  
24 this committee as well. I chaired this committee

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2 at one time in the Assembly.

3 ASSEMBLY MEMBER MCENENY: That's--I--I  
4 believe you are my predecessor on this committee,  
5 among several.

6 MR. SEABROOK: That's right. [Laughs].  
7 So--but I come here to--today--I certainly want  
8 to thank you all for holding the hearing here--  
9 and certainly holding the hearing here at Bronx  
10 Community College. And I think that it--it's  
11 important as we come to talk about this period--  
12 and certainly of reapportionment.

13 And being in the Bronx and having the  
14 opportunity to represent the Bronx, and being a  
15 part of a Voters Right Act seat in the Assembly,  
16 and a Voters Right Act seat that was protected in  
17 the Senate as well.

18 So I come here today to talk about the  
19 need of preserving a congressional district. And  
20 this congressional district is so historic--as it  
21 relates to black empowerment--even before the  
22 concept of black empowerment. That congressional  
23 district that I'm talking about is the 15th  
24 congressional district--it's so historical to us

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2 because it was the first ever held by an African  
3 American in this entire city. And to have that  
4 and the historical event for the first African  
5 American in New York to chair a committee in  
6 Congress--and then secondly, to have the first  
7 African American to chair the congressional Ways  
8 and Means Committee, so it has a historical  
9 dynamic to it.

10 But it also has a historical sense of  
11 migration as well. People who've lived in Harlem  
12 and at a time migrated to other parts of the  
13 Bronx--Concourse Village, later when Co-op City,  
14 Williamsbridge, Mount Vernon, and places where  
15 there was opportunity as things spread. So there  
16 was a sense of migration, but never losing the  
17 concept of the Harlem Renaissance.

18 So this district is so historical that  
19 it has to be preserved. And what better way of  
20 preserving it is with some of the offspring's of  
21 Harlem, now moving up and having an opportunity  
22 to buy homes in those districts in which we live  
23 and which we represent--Williamsbridge, Co-op  
24 City, and those areas.

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2 So it has a historical dynamic and tying  
3 it together as a means of preserving this  
4 district, and what it actually means. So it is  
5 not a question of who is there as much as it is a  
6 question of geography. And so people who lived  
7 in Harlem--who felt that there was an  
8 opportunity, as they say, to move on up--had that  
9 opportunity to move up and as they moved up, it  
10 gave them that opportunity for--as I said, to  
11 purchase homes, co-ops, and everything else. But  
12 still in mind--Harlem on my mind. And it  
13 existed.

14 I think that it also said something  
15 that--that here's an opportunity. And we have  
16 lived to see and have the opportunity to elect an  
17 African American President. But the people in  
18 the northeast Bronx, and Mount Vernon, and other  
19 parts of the Bronx in particular--has never had  
20 the opportunity to have an elected black  
21 congressional person--ever. And so that says  
22 something about an opportunity, that--before I  
23 leave this planet I will be able to say that I  
24 voted and elected an African American to go to

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2 Congress. And what better way to do it than  
3 having those lines drawn to preserve that  
4 district so that I will be able to say to my kids  
5 and grandkids that I did have the opportunity  
6 before I left this planet that I could actually  
7 vote and get elected and stand on election day  
8 and say we elected--my vote elected a black  
9 person to Congress from the Bronx--which has  
10 never ever happened before.

11 And I think that that's the reason why  
12 it is so important for us to do that--otherwise  
13 it will never ever happen. And we must do that  
14 so that our children will have that opportunity.

15 And so I know that--that you all were  
16 here a lot of this, because I have seen that.  
17 And I certainly appreciate all of you and what  
18 you all have been able to do. But it's so  
19 important for us to maintain that 15th  
20 congressional district because it means so much  
21 for history to come. And two people have  
22 represented it.

23 But that district--as I've always called  
24 it, the person that represents that district is

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2 not just in that congressional district. They  
3 become a spokesperson for African Americans  
4 throughout this nation. And that's what they do.  
5 They're not just a 15th congressional district  
6 Congress person.

7 But if you look at historically--those  
8 two individuals--they are national Congressional  
9 people, and they represent all of us when we are  
10 in trouble. So always--we must always remember  
11 that--that that was their purpose and their need.

12 So I certainly want to thank all of you  
13 so very much. And I know that justice will  
14 prevail. Thank you, and it's good seeing all of  
15 you guys. You are looking younger there.

16 [Laughter]

17 ASSEMBLY MEMBER MCENENY: Thank you,  
18 Councilman. Francis Chapman? Good afternoon.

19 FRANCIS CHAPMAN, PRESIDENT, KINGSBRIDGE  
20 HEIGHTS NEIGHBORHOOD IMPROVEMENT ASSOCIATION:  
21 Good afternoon. My name is Francis Chapman, and  
22 I live at 2075 Sedgwick Avenue, here in the  
23 Bronx. I am President of the Kingsbridge Heights  
24 Neighborhood Improvement Association and we are a

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2 non-profit organization dedicated to empowering  
3 our community.

4 I welcome the opportunity to testify  
5 before the committee today, and I congratulate  
6 you on undertaking this task. I appreciate the  
7 efforts that the committee is making to increase  
8 the participation of residents, and the fact that  
9 these hearings are being videotaped and being  
10 preserved and distributed through video and  
11 transcription. I am also impressed by the  
12 openness and transparency of the process so far,  
13 and look forward to the second series of  
14 hearings.

15 My experience with reapportionment is  
16 limited. And I'm not making any definite  
17 recommendations on how to redraw the lines this  
18 time. However, I join in a request that the  
19 lines be drawn by fairly representing the  
20 communities of interest, in conformance with  
21 prevailing laws and constitutional requirements.  
22 I thank you for your attention to this matter,  
23 okay? That's it.

24 ASSEMBLY MEMBER MCENENY: Thank you very

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2 much. Gregoria Feliciano? Good afternoon.

3 GREGORIA FELICIANO, COMMUNITY BOARD OF  
4 BRONX: Yes, good afternoon. First I'd like to  
5 apologize for the redundancy of my statement,  
6 which I'm sure you've heard earlier today. But I  
7 ask that you indulge me as I make my brief  
8 statement.

9 Good afternoon, Chairman and members of  
10 the Commission. Thank you for holding these  
11 important hearings here in the Bronx, and  
12 affording me the opportunity to comment on your  
13 task, which is to establish districts that  
14 represent--that respect municipal boundaries and  
15 communities of interest.

16 I am Gregoria Feliciano, a resident of  
17 the Bronx for over 40 years, and an educator. I  
18 am here on behalf--on behalf of immigrant  
19 parents--perhaps hundreds that have children in  
20 public schools in both the Bronx and northern  
21 Manhattan, who have very high needs and require  
22 specialized services. This is just one thread  
23 that unites these two communities together. The  
24 needs of the children through their--for their

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2 education and for them to thrive.

3 Northern Manhattan and the west Bronx is  
4 a unique corridor between two distinct boroughs  
5 that have very similar populations and in many  
6 respects, share many common interests,  
7 socioeconomic interests, cultural, and similar  
8 needs.

9 I respectfully and strongly request that  
10 you take in--take this fact into consideration as  
11 you draw new congressional district line that  
12 unites these two communities with one legislative  
13 representation.

14 I would conclude by saying that I am  
15 compelled to come here today as a result of the  
16 2010 census, which indicate a high number of  
17 Hispanic residents that are unique in the area of  
18 northern Manhattan and the Bronx, who are  
19 entitled to representation of elected officials  
20 who understand and advocate for the needs of this  
21 community. Finally, I support the maps submitted  
22 by the Northern Manhattan and West Bronx  
23 Coalition for Fair Representation, and I also  
24 support the scheduling of public hearings in the

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2 evenings, when my neighbors are available to  
3 attend and address this commission. I thank you  
4 for your time.

5 ASSEMBLY MEMBER MCENENY: Thank you very  
6 much. What time would you like the evening  
7 meetings to begin?

8 MS. FELICIANO: I think 6:30 is a good  
9 time for people to get out here.

10 ASSEMBLY MEMBER MCENENY: 6:30?

11 MS. FELICIANO: Yes. And I understand  
12 it takes a long time. I've been in government  
13 and understand that public hearings take many,  
14 many hours. But it's a very important topic that  
15 many of us are passionate and concerned about.

16 ASSEMBLY MEMBER MCENENY: I do believe  
17 that a lot of people here have represented people  
18 who couldn't be here. And represented them well-  
19 -including yourself, thank you. Loretta Ruddock-  
20 Smith. Good afternoon.

21 LORETTA RUDDOCK-SMITH, RESIDENT OF  
22 BRONX: Good afternoon, gentlemen. And thank you  
23 for giving me this opportunity to express my  
24 concerns. I live in the west Bronx, in the

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2 Morris Heights section, in a very diverse  
3 committee--community. And--

4 ASSEMBLY MEMBER MCENENY: [Interposing]  
5 Move the mic a little bit closer to you, or speak  
6 more directly.

7 MS. RUDDOCK-SMITH: Oh, okay.

8 ASSEMBLY MEMBER MCENENY: Perfect, thank  
9 you.

10 MS. RUDDOCK-SMITH: Yes, I live in the  
11 Morris Heights section of the Bronx. And in my  
12 community it's very diverse. All nationalities--  
13 it's too--it's so many of us in this community  
14 that are different language--different culture.  
15 And I've been a resident here for the past 40  
16 years. And today my concern is keeping our  
17 community united.

18 And I'm asking that our representation  
19 be a person who is sensitive to the quality of  
20 life, and to--and to the impact of fractured--a  
21 fractured line that is drawn and it's fractured--  
22 the impact it would have on our schools, our  
23 hospitals, our youth, and our community--and our  
24 community involve--involved in different aspects

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2 of our life.

3 I also would like to ask that our  
4 representative be someone of color that  
5 understands our needs and the quality of life in  
6 our community.

7 I would like that more of our community  
8 residents be here today. But they're not able to  
9 be here. And I've heard so many community  
10 residents ask for afternoon meeting, because a  
11 lot of our community are a working people--and  
12 another thing. A lot of our people are not aware  
13 of this meeting. It wasn't--it was in the  
14 papers, I understand, but it wasn't really  
15 publicized. And a lot of senior citizen would be  
16 here today.

17 ASSEMBLY MEMBER MCENENY: All the  
18 advocacy groups--many of whom, like the NAACP and  
19 others were made aware of it. And that goes on  
20 to literally hundreds of groups across the state.  
21 We're told of these, and told to get the word  
22 out--as well as the usual legal and all elected  
23 officials knew of it.

24 MS. RUDDOCK-SMITH: Yes, well I just ask

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2 that we keep our community united. And it's not  
3 the fractured line drawn to confuse our local  
4 families. Because a lot of our people don't even  
5 know who their Senators are or representatives  
6 are, because of the lines. They are not aware of  
7 it. So I thank you for this opportunity.

8 ASSEMBLY MEMBER MCENENY: Thank you very  
9 much for your testimony. Ted Martin.

10 TED MARTIN, CHIEF OF STAFF FOR ASSEMBLY  
11 MEMBER ERIC STEVENSON: Good afternoon,  
12 gentlemen. I would address the Chair, and I'm  
13 Ted Martin. I'm the Chief of Staff for  
14 Assemblyman Eric Stevenson. And we are here  
15 basically to talk about the concept of fairness.

16 You've heard from a number of speakers  
17 with respect to preserving the 15th congressional  
18 district. And we're not going to talk about  
19 that. This is a borough with a population of  
20 about 1.3 million people. And in this borough,  
21 we don't have an elected black Congressman. We  
22 do have, however, one Hispanic Congressman and  
23 two white Congressmen, who--one is from Queens,  
24 and he's act--in fact, he's a Queen's County

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2 Leader. And we have another Assembly--Congress  
3 person, Mr. Engel, who represents part of the  
4 Bronx and he goes off into Rockland County.

5 If we look at the purpose of the Voting  
6 Rights Act and though--and it's progeny, we are  
7 aware of the fact that there came a time in  
8 history when populations which had been in power  
9 were forced to give up that power. But before  
10 they did so, they would graft onto a certain area  
11 in order to include areas that previously were  
12 not included or never thought of.

13 So I guess we're concerned about the  
14 fact that the districts represent the  
15 populations. And any time you've got to go  
16 across a bridge, over the river and through the  
17 woods to get to grandma's house to include her in  
18 your congressional district--I think we're  
19 stretching reality.

20 And there comes a time when we all  
21 recognize that it's a new day. And to the extent  
22 that it is a new day, and I speak for an  
23 Assemblyman who is now the new Assemblyman, and  
24 it's a new day--we are looking at the monumental

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2 task of this committee, knowing ultimately that  
3 the Courts will resolve our differences.

4 We witnessed that in Nassau with respect  
5 to certain actions by elected officials there,  
6 and we are also witnessing it now with respect to  
7 the inclusion of the prison populations where  
8 they should be included. So what we're asking  
9 for, perhaps, may be rhetoric at this juncture,  
10 knowing full well that whatever is decided, it  
11 will be decided by a court of law.

12 And we only hope that in drawing up the  
13 lines, we don't protract or have a protracted  
14 process, which only makes for confusion for those  
15 who are running for office because they're not  
16 sure if they're in this district or not in this  
17 district. And to the extent that we all must  
18 live by the sword and/or die by the sword when it  
19 comes to electoral politics, I think it's  
20 important to bear that in mind that it's  
21 virtually impossible--conceivable--it's possible  
22 because it exists.

23 But you can't have--I don't see how the  
24 Bronx has two Congressmen who aren't really

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2 connected to the Bronx other than in name only.  
3 So with that in mind, I know you are going all  
4 over the state, and this is a statewide  
5 procedure, but we would hope that common sense--  
6 which often doesn't enter into some political  
7 decisions, would enter into yours. Thank you.

8 ASSEMBLY MEMBER MCENENY: Thank you for  
9 your testimony. And I have to comment, as the  
10 historian, that with all the change that we  
11 discussed and times moving on, that your  
12 Assemblyman Eric Stevenson holds the same seat as  
13 his grandfather before him. And he's very proud  
14 of that.

15 MR. MARTIN: Yes, he is. And so are we.  
16 Thank you.

17 ASSEMBLY MEMBER MCENENY: Very good,  
18 thank you. Fredesvina Mascoso [phonetic]? I may  
19 be mis-pronouncing it. Fredesvinda Mascoso?  
20 She's left? Okay. Kenny Augusto [phonetic]?  
21 Kenny Augusto? Egypt Allen [phonetic]? Egypt  
22 Allen? Richard Thomas? Beverly Smith? Your  
23 partner ran out on you right after she testified,  
24 didn't she? The two of you have been here since

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2 the very beginning. We appreciate your  
3 dedication.

4 BEVERLY SMITH, RESIDENT OF WEST BRONX:  
5 Good afternoon.

6 ASSEMBLY MEMBER MCENENY: Good  
7 afternoon.

8 MS. SMITH: My name is Beverly Smith,  
9 and I am a resident of the west Bronx. Born in  
10 Harlem in the 15th district, migrated with my  
11 parents here quite some time ago to the west  
12 Bronx, and I've lived here ever since.

13 I have represented this community. I've  
14 sat on the community board for 17 years, and I've  
15 worked for the City of New York for 32. I'm here  
16 today to ask that the lines be kept intact.  
17 Right now, Washington Heights is Washington  
18 Heights and the west Bronx is the west Bronx.  
19 Where--if you live in Washington Heights, then  
20 whatever is going on in Washington Heights should  
21 be conducted in Washington Heights. Having a  
22 person to represent Washington Heights and the  
23 cross Bronx would be--and the west Bronx would  
24 cause division. I've heard it in the speeches

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2 that I've heard here today, in the course--

3 ASSEMBLY MEMBER MCENENY: [Interposing]  
4 You're speaking Congressionally now, right?

5 MS. SMITH: Congressionally, yes.

6 ASSEMBLY MEMBER MCENENY: Thank you.

7 MS. SMITH: It would cause division  
8 racially. Where there will be just one group of  
9 people speaking one group of language. And I  
10 feel it's very unfair. It will--it will cause  
11 confusion and it would be a division in the unity  
12 that's here today.

13 Certainly, people that live in  
14 Washington Heights shop in the Bronx, and  
15 definitely people that live in the Bronx shop in  
16 west--Washington Heights. However, that's no  
17 reason for the lines to be drawn together. I'm  
18 here to request that the lines stay intact, and  
19 also to ask that the next time you have a  
20 meeting, that it's in the evening and that you  
21 have a translator to translate the languages,  
22 because I felt like kind of disrespectful in the  
23 back when you were holding a conversation that I  
24 didn't understand. Okay, so that's all I'm

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2 asking. And thank you very much for giving me  
3 the opportunity to speak.

4 ASSEMBLY MEMBER MCENENY: Thank you very  
5 much for coming and for giving us your opinion on  
6 that. And we'll also take the translator  
7 suggestion under advisement.

8 MS. SMITH: Okay.

9 ASSEMBLY MEMBER MCENENY: We probably  
10 weren't quite expecting it. We probably did  
11 better for the second one than the first one, and  
12 we'll be better prepared the next time.

13 MS. SMITH: Thank you very much.

14 ASSEMBLY MEMBER MCENENY: Thank you very  
15 much. Rather than list every name that I've  
16 called twice, where someone hasn't come, I will  
17 ask is there anyone else here who would like to  
18 testify? Is your name on the list or--what it--  
19 come on up. Come on up. Good afternoon.

20 BERNEL-ARTHUR RICHARDSON, EXECUTIVE  
21 DIRECTOR, BLACK UNITED LEADERSHIP OF THE BRONX:  
22 Good afternoon, members of the Commission. My  
23 name is Bernel-Arthur Richardson, and I'm the  
24 Executive Director of an organization by the name

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2 of Black United Leadership of the Bronx.

3 My purpose here today is to bring to the  
4 attention of the Commission certain issues and  
5 facts relevant to the decision-making process  
6 leading up to the drawing of the lines for the  
7 Assembly, State Senate, and the Congressional  
8 districts.

9 Ten years ago my organization was one of  
10 the litigants in Bronx County, and we sincerely  
11 hope--though we're not optimistic, that we will  
12 not have to repeat that legal relief again.

13 Before I focus on the specifics  
14 regarding the issues, I'd like to address certain  
15 concerns of the overall African American  
16 community. First, we as a people are deeply  
17 troubled by the non-representation of African  
18 American--of the African American community on  
19 the New York State Legislature and Congressional  
20 Redistricting Commission. This lack of  
21 representation is the first time in the modern  
22 history of the redistricting process, and we are  
23 deeply troubled by that.

24 Secondly, equally distressing, is the

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2 refusal of the Commission to implement the state  
3 law approved by the Justice Department calling to  
4 subtract the prisoners from the prison site and  
5 add them back to the population based on their  
6 home addresses--

7 ASSEMBLY MEMBER MCENENY: [Interposing]  
8 Excuse me, sir. That is not true.

9 MR. RICHARDSON: Then I withdraw that.

10 ASSEMBLY MEMBER MCENENY: Thank you.

11 MR. RICHARDSON: I apologize. Now, for  
12 the issues of importance. One is we understand  
13 that there may be an enlargement of the State  
14 Senate. And we will certainly like to be aware  
15 of that discussion and we would like to be--to  
16 have a possible chance of responding if there is  
17 such a decision.

18 Second of all, we're concerned that  
19 certain specific communities of interest within  
20 the Bronx be maintained. We are particularly  
21 concerned about the in--the districts within the  
22 southern section of the Bronx. We are aware of  
23 the decrease in population of the African  
24 American communities throughout the borough, but

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2 there is certain specific communities of interest  
3 that we want to be maintained, especially as it  
4 pertains to the 79th Assembly district under  
5 Assemblyman Eric Stevenson, and the 77th district  
6 of Assembly-woman Vanessa Gibson, the only two  
7 African American representatives in the Assembly  
8 for the southern part of our borough.

9 And, thirdly, we want to ask that in the  
10 future, that if possible these hearings be held  
11 in the evening. It's really a dis--it's a  
12 discomfort and it's somewhat of a difficulty for  
13 more participation due to the day time. We  
14 really would like it to be. We would also like  
15 to add our support for a black congressional seat  
16 in the Bronx. We believe strongly that the  
17 possibility is there. And if it's not a black  
18 congressional seat, we certainly would like a  
19 full congressional seat in the Bronx.

20 Our population have dramatically  
21 increased over the last ten years, and we realize  
22 that ten years ago we were down in population  
23 because of the problems that Bronx County faced.  
24 But in the ensuing ten years, the population have

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2 increased. And we would like very much for we to  
3 have one full congressional seat, another full  
4 congressional seat, and then perhaps share a  
5 third one.

6 So I just want to bring those things to  
7 the Commission attention. And I thank you. Oh,  
8 one other thing. We would like to be able to  
9 know when it would be the schedule for the  
10 submitting of alternative redistricting plans.  
11 Thank you.

12 ASSEMBLY MEMBER MCENENY: We are  
13 accepting now alternative plans for all three--  
14 Senate, Assembly, and Congressional. We have  
15 received a number of them. We encourage this to  
16 take place, if at all possible by the first week  
17 of October.

18 MR. RICHARDSON: Thank you.

19 ASSEMBLY MEMBER MCENENY: If it came in  
20 in September, it would be even better. All these  
21 plans become part of the record, and they're all  
22 very seriously considered. And we try to  
23 accommodate if it's at all possible.

24 MR. RICHARDSON: Thank you.

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2 ASSEMBLY MEMBER MCENENY: Thank you for  
3 coming.

4 KENNY AGOSTO, DEMOCRATIC DISTRICT  
5 LEADER, 80TH AD BRONX: Good afternoon.

6 MALE VOICE: Wait for the Senator--

7 MR. AGOSTO: Oh, sorry.

8 SENATOR DILAN: I have a question of the  
9 previous witness, sir? Can you come up? I just  
10 want to ask you two questions. I apologize to  
11 you and we'll be right back to you. Thank you  
12 very much.

13 I just need clarification on two points  
14 that you made. First I think--the one with  
15 respect to the 2010 law with respect to counting  
16 prisoners in their respective home district or  
17 last known address. This Task Force has taken a  
18 position that it is honoring that law. So that's  
19 the current position of the Task Force. However,  
20 you must be aware that there is a lawsuit--

21 MR. RICHARDSON: [Interposing] Yes.

22 SENATOR DILAN: --by several Senators--

23 MR. RICHARDSON: [Interposing] Yes.

24 SENTOR DILAN: --that will be decided by

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2 a judge--

3 MR. RICHARDSON: [Interposing] Yes.

4 SENATOR DILAN: I believe it's in Albany  
5 County or it may be--

6 MR. RICHARDSON: [Interposing] It's in  
7 Albany County, yes.

8 SENATOR DILAN: Yeah, so I expect that  
9 some decision will be forthcoming late November  
10 or early December with respect to that. I  
11 support counting the prisoners in their home  
12 district. I have also filed a brief with the  
13 court as a friend of the court. So I just wanted  
14 to clarify that position so the public is aware  
15 that although we as a Task Force do support the  
16 law, a judge could overrule that and I expect  
17 that there will be appeals and it will probably  
18 go all the way up to the Court of Appeals. I  
19 also believe that you made a comment with respect  
20 to the size of the Senate.

21 MR. RICHARDSON: Yes.

22 SENATOR DILAN: Can you restate that,  
23 because I think I missed it.

24 MR. RICHARDSON: Yeah, we've been

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2 hearing that there are discussions to enlarge or  
3 decrease from 62 to 61, or 63 seats. And we have  
4 been told--and I'm not legal, but we've been told  
5 that according to a court in the constitution,  
6 that the commission could make that choice on  
7 their own. And we respect that, but we just  
8 would like to be informed of it and perhaps given  
9 an opportunity to express our opinion. That's  
10 all.

11 SENATOR DILAN: I appreciate your  
12 position because I know several people have  
13 testified as to the size of the Senate, and I've  
14 been calling for criteria, or that we as a  
15 commission let the public know if we are going to  
16 do 61 or if we are going to do 63 or we're going  
17 to do 62. That way the public or advocate  
18 groups--when they're drawing lines, they could  
19 draw the same amount of Senate seats that we  
20 would be proposing and coming back to you.

21 The one thing I've been stating over and  
22 over again, that the State Constitution of New  
23 York has a formula that would dictate that  
24 number. I believe that according to the numbers

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2 that my staff and I have analyzed--I believe that  
3 that number would dictate that the Senate stays  
4 at 62. However, I do agree that perhaps it  
5 should be an odd number.

6 I've been advocating that we go down to  
7 61. Others have been advocating that it goes to  
8 63. But I do agree with you. We should let the  
9 public know now what it's going to be. Not that  
10 we come back later and tell you what it is.

11 MR. RICHARDSON: Thank you, Senator.

12 ASSEMBLY MEMBER MCENENY: Thank you.

13 Good afternoon. Please state your name and any  
14 group that you may or may not represent if  
15 necessary.

16 MR. AGOSTO: Good afternoon, Chairman  
17 Nozzolio and Senator Dilan, and all of the  
18 members of the Honorable New York State LATFOR  
19 Task Force. My name is Kenny Agosto. I am a  
20 lifelong resident of the great borough of the  
21 Bronx and serve as a duly elected district leader  
22 of the 80th Assembly district. Welcome to the  
23 Bronx, gentleman.

24 These districts--this--this district

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2 encompasses the communities of Allerton, Bedford  
3 Park, Bronx Park East, Bronxdale, Eastchester  
4 Gardens, Fordham, Indian Village, Jerome Park  
5 Reservoir, Kingsbridge, Laconia, Morris Park,  
6 Norwood, Olinville, Pelham Bay, Pelham Gardens,  
7 Pelham Parkway, Van Cordtlandt Village, Van Nest,  
8 and Westchester Square. Phew.

9 As well, I am also the first openly gay  
10 elected official of the great borough of the  
11 Bronx. I will not repeat what's already been  
12 said, in--in interest of time. But it is of  
13 paramount importance that in all levels of  
14 government--be it federal, state and local, that  
15 the Bronx--which is also called--known as "God's  
16 Country" or the "Gateway to the American  
17 mainland"--that also has the dubious distinction  
18 of being--of having the poorest congressional  
19 district in the United States--be drawn  
20 responsibly, as well as thoughtfully.

21 As a federally protected community and  
22 county under the United States Voting Rights Act  
23 of 1965, section five, it is virtually--it is  
24 vitally important that the districts in all

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2 levels be drawn as compact and contiguous as  
3 possible. It must include whole community  
4 districts--at least 50% or more.

5 For example, in my community, in the  
6 northeast Bronx, we have Allenton [phonetic] and  
7 Bedford Park, Eastchester Gardens and Laconia at  
8 the crossroads. Pelham Parkway and Van Nest and  
9 Morris Park--also at the crossroads. It spans  
10 from community board seven to 12.

11 In some of those areas, we have up to  
12 four or five Senatorial districts, and four  
13 Council districts. I appreciate the hard work of  
14 some of our elected officials, such as Senator  
15 Ruth Hassell-Thompson and Councilman Jimmy Vacca,  
16 who more often than not go above and beyond  
17 representing just their areas that they  
18 represent.

19 But when we have a community divided  
20 into four or more districts, it's--it really is a  
21 disservice to our community, that many times  
22 already struggles in fighting drugs and crime,  
23 poverty, and sickness. We have the highest rates  
24 of asthma, cancer, and HIV/AIDs in the nation.

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2 That must change.

3 We must be mindful that although we lost  
4 two congressional seats in the state of New York,  
5 and the game--the musical chairs game starts--  
6 minus two chairs, we must be very mindful that  
7 our combined communities of color must have all  
8 of our district lines drawn to respect the sacred  
9 tenants of section five of the Voting Rights Act--  
10 -to respect the diversity and dignity of all the  
11 people of the Bronx.

12 In the--in 2010 census, we had a dynamic  
13 change. We gained 50,000; we have a change in  
14 population. We lost a lot of people who are  
15 Euro--of European descent, and we gained a lot of  
16 people of Latino and African descent. We have to  
17 be mindful that all of our communities need to  
18 have a voice, be it Dominican, Garifuna,  
19 Bangladeshi, Ghanaians, Pakistani, Albanians,  
20 Puerto Ricans, Malawians, Hondurians--it doesn't  
21 matter. In addition to our protect--to our  
22 protected people of color, it--to our protected  
23 people of color, let us also protect the families  
24 of--our under-represented, our incarcerated

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2 people whose families desperately need our  
3 support. The new law bears it out.

4 [Bell ringing]

5 MR. AGOSTO: So, I don't know if that's  
6 you or that's the school, or [Laughs]

7 FEMALE VOICE: The school bell.

8 MR. AGOSTO: Okay, I'll wrap it up.  
9 Whew. Oh that's a--

10 FEMALE VOICE: [Interposing] Fire drill?

11 ASSEMBLY MEMBER MCENENY: If you  
12 continue this--

13 MR. AGOSTO: [Interposing] I--can I wrap  
14 it up?

15 ASSEMBLY MEMBER MCENENY: Sure.

16 FEMALE VOICE: That's a fire drill.

17 MR. AGOSTO: Okay, let us be--let us  
18 also protect the families of our under-  
19 represented people who are desperately need our  
20 support. Let us protect our seniors, our  
21 disabled, and our--and our veterans, as well as  
22 our lesbian, gay, bisexual and transgendered  
23 community.

24 As you may or may not know, the Bronx is

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2 home of the largest same sex led households in  
3 the state. We have a myriad of problems here in  
4 the Bronx, but our people are strong and willing  
5 to work together for the betterment of the Bronx.  
6 Thank you.

7 ASSEMBLY MEMBER MCENENY: Thank you very  
8 much. For the record, would--did anyone else  
9 wish to speak? All right. Are we supposed to  
10 leave the--officer? Are we supposed to leave  
11 now?

12 POLICE OFFICER: No, it's fixed. You're  
13 good.

14 ASSEMBLY MEMBER MCENENY: We're okay.  
15 Okay, thank you Officer. Is there anyone else  
16 here who wishes to give testimony. Please come  
17 forward.

18 RAMON MURPHY: Okay, [Foreign audio],  
19 yeah?

20 ASSEMBLY MEMBER MCENENY: Okay, Ray are  
21 you prepared? Yeah, good afternoon.

22 MR. MURPHY: [Interpreted through Mr.  
23 Lopez] Okay. Good afternoon, everyone. My name  
24 is Ramon Murphy--Ramon Murphy, and I am the

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2 President--I am the President of the Barragatos  
3 Association of Barragotas [phonetic].

4 We are here because we live in the--we  
5 live in the Bronx and in Manhattan. I've been  
6 able to live for a lot of years in Manhattan, and  
7 I also study in Manhattan. This could move  
8 around drastically. We immigrated in the 1980's  
9 and this community--we started basically making  
10 business like grocery stores. [To Mr. Murphy] I  
11 can't--I can't hear you. [Interprets] This  
12 growth--socio-economic also increased the family,  
13 community growth and community, the community in  
14 the Bronx, Manhattan. A lot of people that live  
15 in Manhattan buy--they go and they buy in  
16 Fordham. People that come from Westchester,  
17 south Bronx--they come to Washington Heights so  
18 they can make their grocery purchase.

19 Right here in Bronx Community College, a  
20 lot of students from Manhattan are here too.  
21 This community representation in the state,  
22 federal, and we understand that we need  
23 representation also in Washington. This is like  
24 the business that we are in--the grocery store.

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2 The growth will--the community grows and it has  
3 to be represented.

4 That's why you see the grocery store is  
5 small business. That when you go to the bodilla  
6 [phonetic], you feel like if you are home--it's  
7 like a family. We sell everything. Everything  
8 you need, we sell it there. We can make  
9 sandwiches. What does this signify? That mean a  
10 corporation have growth with us, because with us  
11 those corporations are not the same thing as us.

12 Also, in the store--grocery stores, it's  
13 for information. We go to bodillas and we get  
14 all the different information. In this area,  
15 there is more than 70% of Hispanics. In the  
16 1970--in the 1970's we have a small business and  
17 it's changed now, right? Right now it has growth  
18 maybe 100% more. So basically, they're talking  
19 about that the community is growing and business  
20 is growing from 1970 to the 1980's has grown  
21 drastically--more than 100%. So where they're  
22 looking right now is--since the community is  
23 growing, they want representation also--so they  
24 can be represented in a congressional seat,

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2 etcetera. Mucho gracias.

3 MR. MURPHY: Gracias.

4 LUIS DACASSE, BUSINESS OWNER-143RD ST,  
5 NEW YORK: Good afternoon.

6 ASSEMBLY MEMBER MCENENY: Good  
7 afternoon.

8 MR. DACASSE: My name is Luis Dacasse, I  
9 will--I would try to do my best in English.

10 ASSEMBLY MEMBER LOPEZ: Thank you, Luis.

11 [Laughter]

12 MR. DACASSE: I came to United States  
13 1986. At that time, the only opportunity that we  
14 have for people who doesn't speak in English to a  
15 story, was a Alto Community College [phonetic]  
16 that has a bilingual program, and we are starting  
17 there. And be surprised when I came this  
18 afternoon, I saw that none my generation is in  
19 the school now. Is--they are our kids. Our  
20 daughters and sisters that coming to this  
21 university as well as the community college, city  
22 college, and I--I used to live in the 471 151th  
23 Street in Washington Heights in the north of  
24 Manhattan. However, all of my history was in the

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2 Bronx.

3 But now I am tried to open a business  
4 here in the Bronx, even though I live here for 25  
5 years in Manhattan. So this is really, really  
6 connection that we have in both communities.  
7 After 25 year, I never told that I can be  
8 business owners in the Bronx, where I came to a  
9 story. Even though all my life, I live--I live  
10 in Manhattan. So that mean that--that's growth  
11 that we have. That I can see that my daughter is  
12 history here. And she born in the United States.

13 That means that we need to be  
14 represented. That means that we are staying  
15 there--in the city and we love that--this city.  
16 But sometimes we have the inconvenience that--  
17 when we have some problem, we don't know where to  
18 go. We don't know--we are--we have a few  
19 officials listed that can represent us. So I  
20 would like to bring that attention to you.

21 Because we believe in this country--we  
22 believe in this city, and even though in my  
23 throat was go back to Dominican Republic and live  
24 and die. I decide to stay and I'm going to stay

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2 here. So that growth that you see--the  
3 population growth that we have--the population  
4 growth that we have right now, it because people  
5 like me--we decide to stay here and we will  
6 continue to stay here. So we need your support.  
7 We need more officials elected. We need  
8 representatives that can represent us. Thank you  
9 very much.

10 ASSEMBLY MEMBER MCENENY: Thank you very  
11 much.

12 MR. DUCASSE: Thank you.

13 ASSEMBLY MEMBER MCENENY: Assembly woman  
14 Naomi Rivera?

15 ASSEMBLY MEMBER NAOMI RIVERA: Good  
16 afternoon, members of the New York State Task  
17 Force on Demographics Research and  
18 Reapportionment. My name is Naomi Rivera and I  
19 am a New York State Assembly Member representing  
20 the 80th Assembly district in the Bronx.

21 I am here today to briefly voice the  
22 concerns felt by many Hispanics and other ethnic  
23 minorities across our region and throughout the  
24 City of New York. That concern revolves around

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2 the feeling of being ignored, neglected, and  
3 marginalized.

4 To prove this point, we only need to  
5 look at the April 2011 release of the United  
6 State Census of the population figures for the  
7 New York City. The city only grew by about  
8 160,000--166,000 residents. Queens--where you  
9 can't find a vacant apartment and our kids go to  
10 overcrowded schools--only grew by 1,300  
11 residents. And here in the Bronx, the growth  
12 document--the growth documented was shockingly  
13 less than the reality that we see on our streets,  
14 our housing developments, and our schools.

15 Early this year I released evidence of  
16 the huge under-count that New York City has  
17 experienced. I am sure other municipalities  
18 across New York State have had the same  
19 experience. That evidence was taken right out of  
20 New York City's Bureau of Vital Statistics, which  
21 show that over the past decade, from 2001 through  
22 2010, there were over 1,250,000 children born in  
23 New York City. Even accounting for deaths during  
24 that time period, there was a rate of two births

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2 for every death in New York City.

3 Obviously, these children were born to a  
4 parent and families that include other siblings--  
5 yet according to the census, these children and  
6 their families just walked out of the city. We  
7 are to believe that they were part of an exodus  
8 of young families and children that was never  
9 identified or documented in our newspapers.

10 The overcrowding of our schools is a  
11 clear indication that the census was wrong--  
12 overly wrong. And a very expensive--and a very  
13 expensive error for New York City and New York  
14 State, as billions in federal aid is tied to  
15 these population figures.

16 For Hispanics and Asians, we see these  
17 numbers as an effort to conceal the true growth  
18 of our communities. In Queens alone, 73% of all  
19 births were to foreign born mothers. Queens and  
20 the Bronx saw over 500,000 children born in these  
21 counties over the past decade. But we are to  
22 believe these children just pushed their own baby  
23 carriages out of our state.

24 So at this point I am here today to link

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2 two issues with deep impact and consequences for  
3 Hispanics and minority communities. The huge  
4 under-count in our communities is now linked to  
5 the creation of new political districts that are  
6 to define political power for all communities.  
7 But if the new political districts were to be  
8 drawn--they were to be drawn--rely exclusively on  
9 census data that is not adjusted--and if back  
10 room politics trumps acknowledging the large new  
11 racial and ethnic demographics changes that have  
12 taken place in New York, minorities are correct  
13 to feel ignored, neglected, and marginalized.

14 So I am here this--today to remind this  
15 government body that there is a concern that you  
16 will not acknowledge the fact that there are huge  
17 minority communities across our city and state  
18 and these minorities want to have representation  
19 in government that look like them. While I  
20 represent a part of the Bronx, I am well aware  
21 that there are large growing and emerging  
22 minority communities across New York State.

23 Hispanic, African American and Asian  
24 legislators are virtually nonexistent north of

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2 Bronx County. Westchester has over 500,000

3 Hispanics and virtually none in elected office.

4 Our communities constant--constitute over 45% of

5 the populations of the city of Buffalo and

6 Rochester, and over 30% of the city of Syracuse.

7 In all of the mentioned, there is clear

8 absence of elected officials that resemble the

9 ethnicity and race of the residents of these

10 communities. Let me be clear. How is it that

11 New York State has close to four million

12 residents but not one Hispanic elected to the New

13 York State Legislature from upstate counties?

14 That defies--that--this defies a trend.

15 Our numbers continue to grow

16 significantly and already make up a significant

17 percentage of the regional population. What I

18 and many community leaders in minority

19 communities expect to see is that the new

20 legislative districts drawn for the 2012

21 elections will adequately represent the diversity

22 of this state.

23 As you all know, civil rights groups

24 have already told our mass media that they are

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2 preparing for legal action in congressional  
3 districts--if congressional districts are drawn  
4 to dis--to dilute minority voting strength.

5 Recently, Latino Justice--formerly the  
6 Puerto Rican Legal Defense and Education Fund has  
7 threatened to sue a Hispanic growth in New York  
8 City--if New York City is diluted to deny  
9 Hispanic--Hispanics the opportunity to run and  
10 win a seat in Congress. New York is the state  
11 with the third largest Hispanic population in the  
12 nation, yet we only have two Hispanics in the  
13 U.S. House of Representatives.

14 Hispanics accounted for over 54% of the  
15 population growth in the entire nation over the  
16 past decade, and this is true in communities  
17 across New York State as well. As you also know,  
18 coalitions of minority civic groups have formed  
19 to watch this process and are prepared to ask  
20 U.S. Justice Department to intervene if the lines  
21 created by LATFOR disenfranchise our communities  
22 and do not allow for more minority candidates to  
23 have a fair opportunity to run for public office.

24 So I ask you today to embrace the great

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2 diversity of our state in a matter--in a manner  
3 that will make our democracy proud. I ask you to  
4 respect the wishes of growing minority  
5 communities and provide balanced political  
6 districts where our future majority electorate  
7 with--will begin the process of fully  
8 participating in government.

9 Thank you for this opportunity to voice  
10 my concerns. I look forward to the end product  
11 of your work. Attached to my testimony, you will  
12 find data that indicates the numbers that I have  
13 described to you. Thank you.

14 ASSEMBLY MEMBER MCENENY: Thank you very  
15 much, Congresswoman. It's good to see you here  
16 in--in your home county. Assemblywoman--I'm  
17 sorry. That wasn't deliberate. [Laughs] It's  
18 late. Manuel Lantigua?

19 MANUEL LANTIGUA, COMMUNITY LIAISON FOR  
20 DOMINICAN OFFICERS: Good afternoon, and thank  
21 you for giving us the opportunity to testify. I  
22 am the liason--the community liaison for the New  
23 York Dominican Officers Organization. The  
24 organization that--that has about 1,000 members

1 Committee on Redistricting, 9-8-2011

2 for the law enforcement community.

3 I served ten years in the Bronx and most  
4 recently 13 years in--in the upper west side of  
5 Manhattan. And as a police officer working in  
6 the community, I have seen the changes that New  
7 York City--that happened in New York City in the  
8 last 20 years. I come here to testify because I  
9 believe it's important that the districts  
10 reflects the community, in itself. That it  
11 should not be something that the state actually  
12 do to favor any particular individual, but the  
13 community in itself. We want the Dominican  
14 community to be taken into account in regards to  
15 the Congress, State Senate, State Assembly--but  
16 also the Council members which are--I saw it was  
17 not part of the invitation that was sent through  
18 the media.

19 I believe all these elected officials  
20 are vital for our community to be represented and  
21 I think it's in the best interest of New York  
22 State that all these lines represent the  
23 community for the--for the best of all of us.  
24 That's all I need to say today.

1 Committee on Redistricting, 9-8-2011

2 ASSEMBLY MEMBER MCENENY: Thank you very  
3 much. Is there anyone else here who has not  
4 testified and would like to? There being--ah.  
5 Congratulations, you are number 50.

6 EVELYN RIVERA: Good afternoon. My name  
7 is Evelyn Rivera. I lived in the community for  
8 40 years. I lived in my building for--

9 ASSEMBLY MEMBER MCENENY: [Interposing]  
10 Wait a minute, excuse me--talk a little slower.  
11 What is your name?

12 MS. RIVERA: Evelyn Rivera.

13 ASSEMBLY MEMBER MCENENY: Thank you.

14 MS. RIVERA: I lived in my building for  
15 more than 35 years, Tenant's Association on West  
16 172nd Street. My concern is about our community,  
17 because we used to vote in the P.S. 64 of--about  
18 a couple of years they changed the address to  
19 another location as around 172nd, but they told  
20 the community they can go there, but it's  
21 different, because we had--now we have to take  
22 transportation, from 170 to 172nd, on the other  
23 side of the Bronx.

24 So we've been losing a lot of people to

1 Committee on Redistricting, 9-8-2011  
2 go and vote in the election day because the  
3 situation. When the people come from work and  
4 then they have to call and take a transportation  
5 to go to go and vote--it is a little hassle to go  
6 there, even for myself. Because a community--  
7 they have to go and take a bus and they go and  
8 have to transfer to go and--the election day,  
9 even when we have some time, we have to work all  
10 day. Election day, my--by myself.

11 But the question is--why do we have to  
12 do this? We used to vote at P.S. 64, and they  
13 keep and say they going to come--transfer us to  
14 the same location. We don't understand why we  
15 have to walk that far to go and vote.

16 ASSEMBLY MEMBER MCENENY: It's not an  
17 issue for this Board. We only control the  
18 federal and state lines of representation.  
19 That's something for the City of New York--  
20 whether it's through your councilman or your  
21 community board. We have--

22 MS. RIVERA: [Interposing] Community  
23 board? We will--

24 ASSEMBLY MEMBER MCENENY: [Interposing]

1 Committee on Redistricting, 9-8-2011

2 We have--we have no--

3 MS. RIVERA: [Interposing] I've been  
4 part of the community for a long time. I go to  
5 the community board, I--

6 ASSEMBLY MEMBER MCENENY: [Interposing]  
7 But this--

8 MS. RIVERA: [Interposing] We ask for  
9 this information and they keeping giving the same  
10 information over and over then like--because they  
11 go to change and nothing happen.

12 Well anyway, we are here more so because  
13 the community who - - trend that they have--more  
14 so they have to travel from our community to our  
15 other location in the Bronx, from 172nd Jerome--  
16 west Jerome to west--east Ramone [phonetic]. So,  
17 I guess nobody can do anything about it, right?

18 [Pause]

19 MS. RIVERA: Well, in--in the community,  
20 and me working with the Tenant's Association and  
21 others--we are concerned about the children's and  
22 the elders and teens that going on in the  
23 community. Because a lot of thing going on in  
24 the communities that we have to live--to

1 Committee on Redistricting, 9-8-2011

2 understand.

3 I mean sometimes the people are saying  
4 that they don't have nothing to do with this, and  
5 they have to do something with the city or the  
6 state, but we believe the patience to you over  
7 here today, because I would like to see the  
8 change. But we would like to have the  
9 politician--we need more politician in our  
10 district to work with the people in the  
11 community.

12 ASSEMBLY MEMBER MCENENY: Okay.

13 MS. RIVERA: Okay?

14 ASSEMBLY MEMBER MCENENY: We appreciate  
15 your--

16 MS. RIVERA: [Interposing] Thank you  
17 very much to listen to me, but I here in the  
18 Bronx for more than 40 years, and I concerned  
19 today. Thank you.

20 ASSEMBLY MEMBER MCENENY: Thank you. Is  
21 there anyone else in the house who wishes to  
22 testify? We had 50 people show up, which is  
23 wonderful. And if we had started at 7:00 at  
24 night, it would now be pushing 1:30 in the

1 Committee on Redistricting, 9-8-2011

2 morning.

3 FEMALE VOICE: - - .

4 ASSEMBLY MEMBER MCENENY: We'll keep

5 that--

6 FEMALE VOICE: [Interposing] If there's  
7 any more meetings--that happens to all of us.

8 ASSEMBLY MEMBER MCENENY: Well, how many  
9 counties did you--how many counties did you cross  
10 to get there?

11 MALE VOICE: Move to adjourn.

12 ASSEMBLY MEMBER MCENENY: A move we  
13 adjourn, so to--so moved, thank you. This--we  
14 declare this hearing closed.

15 (The public hearing concluded at 2:23  
16 p.m.)

Committee on Redistricting, 9-8-2011

C E R T I F I C A T E

I, Brandi Dean, do hereby certify that the foregoing typewritten transcription, consisting of pages number 1 to 197, inclusive, is a true record prepared by me and completed from materials provided to me.

A handwritten signature in cursive script that reads "Brandi Dean".

Brandi Dean, Transcriptionist

September 20, 2011



**NEW YORK STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH & REAPPORTIONMENT**

**PUBLIC REDISTRICTING HEARING**

**BRONX COMMUNITY COLLEGE**

**GOULD MEMORIAL LIBRARY AUDITORIUM**

**2155 UNIVERSITY AVENUE BRONX, NY**

**9/8/2011 10:00 AM**

**SPEAKERS LIST**

1. **SENATOR GUSTAVO RIVERA**
2. **NELSON CASTRO**
3. **ALONZO DE CASTRO, PRESIDENT – EAST OF LACONIA COMMUNITY ASSOCIATION & CO-PRESIDENT, NORTHEAST BRONX COMMUNITY COALITION**
4. **NESTOR MONTILLA**
5. **HAILE RIVERA, FOUNDER AND EXECUTIVE DIRECTOR – HANDS ON NY LINKED WITH DOMINICANOS UNIDOS DE NEW YORK**
6. **SENATOR RUTH HASSELL-THOMPSON**
7. **BARBARA STRONCZER, PRESIDENT – BEDFORD MOSHOLU COMMUNITY ASSOCIATION**
8. **MARIA TERESA FELICIANO, PRESIDENT – DOMINICAN AMERICAN NATIONAL ROUNDTABLE**
9. **GREGORY LOBO JOST, DEPUTY DIRECTOR – UNIVERSITY NEIGHBORHOOD HOUSING PROGRAM**
10. **CECILIA BAEZ (Testimony read by Yudelka Tapia)**
11. **WILSON TERRERO**
12. **PAOLA MARTINEZ**
13. **IDELSA MENDEZ**
14. **RAFAELA ZAPATA**
15. **EDUARDO HOPELMAN**
16. **REVEREND BILL MIZELL, BRONX/WESCHESTER CLERGY**
17. **LUIS FACUNDO**
18. **BRIAN PAUL, RESEARCH & POLICY COORDINATOR – COMMON CAUSE NY**

19. HONORABLE CYNTHIA COX
20. CARMEN ACOSTA, ASSOCIATION MUJERES PROGRESISTAS
21. ALDRIN BONILLA, EX-CUNY IN THE HEIGHTS
22. RAFAEL BEAUMONT, 161<sup>st</sup> STREET
23. MARCIA GARCIA, CLUB DE LEONES
24. JOSE ZABALA, ZABALAALDIA.COM-181<sup>st</sup> STREET
25. STEVE SANTANA
26. LEONIDA GARCIA (spoke Spanish, translated by Welquis Lopez)
27. LUIS ESPINAL
28. ALANDIS SANCHEZ
29. DAVID WILLIAMS (spoke Spanish)
30. ABRAHAM JONES, EXECUTIVE DIRECTOR – CLAREMONT NEIGHBORHOOD CENTER, INC.
31. MARIA LUNA, DISTRICT LEADER AD 71
32. DR. HAZEL N. DUKES, PRESIDENT – NAACP NYS CONFERENCE (Testimony read by Biarni Burke)
33. WALTER J. EDWARDS, CHAIRMAN – HARLEM BUSINESS ALLIANCE
34. WILLIAM STANFORD
35. CARLOS SIERRA
36. ELIZABETH THOMPSON, KHNIA
37. COUNCILMAN LARRY SEABROOK
38. FRANCIS CHAPMAN, PRESIDENT – KINGSBRIDGE HEIGHTS NEIGHBORHOOD IMP
39. GREGORIA FELICIANO, COMMUNITY BOARD OF BRONX
40. LORETTA RUDDOCK-SMITH, RESIDENT OF BRONX
41. TED MARTIN, CHIEF OF STAFF FOR ASSEMBLY MEMBER ERIC STEVENSON
42. BEVERLY SMITH, RESIDENT OF WEST BRONX
43. BERNEL-ARTHUR RICHARDSON, EXECUTIVE DIRECTOR – BLACK UNITED LEADERSHIP OF THE BRONX
44. KENNY AGOSTO, DEMOCRATIC DISTRICT LEADER 80<sup>TH</sup> AD BRONX
45. RAMON MURPHY (spoke Spanish)
46. LUIS DUCASSE, BUSINESS OWNER – 143<sup>RD</sup> STREET, NY
47. ASSEMBLY MEMBER NAOMI RIVERA
48. MANUEL LANTIGUA, COMMUNITY LIASON FOR DOMINICAN OFFICERS
49. EVELYN RIVERA

**TASK FORCE MEMBERS PRESENT:**

**JOHN J. McENENY, Member of Assembly**  
**Co-Chair – NYS Legislative Task Force on Demographic Research & Reapportionment**

**MICHAEL F. NOZZOLIO, Senator**  
**Co-Chair – NYS Legislative Task Force on Demographic Research & Reapportionment**

**WELQUIS LOPEZ, NYS Legislative Task Force on Demographic Research & Reapportionment**

**ROMAN HEDGES, NYS Legislative Task Force on Demographic Research & Reapportionment**

**DEBRA LEVINE, Co-Executive Director**  
**NYS Legislative Task Force on Demographic Research & Reapportionment**

NEW YORK STATE  
LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND  
REAPPORTIONMENT

PUBLIC HEARING  
CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING

Tuesday, September 20, 2011

Brooklyn Borough Hall

Community Room

209 Joralemon Street, Brooklyn, New York

10:00 a.m.

Demographic Research and Reapportionment, 9-20-2011

TASK FORCE MEMBERS PRESENT:

SENATOR MICHAEL F. NOZZOLIO, Co-Chair

ASSEMBLY MEMBER JOHN J. MCENENY, Co-Chair

SENATOR MARTIN M. DILAN

ASSEMBLY MEMBER ROBERT OAKS

DEBRA LEVINE

ROMAN HEDGES

WELQUIS LOPEZ

LEWIS HOPPE

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2 (The public hearing commenced at 10:03  
3 a.m.)

4 ASSEMBLY MEMBER JOHN J. McENENY, CO-  
5 CHAIR, NEW YORK STATE LEGISLATIVE TASK FORCE ON  
6 DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT: I would  
7 like to hold a brief meeting of the task force to  
8 go on the record and formally announce two  
9 additional hearings that have been requested in  
10 particular by our two minority members here from  
11 the Senate and the Assembly. And, without  
12 further adieu, I call a meeting of the Task Force  
13 to order. Senator, would you like to do the  
14 introductions first?

15 SENATOR MICHAEL F. NOZZOLIO, CO-CHAIR  
16 NEW YORK STATE LEGISLATIVE TASK FORCE ON  
17 DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT: Thank  
18 you Assemblyman McEneny. Ladies and gentlemen,  
19 good morning. This is the Legislative Task Force  
20 on Redistricting and Reapportionment. We are  
21 conducting a number of hearings across the State  
22 of New York, and we are very pleased today to be  
23 in Brooklyn. The hearing will begin in a moment,

1 Demographic Research and Reapportionment, 9-20-2011

2 but we would like to first entertain a motion,  
3 and before I do that I want to introduce the  
4 members of the task force. Along with my co-  
5 chair Assemblyman McEneny, is my colleague in the  
6 Senate, Senator Martin Dilan, my Assemblyman,  
7 Assemblyman Bob Oaks. Citizen participants on  
8 the task force are Welquis Ray Lopez, and Roman  
9 Hedges. With that, members of the task force, on  
10 behalf of suggestions made by Senator Dilan and  
11 Assemblyman Oaks for two additional hearings,  
12 which will take our preliminary first run  
13 hearings from the number of 12 to the number 14.  
14 Senator Dilan suggested that another hearing be  
15 conducted on Long Island. We have one scheduled  
16 for the first week of October in Suffolk County,  
17 and Senator Dilan's recommendation is that an  
18 additional hearing be added and that we conduct  
19 that in Nassau County. Assemblyman Oaks wishes  
20 that a hearing be also conducted in the north  
21 country, in Plattsburgh. So with that, Senator  
22 and Assemblyman, we would like to proffer a  
23 motion to add two additional hearings, one in

1 Demographic Research and Reapportionment, 9-20-2011

2 Nassau, to be conducted on October 27<sup>th</sup>, and the  
3 second in Plattsburgh, to be conducted November  
4 2<sup>nd</sup>.

5 ASSEMBLY MEMBER ROBERT OAKS, NYS  
6 LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH  
7 AND REAPPORTIONMENT: I'll second that motion.

8 SENATOR NOZZOLIO: Any discussion?

9 ASSEMBLY MEMBER OAKS: No, I just wanted  
10 to say Chairman, just thank you for responding to  
11 those requests, and I look forward to supporting  
12 the motion.

13 ASSEMBLY MEMBER MCENENY: May I ask that  
14 the record be revised to show that there are two  
15 motions on the floor, one offered by Senator  
16 Dilan and seconded by Assembly Member Oaks, and  
17 the second one for Plattsburgh the reverse,  
18 Assembly Member Oaks seconded by Senator Dilan.

19 SENATOR NOZZOLIO: Take all those in  
20 favor.

21 MIXED VOICES: Aye.

22 ASSEMBLY MEMBER MCENENY: Both together.

23 MALE VOICE: Yes.

1 Demographic Research and Reapportionment, 9-20-2011

2 SENATOR NOZZOLIO: Thank you very, very  
3 much. The Brooklyn hearing, the Borough Brooklyn  
4 will now be underway. That as assemblyman  
5 McEneny indicated, as co-chair of the task force,  
6 I have that responsibility. My name is Mike  
7 Nozzolio, I'm the Senator from the greater Finger  
8 Lakes region. That together these hearings are  
9 to establish a record, a video record, a written  
10 record, for the task force and its deliberations  
11 on redistricting. That there are video cameras  
12 here, and that every testifier will be videoed,  
13 and that will be a portion of the official  
14 record. The record is available on the LATFOR  
15 website. Today we have Debra, it's 86?

16 MS. DEBRA LEVINE: I think it's more  
17 than that.

18 SENATOR NOZZOLIO: Well it was 86 a few  
19 minutes ago in terms of those who have-

20 MS. LEVINE: [interposing] Eighty-nine.

21 SENATOR NOZZOLIO: Eighty-nine have  
22 requested the opportunity to speak, and we want  
23 to hear from everyone, and we want to have-

1 Demographic Research and Reapportionment, 9-20-2011

2 everyone to have the opportunity to speak. But,  
3 because of the large number, we want to make sure  
4 that everyone will have that opportunity. So, we  
5 would ask our commentators to summarize their  
6 testimony, particularly if they have written  
7 testimony, submit that written testimony. It  
8 will—we assure you, it will be totally included  
9 in the record of the task force. So, that  
10 written testimony does not have to be, or should  
11 not be read. It should be presented, and then  
12 summarized in terms of the major points you would  
13 like to achieve, and have the record be  
14 reflective of. With that, I'd like to ask  
15 members of the task force if they have any  
16 objections to limiting each presenter, in an  
17 effort to make sure we hear everyone before we're  
18 evicted from Borough Hall. And, we want to thank  
19 the Borough of Brooklyn for allowing us to use  
20 this beautiful chamber, today. Does any member  
21 of the task force have an objection to setting a  
22 time limitation on the this hear—on the  
23 individual testifiers?

1 Demographic Research and Reapportionment, 9-20-2011

2 SENATOR DILAN: What is the limit?

3 ASSEMBLY MEMBER MCENENY: Five minutes.

4 SENATOR NOZZOLIO: A five-minute  
5 limitation.

6 ASSEMBLY MEMBER ROBERT OAKS, NYS  
7 LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH  
8 AND REAPPORTIONMENT: No objection.

9 SENATOR MARTIN M. DILAN, NYS LEGISLATIVE  
10 TASK FORCE ON DEMOGRAPHIC RESEARCH AND  
11 REAPPORTIONMENT: No objection.

12 SENATOR NOZZOLIO: No objections, then  
13 we ask you please--this is as much out of respect  
14 to the 89<sup>th</sup> or 95<sup>th</sup> testifier, as it is to the  
15 first, so please, we're asking you to hold that  
16 and make sure that everyone has the opportunity  
17 to make a statement. Our first testifier is Josh  
18 Pierre, the Flatbush Fair Redistricting  
19 Committee. Mr. Pierre. Before that Senator  
20 Dilan.

21 SENATOR DILAN: Yes, I first just want  
22 to thank my task force members for the additional  
23 two hearings that were requested by the

1 Demographic Research and Reapportionment, 9-20-2011

2 assemblyman and myself. But also, I first want  
3 to thank borough president Marty Markowitz for  
4 hosting today's Task Force hearing here, and  
5 welcome the entire Task Force to the Borough of  
6 Brooklyn. And, I look forward to hearing from  
7 everyone who lives in Brooklyn with respect to  
8 their own Assembly districts, state Senate  
9 districts, and their Congressional districts. If  
10 we could really focus on those, I really look  
11 forward to that, and I just want to thank the  
12 Task Force for their efforts.

13 SENATOR NOZZOLIO: Thank you Senator.  
14 Assemblyman McEneny.

15 ASSEMBLY MEMBER MCENENY: I echo the  
16 gratitude that was expressed by Senator Dilan for  
17 the hospitality of the city of Brooklyn, it's  
18 provided this beautiful historic room for all.  
19 And, I would also echo the remarks of Senator  
20 Nozzolio that I noticed for example, there's 15  
21 people listed from the same organization. If you  
22 have 15 different things to say, that would be  
23 very, very interesting, but if you could, when

1 Demographic Research and Reapportionment, 9-20-2011

2 agreeing exactly with the previous speaker, if  
3 you could curtail your remarks to say, "I agree  
4 totally", or "I want to associate myself with the  
5 previous speaker." That would be a great  
6 courtesy particularly to the other people who  
7 would like to speak. I know at one hearing,  
8 somebody said, "Why don't you have this in the  
9 evening?" and we suggested a time, and we  
10 realized that if we had held it in the evening,  
11 we'd be getting out at two or three-o'clock in  
12 the morning. There's a great deal of interest  
13 here, and we do want to hear what everybody has  
14 to say, not necessarily to hear what was read off  
15 in Buffalo, Syracuse, Binghamton, Rochester,  
16 Albany, Westchester, etc., and Queens and the  
17 Bronx. Thank you.

18 SENATOR NOZZOLIO: Thank you.

19 Assemblyman. Senator Dilan?

20 SENATOR DILAN: I just want to make one  
21 more point for the record, and just to let the  
22 public know that as we do here in New York City,  
23 and we do in Kings county, is that whenever we do

1 Demographic Research and Reapportionment, 9-20-2011

2 have elected officials who are going to testify,  
3 that we do try to accommodate them because they  
4 have other responsibilities as you all know, and  
5 some of them are on the list, and we do try to  
6 take them as elected official and representative  
7 of several hundred thousand individuals. We do  
8 take individuals in the order that they come in,  
9 so we do try to accommodate that. And I really  
10 want to thank the Task Force for respecting the  
11 role of Congress members, state senators,  
12 Assembly members, city counsel members, borough-  
13 wide elected officials and city-wide officials.  
14 Just to make it for the record that we do try to  
15 accommodate them, and we hope everyone  
16 understands that. Thank you.

17 SENATOR NOZZOLIO: Thank you. Any other  
18 member of the Task Force with to say—make any  
19 remarks. Without further adieu, Mr. Josh Pierre.  
20 Josh Pierre. Councilwoman James. Councilwoman  
21 James. Rabbi Lefkowitz.

22 RABBI SHMUEL LEFKOWITZ: Thank you.  
23 Good morning. My name is Rabbi Shmuel Lefkowitz,

1 Demographic Research and Reapportionment, 9-20-2011

2 Vice President for Community Services of a  
3 Agudath Israel of America. Our growing community  
4 in Brooklyn consists of people of all ages, who  
5 have certain common needs with the rest of the  
6 population, but also have specific needs that  
7 relate to our community - - , and six New York  
8 state senators. All of them are great people,  
9 good friends, but it is quite clear that the  
10 voice and influence of our community is diluted.  
11 We wish to make it clear that our goal is not to  
12 create an orthodox Jewish seat in Congress, or an  
13 orthodox Jewish seat in the New York state  
14 Senate. Our community has very good working  
15 relationships with its elected officials. Our  
16 goal is to maximize our ability to be heard on  
17 the issues that are of concern to us, and to end  
18 the current state of disenfranchisement of our  
19 community. How district lines are drawn has a  
20 dramatic effect on our community. The boundaries  
21 for new election districts will soon be set, and  
22 the future of our democracy depends on how these  
23 decisions are made. On the congregational, the

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2 orthodox community in the southern tier of  
3 Brooklyn is represented by Congress Member Yvette  
4 Clark, Congressman Grimm, Congressman Nadler,  
5 Congressman Towns, Congressman Turner. In all of  
6 these districts, the orthodox Jewish community is  
7 a minority in each of these districts. The  
8 Congressional districts—these Congressional—in  
9 the New York state Senate, it's the same thing.  
10 The orthodox community is represented by six New  
11 York state senators. Again, each of these  
12 districts extends primarily into other  
13 communities. The orthodox Jewish community in  
14 each of these state senator districts is a  
15 minority. In each of these district lines, and  
16 the state senators I'm talking about, the lines,  
17 I'm taking about, is the 20<sup>th</sup> district represented  
18 by Senator Adams, and the 20<sup>th</sup> district  
19 represented by Martin Golden, the 27<sup>th</sup> district  
20 represented by Carl Kruger, the 21<sup>st</sup> district  
21 represented by Kevin Parker, the 19<sup>th</sup> district  
22 represented by John Sampson, and the 23<sup>rd</sup> district  
23 represented by Diane Savino. It is quite clear

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2 that the voice and influence of our community has  
3 been diluted. Our community is disenfranchised  
4 by the fragmentation and dilution of power and  
5 influence. What we are asking for is culturally  
6 sensitive redistricting, not political  
7 districting, not independent districting, but  
8 culturally sensitive districting. Look at the  
9 southern tier of Brooklyn, see who lives there,  
10 draw the lines based on common culture, and  
11 common needs, and common values. We want  
12 districts that enable us to elect officials that  
13 can present our needs and our values. Thank you  
14 for listening.

15 ASSEMBLY MEMBER MCENENY: Thank you.

16 SENATOR NOZZOLIO: Thank you very much.

17 Dr. Meir Wikler. Dr. Meir Wikler. Leon  
18 Goldberg. Leon Goldberg.

19 MR. LEON GOLDBERG: Leon Goldenberg.

20 Morning everybody. I'd like to really reiterate  
21 Rabbi Shmuel Lefkowitz made a perfect case for  
22 us. We are a minority community. We do have our  
23 own needs. We do have our own wants, which are

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2 different, schooling which is a major issue for  
3 us. Our biggest single issue is the private  
4 schooling, and we are broken up into five  
5 separate Congressional districts, and six state  
6 Senate districts. We do have common needs, we do  
7 have common wants, and I think it's important  
8 that it is culturally sensitive to recognize that  
9 we are a minority. We are possibly one million  
10 orthodox Jews in the United States, so we're  
11 really an infinitesimal amount. We're definitely  
12 much larger here in New York, and especially in  
13 Brooklyn. But, we still are a very large  
14 minority community, and we find that our needs  
15 and wants are not met with the current  
16 Congressional and state Senate districts. Thank  
17 you all.

18 SENATOR NOZZOLIO: Thank you very much.  
19 Chaim Israel. Chaim Israel. Mr. Israel could  
20 you hold for one second. Please if you would the  
21 door behind--thank you ma'am.

22 MR. CHAIM ISRAEL: Good morning. My  
23 name is Chaim Israel. I'm the current president--

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2 SENATOR NOZZOLIO: [interposing] Excuse  
3 me again Mr. Israel, would you make the  
4 microphone—would you pull it closer to you, the  
5 whole—

6 MR. CHAIM ISRAEL: Sure.

7 SENATOR NOZZOLIO: Thank You. Maybe  
8 even a little more.

9 MR. CHAIM ISRAEL: Okay, here we go.

10 SENATOR NOZZOLIO: Thank you very much.

11 MR. CHAIM ISRAEL: Good morning. My  
12 name is Chaim Israel, I'm the current president  
13 of the YMHA of Borough Park. The YMHA of Borough  
14 Park was established in 1917 as a community  
15 service center. It is a UJA Federation member  
16 agency servicing the Borough Park, Kensington,  
17 Midwood, and Williamsburg communities in  
18 Brooklyn. To date we've grown in size and  
19 membership. Our membership roles stand today at  
20 roughly 6,000 members, God bless them. We offer  
21 a broad range of services and programs for all  
22 ages. Our membership covers a spectrum of the  
23 communities population ranging from elementary

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2 grade children all the way up to senior citizen  
3 programming. Just this past Sunday we celebrated  
4 the 10<sup>th</sup> founding anniversary of our Club Nissim.  
5 Club Nissim is a support group for the aging  
6 holocaust survivors in Brooklyn, and we now have  
7 an enrollment of approximately 1,200 members,  
8 active members, God bless them. For this  
9 momentous occasion, we published a photo album of  
10 pre-war, Eastern Europe communities. The  
11 material was contributed by—the book was edited  
12 by the members of Club Nissim. The survivors  
13 have not forgotten the past, and to this day  
14 still celebrate their miraculous survival of the  
15 destruction of Europe. Yes, thus the name of  
16 Club Nissim, miracles. It's 60 years since the  
17 remnants of the eastern European communities came  
18 across the Atlantic in the World War II troop  
19 carriers, my parents and I amongst them. Over a  
20 span of time, our parent's generation and their  
21 successors successfully established themselves in  
22 this good land, America. The community thrived  
23 and prospered by the grace of God, and of course

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2 with the help of understanding of friendly  
3 elected officials. They were very accommodating,  
4 some more than others. In the years of my career  
5 in public service, I've watched politicians come  
6 and go. I've also watched with dismay,  
7 redistricting after redistricting, successfully  
8 slicing and dicing our communities, leaving our  
9 neighborhoods hopelessly divided across multiple  
10 political wards. It's high time that our  
11 community be given an opportunity to elect  
12 officials, to give us a voice in the halls of  
13 legislators. Similar to other communities across  
14 the Empire state, reflecting our wants, our  
15 needs, our aspirations, and our values. Not as a  
16 mere accommodation, but as a real partner in the  
17 political process, with a seat at a table. Thank  
18 you very much for listening.

19 SENATOR NOZZOLIO: Thank you very much.

20 Gary Sclessinger. Gary Sclessinger.

21 MR. GARY SCLESSINGER: Good morning  
22 distinguished co-chairs and members of the Task  
23 Force, the New York Legislative Task Force on

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2 Demographic Research and Reapportionment. I  
3 appear before you as a representative of the  
4 Williamsburg Jewish community, we're also now a  
5 part of Clinton Hill and Bedford-Stuyvesant, as  
6 well as a concerned citizen. My name is Gary  
7 Sclessinger. I'm the executive board chair of UJ  
8 Care, which represents approximately 70-80  
9 thousand orthodox Jewish residents, and like I  
10 said, Williamsburg, Client Hill, Bedford-  
11 Stuyvesant. Our organization is a not for profit  
12 organization which assists, provides, and directs  
13 service to people who have no other means, and  
14 depends on social services and also advocates for  
15 policy changes beneficial to schools and the  
16 community and the City as a whole. I appreciate  
17 the fact that I have this opportunity to talk.  
18 As a child of immigrants and Holocaust survivors,  
19 I can only say that only in the United States, we  
20 really had a chance to speak openly to lawmakers  
21 who write the laws and implement policy, and are  
22 ready and happy to hear what we have to say.  
23 Over 60 years have passed since our parents,

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2 immigrants mainly from Eastern Europe, arrived  
3 here in this blessed country, after fleeing the  
4 Holocaust during World War II. They built from  
5 scratch new institutions, and poured millions  
6 upon millions of dollars into schools,  
7 synagogues, community centers. We are continuing  
8 to do exactly that to this day.

9 As of today, our new younger generations  
10 want to stay in the same communities. And  
11 because of that, we are one of the fastest  
12 growing community in New York State. In  
13 addition, we always have been represented as one  
14 big community where our voices were united and we  
15 did our civic part for our community. We are  
16 very worried that this will change, and we will  
17 be diluted and our influence as a community will  
18 be diminished. As one community, we share the  
19 same culture, same religious beliefs, and our way  
20 of life. There's a certain ethnic sensitivity  
21 that should be considered when lines are drawn,  
22 because there are so many special needs. I  
23 should say that the current state Senate lines in

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2 our community is kind of troubling. On one hand,  
3 our representation from the house, the other  
4 house of this legislative body, the state  
5 Assembly district line, in our case, is the 50<sup>th</sup>  
6 Assembly district represented close to 40 years  
7 by our great assemblyman Joel Lentil, is more  
8 consistent with our needs. But on the Senate  
9 map, we are divided into portions of other areas  
10 in Brooklyn.

11 Currently, we are represented by two  
12 Senate districts. We have Senator Squadron,  
13 which is the 25<sup>th</sup>, and we have Senator Dilan,  
14 who's sitting here, he's from the 17<sup>th</sup> district.  
15 Both State Senators have been highly sensitive to  
16 our community needs, and we appreciate what they  
17 are doing. But at the same time, we are  
18 extremely concerned that as our community grows  
19 by leaps and bounds, and as our boundaries have  
20 expanded, that it is important to stay together  
21 as one big family, and have our voices heard. If  
22 we stay together as a community, we believe we  
23 will prosper, and we will continue to be able to

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2 raise our children as great American citizens. I  
3 would ask you all to please review the district  
4 lines as best as you can. Take into  
5 consideration the needs of our community, a  
6 community that has stayed committed to the city  
7 of New York, that has stayed committed to the  
8 state of New York that has pumped in millions of  
9 dollars into the neighborhood, a community that  
10 is committed to making our neighborhoods work.  
11 Please look at these district lines carefully and  
12 see what you can do to preserve our community as  
13 a whole. Let our voices be heard. Thank you  
14 very much for listening.

15 SENATOR NOZZOLIO: Before you leave, Mr.  
16 Sclessinger, I'd like to ask you and Rabbi  
17 Lefkowitz, and Leon Goldberg, and Mr. Israel to  
18 understand that we, as the task force, welcome  
19 this type of input. We also would welcome the  
20 opportunity to see your suggestions through maps,  
21 through specific proposals. That, your testimony  
22 is certainly well listened to, but we would like  
23 you to consider following up as other

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2 organizations have been encouraged. Other of the  
3 representatives of certain particular groups  
4 throughout the state, we've asked to submit  
5 mapping, submit kinds of proposals that would  
6 maximize the interest in your view of the  
7 community that you represent. So, with that, I'd  
8 like to thank you for your testimony, and  
9 encourage you and the other three or four  
10 witnesses who testified to submit to the Task  
11 Force, specific suggestions.

12 MR. GARY SCLESSINGER: Thank you.

13 SENATOR NOZZOLIO: Thank you. Yoshi  
14 Mentzer. Yoshi Mentzer. Yeruchim Silver.  
15 Morning.

16 MR. YERUCHIM SILVER, COMMUNITY BOARD 12:  
17 Good morning members of the Committee. My name  
18 is Yeruchim Silver, I'm a member of community  
19 board 12, president of a local synagogue, and  
20 I've been employed or retained by a number of  
21 non-profits in the area of community and  
22 government relations. I've also worked in  
23 government as a legislative staffer, so I really

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2 experienced interaction with government from both  
3 sides of the table. I'm going to reiterate many  
4 of the points that Rabbi Lefkowitz and Mr.  
5 Goldberg indicated, but I will make some  
6 additions. Over the years, I've had many  
7 occasions to call upon legislators on the  
8 federal, state, and city levels, either on behalf  
9 of an employer or client or my role as a  
10 community activist, helping individuals navigate  
11 government bureaucracy. What my experience has  
12 shown that some legislators are more responsive  
13 than others to particular issues that are brought  
14 before them. In almost all instances, the more a  
15 legislator is familiar with a particular  
16 community, or happens to represent larger chunks  
17 of the community, they'll be more likely to  
18 properly respond to the needs of the community  
19 and its individuals.

20 The orthodox Jewish community of  
21 Brooklyn has many unique needs, as was mentioned  
22 before. Virtually all the children in these  
23 communities attend private and parochial schools,

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2 where the cost of tuition can be a very crushing  
3 burden. Families tend to be large, which could  
4 put strains on both the government and community  
5 safety net. There are many charitable and social  
6 service organizations, as was mentioned, and as  
7 was mentioned, a large population of Holocaust  
8 survivors. It makes it imperative that any  
9 legislator representing those areas become  
10 thoroughly familiar with the issues facing the  
11 community. It is also important to have as  
12 complete a representation as possible, and as was  
13 mentioned before, when a neighborhood is divided  
14 among several legislators, especially this  
15 community with their unique needs, the  
16 representation - - becomes diluted, and the voice  
17 of the community can feel silenced.

18 Rabbi Lefkowitz said before, and I won't  
19 repeat it, the community of South Brooklyn,  
20 Borough Park is divided among five Congressional  
21 districts, and six Senate districts. Just let me  
22 add one thing, let me something separate for the  
23 Congressional ones and Senate. I understand

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2 there are many constitutional concerns that may  
3 prevent the entire area from one Congressional  
4 district. Let me focus on one part, the area of  
5 Borough Park, which I've been very involved in,  
6 and keep it in tact as it is as part of the 8<sup>th</sup>  
7 Congressional district. This district is  
8 currently constituted, already has one of the  
9 highest Jewish populations of any district in the  
10 country and contains Jewish communities of  
11 orthodox Jews, both in Borough Park and other  
12 Brooklyn neighborhoods, as well as in upper west  
13 side, and other parts of Manhattan. The same  
14 time I would strongly urge the Committee to  
15 condense the remainder of the south Brooklyn  
16 neighborhoods with strong orthodox populations,  
17 Kensington, Midwood, Gravesend, - - , - - , and  
18 Marine Park into one Congressional district to  
19 ensure that these communities have adequate  
20 representation.

21 Again in the State Senate, as was  
22 mentioned, there are six districts. I do recall  
23 on thing, ten years ago when this process was

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2 done, there was a tentative Senate district drawn  
3 up that included most of Borough Park and  
4 Midwood. Due to various factors, those lines  
5 didn't survive the final version. I would urge  
6 the Committee to consider, and Mr. Chairman, I  
7 take your suggestion, we will work with our  
8 colleagues to create the possible map and present  
9 to the committee. We're actually reiterating and  
10 putting our map, our suggestions how to make—give  
11 this community more adequate representation, one  
12 that understands as uniquely qualified to  
13 advocate for its needs in the halls of  
14 government. Thank you.

15 SENATOR NOZZOLIO: Mr. Silver, before  
16 you leave, let me give you the address to send  
17 that, and it is part of the record. All the  
18 comments of today's hearing, and all the hearings  
19 will be available through the website. The  
20 address is [www.latfor.state.ny.us](http://www.latfor.state.ny.us). So,  
21 latfor.state.ny.us.

22 MR. YERUCHIM SILVER: Thank you.

23 SENATOR NOZZOLIO: Thank you very much,

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2 and we appreciate your testimony today, and your  
3 input in the future.

4 MR. YERUCHIM SILVER: Thank you.

5 ASSEMBLY MEMBER MCENENY: Assemblyman  
6 Camara. Assemblyman Karim Camara.

7 ASSEMBLY MEMBER KARIM CAMARA: Good  
8 morning, and thank you for permitting me to  
9 testify. It's good to see some colleagues here  
10 in Brooklyn. I'm here to testify today of course  
11 before this Legislative Advisory Task Force on  
12 Demographic Research and Reapportionment. As you  
13 know we are here today for a very important  
14 purpose, to recommend to you how new state  
15 legislative districts ought to be drawn for the  
16 next decade. Needless to say, you have a great  
17 responsibility, and a daunting task ahead. I  
18 want to take my time to talk to you about the  
19 redistricting process, and a few particular  
20 appeals. First, one person, one vote, requires  
21 fair representation for everyone. Please draw  
22 districts that maintain equal population across  
23 the state, as required by law and that follows

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2 where people live in their communities. There  
3 should be no down state advantage, there should  
4 be no up state advantage. Our confidence in  
5 government is undermined when the vote of a  
6 person living in one town is weighed differently  
7 from that of a voter in another town.

8 Second, New York's diversity is one of  
9 our greatest strengths. Redistricting should  
10 permit fair representation for all New Yorkers.  
11 Legislative districts should provide fair  
12 representation for people of color. Forty-two  
13 percent of New Yorkers are Black, Latino, or  
14 Asian, yet the number of our elected officials  
15 from minority communities does not represent that  
16 strength in the state legislature and  
17 Congressional delegation, ensuring that  
18 communities of color and minorities have equal  
19 opportunity to elect representatives of their  
20 choice in compliant and in spirit with the U.S.  
21 Constitution, the Voting Rights Act, and court  
22 decisions should be of paramount priority.

23 Third, New York is a composite of

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2 communities of interest. The unnecessary  
3 division of our neighborhoods results in  
4 meandering lines lacking identity. Continued  
5 division of our communities should be avoided.  
6 Strangely shaped districts ignoring traditional  
7 neighborhood suggest the lines are drawn for  
8 political advantage, undermining public  
9 confidence in the fairness of the process and the  
10 system.

11 Fourth, the new law that counts  
12 prisoners at their home of record for purposes of  
13 redistricting must be fully and timely  
14 implemented. This will help correct an imbalance  
15 in political representation that has  
16 disadvantaged many urban communities.

17 Fifth, please make sure that the state  
18 Senate remains at the current number of  
19 districts, 62, not fewer, not more. The State  
20 Constitution was amended over a hundred years ago  
21 to account for New York City becoming a united  
22 city of five counties, and it provided a formula.  
23 That formula may be old, but it's still the law.

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2 While a different number of Senate districts may  
3 be appealing to some, the truth of the State's  
4 Constitution's formula should be honored. The  
5 Senate should not change for mere political  
6 convenience. The proposed 11<sup>th</sup> Congressional  
7 district adheres to all our Constitutional and  
8 Voting Rights Act, therefore, I support the  
9 proposed map for the 11<sup>th</sup> Congressional district  
10 of New York that was originally submitted to you  
11 by Congresswomen Yvette Claw on August 4<sup>th</sup> 2011.  
12 That proposed district adheres to all  
13 Constitutional and Voting Rights Act  
14 redistricting guidelines, and includes many  
15 sections of the historic 12<sup>th</sup> Congressional  
16 district which was originally represented by the  
17 honorable Shirley Chisholm, the first African-  
18 American female elected to Congress.

19 Please give that map submitted your  
20 utmost consideration. Lastly, please continue to  
21 engage the public as you have, and continue to  
22 encourage input as you have and keep the  
23 redistricting decisions out in the open where the

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2 public can see what is happening. Nothing can  
3 help improve our view of the government better  
4 than to see government out in the open where ever  
5 decision is made with the public present.  
6 Finally, I'd like to thank some local individuals  
7 who've been a large part of this effort in  
8 helping us reform the system, Dr. John Flatough  
9 [phonetic], Dr. Luther Blake [phonetic], and  
10 civil rights attorney, Esmeralda Simmons, for  
11 their 50 plus years of service for the state and  
12 for Brooklyn. And again, I'd like to thank all  
13 of you for your time, and I can't stress enough  
14 how glad we are to have you here in the nation of  
15 Brooklyn.

16 SENATOR NOZZOLIO: Christopher Strunk.

17 MR. CHRISTOPHER STRUNK: Good morning.  
18 My name is Christopher Earl Strunk. I am glad to  
19 hear the nation of Brooklyn is properly  
20 represented here today. Thank you for allowing  
21 me to extend my remarks beyond the copious amount  
22 of paper that I've handed you. I'm with the  
23 Brooklyn Home Rule Coalition. I'm here to talk

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2 about the Constitution for a change, and that we  
3 haven't used it for a very long time, as Mr.  
4 Hedges and Mr. Hope know, and I would not like to  
5 see hedging hope this time. I think that the  
6 nature of the State Constitution is a bottom up  
7 structure, a subsidiarity, which was adopted by  
8 the federal constitution requiring that the  
9 smallest component of competent jurisdiction  
10 should solve problems at a local level. Our  
11 county system is composed of villages and towns,  
12 and cities --

13 SENATOR NOZZOLIO: [interposing] Excuse  
14 me, sir, could you be so kind as to just pull the  
15 microphone a little closer to you. Thank you.

16 MR. CHRISTOPHER STRUNK: The 1,600 plus  
17 villages, towns, and cities that compose the  
18 various counties of which the counties have  
19 severe problems in that they have not been  
20 consolidated to provide equal protection of  
21 voters within. The City of New York is larger  
22 than it's allowed to be under the State  
23 Constitution, and that is exceeded its limit. We

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2 have not started our districting from Hamilton  
3 County that - - . I have a long list of  
4 grievances, which are part of that paper that I  
5 handed you. But, primarily I'm here to speak—I  
6 live in Brooklyn, I was born in Manhattan. Bob  
7 Dornan [phonetic], a friend of mine was born in  
8 Manhattan, ten or so years earlier than I. He  
9 said it was impossible for anybody to run, in  
10 this state, in a fair election. Bob ran in  
11 California, both as a democrat and as republican.  
12 As a republican he ran and won in a gerrymandered  
13 democratic district, so that leaders need a  
14 chance to represent people. What we need,  
15 according to the State Constitution, is nesting.  
16 That is that the smallest political component,  
17 and we start with election districts, are nested  
18 into the house district so that there is no  
19 overlapping. I am—been practicing for the last  
20 20 years in court, and I'm ready to take all of  
21 you on coming up in the 2012 election. And that,  
22 I believe that Brooklyn with 2.--, well who knows  
23 how many people there are here, but 2.8, 2.7,

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2 that's bigger than most states. And we don't  
3 have any elected representation inside Brooklyn  
4 other than what goes to Manhattan.

5 We've got 18 community boards, which are  
6 the fundamental structure of how we manage our  
7 real property. We don't have one incorporate  
8 village or town within Brooklyn, so we depend on  
9 our community boards. The Brooklyn coalition is  
10 interested in a referendum, not only splitting  
11 Brooklyn from Manhattan, because it's too large,  
12 and everything runs from Manhattan, but that we'd  
13 be able to elect within our community boards the  
14 structure of representation, which we hadn't had  
15 for so long. It's longer than I can remember  
16 because it was never that way in 1947 since I was  
17 born. We have a dictatorship. And Bloomberg has  
18 taken on Mussolini aspect, everything he does,  
19 with syndicalism, and that is unacceptable. So,  
20 I'm saying that you have a structure of community  
21 boards, 18 community boards, in which they should  
22 be structured in a way where it goes right to the  
23 U.S. House of Representatives, which I believe

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2 the federal government has succeeded from New  
3 York. I thought we could succeed from the  
4 federal government, they succeeded. They no  
5 longer listen to us. They're listening to a  
6 syndicate, which is absolutely unrepresentative  
7 of any interest of the state of New York.

8 So, I just want to emphasize that I'm  
9 available for further comment, and certainly I'm  
10 available to go to court.

11 SENATOR NOZZOLIO: Thank you very much.

12 MR. CHRISTOPHER STRUNK: Thank you.

13 SENATOR NOZZOLIO: Councilman Jumaane  
14 Williams. Councilman Williams. Professor Terry  
15 Hung. Professor Terry Hung. Bethany Li. Good  
16 morning.

17 MS. BETHANY LI, STAFF ATTORNEY - ASIAN  
18 AMERICAN LEGAL DEFENCE & EDUCATION FUND (AALDEF):  
19 Good morning. Is this close enough? It's good?  
20 My name is Bethany Li, I'm a staff attorney at  
21 the Asian-American Legal Defense and Education  
22 Fund. We're a national civil rights organization  
23 founded in 1974. Among other things, ALDEF

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2 participates in many coalitions and planning  
3 initiatives focused on protecting the lower  
4 income communities of color in Sunset Park  
5 Brooklyn and in Manhattan's China Town in lower  
6 east side. After interviewing numerous community  
7 groups, ALDEF has submitted recommendations for  
8 Asian-American communities of interest that  
9 should not be divided.

10 I have worked extensively in some of  
11 these communities with community organizations,  
12 residents, workers, small businesses, and  
13 property owners. I've also represented many  
14 individuals, and churches, and land use and  
15 housing cases in both Sunset Park Brooklyn and  
16 Manhattan's China Town, lower east side. In  
17 addition, I've conducted a survey of the impact  
18 on luxury development on the housing needs  
19 encountered by residents in many of these  
20 communities and the experiences of neighborhoods  
21 and residents in Sunset Park and workers in  
22 Bensonhurst in Brooklyn, and I'm here to  
23 summarize briefly some of the preliminary results

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2 in their experiences to illustrate the  
3 interconnectedness of various Asian-American  
4 immigrant communities.

5 The survey focused on six communities  
6 that have among the largest concentrations of  
7 Asians with the highest poverty levels in New  
8 York City, they are Bensonhurst and Sunset Park  
9 in Brooklyn, China Town lower east side in  
10 Manhattan, and Jackson Heights, Elmhurst, and  
11 Woodside in Queens. Between 2009 and 2010, we  
12 collected a total of 853 surveys in these six  
13 neighborhoods. The survey responses and our  
14 conversations with neighborhood residents,  
15 workers, and small business owners, demonstrate  
16 the interconnectedness of these communities.  
17 They share many characteristics, such as  
18 cultural, background, economic status, languages,  
19 community services and resources, public  
20 transportation, and workplaces. In Sunset Park  
21 30% of Asians live below the poverty level, and  
22 75% are foreign born. Approximately 40,000  
23 Chinese people live in the neighborhood, and 81%

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2 of the Chinese speaking population in this  
3 neighborhood is limited English proficient.

4 This area is currently divided between  
5 two Assembly districts, three Senate districts  
6 and two Congressional districts. A significant  
7 Chinese population of both Cantonese and Mandarin  
8 speakers live in Sunset Park, often considered  
9 Brooklyn's China Town. Sunset Park 8<sup>th</sup> Avenue  
10 serves as the main commercial corridor for both  
11 residents in the neighborhood and other Chinese  
12 neighborhoods in Brooklyn, including  
13 neighborhoods like Bensonhurst. Sunset Park has  
14 grown in part because rents in China Town are  
15 increasingly expensive. Many Chinese people live  
16 in Sunset Park, but continue to work in  
17 Manhattan's China Town, after being priced out of  
18 its rental market. Ironically, city rezoning and  
19 development trends have also pushed more  
20 development into Sunset Park making this  
21 neighborhood also increasingly unaffordable.  
22 Chinese and Latino residents are concerned about  
23 finding housing that is affordable for their

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2 families in this neighborhood.

3 Many Chinese families who may not be  
4 able to afford increasing rents in Sunset Park  
5 have moved to Bensonhurst, a neighborhood in  
6 Brooklyn also with a high percentage of low  
7 income Asian families that show similar  
8 characteristics. Bensonhurst has 17% of Asians  
9 who live below poverty level, and 69% who are  
10 foreign born. Approximately 47,000 Chinese  
11 people live in Bensonhurst, and 70% of the  
12 Chinese speaking population in this neighborhood  
13 is limited English proficient. This area is  
14 currently divided among three Assembly districts,  
15 four Senate districts, and two Congressional  
16 districts. Bensonhurst has also experienced a  
17 growing Chinese population in recent years.  
18 Based on our survey, the biggest reason cited for  
19 moving to Bensonhurst is the lower rents.  
20 Because the population in Sunset Park and  
21 Bensonhurst are similar, the concerns faced by  
22 many of the residents in both neighborhoods often  
23 overlap.

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2 Our survey found that similar percentage  
3 of people in both neighborhoods have the same  
4 amount of difficulty paying bills. At the top of  
5 the list were rent, healthcare, and utilities.  
6 Rental issues also topped the list, and  
7 overlapped in many—in these two Brooklyn  
8 neighborhoods. These two Brooklyn neighborhoods  
9 where the highest percentages—had the highest  
10 percentages of people without leases, in all the  
11 six neighborhoods surveyed. Only 26% and 35% in  
12 Bensonhurst and Sunset Park respectively had  
13 leases as compared to 45% of the people overall  
14 in the six neighborhoods. In addition the  
15 neighborhoods had higher percentages of people  
16 citing lack of heat as a major issue with their  
17 housing. Although Bensonhurst remains more  
18 affordable than Sunset Park, market rate  
19 development has impacted residents in both  
20 neighborhoods in similar ways. A similar  
21 percentage of people in Bensonhurst and Sunset  
22 Park noticed more luxury buildings. They also  
23 noticed every day goods becoming more expensive,

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2 and fewer stores where they can afford to shop.  
3 The same percentage of people in both  
4 neighborhoods noticed that their neighbors—more  
5 neighbors are being forced to move out. However,  
6 despite similar populations and every day needs  
7 and concerns, Bensonhurst is clearly the more  
8 affordable neighborhood based on median rent, and  
9 residents perceptions. For example, our survey  
10 showed that only 13% in Bensonhurst had found  
11 apartments to be unaffordable versus the 25% in  
12 Sunset Park. Although Bensonhurst and Sunset  
13 Park have slight differences in housing  
14 affordability, the shared characteristics between  
15 the Chinese-American population in Bensonhurst  
16 and Sunset Park are significant. In fact,  
17 because the neighborhoods have different levels  
18 of affordability, they are in some ways even more  
19 interconnected as many of the residents from  
20 Sunset Park have moved to Bensonhurst in search  
21 of affordability. Residents in both  
22 neighborhoods have shared common languages,  
23 supermarkets and restaurants, housing concerns

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2 and resources and services.

3 Consequently, Bensonhurst is similar to  
4 Sunset Park and should be grouped together in the  
5 same legislative district. In Manhattan's China  
6 Town, which is one of the last affordable  
7 immigrant neighborhoods in Manhattan, 34% of  
8 Asians in China Town and Lower East Side, live  
9 below the poverty level, and 74% are foreign  
10 born. The percentage of Asians in China Town and  
11 lower east side is 40%, and 73% of the Chinese  
12 speaking population in this neighborhood is  
13 limited English proficient. The area of China  
14 Town and lower east side is currently an 80-64  
15 SEP SD25 and split among CD 12 with Sunset Park  
16 and CD 14 and CD 8. Chinatown and Lower East  
17 Side is comprised of a significant Chinese and  
18 low income, Latino population. The Chinese  
19 population includes Cantonese, Mandarin, and  
20 Fujianese speakers. Many of the newer Chinese  
21 Fujianese immigrants, live east of east Broadway,  
22 stretching further out than what some consider  
23 the historic core of China Town along Lot Street,

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2 Pell Street, and Doyer Street. This neighborhood  
3 is one of the few Asian neighborhoods in which a  
4 significant amount of public housing exists,  
5 which is reflected in the higher percentage of  
6 applications to, and general knowledge about  
7 public housing in our survey among the six  
8 neighborhoods.

9 SENATOR NOZZOLIO: Ms. Li.

10 MS. LI: Yes.

11 SENATOR NOZZOLIO: Excuse me, you've  
12 exceeded the five minute limit by 20%. Could you  
13 please summarize - - .

14 MS. LI: [interposing] Sure.

15 SENATOR NOZZOLIO: Submit your written  
16 testimony, we'll make sure that it's part of the  
17 record. And, in your summary would you answer  
18 the question of whether you will be submitting on  
19 behalf of your organization, any specific maps.

20 MS. LI: Absolutely. Just quickly to  
21 summarize China Town and Lower East Side, the  
22 neighborhoods face very similar problems in terms  
23 of housing affordability. Lack of affordable

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2 housing is often at the top of the concerns that  
3 people raise. Both neighborhoods have been  
4 impacted significantly by city rezoning plans  
5 that have pushed a lot of development into both  
6 of the neighborhoods and both are addressing  
7 similar issues in terms of finding affordable  
8 housing for the many overcrowded and poor housing  
9 conditions that exist in both neighborhoods.  
10 And, the community boards have actually sponsored  
11 a planning initiative that encompasses both China  
12 Town and Lower East Side and we believe that both  
13 neighborhoods should be looked at together when  
14 you are looking at redrawing lines and maps. We  
15 will be submitting maps in addition to our  
16 testimony and we plan to submit these maps before  
17 the first round of hearings is over.

18 SENATOR NOZZOLIO: Excellent.

19 MS. LI: Thank you so much for the  
20 opportunity to testify.

21 SENATOR NOZZOLIO: Thank you very, very  
22 much. Esmeralda Simmons. Esmeralda Simmons.  
23 Good morning.

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2 MS. ESMERALDA SIMMONS, EXECUTIVE

3 DIRECTOR, CENTER FOR LAW & SOCIAL JUSTICE, MEDGAR

4 EVERS COLLEGE: Good morning members of LATFOR,

5 I'm pleased to be here again to speak on two

6 issues. Number one, my name is Esmeralda

7 Simmons, I serve as the executive director of the

8 Center for Law and Social Justice. My center is

9 a legal advocacy and research institution that

10 focuses on racial justice issues, particularly

11 those affecting New York City. My center also

12 staffs the newly found, Coalition Black New

13 Yorkers for Fair Redistricting. To go directly

14 to the point, I'll testify today on the topic of

15 deviation, that is how LATFOR should affect the

16 legal principle of one person, one vote on all

17 levels of state redistricting, particularly when

18 drawing Senate and Assembly districts. The

19 United States Supreme Court has clearly stated

20 that Congressional districts should suffer

21 minimal deviation, so I won't spend much time on

22 that. I know that you know that we try, and we

23 urge you to not have a difference of more than

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2 one person per district, so we don't run into any  
3 major problems with Congressional redistricting.

4 However, although state legislative  
5 redistricting is governed by the equal protection  
6 clause of the United States Constitution, they  
7 have held a more relaxed deviation standard of  
8 10% historically. But, there is now a growing  
9 cry for equal-for greater equalization of state  
10 and local districts. Voices from the second  
11 floor of the state capital to legal scholars, for  
12 example there is a recent note abandoning the 10%  
13 rule and reclaiming one person, one vote in the  
14 Cardozo Law Review of 2010. And many other in  
15 between have been calling on New York state to  
16 reexamine its redistricting deviation criteria.  
17 This aspiration is especially in reach with the  
18 striking technological advances that have been  
19 made in redistricting software. What was  
20 thinkable only 20 years ago, is now achievable  
21 with significantly greater ease. Outside of the  
22 compliance of the Voting Rights Act, there should  
23 be no greater priority than equalizing the size

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2 of districts across the state during this  
3 process. This is especially necessary for LATFOR  
4 to adopt minimizing deviation criteria after the  
5 uproar that was heard across the state over  
6 LATFOR's 2000 state Senate maps exploitation of  
7 the 10% rule. That maps blatant minimizing of  
8 upstate districts while grossly maximizing  
9 downstate districts was offensive to a large  
10 number of New Yorkers. These New Yorkers felt  
11 that the ideal of one person, one vote doctrine  
12 was violated, even though the map was upheld by  
13 the federal court.

14 Indeed, this type of proved  
15 gerrymandering in part spawned the intense pre-  
16 gubernatorial lobbying effort and intensive calls  
17 to eliminate LATFOR and replace your body with a  
18 less political commission that has strict low  
19 deviation criteria. In reaction to LATFOR's  
20 performance in 2000, some-or 2012, some advocates  
21 initially called for the establishment of a 1%  
22 deviation criteria. Many have already discovered  
23 however, as they labor to actually create viable

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2 maps, that 1% has proven to be too stringent.

3 The Center for Law and Social Justice advocates  
4 for minimizing deviation wherever possible, but  
5 allowing up to 4% as a maximum deviation. This  
6 slightly higher percentage provides the necessary  
7 flexibility to respect communities of interest  
8 and create districts where groups protected under  
9 the Voting Rights Act can elect candidates of  
10 their choice.

11 I'm now moving to a second topic,  
12 implementing the Prison Readjustment Act. I'll  
13 just say a few words on that. LATFOR'S  
14 pronouncements regarding its intention to  
15 implement the new law has been heralded as good  
16 and lawful policy. The Center for Law and Social  
17 Justice and other members of Black New Yorkers'  
18 for Fair Redistricting have already testified  
19 about our support for the immediate  
20 implementation of the law. Recent notes sounding  
21 at LATFOR hearings however categorizing this law  
22 as dehumanizing caused us to respond. New York  
23 Prison Adjustment Act is a valid and sound act of

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2 public policy. It calls on state agencies to act  
3 to ensure that people incarcerated in state  
4 prison are counted in their home district for  
5 redistricting purposes. The law is neither  
6 flawed nor misconceived. Like any state law, it  
7 is simply limited by the fact that it must rely  
8 on the actions and efficacy of state actors for  
9 its implementation. That state actors not always  
10 100% efficient is not a new discovery, and that  
11 fact should not lead anyone to question the  
12 validity of the underlying statute. Agencies  
13 often have incomplete records, but they are  
14 charged with implementing the law to the best  
15 ability and with curing the omissions as  
16 expeditiously as possible.

17 The New York State Department of  
18 Correction's admission that it does not have home  
19 addresses for all those who are incarcerated has  
20 been know by LATFOR for months. Notwithstanding,  
21 both agencies are still charged by the law with  
22 reallocating the population to the extent  
23 possible. Some of the incarcerated persons have

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2 homes in other states, or have no home address,  
3 that means they will not be allocated to a home  
4 district. In our opinion, that is still an  
5 improvement over continuing the state's practice  
6 of counting their physical person as fodder for  
7 the districts where prisons are located. We  
8 suggest that rather than using LATFOR hearings as  
9 a soap box for disparaging the new law, LATFOR's  
10 energy would be better spent actually  
11 implementing the law. Thank You.

12 SENATOR NOZZOLIO: Ms. Simmons, I have a  
13 question. You talk about the Congressional  
14 versus the State deviation, and you say that the  
15 State should be closer in deviation than the  
16 Congress.

17 MS. SIMMONS: [interposing] Well, it's  
18 not what I said, it's the Supreme-

19 SENATOR NOZZOLIO: We've outlined it.

20 MS. SIMMONS: Yes.

21 SENATOR NOZZOLIO: And that, what-I find  
22 an inconsistency in your support for a prisoner  
23 counting law that only applies to state

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2 legislative districts but not Congressional  
3 districts. If the inconsistency was highlighted  
4 by you for deviation, why are you ignoring that  
5 inconsistency for counting purposes for  
6 Congressional districts? How can there be one  
7 set of rules for state legislative on this very  
8 topic?

9 MS. SIMMONS: There are two sets of  
10 rules, Sir. The Supreme Court has recognized  
11 that there are different sets of rules the state  
12 as opposed to Congressional districting. The  
13 Supreme Court has recognized that Congressional  
14 districting are covered by, by the actual  
15 Constitution and State redistricting is covered  
16 the Equal Protection Act, two very distinct  
17 standards. Because of that, the state can  
18 determine--New York state can determine how it  
19 wants to count its--

20 SENATOR NOZZOLIO: [interposing] I  
21 didn't ask you that question, Counselor. I asked  
22 you the question--

23 MS. SIMMONS: [interposing] I'm

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2 answering the question sir.

3 SENATOR NOZZOLIO: I asked you the  
4 question is, why you support a law that in one  
5 hand deals with prisoner counting, requiring it,  
6 another body, that needs to be redistricted, is  
7 not counting. Don't you recognize an  
8 inconsistency in that approach?

9 MS. SIMMONS: There is an inconsistency  
10 in the law, Sir. As an attorney, I recognize  
11 that inconsistency, and I'm willing to comply  
12 with it, and support the fact that there have to  
13 be different standards. Both in the Prison  
14 Readjustment Act, in the way it's been drafted,  
15 and the way it's being implemented, and in the  
16 deviation.

17 SENATOR NOZZOLIO: Are you saying there  
18 have to be different standards in the counting of  
19 prisoners for Congress—

20 MS. SIMMONS: [interposing] That there  
21 are different standards, sir.

22 SENATOR NOZZOLIO: --and State  
23 legislature? I guess I asked, you said there

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2 have to be? There have to be different-

3 MS. SIMMONS: [interposing] That there  
4 are different standards sir.

5 SENATOR NOZZOLIO: Well, I know that,  
6 and that's why I'm asking you how you can support  
7 that inconsistency.

8 MS. SIMMONS: Because it's the law.

9 SENATOR NOZZOLIO: Well, it's also the  
10 law that the State Constitution requires the  
11 United States Census to govern the State  
12 legislative redistricting process. And that law  
13 is that State Constitutional provision, and I  
14 know you are an attorney, and I've heard you  
15 testify these two times, maybe three, that that  
16 inconsistency for ignoring the State Constitution  
17 by this very prisoner counting law is something  
18 that I guess I'm wondering how you as an attorney  
19 reconcile the fact that there is a State  
20 Constitutional provision that requires the census  
21 to be the ultimate ruling.

22 MS. SIMMONS: Well, the Census Bureau  
23 has stated to all states that they have no

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2 objection to states adjusting their count by  
3 adding, or not adding prisoner adjustment.  
4 That's been discussed by the census department.  
5 The census department actually put out a  
6 pronouncement about it before the Prison  
7 Readjustment Act was passed.

8 SENATOR NOZZOLIO: So you're saying that  
9 the Census Bureau has no objection?

10 MS. SIMMONS: Absolutely.

11 SENATOR NOZZOLIO: But, what about the  
12 State Constitutional provision that requires the  
13 Census to control?

14 MS. SIMMONS: Well the Census Bureau is  
15 the one that decides what's in the Census. If  
16 they have no objection to that being-to the  
17 numbers being adjusted, I think that complies  
18 with the State Constitution.

19 SENATOR NOZZOLIO: And let me clear one  
20 last time Counselor, you indicate that you would  
21 rather have prisoners not counted if the last  
22 known address can not be found, that they in  
23 effect should be exist in terms of their Census

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2 counting?

3 MS. SIMMONS: In terms of redistricting,  
4 in regard to redistricting, that's all the Act  
5 covers—Prisoner Readjustment Act covers. Yes  
6 sir, absolutely. Rather than have their bodies  
7 counted in districts where they are incarcerated,  
8 the Center for Law and Social Justice would  
9 rather not have them counted anywhere in New York  
10 state, except of course for other census issues  
11 like funding, etc. That is not covered by the  
12 Act.

13 SENATOR NOZZOLIO: Thank you.

14 MS. SIMMONS: You're welcome. Any other  
15 questions? Thank you very much.

16 SENATOR NOZZOLIO: David Greenfield.  
17 David Greenfield. David Greenfield. Reverend  
18 Anita Burson.

19 REVEREND ANITA BURSON, BROOKLYN BRANCH  
20 NAACP: Good morning Mr. Chairman.

21 SENATOR NOZZOLIO: Good morning.

22 REVEREND BURSON: Good morning, chairmen  
23 and members of the LATFOR committee, I'm Reverend

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2 Anita Burson and I serve as the second Vice  
3 President of the NAACP, Brooklyn branch. And I  
4 bring these remarks on behalf of our branch  
5 president, Karen Boykin-Towns, and the membership  
6 of the Brooklyn NAACP. I thank you for the  
7 opportunity to testify today on the New York  
8 state Congressional and legislative  
9 redistricting. The long-standing mission of the  
10 National Association for the Advancement of  
11 Colored People is to ensure the political,  
12 educational, social, and economic equality rights  
13 of all persons to eliminate race based  
14 discrimination. Founded in 1909, the National  
15 Association for the Advancement of Colored  
16 People, or as referred to as the NAACP, is the  
17 largest and oldest civil rights organization in  
18 our nation. The birth of the NAACP was rooted in  
19 the disenfranchisement of African-Americans and  
20 other people of color. Its history is one of  
21 activism and relentless advocacy for the safe  
22 guarding of rights of African-Americans and other  
23 minority groups. The struggle has not been easy.

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2 From championing voter registration, and economic  
3 empowerment, to demanding equity in education,  
4 the NAACP has waged a tireless fight to ensure  
5 the civil rights of all Americans. The Brooklyn  
6 branch of the NAACP was established in 1920, and  
7 over the years has gained a reputation as one of  
8 the largest and most effective and influential  
9 branches in the nation.

10 As Pastor of the Opedia Church of Christ  
11 Baptist in Crown Heights, and the second Vice  
12 President of the Brooklyn branch of the NAACP,  
13 I've been involved extensively in these aspects  
14 in the Brooklyn community. Having also served as  
15 the voter empowerment chairperson for the Borough  
16 for the national NAACP. My keen awareness of the  
17 unique niche of religious organizations, and  
18 clergy of various faiths, it is often time  
19 required me to serve as a liaison to the faith  
20 communities of the city and across the state.

21 In my professional capacity, - -  
22 analyzing demographic data on minority population  
23 voting patterns, developed voter education

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2 programs, and GOTV or, Get Out the Vote, efforts  
3 in marginal districts of the state, which makes  
4 me uniquely qualified to represent our branch  
5 when the importance of retaining the political  
6 integrity of the voting rights districts in our  
7 Borough. Today on behalf of the Brooklyn branch,  
8 I'll present four key areas for the committee to  
9 carefully consider. The first, diversity. The  
10 branch is extremely concerned about what we see  
11 as a lack of diversity in the process. We have  
12 found there to be a lack or minimal  
13 representation for the African-American, Asian,  
14 and Hispanic communities as well as female  
15 representation on the LATFOR committee or any  
16 persons of color working on the staff in LATFOR  
17 offices. It is of the utmost importance as you  
18 move around the state, its cities, towns, and  
19 boroughs, that you represent all communities.

20 As a resolution to this concern, the  
21 NAACP is recommending that LATFOR develop an  
22 official advisory committee on which the NAACP  
23 Brooklyn branch - - , one of our New York state

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2 branches, would be willing to serve. Outreach,  
3 as number two. The branch applauds the committee  
4 for holding hearings in 12 locals around the  
5 state, but must point out that more hearings are  
6 needed and at more convenient times for the  
7 general public. We would urge the committee to  
8 hold a hearing in Nassau, for the communities  
9 there interested in providing testimony.

10 SENATOR NOZZOLIO: Excuse me.

11 REVEREND BURSON: [interposing] I'm  
12 about to mention your motion-

13 SENATOR NOZZOLIO: [interposing] Excuse  
14 me, Ms. Burson.

15 REVEREND BURSON: --this morning.

16 SENATOR NOZZOLIO: [interposing] Pardon  
17 me.

18 REVEREND BURSON: Yes.

19 SENATOR NOZZOLIO: I apologize for the  
20 interruption, but we--earlier this morning,--

21 REVEREND BURSON: [interposing] I'm  
22 about to mention it. I made a note-

23 SENATOR NOZZOLIO: [interposing] And so

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2 you were here—

3 REVEREND BURSON: [interposing] of your  
4 motion.

5 SENATOR NOZZOLIO: You were here?

6 REVEREND BURSON: Yes, I was.

7 SENATOR NOZZOLIO: That hearing will be  
8 held, I believe on the 27--the hearing in Nassau,  
9 will be conducted on the 27<sup>th</sup> of October, as well  
10 as a hearing in Suffolk, I believe on the 5<sup>th</sup> of  
11 October.

12 REVEREND BURSON: Yes. We are confident  
13 that our sister branch would be more than eager  
14 to assist in coordinating such a hearing. I did  
15 make note of the motion, as I was about to close  
16 in that part. Our communities are comprised of  
17 working people, and holding hearings in the  
18 morning does not provide access that we believe  
19 you are trying to solicit.

20 SENATOR MCENENY: What time would you  
21 want these hearings to be?

22 REVEREND BURSON: I would imagine, six  
23 or seven p.m. in the evening so that working

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2 people would be able-

3 SENATOR MCENENY: [interposing] That  
4 means we'd get out at three-o'clock in the  
5 morning. Some people have child care  
6 responsibilities.

7 REVEREND BURSON: And I'm certain that  
8 people will moderate their circumstances, but as  
9 public servants, it is thoughtful and wise to  
10 have people who are working to at least have the  
11 opportunity.

12 SENATOR NOZZOLIO: They will, and I  
13 think that's something that we also pointed out,  
14 and I want to point out again. And thank you for  
15 your suffering this interruption. Anyone who  
16 wishes to watch the hearings only need to go to  
17 the LATFOR website at [www.latfor.state.ny.us](http://www.latfor.state.ny.us), to  
18 view your testimony as well as the seven or eight  
19 hours of testimony we will take today.

20 REVEREND BURSON: And will they have  
21 opportunity for input?

22 SENATOR NOZZOLIO: Yes, they will.  
23 Going to that website, you also will have the

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2 opportunity to provide written testimony, any  
3 comments made, we welcome that opportunity. So  
4 thank you for suffering that interruption and for  
5 the opportunity to mention this for the record.

6 REVEREND BURSON: Wonderful. So on to  
7 number three, redistricting. The Voting Rights  
8 Act was passed to ensure that people of color  
9 were not denied their civil and constitutional  
10 rights. Brooklyn is protected under section five  
11 of the Voting Rights Act because of past  
12 discrimination that required heightened security  
13 in many areas, including redistricting. It is  
14 extremely important that communities of interest  
15 are not gerrymandered. Our communities should  
16 not be divided. In particular, the communities  
17 of central Brooklyn, include Bedford-Stuyvesant,  
18 Crown Heights, East Flatbush, Flatbush,  
19 Brownsville, and East New York. The NAACP, like  
20 this committee, has a zero tolerance for  
21 gerrymandering. We urge the committee to be  
22 sensitive, and to ensure that communities of  
23 demographic and ethnic cultural similarities be

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2 kept together. Our communities live, work, and  
3 shop together. We educate our children in the  
4 same schools, we should also have the same  
5 alignment of representation. We understand that  
6 our voting rights district has six seats. We  
7 believe that that does not match our  
8 demographics, which show that we should have at  
9 least nine seats. To this end, we should not  
10 loose seats when this is redrawn.

11 SENATOR MCENENY: In which house?

12 REVEREND BURSON: I'm coming down to it.

13 SENATOR MCENENY: Okay.

14 REVEREND BURSON: If anything, we should  
15 have lines drawn, and this has been submitted to  
16 you electronically so that you will have the full  
17 measure of it. If anything, we should have lines  
18 drawn that allow us to pick up two seats,  
19 downtown Brooklyn, with opportunities in the  
20 Bronx with the Joseph Crowley seat. But, without  
21 a doubt, the three voting rights districts should  
22 continue in Brooklyn. While the branch will not  
23 recommend of Senate seats, we clearly are not in

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2 favor of retrogression of minority seats. We are  
3 also not in favor of a number that will result in  
4 the political gridlock recently experienced. And  
5 finally, number four, but maybe most importantly,  
6 prisoner adjustment law.

7 We would like to remind the committee  
8 that we have been leading advocates of the  
9 prisoner adjustment law. It has been one of our  
10 legislative action items during the past three  
11 years where the NAACP statewide has traveled to  
12 Albany to meet with our state representatives.  
13 We have met with and or distributed information  
14 on our support for this law to all Brooklyn  
15 delegation members of the Assembly and Senate.  
16 We are monitoring that the letter of the law is  
17 followed by this committed in its implementation.  
18 We support full enforcement of this law,  
19 effective this year. And I thank you so much for  
20 your opportunity, and for listening and finding  
21 where measures have taken place already. Thank  
22 you so much.

23 SENATOR MCENENY: Thank you.

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2 Councilwoman Letitia James.

3 COUNCILWOMAN LETITIA JAMES: I apologize  
4 for not being here earlier when you called my  
5 name, unfortunately there was gridlock in the  
6 City of New York. And I thank you for coming to  
7 the greatest borough on earth, and that is  
8 Brooklyn.

9 First, I hear the word retrogression,  
10 and by—I don't mean to offend anyone who is one  
11 the panel, you are public servants and you are  
12 doing the work of the angels, but let me just say  
13 that when it comes to retrogression, when I look  
14 at the body before me, and I look at the audience  
15 that is here today, unfortunately this body does  
16 not reflect the diversity that I celebrate, that  
17 I fight for each and every day, and that is  
18 reflected not only in this city, not anywhere in  
19 the borough and the city, but in the state of New  
20 York. It's unfortunate that there is not an  
21 African-American who can serve on this panel. I  
22 certainly am available if you would be willing to  
23 appoint me, I would be more than willing to stay

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2 up late until three-o'clock in the morning. I  
3 don't have any child care issues, and, Mr.  
4 Hedges, Roman Hedges who I've worked with in the  
5 past, Assembly Member McEneny, and the Senator  
6 Dilan, I am available, you know my numbers.  
7 Thank you.

8 My name is Letitia James, and I  
9 represent the 35<sup>th</sup> district, which is literally  
10 five blocks from here, in the New York City  
11 council. And, in his opinion in Reynolds versus  
12 Sims-

13 SENATOR MCENENY: [interposing] Would  
14 you move the mic-

15 MS. LETITIA JAMES: [interposing] Sure.

16 SENATOR MCENENY: --closer and more  
17 directly.

18 MS. LETITIA JAMES: Chief Justice, Earl  
19 Warren stated that the right to vote freely for  
20 the candidate of one's choice is of the essence  
21 of a democratic society. And, any restrictions  
22 on that right strikes at the heart of  
23 representative government. It has been the role

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2 of all three branches of government, at every  
3 level of government in this nation, to ensure  
4 that the essence of a democratic society is  
5 preserved. We meet here today to fulfill that  
6 obligation by examining how best to redistrict  
7 within the state of New York. While there are  
8 many criteria to consider when redistricting, I  
9 wish to highlight the main criteria, in my humble  
10 opinion.

11 First, LATFOR must make logical  
12 decisions geographically in redistricting.  
13 Districts must be contiguous in territory and  
14 must remain compact in size. The more organized  
15 the geography of a district is, the more  
16 accessible the legislator is to the community.  
17 Along with geographical equality LATFOR must  
18 create population equality between the districts.  
19 Districts should have around a 1% deviation to  
20 ensure that urban localities receive the same  
21 representation as those in rural areas. Second,  
22 the voting rights of people of color, and I will  
23 not say the word minority because we are no

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2 longer the minority in New York City, must  
3 continue to be protected in order to account for  
4 the diversity of New York City and other urban  
5 areas. Again I urge that we add diversity to  
6 LATFOR itself. The Brennan Center for Justice  
7 believes the redistricting body should optimally  
8 reflect the diversity of its state or locality.  
9 New York State is comprised of a 42% minority  
10 population, and it is inexcusable that this body  
11 does not reflect that fact.

12 The second means of protecting the  
13 voting rights of people of color, is to uphold  
14 the Voting Rights Act. The Voting Rights Act of  
15 1965 was enacted to ensure that the maximum  
16 number of Americans took part in their  
17 inalienable democratic right to vote. I am proud  
18 to represent a voting rights district, and I  
19 strongly believe that as a population of color as  
20 in-in this nation, as this nation grows, our  
21 state must remember to adhere to the standard set  
22 forth by the historic act, and in honor of the  
23 Supreme Court and the justices who died for that

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2 right, it's important that we pay homage to the  
3 Voting Rights Act and honor it in all of its  
4 intentions. While creating districts where  
5 minorities—where people of color have the ability  
6 to elect a member of their choice, it is  
7 essential to equality. Segregation must not be  
8 created, and diversity cannot be sacrificed.  
9 Both Shaw v. Reno and Miller v. Johnson stated  
10 that states must not go out of their way to  
11 create voting rights districts. While these two  
12 cases apply to southern states with less urban  
13 areas than our own, the lesson to be learned is  
14 that all criteria for redistricting must work  
15 hand in hand. This relates directly to my third  
16 point in that communities with common cultures  
17 and interests must be preserved. Communities  
18 flourish through the solidarity of their people  
19 and governments thrive when their representatives  
20 can truly represent the ideals of their  
21 constituents.

22 The Voting Rights Act of 1965 helped  
23 establish these communal districts for people of

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2 color and now LATFOR, it is your responsibility,  
3 you must preserve such communities for the entire  
4 population of the state. The fourth issue to  
5 address is the prisoner count law. LATFOR  
6 refuses to implement state law and that-

7 SENATOR MCENENY: [interposing] Wrong.

8 MS. LETITIA JAMES: --is unfortunate.

9 SENATOR MCENENY: Wrong.

10 MS. LETITIA JAMES: Okay. I stand  
11 corrected, but it is important that you take into  
12 consideration the fact that a significant number  
13 of prisoners come from several districts in the  
14 city of New York, and they should be counted  
15 where they live. The districts where prisons are  
16 located receive a much higher population than  
17 they actually have, making population equality  
18 between the districts harder to achieve.  
19 Secondly, prisoners must be counted in the home  
20 of record to assist voting rights districts. By  
21 counting prisoners as residents of their prisons  
22 districts, voting rights districts will have  
23 artificially low numbers in regards to their

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2 minority population. I was just—I just saw, or  
3 it flashed in my head a few minutes ago was a  
4 reminder when President Barack Obama spoke before  
5 the joint houses, and when a representative  
6 interrupted him and said that, "You were wrong."  
7 I would hope that I would be allowed to finish  
8 before you enter and before you—yes they said  
9 that you lied. It's about the same, so I would  
10 hope that you would allow me to finish before you  
11 interrupt. Thank you.

12 While the issue of where prisoners are  
13 counted is important for accurate data, a greater  
14 issue arises from this debate. LATFOR, whether  
15 or not you are ignoring state law is a prime  
16 example of the irresponsibility that has plagued  
17 the state legislature in recent years. Such  
18 actions are unjust for the citizens who elected  
19 these officials. Actions like these justify  
20 Governor Cuomo and Mayor Koch's call for an  
21 independent body to handle redistricting. The  
22 final suggestion that I have for LATFOR is  
23 proceed with patience. The task ahead of you is

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2           daunting and has tremendous implications. The  
3           most recent census shows that the demographics of  
4           our state are ever changing. My district has had  
5           significant demographic changes in the past  
6           decade, which has added to the diversity of my  
7           community. While the increase of diversity is a  
8           positive addition, such an increase makes it  
9           harder for my district to abide by the Voting  
10          Rights Act.

11                 While redistricting will solve the issue  
12          of having a district control by someone of color,  
13          I question the immediate need to fix this problem  
14          through redistricting. It is clear to all New  
15          Yorkers that the 2010 Census data is deeply  
16          flawed. New buildings are being erected and  
17          being occupied every day in this Borough, but the  
18          data states that Brooklyn added only a little  
19          over 39,000 residents in the past decade. I can  
20          tell you there are 39 residents who are living  
21          just within two blocks from this building. I  
22          believe recent immigrant and minority communities  
23          have been under represented drastically, which

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2 greatly impacts the redistricting of a voting  
3 rights district. Thus I urge the task force to  
4 work with the Census Bureau in getting more  
5 accurate information before the state Assembly,  
6 state Senate, and Congressional districts within  
7 the 35<sup>th</sup> council district, a change dramatically.  
8 The final issue I'd like to speak about today is  
9 the Governor's call for an independent commission  
10 to replace LATFOR.

11 With all due respect to the task force I  
12 address today, I strongly support the Governor's  
13 legislation for an independent commission. An  
14 independent body will more fairly represent the  
15 people of the state, and ensure that inevitable  
16 temptation for legislators to conflate the public  
17 interest with personal or partisan gain, does not  
18 take precedent. Although LATFOR has no say in  
19 the in the independent commissions  
20 implementation, I urge you to embody many of the  
21 characteristics that the commission looks to  
22 deploy. With that request in mind, I push for  
23 greater transparency from this task force. Since

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2 your decision impacts every person in the state,  
3 every person should know about your decision  
4 making process. LATFOR itself must become as  
5 diverse as the city/state that it represents.  
6 The task force must create districts that are  
7 contiguous and compact. You must create  
8 districts that are similar in population and that  
9 do not separate communities of interest. And you  
10 must, above all things abide by state laws and  
11 adhere to the standards set by the Voting Rights  
12 Act of 1965. I know many of my colleagues and  
13 citizens in this state share many of the same  
14 views as I have on this issue of redistricting.  
15 Hence I appear before you today as a New Yorker,  
16 not as a politician strongly urging the New York  
17 State Legislative Task for on Demographic  
18 Research and Reapportionment to listen to all the  
19 opinions of those appearing before you today when  
20 making your decision.

21 I am a proud graduate of Howard  
22 University Law School. Howard University Law  
23 School was a laboratory for the Voting Rights

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2 Act. Howard University is where Justice Marshall  
3 engineered the Voting Rights Act. As a proud  
4 graduate of that institution, and as someone—and  
5 as a school which creates individuals who are  
6 committed to social justice, as I am here today,  
7 I would urge you to adhere to the mandates of the  
8 Voting Rights Act and to do the right thing. And  
9 last but not least, again to have a  
10 representative who looks like me, and the  
11 majority of the individuals in this room. Thank  
12 you.

13 SENATOR MCENENY: Councilwomen.

14 MS. LETITIA JAMES: Yes.

15 SENATOR MCENENY: First, I apologize for  
16 saying, "not true" to that.

17 MS. LETITIA JAMES: That's—thank you.

18 SENATOR MCENENY: There have been a  
19 number of people who have come and perpetuated a  
20 lie that has been out there for some time, that  
21 LATFOR was going to ignore the law, totally  
22 untrue. And, I was afraid that there was a long  
23 paragraph going into a description of how that

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2 lie was going to be enacted. We will obey the  
3 law. We have neither the inclination nor the  
4 ability to ignore the law, and it was unfortunate  
5 that somebody came out with that in July in an  
6 effort to discredit LATFOR because someone else  
7 didn't get to draw the lines. The-

8 MS. LETITIA JAMES: [interposing]  
9 Assembly Member McEneny, I've worked with you  
10 when I was a former chief of staff to Assembly  
11 Member, then Assembly Member, Al Van. I respect  
12 you, I recognize your integrity and your  
13 intelligence, and I take you at your word.

14 SENATOR MCENENY: Thank you. Tell me,  
15 who drew up the lines for the New York City  
16 counsel?

17 MS. LETITIA JAMES: There are a number  
18 of individuals who drew up the lines, a lot of  
19 them who are in this room. And, I'm going to  
20 continue to have conversations with them as we go  
21 forward with respect to the New York City lines.

22 SENATOR MCENENY: All right. We have  
23 every intention of obeying ever law, including

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2 the New York State Constitution. The 1% that has  
3 been discussed would be unconstitutional because  
4 there are some rather large towns that when put  
5 together come out perfectly to be a district of  
6 one kind or another, towns may not be broken in  
7 New York State. So, that would be impossible.  
8 Also, block on border, when you get into large  
9 blocks, can also mean that you wind up with 2 or  
10 3% variance. Also the protection of the  
11 traditionally disadvantaged minority groups that  
12 are specifically protected under the Voting  
13 Rights Act—

14 MS. LETITIA JAMES: [interposing] Yes.

15 SENATOR MCENENY: --of 1965 often means  
16 that you are looking more at that law, than you  
17 are at an arbitrary 2 or 3%. Then it protects—it  
18 protects us from not having a retrograde of the  
19 voting voice that we want minorities to have, and  
20 are required to make sure they have.

21 MS. LETITIA JAMES: And Assemblyman, to  
22 the issue of the lack of an African-American  
23 serving on this body, I did not hear you speak to

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2 that issue.

3 SENATOR MCENENY: We are one-third  
4 minority, two people are native Spanish speakers,  
5 as you may have noticed, and it is unfortunate we  
6 not only have a lack of an African-American, but  
7 also we could use a woman. Unfortunately, we  
8 have a number of women and African Americans who  
9 are not here at this table, including one of our  
10 co-executive directors Debbie Levine, whom you've  
11 seen down at the end of the table. There--

12 MS. LETITIA JAMES: [interposing]  
13 Assemblyman--

14 SENATOR MCENENY: --is input.

15 MS. LETITIA JAMES: [interposing]  
16 Sorry.

17 SENATOR MCENENY: To be sure there is  
18 input and sometimes when we draw from the elected  
19 body, it doesn't turn out that way.

20 MS. LETITIA JAMES: Assembly Member  
21 McEneny, I have seen you in the past move  
22 mountains, and so I trust that you will do the  
23 right thing, and I would hope that you will again

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2 raise the issue, unfortunately the lack of  
3 representation on this body, in addition to that  
4 the flaws in the Census. And I thank you for  
5 this opportunity, and I thank each and every  
6 member of the panel. Thank you.

7 SENATOR MCENENY: Thank you.

8 SENATOR NOZZOLIO: Congresswoman Yvette  
9 Clark.

10 CONGRESSWOMAN YVETTE CLARK: Assemblyman  
11 McEneny, State Senator Michael Nozzolio, and to  
12 the members of New York State Legislative Task  
13 Force in Demographic Research and  
14 Reapportionment, also knows as LATFOR. I'd like  
15 to give a special greeting—also give a special  
16 greeting in acknowledgment to our Brooklyn State  
17 Senator, the honorable Martin Dilan for his  
18 leadership in this endeavor. Good morning.

19 My name is Yvette D. Clark, I'm a member  
20 of the 112 session of Congress for the 11<sup>th</sup>  
21 Congressional district of New York. I was quite  
22 pleased to be able to represent the 11<sup>th</sup>  
23 Congressional district recently at the August 4<sup>th</sup>

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2 2011 New York State Legislative Task Force on  
3 Demographic Research and Reapportionment  
4 redistricting hearing in Albany. At that  
5 hearing, I introduced a proposed map for a newly  
6 created 11<sup>th</sup> Congressional district, which as you  
7 are aware, I currently represent as a member of  
8 Congress. I am resubmitting for your  
9 consideration a hard copy of the proposed map as  
10 well as supplemental material containing more  
11 demographic information. The proposed district  
12 with neighborhood boundaries, the proposed  
13 district with the current 11<sup>th</sup> Congressional  
14 overlay, and supporting documentation.

15 Please note that upon your request, I  
16 can provide you with an electronic version of  
17 these maps and an assignment list. Since the  
18 time of my initial testimony, a number of my  
19 constituents, colleagues, and friends have  
20 expressed their support for the proposed map. I  
21 suspect that you will hear from a delegation of  
22 them today. Please keep in mind the following,  
23 the proposed 11<sup>th</sup> Congressional district adheres

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2 to all constitutional and Voting Rights Act  
3 redistricting guidelines. The district meets the  
4 requirement for equal population, compactness,  
5 contiguity, and complies with all provisions of  
6 the Voting Rights Act. The proposed district  
7 substantially maintains the same geographic and  
8 demographic configuration as the current  
9 district, with the exception of it being  
10 increased in size by 85,219 persons, changing  
11 slightly to achieve the population equality with  
12 the other districts in New York State. This  
13 district is comprised of a total voting age  
14 population of 55% Black, 28% White, 12% Hispanic,  
15 and 5% Asian so that this district will remain a  
16 majority minority district.

17 According to the United States Census  
18 Bureau, the current district is the third most  
19 compact district in the Nation. The proposed  
20 district adheres largely to its present  
21 boundaries and still maintains its highly compact  
22 nature. This expansion into south central  
23 Brooklyn neighborhoods increases the population

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2 of them to meet the 717,707 persons requirement.  
3 The district—the proposed district is defined by  
4 shared interest, such as a social, economic,  
5 cultural, linguistic, and other factors that  
6 indicate communities of interest. The current  
7 district includes many sections of the historic  
8 12<sup>th</sup> Congressional district, which was originally  
9 represented by the honorable Shirley Chisholm,  
10 the first African American female elected to  
11 Congress. The proposed district adheres to the  
12 Voting Rights Act principles for redistricting,  
13 and this district is covered by section five of  
14 the Voting Rights Act.

15 I'd like to thank you once again for  
16 allowing me to address you this body again today.  
17 As you deliberate, I urge that you give your  
18 utmost consideration to the proposed map of the  
19 11<sup>th</sup> Congressional district of New York. If there  
20 are any questions or comments concerning my  
21 testimony, please feel free to contact me. And,  
22 I'm available at this moment to answer any  
23 questions you may have. Thank you very much.

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2 SENATOR NOZZOLIO: Congresswoman, thank  
3 you very much. It's great to see you again, and  
4 that we appreciate very much the proposal that  
5 you put forward, and that I encourage, as all the  
6 task force does, and we'll put this on the record  
7 again that we encourage suggested maps, that your  
8 suggestions are very helpful, and that we will  
9 certainly make sure that LATFOR considers them in  
10 detail. Thank you very, very much.

11 CONGRESSWOMAN CLARK: Thank you all very  
12 much, and thank you for coming to the great  
13 borough of Brooklyn, the big County of Kings.

14 SENATOR MCENENY: Assemblyman Nick  
15 Perry. Nick Perry.

16 ASSEMBLY MEMBER NICK PERRY: Good  
17 morning. To my colleagues, I just want to thank  
18 you for traveling all the way to Brooklyn to  
19 allow my constituents and other residents of  
20 Brooklyn, the opportunity to testify before you  
21 today and provide you with some information that  
22 I hope you will find quite useful as you try to  
23 complete the challenge of constructing districts

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2 which will be fair enough to enable empowerment  
3 for New York's gorgeous mosaic of people.

4 First, I'd just like to say that I know  
5 that your task is quite daunting, especially in  
6 the current atmosphere. But, I'd just like you  
7 to know that I'm sure that at the end of the day,  
8 you know that New York's citizens and voters  
9 appreciate your efforts. And, I'd like to offer  
10 my own best wishes for a timely completion of  
11 your task. Notwithstanding, I wish to express  
12 the disappointment here at the scheduling of your  
13 hearings. For example, today's hearing is  
14 scheduled for 10:00 a.m., this Tuesday morning.  
15 And like all your other hearings, scheduled  
16 likewise, that means that working people all over  
17 the state, who cannot get some time off from  
18 work, will be unable to make their voices heard  
19 regarding this very critical and important  
20 exercise that is taking place, one that can have  
21 significant impact, as a matter of fact, one that  
22 will have significant impact on them and their  
23 children going into the future.

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2 I urge you to move forward on your—that  
3 as you move forward on your mission, you will  
4 consider scheduling an appropriate—a  
5 proportionate share of your hearings for evening  
6 hours, when you get to the next round, so that  
7 all New Yorkers will have an opportunity to be  
8 heard. While I do not come to you today with any  
9 maps or specific district proposals for Senate or  
10 Assembly legislative districts, my colleagues and  
11 I are working with a variety of community groups  
12 that will present proposed district maps today,  
13 and in the near future. I am aware that some of  
14 those groups have presented maps at previous  
15 hearings. With regards to those state  
16 legislative lines, I just want to speak in  
17 general and on some issues that we are all  
18 concerned about. And, I intend to provide—and I  
19 hope that as we move on my colleagues with whom  
20 we are working on those groups will provide  
21 specific and aggressive monitoring as we move  
22 forward.

23 One of the very important issues is

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2 determining the size of each legislative  
3 district. Based on the current census data, with  
4 a 150 Assembly districts, each district has been  
5 determined to have, or need a population of about  
6 129,000 people. Past redistricting practices  
7 have allowed for some deviation from the  
8 determined—from that determined population  
9 figure. It is also well known by those who  
10 monitor redistricting activities, that the higher  
11 the deviation allowed, the more likely it is for  
12 blatant gerrymandering to occur. Current  
13 sentiments across Brooklyn and our state support  
14 allowing for the lowest deviation, if any at all  
15 is needed. If we must allow some deviation, I  
16 urge that you draw the lines at no more than a 2%  
17 deviation. As I said before, 0% deviation is the  
18 optimum choice, but there should be no acceptable  
19 reason to go higher than 2%. Brooklyn is one of  
20 the three counties in New York where legislative  
21 districts are subject to the protection of the  
22 Voting Rights Act.

23 So, as you construct these new

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2 districts, I know that you will remain mindful of  
3 the fact that any attempts to propose districts  
4 which will dilute the voting power of ethnic,  
5 cultural, racial minorities or other groupings  
6 that share a community of common interests could  
7 end up in a long drawn out court battle.

8 However, all of us expect that you will go the  
9 extra mile to draw districts that are as compact  
10 as they can feasibly be constructed and that  
11 you'll make every effort to keep communities of  
12 interest together, thereby enhancing their  
13 ability to achieve political empowerment. At  
14 this point, I wish to express my support for the  
15 efforts of Asian, and Indo-Caribbean communities  
16 in Queens and other parts of our state. And, be  
17 sensitive and responsive to their efforts to  
18 elect representation from their own communities.  
19 These New Yorkers who make up a significant  
20 community of interest have seen their population  
21 swell in the past ten years, especially in Queens  
22 and in some parts of Brooklyn. They deserve an  
23 open road to empowerment. I want to also bring

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2 your attention to the fact that the 11<sup>th</sup>  
3 Congressional district, which is of tremendous  
4 historic significance, not only to the voters who  
5 reside there, but to African-Americans across our  
6 nation.

7 Since its creation, the 11<sup>th</sup>  
8 Congressional district has served—has been served  
9 by representatives who have been the voice of the  
10 voiceless following in the trailblazing tradition  
11 of Shirley Chisholm, who first represented the  
12 area which today makes up most of that district.  
13 As the first black woman elected to serve in the  
14 House, she spoke up for the impoverished and  
15 provided leadership for justice and equality in  
16 Washington. Drastically altering the  
17 demographics and the geographic composition of  
18 the 11<sup>th</sup> Congressional district would not only  
19 serve to dilute this historic district, it would  
20 also undermine and diminish the legacy that's  
21 important to many of us. Therefore I'd like to  
22 go on the record as strongly favoring the  
23 proposed lines presented by Congresswoman Yvette

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2 Clarke. Representative Clark's proposal appears  
3 to meet the requirement of equal population,  
4 compactness, and contiguity, and is in compliance  
5 with all provisions of the Voting Rights Act.

6 The proposed district retains most of the current  
7 geographic and demographic composition while  
8 being increased in population by the 85,219  
9 persons required to meet the population equality  
10 with other Congressional districts in our state.  
11 The current and the proposed 11<sup>th</sup> Congressional  
12 district is home to one of the largest  
13 populations of Caribbean-Americans in the nation.

14 Any action, intended or not, which would  
15 alter the demographic and geographic composition  
16 of the 11<sup>th</sup> Congressional district would be  
17 counter productive to the goal to allow the  
18 opportunity for significant representation to  
19 this large and increasing ethnic and cultural  
20 community.

21 SENATOR NOZZOLIO: Assemblyman, we've  
22 been lenient with the time, but before you came  
23 in here, we announced that it would be a five-

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2 minute limit. Your written testimony certainly  
3 will be welcome in its entirety. Would you  
4 please for the record summarize and conclude?

5 ASSEMBLY MEMBER PERRY: Thank you.

6 Regarding the 10<sup>th</sup> Congressional district which on  
7 current maps appear to have the 11<sup>th</sup> Congressional  
8 district in the - - , this district is also a  
9 voting rights district, and is of significant  
10 importance to politician empowerment goals of  
11 Brooklyn's African-American community. I urge  
12 your careful attention to ensuring that the 10<sup>th</sup>  
13 district is also drawn to retain demographic  
14 composition which would not result in dilution of  
15 the African-American vote. I thank you for  
16 allowing me to address you, and as you  
17 deliberate, I urge that you give your utmost  
18 consideration to the historic relevance and  
19 existing need for appropriately drawing voting  
20 rights districts throughout Brooklyn and New York  
21 City and or State. Thank you.

22 SENATOR MCENENY: Thank you. Now,

23 Assemblyman, you recommended that perhaps for the

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2 next round, that an evening meeting would be  
3 held. This was brought up also in the Bronx,  
4 several people said around 7 o'clock, when people  
5 have time to go home and take care of family  
6 responsibilities and come to an evening meeting.  
7 Now, if 90 people show up at 7 o'clock, and many  
8 like yourself go beyond the five minutes, what  
9 time would the evening get out, bearing in mind  
10 that this meeting is less controversial since  
11 we're talking on the overall, in the abstract,  
12 perhaps on the academic, but the next meeting  
13 there will be draft districts, which will be for  
14 some people, very controversial. When do you  
15 think that meeting would get out?

16 ASSEMBLY MEMBER PERRY: Well I think  
17 that when you accept it, as all of us do, public  
18 service, that we agree to make the sacrifice, and  
19 regardless of how late the meeting would go, I  
20 think that among all of you here there is that  
21 commitment to go the full course. And, if we  
22 have to stay a little longer than we normally  
23 would, I would—

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2 SENATOR MCENENY: We're not the issue.

3 I took the 5:10 a.m. train down this morning.-

4 ASSEMBLY MEMBER PERRY: [interposing]

5 Jack, I know.

6 SENATOR MCENENY: I can get up, I can  
7 sleep later, I can come down here, I'm staying  
8 over night anyway, it doesn't matter. I'm just  
9 wondering about anybody with child-raising  
10 responsibilities, that has a high school baby  
11 sitter, coming home at three-o'clock in the  
12 morning.

13 ASSEMBLY MEMBER PERRY: I think Jack and  
14 I know that you'll agree with me, having served  
15 with you for such a long time, that the  
16 commitment that we need to get this done is  
17 there, and some sacrifices have to be made. But,  
18 I do think that a very heavy responsibility that  
19 you bear as members of this redistricting panel,  
20 is to ensure that all New Yorkers who want to be  
21 heard, they have opportunity to be heard.

22 SENATOR MCENENY: We like to think that  
23 when people speak for neighborhood groups for the

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2 NAACP, for various Asian groups, citizens groups,  
3 that they are speaking for those people. But,  
4 you know, we may just do that, and put the  
5 elected officials at the end this time.

6 [laughter]

7 ASSEMBLY MEMBER PERRY: Fine with me.

8 SENATOR MCENENY: Thank you very much.

9 SENATOR NOZZOLIO: Thank you very much  
10 Mr.—

11 SENATOR NOZZOLIO: Dr. Una St. Clarke.  
12 Dr. Clarke. Dr. Una Clarke. Angela Carrington,  
13 Angela Carrington.

14 SENATOR MCENENY: Clarke is coming?  
15 Thanks.

16 SENATOR NOZZOLIO: Doctor Clarke.  
17 Angela Carrington. Janet DeSilvia. Janet  
18 DeSilvia. Rose Graham. Rose Graham. Joyce  
19 Jarvis-Henry. Joyce Jarvis-Henry. Ingrid Lear  
20 Charles. Oh, Ms. Henry. Thank you.

21 SENATOR MCENENY: Ms. Henry, there are  
22 about—

23 MS. JOYCE JARVIS-HENRY: [interposing]

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2 Good morning. My name is Joyce Jarvis-Henry.

3 SENATOR MCENENY: --Ms., hold on, there  
4 are about 15 people representing the Progressive  
5 Democrats Political Association. If you could  
6 follow up, obviously not all of them wish to  
7 testify. My guess is they want their name on the  
8 record agreeing with what the group--

9 MS. HENRY: [interposing] I have said.

10 SENATOR MCENENY: --says. If you could  
11 confirm that in writing, that will become a part  
12 of the record and their names will be included.

13 MS. HENRY: Yes, sir. Thank you.

14 SENATOR MCENENY: Because I don't want  
15 to make an assumption unduly. If you would  
16 confirm that later on with a follow up, the  
17 following people agree with the testimony of  
18 whoever does actually speak.

19 MS. HENRY: Yes, sir.

20 SENATOR NOZZOLIO: Thank you Ms. Henry.

21 MS. HENRY: Good morning, my name is  
22 Joyce Henry, and I'm a resident of Brooklyn. I  
23 have been a resident and I work in the Brooklyn

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2 11<sup>th</sup> Congressional district for many years. I  
3 thank you for providing me this opportunity to  
4 testify. I am the proposed—I support the  
5 proposed map for the 11<sup>th</sup> Congressional district  
6 of New York, that was originally submitted to you  
7 by Congresswoman Yvette D. Clarke on August 4<sup>th</sup>,  
8 2011. The proposed 11<sup>th</sup> Congressional district  
9 adheres to all constitutional and Voting Rights  
10 Acts, redistricting guidelines. I am submitting  
11 a copy of the proposed map in addition to my  
12 testimony. Please give this map your utmost  
13 consideration. The current district includes  
14 many sections of the historic 12<sup>th</sup> Congressional  
15 district, which was originally represented by the  
16 honorable Shirley Chisholm, the first African-  
17 American female district of the—to the Congress,  
18 elected to the Congress. This district is  
19 covered by Section 5 of the Voting Right Act and  
20 adheres to Voting Rights Act principles and  
21 redistricting. The proposed district is defined  
22 and shared interest, such as social, economic,  
23 and cultural, linguistic, and other factors that

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2 indicate communities of interest. Thank you sir.

3 SENATOR MCENENY: Thank you very much.

4 SENATOR NOZZOLIO: Ingrid Lear Charles.

5 Bishop Shalique Hamilton Gonzales, Dr. Bony

6 John, Gene Joseph, Jeanette Riberrah, Patsy

7 Mure, Veronica Phillips, Cruize Garcia, Sandy

8 Vallas.

9 MR. SANDY VALLAS: Good morning.

10 SENATOR NOZZOLIO: Morning.

11 MR. VALLAS: I would like to thank the  
12 task force members for the opportunity to provide  
13 testimony before you today. I represent the  
14 Dyker Heights Civic Association of--

15 SENATOR NOZZOLIO: [interposing] Excuse  
16 me, Mr. Vallas, would you pull that microphone--

17 MR. VALLAS: [interposing] Yes. Sure--

18 SENATOR NOZZOLIO: --closer to you.

19 Thank you.

20 MR. VALLAS: I represent the Dyker  
21 Heights Civic Association, which is one of the  
22 oldest Civic Associations in Brooklyn, if not the  
23 City of New York, having been established in

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2 1928. Our community is a middle class  
3 residential community, made up of primarily of  
4 homeowners. It is important to our civic  
5 association members that the residents of Dyker  
6 Heights, that our community be contained in  
7 legislative districts that unite us with other  
8 communities of similar interests and concerns  
9 taking into account geographical, social-  
10 economic, and other factors that indicate  
11 camaraderie of interests. Presently, the state  
12 Assembly representation of our community—

13 SENATOR NOZZOLIO: [interposing]

14 Excuse me, Mr. Vallas, again I apologize for the  
15 interruption, pardon me. Would one of you  
16 gentlemen be so kind as to close the door to cut  
17 down on the noise? Thank you very much, Mr.  
18 Vallas.

19 MR. VALLAS: Presently the State  
20 Assembly representation of our community does not  
21 adhere to these principles as we are now split  
22 amongst several Assembly districts adjoining  
23 Dyker Heights with other communities that have

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2 different concerns and interests. In an effort  
3 to correct this, we ask that Dyker Heights be  
4 contained in one contiguous Assembly district  
5 united with neighboring Bay Ridge, as we share  
6 geography and other factors that indicate similar  
7 interest and concerns. Bay Ridge too, is split  
8 among several Assembly districts. The  
9 neighborhood community of Dyker Heights and Bay  
10 Ridge are presently included in one community  
11 board, one police precinct, one city council  
12 district, one state Senate district, and one  
13 Congressional district which leads—which has led  
14 to the representation that can effectively  
15 address our concerns. Unfortunately, we do not  
16 enjoy the benefit of that from our state—from our  
17 Assembly representatives. Thus, we ask that when  
18 you draw the new legislative district lines that  
19 you indicate Dyker Heights and Bay Ridge in one  
20 contiguous Assembly district.

21 Also, we request that Dyker Heights  
22 remain contained in one state Senate, and on  
23 Congressional district united with the other

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2 communities with similar interest and concerns.

3 Thank you.

4 SENATOR NOZZOLIO: Do you, or plan to  
5 submit any mapping, Mr. Vallas?

6 MR. VALLAS: Yes, we will. The Dyker  
7 Heights Association will meet and we will submit  
8 the map that we request.

9 SENATOR NOZZOLIO: We encourage anyone  
10 with mapping with suggestions to contact the  
11 LATFOR website. Those maps will certainly be  
12 considered in the deliberations of the task  
13 force.

14 MR. VALLAS: Is that  
15 latfor.state.ny.us.org, .gov?

16 SENATOR NOZZOLIO: Ny.us.

17 MR. VALLAS: Okay, .gov.

18 MALE VOICE: No, just us.

19 MR. VALLAS: Just us, okay.

20 SENATOR NOZZOLIO: Thank you very much.  
21 Thelma Moore. Thelma Moore. Pam Ransome. Pam  
22 Ransome. Tawana Gale. Tawana Gale. Judy  
23 Barren. Judy Barren. Ed Jarousky. Ed Jarousky.

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2 Joy Williams. Joy Williams. Gene Johnson. Mr.  
3 Johnson? Thank you. Good morning.

4 MR. GENE JOHNSON: Good morning, thank  
5 you for your time. My name is Gene Johnson and  
6 I'm not an elected official nor am I a  
7 redistricting expert, but I do have a testimony.  
8 It's brief, and I plan to read it as a member of  
9 the community. So once again, my name is Gene  
10 Johnson. I reside at 1655 Flatbush Avenue in the  
11 Flatlands neighborhood of Kings County, which is  
12 currently in the 11<sup>th</sup> Congressional district, the  
13 21<sup>st</sup> state Senate district, and the 41<sup>st</sup> state  
14 Assembly district. I'm a member of Black New  
15 Yorkers for Fair Redistricting and active in  
16 several grass roots and civic organizations  
17 throughout New York City.

18 As I look at the members of LATFOR, I  
19 cannot help but to notice the lack of diversity.  
20 In New York state where Blacks make up nearly 16%  
21 of the population, totaling over three million,  
22 and where there are several districts influenced  
23 by the Voting Rights Act, there is not a single

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2 Black person on LATFOR.

3 In addition, females make a majority of  
4 our state, about 52% of our population, and yet  
5 there is only one female on the committee.

6 Blacks and females have traditionally been  
7 disenfranchised in regards to voting rights and  
8 should not only have a voice, they should have  
9 representation in this decision making process.

10 In my community, we have representation from  
11 three separate local community boards within a  
12 five block radius. In a practical sense, it  
13 means that I can leave my home in the morning on  
14 my way to work, drop off a shirt at the dry  
15 cleaners, take the subway to work, all within  
16 four blocks, and within that short walk I have  
17 crossed three different community boards. I hope  
18 that my Congressional state Senate and state  
19 Assembly districts do not take heed to that  
20 drawing of boundaries.

21 My community at Flatbush Junction, which  
22 is at the intersection of Nostrand and Flatbush,  
23 has a major transportation hub, a city college,

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2 an anchor department store, and various other  
3 small businesses where we all live and commune  
4 together. It would be a disservice to segregate  
5 us according to imaginary district boundaries.  
6 There is also the issue of population equity, one  
7 person-one vote. In keeping with that theme, all  
8 districts should have a minimum deviation. The  
9 current system where there are huge and great  
10 deviations, is not fair and allows members in  
11 certain districts to have more resources and  
12 accesses to those resources in other districts.  
13 Lastly, LATFOR needs to be more transparent and  
14 accessible to the everyday citizens by making all  
15 data and software available online and  
16 downloadable and having hearings that are more  
17 accessible and friendly for people who work in  
18 the daytime or otherwise are unavailable. I  
19 thank you for your time.

20 SENATOR NOZZOLIO: Thank you very much.

21 James Hong. James Hong. Welcome Mr. Hong. I  
22 believe this is the third hearing that you  
23 testified at, am I correct?

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2 MR. JAMES HONG, SPOKESPERSON - ASIAN  
3 AMERICAN COMMUNITY COALITION ON REDISTRICTING AND  
4 DEMOCRACY: Actually, it's only the second as in  
5 my current--

6 SENATOR NOZZOLIO: [interposing] Oh,  
7 just the second.

8 MR. JAMES HONG: Yes.

9 SENATOR NOZZOLIO: Welcome.

10 MR. JAMES HONG: Although I did speak  
11 once in Albany, but just for myself.

12 SENATOR NOZZOLIO: So that's three that  
13 I count. Well welcome, and it's very nice to see  
14 you.

15 MR. JAMES HONG: Oh thank you, thank you  
16 Senator. Good afternoon now. Members of the  
17 task force, my name James Hong, and I'm speaking  
18 on behalf of the Asian-American Community  
19 Coalition on Redistricting and Democracy. ACCORD  
20 for short is a non-partisan coalition of  
21 organizations and individuals committed to  
22 advancing the opportunity of Asian-Pacific  
23 American and minority communities to meaningfully

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2 participate in the political process. ACCORD  
3 recognizes that redistricting plays a fundamental  
4 and pivotal role in these opportunities and we  
5 support redistricting plans that keep together  
6 communities of interest that exist in and around  
7 ethnic neighborhoods across New York.

8 We are here again, before the task force  
9 delivering public testimony because Asian-Pacific  
10 Americans in Brooklyn have been, like other  
11 minorities, negatively impacted by the practice  
12 of gerrymander that is the norm in our  
13 redistricting cycles. Some of my statement today  
14 will reiterate points that I relayed at the  
15 Queens public hearing. As the dynamics in the  
16 two boroughs are somewhat similar in their impact  
17 on ethnic communities. So, I would just like to  
18 take this time—we expect our elected officials to  
19 uphold the Voting Rights Act of 1965. And,  
20 consequently in light of that act, to support  
21 district maps that keep together the communities  
22 of interest that exist either wholly or partly  
23 in, though not limited to, the Brooklyn

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2 neighborhoods of Sunset Park, Bensonhurst, and  
3 Dyker Heights.

4 Before commenting more specifically on  
5 Brooklyn, however, I would like to mention the  
6 community of interest that several members of  
7 ACCORD identified at the Queens hearing, just  
8 back-tracking a little. At this time, we express  
9 our explicit support for a majority Asian Senate  
10 district to be drawn in northeast Queens. We  
11 request LATFOR to consider a district plan that  
12 draws together the dense Asian population  
13 identified in a swath of the borough beginning in  
14 downtown Flushing, and stretching to Bayside, to  
15 create a state Senate district with a 50% plus  
16 Asian population. This district can easily be  
17 drawn as a highly compact and entirely contiguous  
18 district, and we believe that such a district  
19 reflects the community of interest there and will  
20 both meet and exceed standards established by the  
21 Voting Rights Act of 1965. Now, in Brooklyn, the  
22 growth of the AP-

23 SENATOR NOZZOLIO: [interposing] Mr.

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2 Hong, I'd suffer just a brief interruption. Will  
3 you be presenting any maps regarding the  
4 suggested district?

5 MR. HONG: Yes, the coalition will be.

6 SENATOR NOZZOLIO: And when will you be  
7 submitting those maps.

8 MR. HONG: We are still in deep  
9 discussion about the particulars of those maps,  
10 but we are working hard—the members of our  
11 coalition, we are—who are meeting very frequently  
12 nowadays to come to consensus.

13 SENATOR NOZZOLIO: [interposing] I  
14 appreciate your suggestion and you and every  
15 other organization that wishes to submit maps to  
16 the task force can do so either by mail, or  
17 through the website, and we welcome those  
18 suggestions.

19 MR. HONG: Okay. Thank you, Senator.  
20 So, in Brooklyn, the growth of the APA population  
21 is quite astounding, a 40% overall increase, and  
22 a 46% increase among the voting age population.  
23 So there are now over a quarter million Asian-

2 Pacific Americans in Brooklyn alone. Many of  
3 these APAs live in an area of Brooklyn that spans  
4 from Sunset Park, over to Bensonhurst, including  
5 parts of Dyker Heights. In Brooklyn, as in  
6 Queens, the cracking and vote dilution of the APA  
7 community is clear, and it is pervasive. At the  
8 state Assembly level, the neighborhoods of Sunset  
9 Park, Bensonhurst, and the connecting portion of  
10 Dyker Heights are divided into at least four  
11 different districts, the 47<sup>th</sup>, the 48<sup>th</sup>, 49<sup>th</sup>, and  
12 51<sup>st</sup>.

13 At the State Senate level, despite its  
14 much larger size, the same area is divided again  
15 into four districts, 20<sup>th</sup>, 22<sup>nd</sup>, 23<sup>rd</sup>, and 27<sup>th</sup>.

16 So, in short, the APA community in Brooklyn has  
17 been subject to cracking and vote dilution like  
18 many of their counterparts across the state.

19 ACCORD supports and recommends the testimony of  
20 its member groups with direct experience in these  
21 areas, and urges the task force to recognized  
22 communities of interest by drawing lines that do  
23 not divide the community, and instead, hold

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2 together these areas at the state Assembly and  
3 state Senate levels. These neighborhoods, or  
4 portions of these neighborhoods, contain  
5 residents sharing economic, social, political,  
6 cultural, linguistic, and educational concerns  
7 that deserve to be reflected in the results of  
8 the redistricting process. By diluting voters,  
9 the current district lines undermine not only the  
10 political will of certain communities, these  
11 lines undermine the very basis of democracy as a  
12 system that recognizes and respects the will of  
13 the many over the will of the few.

14 ACCORD is a 14 member organization that  
15 includes the Asian-American Bar Association of  
16 New York, Asian-American Legal Defense and  
17 Education Fund, Asian-Americans for Equality,  
18 Asian-Pacific Americans for Progress New York,  
19 Chinese Progressive Association, Korean-Americans  
20 for Political Advancement, Korean Community  
21 Services of Metropolitan New York, Minkwon Center  
22 for Community Action, OCA New York, Queensboro  
23 Hill Neighborhood Association, SABA, Taking Our

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2 Seat, United Chinese Association of Brooklyn, and  
3 Dr. Carol Huang of Queens, NY. Thank you very  
4 much for your time.

5 SENATOR NOZZOLIO: Thank you Mr.—Mr.  
6 Hong, thank you. Dr. Wah Lee. Dr. Wah Lee.  
7 Afternoon Dr. Lee. Welcome.

8 DR. WAH LEE: Thank you. Good morning.  
9 My name is Dr. Wah Lee, and I am testifying on  
10 behalf of OCA New York. I have been a board  
11 member since 2010. Founded in 1976, OCA New  
12 York, formerly known as Organization for Chinese-  
13 Americans, is a non-profit, non-partisan  
14 organization dedicated to protecting and  
15 advancing the political, economical, social, and  
16 cultural rights of Asian-Americans. OCA New York  
17 represents the five boroughs of New York City.  
18 Our work in Brooklyn includes voter registration  
19 drives in Sunset Park, taking victims of hate  
20 crimes to the Kings County District Attorney's  
21 Office, and participating in Asian-American  
22 heritage festivals in McKinley Park. In 2010, we  
23 co-sponsored a successful census event at Sunset

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2 Park Recreational Center. We've partnered with  
3 United Puerto-Rican Organization of Sunset Park,  
4 Brooklyn's Chinese-American Planning Council.  
5 Chinese Brooklyn Association, and United Chinese  
6 Association of Brooklyn on OCA New York's hate  
7 crimes prevention art project, and the 2010  
8 Census. OCA New York has served on the Brooklyn  
9 Borough president's committee to celebrate Asian-  
10 American Heritage Month, and has received rewards  
11 from the Kings County District Attorney, Charles  
12 Hynes, the Brooklyn Borough President, Marty  
13 Markowitz, and Brooklyn State Senator, Eric  
14 Adams. The 2010 Census revealed Asian-Americans  
15 now comprise 13% of the City's population. The  
16 number of Asian-American's has reached a million,  
17 with over a quarter million in Brooklyn alone.  
18 We urge LATFOR to keep communities of interest in  
19 Brooklyn, that contain a high concentration of  
20 Asian-Americans together. My statement focuses  
21 on the neighborhoods of Sunset Park, Bensonhurst,  
22 and China Town Manhattan.

23 Support for my statement is based on

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2 other OCA New York Brooklyn members, data from  
3 the 2005-2009 American Community Survey, 2010  
4 Census, and my extensive personal and work  
5 experience. I am now 39-years-old. I grew up in  
6 Bensonhurst, where I worked in my parent's dry  
7 cleaner and attended PS 247. I spent one year of  
8 my medical internship in Sunset Park's Lutheran  
9 Medical Center, where I am still an affiliate  
10 physician. I currently commute to my medical  
11 practice in Manhattan's China Town from  
12 Bensonhurst, six days a week. I have witnessed  
13 my neighbors, the local restaurants, store  
14 fronts, and the community centers change within  
15 the past ten years. More than just one block  
16 from my house, a local diner became a Chinese  
17 restaurant, named Fu Kee. The 86<sup>th</sup> street Jewish  
18 Deli became a Chinese restaurant named 86 Wong,  
19 and three Chinese bakeries sprung up. And a  
20 sharp rise in Asian patronage resulted in the  
21 Brooklyn Federation of Italian-American  
22 Organizations to offer immigration assistance,  
23 and the Bensonhurst Jewish Community Center to

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2 hire Chinese-English bi-lingual case managers.  
3 For the state Senate, Sunset Park is currently  
4 divided into three different Senate districts.  
5 OCA New York supports a state Senate district  
6 that contains all of Bensonhurst and Sunset Park  
7 linked by Dyker Heights. These neighborhoods  
8 should be kept together due to their economic  
9 ties, shared resources, and social networks.  
10 2010 Census data shows Sunset Park has 35% Asian,  
11 and Bensonhurst has 37% Asian.

12 The 2005 through 2009 Community Survey  
13 shows 80% of Chinese speakers in Sunset Park  
14 speak English less than very well, similar to 61%  
15 in Bensonhurst. Brooklyn Asian Voice  
16 Organization, a non-profit community based  
17 organization based in Sunset Park, conducts  
18 regular cleanup efforts in Bensonhurst for all  
19 the community. Asian Community United Society,  
20 based in Bensonhurst often does community  
21 outreach in Sunset Park. Libraries in both  
22 neighborhoods now have programs that cater to  
23 Brooklyn's Hispanic and Asian residents. Asians

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2 in Sunset Park and Bensonhurst usually go to  
3 Lutheran Medical Center in Sunset Park,  
4 especially after Victor Memorial Hospital in Bay  
5 Ridge shut down. I have attended weddings of  
6 Bensonhurst friends in Sunset Park because  
7 Chinese restaurants in Sunset Park are larger and  
8 more established. Both Sunset Park and  
9 Bensonhurst also face the same problems. I have  
10 personally treated three victims of violence and  
11 harassment in Sunset Park, who were Asian. I  
12 myself have been targeted for racially motivated  
13 harassment in both neighborhoods. The two areas  
14 have their share of rampant graffiti and  
15 littering, and one of the most pressing problems  
16 is the unavailability of low cost access to  
17 language instruction.

18 Although I was born in America, the  
19 language I speak at work is Chinese because 70%  
20 of my patients who are from Sunset Park,  
21 Bensonhurst, and China Town Manhattan speak  
22 English less than well. In regards to the State  
23 Assembly, currently State Assembly 51 contains

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2 Red Hook, Bush Terminal, and only parts of Sunset  
3 Park. Bensonhurst is too large to constitute a  
4 state Assembly district by itself, however, parts  
5 of Sunset Park and Bensonhurst should be placed  
6 in the same district for the reasons supporting  
7 OCA New York's position on state Senate lines.  
8 In terms of the Congressional districts,  
9 currently Sunset Park is in the same district  
10 with most of Manhattan's China Town. OCA New  
11 York supports keeping at a minimum, Manhattan  
12 China Town and Sunset Park together in the same  
13 district because of shared socio-economic status.  
14 The poverty levels are 48% and 42% respectively.  
15 74% of Chinese speakers speak English less than  
16 very well, similar to 80% in Sunset Park.

17 Many students, several who have been my  
18 patients, have been the targets of both physical  
19 and verbal bullying because of language barriers,  
20 limited access to English instruction, and high  
21 rents in Manhattan, many people live in Sunset  
22 Park and work in Manhattan's China Town in low  
23 skill jobs. There are several independently

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2 owned bus shuttles that specifically transport  
3 Brooklyn and Manhattan residents back and forth.  
4 Sunset Park residents uses these buses to commute  
5 to work and to drop their children off at day  
6 care centers and learning centers in Manhattan's  
7 China Town. OCA New York hopes that LATFOR will  
8 incorporate our suggestions into the drawing of  
9 new lines. Thank you.

10 SENATOR NOZZOLIO: Dr. Lee, will the OCA  
11 be submitting any mapping as suggested—in  
12 suggested detail?

13 DR. LEE: I understand that there will  
14 be maps that will be submitted, which will—which  
15 OCA's position supports. Yes.

16 SENATOR NOZZOLIO: We await your  
17 suggestions—those specific suggestions, and thank  
18 you for your testimony.

19 DR. LEE: Thank you, sir.

20 SENATOR NOZZOLIO: Eleanor Moretta.  
21 Good afternoon.

22 MS. ELEANOR MORETTA: My name is Eleanor  
23 Moretta, and I'm a resident of Brooklyn. I'd

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2 like to say at the outset that I'm grateful to  
3 the LATFOR commission for being open to the views  
4 of the many people who have testified in the  
5 hearings you've held all around the state. I'm  
6 sure its been a grueling tour, but New York's  
7 future is at state, and it's reassuring to know  
8 that you want to see redistricting done right. I  
9 represent Act Now New York, an all volunteer  
10 organization of activists who engage with the  
11 public and elected officials on behalf of a  
12 progressive agenda at the state and national  
13 level. Among our events this year, we rallied at  
14 the offices of state senators, Jack Martins and  
15 Greg Ball, who we believe have reneged on their  
16 promise to enact non-partisan redistricting.  
17 Organized by the new Roosevelt Coalition, these  
18 rallies included groups such as, Citizen Action  
19 of New York, the New York Democratic Lawyers  
20 Council, the Nassau County Womens' Democratic  
21 Caucus, Westchester for Change, and several other  
22 groups.

23 Act Now New York, favors a non-partisan

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2 redistricting commission for the common sense  
3 reason that there is a built in conflict of  
4 interest when legislators are allowed to draw  
5 their own district lines. They take the people  
6 who voted for them for granted, knowing that by  
7 design, there aren't enough opposing voters in  
8 their districts to unseat them. This has  
9 resulted in decades of deadlock in Albany as  
10 democrats have carved up the Assembly districts  
11 and republicans the Senate to keep incumbents in  
12 office and to checkmate the other party. I  
13 believe that the confidence of the public in our  
14 election system is of paramount importance.  
15 Whatever the motivations of our legislators, we  
16 must avoid even the appearance of a conflict of  
17 interest. Just as judges recuse themselves from  
18 cases in which they have an interest, so to  
19 should legislators recuse themselves from the  
20 process of drawing district lines.

21 In preparing for today's meeting, I've  
22 reviewed the transcripts and videos of previous  
23 hearings around the state, and nearly everyone

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2           testifying about who should draw the maps is in  
3 favor of a non-partisan commission. We disagree  
4 chiefly on whether an amendment to the State  
5 Constitution is required to establish this  
6 commission, or whether the legislature itself  
7 already has the power to establish it. Though  
8 I'm not a lawyer, Article 3 of the State  
9 Constitution as I read it, says that the  
10 legislature must apportion districts by law, but  
11 it doesn't exclude other people, politician's or  
12 concerned citizens from participating in the  
13 process of apportionment, or what we call  
14 redistricting. As many people at these hearings  
15 have pointed out, a non-partisan commission would  
16 only recommend changes to districts, but the  
17 legislature would still retain the power to enact  
18 those changes into law, or to reject them.  
19 Other special commissions have been created to  
20 advise the legislature without a constitutional  
21 amendment, for example, the Health Care  
22 Commission, the Commission on Public Integrity,  
23 and the Commission on Judicial Compensation.

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2           In fact, some of the recommendations of  
3 these commissions have the force of law unless  
4 the legislature expressly rejects them. Since  
5 the Senate leadership crisis two years ago, the  
6 public, the media, and citizens groups have  
7 become understandable, more insistent in  
8 demanding reform, including non-partisan  
9 redistricting. Even though some legislators may  
10 honestly believe that a constitutional amendment  
11 is necessary, amending the constitution will  
12 postpone non-partisan redistricting for another  
13 decade, and many New Yorkers will see that  
14 argument as a deception and a deliberate delay  
15 tactic.

16           Certainly, the members of Act Now, and  
17 the other groups who rallied in the rain with us  
18 in Peekskill, never imagined that our legislators  
19 intended to take ten years to fulfill their  
20 promise of fair redistricting. Given the  
21 overwhelming testimony in favor of non-partisan  
22 redistricting at these hearings, I hope the  
23 legislature will still find a way to enact it in

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2 time of the 2012 elections. If that's not  
3 possible, then I urge all the legislatures who  
4 once again will be drawing the districts to put  
5 incumbency protection aside and make the needs of  
6 citizens their first priority. Thank you for the  
7 work you're doing and for giving me the  
8 opportunity to testify today.

9 SENATOR MCENENY: Thank you. Just one  
10 comment, when you say an independent  
11 redistricting commission, most of the examples  
12 that people point to are actually bi-partisan,  
13 non-legislative.

14 MS. MORETTA: Yes, well I've been  
15 saying-

16 SENATOR MCENENY: [interposing]  
17 Independent is like looking for a person with no  
18 knowledge and no--

19 MS. MORETTA: [interposing] No.

20 SENATOR MCENENY: But usually, bi-  
21 partisan non-legislative is more of a-

22 MS. MORETTA: Well, I've been using the  
23 term non-partisan because what I mean is not that

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2 the people on the commission would not be  
3 democrats or republicans, no their obviously  
4 their all going to have—but that in the process  
5 of drawing the districts, incumbency protection  
6 is not going to be a priority in that sense, be  
7 partisan.

8 SENATOR NOZZOLIO: Dr. Una—thank you  
9 very, very much. Dr. Una Clarke. Dr. Clarke  
10 while you are coming to the podium, Senator Dilan  
11 asked that you be called up, so thank you very  
12 much.

13 DR. UNA S.T. CLARKE: First of all, let  
14 me apologize for being absent when my name was  
15 first called. I had a little emergency, so I'm  
16 happy to be back. Distinguished members of the  
17 State Legislative Task Force in Demographic  
18 Research and Reapportionment, thank you for  
19 allowing me the opportunity to come before you  
20 today. I am Una S. Thomlinson Clarke, a former  
21 member of the New York City Council. I served  
22 1991 to 2001. Today, I come before you as co-  
23 chair of Women for Fairness in Politics and

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2 Public Service. I have testified in at least  
3 three redistricting exercises. The most  
4 memorable is the one that created my own office  
5 in Brooklyn in the 40<sup>th</sup> council district, which  
6 was moved by the immigrant Caribbean-American  
7 community who felt disenfranchised and recognized  
8 the large population had been growing in central  
9 Brooklyn. It resulted in my being the first ever  
10 immigrant woman to be elected to the New York  
11 City Council.

12 I am here today as a strong advocate on  
13 behalf of the 11<sup>th</sup> Congressional district, which  
14 adheres to the Voting Rights Act, which created—  
15 which created it and Representative Shirley  
16 Chisholm, who became the first female  
17 Congressional representative, also of Caribbean  
18 ancestry. Our community is especially concerned  
19 about the lack of women on this committee, and  
20 when we recognized that in the state of New York  
21 there are 52% female population who are  
22 completely voiceless in this process for  
23 representation, I feel that the matter should be

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2 corrected, and that women be seated at the table  
3 to represent their rights and their interest.  
4 The proposed district is of equal population,  
5 compact and contiguous, complies with 42 USC, and  
6 which is the other applicable provision of the  
7 Voting Rights Act. We strongly endorse  
8 Congresswoman Clarke's 11<sup>th</sup> Congressional district  
9 proposal. Our committee works carefully in  
10 calibrating with other substantially community  
11 interest, especially in the 11<sup>th</sup> Congressional  
12 district. We have added our 87,000 persons,  
13 changes which are kept in the district compact,  
14 and which the same cultural and ethnic mix of the  
15 current district, we are to achieve the  
16 objectives of LATFOR. According to the United  
17 States Census Bureau, the current district is the  
18 third most compact district in the Nation. The  
19 total land area of the current district is 12.2  
20 miles and we are attaching a copy of the proposed  
21 map. The proposed district adheres largely to  
22 the present boundaries, attached are the—that  
23 depicts all of the population for the new

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2 district. The proposed district is covered by  
3 Section 5 of the Voting Rights Act. A county  
4 such as Kings County, New York, has contiguous  
5 history of discrimination against minorities. As  
6 such, the proposed district does not have the  
7 purpose for which I have—of which it have effect  
8 of denying and abridging the rights to vote on  
9 the amount of race and color.

10 Secondly, I encourage your committee,  
11 with the large female population in the state of  
12 New York, to have some say in this  
13 reapportionment by approaching women as an  
14 advisory committee and as Council Member, Council  
15 Member Letitia James, spoke to all of the points  
16 that I would like to speak to and hope that you  
17 heard her, and for those of us in Brooklyn,  
18 especially our women population, we want to see  
19 fairness in politics. We want to see more women  
20 in government, and therefore we want to push  
21 forward to make sure that we educate women as to  
22 their rights and their privilege of both serving  
23 both in public office as well as in government.

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2 We hope that you would draw lines that will  
3 enhance and encourage women to fully participate  
4 in the democracy of which they are a part, so  
5 that we are not only the supporters of men, but  
6 that we also can sit beside men to advise and to  
7 help them to understand the process, especially  
8 as it, as it affects family and family members.  
9 And again, I'd like to remind you that in the  
10 state of New York, there are 52% women and that  
11 women should have some say in how these lines are  
12 drawn because it affects not only their lives,  
13 but the lives of their family and their children,  
14 and we become good partners with men by educating  
15 them that there is a process, and there is a  
16 conscious in government. I know that I did the  
17 best I could when I was at City Hall and I know I  
18 left City Hall a different place than it was with  
19 an accent of an immigrant woman. And because the  
20 district that I'm speaking about is a large  
21 immigrant population in the 11<sup>th</sup> Congressional  
22 district, we would like to see our district  
23 continue to grow and remain together as a

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2 community of interest. Thank you very much.

3 SENATOR MCENENY: Thank you.

4 SENATOR NOZZOLIO: Thank you. I regret  
5 I had to be out during part of testimony, but I  
6 thank you very much for it. I just would like to  
7 point out that LATFOR is designed to take  
8 testimony and to provide the appropriate data so  
9 that lines for Congress and the state legislature  
10 can be drawn, but the decision is not the  
11 decision ultimately by LATFOR, it will be the  
12 decision of the entire New York State  
13 Legislature, made up of the 212 members of the  
14 legislature, and that we only act as the clearing  
15 house of information, with the assistance of the  
16 development. So, this—the decisions are not  
17 ultimately made by LATFOR, they are made by the  
18 entire 212 members of the legislature.

19 MS. CLARKE: I am sure that you were  
20 picked because of your influence in the body of  
21 which you are a part, and we hope that off the  
22 record you will influence them after all that  
23 you've heard from the communities of interest.

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2 And, let me just say hello to my former colleague  
3 Senator Dilan. I expect you to be a voice for  
4 Brooklyn, and sit on them so that Brooklyn  
5 remains what Kings County ought to be, the King  
6 among them all. Thank you very much.

7 SENATOR NOZZOLIO: Thank you.

8 SENATOR DILAN: I will do that.

9 SENATOR NOZZOLIO: Zacheah Sachere  
10 Ansuare [phonetic], Dale Ho. Good afternoon Mr.  
11 Ho.

12 MR. DALE HO, ASSISTANT COUNSEL - NAACP  
13 LEGAL DEFENSE & EDUCATION FUND: Good afternoon.  
14 I was going to say, good morning. My name is  
15 Dale Ho, and I serve as assistant council with  
16 the NAACP Legal Defense Fund. My testimony today  
17 will very briefly address one topic that has been  
18 raised about a statute that was adopted last  
19 year, that allocates incarcerated individuals  
20 back to their home communities for redistricting  
21 purposes. This law was necessary for a number of  
22 reasons because counting incarcerated individuals  
23 where they are confined rather than in their home

2 communities undermine principles of fair  
3 representation considerable weakened the strength  
4 of minority communities and raised concerns under  
5 the federal Voting Rights Act.

6 Now some members of this body have  
7 raised questions about whether some incarcerated  
8 individuals will not be counted at all during the  
9 statewide redistricting process. The statute  
10 however is quite clear that it seeks to allocate  
11 all incarcerated individuals back to their home  
12 addresses wherever possible. But certain  
13 categories of incarcerated individuals, such as  
14 state prisoners, who are legal residents of other  
15 states, and those for whom the Department of  
16 Corrections does not currently have a home  
17 address of record will not be included in the  
18 population count.

19 Now, some members of this panel have  
20 questioned whether this practice will serve to  
21 dehumanize incarcerated individuals and the  
22 answer, I think quite clearly, is no. To the  
23 contrary, it was the prior practice of prison-

2 based gerrymandering which was dehumanizing;  
3 using incarcerated individuals' bodies as tools  
4 for political gain by pretending that they were  
5 ordinary constituents in districts where they had  
6 no real contact with the community, were not  
7 legal residents and did not choose to live.

8 Some have even likened prison-based  
9 gerrymandering to be notorious original clause in  
10 the United States constitution that infamously  
11 called for people who were enslaved to be counted  
12 as three-fifths of a person. It was an  
13 abominable compromise, but the abomination was  
14 not merely that those who were enslaved were  
15 treated as less than fully human, it was that  
16 they were actually counted in a way that boosted  
17 the political power of states where they were not  
18 equal citizens. One might even say that, at the  
19 time, not counting them at all would have been  
20 better than counting them in a way that increased  
21 the power of the slave holding south.

22 Now to be clear, I do not mean to draw a  
23 direct analogy to our situation here, which is

2 obviously quite different. But, as I hope my  
3 testimony today makes clear, sometimes it's  
4 better not to be counted at all then to be  
5 counted in the wrong place, if being counted in  
6 the wrong place will unfairly disadvantage your  
7 community.

8 Now more fundamentally, it is also  
9 incorrect to suggest that large numbers of  
10 incarcerated individuals will not be counted at  
11 all. Those who lack home address information  
12 will remain counted as part of the total  
13 statewide population. They are simply not  
14 allocated to any particular part within the  
15 state. Now, this is not unusual. In fact, it's  
16 exactly how we count our servicemen and women who  
17 are abroad.

18 A member of the armed services from  
19 Brooklyn who serves on a base in Afghanistan is  
20 counted by the Census Bureau as a New Yorker, but  
21 then is not allocated to a specific district  
22 within New York State for redistricting purposes.  
23 The U.S Supreme Court upheld this practice in

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2 Franklin vs. Massachusetts and I think it's a  
3 stretch to say that treating prisoners in the  
4 same way that we treat our men and women in  
5 uniform is somehow dehumanizing to the prisoners.

6 Furthermore, some states and  
7 municipalities subtract certain categories of  
8 individuals altogether during redistricting.  
9 Kansas and Hawaii, for example, do not count  
10 military personnel during redistricting and the  
11 United States Supreme Court upheld that practice  
12 in Burns vs. Richardson. Here in New York, 13  
13 counties currently exclude incarcerated  
14 individuals from the local population for County  
15 election districts and the Second Circuit upheld  
16 that against legal challenge in a case named  
17 Kaplan.

18 So for example, Cayuga County, which is  
19 located in your district, Senator Nozzolio, and  
20 in your district, Assemblyman Oaks, declines to  
21 count prisoners as members of the local  
22 community. There's no legal bar to that practice  
23 and if it makes sense for your constituents in

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2 Cayuga County, then I think it also makes sense  
3 for New York State as a whole. Indeed, it is the  
4 law of the land in New York and rightfully so.

5 Thank you very much for your time and  
6 for the opportunity to testify before you today.

7 SENATOR NOZZOLIO: Senator Dilan?

8 SENATOR DILAN: Can you repeat your  
9 comments with respect to servicemen who are  
10 serving abroad again?

11 DR. CLARKE: Oh, of course. I'm sorry.  
12 I may have glossed over that rather quickly.

13 The United States Census Bureau counts  
14 servicemen; and not just servicemen, but all  
15 federal employees who live abroad, both military  
16 and civilian and their dependents; so their  
17 family members; anyone who's living with them as  
18 part of the total population of an individual  
19 state.

20 So, if I work for the State Department--  
21 I'm a Brooklyn person. If I work for the State  
22 Department in, I don't know, Japan for instance.  
23 Right? Me and my family would be counted as

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2 members of the total population of New York State  
3 for purposes of apportioning Congressional  
4 representation as amongst the states. But I'm  
5 not then allocated to a specific district within  
6 New York State for redistricting purposes. That  
7 practice has been upheld by the United States  
8 Supreme Court in Franklin vs. Massachusetts and--  
9 I'm sorry.

10 SENATOR DILAN: Yeah, that's good. But  
11 then, would those individuals, those of the  
12 individuals who are out of the country on the  
13 day, however if they were here in the states the  
14 particular day you have to file, then they are  
15 counted in their district, correct?

16 DR. CLARK: That's right. So, not all  
17 federal employees are treated in this way; only  
18 federal employees who are abroad.

19 SENATOR DILAN: Who happen to be out of  
20 the country on that particular day. Is that  
21 correct?

22 DR. CLARK: Yes, that's correct.

23 SENATOR DILAN: However, if they're in

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2 the home on that day, they are counted.

3 DR. CLARK: Right.

4 SENATOR DILAN: Okay. I just wanted to  
5 clear that for the record.

6 Dr. CLARK: I think what's very  
7 interesting about that and the Supreme Court's  
8 decision in Franklin vs. Massachusetts is that  
9 these individuals have no physical presence in  
10 the states whatsoever, but the Court still found  
11 that it was okay to count them in their states.  
12 And in fact, the average person who works for the  
13 State Department spends 20 years abroad and yet  
14 they're still counted in their home states.

15 When we talk about prisoners and  
16 allocating them back to their home communities,  
17 their average sentences are much, much shorter  
18 than that. They're back in their home communities  
19 well before that time.

20 SENATOR DILAN: Thank you.

21 SENATOR NOZZOLIO: Mr. Ho.

22 DALE HO, ASSISTANT COUNSEL - NAACP LEGAL  
23 DEFENSE & EDUCATION FUND: Part of your testimony

1  
2 that I had a speed bump over was the issue of the  
3 connection or contact with the prison inmate and  
4 the community at large. The next time a prisoner  
5 needs medical transportation, has a heart attack  
6 for instance, and needs to be taken from one of  
7 the correctional facilities to a hospital, tell  
8 the emergency medical personnel who volunteer to  
9 make that ride that they have no contact with  
10 someone in their community.

11 Or tell the tutor who volunteers, the  
12 retired high school teacher who volunteers in a  
13 prison to help tutor an individual and school  
14 them to read; tell them that they have no contact  
15 with the prison in their area.

16 Or ask the local government that  
17 provides the sewer line and the water line to and  
18 from the prison that's located, that the local  
19 property tax payers or sewer district tax payers  
20 or water district tax payers have no contact with  
21 a prisoner who lives in that, or is incarcerated  
22 in that facility.

23 I appreciate your zealous advocacy on

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2           behalf of your position, but I believe that needs  
3           to be tempered with a fuller understanding of the  
4           realities that exist in communities. And that  
5           that is a for the record comment I would like to  
6           make regarding your testimony. I thank you very  
7           much for that testimony.

8                     DR. CLARKE: If I may respond briefly to  
9           your comments, Senator Nozzolio.

10                    SENATOR NOZZOLIO: Of course.

11                    DR. CLARKE: Your point is absolutely  
12           well taken and I would agree with you that there  
13           are reasons why and certain purposes for which we  
14           do need to count and take a count of prison  
15           populations in their districts. For utilities,  
16           for instance; I think it obviously makes sense.  
17           Take a count of the prison populations. For the  
18           use of roads and for hospital facilities;  
19           obviously it makes sense that funding shouldn't  
20           be affected by removing the prison populations  
21           out of there. We need services in those  
22           communities to deal with the prison population.

23                    I think the question really and the

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2 policy reason behind this statute is where are  
3 they really considered constituents? And are  
4 they ordinary constituents in those communities  
5 when they can't patronize the local businesses,  
6 when they can't participate in civic life and  
7 when they can't use services like parks and  
8 schools and the like.

9 I think for those purposes and the fact  
10 that they remain legal residents for all purposes  
11 in their home communities, where they're  
12 domiciled under New York law, it makes sense.  
13 And the legislature made a rational judgment that  
14 they should be allocated back to their home  
15 communities and it's the law of the land and  
16 binding on this committee.

17 SENATOR NOZZOLIO: Thank you for your  
18 comments, Mr. Ho.

19 DR. CLARKE: Thank you very much for  
20 your time.

21 SENATOR NOZZOLIO: Bernell Arthur  
22 Richardson. Bernell Arthur Richardson. Steve  
23 Chung. Good afternoon, Mr. Chung.

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2 STEVE CHUNG, PRESIDENT - UNITED CHINESE  
3 ASSOCIATION OF BROOKLYN: Hi, good afternoon - -  
4 committee. And my name is Steve Chung and I am  
5 the president of United Chinese Association of  
6 Brooklyn. And in abbreviation we call ourselves  
7 UCA. And UCA was founded in the year 2002 and  
8 its main goal is to serve and improve the well-  
9 being of the Chinese immigrant and family in the  
10 neighborhood of Bensonhurst, Brooklyn.

11 According to the 2010 Census data,  
12 besides Sunset Park, Bensonhurst is home to the  
13 second largest Asian-American population in  
14 Brooklyn and they constitute almost one third of  
15 the total population in Bensonhurst.

16 Besides Asian-Americans, Latinos are the  
17 second largest minority group there in  
18 Bensonhurst and they make up about 20% of the  
19 total population. Now, like Asian-American  
20 population, the Latinos share a lot of the  
21 immigrant values. Most of them are mainly  
22 working class immigrants with a majority of them  
23 speaking their native language at home. If we

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2 combine these two minority groups together, they  
3 will become one of the majority populations in  
4 Bensonhurst.

5 Now currently, Bensonhurst is divided  
6 into four City Council Districts and three State  
7 Senate Districts and three Congressional  
8 Districts and two Assembly Districts. These  
9 District lines severely split up the minority  
10 population community as well as dilute their  
11 voting strength to elect a candidate that can  
12 represent them.

13 There are a total of 12 elected public  
14 officials representing the Bensonhurst area, but  
15 none of them, none of them are from a minority  
16 background. And no Asian-American has ever been  
17 elected to public office in Bensonhurst as well  
18 as in the Borough of Brooklyn.

19 Now, UCA would like to provide community  
20 input for a new Assembly and Senate District  
21 which basically covers the neighborhoods of  
22 Bensonhurst, Dyker Heights and Sunset Park.  
23 According to Census 2010 data, a new Assembly

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2 District which stretched from western Bensonhurst  
3 to Sunset Park would contain an Asian-American  
4 population of more than 50%. Under the Voting  
5 Rights Act, a new proposed Assembly District  
6 Asian-American population is a protected group  
7 and fits into the category of a majority-minority  
8 district. And Asian-Americans should be kept  
9 together under the new district to avoid voter  
10 dilution and to keep communities of common  
11 interests together.

12 For the other Assembly Districts and  
13 State Districts in this area, the Asian-American  
14 population can constitute about one third of the  
15 total population. If we can act, the Latino, as  
16 the second largest minority in this neighborhood,  
17 which is about 20%, the total population of these  
18 two minorities will become a majority. These  
19 minority community interests are compelling and  
20 are sufficient to group them together into a  
21 district so that they can elect a candidate of  
22 their own choice.

23 As a community leader, I experienced--I

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2 have personally experienced the pain and the  
3 agony to be underrepresented by our public  
4 officials. I'm not saying they're doing a bad  
5 job, but under most of the second circumstance,  
6 like - - ; they are very supportive. But when  
7 we, sometimes when we have to fight against the  
8 Board of Education maybe or some other government  
9 agency or we're asking for more legislative  
10 grants to support our social services, they will  
11 generate some other excuse.

12 For example, there is a high disparity  
13 in receiving legislative grants. And I know that  
14 this committee is focused on the State Assembly  
15 and Senate, but I have experienced to deal with  
16 the City Council because we have four City  
17 Councilmen in our neighborhood. And every time  
18 when I ask him for legislative grants, which is  
19 one of our major sources of income to support our  
20 social services, I ask one of the City Council  
21 Legislators would he give me \$2,000. And I asked  
22 for a little more and he told me, "Why don't you  
23 ask the other three, because I only cover a small

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2 area of your population."

3 Now by statistics, right now Bensonhurst  
4 has one third of the population and all the  
5 Asian--there's three Asian-American Social  
6 Service organizations in Bensonhurst. We only  
7 receive a total of \$86,000 as of 2012 now. But  
8 among the four City Council members in - - , they  
9 have approximately \$800,000. In percentagewise,  
10 we're only getting about 10.7% from them but our  
11 population should be one third. This is a huge  
12 disparity.

13 In conclusion, before the year of 2000,  
14 Bensonhurst was mainly occupied by different  
15 ethnic groups, including Irish, then Jewish and  
16 recently it's the Italian neighborhood. But  
17 after the year 2000, new Asian immigrants keep  
18 pouring in and they account for the biggest  
19 growth rate among all the ethnic groups in  
20 Bensonhurst.

21 These newcomers inject new economic  
22 liveliness into the declining business left  
23 behind by the Italian-American community. And

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2 Asian Americans turned many of the empty  
3 warehouses into supermarkets and restaurants and  
4 they pump in new business and bring in millions  
5 of tax dollars into our city. And nobody can  
6 deny the economic contribution in Bensonhurst.  
7 But their political involvement needs to be  
8 encouraged.

9 Our new proposal: the Assembly District  
10 and Senate District and Congressional District to  
11 combine the Asian-Americans and Latinos into a  
12 majority-minority district to preserve their  
13 common interests and values. And this will not  
14 only eliminate voter dilution from the current  
15 district, but also galvanize the minority  
16 population by providing them with an opportunity  
17 to elect a candidate of their own choice. An  
18 elected official who can be devoted to represent  
19 their constituted interests is vital to harmonize  
20 and prosper a community, a city and a nation.

21 SENATOR NOZZOLIO: Thank you.

22 ASSEMBLYMAN MCENENY: Thank you very  
23 much, Mr. Chung. Will you be submitting any

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2 specific mapping proposals?

3 MR. CHUNG: Yes, we will. As a matter  
4 of fact, we belong to part of the Court  
5 Coalition.

6 ASSEMBLYMAN MCENENY: When do you expect  
7 to submit those to LATFOR?

8 MR. CHUNG: Most likely it will be in  
9 the next meeting.

10 ASSEMBLYMAN MCENENY: At the next?

11 MR. CHUNG: Meeting.

12 ASSEMBLYMAN MCENENY: Meeting?

13 MR. CHUNG: Yes.

14 ASSEMBLYMAN MCENENY: When is it?

15 MR. CHUNG: We have AALDEF; Asian-  
16 American Legal Defense Education Fund.

17 ASSEMBLYMAN MCENENY: What time--is that  
18 in weeks, days, months; when will that take  
19 place?

20 VOICE: Before the end of the - - .

21 ASSEMBLYMAN MCENENY: Before the end of  
22 the hearings?

23 MR. CHUNG: They're based in AALDEF and

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2 some of our members in our coalition are  
3 responsible for the mapping.

4 ASSEMBLYMAN MCENENY: That's important.  
5 Thank you very, very much.

6 SENATOR NOZZOLIO: You mentioned  
7 creating a minority-majority district by  
8 including the Latino or Hispanic community. Do  
9 you have any group that might want to testify to  
10 that from that Latino point of view? Is there  
11 are coalition put together?

12 MR. CHUNG: Yes, we can connect to them,  
13 but not this hearing; probably in the next one,  
14 yes.

15 ASSEMBLYMAN MCENENY: Thank you.

16 SENATOR NOZZOLIO: Councilman Al Van.  
17 Councilman Al Van. Assemblywoman Annette  
18 Robinson.

19 ANNETTE M. ROBINSON, ASSEMBLY MEMBER:  
20 Good afternoon to members of the task force and I  
21 see several of my colleagues in government  
22 present as well, so good afternoon to you.

23 I am Assemblywoman Annette Robinson and

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2 I serve as the elected Assembly representative of  
3 the 56th Assembly District which includes the  
4 communities of Bedford Stuyvesant, Northern Crown  
5 Heights and a portion of the Bushwick community.

6 Approximately ten years ago, I  
7 represented the 36th Council District. The 56th  
8 Assembly District is wholly contained in the 36th  
9 Council District. Over the years, I have been  
10 actively involved in the reapportionment and  
11 redistricting process as I and other sought to  
12 protect the voting rights of those racial groups  
13 protected by the Federal Voting Rights Act.

14 LATFOR must keep communities together as  
15 you review and draw Assembly, State Senate and  
16 Congressional District. In workshops and forums,  
17 I describe the community of Bedford Stuyvesant as  
18 one of the most stable communities in America. I  
19 have lived here all of my life, went to school,  
20 married, raised my family and their children also  
21 sent their children to schools in the same  
22 community and are still here. Many of my  
23 schoolmates continue to live in the community; so

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2 do theirs. We worship together, shop together  
3 and socialize with one another at various  
4 cultural and civil events and activities. We  
5 reside in brownstones, limestones, brick homes,  
6 condos and public housing. Some areas of the  
7 community have been designated as historic  
8 because of the architecture of many of the  
9 beautiful homes and the history of the  
10 neighborhood and its people.

11 Public and private institutions continue  
12 to service the needs of the people in Bedford  
13 Stuyvesant, Crown Heights and Bushwick. The  
14 Bedford Stuyvesant Restoration Corporation is the  
15 oldest community development corporation in the  
16 country. They provide housing, business  
17 development, social service, financial literacy,  
18 cultural, education and social activities. They  
19 are a hub and mentor to other community service  
20 organizations. Bedford Stuyvesant Legal Services  
21 seeks to service those without the ability to pay  
22 for legal services. Interfaith Medical Center,  
23 New York City Department of Health, Bedford

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2 Stuyvesant Family Health Center, Brooklyn  
3 Children's Museum, St. John's Recreation Center  
4 and the Bedford Y, College of New Rochelle and  
5 Medgar Evers College also serve the 56th Assembly  
6 District.

7 Even though Community Board Three  
8 defines Bedford Stuyvesant, Community Board Eight  
9 defines Crown Heights and Community Board Four  
10 defines the Bushwick portion of the district,  
11 these areas should be maintained as communities  
12 of interest, counting people.

13 Prisoners must be counted. The new  
14 state law that counts people who are incarcerated  
15 at their home for purposes of redistricting must  
16 be fully and timely implemented. This will help  
17 correct an imbalance in political representation  
18 that has disadvantaged many urban communities,  
19 including my district.

20 As I conclude my testimony, I have  
21 observed that there needs to be much more public  
22 notice about LATFOR's activities. Hearings  
23 should be held at accessible times so that many

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2 more interested residents can attend.

3 LATFOR does not have a black member  
4 serving on the task force to represent the  
5 concerns of black New Yorkers. If we do not pay  
6 attention to the bad history, we are doomed to  
7 repeat it.

8 There are three counties in New York  
9 State that are covered by the stringent Voting  
10 Rights Act. I urge the task force: conduct an  
11 outreach campaign to solicit the recommendations  
12 of black New Yorkers and others to correct the  
13 inequity. Thank you.

14 SENATOR NOZZOLIO: Thank you very much.  
15 Councilman Greenfield.

16 DAVID G. GREENFIELD, MEMBER - NEW YORK  
17 CITY COUNSEL: Thank you, Mr. Chairman. Thank  
18 you Chair Nozzolio, Chair McEneny and members of  
19 the task force for the opportunity to testify  
20 today on behalf of my constituents in southern  
21 Brooklyn.

22 My district covers most of Borough Park,  
23 roughly half of Midwood and Bensonhurst,

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2           respectively and a small portion of Kensington.  
3           Because of the time limitations, I'm going to  
4           focus my testimony today on the Borough Park and  
5           Midwood portions of the district, which encompass  
6           the vast majority of my district of roughly  
7           170,000 constituents.

8                     - - having heard the testimony on  
9           behalf of the Asian community in Bensonhurst, I  
10          think that is a fair testimony and fair concerns  
11          that they raise.

12                    As you have no doubt heard by now, these  
13          two communities of Borough Park and Midwood are  
14          predominantly made up of orthodox Jews who have  
15          similar religious, cultural and social needs.  
16          The rough borders of Borough Park are New Utrecht  
17          Avenue to the west, McDonald Avenue to the east,  
18          Legal Road to the north and 60th Street to the  
19          south. The rough borders of Midwood are McDonald  
20          Avenue to the west, Nostrand Avenue to the east,  
21          King's Highway to the south and Avenue I to the  
22          north. These two neighborhoods are connected and  
23          contiguous.

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2 I would say that in general, we're  
3 relatively satisfied with the lines drawn on the  
4 federal level as they mostly respect the  
5 integrity of these two communities. We're  
6 grateful that most of Borough Park is represented  
7 by the 8th Congressional District and that most  
8 of Midwood is represented by the 9th  
9 Congressional District. There are two other  
10 Districts that have swallowed a few blocks of  
11 Borough Park and Midwood, specifically the 13th  
12 and the 11th. We would appreciate it if one of  
13 these districts encompassed the other in these  
14 neighborhoods so that we can have more of an  
15 impact on either one of these districts. We  
16 would surely ask that you not split Borough Park  
17 or Midwood any further on the federal level.

18 On the state level however, we are in  
19 sore need of changes. Six state senators  
20 represent parts of Midwood and Borough Park as do  
21 six members of the New York State Assembly.  
22 Right there, that presents an incongruity. It  
23 simply doesn't make sense that we have the same

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2 amount of assembly members and senators, when the  
3 average assembly member has a population of  
4 roughly 126,000 and the average senator roughly  
5 306,000. Simply put, the current senate lines  
6 have gerrymandered the community out of any real  
7 influence in the senate. It's our strong  
8 preference that the communities have no more than  
9 three, but preferably two representatives in the  
10 New York State Senate in the areas of Borough  
11 Park and Midway.

12 As for our representation in the  
13 Assembly; once again, we are generally satisfied  
14 with these lines, however I would reiterate the  
15 importance of keeping the neighborhoods of  
16 Borough Park and Midwood intact. Any further  
17 dilution of those neighborhoods in the Assembly  
18 would harm these communities.

19 Finally, I just want to leave you with a  
20 sense of Borough Park and the growth of these  
21 neighborhoods in the past decade. Aside from  
22 being orthodox Jewish, Borough Park has the  
23 highest concentration of Hasidic Jews in the

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2 United States. As you know, a Census Bureau  
3 aggregates Census tracts into larger units called  
4 Neighborhood Tabulation Areas, or NTA's, in order  
5 to give us an idea of how individual communities  
6 grow over time. There were five NTA's, five  
7 neighborhoods in New York City that registered  
8 populations of over 100,000 eleven years ago:  
9 Flatbush, Northern Crown Heights, Jackson  
10 Heights, the Upper West Side and Borough Park.  
11 Now of these especially populous neighborhoods,  
12 Borough Park was the only one to register a  
13 positive growth rate, 5.2%, since the year 2000.  
14 So not only is Borough Park one of the city's  
15 most populous neighborhoods, but is the only one  
16 with over 100,000 residents that actually grew  
17 over the last decade.

18 The numbers are even more staggering  
19 when we consider the growth rate of the young  
20 population. Brooklyn Community District 12,  
21 which is mostly Borough Park and includes parts  
22 of Kensington and Midwood, saw staggering growth  
23 in the under 18 population over the last ten

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2 years. In fact, Community District 12 was  
3 Brooklyn's top Community District in terms of  
4 percentage growth of the under 18 population  
5 since the year 2000.

6 I conclude by asking that as you  
7 deliberate over the reapportion process to be  
8 mindful of the staggering growth in the orthodox  
9 communities' majority population in Borough Park  
10 and Midwood. Please be sensitive to their unique  
11 ethnic and religious identities, but most of all,  
12 please keep these communities intact and give  
13 them the representation that they deserve. Thank  
14 you, member of the committee.

15 SENATOR NOZZOLIO: Thank you very much,  
16 councilman. Robert Cornegy.

17 ROBERT CORNEGY, DISTRICT LEADER 56TH  
18 ASSEMBLY DISTRICT: Good afternoon members of the  
19 New York legislative advisory task force on  
20 demographic research and reapportionment. My  
21 name is Robert E. Corney, Jr. and I serve as  
22 State Committeeman District Leader for the 56th  
23 Assembly District.

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2           The 56th Assembly District serves  
3 Bedford Stuyvesant, Crown Heights and a small  
4 portion of Bushwick. For many years I've worked  
5 in underserved communities throughout New York  
6 City. I testify today before LATFOR because of  
7 the seriousness of state redistricting to these  
8 aforementioned communities, but especially my  
9 current community.

10           To me, the idea of redistricting  
11 represents an opportunity. However, how it  
12 wielded can bring about either political  
13 empowerment or political disempowerment.  
14 Essentially, this 2011 round of redistricting is  
15 about the protection of the voting rights of New  
16 Yorkers. LATFOR must respect the voting rights  
17 of those racial groups recognized by and  
18 protected by the Federal Voting Rights Act.  
19 Further, LATFOR must keep together communities of  
20 interest as it goes about drawing new Assembly,  
21 State Senate and Congressional Districts.

22           Bedford Stuyvesant is a prime example of  
23 a community of interest. Census 2010 shows that

1  
2 it remains consistently a largely black  
3 community. Its residents are diverse in that  
4 some are home owners and some reside in the many  
5 public housing facilities throughout Bedford  
6 Stuyvesant. There are areas currently recognized  
7 as historic districts, such as Stuyvesant Heights  
8 as well as area currently undergoing the process  
9 of becoming a historic district; namely Bedford  
10 Corners, an area in the western portion of the  
11 district.

12 Bed-Stuy residents are a proud people  
13 who have always been proud of their neighborhood  
14 and share its schools, local homegrown  
15 businesses, vast array of cultural and civic  
16 programs, and the services of its anc-or  
17 organizations like the Bedford Stuyvesant  
18 Restoration Corporation.

19 Likewise, Crown Heights, as Bedford  
20 Stuyvesant's southern neighbor, shares its  
21 history as a residential community. It has tree-  
22 lined streets of historic limestones and  
23 brownstone residences, as well as its share of

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2 public housing.

3 Both communities share the similar, if  
4 not exact economic and civic concerns. The  
5 boundaries of Brooklyn's Community District Three  
6 define the area of Bedford Stuyvesant and  
7 Community District Eight contains area of  
8 Northern Crown Heights that I proudly serve.

9 I believe that you will find a  
10 consistent theme with my colleagues in federal,  
11 state and city government in demanding the  
12 following. First, make the process public.  
13 LATFOR should make this reapportionment process  
14 accessible to the public. This process is  
15 important. It must be transparent and the public  
16 needs to be involved. There needs to be much  
17 more public notice about LATFOR's activities. I  
18 acknowledge LATFOR's web site, but more needs to  
19 be done to inform the public.

20 I suggest ads in print and electronic  
21 press, radio and cable TV, public information  
22 spots and e-mail and social media. In addition,  
23 all of LATFOR's data needs to be accessible to

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2 the public online. The hearings should be held  
3 at times that are convenient to the working  
4 public. I suggest that you hold day and evening  
5 sessions at each location. Just holding daytime  
6 hearings in the middle of the work week  
7 discourages public participation.

8 Secondly, respect the needs of black New  
9 Yorkers. For the first time since its creation,  
10 there's not a single black member on LATFOR. I  
11 remind you that New York State has less than a  
12 stellar history of protecting the voting rights  
13 of its black voters. That is why three counties  
14 of New York State are among the few northern  
15 jurisdictions in the entire United States that  
16 are covered by the stringent Voting Rights Act's  
17 preclearance law. I urge that task force to take  
18 the recommendations that black New Yorkers bring  
19 to the task force seriously. I urge the task  
20 force to conduct a serious outreach campaign to  
21 solicit the recommendations of black New Yorkers.

22 I finally note that similarly, there are  
23 no women or Asians represented on LATFOR. In a

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2 state as diverse as New York, such blatant lack  
3 of diversity on our important body impairs public  
4 confidence in the task force and its products.

5 Third, redistricting criteria. LATFOR  
6 should make its redistricting criteria or  
7 interpretations public. For example, let the  
8 public know how you are interpreting the one  
9 person, one vote principle. Is LATFOR using a  
10 10% deviation standard for Assembly and Senate  
11 Districts? Will you be taking the residences of  
12 the state elected officials into consideration?  
13 How are you ensuring that racial minorities have  
14 an opportunity to elect representatives of their  
15 choice in compliance with the Voting Rights Act?

16 Fourth, counting people who are  
17 incarcerated. The New York State law that counts  
18 people who are incarcerated at their home of  
19 record for purposes of redistricting must be  
20 fully and timely implemented. This will help  
21 correct an imbalance in political representation  
22 that has disadvantaged many urban communities,  
23 including my district.

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2 Fifth, the size of the State Senate.

3 The size of the State Senate should not be  
4 changed for mere political convenience. Such  
5 actions are transparent to the public and  
6 discourage confidence in government. The Senate  
7 should not change without second reasons firmly  
8 rooted in the State Constitutions. If LATFOR  
9 believes that such a change is warranted, then it  
10 should be explicitly clear to the public about  
11 how it interprets the State Constitution to  
12 mandate such a change. In addition, if such a  
13 seat is created, it should logically be placed in  
14 a part of the state where there has been an  
15 increase in population.

16 I thank you for your opportunity to  
17 speak to the task force. This reapportionment is  
18 important, both the process and the resulting new  
19 districts should be about empowering New York  
20 communities. Thank you.

21 SENATOR NOZZOLIO: Thank you very much.  
22 For the record, I'd just like to indicate that  
23 there were a number of newspaper advertisements

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2 that were paid to publicize these hearings in  
3 publications like The New York Times, but also  
4 The Daily Challenge and Amsterdam News, The India  
5 Abroad, The Staten Island Advance, Newsday for  
6 our Nassau and Queens and Suffolk editions, The  
7 Korean Times, The Alvario and The Sing Tao.  
8 Those are just the publications that we advertise  
9 the hearing in.

10 We welcome other legislators to use  
11 their web sites to publicize the hearings; that  
12 we will have close to a hundred who are  
13 participating in this hearing, if not over a  
14 hundred, so that your points are well taken. We  
15 will continue to encourage the distribution of  
16 this information and anything you can do to help  
17 publicize the fact that your comments are on the  
18 permanent record and have been videoed so that  
19 your comments will be part of the record as well  
20 as part of the video on the LATFOR's web site.  
21 Feel free to publicize that to get more people to  
22 go to the web site and that we encourage those  
23 comments you made about openness and transparency

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2 we share. We want to make this well-known and  
3 anything you can do to help us in that effort we  
4 would welcome.

5 MR. CORNEGY: Thank you. I just want to  
6 suggest that the publication for my community  
7 that's widely read is Our Time Press. So you  
8 might want to just add that to the list.

9 SENATOR NOZZOLIO: Could you repeat  
10 that?

11 MR. CORNEGY: Our Time Press. Thank  
12 you.

13 PETER WEISS, KINGS COUNTY DEMOCRATIC  
14 COALITION: I am appearing before you because I  
15 want to express my concern about the process and  
16 my hopes for the next ten years.

17 New York State needs to create districts  
18 that have equal population throughout the state.  
19 These districts should preserve neighborhoods,  
20 keep neighborhood identities and have common  
21 interests. Neighborhoods should not be divided.  
22 I reside in the 44th Assembly District and part  
23 of that District is in Flatbush. Part of

1  
2 Flatbush, part of Victorian Flatbush is in the  
3 42nd Assembly District and part of it is in the  
4 44th. The majority part is in the 44th. I think  
5 that Victorian Flatbush deserves to be in one  
6 Assembly District. The 44th encompasses parts of  
7 Borough Park, parts of Windsor Terrace,  
8 Kensington, Victorian Flatbush and parts of Park  
9 Slope. All of Borough Park should be in one  
10 District; the 48th District. Victorian Flatbush  
11 should all be in one District; the 44th. This  
12 would allow these neighborhoods to have one  
13 assembly member representing those neighborhoods.

14 The next thing I'd like to just  
15 reiterate and I agree with is about the new state  
16 law where prisoners should be counted. I think  
17 that's important that this commission keep that  
18 in mind.

19 I then also want to stress something  
20 else that I have not heard today. I have heard  
21 that there are various dates where the primaries  
22 are going to be held. I've heard the suggested  
23 dates are in late August, August 28th. I've

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2 heard that another date would be late June and a  
3 third date is where we are now in September. I  
4 am vehemently opposed to having a late August  
5 date. I think that would be awful. I think that  
6 most--that's right before the Labor Day weekend  
7 holiday. I think most people will be away. I  
8 think that the voting turnout would decrease and  
9 I think people are just not interested. I would  
10 prefer either keeping the date the way it is or  
11 having a June date.

12 I also want to remind this commission  
13 that the people who get jobs, sometimes working  
14 in primaries need the money and they are college  
15 students and people who are unemployed and a  
16 college student certainly would not have an  
17 opportunity to work as hard as they do if the  
18 primary date was changed.

19 Also, this would affect our senior  
20 population and then their ability to vote. Those  
21 are the things that I would like to stress and  
22 thank you for your time.

23 SENATOR NOZZOLIO: Thank you, Mr. Weiss.

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2 Brian Paul. Brian Paul. Daniel Goudin. Daniel  
3 Goudin. Judith Orlando. Judith Orlando. Chuck  
4 Richenthal. Chuck Richenthal.

5 SUSAN LERNER, EXECUTIVE DIRECTOR -  
6 COMMON CAUSE NEW YORK: I am testifying in place  
7 of Richenthal.

8 SENATOR NOZZOLIO: Susan, your name is I  
9 think on the list, but it hasn't been called.

10 MS. LERNER: Okay.

11 SENATOR NOZZOLIO: Judith Orlando.  
12 Judith Orlando. Chuck Richenthal. Chuck  
13 Richenthal. Burchell Marcus. Burchell Marcus.  
14 Jonathan Yeaden. Jonathan Yeaden. Katie Davis.  
15 Good afternoon, Ms. Davis.

16 KATIE DAVIS, PRESIDENT - COMMUNITY  
17 COUNCIL FOR MEDGAR EVERS COLLEGE: Good afternoon  
18 to the task force. My name is Katie Davis,  
19 president of the Community Council for Medgar  
20 Evers College in Brooklyn.

21 The Community Council is an organization  
22 that founded the organization along with CUNY in  
23 1970. It is located in central Brooklyn. I'm

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2 here speaking on behalf of the community in  
3 central Brooklyn. Our concern is that in the  
4 process of drawing new lines that the interest of  
5 the people is kept in mind and the process is  
6 fair and free from political manipulation.

7 Please allow me to state some of our  
8 specific concerns and interests. I'm here to  
9 articulate it on behalf of this community to  
10 ensure that each New Yorker's vote is counted on  
11 the basis of one man, one vote; that fair  
12 districts must be a priority, new lines are free  
13 from political advantage for either political  
14 party. There should be no upstate or downstate  
15 advantages; that each district has equal number  
16 of population and that the outcome reflects  
17 changes in the 2010 Census as required by law.

18 Redistricting should take into  
19 consideration fair representation of all  
20 populations, carefully noting that current  
21 minority representation in the state and in  
22 congress does not fairly represent; currently it  
23 does not fairly represent the 42% population of

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2 blacks and Latino and Asian population. We would  
3 like for you to really, really look at that to  
4 correct that.

5 A priority of consideration should be  
6 taken in the spirit of the US Constitution and  
7 the Voting Rights Act. There should be objective  
8 standards used that are transparent to accomplish  
9 a fair outcome.

10 We appreciate an equal opportunity to  
11 elect our representative of choice in compliance  
12 with the law; that there be no unnecessary  
13 division of our neighborhoods that result in  
14 gerrymandering to suit some political interest.

15 Thank you for this opportunity to voice  
16 our interest and concerns. We look forward to  
17 and expect a fair and equitable outcome. Thank  
18 you and good evening.

19 SENATOR NOZZOLIO: Thank you. Now Susan  
20 Lerner. There you go.

21 MS. SUSAN LERNER, EXECUTIVE DIRECTOR,  
22 COMMON CAUSE, NEW YORK: Thank goodness Senator  
23 Nozzolio was kind enough to give me the sign that

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2 I was being called. So thank you very much for  
3 allowing me to speak. I'm Susan Lerner. I'm the  
4 executive director of Common Cause New York and I  
5 want to thank you for coming to my home borough.  
6 It's good to have you in Brooklyn.

7 And as you know, we've been  
8 concentrating on the demographic changes that we  
9 are seeing in the different areas where LATFOR is  
10 taking testimony and Brooklyn is no exception.  
11 Our thoughts on the demographic changes have been  
12 posted on the blog that we maintain, Mapping  
13 Democracy at [www.citizensredistrictny](http://www.citizensredistrictny.com). And we  
14 have, as we have in the past, provided you with  
15 some maps. And I'd like to just point out that  
16 we hope we can help Senator Dilan explain  
17 Brooklyn to you because our first map is the  
18 Brooklyn neighborhoods, which for people who  
19 aren't familiar with our borough, it can  
20 sometimes be confusing. I know you're hearing a  
21 lot of testimony about different neighborhoods  
22 and we have just started with a map of where the  
23 different neighborhoods are; because Brooklyn,

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2 after all, is the largest of the five boroughs;  
3 two and a half million people. If Brooklyn were  
4 still an independent city, it would be the fourth  
5 largest city in the United States and I think  
6 you've seen very eloquently how diverse our  
7 district is.

8 So rather than going through our written  
9 testimony, which reviews the thoughts that we  
10 have about the demographic changes, I'd like to  
11 go to a couple of specific comments.

12 First, I'd like to respond a little bit  
13 to some of the discussion we've had this morning;  
14 particularly the entire question of when hearings  
15 are held and our desire to see more public  
16 participation. I'd like to suggest to you that  
17 the New York City Charter Commission, which  
18 struggled with exactly this issue, actually set  
19 an interesting model.

20 They began their hearings at 4:00 in the  
21 afternoon and they generally concluded somewhere,  
22 in all honestly, between 9:00 and midnight. But  
23 that gave them a very significant period of time.

2 They started late in the afternoon, but early  
3 enough before the evening so that organizations  
4 that are staffed, elected officials and so forth  
5 who wanted to testify during the work day would  
6 come and then community members would be able to  
7 join in the discussion later in the process where  
8 they felt they wanted to be heard in person.

9 And I think it's very important to  
10 provide people with an opportunity, not just to  
11 participate through the internet and we're great  
12 users of social media and as you can see from our  
13 blogs, we believe in communication through the  
14 internet, but I think that politics, at the end  
15 of the day, is a very personal exercise and we  
16 should be encouraging people to come out and to  
17 speak directly in person should they wish to.

18 I also would suggest that it wouldn't be  
19 untoward to think about an occasional weekend  
20 hearing. Obviously, the people who are paid  
21 staff members; that is more of a difficulty for  
22 them. But the ordinary voter who really feels  
23 passionately about the issue, and we're really

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2 happy to see the amount of attention that this  
3 issue is getting in the communities, would be  
4 well served by an occasional weekend meeting,  
5 especially as we get to, as you have pointed out,  
6 the more contentious set of hearings around the  
7 maps.

8 So, we very strongly support the various  
9 communities that testified here today. We  
10 believe that the big emphasis should be on  
11 communities on interest and holding them  
12 together. And as you can see, the great  
13 diversity of the borough has been well reflected.  
14 It isn't simply a question of ethnicity or  
15 religion. There are many different communities.  
16 The neighborhoods are really pretty well  
17 reflective of those communities of interest and  
18 we hope that you will be able to follow them more  
19 exactly than has been done with the previous  
20 maps.

21 And I'd like to point to two specific  
22 areas that are of concern to us, that we think  
23 need change. And one comes from my own personal

2 experience. I'm a resident of Ford Green, which  
3 is in the 54th AD. And if you start at my home,  
4 which is very close to Fort Green Park and you  
5 travel, as I frequently do, to the Red Hook area  
6 because there's a large IKEA, there's a large  
7 grocery store that I like to frequent there and I  
8 am frequently driving or driving in this instance  
9 that approximately three and a half mile trip  
10 maybe once or twice a month.

11 When I make that trip, I am crossing  
12 four congressional district lines in three and a  
13 half miles. That is a lot and we're not talking  
14 about an area that has a great density of  
15 population. So that particular arrangement is of  
16 concern to us and we have pictured the existing  
17 congressional district maps on our map number 15.

18 And the other area that we think really  
19 requires attention is one that has gotten a  
20 tremendous amount of criticism in the previous  
21 redistricting cycle and there has been testimony  
22 here today about it and that is the area in south  
23 Brooklyn, which is the Dyker Heights of Bay Ridge

2 area. It really is carved up substantially and  
3 if you look at both map 16, which is the current  
4 Senate district map and map 17, which is the  
5 current Assembly map, you see how this community  
6 has been carved up.

7 We're also looking at the Sunset Park  
8 area and are very cognizant of that community's  
9 desire not to be cut into too many pieces.

10 As you know, we are engaged right now in  
11 a mapping process. We're learning every day how  
12 interesting the various factors are to balance  
13 and we expect that before you conclude your set  
14 of first round of hearings that we will be able  
15 to provide you with our suggestions and we'll be  
16 going public with our maps. Our maps are, of  
17 course, suggestions. We are using the criteria  
18 which are found in the Governor's Bill and with  
19 the exception of the deviation, the numerical  
20 deviation; we find them to be very workable from  
21 a good government point of view. We do believe  
22 that the deviation needs to be larger and I think  
23 I've testified on that previously.

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2 So I want to thank you. I hope that the  
3 information--

4 SENATOR NOZZOLIO: [Interposing] I'm  
5 sorry Susan. I didn't hear your last sentence.  
6 Could you bear repeating it?

7 MS. LERNER: I said that we--the only  
8 area of the Governor's Reform Redistricting Bill  
9 that we feel needs to be varied is the numerical  
10 deviation. We feel the numerical deviation needs  
11 to be larger than 1% to fairly represent the  
12 communities of interest in the mapping.

13 SENATOR NOZZOLIO: And your mapping; you  
14 plan to have that by the second week of October?

15 MS. LERNER: We plan to have that--I  
16 thought the last hearing was the 27th of October.

17 SENATOR NOZZOLIO: No, well we just  
18 added two hearings today. Originally we were  
19 scheduled to be done the first week of October.  
20 Now we're, at the request of Assemblyman Oaks and  
21 Senator Dilan, we have expanded the number of  
22 hearings to two more in the state. So that will  
23 take us to the first of November.

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2 MS. LERNER: Right, and we will have--  
3 our maps will be finished and publicly available  
4 and presented to you by, certainly by sometime in  
5 the second half of October.

6 SENATOR NOZZOLIO: Thank you very much.

7 ASSEMBLYMAN MCENENY: Thank you. It's  
8 good to see you again and your advice is good. I  
9 thought the idea of the late afternoon makes a  
10 lot more sense than starting so late that it  
11 would be way in the middle of the next morning  
12 before people got out.

13 We're up to 28 public hearings now from  
14 Buffalo down to Long Island and I think the idea  
15 of weekend hearings, unless we did them in 14  
16 locations, it wouldn't be quite fair. On the  
17 other hand, when we do get our draft maps, I  
18 think that's the type thing that individual  
19 legislators, good government groups might want to  
20 have weekend hearings and then come and testify  
21 what the results are. So they can take a  
22 Saturday for Common Cause or whomever and  
23 whatever locality seemed to make sense and then

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2 send in a representative at the scheduled hearing  
3 to say the general feeling is this or that or  
4 what have you.

5 MS. LERNER: Assembly member, that's a  
6 really interesting suggestion for us and having  
7 made the suggestion about weekend hearings,  
8 that's something we'll look at with our coalition  
9 partners in the different communities to see if  
10 we can facilitate that.

11 ASSEMBLYMAN MCENENY: The idea of  
12 starting late seems like a practical compromise  
13 for some communities. Some communities don't  
14 seem to care. They have enough representatives  
15 that work 9 to 5 that consider that part of their  
16 job and are well tuned into the community.

17 MS. LERNER: Okay. Thank you.

18 SENATOR NOZZOLIO: Thank you very much.  
19 Councilman Jumaane Williams. Good afternoon,  
20 councilman.

21 JUMAANE WILLIAMS, COUNCILMAN: Good  
22 afternoon. Co-chairs, thank you for the  
23 opportunity. Just to mention, my name is Jumaane

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2 Williams, council member for the 45th District,  
3 representing parts of Midwood, Flatbush, East  
4 Flatbush primarily and parts of - - .

5 Most of my testimony will be general  
6 because I know we're talking most of the state.  
7 Welcome to Brooklyn.

8 First, I believe it's a shame and I wish  
9 we--and I know some of my comments actually have  
10 been said before but I think it bears repeating,  
11 that there hearings are being held at this hour  
12 and people, the most affected people are a  
13 working class community and they'll be largely  
14 unable to attend and have their voices heard and  
15 I'd like to reiterate that hopefully we can have  
16 some evening and perhaps weekend hours. I think  
17 it's incumbent upon us, even if it doesn't fit  
18 our schedule necessarily, to fit the schedule of  
19 the people who it's going to affect the most.

20 Gerrymandering is a real hazard to  
21 affect the representation to keep communities  
22 together. We have neighborhoods in Brooklyn that  
23 have been sliced, diced and altogether abused by

2 law makers; not as bad as some others, but pretty  
3 rough.

4 The city level in my district has some  
5 very weird fingers that kind of jut out all over  
6 the place, all in the name of the petty goal and  
7 it's usually to serve one party or another. The  
8 reality is elected officials and people in  
9 general are all going to have some self-serving  
10 interests and I believe we should just do our  
11 best to try to keep that at a minimum as much as  
12 humanly possible.

13 We need a fundamental restructuring of  
14 the thought process behind redistricting. This  
15 is meant to determine how to best serve the  
16 people of New York not the elected officials of  
17 New York.

18 Several key goals need to be kept in  
19 mind. The districts should be contiguous as much  
20 as possible; compact and easy for residents to  
21 understand. They should be easily able to  
22 associate with who represents them.

23 There is also a continuing issue of the

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2 lack of representation of people in the state.  
3 New York is now 42% black, Latino and Asian, but  
4 has nowhere near that percentage of state  
5 legislators or congress members. Furthermore,  
6 there are no African-Americans, Asians and I  
7 believe only one woman on LATFOR. How can these  
8 communities be assured their interests are being  
9 protected when they're not at the table? For too  
10 many times, I believe white males are allowed and  
11 assume that they can go past their white maleness  
12 and talk on behalf of the whole community. But  
13 for some reason, when it's reversed and perhaps a  
14 black male, they're assumed that they will only  
15 represent one district and I think we need to  
16 have more representation because I think  
17 everybody can represent anyone.

18 This needs to be viewed as a chance to  
19 right the wrongs of the past and to set New York  
20 on a course for effective representation of a  
21 state with revolving demographics. Political  
22 horseplay should not be allowed when drawing  
23 lines this time around. Too much is at stake.

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2 A couple of other things, and I know  
3 some of my constituents are going to be  
4 testifying, but of the 25% that was mentioned  
5 before, we're hoping that on the state and the  
6 city level, at least if it can't be 100%, there  
7 would be a better split. I know on the city  
8 level, it's about 80/20. Hopefully it will be  
9 about 60/40 and I know it was talked about on the  
10 state level earlier.

11 Also, I don't know where this comes up,  
12 but South Midwood in particular; they have about  
13 one ED. For some reason, they have to vote many,  
14 many, many, many blocks away. And I'm trying to  
15 figure out how to get that one ED back into South  
16 Midwood, so that the entire community can vote at  
17 the same place.

18 I'd like to also see as close to  
19 actually zero deviation as much as possible. I  
20 think the more deviation you have of course, it  
21 kind of defeats the whole purpose of having this  
22 commission to begin with.

23 And lastly, I'm horrified at the fact

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2 that we're even thinking about not adhering to  
3 the law when it comes to prisons. I really think  
4 it's disgusting that in the charge and the search  
5 for power, we'll do whatever we can. I think it  
6 is right that the prisoners should be counted at  
7 the home that they come from. For many years,  
8 people tell it, "Well, change the law. Change  
9 the law." The law has been changed, so I think  
10 that it would behoove everyone to try to honor  
11 the law because it's morally right and it's now  
12 legally right.

13 So I want to say thank you and that I  
14 plan on giving formal testimony at a later date.  
15 Thank you--formal written testimony.

16 ASSEMBLYMAN MCENENY: Councilman, you  
17 may not have been here earlier, but the LATFOR is  
18 only going to obey the law and we have never said  
19 that we would not obey the law in regards to  
20 prisoners.

21 MR. WILLIAMS: I'm very, very happy to  
22 hear that.

23 ASSEMBLYMAN MCENENY: It's a widely

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2 passed around rumor and it's quite inaccurate.  
3 Whatever the law says, we are committed to  
4 carrying it out. Likewise obeying the  
5 constitution; state constitution and also the,  
6 especially the Voting Rights Act of 1965.

7 MR. WILLIAMS: I'm very pleased to hear  
8 that. Thank you. There are two newspapers that  
9 I'm not sure that you heard that represent the  
10 Caribbean community which is the largest  
11 constituency I represent. Carib News, Caribbean  
12 Life and the Haitian Times are some papers that  
13 you may look into to advertise.

14 SENATOR NOZZOLIO: Thank you.  
15 Councilman, just one second. Senator Dilan.

16 SENATOR DILAN: I just want to say thank  
17 you and with respect to the additional newspapers  
18 that you have; if you can submit that to staff,  
19 I'll make sure it gets advertisements.

20 MR. WILLIAMS: Thank you. I want to say  
21 thank you to my colleagues on the task force and  
22 my colleagues in the audience.

23 SENATOR DILAN: And I also want to just

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2 reiterate and enforce that fact that this  
3 commission has come out publicly in favor of the  
4 laws of 2010 with respect to the prisoners.

5 MR. WILLIAMS: Thank you, Senator Dilan.

6 SENATOR DILAN: Alright. Thank you.

7 SENATOR NOZZOLIO: Paul Wiedner. Paul  
8 Wiedner. Anthony Gronowicz. Anthony Gronowicz.

9 ASSEMBLYMAN MCENENY: What happened to  
10 Richard?

11 SENATOR NOZZOLIO: Richard Boatti. I  
12 apologize, Mr. Boatti. Could you for the record  
13 pronounce your name for us?

14 RICHARD BOATTI, ORGANIZING COMMITTEE-ACT  
15 NOW MEMBER: Yes, Boatti.

16 SENATOR NOZZOLIO: Boatti.

17 MR. BOATTI: Boatti, yes. Well, as we  
18 just discussed, my name is Rich Boatti and thanks  
19 for giving me the chance to speak today. I'm  
20 here as a member of ACT NOW, a progressive group.  
21 But I'm also here as myself, a concerned citizen.

22 Unfortunately today we are taking part  
23 in an exercise in futility. We are assembled in

2 a room where voters have gathered to plead with  
3 members of the Senate majority and members of the  
4 Assembly majority to do something they will never  
5 do willingly, which is to put their jobs in  
6 jeopardy.

7 What can I or anyone else in this room  
8 say that hasn't already been said a million  
9 times. It is inherently unfair to allow  
10 legislators to choose their voters. Why would  
11 anyone on this task force who is here by virtue  
12 of Dean Skelos or Sheldon Silver do anything  
13 against the interests of Dean Skelos and Sheldon  
14 Silver?

15 So what are the interests of Dean Skelos  
16 and Sheldon Silver? Well, we know that Dean  
17 Skelos' interest is to continue the decade's long  
18 disenfranchisement of New York voters. The  
19 Republican Conference in the Senate is now  
20 playing a transparent game saying that  
21 redistricting reform has to be done via a  
22 constitutional amendment. But we all know that  
23 is not true. Redistricting has historically done

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2 by law, not constitutional amendment and this  
3 desire to have it done by constitutional  
4 amendment is just a delay tactic to push the  
5 redistricting until the 2022 cycle.

6 Obviously the Republican majority does  
7 not care about the voters of New York because if  
8 they did, they wouldn't be in power. There's no  
9 reason why a state that is as thoroughly  
10 Democratic, capital D, as New York would have a  
11 Republican Senate majority for 40 years. If the  
12 districts were drawn fairly that would never be  
13 the case. Every election, more people in New  
14 York vote for Democratic senators than Republican  
15 ones, but this is not reflected in the Senate's  
16 majority because the voters in New York are  
17 disenfranchised.

18 Then there's the Assembly. Not content  
19 with a fair majority that an un-gerrymandered  
20 system would undoubtedly give Assembly Democrats,  
21 Sheldon Silver strikes an alliance with  
22 Republican senators in order to get larger than  
23 necessary, even superfluous majorities just so he

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2 can have slightly more power. This whole system  
3 is a farce and I mean no disrespect, but it's  
4 true.

5 Luckily Governor Cuomo is so far  
6 standing by his veto threat to veto any  
7 legislative reapportionment that is not drawn by  
8 an independent commission and I don't think  
9 members of this committee or of the Assembly and  
10 Senate as a whole will ever vote to do that. So  
11 it seems like there's just going to be deadlock  
12 and in that case, it's most likely that a special  
13 master will draw the districts and hopefully that  
14 will produce a better result because a special  
15 master doesn't have the inherent bias of being a  
16 self-interested party in the process; unlike  
17 every single member of the Assembly and Senate.

18 So, I just want to conclude that the  
19 only way New Yorkers will get their human rights  
20 to elect their leaders fulfilled would be to have  
21 an independent commission to draw the lines or  
22 some other type of system where human  
23 interference is not allowed, such as with a

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2 computer program that is openly available to the  
3 public that can automatically draw districts  
4 based on population and compliance with the  
5 Voting Rights Act. But honestly, any system that  
6 doesn't involve members of the actual legislature  
7 at the time picking their voters would be fine  
8 with me. So, thank you for your time.

9 ASSEMBLYMAN MCENENY: Just an  
10 observation and I'm the Assemblyman on the panel.  
11 I believe I heard you say that there's no normal  
12 way, except for the obvious gerrymandering that  
13 would take place, that the Senate could ever be  
14 Republican.

15 MR. BOATTI: Yes, I mean over a long  
16 period of time. Obviously within certain  
17 election cycles it could be a Republican cycle,  
18 but--

19 ASSEMBLYMAN MCENENY: [Interposing]  
20 Well, Governor Pataki ran at large and so did  
21 Governor Rockefeller. He ran at large and they  
22 were both Republicans. One was elected four  
23 times. One was elected three times.

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2 I think the one thing we know about  
3 politics--I've always been one of those people;  
4 I'm a history major not a poli-sci major and I  
5 always disliked political science as a title  
6 because it's an attempt to turn an art into a  
7 science and give it predictable rules. I think  
8 the people continually surprise us. My first  
9 election knocked off an 18 year incumbent in the  
10 County Legislature who was the majority leader.  
11 That was a write-in; not even in the machine.  
12 Same party, too.

13 I think there's a body politic out there  
14 that really expresses approval and also outrage  
15 and it depends on the issue. And the idea of  
16 mechanically dictating how the people will vote--  
17 we talk to a lot of legislators. This is all on  
18 the record. And they will come in; you know what  
19 most of their concerns are? Keep my neighborhood  
20 together. Don't split our neighborhoods. I've  
21 only heard one, what have we had? Two, three  
22 hundred people have testified. I only heard one  
23 person testify that he liked it that the town had

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2 three members of Congress because he thought  
3 there were three voices speaking for him. Almost  
4 everybody said, "Neighborhood; keep my  
5 neighborhood together. Don't split my  
6 neighborhood." That's most of the concerns. And  
7 I think you've come to a lot of judgments and  
8 we're trying to do a good job. I'm sorry that  
9 Governor Cuomo failed to convince the legislature  
10 and particularly the Senate that it was in their  
11 best interest to let his new board do the  
12 redistricting. But we have to do our job and we  
13 have a fiduciary responsibility in the New York  
14 State constitution as the legislature working  
15 jointly to take the districts, which after ten  
16 years are obsolete and have them truly reflect  
17 the new Census. And to hold these hearings; and  
18 at some of them, the League of Women Voters were  
19 specifically asked, "Are these hearings  
20 worthwhile? Are they helpful to you?" And the  
21 answer was, "Yes, these public hearing and these  
22 people that give up time from their day to come  
23 in here and give us advice, I know I personally

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2 have changed my mind on many previously assumed  
3 assumptions based upon what these people, in good  
4 faith, many with no political motive, are  
5 expressing. And I think your statements are so  
6 broad, so judgmental; and then to recommend that  
7 a governor veto legislation that he hasn't read  
8 yet I think is not exactly good government.

9 MR. BOATTI: Well, that's well taken. I  
10 would just like to respond that in other states,  
11 it is not this way and in regards to New York  
12 electing Republican governors in the past, yeah  
13 it's true.

14 ASSEMBLYMAN MCENENY: I didn't. The  
15 electoral did that.

16 MR. BOATTI: I'm sorry.

17 ASSEMBLYMAN MCENENY: The electorate  
18 elected them.

19 MR. BOATTI: I was going to say, when I  
20 said New York, I meant the voters. I apologize  
21 for the confusion. But in truth, no offense to  
22 anyone on this panel, but people pay more  
23 attention to the governor and are more likely to

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2 make informed decisions about the governor than  
3 they are about their local legislator. That's  
4 just a fact. And when it comes to local  
5 legislators, yes, there are exceptions like you  
6 mentioned, but most of the time people just vote  
7 on party lines when it comes to legislators.  
8 Most people don't even know who the legislators  
9 are. People just vote for the party. And if  
10 you--I understand the desire to keep  
11 neighborhoods intact and I'm not opposing that  
12 and obviously an independent commission; that  
13 could be one of its mandates. But I don't like  
14 to hear that districts are all designed by  
15 neighborhood when there are these ridiculously  
16 gerrymandered districts all over the state. The  
17 Abe Lincoln pushing a vacuum cleaner. I mean, is  
18 that a neighborhood? Is that a contiguous--  
19 anyone want to defend that here?

20 ASSEMBLYMAN MCENENY: I would.

21 MR. BOATTI: You would? Why is that  
22 district drawn that way?

23 ASSEMBLYMAN MCENENY: You hit the

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2 classic example of prejudice and that's the one  
3 that has the Abe Lincoln hat and goes down with a  
4 glob on both sides of the Mohawk.

5 MR. BOATTI: Yes, yes.

6 ASSEMBLYMAN MCENENY: It's called  
7 Hercomer County. It's looked like that for 200  
8 years.

9 MR. BOATTI: We're not contiguous with  
10 the counties.

11 ASSEMBLYMAN MCENENY: It's a terrible  
12 looking county, but people try to keep the county  
13 together. That's one of the goals. If you can,  
14 you try not to cross a county line. So, Old Abe  
15 up there, or as some have called it Abe Lincoln  
16 riding a vacuum cleaner; that's what Herkimer  
17 County has looked like for about 200 years.

18 MR. BOATTI: It's not exactly contiguous  
19 with the county and it's definitely drawn to  
20 carve in and out certain demographic voters.

21 SENATOR NOZZOLIO: You're certainly  
22 entitled to your opinion and we respect that and  
23 we're glad that you were able to put that on the

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2 record. But I think that you have come with  
3 obvious partisan focus and that I believe  
4 strongly that, particularly your references about  
5 the Senate are inappropriate and just not  
6 factual.

7 MR. BOATTI: Well, I respectfully  
8 disagree.

9 SENATOR NOZZOLIO: And if I may, an  
10 inconvenient truth for you may be the  
11 constitution of the state of New York which,  
12 although redistricting comes but once a decade,  
13 that the Senate has enacted what we believe is a  
14 truly non-partisan approach to this process which  
15 would also enable the constitution of the state  
16 of New York to be changed, which we believe  
17 strongly should be the case if establishing this  
18 redistricting commission.

19 I don't think I've heard; and maybe this  
20 is something that you like, but the fact that we  
21 believed the selection process, which placed six  
22 Democrats in the selection process, weighted only  
23 against two republicans, was not fair and

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2 unbalanced. We also believe that having a real  
3 independent commission would, in fact, exclude  
4 those who have headed up political action  
5 committees, those who have contributed greatly to  
6 any political candidate; those who have acted in  
7 some partisan fashion should be excluded from  
8 this committee.

9 One needs only to go to other committees  
10 like this. For instance, in Arizona where an  
11 individual was chosen who was the so-called  
12 Independent because they were registered to by an  
13 Independent, but in fact, were campaign  
14 consultant for many Democrats, including the  
15 President of the United States.

16 So, it is truly more than simple  
17 mathematics of putting something down and saying  
18 that we believe Ed is, in fact, independent. I  
19 understand your desire to take this process away  
20 from the legislature. Many believe in that  
21 opinion and share that opinion.

22 We cannot engage in that process now  
23 because we believe that we have to exist under

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2 the laws that currently exist and that LATFOR  
3 certainly could be criticized but the fact of the  
4 matter is, that's the law right now and until  
5 that law is changed, we had to continue and go  
6 forward with the redistricting process and taking  
7 these hearings.

8 This doesn't preclude the process from  
9 changing in any way. We just wanted to make sure  
10 the hearings; that people would have the  
11 opportunity to testify and that the process move  
12 forward while there are other decisions with are  
13 left pending.

14 We appreciate the opportunity to provide  
15 you with a forum to present your views and that  
16 we thank you very much for expressing them.  
17 Senator Dilan.

18 SENATOR DILAN: I will be very brief. I  
19 may agree with some of your comments and I may  
20 disagree with some of your comments. And  
21 likewise with the co-chairs, I may agree with  
22 them at time and disagree with them at times.  
23 But history has indicated how the last four

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2 redistricting in the last 40 years have gone and  
3 those speak for themselves.

4 You will have another opportunity with  
5 respect to the comments that you made here today.  
6 You can come back during the second round when  
7 you see the actual districts and then you'll have  
8 an opportunity to speak with facts. Thank you.

9 MR. BOATTI: Thank you. I'm looking  
10 forward to that opportunity.

11 ASSEMBLYMAN MCENENY: Thank you very  
12 much. We don't mean to be hard on you. We've  
13 heard it quite a few times and the Lincoln hat  
14 one always flips me out because I used to be the  
15 county historian. And not knowing what the shape  
16 of the county is, I think that's a basic, that's  
17 a decision someone's making from afar and it  
18 casts doubt on some of the other criticisms.

19 We also have additional pressure this  
20 year. The Justice Department is justifiably  
21 concerned that 20% of all servicemen and women  
22 who vote absentee don't have their ballot  
23 counted.

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2 Now, that means most likely that we're  
3 going to be obligated to have a June primary,  
4 which means that the legislature will come back  
5 in January and we hope to have a plan by late  
6 January and one that's had the two sets of  
7 hearings at a minimum.

8 So, that means petitions to run for  
9 office; for Congress, the Senate and the Assembly  
10 are going to have to hit the streets at the end  
11 of February, possibly the first week of March.  
12 And we can't afford to wait while the Governor's  
13 negotiating for a better bill than the one that's  
14 in there now which, by the way, I'm the sponsor  
15 of.

16 MR. BOATTI: I appreciate that.

17 SENATOR DILAN: We've got to get rid of  
18 the 1%. That doesn't make sense. And we need to  
19 reassure people that independent really means  
20 independent. You're better off saying bi-  
21 partisan because at least you know what you got.  
22 But that's a personal opinion. Thank you so much  
23 for coming down.

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2 MR. BOATTI: Thank you for taking my  
3 comments.

4 ASSEMBLYMAN MCENENY: Mr. Joel  
5 Rosenfeld. Good afternoon, Mr. Rosenfeld.

6 JOEL ROSENFELD: Good afternoon. My  
7 name is Joel Rosenfeld. My wife and I, together  
8 with our eight beautiful children are lifelong  
9 residents of the Borough Park section of  
10 Brooklyn. I'm a member of the Bobov Community,  
11 one of the largest Hasidic Sects in New York.

12 When our founding fathers created this  
13 great nation with their great insight and wisdom,  
14 they chose to create a representative democracy  
15 in which majority rule is tempered by minority  
16 rights protected by law. Unlike other  
17 democracies that have a parliamentary system,  
18 where you vote for a party or an ideology with no  
19 local input, our framers understood that the  
20 farmers of Virginia have different needs than  
21 that merchants of New York and therefore, they  
22 should each have their own representative that is  
23 keen and sensitive to their respective needs.

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2           The same should hold true today. When  
3 you have a community that has a large  
4 concentration of like-minded people that are  
5 interconnected either by the same interests or by  
6 the same ethnicity, they should have a unified  
7 voice and should be represented by one  
8 representative that will listen to their needs  
9 and show interest in their concerns. This is  
10 what our founding fathers wanted.

11           Borough Park, as the neighborhood with  
12 the largest population of Hasidic Jews outside of  
13 Israel, has particular needs. It has a very  
14 large concentration of Holocaust survivors and as  
15 we all know, the next ten years are very crucial  
16 for them, as the last survivors of the  
17 concentration camps are slowly passing away.

18           On the federal level, Borough Park is  
19 currently represented by the Honorable  
20 Congressman Jerry Nadler, who has been active in  
21 advocating for the needs of this community; for  
22 instance, introducing legislation to ensure that  
23 settlements paid to survivors are exempt from

1  
2 federal taxes, supporting and helping Jewish  
3 institutions who deal with survivors and look  
4 after their health; lobbying the governments of  
5 Europe to retain Jewish monuments and cemeteries  
6 and speaking out against anti-Semitism in all its  
7 forms.

8 It is imperative that this special  
9 population have a unified national voice and a  
10 representative with a finger on the pulse to stay  
11 attuned to the needs and to put pressure on world  
12 governments to do their duties. Like other parts  
13 of the 8th District, Borough Park is also home to  
14 many large families, with usually comes along  
15 with poverty and social service needs. The  
16 Manhattan and other Brooklyn parts of the 8th  
17 District share with Borough Park a large Jewish  
18 population with common interests. Being that  
19 Borough Park is a sizable part of Congressman  
20 Nadler's District, he looks our way and stays  
21 attuned to the needs of the community regarding  
22 this particular need. If Borough Park is split  
23 into a few districts, we will lose that voice.

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2           In closing, I would like to urge the  
3 committee to see what happened ten years ago by  
4 the last redistricting, when on the State Senate  
5 level, Borough Park was split in four. Although  
6 all four senators are great public servants and  
7 serve the constituents as needed, Borough Park as  
8 a community has lost its voice in the State  
9 Senate. That's why I respectfully ask the  
10 committee to keep Borough Park united in one  
11 district.

12           On the federal level, Borough Park  
13 should remain in the 8th Congressional District.  
14 And by the state level, in the Assembly we are  
15 currently represented as one voice by our great  
16 representative, the Honorable Assemblyman Dov  
17 Hikind. But by the State Senate, we are  
18 fragmented into four districts. So when you are  
19 working on new maps, please keep this in mind  
20 that we would love and we deserve to have a  
21 unified strong voice on all levels of governments  
22 just as our founding fathers intended.

23           These are my prepared remarks. I just

1  
2 wanted to make an observation that, sitting here  
3 since 10:00 and hearing all the testimony,  
4 probably 90% of all the people that testified are  
5 from minority communities, either through  
6 religious affiliation or ethnicity or racial  
7 backgrounds. And it goes to show you that these  
8 people are passionate about who represents them  
9 and they want all the neighborhoods to stay  
10 intact. So obviously it's a very important  
11 thing.

12 On a lighter note, there was discussion  
13 about the timing; that maybe working people can't  
14 come to the hearings. Maybe it shows that in  
15 some minority communities, the Jewish community  
16 and others, that unemployment is higher than in  
17 other communities. That's why we come to the  
18 hearings.

19 But it does; it shows you that maybe if  
20 our representative would be more attuned to our  
21 neighborhoods, they would do more about the  
22 issues and concerns that need to be done for the  
23 community. Anyway, thank you for your time.

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2 ASSEMBLYMAN MCENENY: Thank you very  
3 much.

4 SENATOR NOZZOLIO: Thank you Mr.  
5 Rosenfield. Rabbi Moshe Wiener. Rabbi.

6 RABBI MOSHE WIENER, EXECUTIVE DIRECTOR -  
7 JEWISH COMMUNITY COUNCIL OF GREATER CONEY ISLAND:  
8 Good afternoon. Thank you for the opportunity to  
9 testify and I certainly join all others in  
10 reiterating our gratitude to the entire task  
11 force for your obvious dedication and  
12 extraordinary efforts on behalf of the  
13 constituents of both our city and our state.

14 My name is Rabbi Moshe Wiener. I serve  
15 as the executive director of the Jewish Community  
16 Council of Greater Coney Island, a community  
17 based social service agency with a city-wide  
18 scope which is proudly based in the 8th  
19 Congressional District, represented with great  
20 distinction by Congressman Jerrold Nadler.

21 As you're concentrating in dealing with  
22 difficult, complex problems of various current  
23 districts which require redistricting and

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2 reconsideration, I'm sure you're very pleased  
3 that as least there's one district, the 8th  
4 Congressional District, which has for many, many  
5 years demonstrated that it is an effective  
6 district that has worked well together, despite  
7 the fact that there are so many diverse  
8 neighborhoods in such a wide geographic area that  
9 are involved in this particular district.

10 One of the many common denominators and  
11 unifying factors of the various communities  
12 served by Congressman Nadler is the large number  
13 of senior citizens in general, and Jewish senior  
14 citizens in particular that reside in the 8th  
15 Congressional District. In fact, the community  
16 district 13, in which the Coney Island and  
17 Seagate communities are located, have the highest  
18 concentration of seniors in the entire city of  
19 New York and many of the other areas,  
20 neighborhoods which are represented in the 8th  
21 Congressional District have unusually large  
22 populations of senior citizens as has been  
23 previously.

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2           Since one of the many areas of focus of  
3 the Jewish Community Council of Greater Coney  
4 Island, besides its educational programs, its  
5 vocational programs, its technical assistance  
6 services citywide, are senior citizen services;  
7 our senior citizen support services. And the  
8 formal affinity between the communities in the  
9 8th Congressional District assume even greater  
10 significance in order to enable us to provide  
11 services in an organized and coordinated manor.

12           The services that we provide, especially  
13 to Holocaust survivors in the area, utilize  
14 collaborative relationships with social service  
15 agencies and other 8th Congressional District  
16 communities, such as Borough Park and  
17 Bensonhurst. We're also very heavily involved in  
18 the adjoining communities such as the Midwood  
19 community, such as the Sheepshead Bay community,  
20 such as the Manhattan Beach community which,  
21 because of this intrinsic relationship, the high  
22 incident of senior citizens and particularly of  
23 Jewish senior citizens and the common needs

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2 between these communities, perhaps it would be  
3 worthwhile for there to be consideration of these  
4 additional neighborhoods to be included in the  
5 8th Congressional District as the redistricting  
6 is finalized.

7 The specific needs of all of the  
8 communities are also shared by the Manhattan  
9 neighborhoods that are included in the district,  
10 which are also home to a large number of senior  
11 citizens, of Jewish and Holocaust survivor  
12 residents. In fact, the Jewish Community Council  
13 of Greater Coney Island provides various services  
14 to the homebound Holocaust survivors in the Upper  
15 West Side of Manhattan section of the 8th  
16 Congressional District. This reality underscores  
17 the importance of retaining these neighborhoods  
18 in one congressional district block.

19 During his long, prestigious career  
20 Congressman Nadler has come to know the needs of  
21 the district and has continuously addressed them.  
22 Among other things, he has supported  
23 institutions, such as the Jewish Community

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2 Council of Greater Coney Island, all of the other  
3 social service agencies in the area which  
4 directly outreach to the elderly and to the poor  
5 and other populations that are in need of  
6 assistance. He's advocated on behalf of  
7 Holocaust survivors and organizations that  
8 support services to Holocaust survivors. He's  
9 been a tireless advocate for federal programs  
10 that support the elderly, such as Medicare and  
11 food stamps, which Medicaid and Social Security.  
12 He's fought for federal funding streams that  
13 support the work of organizations, such as the  
14 Jewish Community Council of Greater Coney Island,  
15 including appropriations, the community services  
16 block rent, the community development block rent.  
17 Congressman Nadler's also been a strong supporter  
18 of Israel and of Israel's right to defend itself  
19 and Congressman Nadler has advocated on behalf of  
20 religious freedom and the rights of the observant  
21 to worship freely.

22 So, as mentioned at the beginning that  
23 as the task force is involved in such a daunting

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2 task and such complex responsibilities, hopefully  
3 the success that has been demonstrated by the 8th  
4 Congressional District can be maintained and  
5 serve as a wonderful example for many other  
6 districts that you'll be working on on  
7 redistricting in the future. But retaining this  
8 district is an example for many for many years to  
9 come. Thank you very much for your  
10 consideration.

11 SENATOR NOZZOLIO: Thank you, Rabbi.

12 Gregory Davidzon.

13 GREGORY DAVIDZON, PRESIDENT - DAVIDZON  
14 MEDIA INC.: Good afternoon. My name is Gregory  
15 Davidzon. I'm sorry. Last Tuesday's election, I  
16 lost my voice; my real voice, not my election  
17 voice. I hope to restore it soon.

18 My name is Gregory Davidzon. I am owner  
19 of the Russian Language Video Station and several  
20 Russian newspapers; it's only one citywide daily  
21 Russian newspaper and I represent here certainly  
22 Russian community; a few hundred thousand in the  
23 city.

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2 I think I have full right to express  
3 opinions about my community based on the feedback  
4 from radio listeners and the newspaper readers.  
5 And my main goal to be here today to advocate; be  
6 careful of our community to keep boundaries of  
7 the 8th Congressional District, currently  
8 represented by Congressman Nadler, the same.

9 The Brooklyn part of the 8th  
10 Congressional District contains neighborhoods of  
11 Brighton Beach, Coney Island, Borough Park and  
12 part of the Bensonhurst neighborhood, which one  
13 of the largest group with the largest  
14 concentrations of immigrants from the former  
15 Soviet Union outside the former Soviet Union.

16 The Russian speaking community in the  
17 United States is overwhelmingly Jewish which  
18 means there is common interest with other Jewish  
19 communities in the 8th Congressional District,  
20 such as Borough Park and Manhattan. A  
21 significant percentage of the Russian speaking  
22 community in this district is elderly people. So  
23 is the rest of the district in both Manhattan and

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2 Brooklyn has the very common needs. This group  
3 as a block should not be split up. There's a lot  
4 of talking today about keeping communities  
5 together and I think it's the right direction to  
6 go.

7 I can talk about Congressman Nadler for  
8 a long, long time and with a big respect to many  
9 official elected, I can tell he's not one of the  
10 best; he's just the best for the Russian  
11 community. So much he is doing and I hope will  
12 continue to do for Russian community.

13 I think it's very, very important issue  
14 he's working right now; it's to restore the  
15 pensions from government of the former Soviet  
16 Union because people worked for years, years,  
17 years and didn't receive anything from the  
18 governments. It's absolutely unfair and  
19 Congressman Nadler works very closely with the US  
20 government to restore the pensions.

21 Another very important thing is probably  
22 nobody better than people know which office to go  
23 to get the help. And the fact that Congressman

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2 Nadler's office, it's always full of the people  
3 and many, many of them are Russians shows itself  
4 what it means that the real people can get help  
5 there. It's very, very important.

6 It's like already told, Congressman  
7 Nadler has been a strong and committed advocate  
8 for the Russian speaking community for a long,  
9 long time and should continue to represent their  
10 neighborhoods. He, like nobody else I believe,  
11 has the ability to understand the needs of our  
12 community and seniority to get things done. And  
13 he has been extra supporter of the Russian-  
14 American organization and strong supporter of  
15 Israel and he has fought for social services and  
16 the needs of the elderly and middle class.

17 I urge no change should be done in lines  
18 of this district. Our Russian community  
19 certainly has some interests in other districts  
20 and we're going to very soon to submit the map to  
21 make sure that our opinion will be counted and I  
22 hope we will get other districts another  
23 representative the same good as Congressman

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2 Nadler. Thank you very much.

3 ASSEMBLYMAN MCENENY: Thank you.

4 SENATOR NOZZOLIO: Thank you, Mr.

5 Davidzon. Sheila Boyd. Good afternoon, Ms.  
6 Boyd.

7 SHEILA BOYD, PRESIDENT - OCEAN TOWERS  
8 TENANTS ASSOCIATION: Good afternoon. Hello, my  
9 name is Sheila Boyd and I'm the president of the  
10 Tenants Association for Ocean Towers in Coney  
11 Island.

12 Coney Island has many buildings like  
13 Ocean Towers; high rise rental building where  
14 tenants frequently call on their elected official  
15 for advocacy on their behalf. Representative  
16 Nadler has been there to look out for the  
17 tenants' interests and has frequently been  
18 involved in our negotiations with the landlord  
19 and the management company. He fought with us  
20 and continues to fight to keep the building  
21 affordable and to fight for the retention of  
22 affordable housing in Coney Island and throughout  
23 his district.

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2 Both Coney Island and the Manhattan  
3 portion of the 8th Congressional District are  
4 similar in that the residents have similar  
5 concerns; tenants' right and social service among  
6 them. Both contain a large concentration of low  
7 and middle income people who live in high rises,  
8 including - - , - - and market rate apartments.  
9 This is a community of interest and they need a  
10 representative who supports tenants' rights and  
11 the interests of low and middle income people.

12 Congressman Nadler understands these  
13 needs and has used his senior position in the  
14 House of Representatives to continually fight for  
15 affordable housing and the needs of the  
16 community. Among other things, he has  
17 continually pushed for getting Section 8 funding  
18 and fought for funding for programs such as food  
19 stamps, Medicare, WIC and Social Security.

20 We need someone who'll fight for all  
21 these things for us. I believe that Coney Island  
22 should remain within the 8th Congressional  
23 District. Thank you.

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2 SENATOR NOZZOLIO: Thank you. Latrice  
3 Monique Walker. Good afternoon, Ms. Walker.

4 LATRICE MONIQUE WALKER, OCEANHILL  
5 BROWNSVILLE COALITION OF YOUNG PROFESSIONALS  
6 MEMBER: Good afternoon. Thank you. To the  
7 members of the New York State Legislative Task  
8 Force in Demographic Research and  
9 Reapportionment, good afternoon. I thank you for  
10 allowing me this opportunity to testify and  
11 express my support for and to submit for your  
12 consideration the proposed 11th Congressional  
13 District which was originally presented to you on  
14 August 4th, 2011 by Congresswoman Yvette D.  
15 Clarke.

16 My name is Latrice Monique Walker. I'm  
17 a member of the Ocean Hill-Brownsville Coalition  
18 of Young Professionals and also a young attorney  
19 from Ocean Hill-Brownsville.

20 I would like to start off by stating  
21 that the new law that counts prisoners at their  
22 home of record for purposes of redistricting must  
23 be fully and timely implemented. This will help

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2 correct an imbalance in political representation  
3 that has disadvantaged many urban communities.

4 The proposed 11th Congressional District  
5 adheres to all constitutional and Voting Rights  
6 Act redistricting guidelines. In drafting the  
7 attached map, the following criteria were adhered  
8 to: equal population, protecting communities of  
9 interest, respecting political subdivisions,  
10 compactness and contiguity and preserving the  
11 core of the prior district.

12 The proposed district substantially  
13 maintains the same geographic and demographic  
14 configuration as the current district with the  
15 exception of it having been increased in size by  
16 approximately 85,219 persons, changing slightly  
17 to achieve population equality with the other  
18 districts in New York State.

19 The present district is a majority-  
20 minority district where racial and language  
21 minorities form a majority. According to PL94-  
22 171, the proposed district is comprised of a  
23 total voting age population of 55% black, 28%

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2 while, 12% Hispanic and 5% Asian; thus the  
3 proposed district would remain a majority-  
4 minority district.

5 The current district is the third most  
6 compact district in the nation. The proposed  
7 district adheres largely to its present  
8 boundaries and still maintains its highly compact  
9 nature. An example of the overlay of the  
10 proposed district and the present district is  
11 attached for your reference.

12 If you could turn to the map, you'd see  
13 that the most significant area of change is its  
14 south east border. In 2002, LATFOR drew the 11th  
15 Congressional District with 654,361 persons.  
16 According to the 2010 Census results, the  
17 Congressional District has now 632,488 persons  
18 which is a loss of approximately 22,000 people.  
19 Thus, in order to meet the 2010 Census population  
20 requirement of 717,707, the proposed 11th  
21 Congressional District must be expanded by those  
22 85,219 people as indicated previously. The  
23 expansion into south central Brooklyn

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2 neighborhoods in the proposed district increases  
3 the population to meet this new requirement.

4 The proposed district further unites the  
5 common interests of its largely Caribbean, South  
6 American, African, Asian, Pakistani, Bangladeshi,  
7 Latino and African-American ethnic communities.

8 The proposed district is defined by shared  
9 interests, such as social, economic, cultural,  
10 linguistic and other factors that indicate  
11 communities of interest. Some common links  
12 between these groups include the following: a  
13 shared educational system, shared business and  
14 shopping corridors, shared community parks and  
15 recreational centers, common utilization of modes  
16 of public transportation.

17 According to the 2005, 2009 American  
18 Communities Survey, the present district is  
19 comprised of 56% females over the age of 18.  
20 Some issues that are specific to women are  
21 reproductive freedoms - - child health care.

22 39% of the people living in the 11th  
23 Congressional District are foreign born and 30%

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2 of that population primarily speaks a language  
3 other than English. 25% of the population,  
4 totaling 167,518 people claim West Indian  
5 ancestry. For these groups, immigration issues  
6 are paramount.

7 Likewise, 31% of the constituent base is  
8 employed in either the educational services,  
9 health care or social assistance industry. Their  
10 work force and labor related issues are a  
11 unifying quality.

12 The current district includes many  
13 sections of the historic 12th Congressional  
14 District, which was originally represented by the  
15 Honorable Shirley Chisholm. The historic 12th  
16 Congressional District was created after the  
17 landmark cases of Cooper vs. Power and Wells vs.  
18 Rockefeller when districts were gerrymandered to  
19 fracture black neighborhoods of central Brooklyn.  
20 These communities were compact, contiguous and  
21 politically and economically homogenous areas and  
22 were populated by minority groups that were  
23 deprived of their political effectiveness in

2           securing Congressional representation. They were  
3           concerned with the interests and needs of their  
4           population, including property, jobs,  
5           unemployment, housing, medical services and anti-  
6           poverty programs.

7                       The proposed district adheres to the  
8           requirements for compliance with Section Two of  
9           the Voting Rights Acts as outlined in the  
10          landmark case of Thornburg vs. Gingles and  
11          presents an excellent example of a Congressional  
12          District that ensures minority voters an equal  
13          opportunity to elect a candidate of choice.

14                      The proposed district encompasses a  
15          minority group sufficiently large and  
16          geographically concentrated to comprise a  
17          majority in a single-member district. The  
18          minority groups are also politically cohesive.

19                      The proposed district is also covered by  
20          Section Five of the Voting Rights Acts. In this  
21          regard, the proposed district does not have the  
22          purpose, nor will it have the effect of denying  
23          or abridging the right to vote on the account of

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2 race or color. Nor will that change lead to a  
3 racially, discriminatory retrogression in the  
4 position of racial minorities with respect to  
5 their effective exercise of the electoral  
6 franchise.

7 The present map was not adopted with a  
8 discriminatory intent, nor does it have a  
9 discriminatory effect. The proposed district is  
10 not, nor does it intend to dilute racial and  
11 language minority votes. In fact, its express  
12 purpose is inclusion.

13 Thank you for allowing me to address  
14 this body today. As you deliberate, I urge that  
15 you give your utmost consideration to the  
16 proposed map for the 11th Congressional District  
17 of New York. If there are any questions or  
18 comments concerning my testimony, please feel  
19 free to contact me at latricemwalkeresq@gmail.com  
20 or via telephone at 347-470-8813. Thank you for  
21 your time this afternoon.

22 SENATOR NOZZOLIO: Thank you very much.

23 ASSEMBLYMAN MCENENY: Thank you, Ms.

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2 Walker.

3 SENATOR NOZZOLIO: Walter Mosely.

4 Walter Mosely. Kevin Carrol. Kevin Carrol.

5 Ekow Yankah. Ekow Yankah. Thank you, Mr.

6 Yankah.

7 EKOW YANKAH, PROFESSOR OF LAW - CARDOZO

8 LAW SCHOOL: My pleasure. Thank you for having

9 me. My name is Ekow Yankah. I'm a law professor

10 at Cardozo Law School.

11 SENATOR NOZZOLIO: Would you be so kind,

12 professor, to get as close to the microphone as

13 you can?

14 MR. YANKAH: Sure. So again, my name is

15 Ekow Yankah. I'm a law professor at Cardozo Law

16 School. I've been dedicated to election

17 protection, equal rights and equality in

18 political philosophy, both academically and in my

19 personal life. As well, I'm a member of various

20 churches, civic organizations and I've written

21 op-eds and other pieces on election protection

22 and redistricting.

23 So, I'm very pleased to see, despite the

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2 long wait, how many people are passionate and  
3 have come out for these hearings. I know that we  
4 all spend much of our time listening to a very  
5 cynical and very jaded public which speaks about  
6 the inability of our political organizations,  
7 leaders and communities to make any real progress  
8 and it's been encouraging to see that that  
9 cynicism hasn't become so steep that people no  
10 longer participate.

11 Part of the reason I think for the  
12 cynicism we can all agree is the very quiet way  
13 in which redistricting takes people away from  
14 incentives to actually organize and work together  
15 politically and rather entrenched people in  
16 political groups that have no interest in  
17 anything but protecting their small landscape.  
18 And so there's no question that the reason people  
19 are passionate about being here today is because  
20 they see the connection between redistricting and  
21 political progress, whatever side they may  
22 advocate.

23 I've also been heartened to hear

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2 repeatedly the members of LATFORS speak to their  
3 commitment to following the laws of New York,  
4 whatever they may be, despite agreements one way  
5 or the other, including the prison gerrymandering  
6 laws and the New York State constitution.

7 And that's why I want to speak very  
8 briefly on one particular aspect that I haven't  
9 yet heard addressed, which is the number of  
10 Senate Districts that LATFOR intends to support  
11 in the Senate redistricting. There have been  
12 tremors in various news organizations that the  
13 number of Senate Districts may be increased to 63  
14 rather than 62. So I come here both to ask and  
15 to advocate that LATFOR resist any such impulse.

16 As you well know, the number and  
17 division of the New York State Senate Districts  
18 is governed by Article Three, Section Four of the  
19 New York State Constitution. I won't bore you  
20 with the details. I'm sure you know them very  
21 well. But there it sets out a very precise  
22 formula in how these districts have to be put  
23 together.

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2           This was changed once in 1914 mostly due  
3 to the separation of Nassau County and the Bronx  
4 and the subject of much litigation up to 1972.  
5 In 1972, again without getting into gruesome  
6 details, the New York State Court of Appeals  
7 agreed on a certain formula that was going to be  
8 used in order to determine the number of Senate  
9 Districts. That formula was used again in 1982  
10 and 1992 without any real disagreement.

11           In 2002, the Senate majority decided to  
12 use the position that was rejected by the New  
13 York Court of Appeals. Though it wasn't a matter  
14 of any practical importance, the formula resulted  
15 in the same under either formulation. Both of  
16 these indicated that there should be 62 Senate  
17 Districts and thus, any current formulation now  
18 indicates that New York Senate Districts should  
19 be 62.

20           Now there's been some conversation about  
21 whether or not there ought to be 63 districts.  
22 Indeed, this is most worrying because the way in  
23 which this conversation has been held. So in the

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2 lawsuit of Rodriguez v. Pataki, the discovery  
3 showed that the reasons that some people are  
4 tempted to have there be a 63rd Senate District  
5 rather than 62 was nothing more than cynical,  
6 political partisanship. The conversations  
7 revealed in memos in discovery was flatly  
8 political wrangling; questions about how to draw  
9 districts as to avoid and scrutiny by the Justice  
10 Department and ways in which the districts could  
11 be drawn to allow one party or another to capture  
12 yet another district.

13 Indeed, the memos were very clear that  
14 there was no other reason to do so and that to do  
15 so was going to be quite difficult given the  
16 likeness of upstate districts that have already  
17 been drawn. That is to say that despite real  
18 reasons not to it and a constitutional mandate  
19 prohibiting us from doing so, the question was  
20 whether or not this could be done anyway.

21 So in any case, without getting into  
22 again the political wranglings, my deepest worry  
23 is that regardless of whichever way one might

2 want partisan wrangling to go, the sort of  
3 actions which allow anybody to decide as against  
4 an already spelled out constitutional formula to  
5 try to encapture or ensnare a political advantage  
6 by drawing Senate Districts reflects the very  
7 worst of cynical partisanship and the worst that  
8 causes citizens to turn a jaundiced eye onto  
9 these processes.

10 So I come here to ask whether or not  
11 LATFOR has a particular position; whether or not  
12 it will declare itself now, as you've said over  
13 and over quite happily to observe the New York  
14 State constitution and its formula for the Senate  
15 Districts. And if not; if LATFOR does have the  
16 impression that a new unprecedented reading of  
17 the constitution should allow 63, that it say so  
18 as early as possible to allow public scrutiny  
19 rather than a sort of surprise at the end, which  
20 would be most disappointing given the openness  
21 with which you've so far conducted these  
22 hearings.

23 SENATOR NOZZOLIO: Thank you, professor.

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2 Before you leave, I appreciate your testimony.  
3 It will be part of the official record of the  
4 proceedings. I note I don't believe you  
5 submitted any written testimony.

6 MR. YANKAH: No, I'll be happy to submit  
7 it by the end of the week.

8 SENATOR NOZZOLIO: Would you?

9 MR. YANKAH: Absolutely.

10 SENATOR NOZZOLIO: I think we'd welcome  
11 your written comment and please feel free to do  
12 so.

13 MR. YANKAH: Absolutely.

14 SENATOR NOZZOLIO: Thank you.

15 MR. YANKAH: Did LATFOR have a position  
16 that you would be willing to go on the record  
17 for?

18 SENATOR NOZZOLIO: The committee has  
19 taken no position on the size of the Senate. We  
20 believe it's a role--an issue to be discussed; a  
21 role that we should listen to those that are  
22 concerned with the issue. There have been  
23 individuals who have testified in favor of

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2 increasing the size of the Senate. There have -  
3 - those like yourself who have testified against  
4 increasing the size of the Senate. So we have no  
5 position other than to listen to the public at  
6 this time.

7 ASSEMBLYMAN MCENENY: We also have a  
8 third opinion of people who say, "Whatever you  
9 do, make it an odd number. Either drop one or  
10 add one, but put in an add number."

11 MR. YANKAH: So of course I understand--  
12 just as a quick response, I understand this  
13 impulse. There are reasons why otherwise one  
14 might. It does disturb me though that--I mean,  
15 just to put it bluntly that when the constitution  
16 mandates something that we oughtn't to disregard  
17 it because we find it inconvenient or at the  
18 moment that it would have some advantage or  
19 another.

20 ASSEMBLYMAN MCENENY: Well, that's why I  
21 think we'd like to see your opinion in writing.  
22 You're making a judgment as a professor and both  
23 teacher and student of law that the constitution

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2 will not allow it and I think for the record, we  
3 like to see you spell that out.

4 MR. YANKAH: And I'd be happy to provide  
5 that.

6 ASSEMBLYMAN MCENENY: We have made no  
7 judgment on it and we still have four more  
8 hearings to go.

9 MR. YANKAH: I'll be happy to provide  
10 that as I mentioned.

11 SENATOR NOZZOLIO: Thank you very much.

12 ASSEMBLYMAN MCENENY: Or is it five?  
13 Maybe it's five.

14 SENATOR NOZZOLIO: We've lost track.  
15 Nahida Uddin. Would you please pronounce your  
16 last name for me?

17 NAHIDA UDDIN, CHHAYA: Well the first  
18 name is Nahida and the last name is Uddin.

19 SENATOR NOZZOLIO: Uddin. Very nice to  
20 see you today and thank you for coming.

21 MS. UDDIN: Thank you. So, I've come  
22 here simply to testify on behalf of the--

23 SENATOR NOZZOLIO: [interposing] Could I

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2 just ask you just to pull that microphone close  
3 to you?

4 MS. UDDIN: I'm come here simply to  
5 testify on behalf of the Bangladeshi community in  
6 Kensington. I came here when I was three and I  
7 have lived on the same block since then. I  
8 witnessed the growth of the Bangladeshi community  
9 in my neighborhood.

10 The families on my block and the  
11 surrounding blocks are predominantly Bangladeshi.  
12 The businesses and stores cater to Bangladeshis.  
13 The restaurants cater to Bangladeshis. The  
14 places of worship cater to Bangladeshis. But the  
15 live realities of the intersection of Church  
16 Avenue and McDonald Avenue and its surrounding  
17 areas are not reflected electorally. The  
18 immigration patterns of this area are reflected  
19 in commerce, cuisine and street life and yet they  
20 are absent in electoral politics and  
21 representation.

22 Asian-Americans and immigrants are  
23 underrepresented and South Asians, particular

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2 Bangladeshis, are invisible in electoral politics  
3 and the creation of Congressional lines. This is  
4 not true to the new waves of immigration of the  
5 realities of Brooklyn. And I simply ask that  
6 these communities be taken into consideration.  
7 Thank you.

8 ASSEMBLYMAN MCENENY: Thank you.

9 SENATOR NOZZOLIO: Thank you very much.  
10 Gail Montrose. Gail Montrose. Mr. Chung, we've  
11 got your name listed here again. You submitted  
12 testimony. We have you on the list twice I  
13 believe. Steven Chung; is that you, Mr. Chung.  
14 No, you don't have to testify again. We just  
15 wanted to make sure we covered those that wanted  
16 to. Carl Cohen. Carl Cohen. Joyce Henry.  
17 Joyce Henry. Kapel Spence. Kapel Spence. Melba  
18 Brown. Melba Brown. Cybill Nelson. Cybill  
19 Nelson. Bishop Eric Garns. Bishop Eric Garns.  
20 Judith Villarel. Judith Villarel. Jorge  
21 DeSilvia. Jorge DeSilvia. Todd Pemberton. Todd  
22 Pemberton. Mohamed Razvi. Mohamed Razvi.  
23 Chowdry. C-H-O-W-D-R-Y. Aaron Hinton. Aaron

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2 Hinton. Dr. Tim Law. Good afternoon, Dr. Law.

3 DR. TIM LAW: Good afternoon, sir.

4 Thank you for giving me a chance to talk. My

5 name is Dr. Law.

6 ASSEMBLYMAN MCENENY: Dr. Law, would you

7 please pull the microphone as close to you as

8 possible?

9 DR. LAW: Okay. Thank you. I work for

10 New York City for education 35 years. Now I'm

11 retiree. That's why I come here. I have more

12 time now.

13 The first one I strongly believe 47th

14 and--

15 SENATOR NOZZOLIO: [Interposing] Dr.

16 Law, please excuse me. We want to make sure that

17 your comments are on the video so they can hear.

18 DR. LAW: I strongly believe the 47 and

19 49th State Assembly, a new Senate 22 District

20 should include Brooklyn, Heights. Bensonhurst,

21 Grayson and Sunset Park. Why? Because between

22 2000 and 2010 the Asian population increased 57%

23 and 19,749 people, more people identified

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2 themselves as Asian. - - based on CUNY Center  
3 for Urban Research. That's the number one  
4 reason.

5 Two. Because based on their cultural  
6 and language background, those Asian community  
7 members; very, very easy to communicate with each  
8 other and then they share their feelings. And  
9 then they could talk about their problems. They  
10 share their information about government  
11 benefits, entitlement and - - .

12 And number three. The population; the  
13 Asian committee members all settled down along  
14 the subway line; N train and F train. Why?  
15 Because they're easy to travel. Bad from  
16 Manhattan, bad to Brooklyn. It's very, very  
17 easy, very convenient for them because they share  
18 their language. They share their culture. They  
19 can go their supermarket in their neighborhood.

20 And number four. The Asian population;  
21 mostly chose in - - Heights, Graysen, Sunset  
22 Park, Bensonhurst. Why? Because it was an area  
23 they have very good school. They chose the

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2 community school district 20, 21 and 22 because  
3 those schools provide them very, very good school  
4 program; ESL, bi-lingual, music, - - the program.  
5 That's why they all settled down in this area.

6 That's why, based on these four reasons,  
7 I strongly suggest that our 47th and 49th AD and  
8 the new Senate District 22 should be just  
9 including this Dyker Heights, Bensonhurst, - -  
10 and Sunset Park. Thank you very much, sir.

11 SENATOR NOZZOLIO: Dr. Law, thank you  
12 very much. Jennifer Joseph. Jennifer Joseph.  
13 Hasiba Rashid. Good afternoon.

14 HASIBA RASHID: Good afternoon. It's  
15 actually Hasiba Rashid.

16 SENATOR NOZZOLIO: Please for the  
17 record--

18 MS. RASHID: [Interposing] Hasiba  
19 Rashid.

20 SENATOR NOZZOLIO: Thank you.

21 MS. RASHID: My co-worker as well,  
22 Mohamed Rasvi, couldn't be here. We're from the  
23 same organization; the Council of Peoples'

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2 Organization and we would both like the support  
3 the proposed map by Congressman Yvette Clarke for  
4 the 11th Congressional District.

5 I've also provided you with a copy of  
6 the same map that she had provided and many  
7 others have provided as well.

8 Just as a side note, I actually am a  
9 political science major with a history minor, so  
10 I get what you're saying.

11 We believe that keeping the communities  
12 compact, especially the immigrant communities;  
13 you need to continue providing them with  
14 representation. You've seen today many people  
15 from the Jewish community. You've seen many  
16 people from the Asian community. You did not see  
17 many people from either the South Asian  
18 Pakistani, Bengali community. You also haven't  
19 seen anyone from the Arab community, which is  
20 where I come from, although I do work for the  
21 South Asian community.

22 I myself have lived both in Sunset Park,  
23 in Bay Ridge and now currently in Bensonhurst. I

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2           come from Venezuela. Both my parents are Arabic,  
3           so the fact that I am such a diverse person, I  
4           like working with different immigrant communities  
5           because that's the way I see myself. And for me  
6           to be in New York and be able to receive an  
7           education, receive social services, not just for  
8           myself, but for my family, I believe we need to  
9           have more representation where elected officials  
10          will be able to provide these services and  
11          guidance for where they need to go to.

12                       Also unfortunately the committee is, it  
13                       seems very one dimensional. Unfortunately, like  
14                       may people have said, there aren't any Hispanic,  
15                       Asian--

16                               ASSEMBLYMAN MCENENY: It's one-third  
17                               Hispanic.

18                               MS. RASHID: There's Asian, African-  
19                               American. There's also from what I've seen, not  
20                               a big diversity of visually religious people who  
21                               are on the committee. Whether you're Jewish or  
22                               Muslim or whatever you come from, we believe that  
23                               it should be more diversified, especially for New

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2 York. Brooklyn is such a huge place where it's  
3 not just one group of people. There's thousands  
4 of different ethnicities and cultures. So we  
5 believe that maintaining that integrity and  
6 maintaining those services for the different  
7 immigrant families is very important and we urge  
8 that you take that in the utmost consideration  
9 and hopefully continue to do your honorable work.  
10 And I thank you for all the work that you've done  
11 so far and for being here, even though it's  
12 almost 2:00 now. So thank you and that's all.

13 ASSEMBLYMAN MCENENY: Thank you. You  
14 would be more heartened to see the turnout at  
15 Queens. We had forty people and we had  
16 Bangladeshis and we had Pakistanis and we had a  
17 number of South Asian people along with Chinese,  
18 Koreans and so on. So it was a very heavy,  
19 almost disproportionate turnout of Asians and I  
20 think they were very well organized in working  
21 together very closely.

22 MS. RASHID: Queens has a very large  
23 South Asian population, but here in Brooklyn

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2 because of either the timing as well as the  
3 cultural differences between the female  
4 population, a lot of these South Asian and Arab  
5 communities; they're not able to come in. And  
6 I'm lucky enough where I am representative of the  
7 diversity among the Muslims, Arabs and just  
8 immigrant communities here that I'm able to be  
9 here and I'm able to advocate and voice my  
10 opinion that so many people have not had the  
11 opportunities to do so.

12 ASSEMBLYMAN MCENENY: You're from  
13 Venezuela originally?

14 MS. RASHID: I was born in Venezuela. I  
15 came here when I was about two years old, so my  
16 majority education is here, but both me parents  
17 are Palestinian and I maintain all three of my  
18 backgrounds; American, Arab, Muslim, Hispanic,  
19 you name it all. I am just--

20 ASSEMBLYMAN MCENENY: [Interposing]  
21 Probably western, right next to the Guajira in  
22 Columbia. I used to live in Columbia.

23 MS. RASHID: Si. We're neighbors. So

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2 thank you again.

3 SENATOR NOZZOLIO: Thank you very much.  
4 Joanne Simon. Joanne Simon. Fanya Vasilevsky.  
5 Thank you very much. I know you were here from  
6 the beginning, which was four and a half hours  
7 ago, so thank you for coming and we look forward  
8 to your testimony.

9 FANYA VASILEVSKY, CITIZEN: Good  
10 afternoon and thank you for the opportunity to  
11 speak. My name is Fanya Vasilevsky and I am in  
12 this country more than thirty years. I lived in  
13 different part of the United States and I'm here  
14 to tell you a personal story and how it is affect  
15 and how the redistricting and gerrymandering  
16 affected me personally.

17 Ten years ago--I used to work all my  
18 life, in the United States, I worked for the  
19 federal government and if you're aware of the  
20 Hedge Act, I was not allowed by this act to be  
21 politically involved. Right now I'm retired and  
22 I'm free to use my constitutional rights. But  
23 ten years ago, from my federal government I got a

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2 promotion to - - New York City. And a friend of  
3 mine, my colleague pulled me aside and he said,  
4 "Fanya, do you realize where you are going?  
5 There is the United States and there is New York  
6 City." So, I did not know what he meant, but I  
7 am ten years later, I am still learning.

8 One of my lessons were when I--I am very  
9 active in my congregation on Ocean Parkway and I  
10 have a lot of friends where we come for the  
11 services and other social--religious services and  
12 other social services. And my friends live  
13 walking distance and I live walking distance from  
14 this temple. And when we want to do some  
15 projects, we learned and get involved our elected  
16 officials. We learned that first of all we're  
17 split between two or even three Congressional  
18 Districts.

19 Secondly, on the local level we are  
20 split on many election districts so it is very  
21 difficult for us to complete any project or even  
22 to start any projects that involved our elected  
23 representatives. Perhaps the most spectacular

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2 example of my problems with redistricting or with  
3 districting right now was shown when I  
4 experienced on the 13th of September. Last  
5 elections, when we had primaries and we had  
6 special elections and I was working as  
7 coordinator in one of the largest election polls  
8 in Shore Point when we had 11 election districts  
9 then I think. And as the poll opened, people,  
10 mostly elderly, 70, 80 years old walking in with  
11 walkers and wanted to vote in special elections.  
12 And they were turned away only because our  
13 congressional district was split.

14 I invite you to see the map actually.  
15 Here is the map where all the Russian speaking  
16 community lives, starting from Seagate to  
17 Manhattan Beach. And I live in Brighton Beach.  
18 It's heavily populated with Russian speakers'  
19 community. Now, people did not understand why a  
20 person who lives on 6 Brighton Beach cannot vote  
21 and his neighbor, who lives on 11 Brighton Beach,  
22 which is a very short time of walking distance,  
23 can vote. They felt that they were denied their

2 constitutional right.

3 Members of distinguished body, we lived  
4 in Brighton Beach and surrounding areas. We have  
5 people mostly, 90% coming from the former Soviet  
6 Union. We have the same background, we have the  
7 same issues that worries us, we have the same  
8 culture and we would like to be together to  
9 express in the same strong or not strong voice,  
10 but with the same voice and we would like to have  
11 one representative that speaks to our concerns.

12 And I just want to finish with one of  
13 the Rabbis said and ask you; when you're going to  
14 redraw the lines, please make sure that you  
15 redraw culturally sensitive districting. Thank  
16 you so much.

17 SENATOR NOZZOLIO: Thank you very, very  
18 much. Senator Velmanette Montgomery.

19 VELMANETTE MONTGOMERY, SENATOR: Good  
20 afternoon.

21 SENATOR NOZZOLIO: Good afternoon.

22 SENATOR MONTGOMERY: And I want to have  
23 a special welcome to the great county of Kings.

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2 You are in the house of former Senator Markowitz,  
3 now our borough president. So, welcome Senator  
4 Nozzolio and to all of you, thank you for  
5 allowing me to come and speak. And I'll try to  
6 be brief and specific as much as possible.

7 And as you know, there is no shortage of  
8 issues that I raised, both in our legislative  
9 house as well as here at home. My district is  
10 the 18th Senate District and it's comprised of a  
11 number of neighborhoods as well as a number of  
12 Assembly Districts and parts of six Council  
13 Districts. My neighborhoods are from the  
14 farthest east of my district, Brownsville,  
15 Bedford Stuyvesant, Clinton Hill, Fort Green,  
16 Boerum Hill, Park Slope, parts of Prospect  
17 Heights, Red Hook and Sunset Park.

18 The Assembly Districts that I represent  
19 are a small part of the 44th, a large part of the  
20 50th, the 51st; a large part, if not most of the  
21 51st, a large part of the 52nd, which is the Park  
22 Slope area, the 54th Assembly District, the 56th  
23 Assembly District, the 55th Assembly District and

2 the 57th Assembly District.

3 I have been very, very honored and proud  
4 to represent the people in my district and to  
5 some extent I have been able to make some  
6 difference in the quality of the lives of the  
7 people that I represent; especially young people.

8 We have a strong tradition of activism  
9 and a history of what I consider to be, up until  
10 recently, organic growth that has played a  
11 critical role in the revitalization of our  
12 neighborhoods. From Brownstone blocks I have  
13 what I consider to be the Brownstone belt or at  
14 least a good part of it, to almost 30 public  
15 housing developments. My constituents have a  
16 large number of very divergent and urgent needs  
17 and interests.

18 However, the common thread that knits  
19 all of my people, my constituents and the  
20 communities together is that they are activist  
21 citizens who have very similar interests in  
22 improving the quality of their lives and their  
23 neighborhoods.

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2           Therefore, one of the critical issues  
3 that I raise as it relates to when we look at  
4 drawing new districts is that neighborhoods are  
5 important. And we hope that there would not be a  
6 need to split a community based on any political  
7 reason. The community based organizations, the  
8 civic organizations, the not-for-profit  
9 organizations, block associations, neighborhood  
10 housing groups, NICHA organizations; all of them  
11 at one point or other work collaboratively to  
12 make sure that our communities are sensitive to  
13 the needs of the people of all incomes, all  
14 ethnicities as well as all ages. For the elderly  
15 residents who have spearheaded the revitalization  
16 efforts, it is important that we maintain a  
17 continuity of communities and services for them.

18           So I reiterate the fabric of our  
19 neighborhoods hopefully would not, should not be  
20 altered vis-à-vis political district interest.

21           In addition, it is very important for  
22 public housing developments not to be divided.  
23 Unfortunately, one of the public housing

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2 developments in my district is split absolutely  
3 in half. So half the time people don't know who  
4 represents them, even though they may live in a  
5 building across the way from another building.  
6 It's been very frustrating trying to work with  
7 people to make sure they participate even though  
8 they've been frustrated by this process.

9 Additionally, I have a list of all of  
10 the State Senators who will lose and/or receive  
11 people who are returning from prison. One, if  
12 not the person, with the highest number; largest  
13 number of people who will be redefined as part of  
14 my district based on the new law to count them  
15 from where they originally emanated is my  
16 district, 18. That's my, my name is he longest  
17 and my numbers are the largest. That doesn't  
18 count the people who were not counted in the last  
19 Census because we were part of a large number of  
20 undercounted people. That does not count the  
21 people who are already home from have spent a  
22 large number of years incarcerated. This number  
23 is just the people who are incarcerated.

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2           Now, they are temporarily residing to a  
3 large extent in Senator Little's district, to a  
4 large extent in Senator Larkin's district, to a  
5 large extent in Senator Ball's district, to a  
6 large extent in Senator Carlucci's district and  
7 so forth and so on. And certainly we do know  
8 that Senator Nozzolio has a large number also.  
9 So, Senator Nozzolio, I want my people back home.  
10 That's all I have.

11           SENATOR NOZZOLIO: What number, for the  
12 record, since this is all televised and will be  
13 turned into transcript?

14           SENATOR MONTGOMERY: Do you want to  
15 know--I cannot tell you because I don't have  
16 specifically the numbers that come to me from  
17 each of the districts, but from my district I  
18 will be--in the new count, where the people who  
19 came from my district, lived in my district, even  
20 though they are incarcerated elsewhere in the  
21 state; almost 2,000 people come to district 18  
22 alone. 1,400 come to Senator Dilan. So between  
23 the two of us, it's almost 4,000 people.

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2           So we, in addition to the fact that we  
3 now have more people living in our districts; we  
4 will be receiving the numbers and eventually the  
5 people from those places in that large number.  
6 So we really are--obviously we're pleased that  
7 they'll be counted, but we also want to make sure  
8 that in that count, there is consideration for  
9 the fact that that is an additional burden on  
10 those of us who serve those people, represent  
11 them.

12           My constituents were undercounted in the  
13 2010 Census and face a further loss of  
14 representation based on the substantial deviation  
15 not accounted for in my district and throughout  
16 the city. The increase in population in our  
17 state has primarily come to the city.

18           The numbers of migration from one part  
19 of the state to the other have come to a large  
20 extent to the Albany, the capital region, and to  
21 New York City. And for the last ten or dozen  
22 years, those of us who represent districts in the  
23 city, have districts that are larger, have a

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2 higher deviation to the districts in upstate, any  
3 district upstate.

4 So we have had the burden of having to  
5 represent people who return from having been  
6 incarcerated in large numbers in our district,  
7 people who were undercounted, as well as having  
8 more people who were initially assigned to the  
9 districts in the city.

10 So there is a very big question as it  
11 relates to the federal Voting Rights Act; the  
12 fact that we do not have the same level of  
13 representation as citizens have in upstate New  
14 York. And so it's unconscionable that we should  
15 have--I should have a district with the highest  
16 need population versus an upstate district  
17 without the same level of needs, in terms of  
18 students, in terms of senior citizens, the  
19 elderly, people who have--you know, I have a  
20 very, very high number of people with HIV aids  
21 infection and so forth and so on.

22 So there's a lot of needs and we're  
23 constantly putting out the fires based on that

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2 and we're sorely underrepresented. So I'm  
3 hopeful that as we look at the map this time, we  
4 consider one: the issue of keeping neighborhoods  
5 whole and keeping--and I'm not talking only  
6 ethnicity. I'm talking about neighborhoods where  
7 people have grown to accept and work together  
8 across the board, no matter income, age,  
9 ethnicity, all of that. These are neighborhoods  
10 and public housing communities that have to work  
11 together; that we consider all of those issues  
12 when the new lines are drawn.

13 And as I said, I've been very, very  
14 pleased and proud to represent my district. I  
15 think it is--it is a challenge, but we can do it  
16 as long as people have a sense of unity and  
17 unified purpose. And again, I thank you for your  
18 attention to the issues that I raise.

19 SENATOR NOZZOLIO: Thank you, Senator  
20 Montgomery. Ira Cure. Ira Cure. Julianne  
21 Hirsch.

22 JULIANNE HIRSCH: Could I ask that  
23 Richard Silverman to come with me please?

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2 SENATOR NOZZOLIO: Yes.

3 MS. HIRSCH: - - ,

4 SENATOR NOZZOLIO: It's Julianne Hirsch  
5 and Richard Silverman. Is that correct, sir?

6 RICHARD SILVERMAN (SMRA): Yes. Thank  
7 you.

8 SENATOR NOZZOLIO: And are you coming to  
9 the podium?

10 ASSEMBLYMAN MCENENY: Well, no. We'll  
11 talk you next, Julianne.

12 MR. SILVERMAN: Good afternoon. My name  
13 is Richard Silverman. I am president of the  
14 South Midwood Residents' Association, a civic  
15 organization founded in 1901.

16 Our community is a late Victorian,  
17 suburban development that's in the southeast  
18 corner of Victorian Flatbush. The latter is  
19 actually a collection of ten contiguous  
20 developments built between 1900 and 1910. We are  
21 currently served by one community board, but we  
22 are divided very unevenly between two City  
23 Council Districts. Eight communities are in City

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2 Council District 40, two are in District 45 and  
3 we are one of the two.

4 I would just like to--

5 ASSEMBLYMAN MCENENY: [Interposing]  
6 Can't help you there. We don't do City Council.

7 MR. SILVERMAN: You don't do City  
8 Council.

9 ASSEMBLYMAN MCENENY: No. We just do  
10 Senate, Assembly and the United State House of  
11 Representatives.

12 MR. SILVERMAN: Well then, we were  
13 misinformed and we came to talk about City  
14 Council District. Thank you.

15 MS. HIRSCH: Who takes care of City  
16 Council?

17 ASSEMBLYMAN MCENENY: The city.

18 MS. HIRSCH: The City Council itself?

19 ASSEMBLYMAN MCENENY: The City Council.

20 MR. SILVERMAN: Okay. Well, thank you.

21 MS. HIRSCH: We've been here since the  
22 beginning.

23 ASSEMBLYMAN MCENENY: Oh dear.

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2 SENATOR NOZZOLIO: Thank you very much.

3 MS. HIRSCH: May I suggest that, first  
4 of all, I admire all of you for sitting here for  
5 so long. I don't know why your eyes aren't  
6 glazed over by now. Can I make a suggestion that  
7 if you have a five-minute limit that you have a  
8 person with a time card and hold up one minute so  
9 people know when to--

10 [laughter]

11 SENATOR NOZZOLIO: Thank you very much.  
12 That's a great suggestion. We should follow that  
13 in our future hearings. Melba Brown. Melba  
14 Brown. Theodore Monell. Good afternoon, sir.

15 THEODORE MONELL, CENTRAL BROOKLYN  
16 INDEPENDENT DEMOCRATS: Good afternoon to you.  
17 Theodore Monell, Park Slope section of Brooklyn  
18 for many years.

19 ASSEMBLYMAN MCENENY: Where on Park  
20 Slope?

21 MR. MONELL: Carroll Street between 8th  
22 Avenue and Park.

23 ASSEMBLYMAN MCENENY: Thank you.

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2 MR. MONELL: Probably the closest  
3 speaker to myself that you had so far was the  
4 Italian fellow with whom you had some  
5 disagreement. Let me--

6 SENATOR NOZZOLIO: [Interposing] Mr.  
7 Monell, could you do us a big favor and pull the  
8 microphone close to you so we can make sure we  
9 get your words?

10 MR. MONELL: Basically several years  
11 ago, the Brennan Center of NYU Law School  
12 publicized an opinion to the effect that the New  
13 York Legislature was the most dysfunctional in  
14 the country. And that startled me because I  
15 didn't think we were in that neighborhood.

16 SENATOR NOZZOLIO: I think somebody  
17 wasn't very well traveled.

18 MR. MONELL: Well, the New York Times  
19 just before the last state legislative election  
20 recommended voting against all incumbents. I  
21 said to myself, "My God, there must be someone up  
22 there who deserves to be re-elected." And even  
23 making allowance for the fact that they got

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2 carried away in the heat of the moment, given who  
3 they are and the resources that are available to  
4 them, the fact that they could make such a  
5 statement is not something that we can take  
6 lightly.

7 As the previous speaker said, until the  
8 Democrats achieve the majority in the Senate--the  
9 term before the present term, the Republicans had  
10 held the majority in the State Senate for 40  
11 years continuously. What he didn't say was that  
12 in the same 40 year period, the Democrats held  
13 the majority continuously in the Assembly, with  
14 the exception of one term I believe.

15 ASSEMBLYMAN MCENENY: The math is a  
16 little bit off there. Actually, the Senate had  
17 it a lot longer Republican with the exception of  
18 one year, whereas the Assembly switched in what  
19 '74, the election of '74.

20 MR. MONELL: Yes, but the switch was  
21 temporary in the case of the Assembly.

22 ASSEMBLYMAN MCENENY: No, no, no. The  
23 Assembly's been Democrat since January 1st of '75

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2 and the Senate has been Republican since I think  
3 1937 which the exception of the last term, the  
4 one before this and there was a brief interlude  
5 in the middle of the '60s, which also hit the  
6 Assembly. But in general, in most of our memory,  
7 it's been a split legislature, Republican in the  
8 Senate and Democrat in the Assembly.

9 MR. MONELL: And basically, the reason  
10 for that stability has nothing to do with the  
11 size of the districts, although that's a minor  
12 consideration. The major determinate of that  
13 outcome, in other words overwhelming Republican  
14 dominance in the Senate and overwhelming  
15 Democratic dominance in the Assembly was  
16 determined by the party that was able to draw the  
17 lines. In other words, that outcome essentially  
18 reflects the power of creating redistricting.

19 So basically, if a particular party has  
20 a majority and they want to entrench their  
21 position and they have an opportunity to  
22 redistrict, what they try to do is to make as  
23 many districts safe for their own party as they

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2 can and to make the districts that they concede  
3 to the other party as close to 100% enemy as  
4 possible.

5 In other words, you try not to waste  
6 your own votes. You don't want to give yourself  
7 a district with 70% majority because you're  
8 wasting 20%. So if you have the opportunity to  
9 draw the lines, you give yourself districts where  
10 you have 55 or 60%, but not more because you want  
11 to give yourself a safe majority that will  
12 overcome most election swings, but not so much  
13 that you're going to be wasting your own voters.  
14 In other words, you want to waste the other guy's  
15 voters but not your voters.

16 And basically it's this kind of--  
17 basically these lines will be drawn by the staff  
18 people of the majority leaders in both houses.  
19 So it's a technical--what I'm trying to say is  
20 that both parties are doing it and the  
21 disadvantage which comes from the maximum use of  
22 the advantage given by the power to redistrict,  
23 to draw your own lines, has resulted in

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2 overwhelmingly Republican control in the Senate  
3 and overwhelmingly Democratic control in the  
4 Assembly, whereas from the public interest point  
5 of view, you'd look for good government means  
6 swing districts.

7 More swing districts means better  
8 quality government because you have a change to  
9 get rid of the guy if you don't like him.  
10 Whereas, if you're a Democrat in the middle of  
11 Brooklyn, you live with the guy until he dies or  
12 is arrested. And I'm sure there are Republican  
13 areas in the upstate where it works the other  
14 way. Obviously there are or they wouldn't be  
15 able to produce majorities in the State Senate so  
16 consistently.

17 So, basically I was personally very  
18 happy to see that the Governor threatened to use  
19 his veto, which is something that no governor of  
20 either party has threatened to do. In fact, a  
21 lot of my politically astute friends didn't even  
22 know that the Governor could veto the lines  
23 because the power had never been used because in

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2 the past, the legislature, both houses of  
3 legislature have jealously guarded the power to  
4 draw their own lines above all other powers  
5 because they only get to exercise it once a year.

6 SENATOR NOZZOLIO: Mr. Monell, we're  
7 going on to ten minutes. Could you please  
8 summarize your remarks and conclude?

9 MR. MONELL: Well, I feel a little bit  
10 embarrassed to come here because I've been  
11 talking with the people at Citizen's Union and I  
12 was criticizing them for not giving up on the  
13 legislature because the Governor's  
14 reapportionment bill is not going to be passed  
15 and the Jeffrey's Bill in the Assembly, the other  
16 Democratic alternative is not going to be passed,  
17 so you're the only game in town. So if the  
18 Governor--and we don't know what you're going to  
19 produce. But what we can be sure of is that when  
20 the Senate draws their own lines, the outcome is  
21 going to be Republican majority in the Senate and  
22 when the Assembly draws its own lines, the  
23 outcome is going to be a Democratic majority in

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2 the Assembly. So, only the Governor, through his  
3 veto has the power by threatening of a more bi-  
4 partisan arrangement to force the two houses of  
5 legislature to do something which they do not  
6 want to do.

7 SENATOR NOZZOLIO: Thank you, sir, for  
8 your testimony.

9 ASSEMBLYMAN MCENENY: Let me make one  
10 question, and I do appreciate your analysis which  
11 I'm not going to say is wrong and certainly has  
12 been true many times in the past in many states.  
13 But you heard person after person here saying,  
14 "Keep the community of interest together. Keep  
15 our neighborhood together." Well, sometimes that  
16 neighborhood is going to be predominantly one  
17 party or another. And the safeguard in our  
18 system since about 1912 has been the Democratic  
19 or the Republican primary. So that how you get  
20 rid--there's a number--my father always used to  
21 say, "The half-truth is the most despicable form  
22 of a lie." There's a number out there that 96%  
23 of all incumbents get re-elected. I'm not sure

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2 whether it's that or not, but if I thought I was  
3 going to lose--

4 MR. MONELL: [Interposing] - - that  
5 neighborhood, it's high.

6 ASSEMBLYMAN MCENENY: If I thought I was  
7 going to lose, do you think I'd waste time  
8 running. So, there's a lot of people who retire  
9 and step down or see a bad election coming and  
10 step down. They're never put into the number of  
11 the people who lost their election as an  
12 incumbent.

13 The other thing is the primary system.  
14 When you have a heavily Democratic or heavily  
15 Republican district; if you have a real turkey in  
16 there representing you, sooner or later it  
17 catches up and if they don't go in the general,  
18 they'll go in the primary election. And people  
19 forget that two. I was elected in a primary a  
20 couple of times and I've had primaries against  
21 me. So the competition that's needed is often  
22 there but overlooked because it doesn't fit  
23 somebody's neat little formula.

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2 MR. MONELL: Then why are there so few  
3 contested primaries in overwhelmingly Democratic  
4 Brooklyn?

5 ASSEMBLYMAN MCENENY: Well, we have them  
6 pretty regularly where I come from. It seems to  
7 me the city of New York has them more than  
8 anybody else because it's so dominated by one  
9 party, the natural competition tends to show up  
10 in the primary.

11 MR. MONELL: Term limits created most of  
12 those vacancies where you have contested  
13 primaries.

14 ASSEMBLYMAN MCENENY: I'm not going to--  
15 I don't have those numbers to dispute it.

16 SENATOR NOZZOLIO: Thank you very much.

17 MR. MONELL: Okay, thank you.

18 SENATOR NOZZOLIO: Dr. Meir Wikler.  
19 Good afternoon, Dr. Wikler.

20 DR. MEIR WIKLER: Good afternoon. It's  
21 Wikler by the way. As a New York State licensed  
22 clinical social worker, I applaud the listening  
23 skills of the panel this morning. I don't envy

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2 your jobs, listening to so many people saying the  
3 same thing in different words, but unfortunately  
4 I'm going to be echoing a lot of the sentiments  
5 that were aired today.

6 Mr. Chairman and members of the  
7 committee, approximately 20 years ago the  
8 Orthodox Jewish community in Brooklyn had one of  
9 its best friends in Congress; Representative  
10 Stephen Solarz. He understood the importance of  
11 our yeshivas and we worked to assist them. In  
12 addition, Congressman Solarz not only supported  
13 the state of Israel, but he was in a unique  
14 position to really be able to help because he was  
15 the chairman of the House Foreign Relations  
16 Committee. Furthermore, he was a close personal  
17 friend of the late Rabbi Moshe Sherer, a blessed  
18 memory; the universally accepted and much beloved  
19 leader of the American Orthodox Jury.

20 Finally, most pundits at the time  
21 considered Stephen Solarz to be the most likely  
22 candidate to become the first Jewish occupant of  
23 the White House. In spite of Congressman

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2 Solarz's enormous popularity in the Orthodox  
3 Jewish community as well as the general Jewish  
4 community, he was voted out of office. My  
5 neighbors and I were shocked at the outcome of  
6 that election. How could such a popular  
7 politician with so much to offer our community  
8 not get re-elected? I was determined to find  
9 out.

10 After numerous conversations with anyone  
11 who was willing to talk to me about the subject,  
12 I eventually learned that the outcome of that  
13 election was determined by a political mechanism  
14 called redistricting.

15 Congressman Solarz's political career,  
16 however, was not the only casualty. As a result  
17 of redistricting, the Orthodox Jewish community  
18 in Brooklyn became disenfranchised in Washington.  
19 Now, today I feel we have a voice in Albany and  
20 we have a voice in City Hall, but our voice has  
21 been silenced in Washington as a result of  
22 redistricting.

23 Please let me be perfectly clear with

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2 you this afternoon. This is not about having an  
3 Orthodox Jewish congressman. My neighbors and I  
4 do not believe as some people do; that only one  
5 of us can represent us. We don't feel that way.  
6 We do believe, however, that only elected  
7 officials who share our values, our priorities  
8 and our agenda can faithfully represent our  
9 interests in the halls of government.

10 The way the current congressional  
11 district lines are drawn, our community is  
12 fragmented and divided among no less than five  
13 congressional districts, virtually silencing our  
14 voice in Washington. I've taken the time from my  
15 clinical practice today to raise my voice against  
16 this injustice and I've come to make the case for  
17 redrawing the district lines to take into account  
18 the facts on the ground of neighborhood changes  
19 and demographic shifts in the last few years in  
20 order to restore the electoral contiguity of our  
21 community.

22 In short, we are seeking the creation of  
23 a congressional district which would include at

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2 least a majority of the Orthodox Jewish community  
3 in Brooklyn so that our voice can once again be  
4 heard in Washington. I thank you very much for  
5 giving me the opportunity to participate this  
6 actively in the democratic process today. Thank  
7 you for your attention.

8 SENATOR NOZZOLIO: Dr. Wikler, will you  
9 or your friends and neighbors be submitting  
10 suggested proposal where that objective could be  
11 realized on a map?

12 DR. WIKLER: I believe that has already  
13 been done through Agudath Israel of America.

14 SENATOR NOZZOLIO: Would you make sure  
15 that's the case. We encourage that submission to  
16 take place.

17 DR. WIKLER: I will make sure that has  
18 been--

19 ASSEMBLYMAN MCENENY: [Interposing] We  
20 did hear a number of members of the Orthodox  
21 community talk about the district that's there  
22 now. I believe it's the 8th that they felt they  
23 were well served. I mean, there's been several

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2 mentions of Congressman Nadler.

3 DR. WIKLER: Look, I'm not addressing  
4 any particular individual this afternoon. I'm  
5 addressing the district lines that cut off our  
6 community, which is a contiguous community, by  
7 the way. It's been mentioned by others before  
8 this afternoon. The Orthodox Jewish community is  
9 a contiguous community but it's been chopped up  
10 into five different districts in New York and  
11 we're looking to have a greater representation in  
12 at least one district, if possible.

13 ASSEMBLYMAN MCENENY: Thank you.

14 DR. WIKLER: Thank you.

15 SENATOR NOZZOLIO: And we encourage that  
16 submission if it has not taken place already.

17 DR. WIKLER: Excuse me?

18 SENATOR NOZZOLIO: The submission of the  
19 suggested map where the community needs to be  
20 focused.

21 DR. WIKLER: Yes, I think that has been  
22 done but I'll double check.

23 SENATOR NOZZOLIO: Thank you. Josh

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2 Pierre. Good afternoon, Mr. Pierre.

3 JOSH PIERRE, THE FLATBUSH FAIR

4 REDISTRICTING COMMITTEE: Good afternoon.

5 SENATOR NOZZOLIO: We called you first  
6 this morning and I apologize that unfortunately  
7 you weren't in the room at the time. Thank you  
8 for waiting and thank you for presenting your  
9 testimony.

10 MR. PIERRE: Thank you. I'd first like  
11 to thank you gentlemen; ladies and gentlemen, I  
12 assume, for the opportunity to speak before you.  
13 My name is Josh Pierre and I represent the  
14 Flatbush-Midwood Fair Redistricting Committee.

15 I'm here this morning to discuss the  
16 42nd Assembly District which represents the areas  
17 of Flatbush, Midwood, South Midwood, parts of - -  
18 Park and some of the outer lying areas. Let me  
19 start by saying that that community is actually a  
20 microcosm of Yvette Clarke's Congressional  
21 District and so on behalf of that committee I  
22 would like to express our support for the  
23 proposal that she had brought here earlier and

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2 that we believe such a congressional district  
3 would serve the purposes of our community.

4 Our goal with regards to redistricting  
5 the 42nd Assembly District is as follows. We  
6 want to maintain the contiguous and compact  
7 nature of the district, uphold the federal Voting  
8 Right Act and most importantly to us, protect the  
9 ethnic identity of the district and prevent  
10 dilution of our votes.

11 The district, as you know, is 86% black,  
12 of which the overwhelming majority is from the  
13 Caribbean; such islands as Jamaica, Haiti,  
14 Trinidad, Guyana and other islands that have  
15 basically come to form what we know as our  
16 Caribbean-American melting pot within the larger  
17 New York melting pot. We are a community with  
18 common interests and concerns that are distinct  
19 from many of the other districts within the  
20 state.

21 Over the last decades our community has  
22 made great strides to integrate itself into the  
23 state's democratic process. We have done this by

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2 registering more voters, followed by exercising  
3 our right to vote and then lobbying and  
4 advocating on behalf of issues that we consider  
5 important to our community.

6 As we have become more integrated within  
7 the process, we have identified ways to push for  
8 our causes and we've also identified things that  
9 we consider to be roadblocks to our community's  
10 progress.

11 In the previous redistricting process  
12 which took place in 2001, we saw a westward shift  
13 of the lines for the district towards a community  
14 that is less minority; basically a non-minority  
15 community. I want to convey to you what the view  
16 is from the ground from the residents of my  
17 community. We work to basically gain parity in  
18 the voting booth and when there's a small shift  
19 as much as 10% within the demographics, what you  
20 have is a rise in the non-minority community and  
21 a decrease in the minority voting block. On top  
22 of that, there is a tendency to be a higher  
23 turnout rate for the non-minority community. So

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2 the effect as we see it is very much exponential  
3 and that might translate to as much as a 10 to  
4 30% swing in a direction that we might be opposed  
5 to. And we would really like for you, the panel,  
6 to take that into consideration.

7 Having said that, all we're asking for  
8 is actually for the panel to follow through with  
9 its, for the State Assembly and the State Senate,  
10 to follow through with its mission, which is to  
11 give us all the protections that have been  
12 mentioned before. And we feel the best way to do  
13 this is basically not to move the lines too much  
14 and to keep our Assembly District as much as it  
15 is now.

16 We have submitted a map for you as part  
17 of our testimony and should you feel the need,  
18 given the decrease according to the Census, for  
19 you to make shifts, we would much prefer that you  
20 take a look at this map and look at the areas to  
21 the north, east, and southeast of the district  
22 versus shifting any further west. Thank you for  
23 your time.

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2 SENATOR NOZZOLIO: Thank you very much,  
3 Mr. Pierre. Gloria Dilan Wilson.

4 ASSEMBLYMAN MCENENY: You are number 47.

5 GLORIA DILAN WILSON: Good afternoon.

6 SENATOR NOZZOLIO: Good afternoon.

7 MS. WILSON: I'm Gloria Dulan Wilson.  
8 I'm a New Yorker by choice. I've been here  
9 almost 47 years, so that's a pretty good number.  
10 First of all I, like the gentleman who just  
11 preceded me, I'm supportive of Congresswoman  
12 Yvette Clarke's redistricting plan with the map  
13 as drawn.

14 But I also had another concern as I was  
15 reading the questionnaire and unfortunately I  
16 made some notes on my little statement here and  
17 it's my handwriting and my handwriting is  
18 atrocious. So I'll just tell you what I said.

19  
20 The big concern is that we've had a  
21 population shift overall in the state of New York  
22 and there's some concern as to where we--what do  
23 we do now about our congressional representation

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2 in terms of where we move our congress people  
3 from if we're to lose two congress people. And  
4 that's a frightening situation, particularly for  
5 those of us in the down state area because we  
6 tend to have the preponderance of the population.

7 So if you start pulling--it's like when  
8 you pull teeth and you pull one out and  
9 everything shifts in the wrong way and it becomes  
10 lopsided and you're not able to chew properly and  
11 everything. If we look to pull anybody from this  
12 area, from the down state area, it's going to  
13 really I think impact the state as a whole; not  
14 just down state but in terms of what we're able  
15 to leverage and what they're able to do for New  
16 York as a whole.

17 And so I wanted to offer a suggestion  
18 that if it's going to be that we need to lose,  
19 and that's an in quote, congress people that  
20 maybe we can look to consolidate some of the  
21 smaller communities upstate New York in terms of  
22 being able to strengthen maybe the other congress  
23 people who are remaining so that it doesn't

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2 impact us in such a heavy manner.

3 The other thing that I'm concerned  
4 about, even with the fact that we're talking  
5 about contiguous and compact communities, is that  
6 we don't go so far in terms of the balkanization  
7 of New York. We are a very diverse state and  
8 that's what makes us great in that we have cross-  
9 cultural ties. And so if everybody is in their  
10 own little pocket it may also mean that that kind  
11 of diversity that we enjoy here and the  
12 communication that we have here as a people and  
13 the sharing that we have of the different cultural  
14 imperatives might get lost.

15 So we have to be careful how we do  
16 redraw the lines when we do it, so that yes, we  
17 keep our neighborhoods intact; we don't become so  
18 intact that nobody knows who anybody is anymore.  
19 That's all I have to say.

20 SENATOR NOZZOLIO: Thank you very much,  
21 Ms. Wilson. Jerry Vattamala. It's my  
22 understanding that you're speaking on behalf of  
23 someone else?

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2 JERRY VATTAMALA (READING PROFESSOR TARRY  
3 HUM'S TESTIMONY): Yes, good afternoon. I'm  
4 speaking on behalf of Professor Tarry Hum. She  
5 couldn't make it here today. I submitted  
6 testimony to you--

7 SENATOR NOZZOLIO: [Interposing] You  
8 were--we saw you in Queens.

9 MR. VATTAMALA: Yes, that's right. I'll  
10 introduce myself again, Jerry Vattamala, staff  
11 attorney with the Asian-American Legal Defense  
12 and Education Fund.

13 I'm going to be reading the testimony  
14 submitted by Professor Tarry Hum. She's an  
15 Associate Professor of Urban Studies at City  
16 University of New York's Queen's College and  
17 Graduate Center. She's also an urban planner and  
18 received a Master's Degree in City Planning from  
19 the Massachusetts Institute of Technology and a  
20 PhD in Urban Planning from UCLA's School of  
21 Public Policy and Social Research.

22 SENATOR NOZZOLIO: And Mr. Vattamala,  
23 rather than reading her testimony if you would be

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2 so kind, if you would submit it so that we can  
3 include it in the record and if you would be kind  
4 enough to summarize it for the committee?

5 MR. VATTAMALA: Sure, absolutely.

6 Basically, Professor Hum grew up in Sunset Park  
7 and as you've heard today from numerous  
8 organizations and individuals testifying on  
9 behalf of the Asian-American community in  
10 Brooklyn, Sunset Park is basically the Chinatown  
11 of Brooklyn. There are a large number of Asian-  
12 Americans, immigrants, many below the poverty  
13 line, which share many commonalities with the  
14 Asian-American community in Bensonhurst. My  
15 colleague Bethany Lee had testified earlier today  
16 detailing all the similarities between  
17 Bensonhurst and Sunset Park. Basically the  
18 communities in Brooklyn that we're very concerned  
19 about are Sunset Park and Bensonhurst and we urge  
20 this committee to keep those two communities  
21 together. We're in the process of drawing our  
22 maps. As was alluded to earlier, there is much  
23 potential in Brooklyn between these two

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2 communities to draw Assembly Districts and Senate  
3 Districts as well as Congressional Districts.

4 So we're hopeful that LATFOR will take  
5 our comments and review the testimony that's  
6 submitted. As I said before, my colleague  
7 Bethany Lee had a lot of data in her testimony on  
8 our surveys and other work that we do in both of  
9 these communities, as well as in Chinatown in the  
10 lower east side, detailing the commonalities  
11 between the Asian-American community in  
12 Bensonhurst and Sunset Park.

13 SENATOR NOZZOLIO: Mr. Vattamala, we  
14 discussed this in Queens briefly, but I need to  
15 ask you again, is the organization you're  
16 representing going to be submitting lines,  
17 appropriate suggested district lines and maps to  
18 the commission?

19 MR. VATTAMALA: Absolutely and I should  
20 clarify AALDEF is the Asian-American Legal  
21 Defense and Education Fund. We've been working  
22 with Asian-American community organizations  
23 throughout New York City for months. We've been

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2 involved in redistricting for over 30 years, but  
3 in this round we've been working with community  
4 groups to determine boundaries and come up with  
5 proposed legislative districts for State  
6 Assembly, State Senate and Congressional lines.

7 We're also a member of ACCORD. You  
8 heard James Hong speak before. We're working  
9 with that organization as well as--we're with  
10 that coalition as well as other organizations  
11 that are not part of ACCORD; Asian-American  
12 organizations.

13 On top of that, we're working with a  
14 Latino Justice PRLDEF, CLSJ; Center for Law and  
15 Social Justice and the NAACP Legal Defense fund  
16 to come up with a unity map which we hope to  
17 submit to LATFOR before the end of the first  
18 round of hearing. So we're working aggressively  
19 to get you that map and you will know that that  
20 map is going to be a comprehensive map with input  
21 from all those groups I just mentioned.

22 SENATOR NOZZOLIO: In the interest of  
23 scheduling, our hearings, which we added the two

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2 today as you may have heard earlier; that will  
3 extend the hearing process into November. We are  
4 under very tight time frames and we're going to  
5 welcome your input. We welcome it sooner than  
6 later in terms of being able to communicate. So  
7 if you could focus on getting that material  
8 together and submitting it as soon as possible,  
9 it would be appreciated.

10 MR. VATTAMALA: Absolutely and I should  
11 clarify. When I say the end of the first round,  
12 that was the original end of the first round, a  
13 date that you had originally scheduled.

14 SENATOR NOZZOLIO: Thank you, Mr.  
15 Vattamala. Any questions of the panel? Hearing  
16 none, thank you very much for your testimony.

17 Anyone else wishes to testify that has  
18 not had the opportunity before? Hearing none,  
19 the Borough of Brooklyn LATFOR hearing is now  
20 adjourned.

21 (The public hearing concluded at 3:27  
22 p.m.)

C E R T I F I C A T E

I, Trisha Ruckart, do hereby certify that the foregoing typewritten transcription, consisting of pages number 1 to 273, inclusive, is a true record prepared by me and completed from materials provided to me.



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Trisha Ruckart, Transcriptionist

October 7, 2011



**NEW YORK STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC  
RESEARCH AND REAPPORTIONMENT**

**Public Hearing**

**Congressional and state legislative redistricting**

**9/20/11 10:AM**

**Brooklyn Borough Hall, 209 Joralemon Street, Brooklyn, NY**

**SPEAKERS LIST:**

1. RABBI SHMUEL LEFKOWITZ
2. LEON GOLDBERG
3. CHAIM ISRAEL
4. GARY SCLESSINGER
5. YERUCHIM SILVER, COMMUNITY BOARD 12
6. KARIM CAMARA, ASSEMBLY MEMBER
7. CHRISTOPHER STRUNK
8. BETHANY LI, STAFF ATTORNEY – ASIAN AMERICAN LEGAL DEFENSE & EDUCATION FUND (AALDEF)
9. ESMERALDA SIMMONS, ESQ. – EXECUTIVE DIRECTOR, CENTER FOR LAW & SOCIAL JUSTICE, MEDGAR EVERS COLLEGE
10. REVEREND ANITA BURSON, BROOKLYN BRANCH NAACP
11. COUNCILWOMAN LETITIA JAMES
12. YVETTE D. CLARKE, MEMBER OF CONGRESS
13. N. NICK PERRY, ASSEMBLY MEMBER
14. JOYCE JARVIS-HENRY, PROGRESSIVE DEMOCRATS POLITICAL ASSOCIATION MEMBER
15. SANDY VALLAS, BOARD OF GOVERNORS – DYKER HEIGHTS CIVIC ASSOCIATION

16. GENE A. JOHNSON, JR. – BLACK NEW YORKERS FOR FAIR REDISTRICTING
17. JAMES HONG, SPOKESPERSON – ASIAN AMERICAN COMMUNITY COALITION ON REDISTRICTING AND DEMOCRACY
18. DR. WAH LEE, OCA-NY
19. ELEANOR MORETTA, ACT NOW NY
20. DR. UNA S.T. CLARKE, CD – PROGRESSIVE DEMOCRATS POLITICAL ASSOCIATION MEMBER
21. DALE HO, ASSISTANT COUNSEL – NAACP LEGAL DEFENSE & EDUCATION FUND
22. STEVE CHUNG, PRESIDENT – UNITED CHINESE ASSOCIATION OF BROOKLYN
23. ANNETTE M. ROBINSON, ASSEMBLY MEMBER
24. DAVID G. GREENFIELD, MEMBER - NEW YORK CITY COUNSEL
25. ROBERT CORNEGY, DISTRICT LEADER 56<sup>TH</sup> AD
26. PETER WEISS, KINGS COUNTY DEMOCRATIC COALITION
27. KATIE DAVIS, PRESIDENT – COMMUNITY COUNCIL FOR MEDGAR EVERS COLLEGE
28. SUSAN LERNER, EXECUTIVE DIRECTOR – COMMON CAUSE NY
29. JUMAANE WILLIAMS, COUNCILMAN
30. RICHARD BOATTI, ORGANIZING COMMITTEE-ACT NOW MEMBER
31. JOEL ROSENFELD
32. RABBI MOSHE WIENER, EXECUTIVE DIRECTOR – JEWISH COMMUNITY COUNCIL OF GREATER CONEY ISLAND
33. GREGORY DAVIDZON, PRESIDENT – DAVIDZON MEDIA INC.
34. SHEILA BOYD, PRESIDENT – OCEAN TOWERS TENANTS ASSOCIATION
35. LATRICE MONIQUE WALKER, OCEANHILL BROWNSVILLE COALITION OF YOUNG PROFESSIONALS MEMBER
36. EKOW YANKAH, PROFESSOR OF LAW – CARDOZO LAW SCHOOL
37. NAHIDA UDDIN, CHHAYA
38. DR. TIM LAW

39. HASIBA RASHID
40. FANYA VASILEVSKY, CITIZEN
41. VELMANETTE MONTGOMERY, SENATOR
42. RICHARD SILVERMAN (SMRA) with  
JULIANNE HIRSH
43. THEODORE MONELL, CENTRAL BROOKLYN INDEPENDENT DEMOCRATS
44. DR. MEIR WIKLER
45. JOSH PIERRE, THE FLATBUSH FAIR REDISTRICTING COMMITTEE
46. GLORIA DILAN WILSON
47. JERRY VATTAMALA (READING PROFESSOR TARRY HUM'S TESTIMONY)

**TASK FORCE MEMBERS PRESENT AT HEARING:**

**Michael F. Nozzolio** – Senator, Co-Chair

New York State Legislative Task Force on Demographic Research and Reapportionment

**John J. McEneny** - Member of Assembly, Co-Chair

New York State Legislative Task Force on Demographic Research and Reapportionment

**Martin M. Dilan** - Senator

New York State Legislative Task Force on Demographic Research and Reapportionment

**Robert Oaks** - Member of Assembly

New York State Legislative Task Force on Demographic Research and Reapportionment

**Debra Levine** –Co-Executive Director

New York State Legislative Task Force on Demographic Research and Reapportionment

**Lewis Hoppe** – Co-Executive Director

New York State Legislative Task Force on Demographic Research and Reapportionment

**Roman Hedges** –

New York State Legislative Task Force on Demographic Research and Reapportionment

**Welquis Lopez** –

New York State Legislative Task Force on Demographic Research and Reapportionment

NEW YORK STATE  
LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND  
REAPPORTIONMENT  
  
PUBLIC HEARING  
  
CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING

Wednesday, September 21, 2011

Assembly Hearing Room

250 Broadway

Room 1923, 19th Floor

Manhattan, New York

10:00 a.m.

TASK FORCE MEMBERS PRESENT:

SENATOR MICHAEL F. NOZZOLIO, Co-Chair

ASSEMBLY MEMBER JOHN J. MCENENY, Co-Chair

SENATOR MARTIN M. DILAN

ASSEMBLY MEMBER ROBERT OAKS

WELQUIS LOPEZ

ROMAN HEDGES

DEBRA LEVINE

LEWIS HOPPE

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2 (The public hearing commenced at 10:00  
3 a.m.)

4 ASSEMBLY MEMBER JOHN J. MCENENY, CO-  
5 CHAIR, NEW YORK STATE LEGISLATIVE TASK FORCE ON  
6 DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT: --  
7 people who have signed up based on previous  
8 hearings. All 84 at least of these people will  
9 probably not speak. On the other hand, there  
10 will be additional people going on who will  
11 arrive during the course of the day.

12 This is, as you know, the LATFOR, which  
13 is the New York State Legislative Task Force on  
14 Demographic Research and Reapportionment. My  
15 name is Jack McEneny. I'm the member of the  
16 Assembly who's the co-chair. And the other co-  
17 chair to my immediate left is Senator Mike  
18 Nozzolio.

19 We have, in addition, two members of the  
20 minority of each house. To my right, Bob Oaks  
21 and to the left of Senator Nozzolio is Senator  
22 Martin Dilan. There are two citizen members. To  
23 the right on the Assembly side is Roman Hedges.  
24 To my left is Welquis Lopez. And we are also

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2           joined by the executive directors; co-executive  
3           directors Debra Levine, for the Senate and Lou  
4           Hoppe for the New York State Assembly.

5                       We are going to ask, because of the  
6           large number of people wishing to testify, to  
7           please keep your remarks to five minutes. Now,  
8           many of you have nice, single-spaced, well  
9           thought out comments. They will be admitted as  
10          part of the procedures. They become part of the  
11          official record. Try and summarize that in  
12          fairness to the other people here. And bear in  
13          mind that all of this is being televised, in that  
14          we create a record which will go on the LATFOR  
15          web page and from the record there will also be a  
16          transcript with stenographers taking down your  
17          exact words. So whatever you say will live  
18          forever in cyberspace.

19                      The function of this organization is one  
20          that is required by the New York State  
21          constitution and the Voting Rights Act of 1965  
22          and is an attempt to take the districts that are  
23          currently in place for the United States  
24          Congress, the New York State Senate and the

2           Assembly and take a look at those districts which  
3           are now obsolete because of our shifting  
4           population and to change the districts and draw  
5           new districts.

6                        It's a process which is under a great  
7           deal of pressure right now. We started as soon  
8           as we could immediately following the session.  
9           No alternative method was agreed upon during the  
10          session and we are having two sets of hearings.  
11          The first 14 hearings, which will end in October-  
12          -November now, excuse me; before election though,  
13          is more conceptual, more academic. You tell us  
14          in general what you'd like to see done, what's  
15          wrong with the current districts, what  
16          neighborhoods you'd like to keep together, etc.

17                       After that, we go and actually draw  
18          lines based upon the input that we receive by  
19          mail, some of it electronically. There have been  
20          a number of maps that have been specifically  
21          submitted and that's especially useful. It's  
22          alright to look with tunnel vision at what you  
23          want for your district, but we have to think what  
24          the bumping effect is if you're taking territory

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2 from an adjoining district or you have left over  
3 territory that has to be put into another  
4 district. So those of you that have been giving  
5 us maps we very much appreciate.

6 Without further adieu, I'd like to turn  
7 it over to my co-chair, Senator Michael Nozzolio.

8 SENATOR MICHAEL F. NOZZOLIO, CO-CHAIR,  
9 NEW YORK STATE LEGISLATIVE TASK FOR ON  
10 DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT: Thank  
11 you, Assemblyman and good morning, ladies and  
12 gentlemen. This is the fourth hearing that we're  
13 conducting in New York City. The tenth overall  
14 and it is very heartening to hear the testimony  
15 of hundreds of New Yorkers about the  
16 redistricting process. Those of you who may be  
17 watching this proceeding on the LATFOR web site,  
18 we encourage you if you cannot attend a hearing  
19 or do not choose to attend a hearing, your  
20 comments are most welcome. You can present those  
21 comments in writing to LATFOR and we will include  
22 them in the record of the proceedings.

23 We are also emphasizing, as Assemblyman  
24 McEneny had indicated, that we are emphasizing

2 the solicitation or the receiving plans, proposed  
3 plans that individuals or groups may support and  
4 which the LATFOR commission to focus on. So we  
5 ask you to use the web site for providing input  
6 to make this process as open as we possibly can.

7 Without further adieu, Assemblyman,  
8 thank you very much for agreeing to chair this  
9 proceeding. Tomorrow we are in Staten Island and  
10 that will conclude our round in New York City in  
11 every in the city. And later this month, we will  
12 be in Suffolk County, in Nassau County and  
13 counties in the North Country. So, thank you for  
14 your participation and we look forward to a good  
15 hearing.

16 ASSEMBLY MEMBER MCENENY: Any other  
17 member of the committee like to say something?  
18 Assemblyman Oaks?

19 ASSEMBLY MEMBER ROBERT OAKS, NEW YORK  
20 STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC  
21 RESEARCH AND REAPPORTIONMENT: Thank you,  
22 chairman. I'd just--I would like to welcome  
23 everyone today. I look forward to hearing your  
24 input. We're sorry that we can't put everybody

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2 first and it will be that there are a number of  
3 people on, but clearly we appreciate all of your  
4 attendance and look forward to hearing your  
5 comments.

6 ASSEMBLY MEMBER MCENENY: Senator?

7 SENATOR MARTIN M. DILAN, NEW YORK STATE  
8 LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH  
9 AND REAPPORTIONMENT: Basically, I would just  
10 like to say good morning and I look forward to  
11 hearing your testimony today.

12 ASSEMBLY MEMBER MCENENY: Thank you.  
13 The first name I have on the list is former mayor  
14 Ed Koch, Henry Stern and Rudy Washington. And we  
15 look forward to their five minutes presentation,  
16 collectively.

17 SENATOR NOZZOLIO: And if I may just  
18 add, we are asking, because there are over 80  
19 people on this list, to limit your formal remarks  
20 to five minutes. Any written comments certainly  
21 submit and we will ensure that will be part of  
22 the official record.

23 ASSEMBLY MEMBER MCENENY: We have as a  
24 courtesy also called elected officials, elected

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2 by the people in this jurisdiction, to go first.  
3 When I see them I will put them on. And please  
4 identify yourself because we don't know you all  
5 and we'll get you on as soon as we can.

6 Next I have Jeffrey Eaton, the president  
7 of the NAACP, mid-Manhattan branch. Senator  
8 Kruger, did you want to speak today?

9 LIZ KRUGER, SENATOR: Morning everyone.  
10 Nice to see you down in New York City. I believe  
11 you have copies of my testimony. My name is Liz  
12 Kruger. I'm the State Senator from the 26th  
13 Senate District, which includes the Upper East  
14 Side, East Midtown and Midtown in Manhattan.

15 I'm here to testify the importance of a  
16 transparent and open process for establishing new  
17 legislative districts and for the creation of  
18 districts that meet basic standards of equity and  
19 ensure representation to the diverse communities  
20 that make up our great state.

21 Unfortunately, the failure of the  
22 legislature to establish an independent  
23 redistricting commission, as I and many of my  
24 colleagues have called for, will make it more

2           difficult for the kind of process and results we  
3           need. Given both past performance and the clear  
4           control of LATFOR by legislative leadership, I am  
5           skeptical that this body is prepared to act to  
6           establish fair district lines, but I want to keep  
7           an open mind that it can be done right.

8                         Shortly after I was elected to the  
9           Senate in a special election in February, 2002, I  
10          saw LATFOR offer a plan that served entrenched  
11          political interests by disenfranchising minority  
12          communities, creating districts with  
13          substantially different numbers of voters,  
14          drawing bizarrely shaped districts made up of  
15          disparate and unrelated neighborhoods and adding  
16          a new surprise 62nd Senate District at the very  
17          last minute.

18                        Should the past history be repeating in  
19          the development of this year's plan, and I hope  
20          it's not, I have confidence that Governor Cuomo  
21          will keep his promise, veto the plan and I will  
22          strenuously urge him to do so. I urge you to  
23          break with past practice of your predecessors and  
24          take the steps necessary to develop a

2           redistricting plan that passes muster of not  
3           serving the narrow interests of majority party  
4           leaders and incumbents, but instead serves to  
5           maximize the power of the people to choose their  
6           own representatives.

7                   One issue of great concern to me is the  
8           recent reports that LATFOR is considering  
9           expanding the size of the Senate by one or more  
10          additional seats. This action would repeat past  
11          history, replicating the last minute, back-room  
12          deal that expanded the Senate from 61 to 62  
13          Senate seats in 2002.

14                   It would also be a slap in the face of  
15          the voters of New York State to expand the Senate  
16          at a time when so many other vital programs, from  
17          health care to education to social services face  
18          cuts. While voters often disagree about what to  
19          cut and what to fund, I'm quite sure the vast  
20          majority would be outraged if their senators were  
21          to tell them that what they really need from the  
22          government is more state senators. I know voters  
23          in my district would find such a claim outrageous  
24          and I'm sure the reaction in more conservative

2 districts would be even stronger.

3 Any expansion of the Senate would also  
4 be an attack on Governor Cuomo's effort to create  
5 a leaner, more efficient government and therefore  
6 I fully expect he would veto such a plan.

7 So what should be the principles that  
8 district lines should be drawn upon. By now the  
9 standards for independent redistricting are well  
10 established. I'm sure you've heard this over and  
11 over again in the hearings you've been having  
12 around the state. I urge you to adopt a plan  
13 that keeps communities of interest together. To  
14 the greatest extent possible, districts should be  
15 drawn to allow communities of interest, whether  
16 they be racial, ethnic or neighborhood based, to  
17 elect representatives of their own choosing.

18 LATFOR's history on this issue is  
19 unfortunately not encouraging; particularly on  
20 Long Island where in 2002 Senate Districts were  
21 drawn that split minority communities between  
22 multiple districts diluting the voting power of  
23 African-American and Latino voters. Should this  
24 pattern be repeated, the Governor must veto the

2           redistricting plan.

3                   LATFOR should create districts that have  
4           the same number of voters. In 2002, LATFOR  
5           pushed the limits of district variation, creating  
6           much smaller Senate districts upstate than  
7           downstate, with a variation as great as near 10%,  
8           meaning that some New York City districts had  
9           over 27,000 more people than some upstate  
10          districts.

11                   I have had to explain to voters in New  
12          York City that they get less representation than  
13          upstate voters because the city Senate districts  
14          were intentionally overpopulated in 2002 to allow  
15          additional upstate under populated districts. I  
16          urge LATFOR to create districts with overall  
17          population variation of no more than 2%, as  
18          Governor Cuomo has called for.

19                   Such a standard would require that  
20          districts not go over plus one or under one  
21          percent of the average district population, based  
22          on the 2010 Census. Since congressional  
23          districts are already required to be equal in  
24          size, there's no real legitimate argument that

2 state legislative districts should be permitted  
3 the larger population variations we have seen in  
4 the past, unless required to meet some  
5 requirement of the constitution or the Federal  
6 Voting Rights Act.

7 LATFOR should create contiguous  
8 districts. Districts have not been drawn as they  
9 have in the past that pull together distant and  
10 unrelated communities for partisan reasons. This  
11 strategy has been used to build bizarrely shaped  
12 districts, such as the 34th Senate District in  
13 the Bronx-West Chester, what we call the lobster  
14 claw. Or the 51st Senate District in Central New  
15 York, Lincoln riding a lawn mower in his stove  
16 top hat. For the sole purpose of protecting  
17 incumbents, legislators should not get to choose  
18 their voters. Voters should get to choose their  
19 legislators.

20 We should count prisoners in the  
21 districts where they come from. The standard is  
22 now the law of the state and LATFOR should not in  
23 any way delay or undermine the implementation of  
24 this law. Prisoners do not vote from prison but

2           they will be voters in their neighborhoods when  
3           they return and they are part of the community of  
4           interest of their permanent home. The new law  
5           requires LATFOR to develop a redistricting  
6           database in which prisoners in federal and state  
7           custody have been subtracted from their place of  
8           incarceration, in which prisoners in state  
9           custody are to the extent possible reallocated to  
10          their prior residential addresses.

11                   LATFOR should also provide opportunity  
12           for public comment and review of the allocation  
13           of prisoners to ensure the districts conform to  
14           the new law.

15                   ASSEMBLY MEMBER MCENENY:    Senator?

16                   SENATOR KRUGER:    Yes.

17                   ASSEMBLY MEMBER MCENENY:    Try to wrap it  
18           up please.

19                   SENATOR KRUGER:    Five minutes, okay.

20                   ASSEMBLY MEMBER MCENENY:    Oh, that went  
21           a while ago.

22                   [Laughter]

23                   SENATOR KRUGER:    Oh, then thank you for  
24           giving me additional minutes. I am going to

2 close here, leaving you a page left. Again, I'm  
3 not telling you anything you have not been  
4 hearing around the state. I just want to  
5 reemphasize LATFOR can do this right and if it  
6 does not do it right, I will be one of the people  
7 on the steps urging the Governor to veto and  
8 create an independent process. Thank you very  
9 much for your time.

10 ASSEMBLY MEMBER MCENENY: Thank you,  
11 Senator. I must comment that Lincoln riding a  
12 vacuum cleaner or whatever; somebody who's never  
13 been to upstate obviously doesn't know what  
14 Herkimer County looks like. That stove pipe hat  
15 that goes up has the town of Webb attached to it.  
16 One of our goals is to try to keep communities of  
17 interest together, as you mentioned, which means  
18 don't cross the county line unless you're forced  
19 to for mathematical or other reasons. So  
20 consequently, a number of districts over the  
21 years have always had Lincoln's hat in it because  
22 that's what Herkimer County has looked like for  
23 200 years.

24 And also, under the Voting Rights Act of

2           1965, where we have both a legal and a moral  
3           obligation to create districts of opportunity and  
4           preferable minority-majority districts; when you  
5           link together the enclaves of minority  
6           neighborhoods, it doesn't look like it's IOWA  
7           with a lot of little squares. Our state doesn't  
8           work that way and our people don't live in little  
9           squares. So bear in mind, sometimes we do things  
10          not because we like to in terms of attractiveness  
11          on the map, but we'd like to to preserve voting  
12          rights.

13                    SENATOR KRUGER: Thank you for that  
14                    point and I actually have been up to that area of  
15                    the state. I think my objection with that  
16                    example is less the stove pipe hat than the  
17                    design of the vehicle that that hat is riding  
18                    upon. Thank you.

19                    ASSEMBLY MEMBER MCENENY: Thank you very  
20                    much, Senator. Assembly Member Dan Quart. And  
21                    I'm not sure whether you're sworn in yet. It  
22                    might be Assembly Member Elect.

23                    DAN QUART, ASSEMBLY MEMBER: I'm  
24                    official.

2 ASSEMBLY MEMBER MCENENY: Very good.

3 [Applause]

4 ASSEMBLY MEMBER QUART: I want to thank  
5 the members of the committee for allowing me the  
6 privilege of speaking before your body today. I  
7 appreciate your time and I will try and be brief  
8 and again, if I go over five minutes, please let  
9 me know and I will wrap up as well.

10 My name is Dan Quart and I was recently  
11 elected to represent the 73rd Assembly District  
12 on Manhattan's Upper East Side and I want to  
13 speak in support of many of the comments my  
14 colleague, Liz Kruger, just made and one point in  
15 particular about keeping communities with a  
16 common nature together in a single district. I  
17 think that is a critical thing for what I  
18 consider a fair process and what has to happen on  
19 the East Side.

20 And one of the most important things on  
21 the East Side of Manhattan, the district I  
22 represent, is in terms of education, school  
23 construction in District Two, the District from  
24 the Department of Education that covers the East

2 Side of Manhattan.

3 Specifically, East Siders expect their  
4 member of Congress or any other member of  
5 legislative body to become deeply engaged in  
6 issues of school overcrowding, school  
7 construction among other things. And the East  
8 Side has been left out of school construction  
9 budget for years, a residue of a time when young  
10 couple left the city once they had children and  
11 those that remained tended to send their children  
12 to private school.

13 But with the downturn of the economy,  
14 those things have changed. There are many  
15 members, many of my constituents now who cannot  
16 afford to send their children to private school  
17 and send their kids to public school. And there  
18 is a deep overcrowding, a deep problem of  
19 overcrowding in our city schools, specifically in  
20 District Two on the Upper East Side.

21 Congresswoman Maloney has led a task  
22 force to deal with these issues. She led to the  
23 establishment of the Eleanor Roosevelt High  
24 School, created to address the concerns of

2 parents who wanted to send their children to a  
3 public high school, knew their children would not  
4 be admitted to a selective high school like Bronx  
5 Science, Stuyvesant or Brooklyn Tech;  
6 academically rigorous schools in our city, but  
7 not everyone can get in.

8 For more than ten years, parents and  
9 local elected officials met with a series of  
10 chancellors without success. Each of them  
11 assumed that East Side Parents would leave the  
12 city or send their children to private school.  
13 What successive chancellors failed to understand  
14 changes in the East Side and parents are  
15 increasingly choosing to send their children to  
16 public school and they want good public schools  
17 in their community.

18 Someone who might only represent a  
19 portion of the East Side, if the East Side were  
20 separated or made into distinct neighborhoods of  
21 the East Side, would not simply be able to  
22 address this concern holistically. That is my  
23 main concern; that the East Side not be broken  
24 apart and that the communities of the East Side

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2           be taken together as a whole, because they are--  
3           that is important. And that is the only way  
4           myself, Congresswoman Maloney and all the other  
5           elected officials that represent the East Side  
6           can effectively fight to ensure enough public  
7           schools on the East Side so that the overcrowding  
8           that we already have does not become more severe  
9           in the years ahead. I thank you for your time.

10                   ASSEMBLY MEMBER MCENENY: Thank you very  
11           much. It would be helpful to us if you submitted  
12           a map, bearing in mind the needs of your  
13           neighbors. So, it's pretty easy to do in the  
14           case of Manhattan; adding the map together till  
15           you get up to the East Side, because it would be  
16           interesting what you consider the East Side and  
17           whether it's possible to accommodate that from a  
18           communities of interest and neighborhood point of  
19           view.

20                   ASSEMBLY MEMBER QUART: Well, I will  
21           certainly submit that to the committee. I'll  
22           just make one point. We, Manhattan in a very  
23           easy way is a grid and what we have between the  
24           East and West Side is Central Park, so that is a

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2 good place to begin at what separates the East  
3 Side from any and all other areas of the city.  
4 But with that, I will submit documentation in  
5 support of my testimony.

6 ASSEMBLY MEMBER MCENENY: Thank you very  
7 much and congratulations on your election.

8 ASSEMBLY MEMBER QUART: Thank you.

9 ASSEMBLYMAN OAKS: If I just might, I'll  
10 just add my welcome too and I look forward to  
11 working with you, Assemblyman Quart.

12 ASSEMBLY MEMBER QUART: Thank you,  
13 Assembly Member.

14 ASSEMBLY MEMBER MCENENY: Are there any  
15 more elected officials; City Council, Assembly,  
16 Senate, etc? Mr. Koch is here? Mayor Koch.  
17 Will you be speaking separately or? We'll  
18 consider Mr. Dadey a separate speaker, but he can  
19 come up here and go on right after you. Come  
20 over here, Mayor. It's good to see you.

21 EDWARD I. KOCH, FORMER MAYOR: My name  
22 is Ed Koch and I'm here on behalf of New York  
23 Uprising which was formed back in March of 2010  
24 to take on the issue of redistricting and to

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2 change what has been in effect the pattern for  
3 the last hundred or more years; having a  
4 legislature draw lines with each house drawing  
5 its own lines so as to protect the incumbents.  
6 And it is our hope that legislation which the  
7 Governor authored and which was introduced by the  
8 speaker; it was our hope that it would become  
9 law.

10 The effort of our part; we joined  
11 together Dick Dadey and Henry Stern, representing  
12 their organizations and myself. We joined  
13 together to secure from the people who were  
14 running for office in the last election their  
15 pledge that they would support the creation of an  
16 independent commission to draw the lines.

17 Ultimately, in both houses we secured a  
18 majority of pledgees and interestingly, in the  
19 Senate, every Republican signed. But that was  
20 when they were a minority and when they became a  
21 majority, they repudiated their pledges. This is  
22 all a matter of history and our alliance now is  
23 on the Governor.

24 The Governor has signed a pledge, as did

2           the three Republicans who ran for Governor,  
3           saying that they would veto any legislation that  
4           was not the result of an independent commission.  
5           The Governor has repeated several times that he  
6           intends to keep his pledge and I have no doubt  
7           that he will.

8                     And if he does and if there is the veto,  
9           we have pledges from a majority in both houses  
10          that they will sustain the veto. So, then it  
11          will go into the courts. And if it goes into the  
12          courts, no one knows what will happen. It  
13          depends on the Master and the Court, whether it's  
14          a Federal or a State Court and it's what they  
15          call a crap shoot.

16                    But we believe it will be better than  
17          what you do and that's not intended to offend.  
18          What you're doing, at the behest of the State  
19          Legislature, in my judgment, you may differ with  
20          me, is to draw lines to keep the incumbents there  
21          until they die. We oppose that. A substantial  
22          majority of the people of New York oppose that.  
23          And when the Governor vetoes and the legislation  
24          goes to the Federal or State Court, it's our hope

2           that the Courts will oppose that.

3                       We don't know that for certain. We're  
4           not--you know, there are jurisdictions where they  
5           did and jurisdictions where they did not and  
6           that's why nobody can be certain and that's why  
7           we hope that the State Legislature will come to  
8           its senses and say they'd rather be a partner in  
9           the process than to be a victim of the process,  
10          should it turn out to be other than what they  
11          would like by virtue of the Court's decision.

12                      So, that's my testimony and I thank you  
13          for hearing me.

14                      ASSEMBLY MEMBER MCENENY: Mayor, I have  
15          to get you on this one. I don't know what you  
16          know of my career, starting with the Peace Corps,  
17          the war on poverty, City Commissioner under Mayor  
18          Corning for a dozen years, Deputy County  
19          Executive and County Historian, etc., etc. Why  
20          would you consider me an enemy of the people? Do  
21          you think that's--

22                      MAYOR KOCH: [Interposing] It's easy.

23                      ASSEMBLY MEMBER MCENENY: Do you think  
24          that's rather extreme language, something like

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2           that we have in the House of Representatives?

3                   MAYOR KOCH: No, it's apt. I assume  
4           what you're telling me is that you didn't sign  
5           the pledge and we--

6                   ASSEMBLY MEMBER MCENENY: [Interposing]  
7           No, I never sign pledges. I look for legislation  
8           before I sign them.

9                   MAYOR KOCH: You know, let me make--if I  
10          may respond?

11                   ASSEMBLY MEMBER MCENENY: Yeah.

12                   MAYOR KOCH: That response, which came  
13          from several people; "I never sign pledges." So  
14          then you can't put together a coalition. I mean,  
15          it's ridiculous. That's just a subterfuge for  
16          saying, "I don't agree with you," in my humble  
17          opinion. There is now way that you can put  
18          together a coalition around particular  
19          legislation, which we were--unless you get people  
20          saying, "I'm committed." It's normal.

21                   ASSEMBLY MEMBER MCENENY: And if you  
22          don't agree with me, you're an enemy of the  
23          people?

24                   MAYOR KOCH: Absolutely an enemy of the

2 people.

3 ASSEMBLY MEMBER MCENENY: Do you think  
4 that's a little extreme?

5 MAYOR KOCH: Absolutely and a hero and  
6 what is so sad is how many people ran as heroes  
7 who were enemies ultimately and just used the  
8 hero pledge as a shield. They defrauded their  
9 constituents. That's the poll. The poll shows  
10 that, I think I heard it was like two-thirds,  
11 somewhere in there--

12 MALE VOICE: [Interposing] Over.

13 MAYOR KOCH: Over two-thirds; that if  
14 you don't do what you pledge to have done, you've  
15 insulted your constituency.

16 ASSEMBLY MEMBER MCENENY: Now, you were  
17 a chief executive here.

18 MAYOR KOCH: And I was a Congressman and  
19 I was a City Councilman.

20 ASSEMBLY MEMBER MCENENY: And you were a  
21 Congressman in probably a very nicely drawn  
22 district at that.

23 MAYOR KOCH: No, actually it was a  
24 Republican district and I was the first Democrat

2 in 31 years to take it.

3 ASSEMBLY MEMBER MCENENY:

4 Congratulations, but--

5 MAYOR KOCH: [Interposing] It was the  
6 John Lindsay Silk Stocking district.

7 ASSEMBLY MEMBER MCENENY: But would you  
8 recommend that a chief executive veto a bill  
9 before he has read it?

10 MAYOR KOCH: Let me just say, whether  
11 he's read it or not, if you've described it or in  
12 this particular case, we know that it eliminates  
13 the process. I mean, what you're--may I first  
14 say this. I hope that you don't take any of this  
15 personally. [Laughter] I mean--

16 ASSEMBLY MEMBER MCENENY: It shocked me.  
17 I've never been called an enemy of the people  
18 before.

19 MAYOR KOCH: Well, I mean, it's always a  
20 first time. [Laughter] And when I say not to  
21 take it personally, what I mean by that is this.

22 I have been in public office actually  
23 since 1966 and I have been in 23 elections,  
24 sometimes three in one year; a primary, a run-off

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2 or a general and I served as Mayor for 12 years.  
3 And I like to think that my public service; that  
4 I was devoted to the common cause of creating a  
5 better government. You know, you have to take a  
6 lot when you're in government. You know that.  
7 You don't get paid what you can get paid in the  
8 private sector, but it's not important. There's  
9 nothing like public service at the highest levels  
10 and particularly if you're committed to good  
11 government. I mean, it's a constant struggle and  
12 people want to stay in office forever. And if  
13 you look at the statistics it's like they do. I  
14 mean, I think it's legislators in Albany are  
15 reelected to the extent that only three percent a  
16 year ever lose. I mean, that's pretty good. I  
17 don't know where the odds are better. But that's  
18 not good for the public. It isn't. What you  
19 want is a level playing field. And when you look  
20 at me, you're not looking at an - - . I cross  
21 party lines. [Laughter] And when I cross them,  
22 they're always - - , but do I care? Absolutely  
23 not. If I think that what I'm doing is in the  
24 best interest of the people of the city and the

2 state of New York.

3 SENATOR NOZZOLIO: Mr. Mayor, the  
4 comment you made about repudiating; I think it  
5 should be highlighted that the Senate voted to  
6 establish an independent commission for  
7 redistricting.

8 MAYOR KOCH: It did?

9 SENATOR NOZZOLIO: That independent  
10 commission, because of council's advice and not  
11 just Senate Council's advice, but reports from  
12 the New York City Bar Association requested, and  
13 I think even you, in proposing this last year,  
14 suggested that the real way to achieve this  
15 objective is through a state constitutional  
16 amendment.

17 MAYOR KOCH: No, that's for permanence.

18 SENATOR NOZZOLIO: Excuse me, Mr. Mayor.  
19 Let me finish my question before you answer.

20 MAYOR KOCH: Of course. I'm sorry.

21 SENATOR NOZZOLIO: What the Senate  
22 established was a constitutional amendment to  
23 change the process. We were in the minority.  
24 While we were in the minority, we did not see the

2 Democrats who controlled the majority change the  
3 constitution and they had enough time to do that.  
4 I'm sorry, Mr. Mayor, if the constitution's an  
5 inconvenient truth on the independent commission  
6 and I'm sorry that its timing might not be what's  
7 appropriate. I congratulate you on your efforts  
8 to focus on this issue and I think to get it to  
9 the point where we are at first passage of a  
10 constitutional amendment is a tribute to your  
11 good work.

12 I should also say though that the  
13 measures that you and Mr. Dadey and others are  
14 supporting has the deck stacked against  
15 Republicans.

16 MAYOR KOCH: How?

17 SENATOR NOZZOLIO: When you have an  
18 eight-member selection committee, six of whom are  
19 chosen by Democrats; six to two show's it's  
20 stacked and that I think that that is a process  
21 that gives concern on a political end. But  
22 really the focus is on a legal end. To achieve  
23 the mathematical deviations that you're  
24 recommending, you really need a constitutional

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2 amendment change. And if it's to be permanent,  
3 you need a constitutional amendment change. If  
4 it is to be truly non-partisan, I believe you  
5 need a constitutional amendment change.

6 So I think that's a correction in your  
7 comments in that the Senate has passed an  
8 independent redistricting bill.

9 MAYOR KOCH: May I respond?

10 SENATOR NOZZOLIO: Of course.

11 MAYOR KOCH: I'm sorry I interrupted  
12 you. Firstly, in my first conversation with the  
13 majority leader, he said to me what you just  
14 said. And I said, "You know, if the legislation  
15 is unfair in terms of the numbers and who's  
16 represented and so forth, we'll get that  
17 changed." And we went back to the two  
18 legislators, Gianaris [phonetic] and Volesky, and  
19 ask them you change it. And they did; so that  
20 there was no increase for the one side over the  
21 other.

22 And then when the Governor introduced  
23 his legislation and put his designation in, he  
24 called me. And I said, "Governor," I remember

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2           this initially. I said, "Governor, unless you  
3           agree to give one of your two appointments to the  
4           Republican, they're not going to accept it  
5           because we went through this. And he said, "I  
6           do." And I personally delivered that message.  
7           So that you cannot say the legislation that was  
8           offered is unfair or favors one party over the  
9           other. That's number one.

10                   Two, as it relates to the constitutional  
11           amendment. We're all for a constitution  
12           amendment, but the pledge is for this election.  
13           It's not for an election ten years from now.  
14           It's for this election. The constitutional  
15           amendment is for the forthcoming elections and  
16           every Senate member knew that.

17                   When the Senate Majority leader; I  
18           called him and I remember the conversation very  
19           well. I said, "You gotta be crazy not to sign  
20           this pledge. It makes you the Reformed party and  
21           I will say so." So he said, "I'll check and see  
22           whether or not they changed the legislation," so  
23           that the empowerment, or however you want to  
24           discuss it, is equal. He came back and he said

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2 to me, "I'm on board. I'm signing. But don't  
3 give it to the press yet, because I want to give  
4 my caucus notice of what I'm doing." And then an  
5 hour later I was called, and he said to me,  
6 "Everybody wants to sign."

7 So, I think it was 29; 28 or 29. I  
8 mean, and when we made that public, I said at  
9 that time, "The Republican Party at this moment,  
10 on this matter is the party of Reform." You're  
11 aware of that? So, I think I've answered it.

12 SENATOR NOZZOLIO: Thank you for your  
13 answer. I don't really believe that the  
14 permanency required can be achieved through a  
15 wink and a nod and saying that the Governor's  
16 willing to put his appointees for Republicans.  
17 What happens when Governor Cuomo's not there and  
18 it's left to some other Governor to do this? I  
19 think you'd want a legacy of permanence and a  
20 legacy--

21 MAYOR KOCH: [Interposing] It was for  
22 this election.

23 SENATOR NOZZOLIO: --in the statute and  
24 in the constitution. But, thank you for your

2           comments.

3                   MAYOR KOCH: Thank you, sir.

4                   ASSEMBLY MEMBER MCENENY: Senator?

5                   SENATOR DILAN: Yes, I just want to  
6           correct the record with respect to a comment that  
7           you made that you said that you have pledges in  
8           both houses to have the Governor override any--

9                   MAYOR KOCH: [Interposing] I've got  
10          pledges to that affect.

11                  SENATOR DILAN: You do?

12                  MAYOR KOCH: Yeah.

13                  SENATOR DILAN: I don't think so. I  
14          think I have a letter in my possession that I got  
15          24 members of the Senate to sign to do that. You  
16          don't have that in your possession. I did have  
17          the assistant--

18                  MAYOR KOCH: [Interposing] So, what  
19          you're telling me is they lied to me and they  
20          lied to you.

21                  SENATOR DILAN: Well, not yet because  
22          the Governor has not overridden--

23                  MAYOR KOCH: [Interposing] No, but he  
24          says he will.

2                   SENATOR DILAN: --any legislation, but I  
3                   must say that I did have assistance from Mr.  
4                   Dadey.

5                   MAYOR KOCH: I have no doubt about that.

6                   SENATOR DILAN: I just wanted to clarify  
7                   that. Thank you. And I'm also an enemy of  
8                   reform.

9                   MAYOR KOCH: I'm a little deaf. What  
10                  did he say?

11                  Voice: - - .

12                  MAYOR KOCH: Oh, and you say it proudly,  
13                  right? You're an enemy of reform. Good.

14                  ASSEMBLYMAN OAKS: Mr. Mayor, I just  
15                  wanted to add a couple of comments to some of the  
16                  things that have been mentioned. First of all, I  
17                  am not one who signed your pledge, but I am a  
18                  sponsor of legislation. I often feel that the  
19                  person who holds the pledge after you've signed  
20                  it is in power of what the person meant as  
21                  opposed to the person who signed it, and that's  
22                  kind of my problem with pledges.

23                  But I think--just a couple of comments  
24                  about the Governor's bill. With all due respect

2 to Senator Nozzolio, I think it doesn't give the  
3 Democrats a benefit. It gives the Governor's  
4 party or the Governor the benefit. So should  
5 next redistricting be a Republican, it would give  
6 the Republicans undue power in that some of the  
7 other Reform legislation of what I've been a part  
8 of would have like a super majority which you  
9 would have to have more than half making  
10 decisions and so it would require members of both  
11 parties to be able to agree to some of that and  
12 so I think anything on the Reform side should  
13 include that type of provision.

14 And then, just finally for me, obviously  
15 we are here as a part of existing law, following  
16 where we are. And I take that responsibility  
17 very seriously and being a part of that. Should  
18 that be something different between now and when  
19 redistricting is completed, I guess is still yet  
20 to be seen. But I think this process and having  
21 input from people around the state is something  
22 that we have continued to do and hopefully that  
23 is an important part of the process.

24 ASSEMBLY MEMBER MCENENY: Senator Dilan?

2                   SENATOR DILAN: Yes, I just need to  
3 follow up on the comment of enemy of reform. I  
4 should have said that I am still an enemy of  
5 reform. I want to clear this up because I had  
6 two pieces of legislation to create an  
7 independent commission which was never recognized  
8 by your group.

9                   Currently, my two bills are the ones  
10 that the Governor is putting out which all of a  
11 sudden you do support. I also met with you, I  
12 think it was earlier this year, and you  
13 indicated--I was trying to clarify the issue of  
14 friend or hero or enemy and you indicated the  
15 only way that I could be taken off the list is if  
16 I supported the Gianaris bill, which is what you  
17 picked. I did that and I'm still an enemy of  
18 reform.

19                   MAYOR KOCH: Senator, let me just say  
20 this--

21                   SENATOR DILAN: [Interposing] So,  
22 everything is for your convenience, sir. That's  
23 all I'm saying.

24                   MAYOR KOCH: No, no. Let me just say

2           this. I don't have the details as it relates to  
3           your particular--

4                    SENATOR DILAN: [Interposing] I've done  
5           everything I had to do. You have not.

6                    MAYOR KOCH: No, I'm sure that  
7           everything you've said is correct. I mean I  
8           don't have the details in my head as to these  
9           details. I know that you--my recollection is  
10          that you came in to tell me that you were with us  
11          but you wouldn't sign the pledges. That's my  
12          recollection.

13                   SENATOR DILAN: That's correct.

14                   MAYOR KOCH: And what I said to you is  
15          what I said earlier, which is people who give as  
16          an excuse, "I won't sign pledges," and therefore  
17          they're not restrained and they can do whatever  
18          they want to do can't be part of a coalition and  
19          no coalition can work that way in my judgment.  
20          And I've done a lot in terms of coalitions.

21                    But you've got to agree and it in this  
22          case, it was by the pledge. So because you  
23          wouldn't sign the pledge, we declared you to be  
24          an enemy of reform and you still are and you're a

2 proud enemy of reform.

3 SENATOR DILAN: Well, no. You're  
4 incorrect because you said, "If you want that  
5 label taken off, go on the Gianaris bill." And I  
6 did and I'm still an enemy of reform. So the one  
7 that has not kept his word here is you, sir.

8 MAYOR KOCH: But you wouldn't sign the  
9 pledge, wasn't that it?

10 SENATOR DILAN: I think we're being  
11 redundant now, sir. Thank you.

12 MAYOR KOCH: Thank you.

13 SENATOR NOZZOLIO: Thank you very much.

14 ASSEMBLY MEMBER MCENENY: Your honor,  
15 it's always a pleasure to spar with you in this  
16 matter and in others and I appreciate your long  
17 dedicated public service to the people of New  
18 York and beyond. I think you're dead wrong, but-  
19 -

20 [Laughter]

21 MAYOR KOCH: I understand that.

22 ASSEMBLY MEMBER MCENENY: But it's a  
23 pleasure to see you and thank you so much for  
24 coming down today. Mr. Dadey, did you want to

2 add since we're on this topic.

3 RICHARD DADEY, EXECUTIVE DIRECTOR -

4 CITIZENS UNION: Sure. Thank you. And I

5 appreciate your flexibility in combining a panel

6 that I was on earlier with former Attorney

7 General Robert Abrams and CNN Columnist John

8 Avlon, both of whom had last minute changes this

9 morning. I'm fortunate to be able to join Mayor

10 Koch's panel here.

11 I extend good morning wishes to all of

12 you and in spite of our disagreements on how to

13 address this issue; I do want to thank you

14 publicly for the service that you're providing to

15 New Yorkers. You've traveled throughout the

16 state over the last number of months and still

17 have a lot to do and I appreciate your holding

18 these hearings and trying to get feedback from

19 New York residents on how best to do this.

20 My name is Dick Dadey obviously and I'm

21 the Executive Director of Citizen's Union and

22 over the past year, as you know, Citizen's Union

23 has spearheaded a campaign, Reshape New York, to

24 reform the redistricting process of which Mayor

2 Koch and Henry Stern have been a part of.

3 This coalition consists of 37 groups,  
4 including civic and community organizations,  
5 unions and business groups that have called for  
6 the legislature this summer to return to Albany  
7 this fall to finally end partisan gerrymandering,  
8 echoing the growing and continued support among  
9 the public for an independent commission.

10 Just yesterday, a Quinnipiac poll showed  
11 that the vast majority of voters support removing  
12 some or all of the legislature's ability to  
13 control the redistricting process. 50% of voters  
14 support a fully independent commission with no  
15 legislative input and another 27% support an  
16 independent commission with some legislative  
17 input, which should be noted is the model  
18 provided in legislation introduced by Governor  
19 Cuomo. Together 77% of voters in this poll  
20 believe that the current process of legislators  
21 drawing their own lines must end.

22 Further, 48% polled said that they would  
23 feel betrayed if LATFOR continued its current  
24 process and the lines are drawn the same old way.

2           The public should feel betrayed. 184 of the 212  
3           members of the legislature either pledged to the  
4           voters during the campaign season to support an  
5           independent commission or co-sponsored  
6           legislation that would reform the redistricting  
7           process this past legislative session, including  
8           members of this very body.

9                     Assemblyman Oaks, thank you for  
10            sponsoring, along with Assemblyman Jeffries,  
11            redistricting reform legislation in the Assembly.  
12            Thank you, Assemblyman McEneny, for sponsoring  
13            legislation that was introduced by Governor  
14            Cuomo. Senator Nozzolio, thank you for being the  
15            only one on this panel who actually voted for an  
16            independent commission this year. Even though we  
17            may have disagreements about the timing, you did  
18            vote in favor of an independent commission.  
19            Senator Dilan, last year you introduced two  
20            pieces of legislation and then also co-sponsored  
21            Senator Gianaris'. You all have come out in a  
22            public way in support of this process. Given  
23            that, we should find a common way forward.

24                     At hearing after hearing before LATFOR

2           this summer and fall, members of the public have  
3           pointed to communities being split apart,  
4           minority groups being marginalized and partisan  
5           gerrymandering taking place at the expense of  
6           representation of voters. Decades of  
7           gerrymandering have led to a public that is  
8           understandably wary of the maps that will be  
9           drawn for 2012. Governor Cuomo has also no  
10          confidence that LATFOR can be impartial and draw  
11          non-partisan lines and has stated quite clearly  
12          that he'll veto lines that are drawn by this  
13          body.

14                   I think the time has come that enough is  
15          enough. The legislature should return to Albany  
16          this fall in a special session to finally address  
17          this issue. There are promising discussions  
18          taking place among the Assembly, the Senate and  
19          the Governor's office about how to find an  
20          alternative and acceptable resolution to this  
21          issue. Citizen's Union believes that we must  
22          find the common ground needed to bring  
23          independence and integrity to the redistricting  
24          process. And it's hopeful, given the commitments

2           made over the past year and by four of you here  
3           and the level of support in the legislature that  
4           exists for this reform.

5                        So today I would like to put publicly on  
6           the table the framework for the Governor, the  
7           State Senate and the State Assembly to follow in  
8           resolving this impasse and implement the needed  
9           reform that you all philosophically support and  
10          will allow us to move forward.

11                      There are two key elements to this.  
12          Citizen's Union and others are willing to work  
13          with the legislature and the Governor to adopt  
14          legislation that creates a less than ideal reform  
15          approach for 2012, but one that remains  
16          consistent with the principles of the current  
17          reform proposals of creating an impartial process  
18          by an independent panel, directly appointed by  
19          the legislative leader, but on which no  
20          legislator would serve.

21                      The panel would inherit the good work  
22          done today by LATFOR and be guided by established  
23          and agreed upon criteria. The criteria would not  
24          be as strong as originally proposed in the

2           legislation by Gianaris, Valesky, Jeffies and  
3           Governor Cuomo, but sufficiently clear so as not  
4           to continue the rigged practice of political  
5           manipulation and the drawing of lines for  
6           partisan gain. This processing panel would still  
7           recommend maps to the legislature which would  
8           ultimately have the final say.

9                        In accepting this less than ideal  
10           approach for 2012, Citizen's Union and members of  
11           Reshape New York would insist on seeing that this  
12           year's so to speak reform-light legislative  
13           approach be tied to the passage of a much needed  
14           constitutional amendment that would bring  
15           wholesale change to the redistricting process and  
16           create a new, impartial and independent permanent  
17           process; one promised to the voters during last  
18           year's fall campaign.

19                       Citizen's Union stands ready and has  
20           already been working with the State Senate, State  
21           Assembly and the Governor's office in trying to  
22           find an alternative way forward that we all can  
23           embrace. The time has not run out for this to  
24           occur. We can all walk away from this with our

2 heads held high in finding an acceptable solution  
3 that does not give partisan gain to one side or  
4 the other, but restores the confidence of New  
5 Yorkers that the pledges that many of you made  
6 and the legislation that you are co-sponsoring  
7 can in fact be realized.

8 For CU and members of Reshape New York,  
9 comprehensive reform is needed. The creation of  
10 an independent commission goes hand in hand with  
11 strong criteria. They cannot be separated. We  
12 strongly believe that regardless of the criteria,  
13 whoever holds the pen in drawing district lines  
14 controls the process. It is critical that the  
15 conflict of self-interest that exists with  
16 legislators drawing their own lines so directly,  
17 as is the process through LATFOR, be removed in  
18 order for New Yorkers' confidence to be restored.

19 184 legislators made promises last year  
20 or co-sponsored legislation this year. New  
21 Yorkers are still expecting the legislature to  
22 reform this year's process. Don't ask them to  
23 wait any longer. Return to Albany, consider this  
24 new approach in resolving this impasse and pass

2 the promised redistricting reform that you all  
3 have said you support. Thank you.

4 ASSEMBLY MEMBER MCENENY: Thank you very  
5 much, Mr. Dadey. The bill that I'm on, which is  
6 the Shelly Silver bill, introduced at the request  
7 of Governor Cuomo, widely called the Cuomo bill,  
8 has some flaws and it needs amendment. It has a  
9 1% variance. The constitution does not allow us  
10 to split towns. Obviously we have to qualify  
11 that in the legislation.

12 It also has some things that are very  
13 demeaning to the legislature. A PhD in  
14 demographics could not be appointed if they  
15 worked in the mailroom for one summer. That's  
16 saying that the legislature is so corrupt and  
17 tainted that if you had any background associated  
18 with it; in the meantime, the Governor's  
19 appointees could be major contributors,  
20 campaigners; they could have all kinds of  
21 perceptions of conflict of interest and nobody  
22 asked them to rise to the same standard. So  
23 balancing it without the good branch and the bad  
24 branch implication I think is important.

2           The term ideal is a subjective deal; is  
3           a subjective word. And I think most of us that  
4           are on that bill knew that some compromise, some  
5           amendment to the bill to make it a more  
6           reasonable bill and less demeaning to the  
7           legislature and to put in a proper balance would  
8           take place. It would be ideal. We waited till  
9           the end of session to start these proceedings and  
10          now we will have 28 of these public hearings.  
11          14, as I mentioned before, conceptual and 14  
12          looking at draft lines for people to comment on.

13           The one thing that I do have to mention;  
14          are you aware of what happened when the county  
15          executive of Erie County vetoed the lines for the  
16          county legislature? It went to the courts.

17           MR. DADEY: Yes.

18           ASSEMBLY MEMBER MCENENY: And what did  
19          the courts do? They canceled the primary.

20           MR. DADEY: Right.

21           ASSEMBLY MEMBER MCENENY: I think  
22          sending it to the courts, which is the great  
23          unknown and the great unpredictable, would be  
24          irresponsible on the part of the Governor. My

2           hope is that he would spend less time worrying  
3           about how and more time worrying about what the  
4           end product is.  It it's a lousy end product, he  
5           should veto it.  If it's a good end product, he  
6           should respect the process.

7                       MR. DADEY:  To your point, the two  
8           issues you mention are two of maybe a half dozen  
9           issues that have been talked about in the last  
10          couple months about trying to address and resolve  
11          to the satisfaction of all the parties.  And  
12          there's been significant movement on those very  
13          issues you laid out, Assemblyman McEneny.  And I  
14          think that the Governor is sticking to his guns  
15          on the veto threat as a mechanism to get everyone  
16          to the table to show that he means business.

17                      ASSEMBLY MEMBER MCENENY:  That's sort of  
18          like the enemy of the people pledge or going to  
19          the--I think extreme language is plaguing the  
20          American democracy and I hate to see that line in  
21          the sand type of thing, the absolutism.

22                      MR. DADEY:  Which is why I thanked you  
23          for your service and for your support from the  
24          various pieces of legislation this past year.

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2                   SENATOR NOZZOLIO: Thank you for your  
3                   input.

4                   MR. DADEY: Mayor Koch wanted one more  
5                   thing to say, if you--

6                   MAYOR KOCH: [Interposing] And that is  
7                   former Deputy Mayor Rudy Washington is with us in  
8                   support of Outrage, of which he's a trustee. I  
9                   just wanted to note his presence.

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

12                  ASSEMBLY MEMBER MCENENY: Is that it?

13                  VOICE: You're next.

14                  ASSEMBLY MEMBER MCENENY: Henry Stern I  
15                  believe?

16                  HENRY STERN - NEW YORK UPRISING: Yes.

17                  ASSEMBLY MEMBER MCENENY: Go ahead, Mr.  
18                  Stern.

19                  MR STERN: I'm here as president of New  
20                  York Civic. I'm a retired city employee.

21                  ASSEMBLY MEMBER MCENENY: Talk directly  
22                  into the microphone.

23                  MR. STERN: Here? Like this?

24                  ASSEMBLY MEMBER MCENENY: Push it down a

2 little bit and right into it.

3 MR. STERN: This way?

4 ASSEMBLY MEMBER MCENENY: Yes.

5 MR. STERN: Okay. The point of  
6 redistricting is fairness. It's not an issue of  
7 the left versus the right, or the rich versus the  
8 poor or one particular ideology over another.  
9 It's simply playing fair the level playing field.  
10 That's very important because you can't have a  
11 competition in which one side decides the size of  
12 the field, chooses the umpires and in effect  
13 dominates the proceeding. You really want it to  
14 be fair to the people.

15 Now one particular reason why I don't  
16 want the legislative leaders doing the  
17 districting is not only that it's unfair to  
18 challengers and new people trying to break into  
19 the system because they protect incumbents as is  
20 natural and human and perfectly acceptable. And  
21 if they did go after incumbents it might be to  
22 purge them, but the fact that they have that  
23 power means that all the legislators have to be  
24 obedient and compliant to their leaders or

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2           they'll lose their districts. So it gives the  
3           leaders enormous power over the members of the  
4           Assembly and Senate of their own party as well as  
5           in the other party. And even the Congress  
6           members who aren't so districted have to remain  
7           silent. You haven't heard any Congress members  
8           speaking on the subject of districting because  
9           they're wise enough to keep their mouths shut.  
10          Lastly--

11                    ASSEMBLY MEMBER MCENENY: [Interposing]  
12          Life is full of coincidences.

13                    MR. STERN: Yes, yes they are. I just  
14          end in that enemies of the people can become  
15          friends of the people by doing the right thing  
16          now or later. That is not a permanent mark on  
17          anyone's forehead on friends who become enemies.

18                    Now, the ten year delay is interesting  
19          because it's the same thing that was pulled by  
20          the New York City Charter Revision Commission.  
21          After the--voted for a two-term limit, it went to  
22          a Charter Revision Commission to implement it.  
23          And the Charter Revision Commission did, but it  
24          didn't make it effective until the 2021

2 elections. Now, there was no constitutional  
3 barrier or excuse to that. They could have made  
4 it effective in 2013. The people thought it  
5 would. But they locked in everyone; they  
6 grandfathered everyone for a new ten years.  
7 That's not right and that's not fair, but that  
8 was something that was within their power. And  
9 by ten years, they hoped the mood would have  
10 changed and people might like three terms.  
11 That's not right. That's ridiculous.

12 I hope that you do the right thing and  
13 the right thing is achieving fairness. And you  
14 can't have people's lives and futures and  
15 committee chairs and everything else in the power  
16 of other people and expect the elected  
17 legislators to act independent. We might call  
18 this charter revision or this reform the  
19 Legislature Independence Act.

20 ASSEMBLY MEMBER MCENENY: Thank you very  
21 much. Senator Dilan.

22 SENATOR DILAN: Yes, with respect to  
23 your comments, I think I agree with one comment  
24 you made and I disagree with a second.

2           The first one is that there should be  
3           fairness and that one side should not be deciding  
4           this issue. However, I believe that your side is  
5           inflexible because you've taken the position that  
6           we have the right approach to this. I've  
7           introduced legislation, Assemblyman McEneny has  
8           introduced legislation and because it's not the  
9           legislation you picked, it's wrong.

10           However, there are different  
11           perspectives, different ideas and if we could  
12           have sat down and worked with these two  
13           legislations, maybe we would have an independent  
14           commission. You took a very rigid approach to  
15           the way you handled this. So I do agree with you  
16           on that, but it should be everyone working  
17           together on this.

18           The other thing that I disagree with you  
19           on is that there's still chance to be a hero. I  
20           don't believe that because I've done everything  
21           you asked and I'm still an enemy of reform.

22           SENATOR NOZZOLIO: Thank you. Thank you  
23           very much.

24           ASSEMBLY MEMBER MCENENY: One other

2           thing. There's a number around that only 3% of  
3           incumbents get reelected. How come we got 26 new  
4           members of the Assembly in the last election?  
5           That's a phony number. What it should be; of  
6           those who choose to run, of those who won their  
7           primary, those people then who are incumbents  
8           overwhelmingly get reelected. It ignores the  
9           fact that there are people defeated in primaries.  
10          It only refers to the general election and in the  
11          city of New York in particular, the primary is  
12          everything in many of our districts because of  
13          the enrollment of the people. And also, it does  
14          not include people who, career politicians if you  
15          will who know perfectly well they're going to  
16          lose; guess what they do? They don't run. So  
17          that 3% figure is shockingly misleading. It's  
18          not--that's not a level playing field of  
19          statistics to judge by. Thank you very much. We  
20          appreciate all the work that you've done and the  
21          motivations, which are pure. Next on the list I  
22          have Jeffrey Eaton [phonetic], president of the  
23          mid--Manhattan Branch of the NAACP. Those people  
24          who for any reason--good to see you again.

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2 MALE VOICE: Good to see you, sir.

3 ASSEMBLY MEMBER MCENENY: - - here and  
4 signed up, they will have an opportunity again.  
5 Costas Panagopoulos. Costas Panagopoulos. To  
6 follow up on those numbers, there have been 331  
7 members of 150-member Assembly since 1990.  
8 That's pretty heavy turnover.

9 SENATOR NOZZOLIO: Would someone turn on  
10 the light switch please? Someone who turned off  
11 the light--is that switch, would you check that  
12 one? Here we go, that starts us.

13 ASSEMBLY MEMBER MCENENY: Very good.  
14 Good morning, sir.

15 COSTAS PANAGOPOULOS, PHD: Good morning.  
16 I am pleased to be here this morning to testify  
17 before LATFOR as it considers matters related to  
18 redistricting in New York. I'm a political  
19 science professor at Fordham University where I'm  
20 also director of the Center for Electoral  
21 Politics and Democracy. In full disclosure, I  
22 also note that I direct the 2012 New York  
23 Redistricting Project. This initiative based at  
24 my center is devoted to raising public awareness

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2           about redistricting in the Empire State and to  
3           encouraging greater public input and involvement  
4           in the redistricting process partly by exposing  
5           New Yorkers to software platforms that enable  
6           them to easily design maps at no cost that can be  
7           submitted to the State legislature or to LATFOR  
8           for adoption consideration.  Incidentally, I echo  
9           your comments about the fact that it has never  
10          been as easy as it is today using these software  
11          platforms for ordinary citizens to navigate  
12          complicated procedures to produce maps that are a  
13          result of applying fair and objective criteria.

14                    That said, my testimony today will not  
15                    focus on this advocacy work but rather on the  
16                    presentation and discussion of empirical results  
17                    produced by a recent study I conducted.

18                    Let me preface my remarks by stating my  
19                    firm view that public policy debates can be  
20                    enhanced by taking into account conclusions based  
21                    on empirical evidence generated by systematic  
22                    social scientific inquiry rather than on  
23                    anecdotal evidence or conjecture.

24                    So today I'll report the results of a

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2 nationally representative survey and a survey  
3 experiment I conducted in fall 2008 that included  
4 items related to redistricting in states across  
5 the country. The survey was an internet-based  
6 panel administered by Polymetrics [phonetic],  
7 which includes a main section of common content  
8 and additional modules. I focused first on the  
9 public's familiarity and satisfaction with  
10 redistricting institutions. To gage levels of  
11 these, all respondents were asked the following  
12 question: Are you satisfied or dissatisfied with  
13 the process by which Congressional District lines  
14 are drawn in your State? Response options  
15 included satisfied or dissatisfied as well as  
16 don't know how Congressional lines are drawn in  
17 my state option. The results, which I provided  
18 to you in an appendix, reveal that the public is  
19 generally poorly aware of how redistricting is  
20 conducted in their respective states.

21 Overall a majority of respondents, 54%,  
22 indicated they were not aware of how  
23 Congressional lines are drawn in their states.  
24 Additionally, levels of satisfaction and

2           dissatisfaction overall were even at 23% each.  
3           The results also reveal some key differences in  
4           levels of awareness as well as satisfaction by  
5           key demographic traits. Blacks and Hispanics are  
6           significantly more likely than Whites. Democrats  
7           are significantly more likely than Republicans to  
8           know how Congressional boundaries are drawn in  
9           their states while older Americans are  
10          significantly less likely than younger Americans,  
11          men are significantly less likely than women, and  
12          more educated citizens are significantly less  
13          likely than less educated respondents to know how  
14          lines are drawn.

15                   Turning next to levels of satisfaction  
16                   by demographic attributes, I find that younger  
17                   Americans, those under 30, report being more  
18                   satisfied than dissatisfied while levels of  
19                   satisfaction are more evenly distributed for  
20                   Americans over 30. Men report being less  
21                   satisfied overall while the reverse is true for  
22                   women. Whites are evenly split in terms of  
23                   satisfaction levels, and Blacks and Hispanics  
24                   appear to be less satisfied with how

2           redistricting is conducted. In terms of  
3           partisanship, both Democrats and Republicans are  
4           more satisfied than dissatisfied although net  
5           levels of satisfaction are greater for  
6           Republicans than Democrats. Independents are  
7           much less satisfied with redistricting  
8           procedures.

9                        These data have important implications  
10           because awareness is a foundation on which  
11           political institutions can be viewed as  
12           legitimate, and polls are meaningless unless  
13           people know what they are talking about and what  
14           they are being asked about. And it appears that  
15           they are not so aware.

16                       I proceed to focus on the impact of two  
17           types of redistricting institutions next, in this  
18           case redistricting done by state legislatures,  
19           compared to non-partisan independent commissions,  
20           one of the popular reform options that as we have  
21           heard here today you are considering. I examined  
22           confidence that district boundaries will be drawn  
23           fairly.

24                       To investigate this, I embedded a

2 randomized experiment in my survey. Half of  
3 respondents were assigned randomly to be asked  
4 the following question: As you may know the next  
5 census in the U.S. will be conducted in 2010, and  
6 the Congressional district boundaries in your  
7 district may be redrawn. How confident are you  
8 that either the State legislature or a non-  
9 partisan independent commission will redraw  
10 district boundaries fairly? So fairness is the  
11 key variable of interest here. So half of  
12 respondents got the state legislature; half of  
13 them got the non-partisan commission. The  
14 respondent distributions are also made available  
15 to you and suggest that at least half of  
16 respondents failed to express confidence that the  
17 redistricting process yields boundaries that are  
18 fairly drawn regardless of which experimental  
19 condition people have been assigned to. Analysis  
20 of the results also shows that respondents who  
21 were told their congressional boundaries would be  
22 drawn by the State legislature were actually more  
23 likely than subjects who were told that the lines  
24 would be drawn by a non-partisan commission to

2 report greater confidence that lines would be  
3 drawn fairly, but this affect was not  
4 statistically significant at conventional levels.

5 After subjecting the data to more  
6 rigorous empirical analysis to control for  
7 imbalance across experimental conditions, the  
8 evidence suggests those subjects who were told  
9 that their Congressional boundaries would be  
10 drawn by a non-partisan commission were no more  
11 likely than subjects told their boundaries would  
12 be drawn by the state legislature to express  
13 confidence that lines would be drawn fairly.  
14 These affects do not appear to differ by  
15 demographic traits including age, gender,  
16 education, race or partisanship.

17 The evidence implies that citizens  
18 perceive there to be no difference in terms of  
19 how fairly District boundaries are drawn  
20 regardless of whether the process is conducted by  
21 the State legislature or by a non-partisan  
22 commission.

23 I draw the following main conclusions  
24 from these findings. First, that the public

2 overall remains very poorly informed about  
3 redistricting institutions in their states and  
4 that there are important differences in levels of  
5 awareness about redistricting by key demographic  
6 traits. Two, among citizens who report being  
7 informed about the redistricting process, there  
8 are key differences in satisfaction levels about  
9 the process by key demographic traits. Finally,  
10 although my own personal view is that an  
11 independent commission may have advantages, the  
12 evidence that I presented today suggests that the  
13 public's confidence that a non-partisan  
14 commission would draw district boundaries more  
15 fairly is no different than if the redistricting  
16 is done by the State legislature.

17 These results help to shed light on  
18 important aspects of public awareness and  
19 attitudes about redistricting as well as on the  
20 effects of different redistricting institutions  
21 on perceptions of fairness. My hope is that  
22 these findings based on rigorous and objective  
23 scientific research and analysis will inform the  
24 public debate as this body contemplates reform

2 options. Thank you.

3 ASSEMBLY MEMBER MCENENY: Thank you. Go  
4 ahead, Senator.

5 SENATOR NOZZOLIO: Very eye-opening  
6 analysis. Thank you for your presentation today,  
7 Doctor. One thing that you are doing that we  
8 find very interesting you have a web site for  
9 what your institute is about and what your  
10 project is about?

11 DR. PANAGOPOULOS: Yes, we do. The web  
12 site dedicated to the redistricting project  
13 specifically is New York Redistricts.org. We  
14 will be launching that project on September 30th  
15 at Fordham at our Lincoln Center Campus and  
16 inviting the public to participate in a series of  
17 workshops we'll be organizing throughout the  
18 state of New York to come in, be exposed to the  
19 software, be trained and shown how to use it.  
20 It's very easy to use and simple, and we hope  
21 that many people, ordinary citizens as well as  
22 groups and other vested interests will exercise  
23 the option of using this software to produce maps  
24 and submit them for consideration.

2                   SENATOR NOZZOLIO:    Would you be so kind  
3                   as to communicate that web site to members of  
4                   this committee?

5                   DR. PANAGOPOULOS:   Yes, I will.

6                   SENATOR NOZZOLIO:    Would you also be so  
7                   kind as to put the LATFOR web site link on your  
8                   web site?  I think it's--we're trying to  
9                   encourage citizen participation through the  
10                  LATFOR web site establishing this record.  You  
11                  were videoed, and that video will be part of the  
12                  permanent record.  People can view those  
13                  testimonies.  I believe submissions also could be  
14                  to that link, and if you would put the link to  
15                  the LATFOR web site on your web site, it would be  
16                  appreciated.

17                  DR. PANAGOPOULOS:  I think our interest  
18                  in helping to stimulate awareness and involvement  
19                  into the process is the same.  I'd be happy to do  
20                  that.  I should also note that another extension  
21                  of this project in order to generate even more  
22                  input is a student competition that we're  
23                  holding.  We're encouraging students across New  
24                  York State to submit as part of teams maps that

2 will be evaluated based on a series of the  
3 criteria that we've heard discussed here today  
4 and that are well-known to you, and there will be  
5 a prize associated with first and second-place  
6 winners of that student competition. I hope  
7 you'll encourage students in your districts to  
8 submit plans.

9 SENATOR NOZZOLIO: That's another reason  
10 then to link us in together, and using, I hate to  
11 use the word "conventional", but using web sites,  
12 using Facebook, social interaction networks might  
13 be better to achieve that objection, and  
14 communicating with members of the Commission  
15 would be I think an important first step to take  
16 it beyond just an academic exercise. And to take  
17 it beyond an academic exercise, we are in a very  
18 tight timeframe, so please understand that, that  
19 we are finishing our 14th hearing in about 30  
20 days or so, and that then we have to get heavy  
21 into the process. So if you would emphasize that  
22 in your work it would be appreciated.

23 DR. PANAGOPOULOS: We have already had  
24 to bump up our deadlines to meet the realities of

2 the process as it unfolds here, so we're  
3 following your developments.

4 SENATOR NOZZOLIO: Thank you very much,  
5 Doctor.

6 ASSEMBLY MEMBER MCENENY: Thank you very  
7 much, doctor.

8 SENATOR NOZZOLIO: One additional  
9 question, what is the software that you are using  
10 to do this exercise?

11 DR. PANAGOPOULOS: There are a number of  
12 software platforms available. This particular  
13 one you may be familiar with. It's been  
14 developed by my colleagues Michael McDonald at  
15 George Mason University and Micah Altman at  
16 Harvard University. It's the public mapping  
17 software platform that's freely available that  
18 has been updated with the current New York Census  
19 data. They have promoted use of this software in  
20 states like Virginia and Michigan across the  
21 country. We're adding New York to try to engage  
22 citizens here for projects specific to New  
23 Yorkers. This happens to be the software  
24 platform we're most familiar with, and we're

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2 helping people to get to know and navigate, but  
3 certainly there's no shortage of available tools  
4 so that ordinary citizens can get involved in the  
5 process.

6 SENATOR NOZZOLIO: Thank you very much.

7 ASSEMBLY MEMBER MCENENY: Thank you.

8 Assemblyman Rafael Espinal.

9 MR. RAFAEL ESPINAL, ASSEMBLY MEMBER:  
10 Greetings. Good morning.

11 ASSEMBLY MEMBER MCENENY: Welcome, and  
12 congratulations on your election.

13 ASSEMBLY MEMBER ESPINAL: Thank you very  
14 much. I appreciate it.

15 ASSEMBLY MEMBER MCENENY: You too can  
16 become an enemy of the people now.

17 ASSEMBLY MEMBER ESPINAL: I look forward  
18 to it. Greetings to Co-chairs Nozzolio and  
19 McEneny, Assembly Member Oaks, and my esteemed  
20 Senator Martin - - Dilan. Assembly Member  
21 McEneny, I look forward to being your colleague  
22 up in Albany. Hello, my name is Assembly Member  
23 Rafael Espinal. Just over a week ago I was  
24 elected to represent the people of the 54th

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2 Assembly District in a special election. This  
3 Brooklyn-based district covers parts of the  
4 communities of Bushwick [phonetic], Bed-Stuy  
5 [phonetic], Cyprus Hills, Citiline [phonetic] and  
6 East New York. In fact, I am the first Dominican  
7 American State Rep from Brooklyn.

8 So what does a rookie assembly member  
9 have to say about the redistricting process?  
10 First, let me give you a small snapshot of my  
11 District. District 54 is diverse in many ways.  
12 It has a mix of single and two-family owner  
13 occupied homes, public housing developments and  
14 rent-controlled small apartment buildings. Its  
15 residents are small business owners, public  
16 servants, artists, construction workers, service  
17 employees, manufacturing workers, and social  
18 service providers, and non-profit organizations.  
19 Many have been adversely impacted by this down  
20 economy and slumping housing market. They have  
21 also been affected by real estate market forces  
22 that pushed long-time residents away from  
23 communities they have called home for decades.  
24 My constituents come from all over Latin America,

2 but largely from the Dominican Republic and  
3 Puerto Rico. They come from the Caribbean, and  
4 many are sons and daughters of the great southern  
5 migration that brought many African Americans  
6 north to New York City in search of an even  
7 playing field. As of late, many have come from  
8 all parts of the United States seeking a slice of  
9 the American dream. The 54th Assembly District  
10 also includes the largest community from  
11 Bangladesh in Brooklyn. I am proud to represent  
12 every single one of my constituents and look  
13 forward to analyzing census data when considering  
14 legislative and budget proposals now in the  
15 process. The hearing schedule--your work  
16 holdings hearings across New York is commendable.  
17 However, for the second round of hearings LATFOR  
18 should consider holding hearings that commence in  
19 the early afternoon to accommodate individuals  
20 that work during the day, and maybe we should  
21 look at having live streaming. A small  
22 investment in live-streaming hearings would go a  
23 long way in bringing greater transparency into  
24 the process. I'm sure people would be able to

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2 see it from home, and people who can't make it  
3 would be able to see it at work as well, you  
4 know, and my other concern is the GO coding  
5 prisoners. I would urge LATFOR to move  
6 expeditious in the GO coding state prisoners back  
7 to their homes of record. It would make for a  
8 redistricting process with more accurate data.

9 Given the size of the Assembly  
10 districts, this data set has more significant  
11 impact on Assembly districts more than any other  
12 legislative district.

13 In conclusion, I look forward to see  
14 this process accurately reflect the constantly  
15 shifting demographics of our state. As stated  
16 previously, your work in hearing often competing  
17 viewpoints is commendable. As a new Assembly  
18 Member, it is my wish to vote on a redistricting  
19 plan for the Assembly, Senate and Congress that  
20 respects communities of interest and restores  
21 trust in our State government. Thank you.

22 ASSEMBLY MEMBER MCENENY: Thank you very  
23 much. Oh, sorry.

24 SENATOR DILAN: I just want to thank you

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2 for your testimony and congratulate you publicly  
3 on your tremendous victory last week. And you as  
4 my Assemblyman I look forward to working with you  
5 in Albany.

6 ASSEMBLY MEMBER ESPINAL: Likewise,  
7 Senator. I appreciate it. Glacias [phonetic].

8 ASSEMBLY MEMBER MCENENY: Margaret Fung.

9 SENATOR NOZZOLIO: Good morning.

10 MS. MARGARET FUNG, EXECUTIVE DIRECTOR,  
11 ASIAN AMERICAN LEGAL DEFENSE AND EDUCATION FUND:  
12 Good morning. My name is Margaret Fung, and I'm  
13 Executive Director of the Asian American Legal  
14 Defense and Education Fund. AALDEF is a 37-year-  
15 old civil rights organization that protects and  
16 promotes the civil rights of Asian Americans  
17 through litigation, advocacy, community education  
18 and organizing. Since 1982 AALDEF has commented  
19 on redistricting plans, worked with community  
20 groups to develop maps and litigated cases  
21 challenging redistricting plans that violate the  
22 Voting Rights Act. We were instrumental in  
23 passage of Section 203, the Voting Rights  
24 Language Assistance Act of 1992, which expanded

2           bilingual ballots and assistance to Asian  
3           American voters. Over the past two decades, we  
4           have been monitoring elections, and we have also  
5           done exit polls of Asian American voters  
6           surveying almost 17,000 Asian Americans in the  
7           2008 presidential election. As you know, Asian  
8           Americans are the fastest-growing racial minority  
9           group in New York City. The Asian American  
10          population has increased 32% over the past decade  
11          and now constitutes 13% of the city's population  
12          number over a million. Asian American populations  
13          have also increased faster than the overall  
14          growth of the boroughs in which they reside. So  
15          in Queens, the Asian American population has  
16          grown over 300 times faster than the overall rate  
17          of the borough, over 25 times faster than  
18          Brooklyn's growth, and over 7 times faster than  
19          Manhattan's growth, and yet no Asian American has  
20          ever been elected in New York to the State Senate  
21          or to the U.S. Congress and only two Asian  
22          Americans have been elected in Assembly District  
23          22 in Queens.

24                                   Despite the rapid Asian American

2 population growth over the last decade, our  
3 political representation has not increased at an  
4 equivalent pace. In the last redistricting  
5 cycle, when communities of interest were kept  
6 together in Assembly District 22 in Queens, Asian  
7 Americans were able to elect a candidate of  
8 choice in Flushing. However, Senate District's  
9 11 and 16 divided Flushing, diluting Asian  
10 American voting strength. There are numerous  
11 examples in this cycle in Queens and Brooklyn  
12 especially where South Asian, Korean, and Chinese  
13 American communities with common concerns and  
14 interests and similar socioeconomic  
15 characteristics have been splintered among  
16 several legislative districts, and that ought to  
17 be fixed. As you know from the decision in Diaz  
18 versus Silver, the Court has already recognized  
19 that Manhattan's Chinatown and Brooklyn's Sunset  
20 Park are a community of interest. To assist  
21 LATFOR in its process, we have prepared two  
22 documents. The first, which was Asian American  
23 neighborhood boundaries, was submitted at a  
24 public hearing in Queens by ALDEFF's staff

2 attorney Jerry Vattamala. It includes detailed  
3 maps of five Asian American neighborhoods in New  
4 York City as defined by community groups and  
5 residents who live and work in these geographic  
6 areas. And I'll summarize them very quickly. In  
7 Queens, Flushing, Bayside, Elmhurst, Jackson  
8 Heights, Woodside, Floral Park with Queens  
9 Village, Bellrosen [phonetic] and Glen Oaks,  
10 Richmond Hill and South Ozone Park, Ozone Park,  
11 Briarwood, and Jamaica Hills. In Brooklyn, we've  
12 defined the neighborhoods of Sunset Park,  
13 Bensonhurst, Sheepshead Bay, and Kensington. And  
14 in Manhattan, Chinatown and the Lower East Side.

15 Today we're submitting a second  
16 document. It's called Asian American Communities  
17 of Interest Survey. We met with community groups  
18 and residents throughout the city especially in  
19 the neighborhoods experiencing the largest Asian  
20 American population growth. They were asked to  
21 draw their neighborhood street boundaries on a  
22 map and to describe the most common concerns that  
23 they shared in their neighborhoods. Among those  
24 concerns cited by the groups that we surveyed are

2 the need for Asian language assistance,  
3 immigrants' rights, social services, healthcare,  
4 affordable housing, and most importantly worker's  
5 rights.

6 Finally, we asked the groups to identify  
7 surrounding neighborhoods that were most similar  
8 and most different to their neighborhoods. Our  
9 survey describes how each of these Asian American  
10 communities of interest have currently been  
11 divided between two or more Assembly Districts,  
12 Senate Districts and Congressional Districts.  
13 Given the changing demographics of New York City,  
14 Asian Americans continue to be severely under  
15 represented in New York State. We urge LATFOR to  
16 keep communities of common interest together in  
17 drawing new districts and to abide by the Voting  
18 Rights Act to ensure that Asian Americans and  
19 other communities of color have a full and fair  
20 opportunity to elect candidates of choice. Thank  
21 you.

22 SENATOR NOZZOLIO: Thank you very much.  
23 We spoke with Mr. Vattamala yesterday at our  
24 Brooklyn hearing. We appreciate the input from

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2 the Asian American Legal Defense Fund in Queens,  
3 and Brooklyn, and now Manhattan. The question  
4 that I posed to Mr. Vattamala and will emphasize  
5 to you in terms of the submission of suggested  
6 mapping for both Congress and the State  
7 Legislature. It's my understanding that you  
8 intend to submit those maps. Is that correct?

9 MS. FUNG: That's correct. We will be  
10 submitting maps for Manhattan, Brooklyn, and  
11 Queens.

12 SENATOR NOZZOLIO: The only thing I wish  
13 to emphasize is to have those submitted sooner  
14 than later.

15 MS. FUNG: We plan to submit them in  
16 early October.

17 SENATOR NOZZOLIO: Thank you very much.

18 MS. FUNG: Thank you.

19 SENATOR NOZZOLIO: Councilman Germane  
20 Williams. Councilman Germane Williams. Adrienne  
21 Kivelson.

22 MS. ADRIENNE KIVELSON, VICE PRESIDENT,  
23 LEAGUE OF WOMEN VOTERS-NYC: Good morning. Good  
24 morning. My name is Adrienne Kivelson, and I am

2           the vice president of the League of Women Voters  
3           of the city of New York. The League is a non-  
4           partisan organization, which encourages informed  
5           and active participation in government and  
6           influences public policy through education and  
7           advocacy. We are also members of the state-wide  
8           coalition dedicated to reforming New York's  
9           redistricting process, Reshape New York, which  
10          consists of 35 organizations, including civics  
11          groups, issue advocacy groups, unions, and  
12          business organizations. As we approach  
13          redistricting our state, we are mindful that even  
14          though our population has grown, populations in  
15          other states increased by far more.  
16          Consequently, New York State will lose two  
17          Congressional seats. Our concern is that in  
18          redrawing the lines for the remaining 27  
19          Congressional seats, and all of the state  
20          legislative districts, population be equitably  
21          and fairly distributed. In addition, we believe  
22          that counting prisoners in their home districts  
23          and not in locations where they are temporarily  
24          incarcerated is now state law and should be

2 followed in this redistricting process.

3 We're also concerned about how the 2010  
4 census undercount estimated at 200,000 people in  
5 New York City will affect downstate  
6 representation and funding. We appreciate this  
7 opportunity to share our thoughts on the  
8 redistricting process because we want to  
9 emphasize our strong belief that the public has  
10 spoken loud and clear in favor of independent  
11 redistricting and will no longer support a system  
12 controlled by a legislature whose district lines  
13 it is redrawing. An independent commission  
14 drawing impartial district lines would still  
15 maintain the legislature's ability for input on  
16 the plan and enable it to ultimately pass  
17 legislation in accordance with the State  
18 Constitution.

19 Another key element in the redistricting  
20 process is limiting the allowable population  
21 differential between legislative districts. In  
22 the past, this practice has resulted in districts  
23 of widely varying populations with sparsely  
24 populated upstate districts and densely populated

2           downstate districts. After the 2000 census, the  
3           New York State Legislature approved a  
4           redistricting plan, which allowed a plus or minus  
5           5% population differential in Assembly and Senate  
6           District. This may seem like a very small  
7           disparity, but it resulted in some districts  
8           being 10% larger or 10% smaller than other  
9           districts.

10                   So far the redistricting process has  
11           protected incumbents including carving insurgents  
12           homes out of districts and has discouraged  
13           competition in our electoral system. In the 2010  
14           election, New York State had one of the lowest  
15           rates of voter participation in the nation coming  
16           in at 47th among 50 states. The League has been  
17           in the forefront of promoting informed voter  
18           participation over 90 years, and we strongly  
19           believe that in 2012 the voters should elect the  
20           candidates of their choice and not have  
21           incumbents or a political party draw the lines in  
22           such a way as to protect their own interests and  
23           power base.

24                   This year the New York City League co-

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2 sponsored a redistricting forum with the Brennan  
3 Center and the Women's City Club and developed a  
4 brochure, "Legislative Redistricting Q&A" in  
5 response to requests for information on how the  
6 process works. Other local leagues have  
7 organized community forums educating the public  
8 on the issues surrounding redistricting in over  
9 35 localities. Partly as a result of this  
10 effort, leagues around the state became active  
11 and influential players in local redistricting  
12 efforts. Time is of the essence in drawing new  
13 district lines as there is a possibility that the  
14 2012 primary date may be moved from September to  
15 June. Fortunately, the technical tools available  
16 to draw lines taking into account natural  
17 boundaries and the 2010 census population figures  
18 have made it easier to form representative  
19 districts. It is important that the state  
20 legislature return to Albany for a special  
21 legislative session to end partisan  
22 gerrymandering and enact redistricting form by  
23 endorsing an independent commission to draw truly  
24 representative and impartial legislative and

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2 Congressional lines. Continuing with the current  
3 LATFOR proceedings will result in Governor Cuomo  
4 vetoing the very lines it draws. New Yorkers  
5 cannot wait until 2021 for meaningful reform.

6 ASSEMBLY MEMBER MCENENY: Thank you very  
7 much. We thank the League who has been present  
8 for virtually all of our formal sessions here.  
9 Thank you.

10 MS. KIVELSON: Thank you.

11 ASSEMBLY MEMBER MCENENY: Leslie Winch  
12 [phonetic], Witche [phonetic], Esmerelda Simmons,  
13 Esmerelda.

14 FEMALE VOICE: [off mic]

15 ASSEMBLY MEMBER MCENENY: Thank you.  
16 Councilman Robert Jackson, is he here yet?  
17 Heather Roberson or Roberson.

18 MS. HEATHER ROBERSON, BOARD OF DIRECTORS  
19 - ACT NOW: Good morning. My name is Heather  
20 Roberson, and I am the chair of the Board of ACT  
21 NOW. We are a grassroots political organization  
22 dedicated to bringing New Yorkers together to  
23 support progressive issues and candidates, and we  
24 have been actively involved in the cause of

2 Albany reform for the past several years. I  
3 would like to note first that our organization is  
4 entirely volunteer and that the people who have  
5 appeared before this body from our group are not  
6 our paid political staff but are rather members  
7 of the community who have chosen to give their  
8 time. They are speaking on their own behalf and  
9 on behalf of their communities, and I thank you  
10 for hearing them just as I thank you for hearing  
11 me today.

12 Since the spring of 2011, ACT NOW has  
13 been working to end gerrymandering in New York  
14 State and to pass non-partisan redistricting. To  
15 that end, we have organized rallies, reached out  
16 to voters across the state, traveled to Albany to  
17 speak with our legislators face to face, called  
18 those same legislators, and yes we have testified  
19 before LATFOR.

20 Why do we do this? We do this because  
21 we have observed the dysfunction in Albany, and  
22 we believe this dysfunction can only be remedied  
23 by broad-based systemic reform. We do this  
24 because we believe that when District lines are

2 drawn by incumbents to protect incumbents our  
3 democracy begins to break down.

4 To resolve this conflict of interest, we  
5 support legislation along the lines of the  
6 Redistricting Reform Act introduced by Governor  
7 Cuomo, a proposal that you are no doubt familiar  
8 with. This bill would give the legislature and  
9 the governor input on nominating candidates for a  
10 non-partisan redistricting body and legislative  
11 leaders would ultimately choose the candidates.  
12 However, there would be restrictions on who could  
13 serve. There would be no party officials, no  
14 registered lobbyists, and of course no elected  
15 officials.

16 In terms of who would serve on the body,  
17 who could serve, we would advocate that  
18 commission members be drawn from academic  
19 settings and from good government groups, both  
20 progressive and conservative. More than half of  
21 our legislators have already pledged to support  
22 legislation to create an independent commission  
23 to draw the district lines in time for the 2012  
24 elections. Governor Cuomo has also pledged to

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2 veto lines that are not drawn in an independent  
3 or non-partisan manner. Now, we ask that our  
4 legislators honor their commitments, and that  
5 means returning to Albany without delay to enact  
6 legislation to appoint an independent commission  
7 to redraw New York State's legislative district  
8 lines.

9 Now, LATFOR members, I thank you very  
10 much for your time today, and I want to draw a  
11 distinction. I understand that because the  
12 legislature has not passed this legislation that  
13 I have suggested and that so many have suggested  
14 that you are abiding by law and have been  
15 mandated to come here and hold these hearings and  
16 to go through this process. And I very much  
17 appreciate your time. I appreciate you holding  
18 these hearings and hearing from the public and  
19 for all that you are doing for this process.  
20 Thank you.

21 ASSEMBLY MEMBER MCENENY: Thank you very  
22 much.

23 SENATOR NOZZOLIO: Thank you very much.

24 ASSEMBLY MEMBER MCENENY: Jean A.

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2 Johnson, Jr., and we also appreciate the number  
3 of people from ACT NOW who have shown up at  
4 various meetings across the state. Jean A.  
5 Johnson. Matthew Katz. Matthew Katz.

6 MR. MATTHEW KATZ, PRESIDENT, ROOSEVELT  
7 ISLAND RESIDENT ASSOCIATION (RIRA): Good  
8 morning. Mr. Chairman, I am one of four  
9 Roosevelt Islanders here today, and we number  
10 from number 12, that's me, to number 84, and I'm  
11 wondering if you could give us special  
12 dispensation to offer our testimony in sequence.  
13 Would that be possible?

14 ASSEMBLY MEMBER MCENENY: That would  
15 bump three people more.

16 MR. KATZ: That's why it's special.

17 ASSEMBLY MEMBER MCENENY: Are you going  
18 to say the same thing four times, or do they have  
19 something else to say?

20 MR. KATZ: They do.

21 ASSEMBLY MEMBER MCENENY: All right, try  
22 and keep it down though.

23 MR. KATZ: I've got four minutes.

24 ASSEMBLY MEMBER MCENENY: Yeah.

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2 MR. KATZ: Thank you very much.

3 ASSEMBLY MEMBER MCENENY: The rest of  
4 Roosevelt Island come up. We're not going to let  
5 them take 20 minutes. We'll hopefully be able to  
6 cut that down to half. Go ahead and start  
7 please.

8 MR. KATZ: I'll speak fast. Good  
9 morning.

10 SENATOR NOZZOLIO: Don't speak fast. I  
11 mean your written testimony will be part of the  
12 official record.

13 MR. KATZ: I understand.

14 SENATOR NOZZOLIO: Feel free to deviate  
15 from your script and summarize. We will ensure  
16 though that your comments will be part of the  
17 transcript and your written comments will be part  
18 of the official record.

19 MR. KATZ: Thank you. I appreciate  
20 that, and I will be brief.

21 ASSEMBLY MEMBER MCENENY: We especially  
22 appreciate a summary of what's on that piece of  
23 paper.

24 MR. KATZ: That's my intention.

2 ASSEMBLY MEMBER MCENENY: Thank you.

3 MR. KATZ: My name is Matthew Katz, and  
4 I'm serving my fourth two-year term as president  
5 of the Roosevelt Island Resident's Association,  
6 elected by the 12,500 residents of my community.  
7 Dating back to a George II land grant Roosevelt  
8 Island was created from Welfare Island in the  
9 late sixties and has continued to develop as a  
10 residential community ever since the first  
11 residential complex opened in 1975. Politically,  
12 we are part of Manhattan, specifically the Upper  
13 East Side. Our police precinct of record is the  
14 19th Precinct on East 67th Street although by  
15 virtue of our geography our police calls are  
16 answered by the 114th Precinct in Queens located  
17 within our 14th Congressional District. In fact,  
18 all of our emergency services, police, fire and  
19 ambulance, are provided through Queens by way of  
20 the Roosevelt Island 36th Avenue bridge, this  
21 island's only road connection to the rest of the  
22 City and also within the 14th Congressional  
23 District. The F train and our aerial tramway  
24 carry our working population as well as many

2           diplomats and United Nations employees who reside  
3           here to their jobs in Manhattan. Our public  
4           school is a District 2 Manhattan School, and our  
5           public library is a Manhattan branch facility.

6                       We are represented through Upper East  
7           Side political districts, the Fifth Council - -  
8           District, the 65th Assembly District and the 14th  
9           Congressional District. Each of these serves the  
10          Upper East Side primarily or exclusively. We are  
11          a part of Community Board 8 Manhattan, and our  
12          crime such as it is, is processed by the  
13          Manhattan District Attorney's office. Manhattan  
14          Borough presidents beat a path to our door.

15                      It is inconceivable that we could lose  
16          the 14th Congressional District having spent  
17          decades establishing and strengthening our  
18          relationships with our United States  
19          representatives as well as the other Manhattan  
20          public officials who serve us, but that would be  
21          the result should the 14th CD be threatened.  
22          I've come here today to urge the retention of the  
23          14th Congressional District, and the Manhattan-  
24          centric political life that we have experienced

2           for 40 years.

3                       We are a natural part of Manhattan and  
4           also of the Upper East Side. Our state  
5           Senatorial District, the 28th SD is an anomaly,  
6           and I've come here to discuss this as well. We  
7           have been represented ably by all of our local  
8           legislators including State Senator Olga Mendez  
9           and the incumbent Senator Jose Serrano. However,  
10          my issues are not with the public servants  
11          holding the seat but with the choice of  
12          districts. The 28th Senatorial District serves -  
13          - and the South Bronx with Roosevelt Island  
14          thrown in as an afterthought. Senator Serrano's  
15          district office is on 104th Street, three miles  
16          and a river away from this community.

17                    He has instituted staff office hours on  
18          island. However, this occurs only one afternoon  
19          each month. Common sense, an uncommon commodity  
20          in any walk of life, would suggest that the 26th  
21          Senatorial District located directly across the  
22          West Channel of the East River might be the more  
23          obvious choice. Its incumbent, Liz Krueger, has  
24          shown herself to be conversant with many of our

2 issues, and as I said Roosevelt Island is a part  
3 of Manhattan Community Board 8, an Upper East  
4 Side Board, and Senator Krueger, unlike Senator  
5 Serrano, participates in their activities. It is  
6 clear to me that the Upper East Side including  
7 the 14th CD and the 26th SD have more issues in  
8 common with Roosevelt Island than are found in  
9 the 28th SD, in Queens or anywhere else in the  
10 City for that matter. We islanders should be  
11 represented across the Board by Upper East Side  
12 public servants who will surely be more  
13 accessible and more finally attuned to the unique  
14 needs of this planned community. Thank you for  
15 your time.

16 ASSEMBLY MEMBER MCENENY: Thank you.  
17 Now, that was not a summary. That was verbatim,  
18 so I would ask--

19 MR. KATZ: [interposing] Four minutes.

20 MS. MATHAROO: --well, I would ask the  
21 other people from Roosevelt Island to please  
22 summarize their remarks. We understand the  
23 message. The message is you feel it's far more  
24 appropriate that you be attached to the East Side

2 of Manhattan than further north.

3 MR. KATZ: That's it exactly, thank you.

4 ASSEMBLY MEMBER MCENENY: That's the  
5 message. We understand it. Please introduce  
6 yourself by name.

7 MS. LINDA HEIMER: Yes, good morning.  
8 My name is Linda Heimer, and I've been actively  
9 involved in the Roosevelt Island community for 19  
10 years. I'll try to summarize. I was mugged on  
11 the Subway, became very active. I set up a task  
12 force. Congresswoman Carolyn - - was my first--  
13 was at my first and subsequent meetings and was  
14 instrumental in securing funding needed to  
15 install closed circuit TV cameras, enunciators  
16 and other safety measures in the stations leading  
17 to Roosevelt Island.

18 She has served our island well ever  
19 since with issues as disparate as tramway  
20 service, seawall repair and most recently  
21 protesting the proposed closing of the Roosevelt  
22 Island Post Office.

23 So I'm here today to ask that you  
24 preserve a bit of our--well, this part is

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2           important. I don't want to skip this. In many  
3           ways we have been like an orphan because--since  
4           the inception as a residential community in the  
5           seventies. The land is owned by the City but  
6           leased to the State for 99 years. So we have a  
7           very strange system of governance, and we have to  
8           fight for every bit of attention and progress  
9           that we make. I'm part of a group that has been  
10          involved in a 14-year to change the state  
11          legislation that governs the island. The system  
12          in our history is so confusing and complex that  
13          it takes a great deal of time and effort to  
14          educate our political representatives on our  
15          problems and how they might be able to help us.  
16          So I'm asking you to at least preserve one bit of  
17          consistency here that has worked for us, keeping  
18          Congresswoman Carolyn Maloney representing us in  
19          particular, and remaining part of the 14th  
20          Congressional District in general.

21                   I'll skip some of the rest of this.  
22           This part is different from what Matthew said.  
23           In addition, attached to this statement you will  
24           find a sheet that demonstrates that the 2010

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2 census severely under-estimated the Roosevelt  
3 Island population. I can answer questions that  
4 you might have about it now, or you can read it  
5 at your leisure, but I think you'll find that the  
6 figures speak for themselves. The conclusion  
7 reached is that there is at least a 20% under-  
8 reporting of population, a figure which if  
9 acknowledged by this esteemed body could very  
10 possibly make considerations of the redistricting  
11 of Roosevelt Island and perhaps redrawing of the  
12 14th Congressional District moot. We really want  
13 to stay in the 14th Congressional District, and  
14 please look at the figures, which I won't go into  
15 now, which I intended to.

16 ASSEMBLY MEMBER MCENENY: We have no  
17 power for that kind of an adjustment. We have to  
18 deal with the census figures that we have. The  
19 only adjustment will be the addition of prisoners  
20 who are being repatriated back to their home  
21 block. If you feel that they've done 80% of  
22 account, we can only count the 80%. I know the  
23 City of New York has a law suit on that matter.  
24 The history of those lawsuits has not been a

2           successful one over the years. We have to take  
3           the numbers that we have, and with people pushing  
4           for 1%, well, you're in the City anyway. It's  
5           block on border. It's pretty exact.

6                   MS. HEIMER: Well, I also--thank you. I  
7           also reiterate what Matt Katz said that we are  
8           much more part of the Upper East Side of  
9           Manhattan than we are Queens. Our demographics  
10          are much more similar. We are part of Community  
11          Board 8, and since our inception we have been  
12          part of the Upper East Side, so please keep us in  
13          the 14th Congressional District if you can.  
14          Thank you.

15                   ASSEMBLY MEMBER MCENENY: Thank you very  
16          much. Yes, whose next?

17                   MS. NANCY CRUICKSHANK: Yes, my name is  
18          Nancy Cruickshank.

19                   ASSEMBLY MEMBER MCENENY: Talk into the  
20          mic, Nancy.

21                   MS. CRUICKSHANK: My name is Nancy  
22          Cruickshank. I live on Roosevelt Island,  
23          obviously, and my remarks are very similar so I  
24          will forego reading them. My only comment would

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2           be that I believe that in addition to having our  
3           connection to the Upper East Side, which we  
4           demographically mirror in a strong way that  
5           because all of our emergency services come from  
6           Queens, Western Queens, the fire trucks, the  
7           ambulances, sanitation, that having the 14th  
8           District include both Western Queens and  
9           Manhattan gives us representation in Western  
10          Queens. And our current Congresswoman has been  
11          very helpful in keeping our fire station from  
12          being closed, and working on postal matters. She  
13          is able to represent us in our basic services  
14          that if all of our representation came to us from  
15          the Upper East Side, they would not have those  
16          connections with the Queens Precinct.

17                    ASSEMBLY MEMBER MCENENY: Western Queens,  
18                    is that Astoria that you're referring to?

19                    MS. CRUICKSHANK: Astoria, Long Island  
20                    City, you know, where our services come from.

21                    ASSEMBLY MEMBER MCENENY: Thank you.  
22                    Sir?

23                    MR. DICK LUTZ, PUBLISHER - MAIN STREET  
24                    WIRE (ROOSEVELT ISLAND COMMUNITY NEWSPAPER): My

2 name is Dick Lutz. I'm the editor of the--

3 ASSEMBLY MEMBER MCENENY: [interposing]

4 Excuse me a minute. I didn't hear that. Give me  
5 your name again, please.

6 MR. LUTZ: My name is Dick Lutz. I'm the  
7 editor of the *Main Street Wire*, which for 32  
8 years has been the newspaper of Roosevelt Island.  
9 I've been the editor of the newspaper for 15  
10 years. I'm from a small town in Western New  
11 York, and except for what you hear from us today  
12 you might think that Roosevelt Island is much the  
13 same as any other political entity in the State  
14 of New York, but that's just not the case.

15 SENATOR NOZZOLIO: What town?

16 MR. LUTZ: I'm from Dunkirk, - - County.  
17 The fact is that Roosevelt Island is City  
18 property that's leased to New York State for  
19 development there and it's run by a public  
20 benefit corporation, the officials of which are  
21 appointed by the governor, and what that means in  
22 terms of our political representation is that  
23 although we have excellent representation, they  
24 can do very little about Roosevelt Island without

2 first having it pass muster with appointed  
3 officials, people who have not been elected by us  
4 or by anybody else. That means that it is  
5 extraordinarily important to us to be part of a  
6 community of interest with the upper east side of  
7 New York City.

8 I'm going to condense my testimony  
9 greatly and jump to three key points.

10 ASSEMBLY MEMBER MCENENY: Are these  
11 officials residents of Roosevelt Island?

12 MR. LUTZ: They are not. Some of the  
13 members of the RIOC Board, the Roosevelt Island  
14 Operating Corporation Board of Directors are  
15 members of the community, but in general, the  
16 people who are paid to work on Roosevelt Island  
17 are not, especially the top officials.

18 The three points that I would make are  
19 these: please don't treat us as a piece of a  
20 jigsaw puzzle that you can attach to any other  
21 District that happens to need another 10,000 to  
22 15,000 people to round it out. That's really not  
23 the way to treat our people properly, especially  
24 given that we don't have normal representation

2           and a normal level of local government.  
3           Secondly, please understand that the best  
4           democratic representation of Roosevelt Island  
5           consists of being included in a geographically  
6           contiguous Manhattan District, with which we have  
7           great commonality of interest. That's been said  
8           before, but it bears repeating.

9                       Finally, please be aware that having  
10           created this community four decades ago, New York  
11           State bears some responsibility for nurturing  
12           some form of democracy among the Island's people  
13           and in its political structure. That's not easy  
14           to do for an Island missing layers of local  
15           political power because it's operated by an  
16           appointed state agency, but the democratic rights  
17           of these citizens must be considered, and they  
18           must be respected, and please at long last  
19           honored. Your work bears directly on how  
20           democracy will work or not for every resident of  
21           our community. Thank you very much.

22                       ASSEMBLY MEMBER MCENENY: Thank you.

23                       [applause]

24                       ASSEMBLY MEMBER MCENENY: Nester Montea

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2 Senior [phonetic]. Nester Montea Senior. Is  
3 that he? Jodie Blare. Council member Gale  
4 Brewer.

5 MS. GALE BREWER, COUNCIL MEMBER: Thank  
6 you very much. I'll be very quick. I am the  
7 City Council representative from the Upper West  
8 Side, and I probably have the squarest district,  
9 not in terms of philosophy but in terms of  
10 geography, and it goes from 54th Street go 96th  
11 Street, from Central Park to the River. So it's  
12 an absolute rectangle and certainly very  
13 contiguous. There are a couple of issues that I  
14 think you have probably heard over and over again  
15 about why we want to keep our West Side District.  
16 Obviously, the issue with the census is something  
17 that is in dispute. We all know that there are  
18 more people in New York than were counted. Even  
19 on the West Side they indicated there are a lot  
20 of vacant apartments. I've never seen a vacant  
21 apartment on the West side. I think it's more  
22 that people have some - - just like Deputy Mayor  
23 - - in the paper today. So the issue is that the  
24 population discussion has not ended, and I hope

2 of course it will end up with more people. That  
3 is a concern. The second issue is since we in  
4 NYC grow and I am sure of that, we want to  
5 definitely with all due respect to people here  
6 from upstate we feel that we as a growing  
7 population should not be penalized and have fewer  
8 seats. I just want to also state that over the  
9 years I have taught at different colleges, public  
10 policy. I know some of you have done the same,  
11 and I think it's really actually very important  
12 to keep as many Congressional districts in the  
13 five boroughs for those of us who care  
14 desperately about our city. Others may disagree.  
15 I say that because when you have a suburban area  
16 and an urban area you're always conflicted in  
17 terms of some of the issues that you have to  
18 represent. And of course as a person who never  
19 goes, very seldom north of the Bronx, I know  
20 there is a north of the Bronx, but I don't, I  
21 feel so strongly about the needs that we have  
22 here.

23 I want to talk specifically about our  
24 community on the West Side of Manhattan. The

2 issues of course is we don't think that the  
3 district lines should break up because we have  
4 traditional and cohesive neighborhoods.  
5 Neighborhoods in New York as you all know have  
6 distinct personalities, and I think they should  
7 be represented by elected officials who know them  
8 best. I think you understand that better than  
9 anyone. So no one who is familiar with the East  
10 and West sides of Manhattan could suggest that  
11 their constituencies are the same. They are both  
12 great, but they are different. And the issues  
13 faced by the various neighborhoods are different.  
14 Obviously on the West Side we have the parks that  
15 we deal with. We have a very distinct community  
16 school district 3, which we love, and we have our  
17 hospitals, and we have the nuances of the people  
18 who live in the district. Any elected official  
19 who has been part of that constituency knows how  
20 to balance the needs. So to remove or eliminate  
21 a district means that there is an irreplaceable  
22 loss of local knowledge and effective  
23 representation which is what we are all about.  
24 So, I strongly urge that the East and West Side

2 Congressional Districts not be consolidated.  
3 There was a time when Carolyn Maloney's--I don't  
4 know that she loved it, but it came to the West  
5 Side, and I think it was hard for her to be able  
6 to deal with that small section of West End  
7 Avenue 100th to 102nd Street. That's not what we  
8 need, and in the case of the West Side, I don't  
9 need to tell you but we very much want the  
10 district to be represented by the one and only  
11 and very able Congressman Gerald Nadler. So I  
12 urge this task force to respect the distinct  
13 issues the very opinionated West Side and the  
14 nature of our neighborhoods and draw distinct  
15 lines that respect these boundaries. Thank you  
16 very much.

17 ASSEMBLY MEMBER MCENENY: Thank you very  
18 much, and we would never call the West Side  
19 square.

20 [laughter]

21 COUNCIL MEMBER BREWER: Thank you.

22 ASSEMBLY MEMBER MCENENY: James Hong,  
23 and this is your fourth public hearing?

24 MR. JAMES HONG: It is my third.

2 ASSEMBLY MEMBER MCENENY: It is your  
3 third?

4 MR. HONG: Good to see you again as  
5 well.

6 SENATOR NOZZOLIO: Albany, Queens,  
7 Brooklyn, the Bronx.

8 MR. HONG: In Albany I wasn't--

9 ASSEMBLY MEMBER MCENENY: - - group  
10 represented though.

11 MR. HONG: Yeah, but it's your 14th, so,  
12 you know, your still beating me. So, good  
13 morning. My name is James Hong, and I'm speaking  
14 on behalf of the Asian American Community  
15 Coalition on Redistricting and Democracy, AACCORD  
16 for short. AACCORD is a non-partisan coalition  
17 of organizations and individuals committed to  
18 advancing the opportunity of Asian Pacific  
19 Americans and minority communities to  
20 meaningfully participate in the political  
21 process. AACCORD recognizes that redistricting  
22 plays a pivotal and fundamental role in these  
23 opportunities, and we support redistricting plans  
24 that keep together communities of interest that

2           exist in and around ethnic neighborhoods across  
3           New York. AACCORD has 14 members, organizations  
4           and individuals including the Asian American  
5           Legal Defense and Education Fund, that spoke  
6           already, Chinese Progressive Association, who  
7           will speak today and OCA New York who will also  
8           speak today, and there are other members on the  
9           statement. At this time, I'd like to ask some of  
10          our members to stand and to come out in the  
11          aisles if necessary, and they're just holding  
12          messages that we feel that the state needs to  
13          hear, that this task force needs to hear and the  
14          public needs to know and to recognize. We are  
15          here for a third time in these redistricting  
16          hearings because of the significant concentration  
17          of APA population in the borough of Manhattan and  
18          our members' activity and interest in this  
19          borough. While the task force has been the  
20          audience of our comments before, we believe that  
21          the truth about redistricting and its effects on  
22          the APA community bears repeating. And we also  
23          recognize that these public hearings are sort of  
24          a forum for each borough and there is public

2 dialog being shared, so that is why we are here  
3 for the third time.

4 Asian Pacific Americans have been like  
5 most minorities negatively impacted by the  
6 practice of gerrymandering that is the norm in  
7 our redistricting cycles. The Asian population  
8 in New York has grown 36% since 2000, and the  
9 population is now over 1.4 million or 7.3 of the  
10 entire state, but only one out of 212 state  
11 legislators are Asian American, and she  
12 represents a district of less than 130,000  
13 people. This extreme incongruity of population  
14 to representation reflects redistricting plans  
15 that have repeatedly divided communities of Asian  
16 Pacific Americans. As a coalition we expect our  
17 elected officials to uphold the Voting Rights Act  
18 of 1965 and consequently in light of that act  
19 support only District maps that keep together the  
20 communities of interest that exist in and around  
21 ethnic communities across the state. Now,  
22 Manhattan's Chinatown is something of a happy  
23 exception to many other communities of interest  
24 in ethnic neighborhoods with significant APA

2 population.

3 Currently, Manhattan's Chinatown is for  
4 the most part kept whole in New York State's  
5 Senate and State Assembly Districts unlike its  
6 counterparts in Queens and Brooklyn. Our  
7 coalition recommends that the task force  
8 continues to draw this area into a single  
9 district and not to promote any district plan  
10 that would divide the APA community in this  
11 neighborhood.

12 Our understanding of Manhattan's  
13 Chinatown includes the neighborhood bounded on  
14 the east by the East River, the South by the  
15 Brooklyn Bridge, on the west by Broadway, and on  
16 the north by Houston Street. This area contains  
17 residents sharing economic, social, political,  
18 cultural, linguistic, and educational concerns  
19 that deserve to be reflected in the results of  
20 the redistricting process. Also, AACCORD  
21 reiterates our members' concerns for the  
22 communities of interest present in Queens, namely  
23 in Elmhurst, Jackson Heights, and Woodside,  
24 Flushing and Bayside, Richmond Hill and South

2 Ozone Park, Floral Park, Bellrose and Queens  
3 Village, Briarwood and Jamaica Hills, and in  
4 Brooklyn in Sunset Park, Bensonhurst and parts of  
5 Diker Heights.

6 Finally, AACCORD would like to go on  
7 record with just a few comments on the process of  
8 the public hearings themselves. The dates and  
9 times of the hearings is an obstruction for many  
10 potential participants, many of whom are working  
11 citizens. Currently, all hearings begin at 10  
12 a.m. during the work week. There should be  
13 public hearings scheduled for evenings and  
14 weekends to ensure that this process is as  
15 accessible to the public as possible.

16 We hope that the task force will  
17 directly address this issue beginning with the  
18 second round of the public hearings. Also,  
19 public hearings should accommodate for the  
20 diversity of New York and its various language  
21 communities. Translators at public hearings  
22 including translated materials should be  
23 available for the major language groups in New  
24 York. We also recommend that resources be

2 allocated towards education and access to mapping  
3 tools. Members from LATFOR have often requested  
4 maps from the public during their statement.  
5 Submission of maps is undoubtedly helpful to the  
6 work of the task force, and I'm sure many people  
7 would like to submit maps, but it is a rather  
8 burdensome request based on an assumption that  
9 the general public would already have the  
10 knowledge, time and access to the software and  
11 hardware required to produce maps. Adequate  
12 funding should be allocated to provide access to  
13 mapping software along with workshops that train  
14 the general public on how to use it.

15 As I mentioned yesterday, this coalition  
16 will be submitting maps in the future. We expect  
17 that maps ultimately received by LATFOR will  
18 almost exclusively be provided by community  
19 organizations with the resources to hire a  
20 dedicated staff person or consultant with  
21 specialized skills in map-making. This is an  
22 indication of significant barriers to  
23 participating in the redistricting process. We  
24 hope that the task force will act to address

2           these issues with expediency that matches the  
3           importance of redistricting for the future of New  
4           York. Thank you.

5                   ASSEMBLY MEMBER MCENENY: Thank you very  
6           much. Barbara Zucker.

7                   MS. BARBARA ZUCKER, BOARD MEMBER,  
8           WOMEN'S CITY CLUB OF NEW YORK: My name is  
9           Barbara Zucker. I represent the Women's City  
10          Club of New York. We are a non-profit, non-  
11          partisan, multi-issue organization dedicated to  
12          improving the lives of all New Yorkers. We are  
13          also one of the organizations in Reshape New  
14          York. According to - - this morning there's 37  
15          of us. I thought it was 35, and we are looking  
16          for fair and equal representation for all New  
17          Yorkers and an end to gerrymandered  
18          redistricting.

19                   I testified at the LATFOR hearing in  
20          December, and we emphasized the need for as much  
21          transparency and public participation as possible  
22          in the redistricting process. So, thank you for  
23          holding this extensive series of public hearings  
24          throughout the state and for planning a second

2 series of hearings after you have released the  
3 preliminary redistricting plan. We also thank  
4 you for making the hearings available on the  
5 internet for those unable to come.

6 While we are pleased with your  
7 willingness to hear input from all interested  
8 parties, we also question whether a task force  
9 that includes current office holders can create  
10 district lines that encourage competitive  
11 elections. Women's City Club continues to urge  
12 the legislature to return to Albany for special  
13 session to take up a redistricting bill that  
14 provides for an independent commission. There is  
15 still time to enact and implement redistricting  
16 reform. We really don't want to wait another 10  
17 years to improve the process, but of course under  
18 current law LATFOR is empowered to propose the  
19 new district lines. So, as you design the  
20 districts to meet the often conflicting goals of  
21 compactness, contiguity, comparable size and so  
22 forth, we ask you to keep the following points in  
23 mind. Equal population--some districts are 5%  
24 more than the average, some less, so altogether,

2           there are variances of up to 10% that are  
3           permitted between districts, but they seem to  
4           flow in the direction of fewer people per  
5           district upstate and more people per district  
6           downstate. This disparity suggests a violation  
7           of the one person per vote standard.

8                       Size of the Senate--the 2001/2002  
9           redistricting increased the number of State  
10          Senators from 61 to 62. An even number can  
11          result in tie votes, and it did last year.  
12          Please revert to an odd number of senators and  
13          avoid a repeat of Senate gridlock. Counting the  
14          prison population--all incarcerated persons  
15          should now be counted at their last known  
16          domicile, not their place of incarceration. For  
17          too long some cities and towns received unfair  
18          allocations of representation and funds simply  
19          because prisons were located there. The 2010 law  
20          requires changes in that practice. We strongly  
21          support an end to prison-based gerrymandering,  
22          and we urge you to implement this legislation.  
23          Thank you for the opportunity of testifying. If  
24          you have any questions, I'd be happy to respond.

2 ASSEMBLY MEMBER MCENENY: Thank you very  
3 much. Ron Hayduk. Oh, I'm sorry. I'm sorry,  
4 Senator.

5 SENATOR NOZZOLIO: Not a problem.

6 ASSEMBLY MEMBER MCENENY: Go ahead, Mr.  
7 Hayduk.

8 MR. RON HAYDUK, PROFESSOR OF POLITICAL  
9 SCIENCE - BOROUGH OF MANHATTAN COMMUNITY COLLEGE,  
10 CUNY: Good day. Thank you for holding these  
11 hearings. Thank you for having me today. My  
12 name is Ron Hayduk. I'm a professor of political  
13 science at the Borough of Manhattan Community  
14 College, part of the City University of New York.  
15 I'm the author of several books and articles  
16 about voter participation, representation and  
17 governance in New York. Formerly, I was a  
18 coordinator of the New York City Voter Assistance  
19 Commission. I have served on two New York State  
20 task forces convened by the New York State Board  
21 of Elections, one concerning motor voter, the  
22 other concerning the Help America Vote Act. I am  
23 also co-founder of a coalition called the  
24 Coalition to Expand Voting Rights, which is

2 dedicated to empowering and restoring immigrant  
3 voting in New York City and nationally.

4 In sum, I have a longstanding commitment  
5 to increasing voter participation and to  
6 improving representation in the political system  
7 in New York. I urge the task force to consider  
8 immigrant residents as communities with common  
9 interests and to keep immigrant neighborhoods  
10 intact as you redraw district lines. There are  
11 several related points that I would like to make.  
12 Immigrants are a large and growing segment of our  
13 population and are concentrated in particular  
14 neighborhoods. Even though immigrants are  
15 counted for districting purposes, too often they  
16 are without formal political voice and adequate  
17 representation. The majority of immigrants,  
18 fortunately, do become citizens. In doing so,  
19 immigrants incorporate into New York's social,  
20 political, economic, cultural and political life.  
21 Political incorporation and acculturation is a  
22 long, well-worn path for many generations in New  
23 York. Immigrants share many of the same views  
24 and concerns of the native born, particularly as

2           they become citizens and the second generation  
3           comes of age. Yet, at any given time a sizeable  
4           number of immigrants remain non-citizens, many of  
5           whom have some distinct circumstances and  
6           interests. Immigrant communities constitute a  
7           community of interest and should be kept intact  
8           in single districts. Currently, New York's  
9           political districts do not adequately represent  
10          immigrant communities. As you move forward in  
11          your deliberations, I encourage you to take the  
12          common interests of immigrant communities into  
13          account as you redraw districts and keep them  
14          intact in political single districts.

15                   In communities such as Jackson Heights  
16                   and Elmhurst where I live, they are split into  
17                   separate political districts rather than kept  
18                   intact. This principle should adhere to other  
19                   predominantly immigrant neighborhoods in New York  
20                   including Flushing, Richmond Hill, Ozone Park,  
21                   Floral Park, Bellrose, Queens Village, Monthaven,  
22                   Park Chester, East Harlem, Washington Heights,  
23                   Inwood, Sunset Park, Flatbush, Bushwick,  
24                   Bensonhurst, Brighton Beach and Sheepshead Bay.

2           In my written testimony, I present evidence for  
3           my research to support these main points. Let me  
4           just present some quick items for you.

5                       Immigrants comprise a growing  
6           significant segment of the population. In New  
7           York State four million people live in New York  
8           State that are immigrants, 22%. In New York  
9           City, it's three million, 37%. Most have  
10          naturalized and become U.S. citizens. However,  
11          they remain locked out of being able to exercise  
12          formal political voice, partly because of the way  
13          districts are drawn. In New York City, there's  
14          more than one million residents who are adults  
15          who are non-citizens. Since 2000, 6 of 10 babies  
16          born in New York City, 67%, have at least one  
17          foreign-born parent. Immigrants also account for  
18          about half of the city's workforce. Moreover,  
19          many naturalized immigrants are fragmented into  
20          separate political districts even though they  
21          live in common neighborhoods and share common  
22          interests.

23                      In my written testimony, I present data  
24          to support these claims. I want to point out

2           just a couple of other quick things and end up.  
3           Even though immigrants are concentrated in  
4           particular neighborhoods, few representatives  
5           have been elected from immigrants' backgrounds  
6           and hold public officer. In previous  
7           redistricting efforts immigrants have been  
8           disenfranchised because these communities have  
9           been divided into unfair legislative districts.  
10          This has discouraged many members from immigrant  
11          backgrounds of being more politically active as  
12          voters and as candidates because they have been  
13          historically denied a voice in government. The  
14          absence of elected officials from immigrant  
15          backgrounds makes it imperative that this task  
16          force take seriously its obligation to comply  
17          fully with the Voting Rights Act and ensure that  
18          ethnic and racial minorities should have a full  
19          and fair opportunity to elect candidates of their  
20          choice. Immigrants participate politically  
21          increasingly at very high levels. In fact,  
22          immigrants have swelled the ranks of first-time  
23          voters in New York City. They are one of the  
24          driving forces behind the City's growing

2           electorate. In 2008, for example, nearly half,  
3           41% of all of those who voted for the first time  
4           were foreign-born. In the past three  
5           presidential elections, three of ten of all  
6           foreign-born voters were first-time voters  
7           compared with lower rates among the native born.  
8           Moreover, the newest New Yorkers make up the  
9           largest cohort of foreign-born voters, nearly 18%  
10          of foreign-born voters became citizens in the  
11          last two years, and an additional 25% were  
12          naturalized between 2000 and 2005.

13                   ASSEMBLY MEMBER MCENENY: Try to  
14                   summarize.

15                   MR. HAYDUK: Sadly, however, our  
16                   political parties and campaigns do a poor job of  
17                   contacting and representing immigrant voters.  
18                   While immigrant and native-born voters are  
19                   contacted at similar rates by unions, about 12%,  
20                   only about 9% of foreign-born voters report being  
21                   contacted by political parties and only 11% by  
22                   political campaigns, which is roughly half the  
23                   rate of native-born populations being contacted  
24                   at comparable higher rates.

2                   Many of the state's Senate and Assembly  
3                   districts have a population of 20 to 30% of the  
4                   population that are foreign-born and that remain  
5                   non-citizens. In some neighborhoods it can rise  
6                   to 40 to 50%. We do not have a truly functioning  
7                   democracy when such a sizable portion of the  
8                   voting-age population can't vote or are not  
9                   represented by candidates of their choice when  
10                  they can vote.

11                  This is on the order of political  
12                  exclusion of women and Blacks who historically  
13                  were citizens, of course, but could not vote.  
14                  Immigrants are by no means marginal, and  
15                  fortunately there have been many examples over  
16                  the last 20 to 30 years where immigrants and  
17                  other ethnic and racial minorities have formed  
18                  common cause.

19                  The last point about common interest in  
20                  coalitions is that LATFOR should respect these  
21                  communities as communities of common interest and  
22                  draw district lines accordingly. Immigrant  
23                  rights are the civil rights of today. New York  
24                  is the home of the Statue of Liberty and Ellis

2           Island, and symbolizes America's past and future  
3           as an immigrant nation. I urge you to take  
4           immigrant communities of interest into  
5           consideration as you draw the state's political  
6           and congressional district lines to ensure full  
7           and fair representation. Immigrant communities  
8           should be kept intact into single political  
9           districts as much as possible. The right to vote  
10          is fundamental, and we must ensure that this  
11          constitutional right is protected for immigrants  
12          in New York.

13                   The Task Force should abide by the  
14                   Voting Rights Act and ensure that racial  
15                   minorities have full and fair opportunity to  
16                   elect candidates of their choice. Thank you for  
17                   your time.

18                   ASSEMBLY MEMBER MCENENY: Thank you very  
19                   much. Henry Chang, and this is several meetings  
20                   now that OCA has been to, right?

21                   MR. HENRY CHANG, OCA-NY: That's correct.

22                   ASSEMBLY MEMBER MCENENY: Thank you.

23                   MR. CHANG: Good morning. My name is  
24                   Henry Chang, and I am testifying on behalf of

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2 OCA-New York. Founded in 1976, OCA-New York  
3 formerly known as the Organization for Chinese  
4 Americans is a non-profit, non-partisan  
5 organization dedicated to protecting and  
6 advancing the political, economic, social and  
7 cultural rights of Asian Americans. In the  
8 interest of time, I'm just going to read from  
9 certain sections of my written testimony. OCA-New  
10 York represents the five boroughs of New York  
11 City. In Manhattan's Chinatown, we have  
12 cosponsored candidate's forums for City Council  
13 District 1, for the office of Mayor and State  
14 Assembly District 64, and we've conducted voter  
15 registration on community street corners.  
16 Monthly, our OCA-New York board meets in  
17 Chinatown, and our annual fundraising gala has  
18 been held in restaurants throughout Chinatown.  
19 The Museum of Chinese and America was the site of  
20 OCA-New York's fifth annual hate crimes  
21 prevention art exhibit for the showing of Vincent  
22 Who and our general annual membership meeting and  
23 press conferences. We march annually in the  
24 Lunar New Year Parade and participate in

2 community street fairs.

3 Our community outreach includes hosting  
4 a health day, educating Chinatown residents on  
5 our shared history with African Americans and  
6 sponsoring bone marrow drives and holiday parties  
7 for low-income Chinese children. We've partnered  
8 with several Chinatown-based organizations on  
9 voter empowerment, health education, combatting  
10 hate crimes, and immigration. We helped document  
11 and interview Chinatown residents and  
12 organizations impacted by 9/11 for OCA National's  
13 Book titled *Voices of Health Spirit and Unity*  
14 *after 9/11*. OCA-New York's work also extends to  
15 coalition building and helping Asians living in  
16 Manhattan's Lower East Side. Working with - -  
17 Louisa Garcia Community Center, - - Incorporated  
18 and Grand Street Settlement, OCA-New York held  
19 its fourth annual hate crimes prevention project  
20 and sports tournament at Seaward [phonetic] Park  
21 and the Educational Alliance. We were the lead  
22 activate on securing a governor's pardon for King  
23 Wu [phonetic] an adult resident of the lower east  
24 side facing removal from the U.S. because of a

2 teenage criminal record. The 2010 census  
3 revealed Asian Americans how comprise 13% of the  
4 City's population. The number of Asian Americans  
5 have soared to over a million with at least  
6 180,000 in Manhattan alone. Specifically in  
7 Chinatown at least 65% of the residents are  
8 Asian.

9 I've lived in Chinatown for over 40  
10 years. As a novelist specializing in stories set  
11 in Chinatown, I've written a trilogy of mystery  
12 crime books, *Chinatown Beat*, *Year of the Dog*, and  
13 *Red Jade*. The characters in my books are based  
14 on people I've known growing up in Chinatown, and  
15 though my stories revolve around crime and  
16 violence, I also write about low-income people  
17 trying to better their lives. At least once an  
18 eek I walk the ten minutes from my home to the  
19 lower east side towards Houston and the East  
20 Village to shop and to eat. I have been involved  
21 in many Chinatown issues, such as opposing the  
22 Chinatown bid, attending community board meetings  
23 to oppose holding the terrorist trials in the  
24 federal court house across from Columbus Park and

2           also efforts to stop the city from tearing up  
3           Chatham Square without community input.  
4           Chinatown is part of State Assembly 64, primarily  
5           with Battery Park, Wall Street, South Street Sea  
6           Port and Little Italy. We propose that Chinatown  
7           be grouped with the Lower East Side because they  
8           share similar socioeconomic data, 82 to 92% of  
9           Chinatown and the lower East Side residents are  
10          renters. Forty to forty-seven percent of  
11          Chinatown residents and Lower East Side residents  
12          are below the poverty level. Seventy-four  
13          percent of Chinese speakers in Chinatown speak  
14          English less than very well, comparable to 72% in  
15          the Lower East Side. Asians and Latinos make up  
16          65 to 74% of the residents in both of these  
17          neighborhoods. Gentrification is a major threat.  
18          Investors in the Lower East Side have reclaimed  
19          vacant buildings and have built high-end bars and  
20          cabarets that clearly are not for local  
21          residents. There used to be many rent-controlled  
22          buildings in Chinatown, but as more apartments  
23          become decontrolled, landlords renovate and  
24          charge \$4,000 to \$5,000 a month for an apartment

2           that was previously \$300 to \$400 under rent  
3           control. Several buildings have burned down and  
4           have been replaced by luxury condominiums. Many  
5           Chinatown residents publicly express concerns  
6           that the rezoning in the Lower East Side would  
7           result in high-rise buildings being built in  
8           Chinatown. Joining these two neighborhoods would  
9           enable them to speak with one voice for  
10          affordable housing and critical social services.

11                   Chinatown is currently part of State  
12          Senate District 25 along with Wall Street,  
13          Battery Park, Tribeca, the Lower East Side, part  
14          of the East Village and Soho. We would like to  
15          emphasize the importance of keeping Chinatown and  
16          the Lower East Side together for the reasons  
17          stated. Currently, Chinatown is part of  
18          Congressional District 12, which includes  
19          Brooklyn Heights, Redhook, and parts of Sunset  
20          Park and the Lower East Side. OCA-New York  
21          supports keeping at a minimal Manhattan,  
22          Chinatown, and Sunset Park together in the same  
23          district because of shared socioeconomic status.  
24          The poverty levels are 48% and 42% respectively.

2           In terms of crimes, many students are targets of  
3           physical violence and verbal bullying.  Seventy-  
4           four percent of Chinese speakers speak English  
5           less than very well, similar to 80% in Sunset  
6           Park.  Because of language barriers, limited  
7           access to English instruction and high rents in  
8           Manhattan, many people live in Sunset Park but  
9           work in Manhattan's Chinatown in low-skilled  
10          jobs.  There are several independently owned bus  
11          shuttles that specifically transport Manhattan  
12          residents back and forth.  Sunset Park residents  
13          use these buses to commute to work and to drop  
14          their children off at daycare centers in  
15          Manhattan's Chinatown.  These transportation  
16          lines have become crucial in the past decade  
17          since much of Chinatown Manhattan has been  
18          designated as no-parking zones.  So I hope that  
19          LATFOR takes OCA-New York's recommendations into  
20          consideration in drawing district lines.  
21          Gentlemen, ladies, thank you so much.

22                           ASSEMBLY MEMBER MCENENY:  Thank you.  
23          Let me ask you, Mr. Chang, we appreciate your  
24          testimony, when the high-priced high rises, etc.,

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2 or higher-priced property is created through  
3 renovation or new construction, what percentage  
4 of the new occupants are Asian?

5 MR. CHANG: Off the top of my head I  
6 would have to say maybe less than 10%.

7 ASSEMBLY MEMBER MCENENY: Okay.

8 MR. CHANG: These are not people from  
9 the neighborhood. The housing stock that we have  
10 lost is not coming back. It's all going the way  
11 of gentrification. Investors are not going to  
12 build properties they're not going to make money  
13 on, and that is a huge problem. Affordable  
14 housing is a huge problem in our projected  
15 district.

16 ASSEMBLY MEMBER MCENENY: Thank you very  
17 much.

18 MR. CHANG: Thank you for your time.

19 ASSEMBLY MEMBER MCENENY: Jessica  
20 Vicuna. Is she here? Again, you've been here  
21 before, yes.

22 MS. JESSICA VICUNA, ACT NOW: This is my  
23 second testimony, but I will keep this short.  
24 Okay, good morning. My name is Jessica Vicuna,

2           and I live in Shelly Silvers district. I am here  
3           to discuss a few things that LATFOR can improve  
4           on to help the citizens of New York City. I  
5           would like to emphasize that a web site is a  
6           mirror of any organization. Nowadays, young New  
7           York constituents are bloggers and are internet  
8           savvy. I do not feel that LATFOR's wet site is  
9           up to speed with their content. I would like to  
10          know more about, for example, you sir.

11                   MR. LOPEZ: Say my name.

12                   MS. VICUNA: Welquis R. Lopez.

13                   MR. LOPEZ: Welquis.

14                   MS. VICUNA: Welquis.

15                   MR. LOPEZ: Welquis Lopez.

16                   MS. VICUNA: Lopez.

17                   MR. LOPEZ: Latino.

18                   MS. VICUNA: So am I.

19                   MR. LOPEZ: Thank you.

20                   MS. VICUNA: Okay, I do not know where  
21           you are in the web site except your name, and who  
22           are you? Why should I do an extensive background  
23           check on you when you should be on the web site?  
24           I'm not attacking you by the way?

2 MR. LOPEZ: Please that's - - .

3 MS. VICUNA: I also feel that hearings  
4 should be held during a time when citizens can  
5 actually attend them. I'm not sure what day or  
6 time, but during the day when people have to go  
7 to work does not seem fair to me. A written  
8 testimony is fine, I suppose, but there is  
9 something to actually speaking out publicly that  
10 makes a citizen feel counted. For each of the  
11 members of LATFOR, tell us, why are you on this  
12 panel? There is nothing on the web site that  
13 describes your personal sentiments on why you  
14 choose to do what you do. I also feel that there  
15 should be statements or reasons why and how  
16 LATFOR drew their lines on the map. We are  
17 living in the technology age right now where  
18 information is accessible. There should be no  
19 holes, breaks or jumps about what LATFOR does and  
20 stands for. If you want the citizens of New York  
21 City to stand by you, give us more than what you  
22 have on that web site. Thank you for allowing me  
23 to speak, and I hope you will take what I have to  
24 say into consideration.

2 ASSEMBLY MEMBER MCENENY: Thank you very  
3 much. The elected members here have in some  
4 cases long biographies of their past careers and  
5 interests in the red book, which can be reached  
6 through the internet as well.

7 MS. VICUNA: Thank you.

8 SENATOR DILAN: I just want to say to  
9 you that I believe that our web site is a bit  
10 static, and we could be more dynamic with it, and  
11 I hope that we can bring that up to speed.

12 MS. VICUNA: Thank you so much,  
13 gentlemen.

14 THE COURT: Thank you.

15 ASSEMBLY MEMBER MCENENY: Zakaya Shakir  
16 Ansary [phonetic]. Daniel Marks Cohen, State  
17 Committeeman?

18 MR. DANIEL MARKS COHEN, STATE  
19 COMMITTEEMAN, 69TH AD - NYC DEMOCRATIC COMMITTEE:  
20 Good afternoon, members of the Committee. My  
21 name is Daniel Marks Cohen, and I am the New York  
22 State Democratic Committeeman representing the  
23 69th Assembly District, Part A of Manhattan's  
24 Upper West Side in the New York State Democratic

2           Committee. The Assemblyman for the 69th is  
3           Daniel O'Donell [phonetic]. I'm a lifelong  
4           resident of the Upper West Side. My parents live  
5           in the district as well, and my fiance and I live  
6           in the District and intend to raise a family  
7           there too. The part of the Upper West Side I  
8           live in, between 96th Street and 125th Street is  
9           the poorest portion of the 69th Assembly  
10          District. It is the least served in terms of  
11          services and transportation and has more crime.  
12          I believe one reason for this consistent and  
13          uneven status is the fact that the 69th is cut up  
14          into multiple pieces, particularly the northern  
15          end of the District where I live, including two  
16          Congressional Districts, the 8th represented by  
17          Representative Jerry Nadler, and the 15th  
18          represented by Charlie Rangle, three State Senate  
19          Districts, Tom Dwayne of the 29th, Bill Perkins  
20          of the 30th, and Adriano Espaillat the 31st, and  
21          four City Council Districts, Gale Brewer of the  
22          6th, Robert Jackson of the 7th, Melissa Mark-  
23          Viverito of the 8th and Inez Dickens of the 9th,  
24          with 10, 10 different elected officials

2           representing one community at three different  
3           levels of government, it is no wonder that people  
4           get confused about whom to talk to about one  
5           issue or another, and it lets elected officials  
6           off the hook with matters that are at the fringes  
7           of their district or of an uncertain origin in  
8           their district or in another overlapping area or  
9           overlapping district. What is clear here is that  
10          if everyone is responsible, then no one is  
11          responsible.

12                   Looking more closely at the situation,  
13           in Congress we are ably represented by  
14           Representatives Nadler and Rangle, and I suppose  
15           you have to draw the line somewhere, but at least  
16           draw the line closer to the line of the Assembly  
17           Districts, perhaps that the 67th District that's  
18           fully contained within the Nadler Congressional  
19           seat and the 69th District is fully contained  
20           within the Rangle Congressional seat, or if this  
21           is not possible due to the demographic changes in  
22           the borough, move the lines between the Rangle  
23           and Nadler districts north so that the 69th  
24           Assembly District is not cut in half between the

2           two districts.

3                       My parents have lived at 99th Street and  
4           Riverside Drive for over 40 years, and just in  
5           the past 20 years they have been represented by  
6           three different currently serving members of  
7           Congress. The changes to the borough and the  
8           changes to the City at large have been  
9           significant but not so much that such changes in  
10          Congressional lines are justified. It is  
11          gerrymandering and political shenanigans. This  
12          kind of willful disregard for natural  
13          neighborhoods and communities cannot lead to  
14          quality political leadership or consistent civic  
15          participation if there's no continuity from year  
16          to year.

17                     In the State Senate it is challenging to  
18          combine districts to make them more compact while  
19          still making them numerically and ethnically  
20          balanced, but surely something can be done with  
21          portions of the Upper West Side are represented  
22          by one State Senator who live sin Washington  
23          Heights, another who live sin Harlem and a third  
24          who lives in Chelsey, three neighborhoods that

2 are vastly different by any measure and whose  
3 elected officials have appropriately different  
4 priorities in representing their majority  
5 neighborhood constituencies leaving the Upper  
6 West Side without an appropriate champion for its  
7 needs. This is not to disparage in any way the  
8 current elected leadership, just a recognition of  
9 the limits of human attention, resources and time  
10 which no elected official no matter how talented  
11 can overcome. Furthermore, on the West Side, we  
12 are inheritors of a long, skinny district, the  
13 31st, ably represented by Mr. Espaillat. Two  
14 disparate neighborhoods were forced together in  
15 an attempt to punish its predecessor Eric  
16 Schneiderman and remove a thorn from the side of  
17 Albany power brokers, but thankfully he won  
18 repeatedly and last year was elected to be the  
19 State's attorney. While I am thrilled at Mr.  
20 Schneiderman's elevation to higher office, I  
21 implore the task force not to leave the 31st  
22 unchanged, but redraw it so it is either fully on  
23 the West Side or fully in Washington Heights  
24 rather than where it is now stretched between the

2 two. Perhaps the most egregious district lines  
3 are the ones on the City Council, which I know  
4 this task force is not responsible for but  
5 nonetheless, this body could set an example, and  
6 if it begins to undo some of the messy work  
7 enacted over the past two cycles, it might  
8 inspire the council to follow suit.

9 Today you can stand on the corner of  
10 96th Street and Broadway, and depending on which  
11 corner you stand on, you can be on three  
12 different districts. Ms. Mark-Viverito  
13 represents east of Broadway, north of 9th Street,  
14 Ms. Dickens west of Broadway north of 96th street  
15 and Gale Brewer who we heard from earlier today  
16 is south of 96th Street. Surely one side of  
17 Broadway is not so different than the other that  
18 it requires the attention of two members of the  
19 City Council, let alone three.

20 As I mentioned in my comments regarding  
21 the Congressional District lines, you do have to  
22 draw the line somewhere, but perhaps they could  
23 be drawn to include all of the west side above  
24 96th Street in one district or even better all of

2 the west side from 59th to 125th similar to the  
3 outlines of the community board.

4 And I will close on this point, just shy  
5 of 50 years ago, in 1963, the community board  
6 lines were drawn to map out constituencies,  
7 neighborhoods and communities with similar needs  
8 and demands. While the people within those lines  
9 have changed over time, the lines themselves are  
10 still true.

11 If the task force is looking for a guide  
12 to what districts should look like, I urge them  
13 to compare their lines to the lines of the  
14 community boards. The closer to those community  
15 board lines the election districts are drawn, the  
16 happier their constituents will likely be. Thank  
17 you for your time and consideration.

18 ASSEMBLY MEMBER MCENENY: Thank you, and  
19 we do have those maps of the community boards,  
20 and we do take them into consideration.

21 MR. COHEN: Thank you, Mr. Chairman.

22 ASSEMBLY MEMBER MCENENY: Ahmed Tigani.

23 MR. AHMED TIGANI, VICE PRESIDENT,

24 MANHATTAN YOUNG DEMOCRATS: First of all, I'd

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2           like to say good morning and thank you for this  
3           opportunity to speak. My name is Ahmed Tigani.  
4           I am the vice president for the Manhattan Young  
5           Democrats. The Manhattan Young Democrats is an  
6           all-volunteer organization, and the official use  
7           arm for the Democratic Party in New York County.

8                     Our mission is to educate and activate  
9           young progressives and empower them to create  
10          change that they want to see in their  
11          neighborhood, borough, state and country. We  
12          appreciate the opportunity to be here today, and  
13          for all of you to facilitate these meetings  
14          around the state and to accept public input in  
15          the drawing of these maps. With our time today,  
16          I'd like to speak to you about a topic of  
17          enormous importance to our young members and  
18          countless New Yorkers who view our State's  
19          legislative process in need of reform, especially  
20          with regards to how our political boundaries are  
21          conceived and finalized. As allies such as - -  
22          ACT NOW and New Roosevelt Initiative have  
23          previously come to these hearings and made clear,  
24          public opinion rests overwhelmingly in support of

2 giving an independent redistricting commission  
3 the power to draw our electoral lines. We  
4 believe that any maps being considered should be  
5 based on principles of fairness like compact and  
6 continuous lines. In addition, the lines that  
7 are drafted shall respect the established  
8 boundaries of communities of interest, including  
9 those that have common linkages of race,  
10 socioeconomic and cultural history.

11 Our fear is that a system dominated by  
12 partisan politics creates too strong a temptation  
13 that will entice some members to suggest divvying  
14 up communities to preserve political  
15 considerations. Personally, as an urban planner  
16 in training, I feel strongly that this kind of  
17 map making can be disingenuous, and further  
18 erodes the bond between the elected officials and  
19 the public. New Yorkers can see clearly through  
20 a veneer of self-interest, and until we move  
21 forward and establish an independent  
22 redistricting commission, the public will  
23 continue to believe that elected officials are  
24 more concerned with protecting their futures than

2 preserving the promise of one man, one vote. In  
3 addition to that point, we hope that now with the  
4 population data available to identify prisoners  
5 to their home districts as you've already said  
6 that during this cycle of redistricting we will  
7 close the door on prison-based gerrymandering in  
8 New York State. With time still available, and I  
9 know it's drawing near, we urge the members of  
10 the task force to consider heading the public's  
11 call for an independent commission as has been  
12 done in other states who have begun and ended  
13 their own process while we continued to debate  
14 the validity of how an impartial partner to a  
15 legislative branch can help alleviate the  
16 public's concern with this redistricting process.  
17 As others have also mentioned prior to this  
18 testimony, New York stands at 47th among all 50  
19 states with regard to voter participation, and  
20 making a move toward increased transparency by  
21 our elected officials in Albany may help cure  
22 some of the cynical perception embedded in many a  
23 registered voter's minds. We also believe that  
24 it will help us engaging with other young people

2 to show them that their participation counts.

3 The Manhattan Young Democrats stand with  
4 Governor Cuomo who has promised to veto any  
5 partisan maps. We stand with our borough, our  
6 City and our State to say that we deserve a  
7 process that isn't warped by individual ambitions  
8 or casting aside of a community's geographical,  
9 socioeconomic or cultural integrity to meet  
10 electoral probability targets. Redistricting  
11 should be about providing fair representation to  
12 the people they affect, no more, no less, and  
13 once again we thank you for this opportunity to  
14 speak, for listening to everyone who has come  
15 here and again just thank you.

16 ASSEMBLY MEMBER MCENENY: Thank you very  
17 much. Katherine Cline, Katherine Cline from ACT  
18 NOW again.

19 FEMALE VOICE: [off mic]

20 ASSEMBLY MEMBER MCENENY: Okay, thank  
21 you. Mae Lee.

22 MS. MAE LEE, EXECUTIVE DIRECTOR, CHINESE  
23 PROGRESSIVE ASSOCIATION: Good afternoon. My  
24 name is Mae Lee. I am the executive director of

2 the Chinese Progressive Association. I'm here to  
3 talk about lower Manhattan and Chinatown. I have  
4 worked in Chinatown for more than 20 years. About  
5 the Chinese Progressive Association, we're  
6 located at the eastern end of Canal Street. We  
7 primarily serve those who live or work in  
8 Manhattan's Chinatown and the Lower East Side.  
9 The majority of our constituents are low to  
10 moderate income immigrant families. Our work  
11 includes teaching English to new immigrants,  
12 helping new parents to navigate the public school  
13 system, and become more engaged and involved in  
14 their children's education, building the  
15 leadership of young people. We sponsor a weekly  
16 housing clinic, and we work to protect our  
17 community's health and environment. We also help  
18 our neighborhood to become more civically  
19 involved by helping immigrants to become  
20 naturalized American citizens, by registering new  
21 voters and by getting more residents to be  
22 counted in the census.

23 Years ago the people we served and  
24 lived--primarily lived in the traditional core of

2 Chinatown and by traditional core I mean, you  
3 know, the area by Mulberry, - - Bayard, etcetera,  
4 and there was a smaller number of people living  
5 in the Lower East Side, south of Houston and east  
6 of - - . In the more than 20 years I've worked  
7 in the neighborhood, I have seen the Chinese  
8 community grow east and northeast of the  
9 traditional core. We have seen large numbers of  
10 new immigrants from China settle into the Lower  
11 East Side area, east of - - to raise families or  
12 start small businesses. A growing number of  
13 these new comers and some long-time residents  
14 have also moved further up the Lower East Side  
15 into the areas just north of Houston Street,  
16 particularly wherever there is rent-regulated or  
17 public housing. Although they have moved, they  
18 still visit, shop, work or do business in the  
19 neighborhood in Chinatown thereby maintaining  
20 their connection to Chinatown. Lower Manhattan  
21 is a diverse area of several different  
22 neighborhoods. There is Battery Park City,  
23 Tribeca, Soho, Little Italy, Chinatown and the  
24 Lower East Side, each with its own unique

2 personalities and characteristics.

3 Chinatown leaders always strive to work  
4 cooperatively with leaders of the neighboring  
5 communities, but when determining communities of  
6 common interest, we must look to the social and  
7 economic characteristics. These characteristics  
8 we itemize as income levels and economic status,  
9 race and ethnicity, English language proficiency,  
10 immigrant and citizenship status and educational  
11 levels so that the greater number of these  
12 characteristics that are shared, the more solid  
13 the common interest. So out of all of its lower  
14 Manhattan neighbors, Chinatown shares the  
15 greatest number of these characteristics with the  
16 Lower East Side.

17 These common interests shared are a need  
18 for affordable housing for low to moderate income  
19 families, better jobs, schools that will prepare  
20 our kids for college and meaningful careers, and  
21 programs that will increase opportunities for the  
22 newest New Yorkers.

23 So I looked at your web site and it says  
24 that the redistricting process will determine how

2 every citizen and community will be represented  
3 at the state and federal levels of government for  
4 the next ten years, so as this task force  
5 continues through the process of proposing  
6 districts that will be with us for the next  
7 decade, we urge that you keep the communities of  
8 common interest together. Thank you.

9 ASSEMBLY MEMBER MCENENY: Thank you very  
10 much. Bright Lim [phonetic]. Bright Lim.  
11 Sedelle Thomas. Welcome.

12 MS. SEDELLE THOMAS, MEMBER, BRONX UNITY  
13 DEMOCRATIC CLUB: Thank you. Good afternoon.  
14 My name is Sedelle Thomas. I reside on the U.S.  
15 mainland in the City of the Bronx, New York. I  
16 am a constituent of the 20th ED, the 77th AD, and  
17 my Congressional District is 16. We are located  
18 in the West Bronx across from the 181st Street  
19 Bridge. I live in Morris Heights, and the people  
20 in the Bronx call that bridge the Washington  
21 Bridge, which is its name. I have an issue with  
22 what I saw last week. I went to Bronx Community  
23 College, and I was there before the hearings  
24 began, and I stayed in my seat until the fire

2           bells rang. And because I worked in New York  
3           City public schools I knew to get up out of my  
4           seat and get ready to leave. It turned out to be  
5           a false alarm. I'm glad of that, but what  
6           concerned me and what urged me to come today was  
7           that most of the speakers in the Bronx hearing  
8           were from Manhattan across the 181st Street  
9           Bridge from Washington Heights, and most of them  
10          wanted Washington Heights to be redistricted or  
11          annexed to the West Bronx. Now, we are across  
12          the pond that I call, well, I call it a pond, but  
13          it's called the Harlem River, and we are sort of  
14          intact over there on the Harlem River. And I  
15          think we should remain intact on the West Side or  
16          the East Side of the Harlem River, and the people  
17          in the Washington Heights area should find other  
18          ways of annexing a group of people so that they  
19          can be represented. The point was that they  
20          wanted to have their own Hispanic representative  
21          in Congress, and the thing about it is my  
22          district is represented by a Hispanic. I have  
23          carried petitions for him since he was in the  
24          Senate, and I've been carrying petitions for him

2           since he was in Congress, and I will continue to  
3           do the same thing.

4                     Please keep the lines so that the West  
5           Bronx is on the east side or the east bank of the  
6           Harlem River, and Washington Heights is on the  
7           west bank of the Harlem River. Thank you for  
8           letting me speak.

9                     ASSEMBLY MEMBER MCENENY: Thank you very  
10          much. Susan Lerner. Welcome back.

11                    MS. SUSAN LERNER, EXECUTIVE DIRECTOR -  
12          COMMON CAUSE NY: Thank you. Thank you very  
13          much. It's always nice to see you with some  
14          continuity. We have again created some maps  
15          dealing with demographic changes here in  
16          Manhattan. I'm not going to read my entire thank  
17          you. Again our full discussion is up on our  
18          redistricting blog, [www.citizensredistrictNY.org](http://www.citizensredistrictNY.org),  
19          and I do have extra copies of the maps for people  
20          in the audience who would like to see them on  
21          paper.

22                    I'd like to point out a couple of  
23          things, and then I'd like to switch topics.  
24          Again, we have provided you with a map of the

2 neighborhoods. The thing that struck us in our  
3 initial analysis of the demographics of Manhattan  
4 was actually surprising to us, and we have really  
5 encapsulated this in the map that we have labeled  
6 as number two. Manhattan is actually more  
7 uniform demographically than we were expecting.  
8 When you compare it to Queens and the Bronx,  
9 while we have a lot of different vibrant  
10 neighborhoods, if you look at the actual  
11 demographics reported in the census, what we are  
12 seeing is that Manhattan seems to arrange itself  
13 as three Manhattans, the one we're calling the  
14 core, which is kind of Central Manhattan, the  
15 East and the West side, Chinatown in the Lower  
16 East Side forms a distinct demographic unit, and  
17 then Northern Manhattan forms a third distinct  
18 demographic unit, and the maps we've provided  
19 regarding median income, education level,  
20 employment data, all have caused us to conclude  
21 that there is great uniformity in the core even  
22 though Councilwoman Brewer points out that there  
23 are distinct neighborhoods and they have  
24 different character, the demographics were

2           surprisingly uniform to us. We wanted to also  
3           point out a couple of areas of concern. We agree  
4           with the Upper West side residents who have  
5           testified about the division of that  
6           neighborhood, that they have a hard time being  
7           split up the way they are particularly in the  
8           state senate, and we are taking a look at the  
9           arrangement regarding the Congressional  
10          districts, which I think the Manhattan  
11          Congressional districts are probably the hardest,  
12          most challenging drawing that may have to take  
13          place perhaps throughout the state. But I'd like  
14          to switch topic to an issue that really has come  
15          up in response to the questions we received in  
16          each of our appearances about are we drawing  
17          maps, and when are we going to have maps that we  
18          would be able to submit? I'd like to basically  
19          ask the task force for assistance and guidance  
20          because there are two issues that are really in  
21          your hands that are impeding our ability to I  
22          think move forward as quickly as we would like,  
23          and the first is the issue of the size of the  
24          Senate. We would like to provide maps that are

2 helpful, that are not an academic exercise, and  
3 as I think I testified in Albany, the first  
4 hearing the first appearance, we as good  
5 government groups like the idea of an odd number,  
6 but our interpretation of the state Constitution  
7 is that it requires 62 Senate districts  
8 currently, yet we are reading persistent press  
9 reports that say there are ongoing discussions  
10 regarding the size. We would ask for your help  
11 and your guidance. How many Senate districts  
12 should we include in a suggested map that  
13 encapsulates our suggestions for fair  
14 redistricting? You know, that is something which  
15 it is in your and the legislature's hands, and  
16 for us to be helpful and effective in this  
17 process, quite frankly we need some guidance.

18 The second area is one that has been  
19 discussed, and that is the entire issue of how we  
20 in drawing suggested maps will handle the re-  
21 enumeration of incarcerated people. Clearly  
22 with the Senate, I'm sorry with the census data,  
23 it's perfectly possible to remove the prison  
24 blocks from our calculus in drawing suggested

2 maps, but we do not have access to the data that  
3 the Department of Corrections has provided.  
4 There are, I know, privacy concerns, but we have  
5 heard that the task force has done the important  
6 and credible work of the GEO coding to the  
7 maximum extent possible. We know that there are  
8 issues of approximately a third of the addresses  
9 aren't good, that more work needs to be done, but  
10 we are desirous of the public release of the re-  
11 enumeration for the two-thirds of the  
12 incarcerated population, which has been done and  
13 would facilitate our drawing maps, which we would  
14 hope would be useful to you rather than an  
15 academic exercise. So, my second question in our  
16 request for help is when LATFOR will be releasing  
17 the Geo coding for the re-enumeration so that we  
18 can hopefully draw useful maps.

19 ASSEMBLY MEMBER MCENENY: The first  
20 question, the size of the Senate, is a matter,  
21 which has been testified to across the state,  
22 that's the purpose of these hearings, and we have  
23 heard a number of people say do what you want but  
24 make it an odd number, either 61 or 63. We have

2 other people come and say it's 62 and that can't  
3 change. That's the constitutionally correct  
4 number, and we have been listening to the people  
5 os that decision has not been made. I know it's  
6 frustrating. It's frustrating in-house, and it's  
7 certainly frustrating to the public. This round  
8 of public hearings is at a different level than  
9 the next round will be at, and hopefully we'll  
10 have an answer for that soon. Our last public  
11 hearing is before the election, and as you'll  
12 recall, we have extended things about a month  
13 because of the request of Senator Dilan and  
14 Assembly Member Oaks saying please give a  
15 separate interview for Nassau or a separate  
16 hearing and also don't leave the north country  
17 out, so that will probably be up in Plattsburg.

18 MS. LERNER: Right.

19 ASSEMBLY MEMBER MCENENY: As far as the  
20 prisoner count and re-patriating them if you will  
21 back to their numbers, we only have a preliminary  
22 number and we're still working on that. It would  
23 also be helpful if the Court would come and make  
24 a decision, but Courts tend to have their own

2           time pieces.   Senator Dilan?

3                        SENATOR DILAN:   Yes.   As you may recall,  
4           I believe I asked these very same questions at  
5           our first hearing, and I think I repeated these  
6           questions maybe during the second, third and  
7           fourth hearings, and I also believe that I sent  
8           an initial letter to the co-chairs with respect  
9           to some of these.   I'm still waiting for a  
10          response myself, and currently I am drafting  
11          another letter asking the very same questions  
12          with respect to the size of the Senate, with  
13          respect to what date will we be seeing a database  
14          regarding the prisoners so the public will know  
15          what size the Senate will be and the actual data  
16          so they could have accurate replications of  
17          districts that you may submit to us.   Also, both  
18          co-chairs have said that we're waiting for--we're  
19          listening to you with respect to the size of the  
20          Senate, you know what, the way it works is by the  
21          Constitution of the State of New York.   I think I  
22          heard a professor testify yesterday that that is  
23          in Article 3, Section 4, and if you take that  
24          formula, the Senate will be size 62.   I know that

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2 many want it odd number, but we cannot justify  
3 going to 63. We could perhaps justify going to  
4 61. Thank you.

5 ASSEMBLY MEMBER MCENENY: Do you have a  
6 number that Common Cause is ready to recommend?

7 MS. LERNER: Well, you know, our  
8 position is that the computation we've done  
9 indicates 62, and as I said, we hope in a future  
10 change of the Constitution regarding  
11 redistricting that that is something that can be  
12 adjusted, but right now we're stuck with the  
13 current 1894 version of what reality should be.

14 ASSEMBLY MEMBER MCENENY: I'm not a  
15 great fan of the 1894 customer, which butchers  
16 City neighborhoods.

17 MS. LERNER: Yeah, it makes all of our  
18 work more difficult.

19 ASSEMBLY MEMBER MCENENY: Well, we  
20 appreciate your coming and are well aware of your  
21 questions. When we have an answer, we'll get it  
22 out just as soon as we can.

23 MS. LERNER: Thank you.

24 ASSEMBLY MEMBER MCENENY: Thank you very

2 much. Trudy Mason.

3 MS. TRUDY L MASON, COMMITTEEWOMAN: My  
4 name is Trudy L. Mason. I am the state  
5 committeewoman for the East side of Manhattan,  
6 but I am wearing another hat today. I am not  
7 going to talk as the other speakers have about  
8 politics, about ethnic districts or anything  
9 else. I am going to speak about transportation  
10 and infrastructure and why your decisions will  
11 have a direct bearing on what happens in the City  
12 of New York to our transportation system. I am  
13 the Manhattan representative to the permanent  
14 citizens advisory committee, the MTA, the New  
15 York City Transit Rider's Council. It's a long  
16 title, and I formerly was the director of public  
17 affairs and government community relations for  
18 the MTA. I've got all of these titles out of the  
19 way, but I'm giving you my bona fide so you will  
20 understand that I think I know a little bit about  
21 whence I speak. Right now in the 14th  
22 Congressional District on the East Side of  
23 Manhattan and in Western Queens are the two  
24 largest public transportation projects in the

2 country, namely the Second Avenue Subway and what  
3 is called East Side Access or the East side Long  
4 Island Railroad connector. Congresswoman Carolyn  
5 Maloney has been responsible for getting the  
6 money from the feds, working with a lot of her  
7 colleagues, many of whom come from New York, but  
8 she has taken the lead in getting the funding for  
9 this. But the Second Avenue Subway, while it is  
10 on the East Side, will affect transportation all  
11 over the City of New York and going further out  
12 because it will relieve crowding not only on the  
13 East Side, which right now the Lexington Avenue  
14 Subway is the most crowded public transportation  
15 facility in the country, in the United States,  
16 but it will also relieve crowding on the Queens  
17 lines and when it is finished, right now we are  
18 just building a small part of it, which we  
19 internally call the stubway. That's S-T-U-B-W-A-  
20 Y, but when it is finished, it will go through  
21 four Congressional districts, and all four  
22 representatives have been very helpful to  
23 Congresswoman Maloney in helping to secure the  
24 funds, but you always need one person to take the

2 lead.

3 If her district is moved away from the  
4 Second Avenue Subway, what we call the full-build  
5 Second Avenue Subway, she will no longer have the  
6 standing among her colleagues to get us the  
7 needed money to complete this most important  
8 public transportation project, which is also  
9 providing us more jobs, and that's another buzz  
10 word that we use now, to the City of New York and  
11 the State of New York than almost any other  
12 public infrastructure, public transportation  
13 project. We need to keep the 14th Congressional  
14 District intact. We also need to keep the  
15 Western Queens portion of that district connected  
16 to it because if Western Queens is severed from  
17 the East Side of Manhattan, then what is called  
18 the Long Island connector, the East Side access,  
19 which will for the first time allow riders from  
20 Long Island who work in the City and work on the  
21 East Side not to just have to go into Penn  
22 Station and then take a bus, or a cab, or a  
23 subway to get across town adding a lot of time  
24 and inconvenience, but it will bring the Long

2           Island Railroad directly into Grand Central  
3           Terminal. That again is because of the work of  
4           having one member of Congress represent the whole  
5           area that is affected, again working with her  
6           colleagues from Long Island and from other parts  
7           of the city, and part of this and I don't want to  
8           get into too many technicalities, but there is a  
9           complete rehabilitation of the Sunny Side Yards,  
10          which is also Sunny Side is also part of the 14th  
11          Congressional District. By having all those two  
12          largest public works infrastructure, job-  
13          producing projects in the District of one member  
14          of Congress, it heightens the impact and it  
15          heightens what that member of Congress can do.  
16          So it is imperative. Forget about the political  
17          considerations of who represents who or who or  
18          what, but it is important for these projects to  
19          go to their fulfillment and serve all the people  
20          of not only the City of New York but Long Island,  
21          and I won't even begin to talk about how this  
22          impacts on what is going on in Westchester as  
23          probably most of you know because some of you  
24          represent these areas, the MTA catchment area is

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2           14 counties, including Rockland County,  
3           Westchester County, I always forget one, Orange  
4           County going to the North as well as Nassau and  
5           Suffolk, and so it is imperative and the people  
6           that I work with and again I am not speaking on  
7           behalf of any of the organizations that I spoke  
8           to--spoke about. This is on my own, but I work  
9           with all of these people, and I know and I do a  
10          lot of work - - go back and forth to Washington,  
11          I'll use a dirty word, lobbying on behalf of all  
12          of these projects, but that it is important that  
13          one person from one Congressional District speak  
14          on behalf of all of these vital, vital projects  
15          to the City of New York. I thank you very, very  
16          much.

17                   ASSEMBLY MEMBER MCENENY: Thank you very  
18                   much. It's good to hear a totally different  
19                   perspective, and we'll certainly take that into  
20                   account.

21                   COMMITTEEWOMAN MASON: Thank you very  
22                   much.

23                   ASSEMBLY MEMBER MCENENY: I am also  
24                   remiss. I meant to introduce Councilman Mark

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2           Wepburn [phonetic] former member of the Assembly  
3           who was with us earlier but didn't want to  
4           testify right now. We appreciate his interest.

5                   COMMITTEEWOMAN MASON: Thank you.

6                   ASSEMBLY MEMBER MCENENY: Thank you.

7           Michael Grumet.

8                   MR. MICHAEL GRUMET, OPERATOR OF THE 47TH  
9           STREET BUSINESS IMPROVEMENT DISTRICT AND LITTLE  
10          ITALY RESIDENT: Hello. Hi, I'm Michael Grumet,  
11          and like Trudy, I'm not going to talk about  
12          ethnic groups. I'm going to talk about economic  
13          impact. I'm Michael Grumet. I'm the Executive  
14          Director of the 47th Street Business Improvement  
15          District, which is the Diamond District, and  
16          we're centered on 47th Street between 5th and 6th  
17          Avenues. The diamond industry is based in  
18          offices between 46th and 48th Street between 5th  
19          and 6th Avenues. The diamond district is the  
20          world's largest shopping district for all sizes  
21          and shapes of diamonds and fine jewelry and we  
22          are really a very essential industry to New York  
23          City and New York State. We're the world's  
24          largest consumer market for diamonds and fine

2 jewelry. Over 95% of all the diamonds that enter  
3 this country go through New York City and most of  
4 them through the Diamond District. And once  
5 again we're in 47th between 5th and 6th, but we  
6 work as one industry along with the more famous  
7 jewelry stores that are along 5th Avenue,  
8 Cartier's, Tiffany's, DeBier's, Harry Winstead,  
9 Fred Leighton, and it's really important for us  
10 that we're represented by one member of Congress  
11 because she understands our industry, and to give  
12 you an idea about the importance of this industry  
13 to New York State, we're a \$24 billion a year  
14 industry and to put that in perspective, that  
15 means that we--the economic impact of our  
16 industry is exactly the same in terms of sales as  
17 McDonald's worldwide. Congresswoman Maloney has  
18 represented us, represented us very well in  
19 Congress. She understands our issues. She's  
20 helped us get federal funds for security cameras.  
21 We're working with her on tax legislation that's  
22 important to the jewelry industry, and I just  
23 wanted to emphasize one more time that it's  
24 really important that all of the major jewelers

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2 in New York City remain in one Congressional  
3 District with one person who really understands  
4 the industry and we think that person is  
5 Congresswoman Maloney. Thank you very much.

6 ASSEMBLY MEMBER MCENENY: Would you give  
7 me that boundary to the Diamond District as you  
8 see it?

9 MR. GRUMET: The official boundary of  
10 the bid is 47th Street between 5th and 6th  
11 Avenues, but there are a number of jewelers on  
12 6th Avenue, on 46th Street, on 47th Street, on  
13 48th Street, numbers on 5th Avenue.

14 ASSEMBLY MEMBER MCENENY: Does this  
15 relate to a community board on the map?

16 MR. GRUMET: It's Community Board 5.

17 ASSEMBLY MEMBER MCENENY: All of it?

18 MR. GRUMET: All of it is Community  
19 Board 5. Thank you very much.

20 ASSEMBLY MEMBER MCENENY: Carol Rinzler.

21 [break in audio]

22 MS. CAORL RINZLER, FOUNDER - 1000 PLUS  
23 FRIEND OF NYC PARKS: --it is about to perhaps  
24 take a step forward is the East Side Esplanade

2           [phonetic] which will complete the or at least  
3           help to complete the Esplanade around Manhattan.  
4           Congresswoman Maloney has been extremely  
5           important in this in helping to give us access to  
6           the East River. In addition, Long Island City,  
7           across from us is being transformed from an  
8           industrial area into a residential area, and that  
9           waterfront is being developed. In all of these  
10          areas we are getting new parks, new walkways, new  
11          activities on the water and on the water side,  
12          and it is very important that we keep the same  
13          Congresswoman representing all of us so that we  
14          continue to get this kind of funding. Carolyn  
15          has been extraordinary in helping us with our  
16          parks in these areas, and we would like to keep  
17          all of us together so that we can use similar  
18          techniques and similar stratagems in expanding  
19          what we have here. That takes care of parks,  
20          which are very important to New York because as  
21          many of you may not know we don't have that many  
22          of them on the east side. We treasure them. I  
23          have a very personal interest, however, in  
24          keeping the 14th Congressional District where it

2 is.

3 This piece of paper is my grandfather's  
4 application for naturalization in 1903. My  
5 grandfather married my grandmother who lived on  
6 Essex Street, corner of Rivington, which you may  
7 not know, but everybody back there does. Many  
8 years later they were living in one part of  
9 Carolyn's District on Central Park South on the  
10 Essex House. It's a journey of perhaps four  
11 miles, and it is the quintessential American  
12 journey and it occurred in Carolyn Maloney's  
13 District, and I am getting goose bumps telling  
14 you about it. But it is precisely what makes  
15 this District so extraordinary, the mixture of  
16 people, the mixture of communities, and the  
17 mixture of environment is unusual and should not  
18 be separated. And I thank you, and I was short.

19 ASSEMBLY MEMBER MCENENY: Thank you very  
20 much. Michael McKee.

21 MR. MICHAEL MCKEE, TREASURER - TENANTS  
22 POLITICAL ACTION COMMITTEE: Good afternoon. My  
23 name is Michael McKee, and I'm the treasurer of  
24 the Tenants Political Action Committee.

2 Historically the process by which New York State  
3 redraws legislative and Congressional districts  
4 every ten years is a prime reason why the public  
5 is more and more cynical about the state  
6 legislature. This process is controlled by the  
7 leaders of the majority party in each house, and  
8 in the 30 years that I have observed it, the  
9 lines have been drawn to protect incumbent  
10 legislators and occasionally to punish other  
11 incumbents. During the last go around, Lorraine  
12 Coil Cappell [phonetic] was gerrymandered out of  
13 the 34th State Senate District, and now Assembly  
14 Member Hachime Jeffries [phonetic] was removed  
15 from the 57th State Assembly District for overtly  
16 partisan purposes. LATFOR jiggered the lines to  
17 remove their homes from those two districts as a  
18 favor to then Senator Guy Vallelela [phonetic] and  
19 then Assembly Member Roger Green. These are only  
20 two examples of a process that has been  
21 fundamentally tainted. There is an old saying.  
22 The true business of Albany is incumbency  
23 protection. But the preferences of incumbent  
24 legislators should be removed from this process.

2           If there is to be any integrity in the new  
3           districts, they should ignore the residences of  
4           sitting legislators. The lines should be drawn  
5           in a rational, fair way as if there were no  
6           incumbents, and as if the districts were being  
7           established for the first time. A larger issue  
8           is the historical use of reapportionment by the  
9           majority parties in each house to draw lines to  
10          dilute the opposition and thus keep the majority  
11          in the case of the State Senate or expand the  
12          majority in the case of the State Assembly.  
13          There is little doubt that if the majority  
14          parties believe they can get away with it one  
15          more time, that kind of stacking of the deck is  
16          exactly where this process and this task force  
17          are headed again.

18                        Recent articles about the possible  
19                        creation of a 63rd Senate District in order to  
20                        preserve the narrow Republican majority and the  
21                        possible protection by Majority Leader Dean  
22                        Skelos [phonetic] of the - - who belong to the  
23                        so-called independent democratic caucus are no  
24                        doubt only tips of the iceberg of what is already

2           going down behind closed doors. The Assembly is  
3           not blame free. Witness the gerrymandering of  
4           Bay Ridge, one of the few neighborhoods in New  
5           York City where a Republican candidate could be  
6           elected. Instead Bay Ridge is divided up into  
7           separate Assembly districts each one represented  
8           by a Democrat. This is similar to the usual  
9           treatment of upstate cities in the Senate where  
10          municipal and county lines are disregarded in  
11          order to prevent the election of Democrats.  
12          Protection of incumbents, protection of majority  
13          control, two things that should be disregarded  
14          but which the leaders and you will no doubt try  
15          to pull off. But things are different this time.  
16          First, in large part thanks to the spotlight that  
17          Governor Cuomo has trained on this process the  
18          public is more aware than in the past of the  
19          games that the majority parties will once again  
20          try to play. As you go forward, the public will  
21          be watching. Second, Governor Cuomo has pledged  
22          to veto lines drawn for partisan purposes. We  
23          are grateful to the governor for this principled  
24          stand.

2                   While we favor establishment of an  
3                   independent non-partisan commission to handle  
4                   reapportionment, we are more concerned about the  
5                   lines themselves than who draws them. After all,  
6                   an independent commission so-called might quietly  
7                   carry out the wishes of the majority parties  
8                   while providing a veneer of integrity. It would  
9                   not be the first time a reform ribbon was wrapped  
10                  around the same old package. We support the  
11                  principles promoted by common cause and others.  
12                  Districts must be contiguous and compact. Lines  
13                  must respect municipal and county borders.  
14                  Districts and cities should respect traditional  
15                  neighborhoods. Communities of interest should be  
16                  kept together defined by racial, ethnic and  
17                  socioeconomic data. Party registration and  
18                  voting patterns should be eliminated from  
19                  consideration. Districts should not vary from  
20                  the average by more than 1% unless a slightly  
21                  higher variation is necessary to keep communities  
22                  of interest together, and the location of  
23                  residences of incumbent legislators should not be  
24                  considered. We will be watching your work with

2 close attention in the next few months, and we  
3 will be adding our voices to the call for honest,  
4 fair reapportionment. Thank you very much.

5 ASSEMBLY MEMBER MCENENY: Thank you. As  
6 far as those upstate cities, the City of Albany,  
7 for example is split because of the Voting Rights  
8 Act of 1965. It was found that if you put  
9 downtown Albany and downtown Troy together you  
10 have a better opportunity for minorities. That's  
11 why it was done. A lot of people aren't happy  
12 with it because there is a distance involved in  
13 it. The other thing is the three districts that  
14 I come from vary by one person because the State  
15 Constitution butchers urban neighborhoods with a  
16 block on border rule that if the math comes out,  
17 it doesn't matter if the block is on the other  
18 side of an eight-lane highway, the Assembly line  
19 will wrap around that isolated block.

20 Sometimes the 1% variance, which by the  
21 way is unconstitutional because of the necessity  
22 to keep towns together, the same 1894 anti-urban  
23 Constitution. You know, a lot of these things  
24 happen for other the reasons that we would like

2 to think.

3 MR. MCKEE: Yes, Assembly Member, I am  
4 very much aware of and you are correct, but other  
5 cities up state were divided for other reasons  
6 for basically partisan reasons.

7 ASSEMBLY MEMBER MCENENY: Thank you very  
8 much for your testimony.

9 MR. MCKEE: Thank you.

10 ASSEMBLY MEMBER MCENENY: Leida Snow.

11 MS. LEIDA SNOW: Good afternoon, and  
12 thank you for the opportunity. My name is Leida  
13 Snow. I live in the southern area of Manhattan  
14 bordering on Beakman and Turtle Bay. For some 13  
15 years I was theater critic for WINS AM. I'm also  
16 former president of the Drama Desk, and a  
17 lyricist whose songs have been recorded by well-  
18 known artists, and I'm currently a member of a  
19 chorus that presents concerts at Carnegie Hall.  
20 As a native New Yorker, I have long prized the  
21 multitude of cultural offerings in the city  
22 including the many world-class museums.  
23 Currently, New York's 14th Congressional District  
24 incorporates many of the City's premiere cultural

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2 institutions, including the fine museums that  
3 constitute Fifth Avenue's Museum Mile, Carnegie  
4 Hall, the 92nd Street Y, Jazz at Lincoln Center,  
5 Three Broadway Theaters, the American Ballet  
6 Theater's Headquarters, and the new museums in  
7 Western Queens. It includes the Asia Society and  
8 the Municipal Art Society, the French and China  
9 Institutes and - - Italiano, part of the great  
10 Hunter College complex. Additionally, it  
11 includes the many smaller organizations that  
12 provide anchors for our neighborhoods and bring  
13 visitors to the community, like the neighborhood  
14 playhouse, the Vineyard Theater, and the Turtle  
15 Bay Music School, where my chorus rehearses for  
16 its Carnegie Hall Concerts. It is my strong  
17 belief that it serves the community to have a  
18 Congressional District that encompasses both  
19 large and small arts and cultural organizations.  
20 Constituents who value these institutions then  
21 have representation that recognizes the  
22 importance of these organizations to the economic  
23 vitality of our city and state and the cultural  
24 strength of our country.

2 Museum Mile is the area from 82nd to  
3 104th Streets. It includes the Metropolitan and  
4 the Jewish Museum, a - - , the Museum of the City  
5 of New York, the Guggenheim, the Cooper-Hewitt.  
6 In addition, the District includes the Whitney,  
7 the Frick, the Museum of Modern Art in Manhattan  
8 and MoMA PS1, the Noguchi Sculpture Garden and  
9 the Museum of the Moving Image in Queens.  
10 According to a recent report issued by the  
11 Alliance for the Arts, New York's cultural  
12 institutions generate some \$3.8 billion in earned  
13 and contributed income annually employing over  
14 100,000 people on a full-time, part-time or  
15 consultant basis. That's the equivalent of just  
16 under 34,000 full-time employees. Nearly 99  
17 million people attend performances, exhibitions,  
18 classes and workshops every year. A significant  
19 amount of the revenue generated by New York's  
20 cultural institutions is in the 14th  
21 Congressional District, and I get great music for  
22 it. [laughter]

23 According to the report, roughly 45% of  
24 the arts' jobs are located in the District. The

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2 report does not look specifically at the number  
3 of people who work in museums, but I believe if  
4 it did, a significant majority of them would be  
5 in the 14th Congressional District. Our area  
6 benefits from having a member of Congress like  
7 Carolyn Maloney who represents a multitude of  
8 museums and other arts organizations, who works  
9 with a large local and the large small cultural,  
10 the small and the large cultural institutions and  
11 fights to ensure that they receive their fair  
12 share of federal dollars. I believe it is vital  
13 to have a member of Congress who is familiar with  
14 the economic importance to our city of these  
15 local arts organizations. Accordingly, I urge  
16 you to keep the East Side and Western Queens  
17 together as one Congressional District to  
18 maximize the impact of this segment of the  
19 economy. Thank you.

20 ASSEMBLY MEMBER MCENENY: Thank you.

21 Lou Sepersky.

22 MR. LOU SEPERSKY: I'd like to thank the  
23 members of the panel for taking the time to hear  
24 my testimony. I've--one of the--Mr. Assemblyman,

2           you said you were the historian, the town  
3           historian?

4                   ASSEMBLY MEMBER MCENENY: No, I was the  
5           county historian for Albany County, chairman of  
6           the historic sites commission. I'm also the  
7           historian of the Assembly, etcetera, and I wrote  
8           the book on Albany. So, I'm very sympathetic to  
9           historic testimony.

10                   MR. SEPERSKY: I'm the historian for the  
11           6th Community District of Manhattan, one of the  
12           12 Districts in the county each of which has its  
13           own historian. So I share that with you.  
14           Albritch Figari [phonetic] would be shocked to  
15           hear some of the testimony of what goes on today  
16           in terms of apportionment. My name is Lou  
17           Sepersky, and I live in the Sutton community, the  
18           sack [phonetic] community, which borders on the  
19           Turtle Bay neighborhood of Manhattan. I'm active  
20           in a number of local and community organizations,  
21           and chaired the Citizen Transportation  
22           Initiatives for the benefit of the community and  
23           I've chaired citizens advisory committees for a  
24           number of studies for the MTA over the years.

2           Additionally, I have served as the transportation  
3           committee chair of Manhattan Community Board 6.  
4           I was an early proponent of the 2nd Avenue  
5           Subway, and I have championed the idea of re-  
6           using the East River caissons, and I'll explain  
7           that in a minute as supports for a pedestrian and  
8           bikeway esplanade.

9                       The caissons were initially installed as  
10           over-the-river supports for a detour roadway in  
11           the reconstruction of the Franklin Roosevelt  
12           Drive. The State engineers determined that it  
13           would be less expensive and less disruptive to  
14           the neighborhood to actually build a short bridge  
15           over the drive rather than re-routing traffic  
16           through the community and through the city  
17           streets. When the work was done, we began an  
18           effort to retain the caissons not for vehicular  
19           use but for pedestrian and bike use and  
20           recreational use. The existence of the caissons  
21           would save an enormous amount of money for the  
22           completion of the East River Greenway, which has  
23           been alluded to by others testifying. Both of  
24           the projects, the 2nd Avenue Subway and the

2           Caisson Conversion are actively moving along  
3           thanks to the support of our member of Congress,  
4           Representative Maloney in the 14th Congressional  
5           District. Currently, phase one of the 2nd Avenue  
6           Subway is being built, and I understand that the  
7           tunneling work will be formally completed  
8           tomorrow. But we will never reach phase two  
9           through four without the support and advocacy of  
10          our member of Congress. It is to our advantage  
11          and to the advantage of I think to the City to  
12          have a representative who has the whole project,  
13          the whole Manhattan side of the project in one  
14          Congressional District because it ties all the  
15          various aspects and all the elements of the  
16          construction together and provides one champion  
17          for the totality of the project.

18                 The MTA initially proposed building a  
19          small portion of the subway from 96th to 63rd  
20          Street. We now refer to that just as phase one,  
21          but Representative Maloney listened to our  
22          concerns and fought to make sure that the  
23          environmental impact statement covered the full  
24          route of the subway. That way we would not have

2 to halt construction when the first portion is  
3 finished. The MTA can move seamlessly into  
4 completing or working on the next phases, and  
5 that possibility would not exist if our  
6 representative had not seen the context of the  
7 entire East Side.

8 Similarly, East Manhattan is the only  
9 area without waterfront recreational facilities.  
10 Our member of Congress has seen the totality of  
11 the East Side and is so interested in completing  
12 the green way, that link of the green way, she  
13 held the first meetings in support of preserving  
14 the caissons, which I've mentioned and has  
15 secured commitments from the City and the State  
16 Department of Environmental Conservation to keep  
17 the needed caissons in place. She has secured  
18 federal funding for the project, which is now  
19 being used to complete a feasibility study and  
20 she has been steadfast in support, and it's  
21 somebody whose deeply familiar with the needs of  
22 the community and the neighborhood who makes this  
23 possible to divide and sub-divide like the  
24 offices in small sections makes it very much

2 harder to build support. Her interest in the  
3 waterfront has been true for both sides of the  
4 East River. She represents Western Queens, and  
5 on the Queens side she is working to ensure that  
6 the seawall along Astoria Park just north of the  
7 59th Street Queensboro Bridge is repaired, and  
8 some of the mitigations obligations for the  
9 Franklin G. Roosevelt Drives will make it  
10 possible for the pedestrian way to be completed  
11 because the requirements of keeping the river  
12 uncovered and by uncovering water on the eastern  
13 side of the river, it will make it possible to  
14 build the esplanade on the west side of the  
15 river. It's the kind of stuff that gets into  
16 agencies and their responsibilities, but finding  
17 somebody who can help harmonize those matters who  
18 is valuable not only to the community but to the  
19 City as a whole. I urge you to keep all of the  
20 East Side of Manhattan and Western Queens in the  
21 same Congressional District because the benefits  
22 to the City in the long term and both communities  
23 are very great and very much necessary. Thank  
24 you.

2 ASSEMBLY MEMBER MCENENY: Thank you very  
3 much. Louise Dankberg.

4 MS. LOUISE DANKBERG, DISTRICT LEADER:  
5 Good afternoon. I'm Louise Dankberg. I  
6 apologize for the musical interlude, but the  
7 timing was perfect if it had to happen. Although  
8 I am an elected Democratic District Leader in the  
9 74th Assembly District and a proud member of  
10 Community Planning Board Number 6, I come to you  
11 today as the chairperson of the Bellevue Hospital  
12 Center Community Advisory Board located at 462  
13 First Avenue and 27th Street. Bellevue is  
14 America's oldest public hospital, incidentally  
15 celebrating 275 years this year, and it continues  
16 to set the standard of care in many areas  
17 including psychiatry, emergency medicine,  
18 neurology, microsurgical replantation of hands,  
19 limbs and fingers. One of the reasons for its  
20 excellent quality of care is that Bellevue serves  
21 as a teaching hospital for NYU School of Medicine  
22 along with NYU Langone Medical Center and the VA  
23 Hospital located at 23rd Street. All three  
24 hospitals are located in the same Congressional

2           District. Bellevue is one of five World Trade  
3           Center Centers of Excellence along with Mt. Sinai  
4           Hospital on the Upper East Side, Gouverneur  
5           Healthcare Services on the Lower East Side.  
6           These centers of excellence are being funded  
7           through the James Zidroga 9/11 Health and  
8           Compensation Act authored by our Congresswoman  
9           Carolyn Maloney, who represents all three  
10          hospitals. She saw that many of the first  
11          responders in our area and many of her  
12          constituents were becoming sick as a result of  
13          their exposure on 9/11 and she worked to pass  
14          legislation to ensure that they would receive  
15          proper treatment. This legislation is providing  
16          billions of dollars to our hospitals, and is  
17          ensuring treatment for sick responders and others  
18          exposed to the toxins released when the towers  
19          fell.

20                   New York City is the leader in medical  
21                   care in the United States. Manhattan's East Side  
22                   is at the epicenter of the New York medical  
23                   establishment whose world class excellence  
24                   attracts doctors and patients from New York City,

2           the country and the world. The 14th  
3           Congressional District incorporates many of New  
4           York City's Hospitals including Mt. Sinai  
5           Hospital Center in Manhattan, Mt. Sinai Hospital  
6           in Queens, Beth Israel North, formerly doctor's  
7           hospital, New York Hospital, Lennox Hill,  
8           Memorial Sloan Kettering Hospital, NYU Cornell  
9           While, the VA Hospital, Beth Israel, Gouverneur,  
10          specialty hospitals such as Manhattan Eye and  
11          Ear, the Hospital for Special Surgery and the  
12          Hospital for Joint Diseases, and Coler-Goldwater  
13          Hospitals on Roosevelt Island. Three of these  
14          hospitals are public hospitals, and it should not  
15          be considered a coincidence that the Health and  
16          Hospitals Corporation has grouped these three,  
17          Bellevue, Gouverneur, and Coler-Goldwater in the  
18          Southern Manhattan Healthcare Network. Just as  
19          HHC has placed them together, they belong  
20          together in the same Congressional District.  
21          It's no accident that so many excellent hospitals  
22          are located in a small area. They are able to  
23          share talent, ideas, and perspectives. It is  
24          natural that so many medical institutions located

2 near one another should have one member of  
3 Congress who can become intimately familiar with  
4 their concerns.

5 Because of the concentration of  
6 hospitals, the East Side of Manhattan has also a  
7 dense concentration of doctors who work and  
8 reside on the East Side. Doctors are often  
9 affiliated with several hospitals. New Yorkers  
10 who work in the hospital industry have shared  
11 interests and shared concerns particularly when  
12 it comes to the federal programs that fund or  
13 regulate the medical industry. It helps to have  
14 one representative who truly understands those  
15 interests. Our hospitals remain the best because  
16 of the extraordinary research they do. They  
17 attract truly talented doctors and scientists who  
18 are able to make great strides in medical  
19 research. It helps to have a member of Congress  
20 who understands the importance of increasing the  
21 amount of federal research dollars available.  
22 Many members of Congress have an industry that  
23 dominates their community. For some it's  
24 agriculture, for others defense, for others it's

2           the auto industry. Those members of Congress are  
3           necessarily well-informed about the issues that  
4           affect that industry. An informed member is a  
5           better partner. The 14th Congressional District  
6           has many important industries as well, but the  
7           concentration of hospitals, doctors, and medical  
8           researchers in our area insures that medicine is  
9           a primary concern of the representative of this  
10          District.

11                        Virtually all of the hospitals in the  
12          14th Congressional District are teaching  
13          hospitals. Teaching hospitals really rely on  
14          funding available for graduate medical education.  
15          We need a member of Congress who understands the  
16          importance of funding formulas that protect the  
17          extraordinary education provided by hospitals. I  
18          urge you to please keep all of the hospitals on  
19          Manhattan's East Side, Roosevelt Island, and  
20          Western Queens in the same Congressional  
21          District. Thank you very much.

22                        ASSEMBLY MEMBER MCENENY: Thank you.

23          Maria Teresa, Maria Teresa Feliciano. Welcome

24                        DR. MARIA TERESA FELICIANO, PRESIDENT -

2           DOMINICAN AMERICAN NATIONAL ROUNDTABLE (DANR):  
3           Good afternoon and thank you. If it pleases the  
4           task force, there are three other individuals who  
5           will be testifying the same line with me if they  
6           could come in. They are just a few of the people  
7           down the line.

8                    ASSEMBLY MEMBER MCENENY: If they can  
9           keep it--

10                   DR. FELICIANO: [interposing] To under  
11           one minute each?

12                   ASSEMBLY MEMBER MCENENY: Sure.

13                   DR. FELICIANO: I will be the longest.

14                   ASSEMBLY MEMBER MCENENY: Bring them in,  
15           and you will introduce each other in sequence.

16                   DR. FELICIANO: Certainly.

17                   ASSEMBLY MEMBER MCENENY: Please  
18           proceed.

19                   DR. FELICIANO: I'm Dr. Maria Teresa  
20           Feliciano, president of the Dominican American  
21           National Roundtable. Good afternoon again to the  
22           task force, and thank you for allowing us to  
23           address you on these very important issues. We  
24           will be speaking on behalf of the Dominican

2 American National Roundtable, a national  
3 organization advocating for the rights and  
4 interests of over two million Dominicans in the  
5 United States including the large population of  
6 Dominicans in New York. We understand the task  
7 at hand is New York's constitutional process of  
8 adjusting the lines of its legislature and  
9 Congress to comply with the one person, one vote  
10 requirements for fair representation in any  
11 legislative body across the country.

12 Back in 1965, President Lyndon Johnson  
13 went before an extraordinary joint session of  
14 Congress to urge speedy passage of an effective  
15 Voting Rights Bill. "I speak tonight for the  
16 dignity of men and the destiny of democracy,"  
17 Johnson began. "I urge every member of both  
18 parties, Americans of all religions, and of all  
19 colors, from every section of this country to  
20 join me in that cause. Their cause must be our  
21 cause too," Johnson said. Subsequently, on  
22 August 6th, Johnson signed the Voting Rights Act  
23 into law. In a democracy, the principle of one  
24 person, one vote is a sacred concept. If the

2 principle is to apply in New York insuring a  
3 greater voice for Latinos in the halls of power  
4 is the greatest test facing this task force  
5 today.

6 In carrying out your mission, we would  
7 like you to consider the following: According to  
8 the 2010 U.S. Census there are 50.5 million  
9 Latinos in the United States composing 16% of the  
10 total population. Latinos increased by 15.2  
11 million or 43% between 2000 and 2010, which  
12 accounted for over half of the total population  
13 growth that occurred in the United States over  
14 the past ten years. The Census Bureau release  
15 specifically looked at the populations of Rhode  
16 Island, South Carolina, West Virginia, Michigan,  
17 Massachusetts, New Hampshire, New York, Maine and  
18 the District of Columbia, all of which showed  
19 explosive demographic growth of Latino. In New  
20 York, for example, Latinos accounted for one out  
21 of every two individuals added to the total adult  
22 population in the state. Latinos make up 19.2%  
23 of the state's total population and has grown to  
24 approximately 30% of the New York City

2 population. The emergence of Latinos as the  
3 largest minority in the state as per the 2010  
4 census requires the creation of majority Latino  
5 districts or Latino opportunity districts that  
6 would allow us to elect candidates of our choice  
7 in numbers commensurate with our population. The  
8 new New York Legislative map must reflect the  
9 state's changing demographics. There is an  
10 undisputed lack of Latino representation in the  
11 New York Legislature. There are less than a  
12 dozen Latino Assembly Persons out of 150, 4  
13 Senators out of 62 and 2 Congress members out of  
14 29. Ideally this task force will be creating  
15 approximately 20 Assembly Seats, 6 - - and 3  
16 Congressional seats where Latinos can elect  
17 candidates of their choice. We propose a Latino  
18 congressional district that will unite the  
19 communities of interest, of Elvario [phonetic],  
20 Washington Heights, and West Bronx. A district  
21 that will have 60% Latinos and will be comprised  
22 of communities that share places of work, places  
23 of worship, shopping centers, socioeconomic and  
24 educational interests as well as challenges. The

2 lives and residences of most New Yorkers  
3 circulate not inside of City boundaries but  
4 around commercial districts, service institutions  
5 such as hospitals, community agencies, houses of  
6 prayers, routes of transportation, etcetera.  
7 This map affords this Task Force the opportunity  
8 to add one of the needed five Latino  
9 Congressional Districts and uphold the spirit of  
10 the Voting Rights Act. Should the Legislative  
11 Task Force on Demographic Research and  
12 Apportionment fail to provide districts where  
13 growing demographic groups could elect candidates  
14 of our choice, the judicial courts triggered by a  
15 Section 2 claim of the Voting Rights Act could  
16 order the State of New York to create such  
17 districts? It's either the Task Force or the  
18 Courts, Voting Rights Act or status quo. We will  
19 be looking forward to working with this Task  
20 Force to contribute to your efforts to make sure  
21 that New York achieves a fair and constitutional  
22 redistricting. We will be watching.

23 ASSEMBLY MEMBER MCENENY: Could I ask  
24 you to repeat the current status of Senators,

2 Assemblymen, and members of Congress?

3 DR. FELICIANO: I have under one dozen  
4 Assembly persons out of 150, 4 Latino senators  
5 out of 62, and 2 Congress--

6 SENATOR OAKS: [interposing] How many  
7 Assembly Members?

8 DR. FELICIANO: I have 11 or 13 Latinos.

9 ASSEMBLY MEMBER MCENENY: All right, so  
10 we'll say 12 for discussion purposes. How many  
11 Senators?

12 DR. FELICIANO: We have four Latino  
13 senators.

14 SENATOR MARTIN DILAN: There are six.

15 ASSEMBLY MEMBER MCENENY: There are six.

16 DR. FELICIANO: There are six out of 62.

17 ASSEMBLY MEMBER MCENENY: Which is your  
18 goal?

19 SENATOR DILAN: There are six.

20 ASSEMBLY MEMBER MCENENY: So the Senate  
21 has already met your goal now?

22 DR. FELICIANO: Now you have to create  
23 because there were six additional. Now it's only  
24 four because - - .

2 ASSEMBLY MEMBER MCENENY: He's the  
3 Senator. He can name them.

4 DR. FELICIANO: Six, no I understand  
5 that.

6 SENATOR DILAN: There are six Senators,  
7 and you're trying to say that we should create  
8 how many more then?

9 DR. FELICIANO: That we should have had  
10 10 out of 62 to be the 19% representative.

11 SENATOR DILAN: So there are six, so you  
12 are saying there should be an opportunity to  
13 elect four more.

14 DR. FELICIANO: Right.

15 ASSEMBLY MEMBER MCENENY: Okay, all  
16 right, and you have two members of Congress and  
17 you feel it should be three?

18 DR. FELICIANO: It should be five.

19 ASSEMBLY MEMBER MCENENY: It should be  
20 five. It would be--right, out of 29 Congress  
21 members, 19% is roughly five.

22 MR. LOPEZ: Is your organization going  
23 to submit a plan?

24 DR. FELICIANO: Yes, we are submitting

2 maps on-line as you are indicating.

3 MR. LOPEZ: Okay.

4 DR. FELICIANO: Our position is  
5 basically and this we can take in general  
6 roughly, 19, almost 20% of the population should  
7 have as close a percentage of representation at  
8 all levels of government in the legislature.

9 ASSEMBLY MEMBER MCENENY: Could we hear  
10 from another member of the group now?

11 MS. PAOLA MARTINEZ: Sure, thank you.

12 ASSEMBLY MEMBER MCENENY: Introduce  
13 yourself, please.

14 MS. MARTINEZ: Thank you, my name is  
15 Paola Martinez. I have an exam like in 15  
16 minutes, but still I took my time because I think  
17 this is very important that we as Latinos come to  
18 these hearings and speak out for ourselves.  
19 Thank you again for hearing me. Basically, our  
20 request is that in drawing the new legislative  
21 districts in the State of New York, you consider  
22 the rapid growth of the Latino population given  
23 the fact that our Constitution says that, "We the  
24 people of the United States." I believe that as

2           Latinos we have earned this right. We have  
3           contributed to the economy of this country no  
4           matter where we are. I don't think a Subway is  
5           more important than our people is--this is what  
6           our Constitution says. You should give us that  
7           opportunity by giving us a super-majority Latino  
8           District. I think that we deserve this. Also, I  
9           want to say that until the early 1980s Hispanic  
10          representation in Congress lingered in the single  
11          digits. The gains in Hispanic office holding  
12          during the 1980s and 1990s can be attributed in  
13          part to the passage and implementation of the  
14          Voting Rights Act. Now we have another  
15          opportunity to give more seats in Congress for  
16          Hispanics. That way as a population we will feel  
17          that we are better represented and that we have  
18          people who can speak for our issues in Congress  
19          as well as in the Senate. Justice O'Connor  
20          defended this radical change in Section 5 by  
21          citing five sociological studies that she claimed  
22          suggested that the most effective way to maximize  
23          minority voting strength may be to create more  
24          influence or - - districts. As it was mentioned

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2 I would say an hour ago in this room, New York  
3 State is lagging behind. People is not voting.  
4 Perhaps this is because people don't feel they  
5 are well represented. Please give us that  
6 opportunity, give the Latino community in the  
7 United States, specifically New York an  
8 opportunity to address their issues and to have  
9 more representation by giving us a map that  
10 joining the Latino population of Washington  
11 Heights in the Bronx provide us with the  
12 opportunity of electing a Congress member of our  
13 choice. Thank you.

14 ASSEMBLY MEMBER MCENENY: Thank you.

15 MS. YUDELKA TAPIA: Good afternoon, and  
16 thank you to the members of the task force for  
17 allowing us to present to you our thoughts. My  
18 name is Yudelka Tapia, and I'm an elected - - for  
19 the Assembly District 86 in the Bronx. But most  
20 importantly I am a community advocate for Latino  
21 fair representation. We understand that your job  
22 is to adjust the lines in the New York State  
23 legislature as well as the Congress to comply  
24 with the one person one vote requirement for fair

2 representation in all legislative bodies. It is  
3 evident based on the census figures that the  
4 biggest task facing this task force is to attempt  
5 to provide fair and accurate representation to  
6 all New Yorkers, is the drawing of a number of  
7 Congressional and Senatorial - - Latino districts  
8 that will reflect the explosion of the Latino  
9 population in New York.

10 You have the challenge to ensure that  
11 Latinos are accurately and fairly reflected in  
12 the legislature. Drawing legislative maps with  
13 majority Latino population should be simple. One  
14 only has to look at the map to see where Latinos  
15 are concentrated. One Congressional District  
16 including the population of Washington Heights  
17 and the Bronx stands out. I request that this  
18 task force gives us such a district that would  
19 bring together these communities of interest who  
20 share places of worship, shopping malls, places  
21 for social and work economic interest and allow  
22 us to elect a candidate of our choice. Thank you  
23 very much.

24 ASSEMBLY MEMBER MCENENY: Thank you.

2 MS. DELCIA GRANVILLE: My name I Delcia  
3 Granville [phonetic], and I'm also an advocate  
4 for the Latino community. I thank you for the  
5 opportunity to address you regarding the current  
6 redistricting process. I understand that this  
7 process involves adjusting the lines of the New  
8 York State Legislature as well as the Congress to  
9 comply with the one person, one vote requirements  
10 for fair representation of communities across the  
11 country. I understand that one of your  
12 objectives is that New York State is properly  
13 represented. I am requesting that you take into  
14 consideration the following when drawing the new  
15 maps. The Latino populations have grown  
16 significantly in New York in the past decade  
17 particularly in Manhattan and the Bronx. This  
18 dramatic growth requires adjusting legislative  
19 maps to reflect a change in population. This  
20 should result in at least one additional  
21 Congressional map with a majority Latino  
22 population in Manhattan and in the Bronx. I must  
23 note that even with one additional Congressional  
24 map, the Latino community of New York would still

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2           be under represented, and I thank you for your  
3           time.

4                        ASSEMBLY MEMBER MCENENY: Thank you for  
5           your time. Pedro Luna [phonetic]. Carlos Seirra  
6           [phonetic]. Bridgette Eres [phonetic].  
7           Valentine Silvario [phonetic]. Wilson Terraro  
8           [phonetic]. Edelsa Mendez [phonetic]. Rafaela  
9           Zapatta [phonetic]. A number of people who came  
10          with other people who spoke. If the groups  
11          responsible or have these people in their  
12          membership, if you send us something in writing  
13          that they were here as part of the group, it will  
14          explain why they aren't here now. Jose Cruz  
15          [phonetic]. Maritza Deltora [phonetic]. Eduardo  
16          Hopelman [phonetic]. Suzie Losado [phonetic].  
17          Louis Fecundo [phonetic]. Maurissa Estraea  
18          [phonetic]. Fecundo Knight [phonetic]. Caren  
19          Flores. Welcome.

20                       MS. CARMEN FLORES, POSTAL WORKER -  
21          NATIONAL ASSOCIATION OF LETTER CARRIERS: Good  
22          afternoon. Yes, thank you, finally. Yes, my  
23          name is Carmen Flores, and I am a resident of  
24          first houses and also the recording secretary of

2           the tenant association. First Houses is located  
3           on 3rd Street between First Avenue and Avenue 80  
4           and has the proud distinction of being the first  
5           public housing development built in the United  
6           States in 1935. We are truly a New York original  
7           and also as a landmark. First Houses is located  
8           in the East Village, and when it comes to issues  
9           affecting our neighborhood we share the same  
10          concerns as our neighbors on the East Side of  
11          Manhattan. We care about access to  
12          transportation, increasing the amount of green  
13          space and the safety of our community. And we  
14          would like to remain in the same district as  
15          other portions of the east side of Manhattan.  
16          The East Village has limited Subway service, and  
17          while we are looking forward to having the Second  
18          Avenue Subway reach our community, we value the  
19          select bus service that the MTA has created and  
20          that Congresswomen Carolyn Maloney supported.  
21          Because it links us with our neighbors on the  
22          Upper East Side and the Lower East Side, we  
23          strongly support the construction of the Second  
24          Avenue Subway, which would be a huge benefit for

2 the East Village and for the residents of First  
3 Houses. We need a representative in Congress who  
4 will strongly support building the entire line  
5 from East Harlem through the Upper East Side and  
6 East Village all the way downtown. It is helpful  
7 to have all of these areas in one district to  
8 ensure that the Congressional representative will  
9 advocate for the completion of the Subway.

10 Someone who only represents a portion of the East  
11 Side will lack the incentive to work to bring the  
12 Subway down to us. Many of our children attend  
13 PS20, and when there was a proposal to give a  
14 portion of the school to a charter school, we  
15 benefitted from having a member of Congress who  
16 has been dealing with over-crowding issues  
17 elsewhere on the East Side. Given our ties to  
18 the rest of the neighborhood, I would urge you to  
19 keep First Houses and the streets surrounding our  
20 developing in the same Congressional District as  
21 our neighbors on the East Side. Thank you.

22 ASSEMBLY MEMBER MCENENY: Thank you.

23 Anthony Gronowicz.

24 MR. ANTHONY GRONOWICZ, ASSOCIATE

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2 PROFESSOR OF HISTORY AND ADVISOR - STUDENT  
3 GOVERNMENT ASSOCIATION OF BOROUGH OF MANHATTAN  
4 COLLEGE: I currently teach at the City  
5 University of New York where I am one of two  
6 elected by the students faculty advisors to the  
7 25,000 student borough of Manhattan Community  
8 College, just across Chambers Street from here.  
9 I also teach U.S. economic and social policy as  
10 part of the public administrator major for the  
11 School of Professional Studies. I've written a  
12 critically well-received book about race and  
13 class politics in New York City as well as the  
14 entries in New York City Encyclopedia in the  
15 Upper East Side in Yorkville. I've also  
16 completed a mammoth U.S. history that explains  
17 how it got into the current economic and social  
18 economic that is the worst crisis that we have  
19 faced since the 19th century.

20 Given my expertise, a little history  
21 about gerrymandering is in order because it is  
22 always relevant to consider past practice as I  
23 did in my doctoral dissertation on New York City  
24 political history at Philadelphia's University of

2 Pennsylvania. The most democratic political  
3 units in the City were the old wards, outgrowths  
4 of neighborhoods that arose organically with the  
5 first settlements in the early 1600s. Over 200  
6 years later, in the 1850s they were eliminated by  
7 the plutocracy and replaced by Assembly Districts  
8 to reduce the growing power of labor in politics.  
9 Labor's energies were then nationalized through  
10 our bloodiest war to date in terms of U.S.  
11 casualties, the Civil War that produced the  
12 bloodiest insurrection so far in New York City  
13 history. The 1863 draft riots that protested the  
14 fact that the poor were drafted while the rich  
15 were allowed to buy a substitute for \$300, a  
16 king's ransom in those days. That's how Philip  
17 Armor, Andrew Carnegie, Marshall Field, Jay  
18 Gould, Collis B. Huntington, J.P. Morgan and John  
19 D. Rockefeller the richest man who ever lived got  
20 out of military service and made a lot of money  
21 through war. The Confederate upper class did the  
22 same thing by the way. They provided role models  
23 for Vice President Dick Cheney deferred five  
24 times during the Vietnam War because he had in

2 his own words "more important things to do," as  
3 did his running mate who took Texas National  
4 Guard Service so lightly that his record reflects  
5 long, unexplained absences and who had received  
6 this coveted weekend warrior appointment thanks  
7 to his CIA boss dad.

8 If the wards were the most politically  
9 democratic institutions in the world in the  
10 1840s, their dismantling in the 1850s represented  
11 a step backward in the evolution of political  
12 democracy, a trend that has only continued.  
13 Unlike the charter revisions of 1849, 1853, the  
14 1857 charter was not submitted to the people for  
15 approval.

16 The *New York Times* relished this anti-  
17 democratic trend. A May 7th, 1857 editorial  
18 read, "Most of the objects of the City  
19 administration are far better carried out by a  
20 vigorous and arbitrary police system than by a  
21 representative assembly." The reforms of the  
22 1850s weakened democracy by reducing the power of  
23 the wards that has most closely reflected  
24 neighborhood and the public interest than any

2 other unit of political administration at the  
3 time. The political party became a machine to  
4 give jobs to those obedient to the boss. Gone  
5 were the ward committees, which for all of their  
6 procedural faults had actively engaged the  
7 energies of men who believed in some day owning  
8 the land or small shop that would guarantee  
9 individual autonomy. The old ward politics were  
10 no longer suited to the dynamic needs of  
11 industrial capitalism that accounted for New York  
12 City's growth from the Civil War to the 1950s but  
13 which ignored community control. Those heady  
14 economic days are long gone thanks to the  
15 computer revolution and the inevitable social  
16 crisis postponed by being the nation that  
17 suffered the least and made the most in the two  
18 world wars.

19 Now that the U.S. has permanently  
20 surrendered its number one industrial production  
21 status to China and the economy is on a permanent  
22 slide due to privately owned corporate downsizing  
23 and outsourcing of jobs, a deficit-busting  
24 military budget larger than the rest of the world

2 combined and the most unequal tax system in the  
3 industrialized world, the politicians in both  
4 corporate parties are scrambling to consolidate  
5 their personal fiefdoms through unethical  
6 redistricting practices that have been amply  
7 documented by other speakers. That's one reason  
8 I ran on the Green Party in 2005 against the  
9 richest mayor in history who had the Democratic  
10 City Council support his anti-Democratic bid for  
11 a third term despite an overwhelming majority of  
12 the citizenry voicing their disapproval. I am  
13 confident an uprising will happen. The Wisconsin  
14 protest this past winter was just a foretaste of  
15 things to come.

16 What shape the much larger uprising will  
17 take is hard to predict, but as we have seen from  
18 the New York City racist school to prison  
19 pipeline and this week's Wall Street protests,  
20 the current two-party political system has failed  
21 its youth. Thank you for listening to my  
22 professional perspective.

23 ASSEMBLY MEMBER MCENENY: Now, tell us  
24 what you really mean.

2 MR. GRONOWICZ: The Assembly Districts  
3 should pay more attention to the class issues. I  
4 mean we have in the Bronx--the Bronx is the  
5 poorest urban county in the nation of 6,500 urban  
6 counties, okay. Upper East Side is the richest.  
7 Zip code 10021 is the richest district in the  
8 country. I guess Beverly Hills also is up there,  
9 but this is totally unjust and it's never been  
10 more unequal. The Fiscal Policy Institute my  
11 Bible in terms of the statistics that one can  
12 provide points out that New York State and New  
13 York City is the most unequal city of the 25  
14 largest cities in the nation. And the  
15 differences, the amount of poverty here is  
16 absolutely appalling, shocking. A third of the  
17 Bronx is on food stamps. I'm the 7th  
18 Congressional District, Joe Crowley's District.  
19 I ran against him, you know, just to give people  
20 a choice last election. Of course I don't want  
21 to see the Bronx, the coffee spill, the  
22 gerrymandering demographics apply here. The  
23 Bronx needs a representative who is going to  
24 represent it certainly. Crowley is not

2           representing the Bronx. He never shows up there.  
3           He represents Western Queens where I did a lot of  
4           campaigning, but I'm doing that because it's my  
5           civic duty as Ralph Nadir did what he did out of  
6           civic duty, not because we're under any  
7           illusions. We raise the issues. We want to do  
8           this peacefully. We don't want it to end badly,  
9           but it's headed in that direction, so that's why  
10          I'm--what I'm speaking to here.

11                   ASSEMBLY MEMBER MCENENY: Thank you very  
12          much.

13                   MR. GRONOWICZ: You're very welcome.

14                   ASSEMBLY MEMBER MCENENY: Todd  
15          Breitbart. Welcome.

16                   MR. TODD BREITBART: Thank you. My name  
17          is Todd Breitbart. I directed the staff work on  
18          redistricting for the Democratic leaders of the  
19          Senate from 1980 through my retirement at the end  
20          of 2005. I do not know work for or represent the  
21          minority leader. The opinions I express are  
22          solely my own. I have submitted a detailed  
23          written statement with demographic tables, a map  
24          and other exhibits showing how the apportionment

2 of Senate Districts was skewed in 2002 by over  
3 populating all districts in New York City,  
4 Rockland and most of Westchester while under  
5 populating all upstate districts. The thematic  
6 map shows the stark pattern favoring one region  
7 over the other showing in shades of red how the  
8 populations of the upstate districts fell below  
9 the average and showing the over population of  
10 the downstate districts in shades of green. The  
11 deviations were skewed to prevent the  
12 reapportionment of one Senate District from  
13 upstate to downstate in accordance with  
14 population trends revealed in the census.  
15 Internal memos exchanged by the drafters of the  
16 2002 Senate plan and made public during the  
17 subsequent litigation show that this was the  
18 express and sole purpose of accumulating all of  
19 the positive deviations in one region and all the  
20 negative deviations in another. This  
21 malapportionment also discriminated against  
22 minority groups. The 29 over populated downstate  
23 districts contained 75% of the Black population,  
24 80% of the Asian American population, and 81% of

2 the Hispanic population of New York State, but  
3 only 30% of the non-Hispanic White population.  
4 The 24 under-populated upstate districts  
5 contained 17% of the Black population, 11% of the  
6 Asian American population and 9% of the Hispanic  
7 population of the State. When the regionally  
8 skewed Senate apportionment of 2002 was  
9 challenged as violating the equal protection  
10 clause of the 14th Amendment, the three-judge  
11 federal court rejected the plaintiff's argument.  
12 In the same year, however, a three-judge federal  
13 court in Georgia, found a similar regionally  
14 discriminatory redistricting plan favoring  
15 Atlanta and rural areas to the disadvantage of  
16 suburbs to be unconstitutional, and the  
17 principles followed by the Georgia Court will  
18 probably prevail in the end.

19 But the foremost question facing the  
20 legislature and the governor when the  
21 redistricting bill reaches his desk is not what  
22 the Courts say they must or must not do but how  
23 to choose wisely and justly among the many  
24 choices that lie between must and must not. Some

2 advocates of reform propose to prevent such  
3 regional discrimination by limiting the range  
4 between the most and least populace districts to  
5 2%. But it is possible to use a larger deviation  
6 for the constitutionally required purpose of  
7 keeping counties and town intact while  
8 apportioning districts fairly among the regions  
9 of the state if the governor refuses to sign any  
10 redistricting bill that fails to honor both  
11 principles. A 2% rule, however, will provide an  
12 excuse to ignore entirely the constitutional  
13 requirement to keep counties and towns intact,  
14 which is itself an important constraint on  
15 gerrymandering. If in addition to being given  
16 license for the promiscuous division of counties,  
17 the Senate majority is also allowed to ignore  
18 Constitutional precedence, which on the basis of  
19 the 2010 census count would dictate the creation  
20 of 62 Senate Districts and to create any number  
21 of districts they choose, then they will be amply  
22 compensated for the loss of malapportionment as a  
23 gerrymandering tool. The July 20th, 2001,  
24 internal senate majority memo about the size of

2           the Senate says, "the only reason to go to 63 is  
3           to strengthen the Long Island delegation by  
4           combining politically undesirable areas in the  
5           extra district." The next paragraph makes it  
6           clear that the politically undesirable areas are  
7           those with large Black and Latino populations and  
8           specifically mentions Elmont as one such area to  
9           be considered for "carving out" so as to  
10          "strengthen all nine members." The Nassau County  
11          Legislature was recently prevented by the Court  
12          of Appeals from going ahead with a redistricting  
13          plan that was designed to neutralize politically  
14          undesirable Elmont.

15                   In the context of the constitutionally  
16                   required 62 districts, each of 9 Long Island  
17                   districts would have a population about 1% above  
18                   the average, and there would be no excuse to draw  
19                   a Nassau Queens District, but with a larger  
20                   senate and a 2% total deviation rule that is not  
21                   required by the federal or the State  
22                   Constitution, it will be easy to attach  
23                   politically undesirable Elmont and its environs  
24                   to Queens Village and Cambria Heights. For four

2           decades, the Black and Latino communities in  
3           Nassau County have been systematically split by  
4           Senate District boundaries. That pattern should  
5           not be perpetuated for a full half century with  
6           the excuse that a reformed process requires it.  
7           What you should do is clear. Apportion the  
8           districts fairly in proportion to population.  
9           Use reasonable population deviations for the  
10          Constitutionally required purpose of keeping  
11          counties and towns intact, not to repeat the  
12          rationally discriminatory malapportionment of  
13          2002, create 62 Senate Districts as  
14          Constitutional precedent requires given the 2010  
15          census counts, and do not continue through a half  
16          half-century the systematic splitting of Black  
17          and Latino communities of Long Island.

18                    SENATOR OAKS: Actually, I have a  
19                    question, Mr. Breitbart. Did you do any similar  
20                    analysis of the 2002 Assembly Districts?

21                    MR. BREITBART: Yes, in fact, I did  
22                    because I was a consultant not as meticulously  
23                    because of course I was professionally involved  
24                    with the Senate redistricting in 2002 and had all

2 I could do every hour I could manage to deal with  
3 that, but I was a consultant to the Election Law  
4 Committee of the Bar Association of the City of  
5 New York in the drafting of their report in 2007,  
6 a report on the reform of the redistricting  
7 process. I was the principle drafter of the text  
8 of that report, but before I go further in  
9 referring to it, I should make it clear that I  
10 never was and I am not now a spokesman for that  
11 Committee or the Association. And I am not in  
12 fact a lawyer. Appendix D of the report suggests  
13 a numerical formula that could be used to  
14 determine whether a total deviation even up to  
15 10% is being used for the legitimate purposes of  
16 keeping counties and towns intact or whether it  
17 is being used in a way that produces a regional  
18 malapportionment. And in fact that formula could  
19 be applied, and I hope it will be applied by the  
20 governor consistently with the existing  
21 Constitution, and in that appendix, which I  
22 drafted and I should explain by the way that the  
23 Election Law Committee of the Bar Association did  
24 not choose to include that formula in their

2 proposed amendment. I don't think I will be  
3 violating any confidence to say that at least one  
4 of their reasons was that I had devised it. And  
5 having a lawyerly disinclination to embrace any  
6 idea for which a precedent or authority cannot be  
7 cited, they decided not to incorporate it in  
8 their proposal, but they were open-minded enough  
9 to permit it to be placed as an appendix in the  
10 report for discussion.

11 And in that report I used that formula,  
12 I explained how that formula would apply to  
13 Senate and Assembly districts. The formula  
14 clearly shows that the upstate versus downstate  
15 apportionment of Senate Districts was  
16 inappropriate. When applied to the Assembly  
17 Districts, it showed no real difficulty with the  
18 apportionment between upstate and downstate. And  
19 in fact if you were to produce a map like this of  
20 the Assembly District of upstate you would see a  
21 patchwork of over and under populated districts,  
22 which indicates that the deviation was being used  
23 there for the legitimate purpose of keeping  
24 counties and towns intact.

2 I haven't examined that Assembly plan  
3 closely enough to be able to tell you whether the  
4 best possible job was done within the total  
5 deviation, but it was obviously being used in  
6 that purpose, and the formula that I had  
7 suggested in Appendix D of that Bar Association  
8 report did not indicate a problem between the  
9 upstate and downstate apportionment of Senate  
10 Districts.

11 If you are looking for a fault in those  
12 terms in the Assembly Plan of 2002, you should  
13 look to Long Island because the two counties,  
14 Nassau and Suffolk together, had almost exactly  
15 the same proportion, percentage of the state's  
16 population in the 1990 census as in the 2000  
17 census. In one year it was 14.50%. In the other  
18 decade it was 14.51%, I forget which was which.

19 In 1992 on that basis Nassau and Suffolk  
20 Counties together were apportioned 22 Assembly  
21 Districts. In 2002 they were apportioned 21  
22 Assembly Districts. Twenty-two Assembly  
23 Districts would be more nearly--would more nearly  
24 fit the proportion of the State's population, and

2           the same formula that is suggested in Appendix D  
3           of the Bar Association Report that showed the  
4           fault in the apportionment upstate versus  
5           downstate of Senate Districts would also have  
6           indicated that the apportionment of districts to-  
7           -Assembly Districts to Long Island was less than  
8           it ought to have been. I might add that 22 would  
9           again be the appropriate apportionment of  
10          Assembly Districts to Long Island. It is very  
11          likely from the data that I have been able to  
12          develop and that I have seen, this is an  
13          estimate, and we'll know in a few weeks, but it's  
14          very likely that when you finish subtracting the  
15          prisoners from their places of incarceration and  
16          reallocating them to their places of residence,  
17          the percentage of the state's population for Long  
18          Island, which has grown in the last decade  
19          although not very much, will be something like  
20          14.67%. 14.67% of 150 Assembly Districts would  
21          be exactly 22 although I should also mention in  
22          this connection that since the Senate and  
23          Assembly Districts are enacted in the same bill,  
24          every Democratic member of the Assembly and some

2           Republicans voted for the Senate plan that has  
3           the defects that I've described. And every  
4           Republican member of the Senate and unfortunately  
5           some Democrats including all nine of the Long  
6           Island State Senators in 2002 voted for the plan  
7           that deprived their constituents of fair  
8           representation in the Assembly. And I should  
9           comment the fact that the two--well, as I think  
10          everyone is aware in the era of the divided  
11          legislature, reapportionment in New York State  
12          has not been a matter really of Democrats versus  
13          Republicans. It's been a conflict of Bolsheviks  
14          [phonetic] versus Mensheviks [phonetic] the  
15          combined majorities versus the combined  
16          minorities, and when the combined majorities make  
17          a deal that says, well, you do whatever you want  
18          in your house, and we'll do whatever we want in  
19          our house, and we'll accept whatever you do and  
20          you accept whatever we do, that doesn't excuse  
21          you from responsibility from the decisions you've  
22          jointly made and from the districts that you've  
23          passed.

24                            SENATOR OAKS: If I could, sir. I know

2           you've done a great job of your explanation. We  
3           have 30 or so behind you. I will just say you  
4           kind of excused your map of regionally of being  
5           whole that one may have been more under  
6           represented and the other one, you know,  
7           imbalanced on the Senate side. You held up the  
8           map. I would suggest that if you took upstate as  
9           a whole even though it may have had some higher,  
10          some lower, and compared it to NYC, divided it by  
11          the number of districts you would suggest that  
12          there was under counting or too fewer districts  
13          could have been, too more could have been upstate  
14          too few were in the city if you looked at  
15          strictly by the numbers. That's only my point.  
16          You can look at the figures, but I think we need  
17          to go on.

18                   MR. BREITBART: The precise numerical  
19                   calculation is to be found in Appendix D of the  
20                   Bar Association Report, and you will find that  
21                   what you have with regard to the Assembly  
22                   Districts, upstate and downstate is not correct.  
23                   But if you want to find a fault like that, do  
24                   look at Long Island.

2                   SENATOR OAKS: I think maybe my  
3                   calculator and yours--

4                   SENATOR DILAN: [interposing] I have a  
5                   question. You cited the Long Island District, so  
6                   I would like to know your opinion of the 2002  
7                   Senate Districts that were drawn. Soon we will  
8                   be having a hearing in Nassau County, so again  
9                   the districts for Nassau County in 2002 and what  
10                  can be done to draw fair districts there now?

11                  MR. BREITBART: Well, it's not only  
12                  2002. In 1972, 1982, 1992, and 2002 the  
13                  principle concentrations of Black and Hispanic  
14                  populations in Nassau County were systematically  
15                  divided in the drawing of the Senate Districts.  
16                  The same thing happened in Suffolk County not  
17                  only in 1972, but also 1982, 1992, and 2002. And  
18                  in fact the line that divides the principle and  
19                  growing Hispanic population in Suffolk County in  
20                  and around Brentwood followed exactly the same  
21                  streets in 1982, 1992 and 2002 even as the Senate  
22                  Districts were redrawn around that fixed point to  
23                  accommodate changes in the census. So there has  
24                  been a consistent pattern throughout four decades

2 of systematic, of drawing Senate Districts that  
3 systematically split the minority communities in  
4 both Nassau and Suffolk Counties. It is possible  
5 to draw districts that are as compact as the  
6 Districts that have been created together that  
7 keep communities of interest intact when you look  
8 at a wide range of socioeconomic not principally  
9 at race and linguistic background that keep  
10 communities intact in the sense of preserving the  
11 towns and the unincorporated, I beg your pardon,  
12 the villages and the unincorporated hamlets that  
13 residents of Long Island regard as their places  
14 of residence, and avoid splitting the minority  
15 communities in Nassau and Suffolk. It is to be  
16 hoped that that pattern will not be continued for  
17 a full half-century and that a plan that does  
18 continue that pattern for a full half-century  
19 will be vetoed by the governor, and I expect to  
20 address this subject at greater length at the  
21 Long Island hearings.

22 SENATOR DILAN: One more question, with  
23 respect to the size of the Senate what criteria  
24 would you say dictates the number that will

2 finally be used?

3 MR. BREITBART: There is some ambiguity  
4 in the interpretation of the Constitutional  
5 formula because it depends on comparing counties  
6 with their populations in 1894 and there have  
7 been some changes in county boundaries. Queens  
8 County was created for the first time in--I beg  
9 your pardon, Nassau County was created in 1899.  
10 Bronx County was created out of parts of New York  
11 and Westchester County in 1914. And for reasons  
12 that I don't think you want me to take the time  
13 to explain now in 1894 Staten Island and Suffolk  
14 County were a single Senate District and for the  
15 purposes of applying this formula according to  
16 the rulings by the Court of Appeals have to be  
17 considered as a unit.

18 So there is some question about how they  
19 should be combined. There have been only two  
20 interpretations that have been used. The one  
21 that was applied in the 1972 redistricting,  
22 upheld by the Court of Appeals in the case of  
23 Schneider v. Rockefeller in 1972 applied without  
24 question in 1982 and 1992, not only by the

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2 legislature but also by the special master who  
3 was appointed in 1982 by the three-judge federal  
4 court in the case of Flato [phonetic] v.  
5 Anderson. There is another formula that was  
6 substituted in 2002 in order to justify  
7 increasing the size of the Senate to 62, which  
8 happens to be exactly the same formula that was  
9 propounded by the unsuccessful plaintiffs in  
10 Schneider v. Rockefeller in 1972. Both of these  
11 formulas, both of these interpretations if  
12 applied to the 2010 census data would yield a  
13 Senate of 62 districts, and so when--I'm sorry  
14 he's not here at the moment so that I can address  
15 him about this directly but when Senator Nozzolio  
16 says that the decision has not yet been made as  
17 to what the number of Senate Districts means what  
18 that really means is the decision has not yet  
19 been made to comply with Constitutional precedent  
20 or to find some pretext for drawing what seems to  
21 be a more convenient number.

22 ASSEMBLY MEMBER MCENENY: Thank you very  
23 much. Kellia Jamoramo [phonetic]. Kellia  
24 Jamoramo. Phillipe Feblez [phonetic]. Phillipe

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2 Feblez. Rosa Ayalla [phonetic]. Rosa Ayalla.

3 Leonard Kohen. Afternoon.

4 MR. LENOARD KOHEN, ESQ., ELECTION LAW  
5 ATTORNEY: Hi, good afternoon. I have something  
6 that I'm going to refer to that I brought in  
7 multiple copies. I could hand it up now or  
8 after.

9 ASSEMBLY MEMBER MCENENY: How many  
10 multiple copies do you have?

11 [crosstalk]

12 MR. KOHEN: Sure.

13 ASSEMBLY MEMBER MCENENY: We and the  
14 staff have been receipted testimony.

15 MR. KOHEN: Actually, what I submitted  
16 is not testimony. I'm going to submit that when  
17 I've put this a little bit more together and  
18 polished, but that's something I'm going to be  
19 referring to and you'll see as I speak what that  
20 is.

21 So, members of LATFOR, good afternoon.  
22 I'm Leonard Kohen. I am a practicing attorney in  
23 Manhattan experienced in election law. I have  
24 served as counsel in litigating major election

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2 law topics such as public campaign finance and  
3 redistricting, which is today's topic. More  
4 importantly I'm a life-long New Yorker, raised in  
5 Queens, gone to college in Manhattan and law  
6 school in Brooklyn. My family owned a house in  
7 Sullivan County where I grew up spending summers  
8 and winter vacations. Thank you to the members  
9 of LATFOR for convening this hearing. The series  
10 of hearings statewide is important toward  
11 insuring that we do our best to keep our system  
12 honest. The hearings and the inclusion of public  
13 participation and witness testimony help inspire  
14 confidence in the end result. Discussion is  
15 particularly important where the end result that  
16 is to be achieved will be comprehensive and  
17 factor in many variables. However, there is one  
18 distinct issue that I want to raise that is  
19 already settled by our State Constitution, and  
20 which require no debate or further discussion.

21 It is this issue that I want to call to  
22 my attention in my remarks. The issue that I'm  
23 referring to is the number of seats in the State  
24 Senate. It currently is 62. It should be fixed

2 at this current number, and whether or not we  
3 like this number is not the issue. The New York  
4 State Constitution does not give the legislature  
5 discretion to adjust the number of Assembly or  
6 Senate Districts period. We can debate including  
7 based on policy grounds how those fixed number of  
8 districts are to be drawn and which criteria are  
9 to be most emphasized, but the legislature has no  
10 more discretion to vary the number of Senate  
11 Districts on the supposed basis of what the  
12 public allegedly wants or particular policy  
13 questions than to create some number other than  
14 say 150 Assembly Districts. New York State  
15 Constitution Article 3, Section 4, Paragraph 3  
16 contains a rule, which must be followed for  
17 determining the number of senate districts on the  
18 basis of the growth of certain county populations  
19 since 1894 relative to the state as a whole and  
20 on no other factors whatsoever.

21 The formula that follows a Constitution  
22 was upheld by the New York Court of Appeals in  
23 1972, Schneider v. Rockefeller. It was this  
24 formula that was then followed in 1972. It was

2           this formula that was again followed without  
3           question in 1982 and 1992. That formula produced  
4           60 districts in 1972, 61 Senate districts in 1982  
5           and 1992. If the same formula had been applied  
6           in 2002 there would again have been 61 Senate  
7           districts. However, the State Senate Majority  
8           the last time around in 2002 did not go down that  
9           path but instead it took an unfortunate turn.  
10          The Senator majority in 2002 acted to add a new  
11          district, and it was sad to say motivated by not  
12          the right things. Motivated by optimizing the  
13          political strength of their party. This is  
14          documented by their party's own memoranda that  
15          they produced in the law suite Patacki v.  
16          Rodriguez [phonetic] and it's that that I had  
17          circulated just prior.

18                 When the Senate majority decided that  
19                 their political calculations would be best served  
20                 by creating 62 districts in 2002, the Senate  
21                 Majority's outside counsel then produced an  
22                 opinion justifying the new formula. Now, this  
23                 was a case of making a political decision and  
24                 then devising an after the thought legal

2           justification rather than the other way around.  
3           But it happens that given the state and county  
4           populations totals of the 2010 census, both  
5           formulas, the one that goes back to 1972 in  
6           Schneider vs. Rockefeller and that was used in  
7           the three censuses subsequent and the one that the  
8           Senate Majority outside counsel took and used to  
9           justify the last decade's adding a new seat.  
10          Under both of those formulas 62 Districts in 2012  
11          would be produced.

12                 Now, any number other than 62 would mean  
13           a departure from all Constitutional preferences,  
14           and, yes, again that includes repudiating the  
15           legal opinion produced by the Senate Majority's  
16           outside counsel back in 2002. It would obviously  
17           be a repeat of the partisan, what was a  
18           manipulation of 2002 with new political  
19           calculations for the new decade. Again, I say  
20           the practice of devising a politically optimal  
21           results and then devising after the thought,  
22           after the fact legal justifications is not  
23           tenable, and the governor has laudably already  
24           threatened to veto this type of nakedly

2           opportunistic and politically motivated  
3           redistricting plan. I think I made my point.  
4           The addition of any more senate seats is illegal.  
5           No reading of the State Constitution would allow  
6           a new seat to be created. I want to just say  
7           that it is a dangerous road to go down when  
8           politicians between introducing what is really  
9           external and extra out of the constitutional  
10          required items into what is a pre-set formula  
11          that is mandated by the State Constitution  
12          designed to specifically exclude partisanship.  
13          Thank you.

14                   ASSEMBLY MEMBER MCENENY: Thank you very  
15          much. Carmen Acosta. Carmen Acosta.

16                   MALE VOICE: They went to get her.

17                   ASSEMBLY MEMBER MCENENY: Did somebody  
18          go to get her? All right, Wilbur Weder if Carmen  
19          comes in the room, we'll put her on next. Good  
20          afternoon. I'm sorry, Carmen. Mr. Weder, would  
21          you mind if we took Carmen Acosta? She was out  
22          in the hall.

23                   MR. WEDER: You're welcome. Thank you.

24                   MS. CARMEN ACOSTA, ASOCIACION DE MUJERES

2           PROGRESISTAS: You'll get your chance.

3           MR. WEDER: It's all right.

4           MS. ACOSTA: Thank you. I have copies--  
5 I don't have--I'm sorry, I do not have copies of  
6 today's statement, but I did send it on the e-  
7 mail and I will have it for you--it will be  
8 coming.

9           ASSEMBLY MEMBER MCENENY: Thank you.

10          MS. ACOSTA: I began by saying good  
11 morning, but it's actually afternoon. But it's  
12 great to be here anyway. My name is Carmen  
13 Acosta, and I am the secretary for the Asociacion  
14 de Mujeres Progresistas. It is a community-based  
15 organization serving Washington Heights, Hamilton  
16 Heights and Inwood. I'm also a resident of the  
17 area for 45 years who recently crossed over to  
18 the Bronx. For the record, I did previously  
19 submit the testimony before you, but today if you  
20 would indulge me, I would like to make a few  
21 remarks, sort of an addendum if you will to the  
22 testimony before you. The statements that I make  
23 today like I said before have been sent via e-  
24 mail to the task force. The right of one person,

2           one vote is the reason why I'm here today.  
3           Asociacion de Mujeres Progresistas supports the  
4           map redrawn and previously submitted to the task  
5           force by the Northern Manhattan and West Bronx  
6           Coalition for Fair representation, but today I  
7           have a bone to pick with the task force. It's a  
8           good one, on a good note. When I gave testimony  
9           at Bronx Community College there were ramblings  
10          and rumblings regarding the legitimacy of the  
11          committee to be completely neutral and have no  
12          self-interest in the heart. So today it would  
13          behoove me not to return to the hearings, and say  
14          the following. I am invoking the spirit of the  
15          Voting Rights of 1965 and the Women's Suffrage  
16          Movement for the right to vote of the early part  
17          of last century. Just recently even Texas was  
18          found by the U.S. Department that the  
19          redistricting map that they did didn't comply  
20          with the Voting Rights minimum standards. It  
21          found that the Congressional and State house  
22          districts failed to maintain or increase the  
23          ability of minorities to elect their candidates  
24          of choice. This is a travesty and the

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2 possibility that it might be duplicated in the  
3 State of New York is scary. I am confident  
4 though that this task force will do the right  
5 thing for all New Yorkers. Whatever the outcomes  
6 of the hearings whether the looming vote  
7 announced by--veto vote announced by Governor  
8 Cuomo comes to a head or the citizen union does  
9 create an uprising the committee needs to remain  
10 focused on the process. If the situation does  
11 happen that this committee might be disbanded or  
12 altered in any way, I would like to say, I would  
13 like to be the first to say on behalf of the  
14 members of Asociacion de Mujeres Progresistas  
15 that the task force itself on the basis of our  
16 presentation does not reflect the spirit of one  
17 person, one vote for many communities in New York  
18 State. Women happen to hold a slight majority of  
19 the populace, 10.9 million and the task force has  
20 absolutely not one neither from the state  
21 legislature or public sector seated right here  
22 except for Ms. Debra Levine and that's a good  
23 thing. It's a good start. In some obscure  
24 fashion, I don't know, I'm not privy to that

2 information, a team of state representatives was  
3 created and women were either not asked to  
4 participate or not even for their input or they  
5 were simply ignored by the powers that be.

6 The census 2010 data shows that women  
7 are a dash over 50% of New York State for the  
8 voting age population it's close to 80%. I ask  
9 you today why do I not see more women on this  
10 table. Please consider what might be an  
11 oversight and do not commit the same injustice  
12 moving forward. Thank you.

13 ASSEMBLY MEMBER MCENENY: Thank you very  
14 much. Wilbur--oh who is the fellow we just--  
15 yeah, Wilbur Weder. Thank you for your patience.

16 MR. WILBUR WEDER: Thank you. I'm more  
17 than happy to defer to the women. [laughter]  
18 I'm going to with your permission, first I'm  
19 going to thank you for allowing me to testify but  
20 I'm going to just summarize my remarks a little  
21 bit. They are short in what I wrote, but a lot  
22 of what I have to say I think has been said  
23 already so let me start. My name is Wilbur  
24 Weder, and I live at 222 East 24th Street in

2 Manhattan. I'm not a native New Yorker. I moved  
3 to New York City in 1996 and moved to where I  
4 live now in 1997. But I've been a community  
5 activist and been active in the community for all  
6 of the years I've been here. I was on Community  
7 Board 2 in Manhattan for 9 years. I'm a current  
8 member of Community Board 6 and chair of their  
9 health, seniors and disabilities issues  
10 committee. I also served on the community  
11 advisory at Bellevue Hospital for nine years and  
12 was chair of that for four years. I was there  
13 when we got the approval for what is now called  
14 the Alexandria Life Sciences Building and to  
15 bring that economic development in the biotech  
16 area to the east side. But I'm here to testify  
17 as an individual with regard to the redistricting  
18 and to urge you to keep the Congressional  
19 District number 14 intact. - - said it earlier  
20 is that there is a lot of reasons for the way we  
21 redistrict, population being the dominant one,  
22 but I think these issues that have come up with  
23 regard to community of interest are more relevant  
24 in this one than in the past. Basically, as you

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2           have heard in the 14th Congressional District,  
3           the common interests are around transportation,  
4           around healthcare complexes that we have in the  
5           district and around other social and cultural  
6           issues that we have. And I think that given the  
7           diversity that is there in the various  
8           communities of interest we do work very well  
9           together to bring all of these issues into focus,  
10          and that is why we need to keep the 14th  
11          Congressional District intact as it now exists,  
12          including Western Queens and the East Side of  
13          Manhattan. I hope you will do so, and I urge  
14          you, please take that into consideration when you  
15          draw the district lines. Thank you.

16                   ASSEMBLY MEMBER MCENENY: Thank you.

17                   SENATOR NOZZOLIO: Thank you.

18                   ASSEMBLY MEMBER MCENENY: Adam Silvera  
19                   [phonetic]. Adam Silvera. Michael Landau.

20                   MR. MICHAEL LANDAU, CHAIRMAN - COUNCIL  
21                   OF ORTHODOX JEWISH ORGANIZATION OF WEST SIDE:  
22                   Good afternoon, members of the Task Force. My  
23                   name is Michael Landau, and I'm the chairman of  
24                   the Council of Orthodox Jewish Organizations of

2 the West Side, also known as the West Side COJO.  
3 We are an umbrella organization representing the  
4 interests of over 20 local schools, synagogues  
5 and social service groups. Amongst its various  
6 activities, the West Side Cojo represents the  
7 interests of our members with regards to issues  
8 that relate to the many administrative,  
9 legislative, and executive agencies that affect  
10 the wellbeing of our constituents. The  
11 overwhelming majority of our members are located  
12 between the upper 60s and the low 100s from  
13 Central Park West to Riverside Drive. The West  
14 Side COJO is very unique in that we have been  
15 able to create and maintain a coalition of almost  
16 all of the Orthodox Jews in our neighborhood  
17 ranging from the Hasidim [phonetic] and ultra  
18 Orthodox to the very modern Orthodox. One of the  
19 reasons for our success is the very nature and  
20 historical social fabric that has given the West  
21 Side such a venerable and envied reputation as  
22 one of the most desirable places to live in New  
23 York. I believe that one of the key ingredients  
24 that has created and sustained such a cohesive

2 community has been the consistent and clear  
3 political representation that has always defined  
4 our neighborhood. In this generation the  
5 honorable Jerry Nadler has clearly been the West  
6 Side's most eloquent and forceful leader who has  
7 demonstrated that he clearly understands the  
8 intricacies and subtleties that affect our  
9 district. The Congressman has demonstrated time  
10 and again his local knowledge and community  
11 skills by re-establishing equilibrium when heated  
12 issues are raging. This ability would clearly be  
13 lost if our community was represented by a  
14 politician who was not as versed in the history  
15 and nuances of the make-up of the Upper West  
16 Side. Our community has managed to maintain a  
17 political and social stability and a connection  
18 to orthodox communities beyond the Upper West  
19 Side such as those in the Orthodox Community in  
20 Brooklyn's Borough Park and the shore front. The  
21 ability for any community to continue to grow and  
22 flourish is undoubtedly a function of its  
23 leadership. The Upper West Side's unique,  
24 complicated and sometimes fragile social and

2 economic fabric requires the dedicated attention  
3 of people whose past, present, and future are as  
4 intertwined and evolved as that of the people who  
5 reside within.

6 In conclusion, I would like the  
7 committee to understand that we would recommend  
8 that the Upper West Side and the 8th  
9 Congressional District remain unified under the  
10 congressional representation of Congressman Jerry  
11 Nadler. If changes do need to be made, then I  
12 would recommend that those parts of our community  
13 that have been split off from the rest, the area  
14 north of 89th Street into the 100s be reallocated  
15 to the natural West Side Legislator Congressman  
16 Jerry Nadler. Thank you very, very much.

17 ASSEMBLY MEMBER MCENENY: Thank you very  
18 much. While we appreciate the testimony for  
19 Member of Congress Maloney and Nadler, obviously  
20 there's no guarantee and certainly not many years  
21 from now and these are ten-year districts that  
22 those individuals will be there. We assume that  
23 when you advocate to keep neighborhoods together  
24 as one Congressional District, our assumption is

2           that you're saying those communities below  
3           together regardless of who is elected to do that.  
4           I see Assembly Woman Linda Rosenthal here. Did  
5           you wish to speak? Thank you for coming. We  
6           appreciate it. Brad Hoylman, also in a  
7           redistricting year in Congress it doesn't matter,  
8           you can live anywhere in the State, but for the  
9           Senate and Assembly in a redistricting year you  
10          don't have to live in the Senate or Assembly  
11          District that you choose to run in.

12                           MR. BRAD HOYLMAN, CHAIR MANHATTAN  
13           COMMUNITY BOARD 2, DEMOCRATIC DISTRICT LEADER  
14           66TH AD PART ATTORNEY: Good afternoon, Assembly  
15           Member and members of the Legislative Task Force.  
16           I greatly appreciate the opportunity to testify  
17           to you today about how the new Congressional and  
18           state legislative districts should be configured,  
19           and specifically the boundaries of the 8th  
20           Congressional District. My name is Brad Hoylman.  
21           I am the chairperson of Community Boards 2, which  
22           is a community planning board in the Greenwich  
23           Village, Soho area of Manhattan. As you already  
24           know about the 8th Congressional district. It

2 includes areas in Brooklyn, but most importantly  
3 to you as I alluded to it includes the Manhattan  
4 neighborhoods of Chelsey, Hell's Kitchen and  
5 Greenwich Village where Community Board 2 is  
6 mostly situated. Greenwich Village or as we call  
7 it here the village is a community that has a  
8 strong affinity with the rest of the West side of  
9 Manhattan that also resides in the 8th  
10 Congressional District, so it's extremely  
11 important to the residents of the village that we  
12 remain as part of this district. I can say that  
13 from my 10+ years as a community board member,  
14 community organizer and Democratic district  
15 leader representing the 66th Assembly District  
16 there are a number of factors that I have  
17 observed, which illustrates the strong affinity  
18 among West Siders. Like the rest of the West  
19 Side the Village has a long history of having  
20 involved activist residents. After all, this is  
21 the community that joined forces along the entire  
22 West Side of Manhattan to defeat the Robert Moses  
23 Highway through Washington Square Park, the Lower  
24 Manhattan Expressway through Soho and the West

2 Way Proposal. Greenwich Village shares important  
3 services with the rest of the West Side of  
4 Manhattan including the parks along the river  
5 from Battery Park to Hudson River Park to  
6 Riverside Park as well as healthcare services. I  
7 should point out that currently the entire West  
8 Side of Manhattan including our community boards  
9 local elected officials and community groups is  
10 united in trying to solve a major healthcare  
11 crisis after the closing of St. Vincent's  
12 Hospital, which is a level one trauma center,  
13 which served the West Side of Manhattan for over  
14 150 years. It's been vital to our neighborhoods  
15 to have one representative in Congress for our  
16 area who understands the linkages, our issues in  
17 the area. And as you point out, Assembly Member,  
18 no matter who he or she is.

19 Finally, the Village has historically  
20 been the home of the largest LGBT community in  
21 the world, lesbian, gay, bisexual, and  
22 transgender. The Stonewall Riots that launched  
23 the modern gay and lesbian rights movement  
24 occurred in the early morning hours of June 18th,

2           1969, at 51 Christopher Street in the heart of  
3           Greenwich Village. The Village is part of a  
4           wider, seamless LGBT community that runs  
5           alongside the west side of Manhattan and includes  
6           the adjacent neighborhoods of Chelsea, Hell's  
7           Kitchen and some surrounding areas.

8                         These neighborhoods are the national  
9           indeed I would say global epicenter of gay and  
10          lesbian life, families and culture, and it's  
11          crucial to have them linked. It's also of  
12          paramount importance to have these communities  
13          represented by someone like Congressman Nadler  
14          who has been the leading champion in the U.S.  
15          Congress in the fight for LGBT equality on  
16          virtually every issue of importance to our  
17          community, including fighting the discriminatory  
18          policy of don't ask, don't tell, which thanks in  
19          part to Congressman Nadler's efforts was ended  
20          just this week by the U.S. military.

21                         Importantly, Congressman Nadler  
22          possesses the seniority in Congress to advance  
23          LGBT rights whether his party is in the minority  
24          or majority. Again, members thank you so much

2 for the opportunity to testify today.

3 ASSEMBLY MEMBER MCENENY: Thank you.

4 Ethel SHEFFER.

5 MS. ETHEL SHEFFER, AICP, MEMBER -  
6 MANHATTAN COMMUNITY BOARD 7, FORMER PRESIDENT -  
7 NEW YORK METRO CHAPTER OF THE AMERICAN PLANNING  
8 ASSOCIATION: Thank you, Mr. Chair and members of  
9 the Task Force. My name is Ethel SHEFFER. I  
10 live at 194 Riverside Drive at 92nd Street, which  
11 is at the Southern Tip of the 15th Congressional  
12 District and just above the 8th Congressional  
13 District. The 15th District as you know, extends  
14 north to the tip of Manhattan and east. The 8th  
15 Congressional District, however, extends south,  
16 through the Upper West Side, down the middle and  
17 Lower West Sides, the communities of my colleague  
18 Brad Hoylman who just spoke to the tip of  
19 Manhattan and after a significant geographical  
20 gap in Brooklyn continues on to Coney Island.  
21 I'm here today to request that you consider a  
22 redrawing a of the District lines to reflect more  
23 accurately they dense population and unifying  
24 characteristics of the West Side by extending the

2 northern boundaries of the 8th Congressional  
3 District. I won't take your time to tell you  
4 about my long residents and activity on the Upper  
5 West Side. And the fact that I'm an urban  
6 planner and so on. I'll let you read that, but  
7 get to the major point, which does not have to do  
8 with personalities and the people now occupying  
9 the two seats even though I respect them  
10 enormously. It's clear that the Upper West Side  
11 is a cohesive, identifiable community with its  
12 estimated 214,000 people extending just north of  
13 Columbus Circle to West 110th Street, the  
14 boundaries of Community District 7, the Upper  
15 West Side's community district. It is an  
16 anomaly, members of the task force to split the  
17 Upper West Side at 90th Street when in all its  
18 demographic diversity and in its physical  
19 character the people of the West Side perceive  
20 that they are part of one community extending to  
21 West 110th Street. Just last night at a very  
22 active community meeting a vociferous group of  
23 residents from all over the Upper West Side  
24 repeatedly asserted that they are one community

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2 from 59th Street to 110th Street, and that they  
3 share the same interests now and in the future.  
4 This isn't about personalities or incumbents. It  
5 really is about electoral districts that reflect  
6 communities of interest, have identifiable  
7 geographical boundaries and above all are compact  
8 and contiguous. If we look at the map of the 8th  
9 District, it is very hard to see that it is  
10 compacted, contiguous. Here is Manhattan, the  
11 gap in Brooklyn, and then the piece here to Coney  
12 Island. What I am urging, clearly the 8th  
13 Congressional District is neither compact nor  
14 contiguous. My neighborhood should be part of a  
15 political electoral district that represents all  
16 of the West Side. We hope you can make this  
17 happen by extending the boundaries of the 8th  
18 District North and making its southern boundaries  
19 more compact and contiguous so that we may enjoy  
20 fair and effective representation in the next 10  
21 years. The people in those blocks will be very  
22 grateful, and I thank you very much.

23 ASSEMBLY MEMBER MCENENY: Thank you.

24 Julie Menin.

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MS. JULIE MENIN, CHAIR, MANHATTAN

COMMUNITY BOARD 1: Good afternoon, I'm July Menin, chairperson of Community Board 1, and let me just thank you for the opportunity to testify this afternoon. Lower Manhattan is a community that has been shaped in recent years by the extraordinary events of 9/11, which clearly was a time of tremendous tragedy and loss and our subsequent effort to rebuild our neighborhood. On 9/11, our community was devastated. Over 3,000 lives were lost, tens of thousands of jobs vanished and residents and businesses fled. Pundits predicted at the time that no one would ever want to live downtown again or work downtown again and experts forecast its demise as a major business district.

The neighborhoods that make up Community Board 1, which are the financial district, Battery Park City, Tribeca and the Seaport Civic Center area have been fused together through the difficulties of 9/11 and our common efforts to recover, heal and rebuild. With minor exceptions, all of our neighborhoods are

2 represented by the same elected officials, and we  
3 have developed very close relationships with  
4 those officials. While these elected officials  
5 have all worked side by side, Representative  
6 Gerald Nadler was particularly tireless in his  
7 efforts to get to the truth and investigate  
8 reports and indications that our air was toxic  
9 and unsafe to breathe. As evidence accumulated  
10 of serious risk to the health of first responders  
11 and community residents, Representative Nadler  
12 was at the forefront of efforts to enact the  
13 James Zadroga [phonetic] Health and Compensation  
14 Act, which was finally passed and signed into law  
15 by President Obama on January 2nd of this year.  
16 Given the scale of damage and destruction  
17 following 9/11 federal assistance was essential  
18 for our recovery. Representative Nadler always  
19 used his deep knowledge of our neighborhoods in  
20 connection with its leaders to make sure that our  
21 urgent needs were met. He'd work with our U.S.  
22 Senators, with FEMA, with the EPA, with HUDD and  
23 other federal agencies to secure needed  
24 resources. Only through these efforts were we

2           able to retain our residential population and our  
3           commercial retail and service businesses. We  
4           have survived and are recovering from an almost  
5           unimaginable crisis in which our elected  
6           officials supported us every step of the way.

7                         We have relied on Representative Nadler  
8           for the extensive federal assistance that has  
9           been required, and it's extremely important that  
10          Representative Nadler who has developed expertise  
11          in these matters continue to advocate in  
12          Washington for the community of survivors,  
13          residents, students, area workers who were so  
14          deeply affected by 9/11.

15                        Lower Manhattan is once again thriving  
16          and has in fact strengthened its place in the  
17          fabric of the city. As a residential and  
18          commercial interests of our neighborhood have  
19          diversified and grown in the wake of 9/11, we've  
20          also experienced increasingly common needs with  
21          the neighborhoods that border us along the Hudson  
22          River. In fact, in many ways, the development  
23          and expansion of our waterfront parks, residences  
24          and retail has helped to create one continuous

2 community of interest along the West Side. In  
3 addition to our shared experiences after 9/11, we  
4 have many other issues and concerns in common  
5 with neighboring communities to the north, which  
6 are also represented by Congressman Nadler. We  
7 share the Hudson River water front where the  
8 Hudson River Park Trust has created a continuous  
9 esplanade that links us with Hudson Square,  
10 Greenwich Village, Chelsey, Clinton and the Upper  
11 West Side. In addition, we are facing together  
12 with our other West Side neighborhoods the  
13 challenge of how to meet our healthcare needs in  
14 the wake of the collapse of St. Vincent's  
15 Hospital, which until April 2010 was a critical  
16 part of the health infrastructure on the West  
17 Side of Manhattan. We work closely with our  
18 neighbors on maintaining all of these services  
19 and infrastructure and having one Congressional  
20 representative allows us to develop and maintain  
21 a comprehensive plan for our community's needs.  
22 Keeping these interests together under one member  
23 of Congress will afford us the continuity and a  
24 knowledgeable, strong voice for our community

2 with a proven record of independence and  
3 effectiveness. Thank you so much for the  
4 opportunity to testify today.

5 ASSEMBLY MEMBER MCENENY: Thank you.  
6 Catherine McVay Hughes.

7 MS. CATHERINE MCVAY HUGHES, VICE CHAIR -  
8 MANHATTAN COMMUNITY BOARD 1, CHAIR - WORLD TRADE  
9 CENTER REDEVELOPMENT COMMITTEE: Thank you for  
10 allowing me to testify before you on  
11 redistricting in Manhattan. For affiliation  
12 purposes, I'm the vice chair of Manhattan  
13 Community Board 1 and chair of Community Board  
14 1's World Trade Center Redevelopment Committee  
15 for over five years, but I've been on the  
16 community Board for over 12 years. Our family of  
17 four has lived one block east of the World Trade  
18 Center site for over 20 years. We chose to stay  
19 in lower Manhattan to be part of the rebuilding  
20 process for the past decade, and one of the key  
21 reasons has been because of our U.S. Congressman  
22 Nadler and his staff. They immediately were  
23 there day in and day out for the residents,  
24 workers and children on September 11th, recovery

2 issues. Lower Manhattan is a community that was  
3 brought together by the terrorist attacks of  
4 September 11th, 2001. Although we have  
5 experienced great tragedy and loss, we have  
6 struggled to heal and we have rebuilt in a large  
7 part as a community to address the needs of the  
8 21st century as a 24/7 community with a booming  
9 residential and thriving business district. The  
10 energy here reflects the energy of the leaders,  
11 and Congressman Nadler has been one of the few  
12 positive constants for us in this dynamic time.  
13 He understands the intricacies from the World  
14 Trade Center environmental health issues such as  
15 fighting for a proper test and clean-up program  
16 for funding for monitoring and medical care for  
17 sick responders and survivors to the safe  
18 demolition of World Trade Center contaminated  
19 buildings such as 130 Liberty Street. In  
20 addition, Congressman Nadler understands the  
21 importance of key infrastructure investments such  
22 as redeveloping the World Trade Center to the  
23 Fulton Street Transportation Station. Both of  
24 these projects have had positive ripple effects

2           in our neighborhood now that both are on track  
3           because of his constant vigilance. Over the  
4           years our children have participated in many  
5           downtown activities including playing downtown  
6           soccer. In fact, my husband even coached our  
7           son's teams for years, where the ball fields were  
8           located on the West Side of Manhattan in Battery  
9           Park City and at Pier 40 and on the East River.  
10          In addition, we have enjoyed the lovely green  
11          parks, bike ride and walks along the Hudson  
12          River, up through Tribeca to the Village. These  
13          parks link lower Manhattan with the rest of the  
14          West Side and the rest of Congressman Nadler's  
15          Manhattan district. It continues to be critical  
16          to have one representative for the entire area  
17          from Battery Park City up through the West  
18          Village where great numbers of community leaders  
19          were so deeply affected to coordinate their  
20          continued recovery and revival both locally and  
21          in Washington. The community needs were great  
22          after September 11th, and the community still has  
23          strong needs related to that day. It has been  
24          especially important to have a member of Congress

2           who represented such a large segment of the  
3           community survivors, including the residents, the  
4           students, area workers who were so deeply  
5           affected because it was a battle to keep up and  
6           keep federal support for this community. This  
7           includes both the loan and grant programs for  
8           residents and small businesses, and the  
9           healthcare coverage under the - - Act for the  
10          next five years. It's only five years. Keeping  
11          those interests together under one member of  
12          Congress under the steady leadership of  
13          Congressman Nadler who has been a strong voice  
14          for the entire effected community has worked.  
15          Congressman Nadler has made sure that our  
16          community got the services and support that we  
17          needed especially in our time of need. We need  
18          to have a member of Congress who understands the  
19          history of our area and the battles we've been  
20          through together is critical, and that one person  
21          is Congressman Nadler.

22                    To understand the importance of the 8th  
23          District in the post-9/11 recovery of lower  
24          Manhattan I would like you to consider three

2 critical facts. First, government action and  
3 government leadership was absolutely essential to  
4 the recovery. Lower Manhattan would be a dead  
5 zone today, a wasteland, had it not been for  
6 concerted, sustained and effective government  
7 action. This was most definitely not a story of  
8 government getting out of the way. The private  
9 sector for perfectly good and understandable  
10 reasons abandoned lower Manhattan immediately  
11 after 9/11 except for a few and only returned  
12 after government action had restored essential  
13 services and rebuilt business confidence. This  
14 was and still is a story of government action  
15 leading to a successful recovery.

16 Second, lower Manhattan is an enormously  
17 complex mosaic of overlapping government  
18 jurisdictions. There are layers of state  
19 government, the City Counsel, the Borough  
20 President, the Mayor's office and the community  
21 board, and of course the absolutely critical  
22 presence of the Port Authority, a bi-state  
23 agency. The organization of government is  
24 incredibly tangled and we have close and critical

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2 relationships with surrounding areas especially  
3 with the rest of Congressman Nadler's West Side  
4 Manhattan District.

5 Thirdly, the 8th District under  
6 Congressman Nadler's leadership has been uniquely  
7 effective in representing lower Manhattan and  
8 advocating in a sustained and successful way for  
9 the government action necessary to assure the  
10 return of downtown as a viable city district.  
11 Threading through this tangle of jurisdictions to  
12 bring about the recovery--because the District  
13 covers lower Manhattan and connects it to other  
14 NYC neighborhoods the resources of the district  
15 office and its ability to influence government  
16 policy through legislation have been and continue  
17 to be the lynchpin of the recovery efforts.

18 Thank you very much.

19 ASSEMBLY MEMBER MCENENY: Thank you.

20 Anita Altman [phonetic]. Anita Altman. Reverend  
21 James A. Kilgore [phonetic]. Steve Carbo. Good  
22 afternoon.

23 MR. STEVE CARBO, SENIOR PROGRAM DIRECTOR

24 - DEMOS: Good afternoon. Thank you for this

2           opportunity to share my remarks today. I am here  
3           testifying on behalf of DEMOS, which is a  
4           national non-profit, non-partisan, public policy,  
5           research and advocacy organization committed to  
6           building an America where democracy is robust and  
7           inclusive with high levels of electoral  
8           participation and civic engagement. Over the  
9           past several years, DEMOS has been working to  
10          highlight and put an end to the inequalities of  
11          so-called prison-based gerrymandering. The  
12          practice of miscounting incarcerated individuals  
13          as residents of their places of confinement  
14          rather than their home communities.

15                   We actively supported the landmark  
16          prison-based gerrymandering legislation enacted  
17          by New York in 2010. Attorneys in DEMOS are now  
18          co-counsel for the intervener, defendants in - -  
19          , the lawsuit filed in Albany County to block  
20          implementation of New York's prison-based  
21          gerrymandering statute. I'll address my remarks  
22          today to the new law. With New York's enactment  
23          of legislation last year to end prison-based  
24          gerrymandering, the state placed itself at the

2           forefront of a growing trend to correct an  
3           undemocratic practice that has distorted the one  
4           person one vote principle upon which our republic  
5           was founded. Maryland and Delaware adopted  
6           similar legislation last year. The California  
7           legislature is awaiting the governor's signature  
8           on a prison gerrymandering bill and legislative  
9           proposals are being actively considered in  
10          several other states. Simply put, part 20 of  
11          Chapter 57 of the laws of 2010 is now the law and  
12          must be filed by LATFOR. Moreover the public  
13          policies that drove the state to change its prior  
14          practice are as compelling today as they were  
15          when New York's prison-based gerrymandering  
16          legislation was first being considered.

17                   First, the prior miscount of  
18          incarcerated individuals conflicted with Article  
19          2, Section 4 of the New York Constitution, which  
20          clearly states that a prison cell is not a  
21          residence. Second, the statute corrected a gross  
22          distortion of the fundamental one person, one  
23          vote principle upon which are democracy is based.  
24          Before the law was changed, legislative districts

2 drawn to include incarcerated individuals gave  
3 enhanced representation to those localities that  
4 contain prisons by inclusion of those non-  
5 resident persons. Such padding of the local head  
6 count created under populated districts where the  
7 relative voting strength of each legal resident  
8 was greater than it would and should otherwise  
9 have been. The reapportionment plan adopted  
10 after the 2010 decennial census illustrates the  
11 point. A 62-seat State Senate required that  
12 districts be drawn with 306,000 constituents each  
13 on average, but inclusion of incarcerated persons  
14 in local districts resulted in substantial  
15 malapportionment. So, for example, inclusion of  
16 persons confined at the Clinton Correctional  
17 Facility and other prisons led to an upstate  
18 Senate District 47 containing only 285,000 legal  
19 non-incarcerated persons, while the adjacent  
20 Senate District 43 where no prison was drawn with  
21 302 constituents, 302,000 constituents. The  
22 prison gerrymander unfairly diminished the voting  
23 strength of each resident in Senate's district 43  
24 and all other districts without prisons. In all

2           seven Senate districts, only met minimum  
3           population requirements by misclaiming  
4           individuals, incarcerated individuals as local  
5           residents. The new law restores the one person,  
6           one vote rule.

7                       Third, it's important to note that  
8           incarcerated individuals remain connected to and  
9           part of their home communities to which most  
10          return. They are only temporarily away.  
11          Conversely, incarcerated persons typically have  
12          no ties or interests in common with the location  
13          where they happen to be incarcerated.

14                      They cannot be described as constituents  
15          of those places in any meaningful sense of the  
16          word.

17                      Fourth, New York's decision to end  
18          prison-based gerrymandering was consistent with  
19          local practice. Thirteen counties with large  
20          prisons had already removed the prison population  
21          for local residential accounts when drawing local  
22          legislative districts. They recognized that  
23          incarcerated individuals could not reasonably be  
24          considered local residents and that including

2           them when reapportioning locally would have led  
3           to undemocratic and at times absurd results. By  
4           way of example, I'll note the Rome common  
5           Counsel, the local counsel in the City of Rome,  
6           which does not remove the incarcerated  
7           individuals from its local population base.  
8           There is a district in that City council were 49%  
9           of the constituents are incarcerated persons.  
10          That's the kind of absurdity that the correction  
11          in the law will prevent going forward.

12                   Fifth, refusing to follow the law and  
13           counting continuing prison-based gerrymandering  
14           in the current round of reapportionment would  
15           deny New York's communities of color the great  
16           victory they secured with enactment of the  
17           prison-based gerrymandering legislation.  
18           Districts with higher rates of incarceration that  
19           are not properly credited for all its residents  
20           suffer higher rates of voting strength  
21           diminution. That diminution is most pronounced  
22           in the State's African American and Latino  
23           communities from which most of New York's prison  
24           population is sadly drawn.

2                   New York's new policy remedies this  
3                   problem, restoring the proper voting strength of  
4                   New York's urban communities of color.

5                   I'll close this afternoon by noting that  
6                   the new law can be implemented without  
7                   complication as was reported in your September  
8                   7th meeting in Queens, Assembly Staff was able to  
9                   use information provided by the Department of  
10                  Correctional Services and the U.S. Census Bureau  
11                  to determine the proper home addresses of most  
12                  incarcerated persons in the first pass of  
13                  implementing the law. We are now urged as Senate  
14                  Majority to work cooperatively with Assembly  
15                  colleagues to closely review all available data,  
16                  call upon experts in the field for assistance as  
17                  necessary and make maximal efforts to determine  
18                  and apply the home addresses of incarcerated  
19                  persons in the current round of reapportionment.  
20                  Thank you.

21                                ASSEMBLY MEMBER MCENENY: Thank you.  
22                                Ibrahim Kahn.

23                                MR. IBRAHIM KAHN, DEPUTY CHIEF OF STAFF  
24                                - SENATOR ADRIANO ESPAILLAT: Good afternoon. My

2 name is Ibrahim Kahn. I'm here to read testimony  
3 submitted by State Senator Adriano Espaillat, who  
4 represents Northern Manhattan, the Upper West  
5 Side and Riverdale in the State Senate. We must  
6 fundamentally reform old ways of drawing  
7 districts that are deeply flawed. They result in  
8 district lines that promote partisan advantages,  
9 disenfranchised minority communities, protect  
10 incumbents, lack geographic contiguousness, and  
11 divide communities of common interest. Prior to  
12 the last election, an overwhelming majority of  
13 New York State legislators including members of  
14 LATFOR pledged to support fully independent  
15 redistricting. We must keep our word and not  
16 turn our backs on what our constituents demand,  
17 fair and transparent redistricting that enhances  
18 not undermines our democracy. Districts across  
19 New York State must be of equal population size.  
20 A 2% overall deviation, either 1% over or 1%  
21 under the average population, gives us ample  
22 cushion to draw district lines that meet the  
23 legal criteria. This will ensure that every New  
24 York State resident has equal say regardless of

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2           where they happen to live. Following a widely  
3           accepted 2% deviation system becomes even more  
4           significant in light of the fact that population  
5           has continued to shift away from upstate and  
6           western New York regions in disproportionately  
7           high numbers. If there are more people in  
8           downstate New York, then downstate must have more  
9           seats than upstate and visa versa. It is simply  
10          a matter of fairness and equality. All prisoners  
11          must be counted as residents of their home  
12          communities, not the communities where they are  
13          temporarily incarcerated. This is a legal  
14          requirement in our state and not up to LATFOR's  
15          discretion. This is a particularly important  
16          issue to me as there are 606 individuals from my  
17          district who have been disenfranchised as a  
18          result of prison gerrymandering. All necessary  
19          research and data basing must be compiled in time  
20          for the 2012 redistricting process and made  
21          available to the public. I was heartened by  
22          public remarks from LATFOR chairs promising to  
23          implement the law and count prisons as residents  
24          of their home communities. I urge you to follow

2 through on that pledge. Minority communities  
3 must be adequately represented in the 2012  
4 redistricting process.

5 In the past legislators have notoriously  
6 used techniques like cracking and packing to  
7 dilute the voiding power of minority communities.  
8 This must come to an end with the latest round of  
9 redistricting. New York State's redistricting  
10 process must be fully compliant with the letter  
11 it the spirit of the Voting Rights Act.  
12 Currently, it is not uncommon for a New Yorker to  
13 be represented by a different member of the  
14 Assembly, Senate or Congress than his or her  
15 neighbor across the street. That is partly  
16 because past redistricting practices have not  
17 sufficiently considered making districts  
18 contiguous and compact.

19 Our constituents should not have to be  
20 map-reading experts to figure out who represents  
21 them in Albany or Washington, DC. District lines  
22 must be compact and contiguous. LATFOR must  
23 respect communities of common interest, and not  
24 split them up to reach partisan or incumbency

2 driven agendas. With the new census figures  
3 available, it has become increasingly clear that  
4 some Senate Districts including the 31st will  
5 have to be expanded in order to meet minimum  
6 number of constituents. In light of earlier  
7 recommendations including factors such as  
8 communities of common interest, representation of  
9 minority communities and geographic  
10 contiguousness, I am recommending that a larger  
11 portion of Hamilton Heights and the southern  
12 portion of Washington Heights be included in the  
13 31st Senatorial District.

14 Lastly, any efforts to create an  
15 additional Senate District must immediately  
16 cease. The last time the Senate increased its  
17 size, it did so without any public input or  
18 regard for justice. The end result was a  
19 partisan advantage for the Senate majority and a  
20 cherry-picked constituency in an area with a  
21 fast-growing Latino population. New York State's  
22 constitution sets up a formula that would  
23 prohibit a 63rd Senate District. If LATFOR is to  
24 proceed with drawing lines, it must do so with

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2 the aforementioned principles in mind. If we do  
3 not do so, we would have robbed New York State  
4 residents of their constitutionally guaranteed  
5 democratic process and set our state back another  
6 ten years. Thank you.

7 ASSEMBLY MEMBER MCENENY: Thank you.  
8 Jordan Budd [phonetic] of ACT NOW. Ruth Halberg?

9 ALLISON TUPPER: Excuse me, I'm going  
10 to--

11 ASSEMBLY MEMBER MCENENY: [interposing]  
12 Oh, I'm sorry, I didn't see you.

13 MS. TUPPER: I'm sorry.

14 ASSEMBLY MEMBER MCENENY: What is your  
15 name?

16 MS. TUPPER: My name is Allison Tupper.  
17 I want to say a word for myself, and I have  
18 agreed to read Jordan Budd's testimony, which I  
19 will summarize because he isn't able to come. I  
20 want to say a word about keeping the West Side of  
21 Manhattan together in one district. The  
22 communities of interest in Manhattan are more  
23 vertical than they are horizontal, and we have  
24 much in common in Hell's Kitchen or Clinton with

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2 the Upper West Side and Chelsea and the West  
3 Village much more than with the East Side. And  
4 now I'm going to summarize Jordan Budd's  
5 testimony who isn't able to be here but thanks  
6 you for allowing his statement to be read. "Used  
7 by both parties in every state for decades,  
8 partisan redistricting has been a terrible blight  
9 on our political landscape. Recent action in New  
10 York, such as the legalization of gay marriage  
11 hash given me hope that our state in particular  
12 is different and that we can come together and do  
13 the right thing when it comes to redistricting.  
14 It shouldn't, of course, be up to the politicians  
15 to draw their own districts. As a registered  
16 Democrat, I urge you to listen to the people of  
17 this state and put our concerns first, not the  
18 concerns of any party or platform. I urge you to  
19 consider a fair redistricting proposal such as  
20 the one recently passed in Florida by the voters  
21 by themselves. And should a fair districting  
22 proposal be adopted, I also urge Governor Cuomo  
23 to support it, not avoid it as Florida's Governor  
24 Scott has done. Thank you for your time. I have

2 faith that you will make the right decision."

3 ASSEMBLY MEMBER MCENENY: Is that Jordan  
4 Budd's statement?

5 MS. TUPPER: Yes.

6 ASSEMBLY MEMBER MCENENY: And your  
7 statement to keep it separate was on the West  
8 Side?

9 MS. TUPPER: My statement is about the  
10 West Side. His is about Florida and New York.

11 ASSEMBLY MEMBER MCENENY: Thank you.  
12 Okay, Ruth Halberg.

13 RUTH HALBERG, STATE COMMITTEEWOMAN 65TH  
14 AD - MANHATTAN: Good afternoon. My name is Ruth  
15 Halberg and for reasons of identification, I'm  
16 the Democratic State Committee Woman in the  
17 Yorkville area of the Upper East Side and also a  
18 member of the Executive Committee representing  
19 the First Judicial District and have been a  
20 member of Community Board 8 since 1996.

21 I'm a long time resident of the East  
22 Side of Manhattan and this is the 14th  
23 Congressional District represented by Carolyn  
24 Maloney and I know that a lot of this has been

2 touched on. I'll try to make it brief, but I  
3 hope to bring another issue that would convince  
4 you to keep the 14th Congressional District of  
5 West Queens, East Side of Manhattan and Roosevelt  
6 Island together as it has been.

7 We have a lot in common; East Manhattan  
8 and Western Queens, in that we live in a high  
9 density, urban area that relies on mass transit.  
10 We have some of the world's best museums; the  
11 Metropolitan Museum of Art, the Frick, the  
12 Whitney, the Guggenheim, Mama, PS-1, the Museum  
13 of the Moving Image. We have East Side excess  
14 construction and we have some of the best  
15 restaurants in the world. And we have some of  
16 the highest cancer rates in the country.

17 The New York State Department of Health  
18 publishes a breast cancer chart by zip code.  
19 Residents of many of the zip codes on the Upper  
20 East Side demonstrate incidents of breast cancer  
21 that are 15 to 49% above what is expected,  
22 including 10128, 10021, 10017. Men living in the  
23 East Side at 10022 zip code have unusually high  
24 incidents of prostate cancer. Women in Astoria,

2           11102 zip code, show unusually high rates of  
3           colorectal cancer. And men in Sunnyside, 20004  
4           zip code, have unusually high rates of lung and  
5           bronchial cancer.

6                   Some people suggest that the high  
7           incidents of certain cancers on the East Side is  
8           a result of the large number of old, heavy,  
9           polluting power plants along the East River in  
10          Western Queens. Furthermore, proximity to a  
11          super fund site has been linked to higher  
12          incidents of respiratory disease, cancer, asthma,  
13          birth and early infancy complications.

14                   There are several super fund sites in  
15          Long Island City. One of them is New Town Creek,  
16          the site of the nation's largest spill. It was  
17          three times the size of the Exxon Valdez. I note  
18          that our member of Congress, Carolyn Maloney,  
19          advocated replacing the older plants with newer  
20          ones that use better pollution controls. And I'm  
21          pleased to note that in recent years, some of the  
22          worst plants have been replaced with newer  
23          facilities. We have yet to see whether these  
24          improvements are having an effect on the health

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2 of the East Siders, but there is some reason to  
3 hope that these upgrades, plus the clean-up of  
4 Newton Creek will have an impact.

5 I urge you to recognize that some of the  
6 environmental issues that affect Western Queens  
7 also effect the East Side of Manhattan and vice  
8 versa. Addressing environmental concerns on one  
9 side of the river could improve the health of the  
10 residents on the other side. We need a member of  
11 Congress who can be aware of the environmental  
12 issues on both sides of the river. Thank you  
13 very much.

14 ASSEMBLYMAN MCENENY: Thank you. Kevin  
15 Carol. Kevin Carol. Christine Berthet.

16 FEMALE VOICE: - - but she has submitted  
17 testimony.

18 ASSEMBLYMAN MCENENY: Thank you.  
19 Caroline Mellow. James G. Clynes.

20 MR. JAMES G. CLYNES: Good afternoon,  
21 ladies and gentleman. Thank you for allowing me  
22 to testify. My name is Jim Clynes, and I reside  
23 at 226 East 75th Street.

24 In my view, there are many similarities

2           in population between the East Side of Manhattan,  
3           Roosevelt Island and Western Queens and they  
4           belong in a district together. In drawing this  
5           conclusion, I've looked at Census data and also  
6           at the maps prepared by Citizen's Union and  
7           available on their web site.

8                       The 14th Congressional District as  
9           currently drawn is one of the most compact and  
10          contiguous in New York. While some districts may  
11          meander many miles and cut through broadly  
12          disparate and geographically remote areas, this  
13          district is as close together geographically and  
14          as compact as possible. It does not break up  
15          communities, nor does it cut neighborhoods apart.

16                      In studying the maps it is clear that  
17          Western Queens, Roosevelt Island and the East  
18          Side of Manhattan are similar in terms of  
19          density, percentage of home ownership and  
20          proximity to subway service. These are areas of  
21          high density, low home-ownership, meaning a large  
22          number of renters, and close proximity to subway  
23          service. People in these areas are more likely  
24          to use mass transit than to travel by car.

2                   Long Island City, the southern portion  
3                   of Western Queens, is similar in educational  
4                   attainment, median household income and workers  
5                   with management and professional jobs to the East  
6                   Side of Manhattan and Roosevelt Island.

7                   While many areas of Queens have lost  
8                   white population, Western Queens has gained  
9                   substantially, in some areas by more than 1,000  
10                  people. Similarly, over the last 10 years, many  
11                  areas of the East Side below 14th Street have  
12                  lost Hispanic population and gained white  
13                  population. The percentage of the population  
14                  that is black and Asian is virtually identical in  
15                  Western Queens and the East Side of Manhattan.  
16                  Furthermore, while much of Queens is gaining  
17                  Hispanic population, most of Western Queens is  
18                  losing Hispanic population, in some areas by 100  
19                  to 500 people.

20                  Western Queens is growing increasingly  
21                  more dense with industrial areas being rezoned  
22                  for mixed use residential development. The  
23                  Queens West Development has brought apartment  
24                  towers to Western Queens and a population that

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2 mirrors the East Side of Manhattan. And while  
3 you cannot project, I would note that the new  
4 Hunter's Point South Development currently under  
5 construction is expected to attract a population  
6 similar to that of Queens West.

7 It would be nice if I could ask you to  
8 simply keep the district together, but because of  
9 the need to increase population districts, this  
10 district will have to grow in population by about  
11 10%. I would urge you to maintain the  
12 compactness of the district and add population  
13 around the edges. Filling in areas of the Lower  
14 East Side and in Western Queens. Thank you very  
15 much, ladies and gentleman.

16 ASSEMBLYMAN MCENENY: Thank you. Robert  
17 Carnegie. Robert. Thank you. With the pillars,  
18 I can't always see you when you stand up. Not  
19 with the pillar in front of you.

20 MR. ROBERT E. CORNEGY, JR., DISTRICT  
21 LEADER, 56TH ASSEMBLY DISTRICT: Good afternoon.  
22 Nice to see you again.

23 ASSEMBLYMAN MCENENY: Good afternoon.

24 MR. CORNEGY: So, although I testified

2           yesterday as a District Leader for the 56th  
3           Assembly District, today I'm testifying on behalf  
4           of one of my constituents who had to leave early.  
5           So, thank you for your indulgence. So, obviously  
6           I'm going to have to change the wording a little  
7           bit. Or I could read it verbatim and you could  
8           just accept that as what it is.

9                        So, good afternoon to the distinguished  
10           members of the Task Force and good afternoon all.  
11           My name is Carolyn Archer. I'm with the Black  
12           New Yorkers For Fair Redistricting and aside from  
13           the organization I am an affiliated member of the  
14           Antioch Baptist Church, located at 828 Green  
15           Avenue in Brooklyn, New York; Bedford-Stuyvesant.

16                       I'm an African-American woman living in  
17           Brooklyn's historic Bedford-Stuyvesant community,  
18           residing in the confines of Community Board  
19           Three, the 56th Assembly District and the 36th  
20           Council Maddock District.

21                       Fulton Street is a primary business  
22           corridor in my community. The community's  
23           population is more than 90% black, including but  
24           not limited to African-Americans, Caribbeans and

2 continental Africans. We are neighbors sharing  
3 in places of worship, business, recreation,  
4 restaurants, schools and child care.

5 My testimony of concern is on the  
6 following four points. The prison count.  
7 LATFOR's co-chairs announced in August that the  
8 Task Force would now implement the new law and  
9 reallocate prisoners to prior homes of record or  
10 remove them from the redistricting database if  
11 now homes of record are available. LATFOR should  
12 make that amended redistricting database,  
13 including all mandatory subtractions and  
14 reallocations, available to the public as the  
15 basis for legislative redistricting proposals to  
16 be submitted.

17 Genuine public participation in the  
18 redistricting process will be impossible without  
19 the amended database being completed and made  
20 available in a timely manner.

21 Senate size. The New York State  
22 Senate's constitution formula mandates a 62  
23 Senate seat based on the 2010 Census, not 63  
24 seats as the Senate majority would increase it to

2           if given its way. The constitution provides a  
3           precise formula for increasing Senate seats and  
4           should not be manipulated for the convenience of  
5           the majority.

6                       Number three; drawing compact and  
7           contiguous districts. Don't draw lines that cut  
8           and hack up neighborhoods in the same way  
9           districts were drawn ten, twenty years ago. Make  
10          it easy to get around a district. Don't make us  
11          go outside of a district to get back inside of  
12          it. Respect communities where people live.  
13          Don't cut, dice and slice our communities.  
14          Respect black, Hispanic and Asian-American  
15          communities and not cut them up for political  
16          reasons. Set rules in advance about how  
17          communities should be defined and stick to these  
18          rules. Follow and respect the Voter Rights Act.  
19          Don't draw lines that favor one part of the state  
20          over another.

21                      Four; public exclusion and lack of  
22          diversity. LATFOR's practice of scheduling  
23          hearing in the mornings creates a tremendous  
24          hardship for the general public. LATFOR should

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2 accommodate all who wish to testify, not only  
3 those professionally involved in the subject or  
4 those with special interest, but the general  
5 public as well. Many persons who might wish to  
6 testify have jobs and are unable to attend  
7 meetings during the day. For a more inclusive  
8 process, I suggest that LATFOR schedule hearings  
9 for late afternoon, beginning at 3:00 or 4:00  
10 p.m., and concluding at 8:00.

11 Finally, there are more than three  
12 million African-Americans, 1.5 million Asian-  
13 Americans and the state is 52% women. LATFOR  
14 needs more diversity. Thank you for your time  
15 and I look forward to a fair and equitable  
16 process. Carolyn Archer.

17 ASSEMBLYMAN MCENENY: I would point out,  
18 we can start at 3:00 or 4:00, but you wouldn't be  
19 out by 8:00. We can't have it both ways.

20 MR. CARNEGIE: Understood.

21 ASSEMBLYMAN MCENENY: Erica Sais. S-A-  
22 I-S. Erica Sais. Helen Rosenthal.

23 MS. HELEN ROSENTHAL: Am I the last  
24 person to testify?

2 ASSEMBLYMAN MCENENY: No.

3 MS. ROSENTHAL: I thought it was me  
4 holding you--

5 ASSEMBLYMAN MCENENY: [Interposing] No,  
6 no. There's seven more listed and if someone  
7 walks in the door in the next five minutes, they  
8 get listed as well.

9 MS. ROSENTHAL: Oh, very good. I--

10 ASSEMBLYMAN MCENENY: [Interposing] We  
11 stay as long as people come.

12 MS. ROSENTHAL: Right. So it's 3:15 and  
13 I've been here since the beginning. I just want  
14 you to know I got a call from my daughter who  
15 needs her Allegra. So I'm really glad--

16 ASSEMBLYMAN MCENENY: [Interposing] Oh,  
17 good.

18 MS. ROSENTHAL: --that you called on me  
19 because now I can run home and do my job.

20 But I'm here as--my name is Helen  
21 Rosenthal and I'm here as a citizen and as a  
22 voter. And I want to thank you Mr. Chairman and  
23 all the members of the Task Force for sitting  
24 here all day because I'm sure your children need

2 Allegra too; for having this hearing and for  
3 holding hearings like this throughout the state.

4 I've served on my local Community Board  
5 for over ten years. I was chair of the board  
6 twice and our meetings do often go into the wee  
7 hours of the night because we hold them after  
8 work. But I completely respect your listening to  
9 everyone today and I've heard the dialog that  
10 you've had with the members, with representatives  
11 of organizations and you clearly all have thought  
12 about this very hard.

13 But you can imagine the cynicism that I  
14 hear at Community Board meetings about democracy,  
15 despite our best efforts to have open and  
16 transparent meetings. And I just think that you  
17 have a unique opportunity today and now to bring  
18 back the enthusiasm of citizens to participate in  
19 democracy. I think that you have an opportunity  
20 to increase voter participation; something that  
21 hasn't happened for a long time. And I  
22 understand that the devil is in the details. But  
23 I do support the hard work of Senator Liz Kruger,  
24 New York Civic, Act Now and Citizens' Union.

2 I'm an optimist and I believe in  
3 democracy. So as a voter, I'm here to echo  
4 Senator Liz Kruger's rallying cry. Legislators  
5 should not get to choose their voters. The  
6 voters should get to choose their legislators.  
7 Thank you very much for doing this.

8 ASSEMBLYMAN MCENENY: Thank you very  
9 much. Joshua Tyburg. Joshua Tyburg. William  
10 Allen. William Allen. Al Beneghoff. Altogracia  
11 Guzman Vargas. You are number 50.

12 MR. ALTOGRACIA GUZMAN VARGAS: Good  
13 afternoon everybody. All my respect for every  
14 one of you. My name is Altogracia Guzman Vargas.  
15 I come from the community Lexington Hights and  
16 Marble Hill, part of the - - , up to Manhattan.  
17 I've been grandma there for many years. I come  
18 to United States in 1956. When I came to New  
19 York, I was a girl. See that? - - . I been in  
20 the states, I been discriminated - - I been in  
21 New York.

22 Anyway, I don't come here for complaint.  
23 We've got beautiful schools. Mr. David Dinkin  
24 [phonetic] produce beautiful parks. I come in

2 here today because we need somebody to care about  
3 Spanish speakers. We're so many. The city is -  
4 - . The city is - - of us. You take a hundred  
5 buses; you don't find one American because they  
6 run away from us. Now they come back. The buses  
7 are crowded from us. When I came to the United  
8 States, it was ten cents for a token. Today it's  
9 \$2.50 whatever.

10 Anyway, I don't come here to say too  
11 much because I know you don't want to get my  
12 story because it's very bad.

13 And my proposal is the Spanish people,  
14 especially the Dominicans that we be in the area.  
15 We got somebody to care about us, but I come  
16 really to ask you for Congressional Districts.  
17 Let's see whether they do for us. You see? We  
18 need maybe Mr. Obama will listen to grandma too.  
19 Maybe Mr. - - listen to all people. We need  
20 support.

21 Manhattan is just--my neighbors are all  
22 Spanish, especially Dominican, and we need  
23 Congressional District. Maybe we'll get a better  
24 action from them. We are producing the new

2 generation and I'm just not talking about me.

3 Look at me. I went to apply for  
4 Medicaid. At my age, who's going to - - me.  
5 Nobody. Who's going to give me a job? Nobody.  
6 How can I do without those? Without whatever, I  
7 don't know how to say good things because my  
8 English is learned on the streets. I've been  
9 three months here eating salami sandwiches  
10 please, salami sandwiches please because I don't  
11 know how to say the words. It's not in Spanish  
12 in the menus. But anyway, I was a strong young  
13 lady and I'm still a strong old lady. And I pray  
14 to you to pay attention to grandma please.

15 We need somebody going to help us up to  
16 Manhattan. We're divided from the Bronx. One -  
17 - you cross the bridge, we'll be in the Bronx.  
18 Marble Hill, Manhattan, down to Manhattan. I  
19 don't talk about schools. The schools have  
20 beautiful programs. So many kids, especially  
21 Dominicans. The school is good. I tell them.  
22 They can produce beautiful parks. Used to see  
23 all the Spanish. I don't like because at my age  
24 I cannot do that. One of you have got to listen

2 to grandma and try to make a Congressional  
3 District.

4 Maybe we'd have a better job; we'd have  
5 a better everything. You should see the schools,  
6 everything. The - - hospital; he never refused  
7 us. We go there, - - and I, they care about us,  
8 but then who's going pay. The - - , thousands  
9 and thousands of dollars. I went to my dentist;  
10 \$5,000. I can I make it? Anybody going to give  
11 me \$20 for - - . I'm an old lady already. We  
12 need support. Please listen to grandma. Do  
13 something for the community. We're all Spanish.  
14 We need support. Whatever they can do.

15 They've got beautiful beauty parlors,  
16 very good grocery stores. Whatever, they cannot  
17 be a lawyer, they cannot be whatever. They got  
18 supermarkets. They make a living one way or  
19 another. We make a living one way or another.

20 I've been in the government - - working  
21 for 42 long years and I begin at one dollar and  
22 hour. Later on, they gave me a chance. They  
23 gave me a chance to work - - , for the big - -  
24 Marco - - . I speak Italian because - - [foreign

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2 language]. Please, we have to get somebody for  
3 the help for us. Give it to the Manhattan,  
4 upstate and whatever, I forgot. Congressional  
5 Districts. We got better support.

6 I love everyone and thank you for  
7 listening to grandma. I still have more  
8 complaints but I cannot make people sick. Thank  
9 you very much and God bless America. God bless  
10 America and every one of you for putting - - for  
11 the community. For the poor people; we need  
12 support.

13 Excuse me, Mr. Bloomberg and Mr. Mario  
14 Cuomo. One day we went to Albany. They want to  
15 take it off every little support; they give it to  
16 us, especially to me. My rent is controlled,  
17 thank God. And they want to put, they said,  
18 "Who's going to pay the rest of the rent?" And  
19 then I'll be on the street. I believe that I  
20 don't want to belong to the street because I've  
21 worked hard. I did my job already and my kids  
22 are Americans; five of them. Where are we going?

23 I believe it in the 50 states; we are 50  
24 million Spanish speakers, no matter where they

2           come from. I'll be like Americans. I like  
3           America. I respect every one of you. But we  
4           deserve respect. Please try to give it to  
5           grandma before I go and say goodbye.  
6           Congressional District.

7                        I don't want to live forever, but my  
8           kids are still here. Where are we going after 52  
9           years? I live in New York 56 long years. Where  
10          am I going? I came from a small town to DR,  
11          where I be in the horse with coal. They've got  
12          everything now and thank God. I live in America.  
13          God bless America and I love everybody.

14                      Thank you very much to listen to  
15          Grandma, but please think about the Spanish.  
16          Think about us. We did a good job. I'm talking  
17          about me. I can't do any better. I worked in  
18          the government center. I came here where they  
19          discriminated on me. I kept on. That's the way  
20          I'm here and thank God I did my job. Now, what  
21          do think I've got in the social security? A  
22          million dollars a month? Nothing, because we  
23          don't make--the more that I got - - when I was  
24          young; \$185.

2 I laugh at myself but thank God. I'm  
3 still working. I'm volunteering - - hospital.  
4 Seniors helping seniors. I'm still alive but how  
5 can I make it anymore? Please give it to the  
6 community; Congressional District to help us.  
7 I'd appreciate it a lot.

8 And - - [foreign language] because I  
9 believe what my daddy and my mother say. Respect  
10 is love and without love nobody can live.

11 And look at my tooth. I need Medicaid.  
12 Tell Mr. Obama. Tell Mr. Anybody, Mr. Somebody.  
13 We can talk to God but you people can say to  
14 them; to somebody. Give us support. Give us  
15 good to pass away in peace. I love New York.

16 ASSEMBLYMAN MCENENY: Thank you.

17 MR. WELQUIS: Gracias. [foreign  
18 language].

19 ASSEMBLYMAN MCENENY: Jose M.L. Santana.  
20 Jose Santana. Kathleen Treat. Tough act to  
21 follow, Kathleen.

22 KATHLEEN TREAT: Hi, I'm Kathleen Treat.  
23 I'm chair of the Hell's Kitchen, the venerable  
24 Hell's Kitchen Neighborhood Association. I'm

2 also a fan of William Kennedy's Albany books.

3 Hell's Kitchen is in Congressional  
4 District Eight. We are Community Board Four. We  
5 are also contingent on Community Boards Two and  
6 Five.

7 While Hell's Kitchen is extremely fond  
8 of all its elected officials and proud to  
9 remember that Senator Dan Pat Moynahan was born  
10 here, we hope that you will return for a special  
11 session and then turn your vital work over to a  
12 commission independent of politicians. The  
13 commission needs to be and needs to be seen as  
14 purely, totally non-partisan. New Yorkers need  
15 to come back to the polls, which will require  
16 cleanliness in all you do. Objectivity is the  
17 key to good government and to better government.  
18 Thank you.

19 ASSEMBLYMAN MCENENY: Thank you. Ruben  
20 Vargas.

21 VOICE: - - .

22 ASSEMBLYMAN MCENENY: Thank you. Thank  
23 you very much. Ruben Vargas. Okay.

24 RUBEN VARGAS: Good evening, everyone.

2 My name is Ruben Vargas. I'm a resident of the  
3 Upper West Side in Manhattan. I'd like to start  
4 my testimony by quoting Justice Benjamin Cardozo  
5 [phonetic]. Justice Benjamin Cardozo once said,  
6 "The final cause of the law is the welfare of  
7 society," which is a great statement and I  
8 believe it is the fundamental, or should be, must  
9 be fundamental of every person at a moment of  
10 deciding and voting for a law and proposing a  
11 law. It cannot be, it will not be the welfare of  
12 the society if districts are not designed fairly  
13 and according to the need of each community. We  
14 cannot put together a billionaire and a homeless  
15 in the same district; homeless, meaning a person  
16 that nowadays a person who's paying a high rent  
17 is soon to be homeless; high rent and not a job.  
18 Those things.

19 The main thing that I wanted to bring up  
20 here is please, it is very important that you  
21 guys take into consideration when putting the  
22 district together, look at the needs of each  
23 community, of neighborhoods. Look at the  
24 cultures also, because sometimes the culture

2 creates needs in communities. And referring to  
3 grandma; she was referring to the Congressional  
4 Districts. What she wanted to say that she  
5 didn't say is that it is time for a member of her  
6 community, the Dominican community, to be in  
7 Washington and everyone, everyone of you,  
8 everyone here has a person of the other  
9 descendent, from Ireland, Mexico, Cuba, anywhere.  
10 You can name it all and they're all in  
11 Washington, but of the Dominican descendant. And  
12 it is time for that. And for that it is  
13 important to take into consideration--that  
14 community, Upper Manhattan, above 135th Street to  
15 225th Street and East of Manhattan because West  
16 would be New Jersey. - - . Those are very  
17 important and they are areas that are not  
18 jumping. They are one next to another. You  
19 don't have to take an airplane to walk the  
20 district, which is supposed to do elected  
21 official.

22 Thank you for listening. That is all I  
23 wanted to say and I hope everything that, when  
24 making decisions, you remember Justice Benjamin

2           Cardozo, "The final cause of the law is the  
3           welfare of society." It cannot be fairness or  
4           welfare of society if we create districts with  
5           people, with a community or a neighborhood with  
6           totally and completely different needs. Thank  
7           you.

8                         ASSEMBLYMAN MCENENY: Thank you. That  
9           expression of Judge Cardozo used to be on the  
10          walls of the New York State Capital in the  
11          Assembly Chamber. We moved it someplace else  
12          because we broke through a walled up door and I  
13          used to know it in Latin but I've forgotten the  
14          Latin.

15                        Is there anyone else in this room who  
16          wishes to testify and has not done so already? I  
17          assume that many of the people whose names are  
18          here who did not show have sent in testimony or  
19          have previously testified. Once again, is there  
20          anyone who wishes to come forward?

21                        We thank you all for your time. We  
22          thank you for your advice, and I declare this  
23          session closed.

24                        (The public hearing concluded.)

Demographic Research and Reapportionment, 9-21-2011

C E R T I F I C A T E

I, Trisha Ruckart, do hereby certify that the foregoing typewritten transcription, consisting of pages number 1 to 295, inclusive, is a true record prepared by me and completed from materials provided to me.



\_\_\_\_\_  
Trisha Ruckart, Transcriptionist

\_\_\_\_\_ 10-11-11 \_\_\_\_\_ Date



**NEW YORK STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC  
RESEARCH AND REAPPORTIONMENT**

**Public Hearing**

**Congressional and state legislative redistricting**

**9/21/11 10:00 AM**

**Assembly Hearing Room, 250 Broadway**

**New York, NY**

**SPEAKERS LIST:**

1. LIZ KRUGER, Senator
2. DAN QUART, Assembly Member
3. EDWARD I. KOCH, Former Mayor  
with RICHARD DADEY (Exec. Dir. - Citizens Union) and HENRY STERN (NY Uprising)
4. COSTAS PANAGOPOULOS, PhD., Associate Professor of Political Science and Director for  
Center for Electoral Politics and Democracy
5. RAFAEL ESPINAL, Assembly Member
6. MARGARET FUNG, Executive Director – Asian American Legal Defense and Education  
Fund
7. ADRIENNE KIVELSON, Vice President – League of Women Voters-NYC
8. HEATHER ROBERSON, Board of Directors – ACT NOW
9. MATTHEW KATZ, President – Roosevelt Island Resident Association (RIRA)
10. LINDA HAIMER
11. NANCY CRUICKSHANK, Roosevelt Island resident
12. DICK LUTZ, Publisher – Main Street Wire (Roosevelt Island Community Newspaper)
13. GALE BREWER, Councilmember - NYC Council, District 6
14. JAMES HONG, Spokesperson – Asian American Community Coalition on Redistricting and  
Democracy
15. BARBARA ZUCKER, Board Member – Women’s City Club of New York

16. RON HAYDUK, Professor of Political Science – Borough of Manhattan Community College, CUNY
17. HENRY CHANG, OCA-NY
18. JESSICA VICUNA, ACT NOW
19. DANIEL MARKS COHEN, State Committeeman, 69<sup>th</sup> AD - NYC Democratic Committee
20. AHMED TIGANI, Vice President – Manhattan Young Democrats
21. MAE LEE, Executive Director – Chinese Progressive Association
22. SEDELLE THOMAS, Member – Bronx Unity Democratic Club
23. SUSAN LERNER, Executive Director – Common Cause NY
24. TRUDY L. MASON, State Committeewoman
25. MICHAEL GRUMET, Operator of the 47<sup>th</sup> Street Business Improvement District and Little Italy resident
26. CAROL RINZLER, Founder – 1000 Plus Friends of NYC Parks
27. MICHAEL McKEE, Treasurer – Tenants Political Action Committee
28. LEIDA SNOW
29. LOU SEPERSKY
30. LOUISE DANKBERG, District Leader
31. MARIA TERESA FELICIANO, President – Dominican American National Roundtable (DANR)
32. PAOLA MARTINEZ
33. YUDELKA TAPIA
34. CARMEN FLORES, Postal Worker – National Association of Letter Carriers
35. ANTHONY GRONOWICZ, Associate Professor of History and Advisor - Student Government Association of Borough of Manhattan College
36. TODD BREITBART
37. LEONARD KOHEN, ESQ. – Election Law Attorney
38. CARMEN ACOSTA, Asociacion De Mujeres Progresistas
39. WILBUR WEDER
40. MICHAEL LANDAU, Chairman – Council of Orthodox Jewish Organization of West Side
41. BRAD HOYLMAN, Chair – Manhattan Community Board 2, Democratic District Leader 66<sup>th</sup> AD Part A

42. ETHEL SHEFFER, AICP, Member – Manhattan Community Board 7, Former President – NY Metro Chapter of the American Planning Association
43. JULIE MENIN, Chair – Manhattan Community Board 1
44. CATHERINE McVAY HUGHES, Vice Chair – Manhattan Community Board 1; Chair – World Trade Center Redevelopment Committee
45. STEVE CARBO, Senior Program Director - Demos
46. IBRAHIM KAHN, Deputy Chief of Staff – Senator Adriano Espaillat
47. ALLISON TUPPER (reading Jordan Budd’s testimony (ACT NOW))
48. RUTH HALBERG, State Committeewoman 65<sup>th</sup> AD - Manhattan
49. JAMES G. CLYNES
50. ROBERT E. CORNEGY, Jr., District Leader 56<sup>th</sup> AD
51. HELEN ROSENTHAL
52. ALTOGRACIA GUZMAN VARGAS
53. KATHLEEN TREAT
54. RUBEN VARGAS

**TASK FORCE MEMBERS PRESENT AT HEARING:**

**Michael F. Nozzolio** – Senator, Co-Chair

New York State Legislative Task Force on Demographic Research and Reapportionment

**John J. McEneny** - Member of Assembly, Co-Chair

New York State Legislative Task Force on Demographic Research and Reapportionment

**Martin M. Dilan** - Senator

New York State Legislative Task Force on Demographic Research and Reapportionment

**Robert Oaks** - Member of Assembly

New York State Legislative Task Force on Demographic Research and Reapportionment

**Welquis (Ray) Lopez** –

New York State Legislative Task Force on Demographic Research and Reapportionment

**Roman Hedges** –

New York State Legislative Task Force on Demographic Research and Reapportionment

**Debra Levine** –Co-Executive Director

New York State Legislative Task Force on Demographic Research and Reapportionment

**Lewis Hoppe** – Co-Executive Director

New York State Legislative Task Force on Demographic Research and Reapportionment

NEW YORK STATE  
LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND  
REAPPORTIONMENT

PUBLIC HEARING  
CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING

Thursday, September 22, 2011

Joan & Allen Bernikow  
Jewish Community Center  
1466 Manor Road  
Staten Island, NY  
10:00 a.m.

Demographic Research and Reapportionment, 9-22-2011

TASK FORCE MEMBERS PRESENT:

SENATOR MICHAEL F. NOZZOLIO, Co-Chair

ASSEMBLY MEMBER JOHN J. MCENENY, Co-Chair

SENATOR MARTIN M. DILAN

ASSEMBLY MEMBER ROBERT OAKS

DEBRA LEVINE

ROMAN HEDGES

WELQUIS LOPEZ

LEWIS HOPPE

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1 Demographic Research and Reapportionment-9/22/11

2 (The public hearing commenced at 10:00  
3 a.m.)

4 ASSEMBLY MEMBER JOHN J. MCENENY, CO-  
5 CHAIR, NYS LEGISLATIVE TASK FORCE ON DEMOGRAPHIC  
6 RESEARCH AND REAPPORTIONMENT: Thank you for your  
7 patience. We were delayed by an accident on  
8 Verizano [phonetic] for Senator Dilan, and we  
9 understand--we called Senator Mike Nozzolio. He  
10 is about five minutes away coming in a taxi and  
11 asked us not to keep you delaying any longer,  
12 especially since we have certain things we have  
13 to announce. One is as you know this is LATFOR,  
14 the abbreviation of the New York State  
15 Legislative Task Force on Demographic Research  
16 and Reapportionment. The membership consists of  
17 two elected members from each house, the Assembly  
18 and the Senate, and two citizen representatives.  
19 I will be joined shortly by my co-chair, who is  
20 Senator Michael Nozzolio, and I think we should  
21 switch and keep the two branches together. And  
22 Senator Nozzolio is joined by Senator Dilan to my  
23 immediate left and also by Welquis Lopez, who is  
24 the citizen representative. And on the far left

1 Demographic Research and Reapportionment-9/22/11

2 is one of our two co-chairs, Debra Levine, or  
3 excuse me, co-executive directors, staff  
4 position. And to my immediate right is my  
5 colleague in the Assembly, Bob Oaks, and the  
6 citizen representative Roman Hedges. This is a  
7 function, which is required by law by the Supreme  
8 Court. The Districts, which now exist for the  
9 United States House of Representatives, the New  
10 York State Senate and the New York State Assembly  
11 become stale every ten years as our people move  
12 around. Some grow and become larger. Some  
13 become smaller, and according to the rules of the  
14 Constitution and also the Voting Rights Act of  
15 1965 we have an obligation to adjust those rules  
16 as soon as we can following the census, in our  
17 case the 1910 census. Without further adieu,  
18 this is the--oh, I think we're about the 11th of  
19 14--1919, well, 2010, time warp, you know. I'm  
20 the historian up here. Sometimes I'm more  
21 comfortable back there. But this is the 11th or  
22 so of 14 hearings. These hearings are more  
23 conceptual, more academic. We want to hear why  
24 the current districts don't work or why if

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2 they're inadequate numbers they should expand in  
3 this direction versus that. Most people testify  
4 to keep neighborhoods and groups together. At  
5 least that's been the pattern across the state  
6 regardless of geography, and we normally ask you  
7 to keep your comments to five minutes. But we  
8 normally get as many as 40 to 60 people showing  
9 up. So we'll give you a little bit of leeway on  
10 that. But if you've given a tremendous amount of  
11 testimony in terms of the printed page, let me  
12 assure you that that testimony is part of the  
13 record. Everything that you say obviously is  
14 televised here and will live forever in  
15 cyberspace because it goes on our LATFOR web site  
16 and also your verbal remarks will be turned into  
17 a transcript, which will become part of the case  
18 file. And most times there are challenges to  
19 redistricting so that becomes part of the  
20 official record. We encourage people to send in  
21 maps electronically or by the old-fashioned way  
22 and to be as specific as they can as to what  
23 neighborhood is what and one thing or another.  
24 So without further adieu, I welcome my co-chair,

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2 Senator Michael Nozzolio and ask if he or any  
3 other member would like to make some opening  
4 remarks. Senator?

5 SENATOR MICHAEL F. NOZZOLIO: Thank you  
6 very much. Thank you very much, Assemblyman.  
7 It's an honor to be in Staten Island. This is  
8 our--is it eleventh--eleventh of thirteen  
9 hearings that we are engaged in across the state.  
10 Every borough in the City of New York has graced  
11 us with their input. I'm especially pleased  
12 today to welcome the senator representing this  
13 great borough. Senator Andrew Lanza [phonetic],  
14 it's wonderful to see you, Senator. A very well-  
15 deserved applause. We should note for the record  
16 that was a thunderous applause on Senator Lanza's  
17 behalf. Thank you, Assemblyman. I apologize for  
18 my tardiness. I just want to emphasize how these  
19 proceedings are being video-recorded. The  
20 recordings are part of the official record that  
21 we are establishing across the state, and they  
22 are available to be viewed on the LATFOR web  
23 site. We encourage everyone to view that web  
24 site, and those who couldn't be here today or at

1 Demographic Research and Reapportionment-9/22/11

2 any of the other hearings are welcome to submit  
3 testimony so that the record will be as complete  
4 as possible. We encourage citizen input. You  
5 can do it through the LATFOR web site,  
6 WWW.LATFOR.STATE.NY.US. So, thank you. Without  
7 further adieu, Assemblyman, thank you for  
8 beginning, and I look forward to hearing the  
9 testimony today.

10 ASSEMBLY MEMBER MCENENY: Would any  
11 other member of the panel like to make opening  
12 remarks? Senator Dilan?

13 SENATOR MARTIN M. DILAN, NYS LEGISLATIVE  
14 TASK FORCE ON DEMOGRAPHIC RESEARCH AND  
15 REAPPORTIONMENT: I would just like to say good  
16 morning. I look forward to your testimony  
17 regarding the issues here on Staten Island and  
18 say hello to my good friend, Senator Lanza.

19 ASSEMBLY MEMBER ROBERT OAKS, NYS  
20 LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH  
21 AND REAPPORTIONMENT: I'll just add my words of  
22 glad to be in Staten Island today and to hear  
23 input from you on the issues of redistricting,  
24 and I guess, Chairman, Chairmen, let's get to it.

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2 ASSEMBLY MEMBER MCENENY: We thank the  
3 Jewish Community Center for hosting this meeting.  
4 We very much appreciate their hospitality. Our  
5 first speaker is Debbie Rose, Councilwoman. The  
6 Senator says he's here to listen.

7 DEBORAH ROSE, NYC COUNCIL MEMBER, 49TH  
8 DISTRICT: Good morning. I would like to thank  
9 you for coming to Staten Island. I understand  
10 that Nassau County wasn't as fortunate, and so I  
11 want to thank you for understanding the  
12 importance of Staten Island in this process and I  
13 want to welcome you. To Senator Dilan I want to  
14 say that it's a pleasure working with your son in  
15 the City Council. And so I want to thank  
16 Chairmen Nozzolio and McEneny and the members of  
17 the Committee for giving me the opportunity to  
18 speak before you today. My name is Debbie Rose,  
19 and I represent the 49th District of the New York  
20 City Council, which comprises the entire north  
21 shore of Richmond County. I'm here today to lend  
22 my voice to the chorus of individuals who have  
23 stated that they want a fair redistricting  
24 process, which takes into account the diversity

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2 of the people who are located in these respective  
3 districts, and ensures that each community is  
4 able to be empowered by having local  
5 representation in our legislative bodies that is  
6 reflective of the communities that they  
7 represent. I am pleased to hear that this  
8 committee will fully implement the prison account  
9 law, which requires LATFOR to develop a  
10 redistricting database in which prisoners in  
11 federal and state custody have been subtracted  
12 from their places of incarceration and in which  
13 prisoners in state custody are to the extent  
14 possible reallocated to their prior residential  
15 addresses. I agree with many of my colleagues  
16 who have stated that LATFOR should make the  
17 amended database including all mandatory  
18 subtractions and reallocations available to the  
19 public as the basis for legislative redistricting  
20 proposals to be submitted. I believe that public  
21 participation in this process would increase  
22 tenfold if this information is made available  
23 before the next round of hearings. I also feel  
24 that LATFOR should draw the lines where people

1 Demographic Research and Reapportionment-9/22/11

2 live. While I am not advocating for an advantage  
3 given to either upstate or down state, the lines  
4 need to be drawn to reflect where New Yorkers  
5 reside. I fully understand the daunting task  
6 that you have ahead of you, but I can't stress  
7 enough that there should be as small a deviation  
8 as possible when drawing district lines.

9 Ideally, a zero percent deviation would be  
10 optimal, but we all understand that is not going  
11 to be the case. However, Governor Cuomo called  
12 for no more than a 2% deviation in his  
13 redistricting plan, and based on the census  
14 numbers, and I believe that's an achievable goal.

15 Additionally, I ask LATFOR to draw  
16 districts that are easily accessible. In many  
17 districts throughout the state, you would have to  
18 leave your district and re-enter into another  
19 district just to re-enter your home district.  
20 Please consider drawing district lines that not  
21 only preserve the contiguity of the district but  
22 are sensitive to the various communities that  
23 reside in those districts. I would like to also  
24 encourage you to please safeguard the integrity

1 Demographic Research and Reapportionment-9/22/11

2 of this process by maintaining an open,  
3 transparent process, which ensures public access.  
4 Thank you so much.

5 ASSEMBLY MEMBER MCENENY: Thank you very  
6 much, Councilwoman. We like to feel that this is  
7 the most open process that it has ever been to  
8 date, not only because of our willingness to make  
9 it so, but also because the technology is so much  
10 more available, the web site for example. A  
11 number of good government advocates have  
12 purchased software, and as far as practice, we  
13 try and get the information out as soon as we  
14 can. When the prisoner data is even more  
15 expanded than it is now as we add some of the  
16 more difficult addresses to it, that too will be  
17 sent out so that the people may draw it. We  
18 appreciate specifically maps, which are submitted  
19 from groups and individuals, many of whom have  
20 done so already. It is a zero tolerance for  
21 Congress. It's legally it can go 10%, 5% above  
22 or below on a State or Assembly district.  
23 Sometimes it will take larger numbers to comply  
24 with the Voting Rights Act of 1965 for districts

1 Demographic Research and Reapportionment-9/22/11

2 that affect previously disadvantaged minorities.

3 The governor's proposal calls for 1%, which is

4 constitutionally impossible because of our

5 constitutional prohibition on splitting towns.

6 So, if that were to pass, it would need some

7 amendment to comply with the Constitution. Thank

8 you very much for coming.

9 MS. ROSE: Could I just ask a question?

10 ASSEMBLY MEMBER MCENENY: Certainly.

11 MS. ROSE: How will you actually weigh

12 the input that you are getting from the public in

13 terms of how the lines should be drawn?

14 ASSEMBLY MEMBER MCENENY: The more

15 specific the input, people who will describe a

16 neighborhood instead of saying keep it together

17 and will actually give an argument--

18 MS. ROSE: [interposing] Draw the line.

19 ASSEMBLY MEMBER MCENENY: --this

20 neighborhood used to be this big. It is now

21 expanded through migration for a particular

22 group. This is very helpful. Vague information

23 is not helpful. We see that all the time, and

24 also information that takes into account not only

1 Demographic Research and Reapportionment-9/22/11

2 the tunnel vision, which we all have for our own  
3 particular district but understands what it's  
4 going to do to the district next to it. The  
5 quality of the input varies. Some of it is truly  
6 excellent. We have gotten some very good  
7 information. I've been doing this since 1973 on  
8 a local level. I took the census in 1980, and  
9 because of these hearings, I have changed my mind  
10 on a number of things of tools that should be  
11 used. So, the hearings are very, very useful to  
12 us. Now people are starting to send in more  
13 maps, and that's very good. We also have a  
14 community board map for the City of New York, for  
15 example, and we are taking into account not only  
16 ethnicity and community of neighborhoods but also  
17 commuting patterns, economic patterns, and so on.

18 MS. ROSE: And have you received much  
19 specific input from Staten Island?

20 ASSEMBLY MEMBER MCENENY: Well, I don't  
21 know. We just started.

22 SENATOR NOZZOLIO: Councilwoman, if I  
23 may interrupt my esteemed co-chair, at each of  
24 the hearings we have asked participants to

1 Demographic Research and Reapportionment-9/22/11

2 provide specific, detailed mapping that we were  
3 in Brooklyn and Manhattan earlier this week, the  
4 Bronx, and Queens earlier this month. Each time  
5 we asked for specific interest groups that  
6 provided their input. We wanted them to then  
7 provide us with mapping, suggested maps that we  
8 could employ and deploy as proposals are being  
9 drafted. So, use your web site, your Facebook  
10 page, to encourage that similar participation  
11 here in this borough.

12 MS. ROSE: I will, and they have up  
13 until how long to submit those maps?

14 SENATOR NOZZOLIO: We are under a very  
15 questionable timeframe. There may be a  
16 significant move in the primary date. If that's  
17 the case, then the entire governmental and  
18 political process changes. These districts have  
19 to be in place sufficient time before the primary  
20 date to have the proper circulation of petitions,  
21 the proper drawing of polling places.

22 MS. ROSE: Absolutely.

23 SENATOR NOZZOLIO: So we are very  
24 compacted now in terms of the time frame. Sooner

1 Demographic Research and Reapportionment-9/22/11

2 than later is the request for submission of  
3 individual proposals. We also have a round of  
4 hearings to take place after lines are suggested,  
5 and we expect at least a dozen or so hearings to  
6 have to take place across the state once the  
7 lines are put forward as proposals to have public  
8 input on those proposals. So, it is a long  
9 answer for a very important question and the  
10 important question is timeliness is of the  
11 essence, sooner than later, and I would suggest  
12 within the next month we very much need to see  
13 specific proposals.

14 MS. ROSE: And I will put them on--I'll  
15 use all of my media to get that message out, and  
16 we will be submitting a map ourselves. Thank you  
17 so much.

18 SENATOR NOZZOLIO: Very nice to see you.

19 ASSEMBLY MEMBER MCENENY: Thank you very  
20 much. Richard Verardi? Good morning.

21 MR. RICHARD VERARDI, FMR EMPLOYEE, LOCAL  
22 CENSUS OFFICE IN BENSONHURST: Good morning. I'm  
23 here not about the redistricting of Staten Island  
24 per se. I'm more concerned about the whole

1 Demographic Research and Reapportionment-9/22/11

2 redistricting of New York City and the funds that  
3 Staten Island and New York City is losing from  
4 the federal government. I worked 2000 census. I  
5 think you said you worked 80.

6 ASSEMBLY MEMBER MCENENY: Yes.

7 MR. VERARDI: I was the ELCOM [phonetic]  
8 in 2000. I had the cooperation of Councilwoman  
9 Debbie Rose, her organization, Staten Island  
10 African American Political Association, or  
11 organization, I always forget, the Borough  
12 president, Terry Troy [phonetic], Reverent Terry  
13 Troy - - , 2010 I was also the ELCOM first in  
14 Bensonhurst for a year, and the Advance  
15 [phonetic] has an article from *Associated Press*,  
16 "Bensonhurst, Bay Ridge, Astoria and Jackson  
17 Heights are Two Offices that the City is  
18 Challenging the Count." I was the ELCOM in  
19 Bensonhurst on 86th Street. I then transferred  
20 to Staten Island on South Avenue for the Staten  
21 Island Office. Let me tell you something.  
22 You're relying on the census numbers to re-  
23 district. They're under-counted. I can't prove  
24 it. I don't have anything in my hand, but being

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2 an ELCOM in both of those offices and comparing  
3 2010 to 2000, it was 180-degrees out of phase.  
4 In 2000 we had managers in the NYRCC who knew how  
5 to manage, treated you with respect and let you  
6 do your job. I had myself and three other  
7 managers, we did everything. We did the  
8 partnership. We addressed groups. We went down  
9 to Debbie Rose's group. Janet Wilson who was  
10 also a member of that group opened up many, many  
11 doors for us. We did a couple of television  
12 shows of Staten Island Cable with community  
13 relations officer, I forgot his name right now,  
14 it's 10 years ago.

15 This time we had Partnership doing  
16 everything. They had millions of dollars of  
17 freebies, which I didn't have in 2000. I got the  
18 same results in 2000 with less aggravation than  
19 we did in 2010. I believe we got 1% more than  
20 2000 in the mail return rate. It was dictated to  
21 me rush, rush, rush, get the job done. I don't  
22 care. I'm a perfectionist. I want to do a good  
23 job. I lived on Staten Island all my life. The  
24 monies that Staten Island could have gotten every

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2 so many months we go through the firehouse  
3 closing routine. Maybe if we got our fair share  
4 of federal money, we wouldn't have to go close  
5 firehouses or schools.

6 The NYRCC just pushed to get the job  
7 done. Adcan and Bensonhurst with the handheld  
8 computers--waste of time. They didn't work.  
9 Every time I had a problem, I'd turn it over to  
10 the IT. They sent it up to the City. You know  
11 what the response was? Not technical,  
12 administrative. How come it's not technical if  
13 the information doesn't go from the HHC, the  
14 handheld computer, to the field operations  
15 supervisor or the crew leaders' computers on into  
16 the computers in the RCC, for the data capture of  
17 house here, house here, the addresses. Areas and  
18 blocks were missed completely in Brooklyn. There  
19 were areas and blocks that were missed and NRFU,  
20 non-response follow up on Staten Island. A  
21 former manager of mine in 2000, I ran into him,  
22 he says nobody ever came to my house. He said I  
23 didn't fill out the form. Nobody came to my  
24 house to follow up. He says I've got 11 people

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2 living in my house. That's one verifiable  
3 example. I've been in the workforce for over 50  
4 years. I proved to the people in the NYRCC, I  
5 don't need ten clerks in admin. on the midnight  
6 shift. I was ordered to bring in ten clerks who  
7 sat around. I proved to them that I could do the  
8 work in a shift and a half. In the field, I was  
9 ordered to bring in seven clerks on the midnight  
10 shift when the computerized system was down from  
11 11:00 at night until 7:00 in the morning for  
12 maintenance. In QA who followed up on field,  
13 another seven clerks. Correct me if I'm wrong, I  
14 believe the law states you cannot make phone  
15 calls to individual homes after 9:00 at night.  
16 They didn't care. They ordered me to make phone  
17 calls.

18 I'm a perfectionist. I told my people I  
19 want a slow, accurate, methodical count. I don't  
20 care if we finish dead last out of the 30 offices  
21 in the NYRCC. I want everybody on Staten Island  
22 counted, and I honestly and truly believe in 2000  
23 we counted 443,728. That's going on my  
24 tombstone. Staten Island in New York in 2010

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2 468,730. That's not going on the tombstone, but  
3 coincidentally I was on a city web site, I don't  
4 have a date that I went on it, but according to  
5 the citydata.com, the population of 7/07, July of  
6 2007, they predicted 481,026. Where did those  
7 other people go? We were like puppets on a  
8 string. We couldn't act. We couldn't do  
9 anything unless the NYRCC said we can do it.  
10 When I had meetings with my crew leaders, my  
11 assistant crew leaders, field op supervisors, and  
12 my boss was there and I told him I want a slow,  
13 accurate, methodical count, you know what he did?  
14 He stood up and said, "You people don't do your  
15 job and you don't do it fast enough, we'll fire  
16 you all and we'll bring in crews from Juno,  
17 Alaska." I believe morale is directly  
18 proportional to efficiency. What kind of  
19 efficiency can I get from my employees, my field  
20 people when they are told that? And I have to  
21 say I had a tremendous crew in 2010, my office  
22 crew, my field crew in spite of all of the  
23 adversity we went through they worked. And just  
24 for your information, I was terminated on June

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2 1st of 2010 for poor performance. My office was  
3 at 30% on the first of June, one month after NRFU  
4 started. The next highest office was 31. They  
5 said I wasn't doing enough of my job, wasn't  
6 doing it fast enough. Coincidentally I have an  
7 EEO complaint against the Partnership Specialist,  
8 and I believe that I was fired in retaliation for  
9 that EEO complaint. I don't want to go into  
10 details. It has nothing to do with the  
11 redistricting. My suggestion is--there's another  
12 article here that New York State will lose based  
13 on the date of the article two seats based on the  
14 census numbers. I think the City of New York,  
15 the State of New York should, well, I can't get  
16 into the State, the City. Thirty offices in the  
17 NYRCC purview, I think every one of those  
18 offices, their count should be adjusted, and I  
19 think it should be adjusted higher. Thank you.

20 ASSEMBLY MEMBER MCENENY: Would you  
21 state since this is being televised and shown  
22 throughout the state, NYRCC is the?

23 MR. VERARDI: New York Regional Census  
24 Center.

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2 ASSEMBLY MEMBER MCENENY: Thank you very  
3 much.

4 MR. VERARDI: There are 12 of them  
5 throughout the United States adjacent to the  
6 regular census offices.

7 ASSEMBLY MEMBER MCENENY: Thank you very  
8 much.

9 MR. VERARDI: Yes, thank you.

10 ASSEMBLY MEMBER MCENENY: Senator Dilan?

11 SENATOR DILAN: Excuse me, sir.

12 MR. VERARDI: Oh, sorry.

13 SENATOR DILAN: With respect to what you  
14 testified to this morning, have you contacted the  
15 Mayor's office, namely Joe Salvo who is heading  
16 the challenge on behalf of the Mayor and  
17 indicated these problems to him?

18 MR. VERARDI: I tried to send an e-mail  
19 to the Mayor's office. I don't know if I had the  
20 right address or not, no luck. I tried to  
21 contact various other electeds, no luck. I sent  
22 a 40-page write up to the OIG in Washington, the  
23 GAO in Washington, and also Brian Moynihan  
24 [phonetic] the field director for the census as

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2 we say in Italian, nothing, nobody is interested.

3 SENATOR DILAN: Well, the person in  
4 charge of challenging the census count for the  
5 Mayor is Joe Salvo from the New York City  
6 Planning Commission. You may want to try to  
7 reach out to him. If we can get you his  
8 information, we'll do that.

9 MR. VERARDI: The address I got off of  
10 the internet, the e-mail address, either he got  
11 it and didn't respond or--

12 SENATOR DILAN: [interposing] We'll try  
13 to get you the proper information, or perhaps  
14 your council person.

15 FEMALE VOICE: [off mic]

16 SENATOR DILAN: Thank you. Thank you.

17 MR. VERARDI: I've lived here all my  
18 life. I feel that this money belongs to us.

19 ASSEMBLY MEMBER MCENENY: Mr. Verardi,  
20 would you mind giving us a copy of those 40  
21 pages?

22 MR. VERARDI: I didn't bring it with me,  
23 but I can get it.

24 ASSEMBLY MEMBER MCENENY: At some point,

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2 I would appreciate it if you would give us a  
3 copy. We'll distribute it.

4 MR. VERARDI: Who should I send it to?

5 ASSEMBLY MEMBER MCENENY: You want to  
6 send it to me? I'll give you a card since you  
7 and I share some of the same wounds. Thank you  
8 very much.

9 SENATOR NOZZOLIO: Thank you very much.

10 ASSEMBLY MEMBER MCENENY: Todd  
11 Breitbart, and I believe you have testified  
12 before.

13 MR. TODD BREITBART: Yes, I testified  
14 yesterday. For the record I'll repeat my name  
15 and what I said about myself. My name is Todd  
16 Breitbart. I directed the staff work on  
17 redistricting for the Democratic leaders of the  
18 State Senate from 1980 through my retirement at  
19 the end of 2005. I do not know work for or  
20 represent the Minority Leader. The opinions I  
21 express are solely my own. Today I wish to  
22 address the determination of the number of Senate  
23 districts. I have submitted a written statement  
24 including a detailed discussion of the

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2 Constitutional rule, the development of its  
3 interpretation and series of ruling by the New  
4 York State Court of Appeals, the varying  
5 interpretations of several elements of the  
6 formula, and the applications of those  
7 interpretations to past and current census data.  
8 At your hearing yesterday after explaining that  
9 absent an amendment to the State Constitution,  
10 the legislature cannot divest itself of the  
11 authority to redistrict the Senate and the  
12 Assembly. Senator Nozzolio reminded a witness,  
13 "The Constitution is an inconvenient truth."  
14 When asked, however, to say definitely what  
15 number of Senate districts was to be created,  
16 Senator Nozzolio said that no decision had yet  
17 been made. At the hearing in Rochester on July  
18 20th, Senator Nozzolio said, "The Constitution  
19 and the laws of the State provide for the ability  
20 for that number to grow or shrink depending on  
21 particular policy questions." And he added, "Let  
22 the public tell us whether the State Senate,  
23 which is now at 62, should be changed to another  
24 number. I urge the task force to be guided by

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2 the wisdom that someone expressed yesterday. The  
3 Constitution is an inconvenient truth. The  
4 Constitution provides that the size of the Senate  
5 is to be determined by the growth in population  
6 of certain populace counties relative to the rest  
7 of the state since 1894. It does not permit the  
8 legislature to adopt a different number because  
9 of what the public wants, or for reasons of  
10 policy, whatever those may be. If a different  
11 rules seems wise, then you may propose a  
12 Constitutional amendment, just as you may propose  
13 a Constitutional amendment to change the rule  
14 that legislative redistricting is to be affected  
15 by the legislature's enactment of a law. All of  
16 the information necessary to determine the  
17 constitutionally mandated number of districts,  
18 the 2010 census data, has been available since  
19 March. There is no excuse for the Task Force's  
20 failure at this date to decide the question and  
21 to announce its decision. The two different  
22 interpretations of the rule that have previously  
23 been followed, one of which has been abdicated by  
24 the Senate majority's past and present counsel,

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2 Michael Carbin [phonetic], would both yield 62  
3 districts as applied to the 2010 census counts.  
4 As my written statement recounts in detail and  
5 amply documents, the change in the number of  
6 districts in 2002 was made for reasons that had  
7 nothing whatever to do with faithfulness to the  
8 Constitution. The Constitutional interpretation  
9 supplied by Mr. Carbin merely rationalized the  
10 decision that had been made at least eight months  
11 earlier for other reasons entirely.

12 Nevertheless, Mr. Carbin's interpretation is  
13 reasonable. In fact, it is exactly the same  
14 interpretation offered by the unsuccessful  
15 Democratic plaintiffs in 1972 in the case of  
16 Schneider v. Rockefeller [phonetic] the last time  
17 this issue was litigated. A history of  
18 manipulating Constitutional ambiguity to support  
19 a partisan gerrymandering or to facilitate the  
20 malapportionment of Senate districts as in 2002,  
21 provides no valid precedent for ignoring the  
22 Constitution. If you create any number of  
23 districts other than 62, you will now be  
24 repudiating Mr. Carbin's interpretation as well

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2 as the interpretation followed by Republic Senate  
3 majorities in 1972, 1982 and 1992. You have in  
4 fact since the census data became available in  
5 March been soliciting redistricting proposals  
6 from the public on the basis of 62 Districts.  
7 The frequently asked questions page of the LATFOR  
8 web site includes a link, "Click here to view  
9 technical determination of the size of the  
10 Senate." The link is to Mr. Carbin's March 7th,  
11 2002, memo. Anyone who applies his  
12 interpretation to the 2010 census counts will  
13 find that the "technical determination of the  
14 size of the Senate" requires 62 Districts. And I  
15 should emphasize, I'm not referring to the  
16 statement at the end of Mr. Carbin's memo in  
17 which he concludes that his interpretation will  
18 produce 62 districts. He was referring, of  
19 course, at that time to the census counts from  
20 2000, but applying the same interpretation of the  
21 constitution that he advocates so reasonably in  
22 his memo to the current census counts will  
23 produce the same result. If you now produce a  
24 plan of other than 62 districts, you will have

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2 departed from all constitutional precedent. You  
3 will obviously have repeated the unprincipled and  
4 self-serving manipulation of the rule that  
5 occurred ten years ago, and you will have  
6 practiced deception upon the public and made a  
7 mockery of your invitations for the public to  
8 participate in the redistricting process. I hope  
9 that my having called your attention to the FAQ  
10 page will not lead to the withdrawal of Mr.  
11 Carbin's memo this evening. On the contrary, you  
12 should embrace his sound legal advice for which  
13 the State of New York has compensated him  
14 generously announce that you will create 62  
15 Districts and keep faith with the oath that you  
16 took in January to uphold the Constitution of the  
17 State of New York.

18 SENATOR NOZZOLIO: Just a couple of  
19 questions, Mr. Breitbart.

20 MR. BREITBART: Yes, that's correct.

21 SENATOR NOZZOLIO: Thank you very much  
22 for this analysis. It's extremely thorough, and  
23 I think it will be exactly what we're trying to  
24 have as part of the record and part of the input

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2 of our citizenry. It's my understanding by your  
3 submission that you were an employee of LATFOR  
4 at--

5 MR. BREITBART: [interposing] I was for  
6 a while on the LATFOR payroll, afterwards on the  
7 payroll of the Senate per se, in the minority  
8 leader's office. One or the other, performing  
9 the same work, supervising the redistricting  
10 staff work for the Senate minority through my  
11 retirement at the end of 2005.

12 SENATOR NOZZOLIO: So which minority  
13 leader's staff were you in?

14 MR. BREITBART: First, Senator  
15 Orenstein, then Senator Connor, and then Senator  
16 Patterson, Governor Patterson when he was the  
17 minority leader.

18 SENATOR NOZZOLIO: Thank you. I was, as  
19 you pointed out but sort of did so in a way that  
20 was around the barn that I did indicate yesterday  
21 to Mayor Koch that redistricting has to comply  
22 with the State Constitution. We cannot look at  
23 the Constitution as an inconvenient truth. Your  
24 analysis and assessments are extremely

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2 appreciated and thank you for your submission  
3 today.

4 MR. BREITBART: Thank you.

5 ASSEMBLY MEMBER MCENENY: Thank you very  
6 much. Mr. David Jones, good morning.

7 MR. DAVID JONES: Good morning. I also  
8 want to thank you for holding hearings here on  
9 Staten Island and only suggest that maybe it  
10 could have been done at night when there could  
11 have been more Staten Islanders. This is a  
12 working class borough. People here have jobs in  
13 the daytime, so it's not--you know, it's  
14 difficult for them to be here and voice their  
15 opinion.

16 My name is David Jones, and I'm a long-  
17 term resident of Staten Island, and have been  
18 somewhat active over the years. We are here  
19 today for a very important purpose, and that is  
20 to recommend to you how new State Legislative  
21 Districts ought to be drawn for the next decade.  
22 You have a great responsibility ahead. In 2002  
23 we were robbed of a fair and honest State Senate  
24 redistricting plan. Instead of drawing districts

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2 equally across the state, the members of this  
3 task force ten years ago played politics and  
4 denied the residents of New York City the fair  
5 and correct number of Senate districts to which  
6 we were entitled. Instead, in 2002, line drawers  
7 made as many upstate districts as they could and  
8 drew as few downstate districts as possible.  
9 That was unfair then, and it would be unfair if  
10 it happened again. I'm not asking for more  
11 districts, only the fair and correct number of  
12 districts. Unless you are required by law to  
13 keep certain counties and towns from being  
14 divided or to comply with the federal Voting  
15 Rights Act, you should draw each Senate district  
16 to be equal in population as much as possible.  
17 Ten years ago we were also robbed of fair  
18 districts when a new Senate district was added  
19 without letting anyone know that it was going to  
20 happen. The legislature added a district in  
21 Brooklyn, but even after all of the growth in the  
22 Latin community, the new district was added to  
23 elect a non-minority community center. Please,  
24 do not let this happen again. The Senate should

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2 remain at the current number of districts, not  
3 fewer, not more. The State Constitution was  
4 amended over 100 years ago to account for New  
5 York City becoming a united city of five counties  
6 and provided a formula. That formula may be old,  
7 but it is still the law. One person, one vote,  
8 requires fair representation for all. Please  
9 draw districts that maintain equal population  
10 across the state, and that follows where people  
11 live in their communities. When you draw your  
12 districts, please don't play politics.

13 Redistricting is about people. I want to thank  
14 you.

15 SENATOR NOZZOLIO: Thank you, Mr. Jones.

16 ASSEMBLY MEMBER MCENENY: Thank you. Is  
17 there anyone else here who would like to testify  
18 before this hearing? There being none, I declare  
19 this hearing closed. Thank you very much for  
20 your hospitality here, especially to the JCC.

21 (The public hearing concluded.)

Demographic Research and Reapportionment, 9-22-2011

C E R T I F I C A T E

I, Trisha Ruckart, do hereby certify that the foregoing typewritten transcription, consisting of pages number 1 to 35, inclusive, is a true record prepared by me and completed from materials provided to me.



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Trisha Ruckart, Transcriptionist

October 10, 2011

**NEW YORK STATE LEGISLATIVE TASK FORCE ON  
DEMOGRAPHIC RESEARCH & REAPPORTIONMENT**

**PUBLIC REDISTRICTING HEARING**

**JOAN AND ALLEN BERNIKOW**

**JEWISH COMMUNITY CENTER**

**1466 MANOR ROAD**

**STATEN ISLAND, NY**

**9/22/2011 10:00 AM**

**SPEAKERS LIST**

- 1. DEBORAH ROSE, NYC COUNCIL MEMBER  
49<sup>TH</sup> DISTRICT**
- 2. RICHARD VERARDI, FMR EMPLOYEE  
LOCAL CENSUS OFFICE IN BENSONHURST**
- 3. TODD BREITBART**
- 4. DAVID JONES**

NEW YORK STATE  
LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND  
REAPPORTIONMENT

PUBLIC HEARING  
CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING

Wednesday, October 5, 2011  
Farmingdale State College  
Little Theater, Roosevelt Hall  
2350 Broadhollow Road  
Farmingdale, New York  
10:00 a.m.

TASK FORCE MEMBERS PRESENT:

SENATOR MICHAEL F. NOZZOLIO, Co-Chair

ASSEMBLY MEMBER JOHN J. MCENENY, Co-Chair

SENATOR MARTIN M. DILAN

ASSEMBLY MEMBER ROBERT OAKS

WELQUIS LOPEZ

DEBRA LEVINE

LEWIS HOPPE

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2 (The public hearing commenced at 10:07  
3 a.m.)

4 SENATOR MICHAEL F. NOZZOLIO, CO-CHAIR,  
5 NEW YORK STATE LEGISLATIVE TASKFORCE ON  
6 DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT: - - of  
7 the Taskforce, along with my colleague and good  
8 friend, Assemblyman Jack McEneny. With us today  
9 are members of the Taskforce. Senator Dilan is  
10 not with us at this moment, but he, I understand,  
11 is en route and will be here as soon as he is  
12 able to be. Assemblyman Bob Oaks is a member of  
13 the Taskforce, as is Welquis Ray Lopez, who is  
14 also a citizen participant on the Taskforce.  
15 Roman Hedges, a member of the Taskforce, a  
16 citizen participant on the Taskforce is not with  
17 us today.

18 This is a series of 14 hearings that we  
19 are conducting across New York State to take  
20 input, to hear from our constituents from Long  
21 Island to Buffalo to the North Country, as to  
22 their concerns, their issues, their thoughts,  
23 their proposals regarding the redistricting  
24 process. We are a statutory commission that the

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2 laws of the State of New York require this  
3 Taskforce to be formed. We have, as members of  
4 the Taskforce, a fiduciary obligation to conduct  
5 these hearings, and we look forward to the  
6 hearing today in Suffolk County. We will be in  
7 Nassau County later this month and our first  
8 round of hearings will conclude with a hearing in  
9 Plattsburg on the 2nd of November. There will be  
10 also another round of hearings after plans are  
11 developed and put forward. I'm very honored to  
12 work on this project and serve on the Taskforce  
13 with Assemblyman Jack McEneny, Assemblyman, good  
14 morning.

15 ASSEMBLY MEMBER JOHN J. MCENENY, CO-  
16 CHAIR, NEW YORK STATE LEGISLATIVE TASKFORCE ON  
17 DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT: Good  
18 morning and we thank the Farmingdale State  
19 College for hosting this public hearing. We have  
20 received both at these hearings and also online  
21 and in the old-fashioned way, through the mail,  
22 we have received input from citizens across the  
23 state, from good government groups, from various  
24 groups throughout the state, proposals to improve

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2 the redistricting in New York State, improve the  
3 districts. We have the federal government's  
4 legislative body, the House of Representatives;  
5 there is not one Congressional District in the  
6 State of New York that has enough people to stand  
7 legally. We are dropping from 29 down to 27  
8 members of Congress, which means that new  
9 Congressional Districts, instead of being 650 or  
10 660, whatever they were the last time, will be  
11 717,707. So obviously that's a great deal of  
12 change for us, as well as the Senate and the  
13 Assembly, and we want to hear from the people, as  
14 we have been hearing, from several hundred  
15 through public hearings and also through  
16 correspondence with LATFOR with maps and various  
17 proposals. We need to hear what your  
18 recommendations are to improve the present  
19 system, which is stale and not in compliance with  
20 the law, how should the new districts be drawn.

21 SENATOR NOZZOLIO: Assemblyman Bob Oaks.

22 ASSEMBLY MEMBER ROBERT OAKS, NEW YORK

23 STATE LEGISLATIVE TASKFORCE ON DEMOGRAPHIC

24 RESEARCH AND REAPPORTIONMENT: I'd just like to

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2 welcome everyone today, excuse me, and look  
3 forward to hearing your input, both from  
4 citizens, from some of our colleagues that we see  
5 in the audience, and from anyone that's  
6 attending. Thank you.

7 SENATOR NOZZOLIO: Thank you,  
8 Assemblyman. Each of the testifiers today will  
9 be video-recorded and we're asking that  
10 witnesses, the testifiers, when their name is  
11 called, to come up to the stage and the cameras  
12 will capture their comments. This is part of the  
13 official record of the Taskforce. This record is  
14 available to citizens or anyone who wishes,  
15 across the world, to access the LATFOR website  
16 can do so by going to [www.latfor.state.ny.us](http://www.latfor.state.ny.us) to  
17 access the website where the hearing record is  
18 available. So that we make this official record,  
19 we ask you to suffer the inconvenience of coming  
20 up to the state to hear. We have well over 60  
21 witnesses today and we ask everyone to put their  
22 prepared remarks, submit those to the record and  
23 summarize them for the video. We're going to  
24 hold each speaker to five minutes of prepared

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2 remarks or oral testimony and then, of course,  
3 they'll be no time limit if any of the members of  
4 the panel have questions. So with that, I know  
5 there are some of our colleagues in the audience.  
6 I see, first and foremost, Assemblyman Phil  
7 Boyle. Assemblyman, thank you very much for your  
8 attendance and your participation in providing  
9 citizen input into this process. Also  
10 Assemblyman Phil Ramos who's here, Assemblyman  
11 Ramos, I thank you for your participation and  
12 thank you very much for being here today. Did  
13 you wish to testify, Assemblyman? With that,  
14 then, you are our first witness. Please come  
15 forward.

16 ASSEMBLY MEMBER PHILIP RAMOS, 6TH  
17 ASSEMBLY DISTRICT: Thank you, on behalf of my  
18 community, for this opportunity to speak on  
19 behalf of the constituents that I represent in  
20 the Town of Islip and in Suffolk County and to  
21 present you with this unique viewpoint when it  
22 comes to this important issue. In 2002 I was  
23 elected representative of the Sixth Assembly  
24 District in the New York State Assembly, which

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2 encompasses the communities of Brentwood, Central  
3 Islip, Bayshore, North Bayshore, Islip, and  
4 Islandia. The district was created with the  
5 purpose of giving an under-represented and under-  
6 served community a voice in their state  
7 government. A large percentage of the  
8 constituents I represent come from minority  
9 backgrounds, and before the creation of the Sixth  
10 Assembly District, this population, which had a  
11 common heritage and common interest, was split  
12 amongst several Assembly Districts, and it was  
13 diluting their voice and disenfranchising our  
14 community. The creation of this new district  
15 gave them, for the first time, a strong, active  
16 voice in state government. Not only was it the  
17 right thing to do, but it is the law of the land.  
18 The Voting Rights Act of 1965 was passed, partly,  
19 in order to prevent the disenfranchisement of  
20 minority groups through political gerrymandering  
21 and to avoid and prevent political  
22 gerrymandering.

23 As a result minority communities have  
24 been given a voice in their government, and they

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2           have experienced tremendous results with an  
3           improved quality of life. In my district alone  
4           we have seen a difference in the amount of  
5           government resources that have been directed to  
6           our community. An unprecedented amount of  
7           funding has now come to our schools as a result  
8           of the new district. Over three million dollars  
9           was invested in the Brentwood State Park, as well  
10          as towns that were cleaned up completely of  
11          graffiti. These are resources that in the past  
12          had never been directed to our community because  
13          it was a community perceived as being one of low  
14          wealth and low political power, and as a result  
15          of the division of our district, resources were  
16          not directed in the manner that they are now.  
17          Right now Hispanic voters are the fastest growing  
18          segment of the U.S. population.

19                   At the time of the 2010 Census, the  
20          Hispanic share of Long Island's population has  
21          grown to 15.5 percent. Furthermore the 2010  
22          Census figures released this spring counted more  
23          than 441,594 Hispanics on the Island. This  
24          represents a 56.2 percent jump since the year

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2           2000. This year, as you well know, we will be  
3 drawing new districts. These districts should  
4 represent the ethnic and cultural diversity of  
5 New York's many communities and should continue  
6 to give the minority groups a voice in their  
7 state government. Any new lines should reflect  
8 the growth of the minority communities on Long  
9 Island. Therefore I would like to see similar  
10 equitable representation amongst minority areas  
11 in Suffolk County, as well as Nassau County. We  
12 have the potential, both in Suffolk and Nassau,  
13 to draw lines that would create minority  
14 districts, and I ask that you consider one thing  
15 with the issue of redrawing lines in a district.  
16 It should not be all or nothing, it should not be  
17 either we have a district that's a majority-  
18 minority or we have the right to divide the  
19 minority community. There are districts that  
20 could be drawn that perhaps would have a 30  
21 percent minority. It wouldn't be a majority, but  
22 30 percent minority. That needs to be kept;  
23 those communities need to be kept together,  
24 because they will have a powerful influence, even

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2           though they are not a majority of that district.

3                       So I ask that we please move away from  
4           the all or nothing, either it's a majority-  
5           minority district or we don't pay attention to  
6           that issue and we allow communities to be  
7           divided. My district is an example of the  
8           success of the redistricting process.

9           Communities with common interests should be  
10          united and represented by one elected official,  
11          not divided up and silenced, as has been done in  
12          the past. We have come so far in terms of  
13          extending a political voice to under-represented,  
14          under-served minority communities in New York and  
15          across the country. I urge my colleagues to  
16          preserve this measure of fairness and justice  
17          when considering the new district maps in its  
18          upcoming legislative session. Thank you very  
19          much for your time.

20                       SENATOR NOZZOLIO: Thank you very much,  
21          Assemblyman. Any questions? Assemblyman  
22          McEneny.

23                       ASSEMBLY MEMBER MCENENY: It's good to  
24          see you here, Assemblyman. Will you be

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2 submitting maps or do you have a group submitting  
3 maps that you would endorse those maps for  
4 consideration by LATFOR?

5 ASSEMBLY MEMBER RAMOS: Yes, we've  
6 examined the numbers in both Nassau and Suffolk,  
7 and we have some suggestions that we will be  
8 submitting.

9 ASSEMBLY MEMBER MCENENY: Now this is  
10 like putting the pieces of a puzzle together, so  
11 we would caution against tunnel vision, looking  
12 at just one district. You have to look at the  
13 effect it has on the adjoining districts, as  
14 well, so a comprehensive map of both counties and  
15 Long Island would be very helpful.

16 ASSEMBLY MEMBER RAMOS: Okay, we will do  
17 that, thank you.

18 SENATOR NOZZOLIO: Thank you very much.  
19 We have been joined by New York State Assemblyman  
20 Charles "Chuck" Levine. Thank you, Assemblyman,  
21 for being here today. We appreciate your input  
22 and assistance to the Taskforce. Thank you very  
23 much. Aubrey Phillips.

24 ASSEMBLY MEMBER MCENENY: I'm sorry,

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2 Aubrey, would you mind if we put Phil Boyle on  
3 first? Thank you.

4 SENATOR NOZZOLIO: Did you ask to speak,  
5 Assemblyman? Certainly.

6 ASSEMBLY MEMBER MCENENY: Thank you very  
7 much.

8 ASSEMBLY MEMBER PHILIP BOYLE, 8TH  
9 ASSEMBLY DISTRICT: Thank you and I will be  
10 brief. I just wanted to thank the LATFOR  
11 panelists for coming to Long Island and for the  
12 time and effort you've put into this very big  
13 task. Officially, I'm supporting a non-partisan  
14 commission, but understanding that these new  
15 lines, very important lines, could be done either  
16 way coming in months ahead. I'd like to just  
17 give some input, and I think my comments would  
18 follow on Assemblyman Phil Ramos' because the  
19 districts he was talking about went into my  
20 district, the Eighth Assembly District in New  
21 York.

22 I urge you to look at the Eighth  
23 District, as I refer to myself as the poster boy  
24 for redistricting reform. The last time, ten

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2           years ago, they brought, they invited communities  
3           of interest in the Islip and Bayshore communities  
4           and took from Central Islip and Brentwood where  
5           Assemblyman Ramos represents and completely  
6           divided the communities in half. It was bad at  
7           the time for the constituents. It was bad for me  
8           personally, because I had to sell my house and  
9           move, but that is really a situation where the  
10          communities of Islip and Bayshore felt that they  
11          were divided and they felt the representation  
12          should have been along the lines of the people in  
13          similar communities along the south shore of Long  
14          Island. It also, obviously, had an effect on the  
15          minority communities of Central Islip, North  
16          Bayshore, and Brentwood, and I urge you to look  
17          at this as a sample case, really. I'm sure there  
18          are other instances across the state, similarly  
19          done, and I wish you the best of luck in creating  
20          these new lines. Thank you so much.

21                           ASSEMBLY MEMBER MCENENY: Thank you.

22                           SENATOR NOZZOLIO: Thank you,  
23           Assemblyman. Aubrey Phillips. Aubrey Phillips.  
24           As Mr. Phillips is coming up, I know he has

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2 traveled a long way to get here and that as he  
3 arrives on the stage I want to welcome our Senate  
4 Democrat member of the Taskforce, Senate Martin  
5 Dilan. Welcome, Senator Dilan. If you'd suffer  
6 a brief interruption, Mr. Phillips, that Senator  
7 Dilan just informs me that he'll reserve comments  
8 in a few minutes, later time. Thank you very  
9 much.

10 MR. AUBREY PHILLIPS, EDITOR, ELMONT.ORG:  
11 You're welcome. Good morning, as you know my  
12 name is Aubrey Phillips. I hail from Elmont, New  
13 York, and I'd like to just have a few brief  
14 remarks, which I've sort of titled "Lines  
15 Matter". Lines matter. Elmont has not voted as  
16 a community for a single Senator as long as I've  
17 lived on Long Island. We have always had two  
18 Senators. The lines do matter.

19 It was not until ten years ago that the  
20 Elmont community voted as a collective to elect  
21 former Assemblyman Tom Alfano. In fact it was  
22 testimony presented at the hearing like this one,  
23 by members of the Elmont community, led at that  
24 time by the Board of Education of the Elmont

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2 Union Free School District, that brought to  
3 fruition the unification of the 21st Assembly  
4 District around what was arguably or unarguably  
5 the community's strongest common interest, that  
6 of public education. The lines do matter,  
7 because my community is divided into two Senate  
8 districts. Approximately 85 percent is in the  
9 7th Senate District, the remaining 15 percent in  
10 the 9th, and from about 2007 to 2010, Democrat  
11 Craig Johnson represented the vast majority of  
12 the Elmont community, while minority leader Dean  
13 Skelos represented a narrow strip from Dutch  
14 Broadway South to the southern border of Elmont.  
15 Very few constructive things happened in our  
16 community during those days. Infighting among  
17 Democrats, cross-aisle fighting for control of  
18 the Legislature and the Assembly, appeared to the  
19 community as incompetence. But was it  
20 incompetence or were we simply victims of the  
21 lines? History matters.

22 Todd Breitbart points out that, and I  
23 quote, "Long Island's black and Hispanic  
24 populations have been systematically split in the

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2 State Senate redistricting plans enacted in 1972,  
3 1982, 1992, and again in 2000." He further  
4 emphasizes that in every redistricting plan put  
5 into effect through legislation, since the U.S.  
6 Supreme Court ruled in 1964 that New York State  
7 Legislative Districts must have approximately  
8 equal populations, that this has been the case in  
9 the state. Breitbart looks forward and concludes  
10 and basically says, "It remains to be seen  
11 whether the New York State Legislature will  
12 choose to extend this pattern through a full  
13 half-century and whether the Governor will sign a  
14 redistricting bill that does so." But the lines  
15 do matter.

16 In reality, Elmont's divide renders the  
17 collective politically impotent. It is argued by  
18 some that lines do not matter because they, their  
19 individual right to vote is un-feathered. I say  
20 no, lines matter. Hyper-individualists are  
21 easily satisfied once it's clear to them that  
22 they are okay, but for me and many in my  
23 community, we are part of a collective. Like the  
24 grains of sand on a beach that bind together to

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2 protect the shoreline, or the roots beneath the  
3 blades of grass on a hillside that intertwine to  
4 prevent mudslides, we are part of a purposeful  
5 collective. The four-decade long pattern of  
6 dividing minorities is well-established, and I  
7 echo the concerns of Mr. Breitbart. Will New  
8 York State Legislature choose to continue a  
9 pattern of racial and ethnic division for a full  
10 half-century? In part my participation here  
11 today is to say as forcefully as I know how, no.  
12 My fellow Elmont residents will focus on Nassau  
13 County's recent redistricting experience, an  
14 experience they must share with you for context  
15 and an experience that left a dark cloud over our  
16 community. They waited and some are still  
17 waiting for their county legislator to defend  
18 them, but he's silent.

19 In the end it's not legislative  
20 adherence to its own charter and respect for  
21 constituent action that resolves that issue.  
22 Sadly, like in 1964, it was judicial intervention  
23 that preserved the legislative process, and by  
24 extension, voters' rights in my community. I

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2 would be remiss if I did not take time to say  
3 that both Senator Martin and Senator Skelos,  
4 Elmont's two Senators, are fine gentlemen, and if  
5 I were a hyper-individualist, I may not have come  
6 to testify. I like both of them. However, lines  
7 matter, and Elmont's strength, like the grains of  
8 sand on the beach, the blades of grass on the  
9 hillside, when parsed and picked apart, are  
10 beautiful but fragile and easily overwhelmed.  
11 Together Elmont is a purposeful unit, a growing  
12 minority community that takes pride in its United  
13 Nations-like look and feel.

14 I close by saying consider, as this body  
15 did ten years ago, unifying Elmont's voting voice  
16 wholly into the 7th Senatorial District. Do not  
17 preserve the ignoble distinction of four decades  
18 of repeatedly splitting the minority vote while  
19 overtly suggesting that we as a country, that we  
20 as a state or a county, have overcome race  
21 matters. Lines matter, history matters, and race  
22 matters. Thank you.

23 SENATOR NOZZOLIO: Any questions of Mr.  
24 Phillips? I have one, Mr. Phillips. You're

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2 quoting a Todd Breitbart?

3 MR. PHILLIPS: Yes.

4 SENATOR NOZZOLIO: Where are you quoting  
5 him from?

6 MR. PHILLIPS: This was a piece that he  
7 had written in, I think it was April.

8 SENATOR NOZZOLIO: April?

9 MR. PHILLIPS: April, I think it was,  
10 that delineated the divisions throughout, sort of  
11 a historical review of what took place in  
12 redistricting over the last 40 years.

13 SENATOR NOZZOLIO: Was this a book--

14 MR. PHILLIPS: [Interposing] I think it  
15 was something I saw on the internet.

16 SENATOR NOZZOLIO: On the internet?

17 MR. PHILLIPS: Yeah.

18 SENATOR NOZZOLIO: Do you know Mr.  
19 Breitbart?

20 MR. PHILLIPS: Not personally, no, but  
21 part of my research led me to that, as I looked  
22 over this.

23 SENATOR NOZZOLIO: And what publication  
24 were you quoting him from?

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2 MR. PHILLIPS: If you hold one second, I  
3 don't know if I have it. I think I just pulled  
4 it out, but would you like me to send to you  
5 something?

6 SENATOR NOZZOLIO: I was just wondering.  
7 You quoted him twice in your testimony. I  
8 wondered where you were quoting him from.

9 MR. PHILLIPS: Well, like I said, it was  
10 a document that I had, I think, researched, and  
11 it came to me.

12 SENATOR NOZZOLIO: In research.

13 MR. PHILLIPS: Yes.

14 SENATOR NOZZOLIO: Thank you very much.

15 MR. PHILLIPS: You're welcome.

16 SENATOR NOZZOLIO: Scotty Coads. H.  
17 Scotty C-O-A-D-S, Coads. Lucious Wear, Lucious  
18 Wear. Leah Bahm, Leah Bahm. Dennis Jones,  
19 Dennis Jones. Melvin Boone, Melvin Boone. Kevan  
20 Abrahams, Kevan Abrahams. Roderick Pearson,  
21 Roderick Pearson. Councilwoman Dorothy Goosby,  
22 Councilwoman Dorothy Goosby. Eugene Burnette,  
23 Eugene Burnette. Kerrya Solongus [phonetic].  
24 Louis Valenzuela, Louis Valenzuela. Legislator

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2 Ricardo Montano, Legislator Ricardo Montano.

3 Joyce Stowe. While Ms. Stowe comes before the  
4 panel, Assemblyman, excuse me, Senator Dilan for  
5 an opening statement.

6 SENATOR MARTIN M. DILAN, NEW YORK STATE  
7 LEGISLATIVE TASKFORCE ON DEMOGRAPHIC RESEARCH AND  
8 REAPPORTIONMENT: I would just like to say good  
9 morning to everyone in the audience and thank my  
10 colleagues for hosting this meeting here in  
11 Suffolk County and also to say hello to my  
12 colleagues in the audience. I just look forward  
13 to hearing testimony regarding the special needs  
14 here out in Long Island, and I wish everyone  
15 well. Thank you.

16 SENATOR NOZZOLIO: Thank you very much,  
17 Senator. Good morning, Ms. Stowe.

18 MS. JOYCE STOWE: Good morning, my name  
19 is Joyce Stowe, and I'm speaking this morning on  
20 behalf of the residents of Tudor Manor Civic, one  
21 of several civics in the Elmont community. The  
22 U.S. Census Bureau conducts a population and  
23 housing survey every ten years, as required by  
24 titles 13 and 26 of the United States Code. This

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2           day the federal, state, and local legislators  
3           have the power to draw or redraw the boundaries  
4           of election districts, as long as they do not  
5           infringe on the principle of one person, one  
6           vote, which most courts view as the primary  
7           standard to produce fair elections. Elmont is a  
8           community on the border of Nassau and Queens,  
9           with an expanding, independent, political voice.  
10          Its population, according to the 2010 Census is  
11          40,507. - - its vote and political power to  
12          affect the entire state. The 3rd Legislative  
13          District, as we know it, will not include areas  
14          east of the Elmont Public Library to Meacham  
15          Avenue and Dutch Broadway. Also removed from the  
16          3rd District is a large area from Landford Drive  
17          and Dutch Broadway all the way east of Meacham  
18          Avenue and areas to the south, to the Southern  
19          State Parkway. That area constitutes the Tudor  
20          Manor Civic area, with over 701 family homes and  
21          which is proposed to be the 19th Minority  
22          District. The people of Elmont over the years  
23          have demonstrated that they vote for the best  
24          interests of the community, not for narrow ethnic

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2 or party politics.

3 There is a slight temporary reprieve  
4 brought about by the welcome decision of the  
5 State Appellate Court to stay the 3rd District  
6 lines, but the dark cloud of an upcoming battle  
7 still hangs over the Elmont community come 2012.  
8 The Elmont community is aware that lines  
9 governing the 21st Assembly District and the 7th  
10 Senatorial Districts are being considered at this  
11 time. We do not know what these lines are or  
12 will be, but the Elmont community hopes that  
13 there will be effective discussions and  
14 consideration as it pertains to drawing lines  
15 that will not erode our unified voting strength  
16 as a community. We do not want to engage in  
17 protracted legal warfare, as was recently  
18 experienced in the legislative district. The New  
19 York Constitution says imprisonment neither gains  
20 nor loses a resident. With the law passed by the  
21 Justice Department that inmates should be counted  
22 in their hometowns, not where they are locked up,  
23 throws a wrench on upstate towns that uses these  
24 prisoners as numbers to inflate their Census

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2 count. We hope that this commission will use  
3 that ruling to make a fair case in redistricting  
4 on the state level. Thank you.

5 SENATOR NOZZOLIO: Thank you very much,  
6 Ms. Stowe. Any questions by the panelists?  
7 Carrying on, thank you very much. Todd  
8 Breitbart.

9 MR. TODD BREITBART: My name is Todd  
10 Breitbart. For the record, before I proceed with  
11 the statement I've prepared, I can answer a  
12 question that you asked of Mr. Phillips. I have  
13 distributed as widely as I could, to anyone who I  
14 thought might find it of interest, a fact sheet  
15 and maps similar to the material that I have  
16 entered in the record as my written statement. I  
17 have placed my name on everything that I've  
18 distributed so that my own role should be  
19 perfectly open.

20 SENATOR NOZZOLIO: Do you know Mr.  
21 Phillips?

22 MR. BREITBART: No, I don't.

23 SENATOR NOZZOLIO: You've never met him  
24 before?

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2 MR. BREITBART: No, I never did.

3 SENATOR NOZZOLIO: What internet article  
4 was he referring to?

5 MR. BREITBART: I'm not, I don't whether  
6 the material was posted, but I've distributed it  
7 to a number of people and organizations who are  
8 concerned with these issues, and he may have  
9 received it in an email. That question I really  
10 can't answer.

11 SENATOR NOZZOLIO: Thank you very much.

12 MR. BREITBART: I've submitted a written  
13 statement with demographic tables and 20 maps  
14 showing that for four decades in a row, Long  
15 Island minority communities have been  
16 systematically split by the State Senate District  
17 boundaries, thereby diluting the voting power of  
18 black and Hispanic voters. All nine Long Island  
19 districts have repeatedly been designed to have  
20 super majorities of non-Hispanic, white voters.  
21 The Legislature and Governor must decide whether  
22 this practice is to be repeated again in 2012,  
23 extending the discriminatory pattern through a  
24 full half-century. This issue involves no

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2 conflict between the interests of Latino and  
3 African-American communities.

4 In both counties the black and Hispanic  
5 populations are concentrated in the same  
6 incorporated villages and unincorporated hamlets.  
7 Districts that split one group, diluting their  
8 voting power, will split the other group, as  
9 well. Districts that permit one group to  
10 exercise their full voting power will do the same  
11 for the other. A group of voters brought suit to  
12 challenge the 2002 Long Island Senate Districts,  
13 but a three-judge federal court ruled in  
14 Rodriguez v. Pataki, decided in 2004, that they  
15 were not entitled to relief under the Voting  
16 Rights Act of 1965. Whether the court ruled  
17 correctly is not the important question now. The  
18 prospects for challenging a new discriminatory  
19 redistricting plan under the Voting Rights Act  
20 will depend largely on recent demographic trends  
21 and on the statistical analysis of recent voting  
22 patterns. But the decision facing the  
23 Legislature and the Governor is not primarily a  
24 question of law; it is a question of justice.

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2           The courts set limits, some things the  
3           Legislature and Governor must do, some that they  
4           must not do. Within those limits the Legislature  
5           and the Governor enjoy broad discretion to act  
6           wisely or unwisely, justly or unjustly. If that  
7           were not so, it would not matter much whom we  
8           elect or how the districts are drawn. Suppose  
9           for the sake of argument the systematic splitting  
10          of Long Island minority community by Senate  
11          District boundaries may, as a matter of law, be  
12          extended through a full half-century. That does  
13          not even begin to address the question of what  
14          the Legislature should do or what the Governor  
15          should approve.

16                 At your hearing on October 27th in  
17                 Nassau, I'll address in my oral testimony  
18                 specifically the history of Senate redistricting  
19                 in Nassau County. Now I'll speak about Suffolk  
20                 County. In Suffolk County the 1972 boundary  
21                 between Senate Districts 3 and 4 simply followed  
22                 the Babylon-Islip town line, which is  
23                 unexceptionable. But in 1982, 1992, and 2002,  
24                 the large and growing black and Hispanic

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2 communities in Babylon were divided by a line  
3 that was nearly identical in each decade,  
4 changing by only a few blocks. The lines runs  
5 southward from the Babylon-Huntington town line  
6 through Wyandanch and West Babylon, then divides  
7 North Lindenhurst, Lindenhurst, Copiague and  
8 Amityville. In 1982 the part of the town  
9 northwest of this boundary was attached to  
10 District 5, which extended north to the sound in  
11 Oyster Bay and Glen Cove. In 1992 and 2002 the  
12 same area was attached to District 8, a  
13 Southshore Nassau district extending to Baldwin  
14 Harbor, but the line dividing the minority  
15 communities remained fixed.

16 Senate Districts 3 and 4 changed  
17 extensively from 1982 to 1992 and again in 2002,  
18 except in one place. The portion of the Senate  
19 District boundary that divides Brentwood, and  
20 thereby splits the Latino and African-American  
21 communities in the Town of Islip, is precisely  
22 identical in the three decades, running from the  
23 town line at Morehead Road in the north to the  
24 intersection of Commack Road and Candlewood Road

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2 in the south. The consistent pattern suggests  
3 that the portions of the Senate District  
4 boundaries that split minority communities were  
5 established first and that any necessary changes,  
6 such as to equalize district populations in  
7 accordance with the latest Census, were made  
8 around those fixed features. The Co-Chairmen of  
9 the Legislative Taskforce on Reapportionment have  
10 argued that Governor Cuomo should not veto a  
11 redistricting bill, merely because it was  
12 designed by them, not by an independent  
13 commission. They urge the Governor to base his  
14 decision on the bill's substance, not its source.

15 Surely, though, if the racially-  
16 discriminatory Long Island Senate boundaries are  
17 reproduced in 2012, then Governor Cuomo will have  
18 compelling grounds to veto the re-apportionment  
19 bill because of what it does, regardless of who  
20 has done it. If you do propose to continue this  
21 pattern, the potential disruption of the 2012  
22 political calendar will be the least shameful  
23 thing about it.

24 SENATOR NOZZOLIO: Any questions of Mr.

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2 Breitbart? Senator Dilan.

3 SENATOR DILAN: My question is, you  
4 indicate there is splitting of minority  
5 communities, the concentration - - are we  
6 splitting a community in order to achieve that -  
7 - of minority voting?

8 MR. BREITBART: Yes, if you look at the  
9 maps, you will see that it is, in Suffolk County,  
10 for example, it's not simply that the minority  
11 community in Babylon is in one district and that  
12 in Islip is in another. The minority community  
13 within Babylon has been split. The minority  
14 communities within the Town of Islip have been  
15 split by that line that I described that runs  
16 through Brentwood.

17 If I recall correctly, I don't believe  
18 that Brentwood is an incorporated village, but it  
19 is, generally, has generally recognized  
20 boundaries which have been recognized by the  
21 Census Bureau, which has made Brentwood a Census-  
22 designated place and if someone who lives in  
23 Brentwood says I'm a resident of Brentwood,  
24 everyone in the area will know exactly what they

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2 need, what they mean. It is a well-recognized  
3 community, and it has been systematically split,  
4 dividing, of course, not only the black and  
5 Hispanic populations in Brentwood, but in the  
6 surrounding villages and hamlets of Islip.  
7 You'll see a similar pattern in Nassau County  
8 where the minority communities primarily within  
9 the Town of Hempstead have been systematically  
10 split, in that case over four decades. The  
11 pattern in Suffolk County runs through three  
12 decades.

13 SENATOR DILAN: The reason I ask the  
14 question is because I know throughout the  
15 hearings we've been talking about not splitting  
16 communities, and in many instances - - that we  
17 would not split communities, so this,  
18 technically, is we're violating our rules just to  
19 split up a particular village or a town.

20 MR. BREITBART: It might not be possible  
21 to use a higher deviation to, within in Long  
22 Island because I believe that the State  
23 Constitution's block on border rule would require  
24 that the adjoining Long Island districts be

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2           nearly equal in population to one another, but it  
3           is possible, while adhering to that rule, to do a  
4           very much better job of keeping both the  
5           incorporated villages and the generally  
6           recognized unincorporated hamlets intact and also  
7           to keep intact communities that have much in  
8           common with regard to a great deal more than  
9           simply race or ethnicity.

10                   I should point out that Nassau and  
11           Suffolk Counties are the only part of the state  
12           which is almost entirely tiled by Census-  
13           designated places. That is, that the Census  
14           Bureau, I believe, at the behest of Long Island  
15           Regional Planning Board, has designated as Census  
16           places in Nassau and Suffolk Counties, not only  
17           the incorporated units, such as villages and  
18           cities, as they do in the rest of the state, but  
19           all of those unincorporated hamlets that  
20           residents of Long Island regard, would identify  
21           as their places of residence, and it is therefore  
22           possible in Nassau and Suffolk Counties and  
23           advisable for the Taskforce, unlike the rest of  
24           the state, to consult the Census place geography

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2 in drawing Senate districts to try to avoid  
3 dividing Census places, especially incorporated  
4 villages, although you're not required to avoid  
5 that by the State Constitution and also to keep  
6 together within districts those Census places  
7 either adjoining or near to one another that have  
8 a great deal in common.

9 SENATOR DILAN: And if these communities  
10 were kept whole, would they have the possibility  
11 of electing a candidate of their choice?

12 MR. BREITBART: I'm quite certain that  
13 that, in both counties, certainly, in the  
14 Assembly, as Assemblyman Ramos' presence here  
15 today and the office he holds demonstrates. In  
16 Nassau County, I believe, it would certainly be  
17 not difficult to create a reasonably compact  
18 Senate District that unites populations that have  
19 a great deal in common, not just with regard to  
20 race and ethnicity, but with regard to matters  
21 such as income, employment, education, and so  
22 forth, where black and Hispanic voters would be  
23 able to elect the representative of their choice,  
24 and following the same principle in Suffolk

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2 County, although it would not be possible to  
3 create a district where black and Hispanic voters  
4 would be in a majority, it would be possible to  
5 create a district in which they would be very  
6 valuable partners in an electoral coalition, and  
7 it is, I believe, a good thing for democracy,  
8 both to encourage and to reward inter-racial  
9 collation-building, rather than splitting  
10 minority communities so that inter-racial  
11 coalition-building is not necessary.

12 SENATOR NOZZOLIO: Thank you, Senator  
13 Dilan. Any other comments, questions of the  
14 panel? Carrying on, thank you, Mr. Breitbart.  
15 Robert Summerville. LaRoy Gadsen. I'd just like  
16 to acknowledge the presence of Assemblyman Al  
17 Graf. Assemblyman, thank you very much for your  
18 participation. Did you wish to make a statement?  
19 Not at this time? But thank you for your  
20 continued input. Sergio Argueta. Wilton  
21 Robinson. Carol Gordon. The Honorable Andrew  
22 Hardwick. Kenneth Cohen. Frederick Brewington.  
23 Roberta Cesar. Julian Jones. Abdul Hakeem. The  
24 Reverend Curtis C. Riley. Leo Fernandez. Jody

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2 Blair. Ernest Ulysee. Brian Paul. Susan  
3 Lerner.

4 As Ms. Lerner comes to the podium, we'd  
5 like to take this opportunity to say that whether  
6 an individual is present at these hearings or  
7 not, they are welcome to participate by  
8 submitting testimony, be that written testimony,  
9 whether it be an email, whether it be any other  
10 type of communication to the LATFOR website.  
11 It's [www.latfor.state.ny.us](http://www.latfor.state.ny.us). It is always a  
12 pleasure to see Susan. I've lost track of how  
13 many hearings you have attended. I think it's at  
14 least four.

15 MS. SUSAN LERNER, EXECUTIVE DIRECTOR,  
16 COMMON CAUSE NEW YORK: And I had meant to be in  
17 Buffalo, but health reasons kept me from  
18 participating.

19 SENATOR NOZZOLIO: Well, it's very nice  
20 to see you again.

21 MS. LERNER: Well, thank you. As you  
22 know Common Cause is involved in a mapping  
23 project, and we start before every meeting of  
24 LATFOR, at each one of these hearings, we have

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2 done some basic demographic analysis, which I  
3 hope will be helpful to you when you think of the  
4 testimony that you've heard this morning. A lot  
5 of what we have done in our maps that are  
6 appended to my testimony, I think graphically  
7 illustrates what people have been saying here in  
8 terms of the demographics of Long Island, and I  
9 think what we've learned at Common Cause, this is  
10 our first mapping project, how helpful it is to  
11 actually have the graphic representations,  
12 because you can see on the maps exactly what  
13 people are talking about when they talk about  
14 communities of interest. So, for instance, I'm  
15 just looking arbitrarily at Map #3, which is home  
16 ownership, and you can see how Suffolk County is  
17 primarily suburban, with a high percentage of  
18 home ownership, and yet there are clusters of  
19 places that have low home ownership and, not  
20 surprisingly, you've been hearing a lot about  
21 some of them today. Babylon and Islip, for  
22 instance, are distinct in just about all of the  
23 demographic factors that we've looked at, which  
24 include median income, particular employment

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2 patterns, percentage of workers employed in blue  
3 collar jobs, and so forth.

4 I'd like to point out Map #16, which I  
5 hope will be helpful to you in considering some  
6 of the testimony this morning where we have  
7 looked at particularly the town of Islip and the  
8 Hispanic community. As you may be aware, the  
9 big change in Suffolk County from the 2000 Census  
10 to the 2010 Census, as in so many regions across  
11 the state, is an expansion in the Latino  
12 community. In Suffolk we're seeing expansion in  
13 both the African-American and the Latino  
14 community, and just to graphically illustrate  
15 some of the comments that were made by earlier  
16 speakers, you can see how the Senate line that's  
17 drawn between Senate District 3 and Senate  
18 District 4 very neatly bisects this growing  
19 Hispanic community and makes it difficult for  
20 them to aggregate their voice and to be  
21 influential in having their communities wishes  
22 regarding representation respected. Seventeen  
23 looks at the black community cracked by current  
24 Senate lines in the Town of Babylon. But just a

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2 couple of summary points, we go into greater  
3 detail in our written testimony that will help  
4 you understand Long Island.

5 If you look just at our first map, which  
6 is population density, one of the things that's  
7 clear and in talking to local folks comes  
8 through, is that there really are some interests  
9 and some communities here in Long Island,  
10 Northshore, and Southshore, and that they are the  
11 forks on the map. So it's very easy to see why  
12 people talk about the North and the South fork,  
13 are considered pretty much to be distinct  
14 communities, but because we have low population  
15 density, they often end up in the same Senate  
16 District just because of the numbers, but they  
17 are distinct communities and the far end of  
18 Suffolk really is a rural, much more rural, and  
19 beach-oriented area, and the more dense areas  
20 that are close to Nassau.

21 The thing I'd like to add, because  
22 certainly the local people, you know, the  
23 residents here have been very eloquent about how  
24 their communities of interests they feel have

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2           been better served by the Assembly map than the  
3           previous Senate maps, is one thing that I would  
4           like to point out, because it has been mentioned  
5           in passing, but it really struck us in our  
6           analysis that here in Long Island, not only the  
7           unincorporated villages and the towns are  
8           important, but this is an area of the state where  
9           school districts seem to have tremendous cohesive  
10          power, and what struck us is that for most of  
11          Suffolk, the district lines pretty much adhere to  
12          the school district lines, more or less, not  
13          exactly. But in the areas of Babylon and Islip,  
14          the district lines have been drawn in the Senate  
15          side in such a way that they cut up a large  
16          number of school districts, making it harder for  
17          the residents, again, to gather to identify their  
18          common interests and to make them clear to their  
19          elected representatives, and the figures are  
20          really kind of striking. Let's see if I can find  
21          it in my written testimony. In the lines of  
22          District 4 and District 8 of the Senate in the  
23          Town of Babylon, slice through five school  
24          districts and five villages. That's really quite

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2 a lot.

3 In the Senate Districts 3 and 4 the line  
4 is drawn, it cuts through six school districts  
5 and seven villages, and that contrasts to the way  
6 in which the lines are drawn in the rest of Long  
7 Island, unfortunately leaving many to conclude  
8 that the lines are drawn in a partisan  
9 gerrymandered fashion and to disadvantage the  
10 minority communities there. I would hope that in  
11 this round of redistricting that we can minimize  
12 and avoid those kind of allegations and that some  
13 attention to what the residents here see as their  
14 important cohesive factors, which are not only  
15 race, but school districts are a very handy  
16 guide, we've found, in thinking through where you  
17 would want to place district lines.

18 SENATOR NOZZOLIO: Assemblyman McEneny.

19 ASSEMBLY MEMBER MCENENY: I'm just  
20 making an observation, particularly in the case  
21 of the Latino minority, that in all fairness, if  
22 these Senate lines were imposed on the year 2000  
23 map, there would not be such a striking division,  
24 that when one group of residents increases by 52

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2 percent in just ten years, we know that our lines  
3 are obsolete. We know there has to be changes to  
4 comply with the Voting Rights Act and the State  
5 Constitution and federal rulings, as well. So in  
6 all fairness, we're taking this Census and  
7 putting it on old lines and we know that that is  
8 going to be radically different.

9 MS. LERNER: Yeah, that's indeed true,  
10 although I think that the African-American  
11 community has been outlined, historically, does  
12 have some valid concerns about the way in which  
13 it has been treated and certainly there's no  
14 question there have been major demographic shifts  
15 here and we're certainly very pleased to hear  
16 that you're, as you would be, cognizant, and we  
17 hope that they will be properly handled.

18 SENATOR NOZZOLIO: Susan--Assemblyman,  
19 are you finished? I want to echo my colleague's  
20 comments that we found this, and I believe you  
21 were at the Queens hearing, that we saw enormous  
22 growth in the Asian population in particular, and  
23 you can't base the, looking backward, and not  
24 understanding that ten years had gone by, not

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2 appear as it is. It was not reflective of that  
3 growth, because it was done before the growth  
4 occurred.

5 MS. LERNER: Right, although, you know,  
6 there's an interesting task in terms of trying to  
7 determine in some areas what's trending. I don't  
8 know that anybody would necessarily have  
9 predicted the size of the expansion of the Latino  
10 community, but that's one of the factors, and I'm  
11 not saying that, you know, that population in  
12 particular, but that has been a unit. It is a 50  
13 percent expansion, but it was a unit back then,  
14 as well. It's just larger and more obvious now.

15 SENATOR NOZZOLIO: On your comment of  
16 school districts, I found that very interesting.  
17 I had not heard that raised before at any of our  
18 hearings. I know myself and Assemblyman Oaks,  
19 who represent very much identical territory in  
20 the upstate and central Finger Lakes region, as a  
21 Senator I have close to 26 or 27 all or partial  
22 school districts. I know Assemblyman Oaks has at  
23 least that, in many ways more, because he has  
24 more counties that are split. But it's very

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2           difficult to, and I think your point's well  
3           taken. It would be nice to have that mirror  
4           image, but it's harder with school districts,  
5           particularly since they, they do cut towns in  
6           upstate and I assume even the Island, where you  
7           have them crossing town borders. Having an  
8           identical match for school districts would be  
9           challenging. It would be interesting but very  
10          challenging to put forward, because they're  
11          developed through, in many cases, no rhyme or  
12          reason in their growth.

13                   MS. LERNER: We're not suggesting a  
14                   mechanical tracing of school districts, we're  
15                   just saying that one of the factors in this  
16                   region, in particular, that may be helpful to you  
17                   in understanding where the communities are is to  
18                   look at school districts and factor that in. I  
19                   know, and we've said this over and over again,  
20                   that the way in which our antiquated constitution  
21                   requires us to deal with counties and villages  
22                   and towns makes it more difficult to be  
23                   responsive to the communities, and I'm looking  
24                   forward to once this process is over, hopefully

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2 working with all of you on a constitutional  
3 amendment that will make the job easier ten years  
4 from now.

5 SENATOR NOZZOLIO: Assemblyman Oaks and  
6 I have a gentlemen's wager as to whether or not  
7 you're going to make our Plattsburg hearing.

8 MS. LERNER: Well, I'm not going to  
9 tell you gentlemen, unless--

10 SENATOR NOZZOLIO: [Interposing] It's  
11 also great to see you, Susan. Oh, Senator Dilan  
12 has another question.

13 SENATOR DILAN: In going to Map 16 again  
14 and the Hispanic community, in looking forward,  
15 what suggestion, if any, are you making by  
16 referring to this map?

17 MS. LERNER: Well, we feel that it is  
18 definitely feasible, as various folks have  
19 testified earlier, particularly folks from the  
20 communities themselves, to keep these communities  
21 together and that is something that, you know, we  
22 are looking at in terms of our mapping process,  
23 and, as I said, hope to have to you by the end of  
24 the hearings, our statewide suggestions. So we

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2 do suggest that with the Senate districts, where  
3 you have this kind of really cohesive demographic  
4 factors not only raised, but socioeconomic  
5 factors that those communities could  
6 appropriately be put together and certainly the  
7 idea of a coalition district is a very appealing  
8 one, I think, from a political and a social point  
9 of view.

10 SENATOR DILAN: Thank you.

11 SENATOR NOZZOLIO: Assemblyman McEneny.

12 ASSEMBLY MEMBER MCENENY: I do notice on  
13 this map of Hispanic, it says Hispanic voters?

14 MS. LERNER: Yes, voting age population  
15 is what we're using.

16 ASSEMBLY MEMBER MCENENY: Voting age  
17 population?

18 MS. LERNER: Correct, not the CVAP but  
19 the voting age population.

20 ASSEMBLY MEMBER MCENENY: The population  
21 would be, if anything, a little bit higher  
22 because of younger families, because of non-  
23 voting children and people who are newer that may  
24 not be citizens, they may not be enrolled to

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2 vote, etc.

3 MS. LERNER: Right and I don't remember  
4 whether on our blog we put up an analysis of  
5 percentage of immigrants as we often do for  
6 regions. You know, as you know, using the CVAP,  
7 the Citizens of Voting Age Population data from  
8 the Census is complicated and controversial, but  
9 it's certainly one of the things we are aware of,  
10 as well, and it makes, my heart goes out to my  
11 friends who are activists in the Latino  
12 community, because as in the Asian community,  
13 that is a complicating factor, often, for their  
14 analysis of their communities.

15 ASSEMBLY MEMBER MCENENY: Thank you.

16 SENATOR NOZZOLIO: Thank you very much.

17 MS. LERNER: Thank you.

18 SENATOR NOZZOLIO: Dr. Maria Teresa  
19 Feliciano. Patrice Benneward.

20 MS. PATRICE BENNEWARD, PRESIDENT,  
21 GLENWOOD/GLEN HEAD CIVIC ASSOCIATION: Good  
22 morning, and thank you for holding this hearing  
23 in Farmingdale. Am I speaking into this right?  
24 Okay. My name is Patrice Benneward; I am the

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2 president of the Glenwood/Glen Head Civic  
3 Association and the Vice-President of the  
4 Glenwood/Glen Head Civic Council. Glen Head and  
5 Glenwood Landing are two adjacent, unincorporated  
6 hamlets and Census-designated places located in  
7 the northwestern part of Nassau County that share  
8 a common history and identity.

9 We are surrounded by the incorporated  
10 villages of Sea Cliff, Roslyn Harbor, and Old  
11 Brookville. Glen Head is entirely within the  
12 Town of Oyster Bay. Glenwood Landing is bisected  
13 by the Oyster Bay-North Hempstead town line. We  
14 are in New York State Senate Districts 5 and 7,  
15 New York State Assembly Districts 13 and 15, and  
16 Congressional Districts 3 and 5. The Civic  
17 Council is an organization made up of eight civic  
18 associations in Glen Head and Glenwood Landing  
19 that come together to share information and  
20 support common interests. I'm speaking today as  
21 Vice-President of that organization because we  
22 are concerned about how re-apportionment affects  
23 the health of our democracy, the confidence of  
24 citizens in their government, and the ability of

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2 citizens to exercise their civic  
3 responsibilities. Today we would like to focus  
4 on the importance of community cohesiveness.  
5 Because Glen Head and Glenwood Landing are in a  
6 total of six voting districts that I just  
7 mentioned, we frequently are aligned with far-  
8 flung communities of which we have little  
9 knowledge and with which we have limited rapport,  
10 and we are isolated from our own neighbors and  
11 neighborhoods.

12 In addition, we are truly mystified by  
13 the highly-irregular and creative shapes our  
14 voting districts have assumed over time.  
15 Finally, for us, re-apportionment tends to be  
16 quite disorienting, because the lines that divide  
17 our community seem to shift after each cycle, a  
18 phenomena that is jarring, at best. With these  
19 points in mind, when recommending district lines,  
20 we urge you first and foremost to respect the  
21 historic ties and geographical identities of  
22 communities, specifically for our community, we  
23 request that whenever possible, all of Glen Head  
24 and all of Glenwood Landing be included whole and

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2 together in the same district, whether State  
3 Senate or State Assembly or U.S. Congress.  
4 Furthermore we request that our natural  
5 connections with surroundings areas also be  
6 respected. We suggest that special district  
7 areas and major thoroughfares can serve as  
8 reasonable guides for where lines are most  
9 logically placed. We have included as an  
10 addendum a list of historically- and  
11 geographically-related communities in our area  
12 and a few other lists that we hope will be  
13 helpful.

14 We are confident that following these  
15 suggestions can produce fair, contiguous,  
16 diverse, competitive, reasonably-configured  
17 voting districts that empower voters and  
18 strengthen our democracy. Finally, going  
19 forward, we think that establishing an  
20 independent, non-partisan redistricting  
21 commission well before the next census is  
22 important to ensure the integrity of the voting  
23 process and the effectiveness of government. We  
24 applaud the work of good government groups such

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2 as Common Cause, the League of Women Voters, New  
3 York Public Interest Research Group, and  
4 Citizens' Union. We also think that the bill  
5 proposed by the Governor and the Giannaris-  
6 Jeffries bill offer a sound basis for  
7 constructive discussion and much needed reform.  
8 Thank you for the opportunity to comment on this  
9 important and fundamental matter, for your  
10 efforts on behalf of all of us New Yorkers, and  
11 for posting video and transcripts on the LATFOR  
12 website, which I personally have found very  
13 helpful.

14 SENATOR NOZZOLIO: Thank you, and thank  
15 you very much. Any questions of Ms. Benneward?  
16 Thank you.

17 MS. BENNEWARD: Thank you.

18 SENATOR NOZZOLIO: Deborah Massir.  
19 Terry Gipson. Mr. Gipson.

20 MR. TERRY GIPSON, RHINEBECK VILLAGE  
21 BOARD, CANDIDATE FOR NYS SENATE: Hello.

22 SENATOR NOZZOLIO: It's my understanding  
23 you are a village board member of Rhinebeck?

24 MR. GIPSON: That's correct.

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2 SENATOR NOZZOLIO: Rhinebeck Village?

3 MR. GIPSON: That's correct. Dutchess  
4 County, yes sir. My name's Terry Gipson, and  
5 I've travelled a long distance from my home in  
6 Rhinebeck to address the committee today.

7 SENATOR NOZZOLIO: Put the microphone,  
8 it seems to be not picking up.

9 MR. GIPSON: My name is Terry Gipson,  
10 and I've travelled a long distance from my home  
11 in Rhinebeck to address this committee today, and  
12 I appreciate the opportunity to speak. I've  
13 watched a great deal of testimony from previous  
14 hearings, and it is clear to me that you take  
15 your job very seriously and that you're very  
16 thorough in the process. It's just a shame that  
17 all of this time and energy could not have been  
18 put towards developing a fair and transparent  
19 process during the last legislative session. The  
20 history of this Taskforce has proven that in  
21 spite of your good intentions, the outcome of  
22 this process will be decided by the majority  
23 leaders of both houses behind closed doors. The  
24 very idea that elected officials have the

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2 opportunity to draw the lines of their own  
3 districts really works against the democratic  
4 principles that you are all elected to uphold.  
5 You must know that no matter how hard you work,  
6 it is inherently impossible that this committee  
7 will be able to draw lines that are non-partisan.  
8 LATFOR is one of the most effective incumbent  
9 protection programs in this country. I would  
10 encourage everyone to visit the Senate and  
11 Assembly websites to see how many officials have  
12 been in Albany since the '70s, '80s, and '90s.

13 I know we like to think that this is a  
14 result of their hard work and diligence, but the  
15 truth, however, is that this more often than not  
16 occurs because district lines are drawn to favor  
17 incumbents, special interests, and the reigning  
18 majority in both houses. This will not change  
19 until you remove the politics from the process  
20 and LATFOR is politics at its most political.  
21 During the last session you could have shown  
22 America that New York is above all the  
23 partisanship that has paralyzed this country.  
24 Instead you let every New Yorker down when you

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2 refused to enact the timely, effective, and truly  
3 independent redistricting reform you all  
4 promised. It is particularly disturbing that  
5 during the last election cycle, the entire  
6 Republican majority Senate as a block supported  
7 and signed the New York Uprising Pledge to reform  
8 our shameful redistricting process. Yet here you  
9 all sit engaging in business as usual. I, for  
10 one, refuse to stand by for another minute and  
11 let our democracy be held in jeopardy by a  
12 process that routinely allows our state  
13 legislators to select their voters instead of the  
14 voters selecting them.

15 It is exactly this type of behavior that  
16 has inspired me to take on the enormous challenge  
17 of running for the State Senate myself, so that  
18 we might finally end this type of political  
19 gainsmanship. By testifying today, I hope to  
20 influence others like me across the state not to  
21 wait another minute to mount a campaign against  
22 entrenched career politicians at both the state  
23 and federal level. Waiting is exactly what they  
24 hope we will do. In this partisan process is

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2 just another wall incumbents have created to  
3 protect themselves. There is an important state  
4 and federal election just 13 months ahead. Every  
5 day that goes by without new and fairly drawn  
6 lines increases the weighted chances of an  
7 incumbent's reelection. You all know how  
8 difficult it is to mount a campaign and raise  
9 funds. Now imagine how hard it is to do without  
10 knowing where your district lines are or when  
11 your primary will take place. This Taskforce is  
12 not only engaging in partisan gerrymandering, you  
13 are also discouraging many highly-qualified  
14 candidates from running for office for both  
15 parties.

16 New York deserves to be represented by  
17 the best and the brightest among us. We deserve  
18 a non-partisan process that encourages all  
19 citizens to come out and take part in their  
20 government. Now the best thing that has come of  
21 this process is all the information and  
22 statistics that the public has shared with you  
23 during these hearings. I have no doubt than an  
24 independent redistricting commission could

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2 benefit greatly from all the information that you  
3 have gathered. My request to you today is to  
4 halt these proceedings immediately and go back to  
5 Albany to pass the independent redistricting  
6 legislation that was promised to the people of  
7 New York last year. Stand up for democracy and  
8 tell your respective leaders that all New Yorkers  
9 already know, we already know, this game is  
10 rigged. Tell them you refuse to take part in  
11 this embarrassing process any longer. Wouldn't  
12 you rather be remembered as one who took part in  
13 an historic moment to make New York a shining  
14 example of democracy? I know that I would, and  
15 for the sake of our great state, I hope that you  
16 will return our state government to its rightful  
17 owners, the people of New York. Thank you again  
18 for your time.

19 SENATOR NOZZOLIO: Thank you, any  
20 questions for Mr. Gipson? I have a comment for  
21 the record, Mr. Gipson, that the New York State  
22 Senate did enact in bi-partisan fashion, an  
23 independent redistricting commission and that the  
24 record has reflected that in prior hearings that

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2 the legislation was enacted by the State Senate  
3 to establish a constitutional amendment. Thank  
4 you very much for your testimony.

5 MR. GIPSON: I would just like to add to  
6 that that I think the constitutional amendment,  
7 while I understand how it occurred, to the public  
8 it appears just to be another stonewalling  
9 process. Thanks.

10 SENATOR NOZZOLIO: Thank you very much.  
11 Dr. Madhulike Khandelwal, and I would venture an  
12 educated guess that I terribly mispronounced your  
13 name. Doctor, thank you very much. Would you be  
14 so kind as to correctly pronounce your name?

15 DR. MADHULIKA KHANDELWAL, DIRECTOR,  
16 ASIAN-AMERICAN CENTER, QUEENS COLLEGE: Actually,  
17 I applaud your effort to pronounce it correctly.  
18 I, myself, have gone through so many  
19 pronunciations, that I just kind of say okay,  
20 good, as long as I know it's me, it's fine. It's  
21 Professor Khandelwal, and I'm here from Queens  
22 College. I could not testify at the Queens  
23 hearings, so I'm here, but I'm not speaking for  
24 any particular community. I want to share a

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2           phenomenon and experience that I go through a lot  
3           teaching at Queens College. So my name is  
4           Madhulika Khandelwal, and I'm professor in the  
5           Urban Studies Department and Director of Asian  
6           American Center at Queens College. I teach  
7           courses on the changing demographics of the urban  
8           and suburban communities of New York City area  
9           and my research is on Asian American and  
10          immigrant populations. In my work I see a lot of  
11          students, you can well imagine, but also my work  
12          brings me in very close connection and  
13          communication with the communities, the diverse  
14          communities around Queens College. This is a  
15          larger point I'm trying to make is that these  
16          counties are going through tremendous amount of  
17          demographic transition, as you all know.

18                 In every census, and actually the  
19          American Communities Survey, brings out like, you  
20          know, ongoing changes. I would like to identify  
21          a population in this, which I call the new  
22          American population, and this is signifying the  
23          kind of demographic changes we are seeing. This  
24          is a national phenomenon, we know that, but of

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2 course it is felt more in the urban areas, like  
3 New York City, metropolitan area, but also in the  
4 surrounding areas itself. By the new American  
5 population I mean primarily two groups.

6 One, of course, there are immigrants  
7 that have come to this country especially after  
8 1960's, post 1965 immigration, from all over the  
9 world, and of course they do represent so many  
10 cultures and races and religions and languages  
11 and so on and so forth, but also there is a group  
12 of younger generation Americans, whether they're  
13 children of immigrants or of long-term residents  
14 who have been here, the families have been here  
15 for a long time, who are growing in this kind of  
16 diversity and in my career, I feel that there is  
17 this need for them to understand what is going on  
18 with our multi-cultured populations and to become  
19 fuller participants in this American democracy.  
20 So both for the immigrant population and this  
21 younger generation, I feel these are the new  
22 Americans who are trying to engage with this new  
23 American, you know, kind of polity and society  
24 that's coming up, and this redistricting process

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2 is extremely significant for them. I teach,  
3 actually, about redistricting, as well, in my  
4 classes itself. So in the immigrant and this new  
5 American population I feel that we, as  
6 professors, our job is not only to teach about  
7 these things, I encourage my students to know  
8 more about these things, and also to register to  
9 vote if they can, if they are naturalized  
10 citizens or they are citizens, they should  
11 register to vote itself.

12 So this has, this population has a huge  
13 bearing, I feel, on the redistricting process  
14 itself, how should we redistrict these things.  
15 Very often in my community experience, in my  
16 social experience, I find that this new American  
17 population is either lumped together in a  
18 homogenous kind of groups, they're all aliens or  
19 they're all foreigners, they're not Americans, as  
20 such. That's why I'm using the term new  
21 Americans. Very often I find in my work and in  
22 my social communications or interactions that  
23 this population is seen as not only alien and  
24 foreigner, but they're so diverse, it's like a

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2 hodge podge, that they are almost non-descript.  
3 Now we don't know who these people are really, so  
4 I would underscore the need to kind of work with  
5 the demographics, with the changing demographics,  
6 and also it'd be wonderful if the commission and  
7 the people who make decisions can work with  
8 scholars and demographers who are seeing these  
9 trends, so that these communities can be  
10 encouraged to participate in American society and  
11 politics a little bit more than usual. I know  
12 the pace of change is tremendous, so it's a huge  
13 challenge we are talking about, but I have full  
14 faith that, you know, people like you will be  
15 looking at these demographic changes more closely  
16 and trying to keep these communities as much as  
17 possible together. Thank you so much.

18 SENATOR NOZZOLIO: Thank you, Doctor,  
19 any questions? Senator Dilan.

20 SENATOR DILAN: Hello, ma'am?

21 SENATOR NOZZOLIO: Doctor, one second.

22 SENATOR DILAN: On Long Island has there  
23 been a significant growth in the Asian community  
24 or can you identify any towns or villages?

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2 DR. KHANDELWAL: Actually my work is  
3 focused more on Queens itself, but, I mean, you  
4 are all familiar with this that in Queens there  
5 is a very large, very rapid increase in the  
6 Asian-American population. I want to mention  
7 that first before I talk about Long Island. In  
8 Queens, in my work, I have seen not only a growth  
9 in terms of population, but also a new leadership  
10 emerging, and I believe that you saw some of  
11 these people testify in the Queens hearing  
12 itself. I work with them very closely, many of  
13 these organizations, and they're very diverse  
14 within the Asian population. They could be  
15 Chinese, they could be Korean, they could be  
16 South-Asians, different groups of South-Asians  
17 and Filipinos and so on and so forth. So that  
18 Queens population is coming from the  
19 neighborhoods where immigrants are arriving.  
20 These are receiving areas, but once immigrants  
21 settle for some years, they do move out, as well,  
22 right? So we see this spillover of the  
23 population from neighborhoods like Flushing and  
24 Jackson Heights and Richmond Hill and Elmhurst

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2           into more eastern Queens and then onto suburban  
3           areas of communities of Long Island. So the  
4           Asian population that's moving into Long Island  
5           is economically, socioeconomically, off upper-  
6           middle class and kind of, there are more  
7           homeowners in this, so sometimes - - kind of  
8           spread out. For example my own group, Asian-  
9           Indian population, is really growing a lot over  
10          the last 20-30 years in Nassau and Suffolk, both.  
11          In fact I think it's the largest Asian population  
12          in Nassau, is that of Asian-Indians itself. So  
13          they are not like living in particular towns, as  
14          such, but they're pretty scattered all around,  
15          and I think the areas adjoining Queens in Nassau  
16          would have more populations of Koreans and  
17          Chinese, whereas Indian population would be more  
18          spread out itself.

19                   MR. W. LOPEZ: In Rockville Center  
20                   alone, you can see that there is a lot of  
21                   business that is Asian. You have in Park Avenue  
22                   and Merrick Road a lot of them. When I mean a  
23                   lot, you're talking about maybe 15-20 of them  
24                   right there, and I know that is true because by

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2 Mineola and the Williston area, Glen Cove, there  
3 is a lot of Asian, of course, Indian, and they're  
4 wealthy, let's put it this way. They are  
5 business people. In Rockville Centre we have  
6 also our Indian individuals that are doctors and  
7 they come to the area meetings and you can see  
8 them there. But like you said they're scattered  
9 all over the place, you're right.

10 DR. KHANDELWAL: But I do want to  
11 mention, even though I'm very conscious about the  
12 Asian populations and my own Asian-Indian  
13 population, I do underscore what has been  
14 testified by the previous presenters here, that I  
15 would like to have the redistricting process  
16 support more multi-racial and multi-ethnic  
17 coalition building possible among different  
18 groups. Very often we see these groups as very  
19 fragmented and we just care about our own  
20 community, and that's why I said I'm not for any  
21 one community here. I am really for the multi-  
22 cultural and the multi-ethnic coalition building,  
23 and hopefully that will be represented in the  
24 people who are elected, as well, so these

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2 communities are represented, as well. Thank you  
3 so much.

4 SENATOR NOZZOLIO: Doctor, one more  
5 question. Assemblyman?

6 ASSEMBLY MEMBER MCENENY: I just wanted  
7 to make an observation. We were at the Queens  
8 public hearing and we had 40 or more people come  
9 and half of them were Asian of various  
10 ethnicities, and as one who has a background as  
11 an historian, I was amazed knowing the European  
12 American history of groups battling and competing  
13 each other for generation after generation. I  
14 said to myself this very diverse group of people,  
15 Chinese, Korean, South India, Pakistani, etc. I  
16 said there's been some tremendous leadership in  
17 this 21st Century to bring these very diverse  
18 people representing different cultures,  
19 religions, and languages to speak in one voice as  
20 Asians on the political and governmental forum,  
21 and I think I'm not sure who gets all the credit,  
22 but I think it's very admirable to see that some  
23 very real and productive leadership has developed  
24 within this very diverse group that could be

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2           wasting a lot of time competing with one another  
3           or refusing to identify with one another, and I  
4           think a great deal of progress has been made in  
5           those ten years.

6                       DR. KHANDELWAL: Can I respond just  
7           briefly to this? I appreciate your comments very  
8           much, and people like me are very much part of  
9           this coalition building and, you know, this new  
10          leadership that you have seen. Therefore I want  
11          to say that it's not only immigrants. There are  
12          some immigrants in that, but it's also a younger  
13          generation of leadership, and many of these  
14          younger generation people, especially, are very  
15          conscious about the commonalities that they  
16          share, not only with their own, you know, they  
17          care about their own ethnic group, but they also  
18          care about other Americans, regardless of the  
19          racial and ethnic divisions and the differences.  
20          I have worked personally with many of these  
21          people who testified in the Queens hearing, and  
22          we have a pan-Asian coalition and a network of  
23          these organizations, together with academics, you  
24          know. So Queen College has partnership with

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2           these organizations, but also what we are seeing  
3           in them is a very heightened awareness, not only  
4           about, as I said, about their own ethnic and  
5           cultural diversity, but really where America is  
6           going forward. I know personally many people,  
7           many leaders, who have come back to these  
8           communities to help these organizations, even  
9           though they were not like living here. Many  
10          people have come back to Flushing. Many people  
11          have come back from, really, all over the  
12          country. They're coming back to Queens to help  
13          these organizations. So there is a kind of like  
14          new movement that we're seeing, a small movement  
15          forward, and I'm hoping that many of these people  
16          will also be working with other communities, as  
17          well, which they are.

18                   ASSEMBLY MEMBER MCENENY: Thank you.

19                   DR. KHANDELWAL: Thank you.

20                   SENATOR NOZZOLIO: Thank you very much.

21           Jerry Vatamala. Premilla Nadasen. Good morning.

22                   MS. CSAREENA DOTCHEV, ON BEHALF OF  
23           PREMILLA NADASEN, ASSOCIATE PROFESSOR OF HISTORY,  
24           QUEENS COLLEGE: Good morning, my name is

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2 Csareena Dotchev, and I'll be presenting on  
3 behalf of Premilla Nadasen. I'm a student--

4 SENATOR NOZZOLIO: [Interposing] I'm  
5 sorry, could you repeat that, please?

6 MS. DOTCHEV: My name is Csareena  
7 Dotchev, I'm a student at Queens College, and  
8 I'll be reading the testimony on behalf of  
9 Premilla Nadasen.

10 SENATOR NOZZOLIO: Without objection  
11 from the panel, I think that it's appropriate as  
12 a learning experience for this student.

13 MS. DOTCHEV: Thank you.

14 ASSEMBLY MEMBER MCENENY: And could you  
15 spell your name? I didn't catch that.

16 MS. DOTCHEV: Sure, that C-Z-A-R-E-E-N-  
17 A. Last name, D-O-T-C-H-E-V.

18 ASSEMBLY MEMBER MCENENY: Thank you.

19 MS. DOTCHEV: Thank you. My name is  
20 Premilla Nadasen. I'm a professor of History at  
21 Queens College, City University of New York,  
22 where I've been teaching for the past 13 years.  
23 I'm currently doing research on domestic worker  
24 organizing and have published widely on the

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2 subject.

3 One of my most important research  
4 conclusions deals with a multi-racial and multi-  
5 ethnic character of these organizing efforts.  
6 The vast majority of domestic workers are  
7 immigrants. They come from all parts of the  
8 globe, El Salvador, Jamaica, Nepal, the  
9 Philippines, Nigeria, Sri Lanka, Bangladesh,  
10 Barbados, Brazil, Mexico, and the list goes on.  
11 While much of the literature on immigration  
12 focuses on the tensions and conflicts among  
13 immigrant communities, their competition for  
14 scarce resources or neighborhood territoriality,  
15 my research examines these communities from a  
16 different angle, from their perspective as  
17 workers. Their ethnicity and racial backgrounds  
18 are inextricably bound up with their employment  
19 status. Many of them secured their jobs through  
20 informal neighborhood networks and most who are  
21 working as domestics are able to do so because of  
22 their racial or ethnic background. This is a  
23 racially and class-stratified occupation, where  
24 certain immigrants are deemed most appropriate as

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2 nannies, cleaners, and caretakers. Nevertheless  
3 these domestic workers were able to overcome the  
4 barriers of race, culture, language, and develop  
5 a multi-racial organizing model that should  
6 prompt us to rethink our standard interpretation  
7 of immigrant conflict. Indeed what my research  
8 shows is that domestic workers, whatever their  
9 background, have a great deal in common in their  
10 status as a marginalized and excluded worker.  
11 These are workers who do not have the right to  
12 collective bargaining, who are often underpaid  
13 and overworked, who are rarely offered social  
14 security or unemployment benefits, who are often  
15 verbally and physically abused.

16 These conditions of the occupation  
17 brought together Latino, African, Asian, and  
18 Middle Eastern workers. They have formed a  
19 multi-racial coalition where they have been able  
20 to find common ground in their interests as  
21 workers. In 2007 at their urging, the New York  
22 City Council passed a New York City law that  
23 requires employment agencies to inform workers  
24 and employers of workers' rights and just last

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2 year they aided in the passage of the nation's  
3 first ever Domestic Worker Bill of Rights.

4 They are currently working with the U.S.  
5 Department of Labor on national regulations for  
6 domestic work and the International Labor  
7 Organization on Global Standards. These are no  
8 small feats for a group of impoverished,  
9 relatively powerless domestic workers. Their  
10 victories are a testament to the power they have  
11 managed to amass as a multi-racial, multi-ethnic  
12 organization that speaks in a distinctive voice  
13 in the interest of all domestic workers, whatever  
14 their background. It is a testament to  
15 significance of class in shaping the interests  
16 and worldview of individuals. It is a testament  
17 to the ways in which immigrant communities across  
18 the boundaries of ethnicity to embrace others who  
19 they see as their allies. The implication of  
20 this, of course, is that in the redistricting  
21 process, it is important that immigrant  
22 communities not be viewed as a uni-dimensional  
23 but that their class interests and their status  
24 as workers also be considered. Thank you.

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2 ASSEMBLY MEMBER MCENENY: Thank you very  
3 much. Nancy Marr.

4 MS. NANCY MARR, MEMBER SUFFOLK COUNTY  
5 REDISTRICTING COMMISSION, LEAGUE OF WOMEN VOTERS,  
6 SUFFOLK COUNTY: Good morning, members of LATFOR,  
7 and thank you for coming to Suffolk County. My  
8 name is Nancy Marr. I'm the representative of  
9 the Suffolk County League of Women Voters, and  
10 I'm also a representative of the League of Women  
11 Voters on the Suffolk County Re-Appportionment  
12 Commission. Our League played a significant role  
13 in drafting the legislation for this independent  
14 commission and supported its adoption.

15 ASSEMBLY MEMBER MCENENY: Excuse me, was  
16 it an independent commission, or bi-partisan?

17 MS. MARR: That's an interesting  
18 question. It's non-partisan, and in reality, I  
19 think that's become difficult. We had four  
20 members appointed by the Republican minority  
21 leader, four members appointed by the Democratic  
22 majority leader, and we've just begun to meet,  
23 but I'm seeing that there is an issue with  
24 whether you can be bi-partisan and non-partisan

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2 and independent. But we're not connected to the  
3 legislature at all.

4 ASSEMBLY MEMBER MCENENY: Then it was  
5 bi-partisan, no legislators on the commission.

6 MS. MARR: Right.

7 ASSEMBLY MEMBER MCENENY: Okay, thank  
8 you.

9 MS. MARR: And at our meeting the  
10 legislators stepped back and the commission  
11 worked on its own, but we're just really getting  
12 started, and I'm grateful to hear all these  
13 complicated things that we're going to be dealing  
14 with.

15 ASSEMBLY MEMBER MCENENY: Thank you.

16 MS. MARR: The League of Women Voters is  
17 a non-partisan organization which encourages  
18 informed and active involvement in government and  
19 influences public policy through education and  
20 advocacy. We are also members of a statewide  
21 coalition dedicated to reforming New York's  
22 redistricting process, Reshape New York, which  
23 consists of 35 organizations, including civic  
24 groups, issue advocacy groups, unions, and

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2 business organizations. While we appreciate the  
3 opportunity that today's hearing provides to  
4 comment on the redistricting process, we believe  
5 that New Yorkers have already spoken loud and  
6 clear on the drawing of district lines. The  
7 public want an independent commission, not  
8 LATFOR, to draw State Legislative and  
9 Congressional District boundaries according to  
10 fair and objective criteria, while allowing for  
11 public input into the process. An independent  
12 commission drawing impartial district lines would  
13 maintain the legislature's ability to give input  
14 on the plan and ultimately pass legislation in  
15 accordance with the State Constitution. Voters  
16 across all parties believe an independent body  
17 should draw the lines.

18 The Governor has proposed legislation to  
19 form an independent commission. In addition 61  
20 out of 62 Senators, and 123 out of 150 Assembly  
21 Members have either signed on to his legislation  
22 or legislation proposed in their respective  
23 houses or signed pledges and questionnaires from  
24 good government groups in support of reforming

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2 the redistricting process. A key element of  
3 reforming the redistricting process is limiting  
4 the allowable population difference between  
5 legislative districts that in the past has  
6 created districts that vary widely in population  
7 size, thereby favoring one region over another.  
8 The current redistricting process has also  
9 historically protected incumbents, including  
10 carving incumbents' competitors' homes out of  
11 districts and discourage competition in our  
12 electoral system. In the 2010 election New York  
13 State had one of the lowest of voter  
14 participation in the nation, coming in at 47th  
15 among states. This is no surprise.

16 Why should people vote if they face no  
17 real choice in candidates? Meaningful discussion  
18 of public policy has also taken a back seat to  
19 years of partisan rhetoric and late budgets  
20 because of the political impasse created by  
21 putting partisan interests before the public  
22 interest. Ignoring the public will and  
23 continuing with LATFOR proceedings, the only  
24 legally-mandated process at this time, will end

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2 in Governor Cuomo vetoing the very lines it  
3 draws, making this entire process a waste of  
4 time. Legislators must honor their words and  
5 keep their commitments. They should return to  
6 Albany during a special legislative session to  
7 end partisan gerrymandering and enact  
8 redistricting reform by handing the power of the  
9 pen to an independent commission to draw  
10 impartial legislative and Congressional lines.  
11 New Yorkers cannot wait another ten years for  
12 reform.

13 SENATOR NOZZOLIO: Any questions of Ms.  
14 Marr from the panel? I have a question.

15 MS. MARR: Yes.

16 SENATOR NOZZOLIO: I think your  
17 testimony would be, not your written testimony,  
18 but the testimony you gave us when you started to  
19 discuss your own experiences with the so-called  
20 independent system that Suffolk is engaged in,  
21 that you said it all there. You believe that the  
22 challenges of creating something that's truly  
23 independent is difficult, nigh impossible.

24 MS. MARR: It may be possible, and I

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2 must stress that we're at the very beginning of  
3 our process.

4 SENATOR NOZZOLIO: Are there any  
5 limitations on those who can be selected as a  
6 member of the committee?

7 MS. MARR: Yes.

8 SENATOR NOZZOLIO: Are campaign  
9 contributors to the county executive or county  
10 legislature excluded from that process?

11 MS. MARR: That's not part of the  
12 process. I know that we cannot have served or  
13 plan to serve in an elected official position.  
14 Judges have to have retired for ten years. I  
15 think the legislators who selected the members  
16 really worked very hard to find people who would  
17 be fair, and we're charged with doing that.

18 SENATOR NOZZOLIO: I certainly think  
19 that your selection speaks for fairness, although  
20 you may have contributed to a political  
21 candidate. You may have been a member of a  
22 political action committee. You or others on  
23 this committee may have been a member of a union,  
24 political activist group. I think therein lies

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2 the issue when you're talking about something  
3 that's independent, how is independence defined,  
4 and how is it regulated?

5 MS. MARR: I think we do have a balance,  
6 because it's four judges, either Democrat or  
7 Republican, and four members of good government  
8 groups or minority groups who are not allied with  
9 any political party.

10 SENATOR NOZZOLIO: I'm sorry to  
11 interrupt, but it's such a good, you're bringing  
12 up such important information. Were those judges  
13 elected or appointed?

14 MS. MARR: Had they been, ten years ago?  
15 Probably elected.

16 SENATOR NOZZOLIO: Probably elected, so  
17 I guess it's okay for an elected judge to be out  
18 of commission, but not an elected legislator.

19 MS. MARR: But they have to have been  
20 retired for ten years.

21 SENATOR NOZZOLIO: Oh, retired?

22 MS. MARR: Yes, yes, retired judges.

23 SENATOR NOZZOLIO: It's a fascinating  
24 subject, and thank you very much for your input

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2 into the commission.

3 MR. LOPEZ: I just want to ask you a  
4 question. You said there are eight members on  
5 the committee?

6 MS. MARR: Yes.

7 MR. LOPEZ: And there is four Democrats  
8 and four Republicans?

9 MS. MARR: No. There were four members  
10 appointed by a Republican and four members  
11 appointed by a Democrat. Those of us who are not  
12 judges are not connected to a party. We were  
13 selected by the Republican or the Democrat, but  
14 none of us are connected to a party.

15 MR. LOPEZ: So basically the--

16 MS. MARR: [Interposing] We are non-  
17 partisan.

18 MR. LOPEZ: So you were selected by  
19 whom?

20 MS. MARR: I was selected by the  
21 Democrat.

22 MR. LOPEZ: Okay, thank you.

23 SENATOR NOZZOLIO: Assemblyman McEneny.

24 ASSEMBLY MEMBER MCENENY: I think one

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2 the, I wish you a lot of luck. It's a difficult  
3 thing to do any kind of a redistricting, and your  
4 motives for drawing a line to the left or the  
5 right are always suspect and some people believe  
6 what they want to believe. I would assume that  
7 your end product will be as good as you can make  
8 it, working with different opinions, different  
9 backgrounds of people, and it will then go to the  
10 County Executive and then the County Executive,  
11 if he feels or she feels, because I know--

12 MS. MARR: [Interposing] Excuse me, it  
13 goes to the Legislature first.

14 ASSEMBLY MEMBER MCENENY: Oh, it goes to  
15 the Legislature first, correct. That happened  
16 with a bi-partisan group, non-legislative, in  
17 Erie County and the Legislature tweaked it a  
18 little bit, the County Executive didn't like it,  
19 he vetoed it, the Legislature would not override  
20 the veto, so it wound up going to the courts.

21 MS. MARR: In our system we have two  
22 chances to make it right and then it goes to the  
23 court.

24 ASSEMBLY MEMBER MCENENY: Right, and in

1 Demographic Research and Reapportionment, 10/5/11

2 the case of Erie County, the courts cancelled the  
3 primary. So if you're on good terms with your  
4 political party, you don't have to worry about a  
5 primary, you just go to the general. That's one  
6 of the worries about throwing things into the  
7 courts, is that it's a very unpredictable world.

8 MS. MARR: We want to avoid that.

9 ASSEMBLY MEMBER MCENENY: So it's a very  
10 serious risk. We'd like to avoid it, too, and  
11 right now we have the worry that regardless, if  
12 we take all of the input that we've been getting  
13 in this first round, and this first round will be  
14 over before the election, and we take a look at  
15 some of the maps, we've received some very good  
16 maps and some good suggestions this morning from  
17 Common Cause, and we do the best we can and we  
18 come out with a product that looks very good, do  
19 you think it's appropriate for a chief executive  
20 to say he's going to veto it before it's even  
21 drawn?

22 MS. MARR: He said he would veto it if  
23 it seemed partisan. I don't think he said he  
24 would just veto in any case.

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2 ASSEMBLY MEMBER MCENENY: So if it's a  
3 good product, then the Governor should sign it.

4 MS. MARR: He should sign it, yes.

5 ASSEMBLY MEMBER MCENENY: If it's unfair  
6 or blatantly partisan to the disadvantage of the  
7 general populace, then he should veto it. We are  
8 agreement with that. I appreciate, good luck, I  
9 appreciate the hard work that this will take.

10 MS. MARR: Ulster County, by the way,  
11 had very good results with their independent  
12 commission.

13 ASSEMBLY MEMBER MCENENY: It was bi-  
14 partisan. They testified, yes.

15 MS. MARR: I talked with the League  
16 person who was on it and what she said--

17 ASSEMBLY MEMBER MCENENY: [Interposing]  
18 Bi-partisan but no legislators.

19 MS. MARR: Some political people and  
20 some non-political people, and the effort was  
21 good.

22 ASSEMBLY MEMBER MCENENY: Yes.

23 MS. MARR: Thank you.

24 SENATOR NOZZOLIO: Thank you very much,

1 Demographic Research and Reapportionment, 10/5/11

2 Ms. Marr. Larry Silverman. Dr. Dilcia  
3 Granvilla.

4 DR. DILCIA GRANVILLA: Good morning,  
5 everyone.

6 SENATOR NOZZOLIO: Good morning.

7 DR. GRANVILLA: Thank you for giving me  
8 the opportunity to testify. I am Dr. Dilcia  
9 Granvilla, Vice-President of the Dominican-  
10 American National Round Table in Long Island, and  
11 I'm also a resident of Nassau County for the past  
12 22 years. On behalf of the Dominican-American  
13 National Round Table, I would like to thank you  
14 for giving me the opportunity to address you  
15 regarding the redistricting of New York  
16 Legislative and Congress.

17 The Dominican National Round Table is a  
18 national organization founded in 1997 with a  
19 mission of representing and advocating for the  
20 educational, economic, and civil rights of the  
21 two million Dominicans in the United States,  
22 including the large population of Dominicans in  
23 New York and Long Island. We would like you to  
24 consider the following in the performance of your

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2 duties. According to the 2010 U.S. Census, in  
3 2010 there were 50.5 million Hispanics in the  
4 United States, composing 16 percent of the total  
5 population. Hispanics increased by 15.2 million,  
6 or 43 percent, between 2000 and 2010 Census,  
7 which accounted for over half of the total  
8 population growth that occurred in the U.S. over  
9 the past years. In Long Island alone the growth  
10 was 55 percent, accounting for 441,494. The  
11 Census Bureau released will specifically look at  
12 the population of a state showing dramatic growth  
13 of the Hispanic population.

14 In New York, for example, Hispanics  
15 account for one out of every two individuals  
16 added to the total adult 18+ population in the  
17 state. Hispanics make up 19 percent of the  
18 state's total population and has grown 27 percent  
19 of the New York City population. The Bronx has  
20 256,000 Dominicans alone and Washington Heights  
21 about 126,000. The emergence of the Latinos are  
22 the largest minority in the state as per the 2010  
23 Census requires the creation of majority Latino  
24 district or Latino opportunity district that will

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2 allow us to elect candidates of our choice in  
3 numbers commensurate with our population. We  
4 propose a majority Latino Congressional District  
5 that will unite the communities of interest of  
6 Long Island, which would include Brentwood,  
7 Bayshore, Central Islip, the community of  
8 Freeport, and all the vicinity that was presented  
9 by the map, previous map. This map affords this  
10 Taskforce the opportunity to add a Congressional  
11 District and an Assembly District that will bring  
12 Latino representation closer to the proportion  
13 our population merits. If this Taskforce intends  
14 to provide fair and accurate representation to  
15 all New Yorkers, it will draw maps that will  
16 afford the Latino population of New York accurate  
17 and fair representation of the legislature. This  
18 special joint committee of redistricting should  
19 consider creating legislative districts in the  
20 area we've highlighted as the Voting Rights Act  
21 provides for keeping together the votes of  
22 minority groups in districts that they may elect  
23 candidates of their choice. Thank you very much.

24 SENATOR NOZZOLIO: Thank you very much,

1 Demographic Research and Reapportionment, 10/5/11

2 Doctor. Any questions of the panel?

3 MR. LOPEZ: Just a question on the  
4 document that you were submitting right now. You  
5 also have, that you were talking about Washington  
6 Heights?

7 DR. GRANVILLA: Well, we talk about,  
8 we've been testifying for in the Washington--

9 MR. LOPEZ: [Interposing] One of my  
10 questions is, are you going to have, are you  
11 going to present the commission with maps?

12 DR. GRANVILLA: We are going to present  
13 the commission a map showing the district that we  
14 are proposing. They are all the districts that  
15 the Latino has proposed, but we have our own map  
16 that we'll be proposing soon.

17 SENATOR NOZZOLIO: Okay, thank you very  
18 much, Doctor. Carmen Julia Pinnerio. We have  
19 been joined by Assemblywoman Michelle Schimel.  
20 Assemblywoman, thank you very much for your  
21 participation. Did you wish to testify?

22 ASSEMBLY MEMBER MCENENY: Please come  
23 forward.

24 SENATOR NOZZOLIO: Good morning,

1 Demographic Research and Reapportionment, 10/5/11

2 Assemblywoman.

3 ASSEMBLY MEMBER MICHELLE SCHIMEL, 16TH  
4 ASSEMBLY DISTRICT: Good morning, thank you and  
5 welcome to Long Island, and I understand you're  
6 going to be also joining us in Old Westbury,  
7 which is my district, so double hit, and that's  
8 very good, because I have to say this is a  
9 wonderful process, and Jack is my seatmate,  
10 actually, in the Assembly, and I know the panel,  
11 and it's a great panel.

12 I actually hadn't planned on speaking,  
13 because I felt as a legislator that this is  
14 really for the public, that I don't have a place  
15 at the table, because, you know, it would appear  
16 self-serving to be here, but I have to tell you,  
17 now that you're on Long Island, I felt compelled  
18 to say just one brief statement. I did read the  
19 bill, there's a program bill, I familiarized  
20 myself with it again last night, and I understand  
21 the tenants of what wants to be accomplished with  
22 this redistricting, to make it independent, to  
23 make it transparent, and I understand that and I  
24 sign on fully. But I do want to say there are

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2 things that cannot be codified in legislation,  
3 and I want you to keep this in mind, the texture  
4 of a community and what it means. In other words  
5 it's a wonderfully diverse state, but there are  
6 things that are not necessarily understood. I am  
7 a Long Island girl, but I was born and bred in  
8 Brooklyn, and I went to school in Brooklyn, and I  
9 went through the city schools in Brooklyn, and  
10 now I am an ex-pat, I am now on Long Island. The  
11 two shall never meet. You can't take the  
12 Brooklyn girl out of me, but I'm still a Long  
13 Island girl.

14 The government is different, the  
15 sensibilities are different, and you cannot  
16 forget that. One of the things that concerns me,  
17 I am the border, I'm border girl. I am right on  
18 the border of Nassau County and Queens County,  
19 and sometimes my signs, my campaign signs blend  
20 into Queens, and we fight over that. What are  
21 you doing in Queens? But keep in mind that it's  
22 not the same, and there is talk sometimes of  
23 bleeding from Nassau into Queens. It's not the  
24 same political process; it's not the same

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2 understanding. I have to say Long Island needs  
3 its fair share in terms of representation. I  
4 feel I represent my district fairly well. I'll  
5 know next November. But I have to say, it  
6 changes when you cross over the border. Is it  
7 self-serving? Perhaps, but at the same time it's  
8 self-serving, I am a representative and I have to  
9 tell you, there are concerns if you bleed a  
10 district like Nassau County into Queens County,  
11 everything changes. So I'd like to, you know,  
12 for you to understand that, that there are  
13 unwritten borders and unwritten sensibilities and  
14 textures that communities have. It was touched  
15 upon in the legislation, but I just wanted you to  
16 keep that in mind as you go forward. Thank you  
17 so much.

18 SENATOR NOZZOLIO: Thank you,  
19 Assemblywoman.

20 ASSEMBLY MEMBER MCENENY: Thank you.

21 SENATOR NOZZOLIO: Paul Evans. Joan  
22 Gibbs. Good morning.

23 MS. JOAN GIBBS, GENERAL COUNSEL, CENTER  
24 FOR LAW AND SOCIAL JUSTICE: Good morning. My

1 Demographic Research and Reapportionment, 10/5/11

2 name is Joan Gibbs, and I'm the general counsel  
3 for the Center for Law and Social Justice at  
4 Medger Evans College. Our Executive Director,  
5 Esmerelda Simmons, has already testified twice,  
6 and I'm not going to repeat what she talked  
7 about, but I do want to reiterate briefly four of  
8 our concerns, what our concerns for this  
9 redistrict cycle is. Namely, - - with respect to  
10 one person, one vote rule, the Voting Rights Act,  
11 that you respect and preserve the existing  
12 communities of interest and not divide  
13 populations and communities with common needs and  
14 concerns. We also are concerned, of course, and  
15 you know that, with the implementation with the  
16 new prison gerrymandering law. We believe  
17 strongly that incarcerated persons should be  
18 counted at their home address instead of their  
19 places of incarceration.

20 Yesterday, along with the Asian-American  
21 Legal Defense Fund, Latino Justice Prldef,  
22 National Institute for Latino Policy, we released  
23 a joint draft proposal for the New York State  
24 Senate and Assembly District for New York City,

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2 and I came today principally to respond to  
3 questions and concerns you might have about our  
4 maps, if you've reviewed them. As long-term  
5 voting rights advocates, we work together using  
6 established redistricting criteria to create  
7 these maps. Our maps adhere to the one person,  
8 one vote requirement of the United States  
9 Constitution by maintaining a nearly uniform  
10 legal level of deviation for all the districts.  
11 The deviations are all under five percent.

12 We have honored the mandates of the  
13 federal Voting Rights Act by respecting the  
14 voting strength of New York City's large racial  
15 minority populations and by avoiding  
16 retrogression, thus we have preserved the number  
17 of black districts in the Assembly and the Senate  
18 while simultaneously expanding the number of  
19 districts in the Latino and Asian communities to  
20 respect their growth in population. The  
21 districts that we have drawn are meaningful for  
22 the black community. They give the black  
23 community ability to elect the candidates of  
24 their choice.

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2           Further we have drawn lines that seek to  
3           preserve and protect communities of interest that  
4           share common interests, resources, and  
5           institutions of culture. We have also sought to  
6           respect neighborhoods, both traditional and  
7           emerging. In closing I'd just like to say that  
8           the Center, along with the other organizations  
9           that we work with, urge you to consider our  
10          proposed draft maps and join the Senate and  
11          Assembly Districts, and I'd also like to drop a  
12          footnote to say that these maps are proposed  
13          primarily because we didn't have the prison data.

14                 SENATOR NOZZOLIO: Thank you very much.

15                 MS. GIBBS: The maps were submitted to,  
16                 okay. Okay, thank you.

17                 FEMALE VOICE: They will be distributed  
18                 to all the members of the Taskforce, the Justice  
19                 Department, and it's all part of the submission.

20                 MS. GIBBS: Okay, thank you.

21                 SENATOR NOZZOLIO: Again, for the  
22                 record, that each of your submissions will be  
23                 submitted, I was looking for your maps. I guess  
24                 you just submitted one copy?

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2 MS. GIBBS: They were submitted  
3 electronically.

4 SENATOR NOZZOLIO: Electronically.

5 FEMALE VOICE: They were submitted in  
6 detail. The geography that makes up the  
7 districts, we didn't have time to present them to  
8 you, and I don't think this would have been  
9 enough time for you to analyze and respond. It  
10 was very detailed. I know it was for the five  
11 boroughs of New York City, and people need an  
12 opportunity to digest what you've submitted, and  
13 I assure you we will.

14 SENATOR NOZZOLIO: Let the record  
15 reflect that we will make sure, staff will make  
16 sure, that your submission of mapping will be  
17 submitted in hard copy to each, and electronic  
18 copy, to each member of the Taskforce.

19 MS. GIBBS: And we could do that, as  
20 well, if there's a problem.

21 SENATOR NOZZOLIO: I think that it will  
22 be, it is directed to staff, and they will take  
23 care of it. Thank you very, very much.

24 ASSEMBLY MEMBER OAKS: I just had a

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2 question related to the maps. Are they Senate,  
3 Assembly, and Congressional?

4 MS. GIBBS: No, they're only Senate and  
5 Assembly. Our Congressional maps will be  
6 available hopefully before the cycle ends. We're  
7 working on them now.

8 SENATOR NOZZOLIO: Time is of the  
9 essence. We were going to be getting another  
10 round of hearings soon, but those can't begin  
11 until there are plans that are submitted, so  
12 thank you for--

13 MS. GIBBS: [Interposing] We're working  
14 on the Congressional maps.

15 SENATOR NOZZOLIO: Senator Dilan.

16 SENATOR DILAN: Yes, I just have several  
17 quick questions. You made the submission, I have  
18 not had the opportunity to see it yet, but I was  
19 just wondering, you indicated that in all cases  
20 the deviation is five percent or less?

21 MS. GIBBS: It's less than five percent.

22 SENATOR DILAN: Less than five percent.  
23 Was there any other criteria or methodology that  
24 you used to come up with these lines? And, you

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2 know, me not seeing the districts yet--

3 MS. GIBBS: [Interposing] All the  
4 criteria that we use is the criteria I began  
5 with. We used, primarily, we focused on the one  
6 person, one vote principal and we focused on  
7 preserving communities of interest. That was our  
8 main primary focus was communities of interest  
9 and, of course, the Voting Rights Act. So that  
10 was the criteria.

11 SENATOR DILAN: Basically or solely  
12 based on the, just the data from the Census  
13 without any other consideration? Or were you  
14 considering, let's say, if there was already a  
15 Latino representative or an African-American  
16 representative, was that taken into account.

17 MS. GIBBS: Well, let me be honest, I'm  
18 the lawyer in the group. I'm not the person who  
19 draws the maps. But I will tell you from what I  
20 know, the discussions with those people that they  
21 considered, there were a lot of discussions about  
22 at the community level about communities. We met  
23 with groups--

24 SENATOR DILAN: [Interposing] So you

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2 held your own type of hearings or meetings.

3 MS. GIBBS: Well not hearings, we had  
4 meetings, like the Latino community, that work  
5 was principally done by Latino Justice. They met  
6 with a lot of people including incumbents. They  
7 probably met with people who might be thinking  
8 about running for office. So they met with a lot  
9 of people.

10 SENATOR NOZZOLIO: Thank you very much.

11 SENATOR DILAN: Thank you.

12 SENATOR NOZZOLIO: David Stonehill.  
13 Naville Walter. Paul Maloy. Mike Reichert.  
14 Good morning. It's good afternoon, good  
15 afternoon, 12:01. Are you Mike or Paul.

16 MR. MIKE REICHERT: I'm Mike Reichert.

17 SENATOR NOZZOLIO: Could you state your  
18 name and address and organization, if there is  
19 any, for the record.

20 MR. REICHERT: I'm Mike Reichert, 6  
21 Atlantic Avenue, East Moriches, New York. My  
22 affiliation is that I am independent, non-  
23 partisan. I embrace that because it offers me a  
24 certain credibility with people when I speak with

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2           them. My issues tend to be, come down more on  
3           faith than on partisanship. I am, however,  
4           aligned and do act in a public forum through  
5           various independent groups as the issues arise.  
6           On this particular issue, New York Uprising is  
7           one that's caught my attention. Former Mayor Ed  
8           Koch, I'd like to thank him for his efforts and  
9           his work as a good, has been very motivating for  
10          me to be involved in this, as well. I'd like to  
11          address, also, the cynicism of the electorate in  
12          some of the partisan process.

13                   I know that living in a partisan world,  
14                   as you do, it's difficult to be removed from  
15                   that, and you have my sympathy in that regard.  
16                   The effect of partisanship in our process has led  
17                   to the polarization of the electorate. The way  
18                   the maps are currently drawn, the districts are  
19                   currently drawn, means that incumbents have to  
20                   appeal to the most partisan, often the most  
21                   radical, members of the party in power in that  
22                   district. That's led to turn-off to the middle  
23                   independents. We've lost the middle in our  
24                   political discussion on a local, state, and

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2 national level. This is a process that began  
3 years ago and was addressed by, very eloquently,  
4 by Senator Moynahan at that time, a Senator who,  
5 by the way, served under five different  
6 presidents of both parties. But this  
7 partisanship has led to the polarization of the  
8 Assembly and the Senate. It's led, also, to  
9 representatives and politicians who are not  
10 practiced in appealing to the middle, and that's  
11 spilled over into our discussions in the public  
12 forum. The movement of independents is quite  
13 striking. Today, as we speak, Moveon.org has  
14 over 850 people joining the Occupy Wall Street  
15 movement in New York City. A lot of these  
16 independents follow social media and yet our  
17 traditional media still serves a very good place.

18 I call attention to former Mayor Koch's  
19 op-ed on Sunday in Crain's New York, and he  
20 discusses a little bit about this process, as  
21 well. And, yes, we are aware that there was  
22 legislation in regard to redistricting. However,  
23 that legislation doesn't go into effect until  
24 2022. The pledge that was given by people for,

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2 to New York Uprising on having a fair process was  
3 for this year's process. School districts are  
4 where the rubber hits the road for constituents.  
5 William Floyd School District is one in which I  
6 am an alumni of and it's represented at this time  
7 by about three State Senators, possibly four.  
8 One example of a pledge and an accountability is  
9 that Senator Foley made a pledge to our alumni  
10 association of Veteran's Memorial. On that basis  
11 we spent money and that money was never  
12 forthcoming. Senator Foley is no longer a  
13 Senator and Governor Patterson, who is also seen  
14 as having reneged on that, is also no longer  
15 Governor. However, it is my mission that neither  
16 of the three remaining State Senators will not  
17 share accountability evenly, but will be held a  
18 hundred percent accountable each, because there's  
19 not a Senator Foley issue, nor a Democratic  
20 issue, it is the State Senate issue. In fact  
21 it's the State Government's issue. I will draw  
22 attention to the Quinnipiac College poll, it says  
23 three to one people are in favor of independent  
24 redistricting. The argument that school

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2 districts are drawn poorly is not an excuse to  
3 fit a square peg into a round hole to accommodate  
4 a faulted system with even more faulted district  
5 lines. If the school district lines are a  
6 problem, they should be fixed, but the districts  
7 for the representation should lead the way.  
8 There must be balance between upstate and  
9 downstate district. Currently the downstate  
10 district is currently under-represented. What  
11 remains is as the Albany Times Union editorial of  
12 August 10th suggested, whether this will be a  
13 process to serve incumbent partisans or will it  
14 serve its constituents. These serpentine  
15 districts have to be discarded. Will this panel  
16 serve the best interest of the state and our  
17 Republic or partisan incumbency? I hope that  
18 you'll take the leadership in New York and let  
19 New York lead the nation in this process and  
20 bring pride to the state, that the lines be drawn  
21 where people live and not based upon partisan  
22 politics. Thank you very much.

23 SENATOR NOZZOLIO: Thank you. Lenny  
24 Levy. Elise Harris. Good afternoon.

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2 MS. ELISE HARRIS, COUNTERPUBLIC: Good  
3 afternoon, members of LATFOR, my name is Elise  
4 Harris. I'm a member of Counterpublic NYC. It  
5 is a community-based organization. We do public  
6 education for LGBT of color and allies. We  
7 organize trainings, workshops, and lectures at no  
8 cost to the public and we did one about  
9 redistricting this year. I applaud the  
10 legislature's commitment to examining the issue  
11 of redistricting and to holding public hearings  
12 to receive testimony from the public. I'm  
13 pleased to testify today to share some insights  
14 and concerns. My first is that I want to argue  
15 that communities of interest in Babylon and Islip  
16 should not be cracked by State Senate District  
17 lines. A majority of black and Hispanic  
18 residents of Suffolk County live in Babylon and  
19 Islip. Unfortunately the line that divides the  
20 State Senate District 3 from State Senate  
21 District 4 directly splits Islip's Hispanic  
22 community into two parts. The line dividing  
23 State Senate Districts 4 and 8 directly splits  
24 Babylon's black community into two parts.

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2                   These district lines also split  
3                   majority-minority school districts, whereas in  
4                   other non-minority parts of Suffolk County, State  
5                   Senate lines don't split school districts. The  
6                   Babylon and Islip district lines split  
7                   communities of interest much as district lines  
8                   split Hempstead in Nassau County. Babylon and  
9                   Islip's minority communities share important  
10                  socioeconomic concerns. Over the last decade  
11                  there has been significant and ongoing political  
12                  organization on Long Island around issues like  
13                  wage theft in supermarkets, public transit  
14                  problems, sub-prime mortgage related  
15                  foreclosures, violence against immigrants, and  
16                  the lack of affordable housing. Groups like Long  
17                  Island Jobs for Justice, New York Communities for  
18                  Change, and the Long Island Immigrant Alliance  
19                  organize across racial lines on Long Island  
20                  including on Suffolk County. Shared  
21                  socioeconomic concerns create a joint community  
22                  of interest among black and Hispanic residents of  
23                  Long Island and I would argue with people of  
24                  shared socioeconomic background, both within the

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2           Babylon-Islip cluster and in Hempstead, up and  
3 down--I respectfully request that LATFOR take  
4 note of these Voting Rights Act violations  
5 triggered by these district lines.

6           My second point is that there's been  
7 significant population shifts that alter the  
8 nature of city and suburb, and both Nassau and  
9 Suffolk Counties have experienced significant  
10 demographic change over the last ten years.  
11 White, non-Hispanic residents have declined in  
12 number, while the number of Hispanic residents  
13 has increased. Suffolk County is now 22 percent  
14 black and Hispanic, up from 16 percent a decade  
15 ago. Nassau's Hispanic population has increased  
16 by 20 percent since 2000. Many residents in the  
17 counties controlled by Section 5 of the Voting  
18 Rights Act have been displaced by economic  
19 gentrification, particularly in Kings County and  
20 New York County, Manhattan. Also Queens might be  
21 a little more complicated picture.

22           So I think that a lot of the increased  
23 minority population in Nassau and Suffolk really  
24 calls for attention from LATFOR, given that

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2 historically Voting Rights Act controlled  
3 populations are no longer where they once lived  
4 and some of these populations are instead  
5 increasing on Long Island and I think call very  
6 much for Voting Rights Act attention from you,  
7 and I also added some maps that have to do with  
8 Hispanic populations on the Southshore on the  
9 south side of both Nassau and Suffolk County.  
10 Thank you very much for your time. Good  
11 afternoon.

12 SENATOR NOZZOLIO: Any questions of Ms.  
13 Harris? Thank you very much. Regina Calcaterra.

14 MS. REGINA CALCATERRA: Hi, Mr. Chairman  
15 and members of the Taskforce, good afternoon, and  
16 thank you for having me here today. My name is  
17 Regina Calcaterra, and I'm a resident of New  
18 Suffolk in the Town of Southold in the County of  
19 Suffolk, the county where I was born and raised.  
20 I'm a partner in the law firm Barrick, Rodez, and  
21 Basine [phonetic] where I litigate against  
22 egregious and complex corporate fraud, actually  
23 bringing back billions of dollar to our public  
24 pension funds, including those here in New York

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2 and for wronged investors, as well. I'm  
3 testifying on my own behalf today in this  
4 hearing, because I believe the process of re-  
5 apportionment must be non-partisan and for the  
6 people of eastern Suffolk County, focus on three  
7 primary criteria.

8 First, the maps for new legislative  
9 districts must make geographic sense. Second,  
10 the critical industries to eastern Suffolk  
11 County's economy must be protected from political  
12 gerrymandering and not split and weakened so that  
13 they continue to be heard with a clear voice in  
14 Albany. And third, special attention must be  
15 paid to leaving communities intact. According to  
16 the Census, the districts that significantly  
17 represent eastern Suffolk County, such as the 1st  
18 Congressional District, the 1st Senatorial  
19 District, and the 1st Assembly District, were all  
20 among the fastest growing districts in all of New  
21 York State. In fact the Town of Riverhead has  
22 been the fastest growing town in all of Long  
23 Island. Demographically the Hispanic community  
24 has been a leader in growth, as we've heard many

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2 times today, and I'm sure you've heard many times  
3 throughout the hearing process, and economically,  
4 eastern Suffolk County's agricultural community  
5 has remained a leading industry and employer.

6 The 1st Senatorial District, from a  
7 geographic and practical perspective, presents a  
8 unique situation for this panel. This is one of  
9 the most populated in New York State and has  
10 experienced some of its fastest growth. Yet from  
11 a geographic perspective it remains among the  
12 largest in terms of square miles. A State Senate  
13 District of this size, with this geography, is  
14 challenged to meet the needs of its people as  
15 effectively as it should compared to the size of  
16 other Senate Districts. As of now, more than  
17 20,000 of its residents must be placed into a new  
18 district to bring population parity to the 1st  
19 Senatorial District, and you cannot - - the lines  
20 must be moved from west to east. This must be  
21 done with care and respect for voting rights, as  
22 outlined in the U.S. Constitution, and this must  
23 be done with geographic sensibility. And  
24 importantly it must be done with respect to the

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2 taxpayer.

3 Last year Gannett News Service reported  
4 that the State Senator for the 1st Senate  
5 District led all 212 legislators in spending on  
6 constituent amount, more than \$350,000 in just a  
7 short period of time, and with the excuse that  
8 there were so many households in the 1st  
9 Senatorial District that he actually found it  
10 necessary. In fact the 1st Senatorial District  
11 experienced the highest population increase  
12 within its borders than all other State Senate  
13 Districts, thus bringing it to the present  
14 population of over 341,000, which is now the  
15 third most populous district in the state, I  
16 believe following Senator Carlucci's and Senator  
17 Dilan's and followed by 16 Senate Districts that  
18 have between 320,000-336,000. The remaining 45  
19 districts trail behind with 14 of them actually  
20 having less than 300,000 within their district,  
21 and this disparity between the less than 300,000  
22 in many of the districts in the over 340 in the  
23 1st Senate District is a disparity of much more  
24 than ten percent, which definitely needs to be

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2 addressed this cycle. To the extent that the 1st  
3 Senatorial District must lose population to  
4 achieve parity with other districts throughout  
5 New York, it should be reduced in size  
6 geographically by moving vertical lines from west  
7 to east. At the same time communities should be  
8 left intact where possible. Those who live  
9 within the same school districts and towns and  
10 neighborhoods and hamlets, where possible, should  
11 not be split.

12 Currently, for example, part of Selden  
13 is situated in the 1st Senatorial District and  
14 part in the 2nd Senatorial District, which is  
15 Middle Country School District, which was  
16 previously mentioned. There are times when this  
17 may not be avoided as far as dividing  
18 communities, but frankly I ask that you just  
19 simply try harder to keep communities together.  
20 Eastern Suffolk County is also unique from an  
21 economic perspective. The heart of this region  
22 is the most active agricultural community in all  
23 of New York State. There are hundreds of farms  
24 in Suffolk County and most of them are in the 1st

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2            Senatorial District where I reside, and I have an  
3            amendment to my testimony, because in my  
4            testimony I wrote that our agricultural community  
5            on the eastern end of Long Island is responsible  
6            for more than 200 million annually coming back to  
7            that area. The new number from the Long Island  
8            Farm Bureau and Ag Markets is actually 300  
9            million dollars in revenue that it generates. So  
10           in addition to bringing back 300 million dollars  
11           in local commerce, it also includes tourism from  
12           the North Forks renowned wine industry. With our  
13           farms taking up more than 35,000 acres in Suffolk  
14           County's east end, dividing those farms between  
15           Senate Districts would weaken our agricultural  
16           communities political voice in Albany at the very  
17           time our economy demands their voice be heard  
18           loud and clear. These, I believe, are the most  
19           important considerations one should take when  
20           conducting re-apportionment for eastern Suffolk  
21           County.

22                            As a resident of this part of the state,  
23           I hope the commission will pay close attention to  
24           the important economic and representational

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2 topics I've discussed. Now, as a resident of New  
3 York State, there are more general re-  
4 apportionment topics about which I wish to  
5 testify. Most alarmingly, we're now hearing that  
6 the Republican Senate majority is considering the  
7 addition of a 63rd Senate seat and recently, it  
8 has come to my attention, and has been part of  
9 the media fodder, that the additions of a 64th  
10 and 65th Senate seat have also been floated as  
11 ideas. Members of this Taskforce, we have public  
12 sector workers who are facing layoffs of about  
13 3500.

14 We have a state economy that is still  
15 staggering with every single school district in  
16 the 1st Senatorial District experienced cuts in  
17 state aid this year, and the idea of adding even  
18 one additional seat to the State Senate is  
19 profoundly disrespectful to all state taxpayers.  
20 I ask that you take this off the table as an  
21 option immediately. And in fact, based upon the  
22 recent Census data, where New York lost over one  
23 and a half million residents, if we calculate  
24 every Senate District to be about 320,000 voters

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2 each, we could probably stand to eliminate a few  
3 Senate seats, as opposed to adding one. Because  
4 of this reality, any attempt to add more Senators  
5 could only be seen as an act of political  
6 expediency rather than a legal, democratic  
7 reform. There is also a lawsuit pending in the  
8 State Supreme Court on the issue of whether  
9 districts upstate in which prisons are located  
10 should include prisoners from various parts of  
11 the state, including Suffolk County, as residents  
12 of those counties. What strikes me as noteworthy  
13 about that lawsuit is the plaintiff's  
14 classification of Senate Districts as Republican  
15 Districts or Democratic Districts. I mean, first  
16 of all, this completely regards the tens of  
17 thousands of voters who are out there who are  
18 third parties or non-affiliated with any party,  
19 and second of all, political parties do not own  
20 legislative districts, the people do.

21 Finally, with all due respect to this  
22 commission, as a voter and a taxpayer, the best  
23 solution for re-apportionment is to take it out  
24 of the hands of elected politicians and create an

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2 independent redistricting commission now, not ten  
3 years from now, but now. Legislative leaders  
4 have the power to call a special session right  
5 now, today, and place such a bill before the  
6 legislature for a vote with the requirements that  
7 an independent commission complete its work in 30  
8 days. We could have new legislative lines drawn  
9 independently by Thanksgiving. With the course  
10 you're on now you're risking a veto by the  
11 Governor and having district lines determined by  
12 the courts and again will be adding to the  
13 public's perception of a corrupt Albany. This  
14 does not help democracy, and it does not help the  
15 perception of Albany. To close I want to take  
16 this opportunity to echo those who say voters  
17 should select their legislators and legislators  
18 should not pick their voters. Thank you for your  
19 time.

20 SENATOR NOZZOLIO: Thank you very much.

21 MS. CALCATERRA: No questions?

22 SENATOR NOZZOLIO: We have gone through  
23 the list. Any questions from the members of the  
24 panel? No, thank you very much. We've gone

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2 through the list as presented. I will now call,  
3 as our custom, everyone who was called earlier,  
4 but did not testify. H. Scottie Coads. Did I  
5 pronounce your last name correctly?

6 MS. H. SCOTTIE COADS, CHAIR, CIVIC  
7 ENGAGEMENT NAACP NEW YORK STATE: Good afternoon.  
8 My sheet said good morning, so I should have been  
9 here earlier.

10 SENATOR NOZZOLIO: Definitely.

11 MS. COADS: Good afternoon, Mr. Chairman  
12 and members of the LATFOR Committee. My name is  
13 Hazel Scottie Coads. I'm the Civic Engagement  
14 Chair of the New York State NAACP. The National  
15 Association for the Advancement of Colored  
16 People, found in 1909, and the oldest Civil  
17 Rights organization in our country, has seen its  
18 share of disappointments, disenfranchisements,  
19 and, yes, downright racism. We continue to stay  
20 in the struggle, fighting and supporting causes  
21 that will benefit all disenfranchised people,  
22 especially minorities. Today our fight is on  
23 behalf of the minority communities in Nassau and  
24 Suffolk Counties. We have been disenfranchised

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2 since the beginning of these counties' existence,  
3 as well as throughout the State of New York.  
4 Through the redistricting process each of you  
5 have been appointed the legislative  
6 responsibility to administer, hopefully, fair and  
7 good government to the communities throughout New  
8 York. The NAACP is quite disappointed, though,  
9 that this legislative body does not have an  
10 African-American representative as part of the  
11 LATFOR Taskforce. Each of you should be proud to  
12 serve on this committee, but should be equally  
13 concerned that of the 3.1 million African-  
14 Americans in the State of New York, not one sits  
15 on the LATFOR committee.

16 I am sure some of you possibly have  
17 African-Americans living in your districts. I am  
18 sure some of you possibly have African-Americans,  
19 the absence of African-Americans on the committee  
20 is a blatant disregard for the minority  
21 communities. Because of this importance of  
22 fairness and good government in the decisions you  
23 make regarding redistricting, it is a real  
24 concern to us. Let me make my points of concern.

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2           It has been four decades, forty years, since  
3           LATFOR has come to Nassau County. Forgive me, I  
4           prefer to say 40 years because it resonates  
5           better when the people of Nassau County begin to  
6           take notice of how long it took us to have our  
7           voices heard on how lines are drawn. It makes  
8           African-Americans and Latinos realize how  
9           disenfranchised and marginalized we have been for  
10          all these years. The NAACP commends you for  
11          holding 12 hearings throughout the state but must  
12          add it was not nearly enough. Working citizens  
13          of these counties are not able to attend meetings  
14          held 10:00 in the morning. Redistricting to New  
15          York and Nassau County, the residents of Nassau  
16          County experience redistricting, gerrymandering  
17          at its worse this year, 2011. Due to insults,  
18          total disregard for individuals expressing  
19          concerns to have good government representation,  
20          we were ashamed to claim Nassau County as home.  
21          Our ability to be a part of the redistricting  
22          process was challenged in unbelievable ways at  
23          the Nassau County Legislature. The NAACP will  
24          not stand idly by and tolerate the mistreatment

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2 of minorities being disenfranchised nor accept  
3 the blatant disregard of elected officials who  
4 trample on and ignore what the Voting Rights Act  
5 of 1965 represents. The most sacred and precious  
6 part of democracy is the right to vote and/or the  
7 right of people to choose who's going to govern  
8 them. For 102 years the NAACP has recognized the  
9 power of the vote and has always valued and  
10 fought for the right to vote. Then came finally  
11 the passing of the Voting Rights Act of 1965,  
12 prohibiting attempts to dilute African-Americans'  
13 voting strength, authorizing federal officials to  
14 ensure fair voting practices. The African-  
15 American communities experienced and witnessed  
16 lots of tragedies prior to 1965 and many since  
17 then. We have seen it all. We have been through  
18 a lot. Disenfranchisement at the polls is not a  
19 tragedy that the NAACP will tolerate. On  
20 election day attempts to weaken and dilute our  
21 voting strength, broken machines, and now  
22 mandated governmental photo i.d.'s in 34 states  
23 in order to vote. The report of the U.S. Census  
24 over 40 years always indicated voting age

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2 population growth in Nassau and Suffolk Counties,  
3 just as the growth indicates for 2010, yet we  
4 still are left without representation in all  
5 areas of government.

6 We have nine Senators, we never got  
7 anybody before, and I'm not sure this is the time  
8 for it either. The redistricting and the  
9 gerrymandering of New York State, cutting up the  
10 election districts downstate and strengthening  
11 districts upstate must stop. The NAACP  
12 challenges you to do the following, a few of the  
13 following, there are many more things. Draw  
14 legislative districts that will not dilute the  
15 ability of minority groups, voters, that is.  
16 Elect the representatives of their choice, not to  
17 influence electoral results. Count and configure  
18 every district with the same population ratio.  
19 Recognize the passing of the prison  
20 gerrymandering law in New York State. Not  
21 continue splitting of black and Latino  
22 communities on Long Island and not split  
23 counties, towns, and villages. Thank you for the  
24 opportunity to speak on behalf of the NAACP New

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2 York State. I thank you.

3 SENATOR NOZZOLIO: Thank you very much.  
4 Any questions, members of the panel? Carrying  
5 on, we appreciate very much your testimony.

6 MS. COADS: Thank you.

7 SENATOR NOZZOLIO: Lucius Ware.

8 MR. LUCIUS WARE, PRESIDENT, EASTERN LONG  
9 ISLAND NAACP: Good afternoon, everyone, and  
10 welcome to Long Island, and the Island is long.  
11 I come from the far eastern portion of the  
12 Island, where it gets saltier and saltier.

13 SENATOR NOZZOLIO: It's windy out there,  
14 too, and I guess what I'd like you to do is make  
15 sure that we can hear you. So if you'd put that  
16 microphone as close to you as possible.

17 MR. WARE: Absolutely.

18 SENATOR NOZZOLIO: Thank you.

19 MR. WARE: October 5th, 2011, testimony  
20 of Lucius Ware of the New York State NAACP on  
21 Legislative Redistricting at SUNY Farmingdale.  
22 To all that are concerned with redistricting, we  
23 of the National Association for the Advancement  
24 of Colored People raise our voices loud and clear

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2 to let it be clearly known that the State of New  
3 York must draw its legislative districts in a  
4 manner that permits minority communities to  
5 exercise their full voting strength and not drawn  
6 in a manner to dilute the voting power of  
7 minority voters. The splitting of communities  
8 for voting must cease.

9 We urge the New York State Legislature  
10 and the Governor to act wisely, respectfully, and  
11 justly in upcoming matters concerning re-  
12 apportionment and redistricting. As a student of  
13 political science and history, the gerrymandering  
14 is a part of that particular curriculum. There  
15 have been times when gerrymandering can be  
16 typified by things and actions in New York State,  
17 and if we're not careful, we're about to enter  
18 that again. We, as citizens, certainly do not  
19 want our state to be recognized in that manner.  
20 I cannot emphasize enough how the splitting of  
21 communities destroys democracy and the hope for  
22 safe and productive communities. Sincerely  
23 submitted, Lucius Ware, President of the Eastern  
24 Long Island NAACP, especially the five eastern

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2 towns of Suffolk. Thank you.

3 SENATOR NOZZOLIO: Thank you, Mr. Ware.

4 Any members have a question for Mr. Ware? Thank

5 you very much for your testimony. Leah Bahm.

6 Dennis Jones. Melvin Boone. Kevan Abrahams.

7 Roderick Pearson.

8 MR. RODERICK PEARSON, PASTOR, PRESIDENT

9 ISLIP TOWN NAACP: Good afternoon, Mr. Chairman

10 and members of the LATFOR Taskforce. My name is

11 Roderick A. Pearson, I am a pastor in Suffolk

12 County in the Town of Islip, as well as President

13 of the Islip town NAACP. First I'd like to thank

14 the Co-Chairmen and the other members of the

15 Taskforce for this opportunity to address and

16 some concerns which are echoing in the black and

17 minority communities throughout Suffolk County

18 and Long Island. We're very aware and have

19 educated ourselves and are educating ourselves

20 further of this process of re-apportionment and

21 the impact that these newly redrawn districts

22 will have on our communities.

23 My goal today is to hopefully convince

24 you to change the course of history and that you

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2           make recommendations that will actually give fair  
3           representation to all New York citizens and not  
4           continue the practice of gerrymandering, but make  
5           recommendations which are fair and equitable to  
6           all races and all communities. The efforts to  
7           dilute and disenfranchise black voters needs to  
8           cease, and I'm asking that change begin in each  
9           one of you. There has been a tremendous increase  
10          in the minority population throughout Long Island  
11          and particularly places like Brentwood and  
12          Babylon. Let the lines that have been repeatedly  
13          drawn to diminish the inclusion and equitable  
14          distribution of power, specifically in Islip and  
15          Babylon, lines deliberately drawn to split the  
16          minority communities, thus minimizing the  
17          significance of minority voters in determining  
18          elections outcomes. The large and growing  
19          African-American and Latino communities in Nassau  
20          and Suffolk Counties are concentrated in the same  
21          villages and hamlets. District boundaries that  
22          divide one group, diluting its voting power,  
23          divide both. The African-American and Latino  
24          communities have been systematically split each

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2 time the Senate District boundaries have been  
3 redrawn after the Census. This pattern can be  
4 seen in 1972, 1982, 1992, and 2002 in Nassau  
5 County and in 1982, 1992, 2002, in Suffolk  
6 County.

7 Thank God for the Voters' Rights Act,  
8 which over the years have changed the political  
9 climate, particularly in the segregated South in  
10 places like Alabama and Georgia and Louisiana.  
11 Because of the Voting Rights Act there's a  
12 greater proportion of blacks and Latinos in every  
13 level of government, even now in the highest  
14 office of the land, affords the opportunity for  
15 the United States of America to elect its first  
16 African-American president, Barack Obama. The  
17 goal of Section 2 of the Voters' Rights Act is to  
18 eliminate discriminatory election practices and  
19 procedures, including the drawing of districts to  
20 minimize the significance of minority voters and  
21 thus take away their right to elect persons who  
22 support their best interests and concerns and  
23 who'll be the voice for all people. I'm asking  
24 you, the members of this Taskforce, to follow and

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2           respect the Voters' Rights Act. We're asking you  
3           to respect communities of interests, respect  
4           where people live and don't cut and dice and  
5           slice our communities. Set rules in advance  
6           about how communities should be defined and stick  
7           to those rules. Respect black, Hispanic, and  
8           Asian-American communities and not cut them up  
9           for political reasons. Even if the communities  
10          cannot make up the majority in a single district,  
11          draw the lines where the communities are and  
12          where the people live.

13                    Make your redistricting decisions out in  
14                    the open, be transparent, and don't find  
15                    yourselves in the position of passing another  
16                    tired political gerrymander, which Governor Cuomo  
17                    has already put you on notice that he will reject  
18                    a political plan drawn by politicians for  
19                    themselves. Give African-Americans, Hispanics,  
20                    Asians, and other minorities equal and fair  
21                    representation. Let the segregated North of  
22                    Suffolk County begin to look like the reformed  
23                    segregated South and let's build a stronger New  
24                    York. Thank you for giving me this opportunity

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2 to testify.

3 SENATOR NOZZOLIO: Thank you very much,  
4 Mr. Pearson. Any members of the panel wish to  
5 question Mr. Pearson? I'd just like to say  
6 before you leave, sir, that every member of this  
7 panel, every member of the Taskforce is fully  
8 committed to complying with the letter in spirit  
9 of the Voting Rights Act and every other law,  
10 statute, constitutional provision that is before  
11 us and that certainly your comments are well-  
12 taken and that you have our full agreement that  
13 we will do all efforts to comply with those,  
14 letter and spirit, of those acts.

15 MR. PEARSON: Great, thank you. We'll  
16 be watching.

17 SENATOR NOZZOLIO: Councilwoman Dorothy  
18 Goseby. Eugene Burnette. Carey Solongis. Lewis  
19 Valenzuela. Ricardo Montano. Good afternoon.

20 MR. RICARDO MONTANO, LEGISLATOR, SUFFOLK  
21 COUNTY 8TH LEGISLATIVE DISTRICT: Okay, good  
22 afternoon and thank you for giving me this  
23 opportunity to come before you. I'm Legislator  
24 Richardo Montano. I represent the 9th

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2 Legislative District in the Suffolk County  
3 Legislature. I am also Chairman of the Ways and  
4 Means Committee in the Legislature. The reason  
5 that I am here late today is that we actually had  
6 our committee meeting earlier. I believe that  
7 you are in Suffolk County and I want to welcome  
8 you to Suffolk County on behalf of the community  
9 and the legislature. For those of you, and I  
10 want to give a special welcome to my colleague  
11 from Nassau, Welquis Lopez, who I know for 30  
12 years and Senator Martin Dilan, who I know for  
13 many, many years, and who I believe has a, knew  
14 my dad when he was in the Assembly representing  
15 the Bronx. I want to welcome you and  
16 particularly all of you. For those of you that  
17 are not from Suffolk County, just let me say,  
18 number one, I won't repeat what was said by my  
19 colleagues and friends from the NAACP. I endorse  
20 fully their comments, and I won't burden you with  
21 re-hearing them, but it is exactly what I would  
22 say and was going to say, but I'll switch that a  
23 little bit. Suffolk County, if you close your  
24 eyes, what you see in Suffolk County is a county

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2 that not too long ago, the Southern Poverty Law  
3 Center issued a report called "Climate of Fear"  
4 in which they called the County Executive the  
5 chief enabler of laws and policies that were  
6 directly directed against members of the Hispanic  
7 community.

8 It is the county where not long ago a  
9 young Ecuadoran immigrant was assaulted by a gang  
10 of young, white teenagers who made a practice for  
11 one year before the police were even on notice to  
12 go out every weekend to engage in what was called  
13 "Beaner Jumping". Beaner Jumping is a term that  
14 generally means going out and beating up  
15 Mexicans. The difference was that they couldn't  
16 tell the difference between a Mexican and a  
17 Ecuadoran or another Hispanic, and they actually  
18 killed Marcello needlessly in Patchogue. Welcome  
19 to what is today the seventh most segregated area  
20 in America, not in the North and the South, in  
21 all of America. We used to be number two. We  
22 went down to number three, now we're down to  
23 number seven, but I don't consider that making  
24 progress. So this is the climate in which

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2 Suffolk County has engaged in with respect to the  
3 Hispanic and minority communities, and it's  
4 something that needs to end. I got elected eight  
5 years ago to the Suffolk Legislature, but before  
6 I got elected my then 24 year-old daughter, along  
7 with Assemblyman Ramos and three other community  
8 residents, filed a Voting Rights violation  
9 against the County of Suffolk, the County  
10 Legislature to mandate redistricting, to mandate  
11 the creation of a new 9th Legislative District  
12 that would have a majority-minority population.  
13 Once that was done I ran, I got elected, and now  
14 I've been serving in the Legislature for the past  
15 eight years. I'm running for re-election this  
16 year and I'm proud to say that it's the fourth  
17 time that I'm running unopposed. I don't think  
18 anyone else has achieved that in Suffolk County.  
19 My district is, at the time that it was created,  
20 45 percent Latino, many immigrants, 20 percent  
21 black, and about 30 percent white. So we, I  
22 represent a truly integrated district. Suffolk  
23 County is also the county where about three  
24 months after I was elected, a proposal was

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2 introduced into the Legislature to deputize  
3 Suffolk County police officers so that they can  
4 arbitrarily and discriminatorily stop Hispanics  
5 on the street, detain them, and inquire as to  
6 their immigrant status for purposes of sending  
7 them to deportation. If it were not, and I say  
8 this in all modesty, if it were not for the  
9 efforts of myself and the Legislature,  
10 Assemblyman Ramos, Legislator Valerian Vilorio  
11 Fisher and others, that would be the policy that  
12 we have here in Suffolk County today.

13 I, myself, as a legislator took the  
14 unprecedented action several years ago of suing  
15 the Suffolk County Legislature and getting a  
16 Supreme Court Justice to issue an injunction  
17 against the Legislature itself because they  
18 passed an immigration law, anti-immigration law  
19 improperly. The case went to the Appellate  
20 Division twice. As a result of these actions and  
21 others, we have been able to stem the atmosphere  
22 as a result of Marcello Sero's murder. Things  
23 have changed for the better. We've come a long  
24 way, I think, but we're not there yet. Why I'm

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2 here is to give you this environment of where we  
3 stand and where we need to go. I honestly  
4 believe that if it were not for the creation of  
5 the new 9th Legislative District and the creation  
6 of the Assembly District the year before in 2002  
7 that Assemblyman Ramos represents, we would be a  
8 much different county. Since 2000 the population  
9 of Suffolk County, minority population, has  
10 increased, particularly with regard to the  
11 Hispanic community, and I believe that if you  
12 look at the numbers, and I have an article here  
13 from Newsday that talks about Long Island's great  
14 divide and the way that our communities are  
15 segregated, but the minority population on Long  
16 Island is closely resembling approximately 30  
17 percent when you combine the black, African-  
18 American, Hispanic, and Asian, non-white  
19 community, we're about 30 percent. With all due  
20 respect to our Senate delegation, if you look at  
21 our Senate delegation, you would never know that.  
22 My district, I have 44 election districts in the  
23 areas that I represent, 0Brentwood, Central  
24 Islip, Islandia. Forty-one of those districts

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2 are located in the 3rd Assembly District. Where  
3 I live, if I cross the street, if I go two blocks  
4 and cross the street to buy an empanada or to  
5 have a nice plate of rice and beans, I cross a  
6 Senate District. I don't represent all of  
7 Brentwood.

8 There is a line that has existed for, I  
9 think, 30 years in the legislature, which I won't  
10 mention the legislator's name, but we call it  
11 that person's line, because that divides my  
12 district from the western part of Brentwood and  
13 North Bayshore, which is part of the Brentwood  
14 School District. That is the street where the  
15 Hispanic, it used to be the Puerto Rican Day  
16 Parade, now it's the Hispanic Day Parade, and the  
17 other day was the Central American Independence  
18 Day Parade, as we marched down that street, which  
19 is the center of the community, we split one  
20 district from another. This has to stop. You've  
21 made a commitment, sir, to follow the spirit and  
22 the intent of the Voting Rights Act. We are  
23 going to hold you to that commitment. We're glad  
24 that you made that statement.

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2                   SENATOR NOZZOLIO: Thank you very much,  
3 and as you have exceeded the time period that we  
4 put on by well over 70 percent, I just wanted to  
5 stop you there to ask you questions.

6                   MR. MONTANO: Go ahead.

7                   SENATOR NOZZOLIO: The first question  
8 that I have is tell us where your district is.  
9 Tell us what, as you said, the 9th in Suffolk?

10                  MR. MONTANO: Yes.

11                  SENATOR NOZZOLIO: What is the  
12 geographic boundaries of your--

13                  MR. MONTANO: [Interposing] The 9th  
14 District is the most compact district in Suffolk  
15 County. It looks like a rectangle. The areas  
16 that I represent are part of Islandia and it's in  
17 western Suffolk. It covers from the Long Island  
18 Expressway on the northern side, a little bit  
19 beyond Vets' Highway, if you know Suffolk County,  
20 going into Islandia, but not all of Islandia.  
21 It's a part of Islandia which is an incorporated  
22 village. It's that part that includes the  
23 Central Islip School District. It travels east  
24 to Fifth Avenue, which is the line that I was

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2 talking about, and it travels south to the  
3 Southern State, and then it cuts down Candlewood  
4 Road, dividing North Bayshore from Brentwood. So  
5 I do not represent West Brentwood, which is in  
6 the 4th Senate District, and I do not represent  
7 that part south, which is in the Brentwood School  
8 District. So it is a very compact district. You  
9 couldn't find a more compact district, I think,  
10 anywhere you looked.

11 SENATOR NOZZOLIO: And it, you mentioned  
12 your record of being unopposed. How many times  
13 did you stand for election and re-election?

14 MR. MONTANO: I ran the first time, I  
15 got elected, and then I've been unopposed four  
16 times after that. This is my fourth time.

17 SENATOR NOZZOLIO: Four times unopposed,  
18 and I think that there are certainly legislators  
19 at the local level, at the state level, who have  
20 worked very hard and have run unopposed from time  
21 to time that I think the essence of what the  
22 lovely representative of the League of Women  
23 Voters of Suffolk County testified earlier today  
24 was that she wanted to see, and the League of

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2 Women Voters wanted to see, more competitive  
3 elections.

4 MR. MONTANO: I agree with you, by the  
5 way.

6 SENATOR NOZZOLIO: How do you, I'm  
7 interested in hearing how, your reaction to that.  
8 I don't look at it as trying to trip you up,  
9 because I think it's a question we've heard  
10 across the state. Is it a great thing that all  
11 incumbents lose every two years or four years,  
12 depending on their length of district, or is it  
13 when you work hard and represent your  
14 constituents, they have a choice in electing you  
15 or not. Tell us what you think of what the  
16 League of Women Voters in Suffolk County said  
17 earlier this morning.

18 MR. MONTANO: First of all I didn't hear  
19 what they say, but I know what their position is  
20 and I wholeheartedly agree with them. Let me  
21 make a distinction between my situation and other  
22 elected officials that have run unopposed.  
23 Suffolk County has a practice of cross-  
24 endorsement. I think New York State is one of

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2 the few states that allows cross-endorsement. So  
3 Suffolk County, for the most part, the  
4 politicians that run unopposed run opposed  
5 because they're cross-endorsed by the major  
6 parties.

7 For instance when the County Executive  
8 ran four years ago unopposed, he had the  
9 Republican, the Conservative, the Independents,  
10 the Democratic line, and I believe he also had  
11 the Working Families Party line. He had all five  
12 lines. There were two minor candidates who ran  
13 independent lines, and the County Executive got  
14 96 percent of the vote. I, on the other hand,  
15 have never accepted, I've been offered, but have  
16 not accepted cross-endorsement from either the  
17 Republican or the Conservative Party. So I have  
18 maintained myself in terms of I have accepted the  
19 Independents' line, the Working Families' line,  
20 and the Democratic line. The fact that no one  
21 from the Republican Party chose to run against me  
22 or the Conservative Party is not something of my  
23 doing, and I made no deals in order to run  
24 unopposed, and I tell people very clearly. I

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2 believe that the reason I run unopposed, number  
3 one, is that we work hard, and I have, I believe,  
4 one of the best staffs in Suffolk County who are  
5 here today, my Chief of Staff, my legislative  
6 aid, and I blame them for working so hard to make  
7 us look so good, to allow me to run unopposed.  
8 But if there were a candidate--

9 SENATOR NOZZOLIO: [Interposing] But how  
10 do you, and I understand that, but how do you  
11 reconcile what the League is saying, and I'm not,  
12 again, I'm looking for a person that's in the  
13 field that's working hard, what do you say to the  
14 League of Women Voters who testified earlier this  
15 morning that she wants more competitive  
16 elections? As she serves as a member of the  
17 independent panel that's going to be looking to  
18 redraw your district, I assume.

19 MR. MONTANO: I say to her, bring it on.  
20 Get a candidate to run against me, and I'll tell  
21 you why I believe that I run unopposed, and this  
22 is a criticism, I would say, of both parties, and  
23 one of the reasons that I believe that I run  
24 unopposed is that because of the increase in the

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2 Hispanic population, we are so-called a sleeping  
3 giant. To the extent that I don't have an  
4 opponent, it makes it very difficult to get  
5 members of my community enthused about coming out  
6 to vote in an election, because I tell them,  
7 listen, Jose, I need your vote. You're a citizen  
8 now. Oh, but Rick, you don't have an opponent.  
9 Why should I come out? I welcome, and I would  
10 welcome an opponent, because I think that that  
11 will stimulate interest, stimulate debate, it  
12 will set the lines of demarcation between my  
13 philosophy and the philosophy of my opponents.  
14 So I tell her, get your candidate, bring your  
15 candidate on, we're ready to do battle any time.  
16 I don't run unopposed because I'm lazy or because  
17 I want to avoid an election. Actually I enjoy  
18 elections. I enjoy campaigning. It's a way for  
19 me to reach the community and we work hard  
20 whether we have an opponent or not. But I can't  
21 tell you why the Republicans or why the Democrats  
22 got together and said no, we don't want to, you  
23 know, have an opponent against Montano.

24 SENATOR NOZZOLIO: I wasn't interested

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2 in that. I was interested in what the League was  
3 saying.

4 MR. MONTANO: No, she has an obligation  
5 to go out and say Legislator Montano should not  
6 run unopposed. He should run opposed, and I  
7 think that will be a benefit to not only the  
8 Hispanic and the African-American community, but  
9 even the white community. I looked at the  
10 numbers. I get elected not because of the  
11 Hispanic community, I get elected blacks, whites,  
12 and Hispanics. She's right.

13 SENATOR NOZZOLIO: Thank you very much.  
14 Welquis Lopez.

15 MR. MONTANO: Go ahead, Welquis.

16 MR. LOPEZ: You do a good job in the  
17 area, how people basically love you, because of  
18 the job that you do, so that's why you run  
19 unopposed. If you were not doing your job, I  
20 guarantee you'd have a lot of people out there  
21 run against you. So that's wonderful.

22 MR. MONTANO: I don't want to be loved.  
23 I want them to vote for me.

24 MR. LOPEZ: It's the same. They vote

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2 for you.

3 SENATOR NOZZOLIO: Senator Dilan.

4 SENATOR DILAN: Good afternoon, how are  
5 you?

6 MR. MONTANO: Good afternoon, how are  
7 you?

8 SENATOR DILAN: Okay, I would like for  
9 you to comment with respect to the gains of the  
10 Hispanic community here in Suffolk County. Are  
11 you suggesting or do you believe that there's an  
12 opportunity for, let's say, a Latino State Senate  
13 District or an opportunity for the Latinos to  
14 perhaps elect a candidate of their choice or is  
15 there an opportunity for coalition politics?

16 MR. MONTANO: I have looked at the  
17 numbers and let me say this. We brought suit, as  
18 I indicated, in 2003. Do not take this in any  
19 negative way--

20 SENATOR DILAN: [Interposing] And I said  
21 State Senate, but I also mean the State Senate -  
22 - Latino in the Assembly already, is there a  
23 possibility for a second district in the  
24 Assembly?

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2 MR. MONTANO: In the Assembly.

3 SENATOR DILAN: In the Senate and  
4 Assembly.

5 MR. MONTANO: Well, I believe that there  
6 is definitely a possibility to create, not only  
7 the possibility, there is the realistic  
8 expectation that a Senate District can be created  
9 and should be created that will not only allow a  
10 Latino to get elected, but that might even, along  
11 with the African-American community, and  
12 remember, we are segregated as a community, so  
13 you cannot disenfranchise the black community and  
14 the Hispanic community, because we live together,  
15 we're in the same community. The short answer is  
16 yes, we would anticipate that is the lines were  
17 drawn in conformity with the spirit and the  
18 intent of the Voting Rights Act, that a district  
19 where a Latino could be elected or an African-  
20 American could be elected exists. And by the  
21 way, I don't only represent Latinos and African-  
22 Americans.

23 It would be probably a crossover  
24 candidate who speaks to all the issues, but we

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2 certainly feel like the numbers are there for us  
3 to have a district where the community has a  
4 stake in coming out and voting and, you know, as  
5 I said, we don't only get minority votes. Yes,  
6 create a district, let us have an opportunity to  
7 present our candidate. Let us have an  
8 opportunity to represent the people in our  
9 community the way they should be represented.  
10 You know, Brentwood School District, C.I. School  
11 Districts are lower-performing school districts,  
12 they need someone to speak out for them, and that  
13 would, your job is to ensure that we have that  
14 opportunity.

15 SENATOR DILAN: Okay, thank you.

16 MR. MONTANO: Any other questions?

17 SENATOR NOZZOLIO: Thank you very, very  
18 much.

19 MR. MONTANO: Thank you, I appreciate  
20 your opportunity that you've given me to present  
21 this.

22 SENATOR NOZZOLIO: I appreciate your  
23 testimony. Robert Summerville. LeRoy Gadsen.  
24 Sergio Arguetta. Wilton Robinson. Carol Gordon.

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2 The Honorable Andrew Hardwick. Kenneth Cohen.  
3 Frederick Brewington. Roberta Cesar. Julian  
4 Jones. Abdul Hakeem. Reverend Curtis C. Riley.  
5 Leo Fernandez. Jody Blair. Ernst Ulysee. Brian  
6 Paul. I believe Dr. Feliciano testified. I  
7 think so, but I'm going to call again. Dr. Maria  
8 Teresa Feliciano. Deborah Massur. Jerry  
9 Vatamala. Larry Silverman. Carmen Julia Pinero.  
10 Paul Evans. David Stonehill. Welcome, good  
11 afternoon.

12 MR. DAVID STONEHILL, ESQ.: Thank you  
13 very much. Good afternoon, my name is David  
14 Stonehill. I'm an attorney with an office in  
15 Merrick, New York. Beside my law practice I'm  
16 active in a number of community activities and  
17 organizations. This involvement includes  
18 election law. My election law experience dates  
19 from 2000. I have participated in numerous  
20 political campaigns based on Long Island, New  
21 York City, and New Jersey. Today I wanted to  
22 discuss briefly some policy perspectives  
23 regarding how the redistricting process,  
24 scheduled for 2012, should be handled.

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2                   Generally, redistricting in New York  
3 State has been handled on a bi-partisan basis.  
4 However, both the two major parties have to  
5 recognize that a change in legislative and  
6 Congressional District lines should occur in such  
7 a way as to benefit all citizens of this state.  
8 Line drawing should not be blatantly political in  
9 scope, but should be viewed as a way to encourage  
10 political participation by citizens and not as a  
11 way to suppress it through a cynical manipulation  
12 of voters. Currently the State Senate is a 62  
13 person chamber. Proposals have been aired about  
14 increasing this number to 63. However, this  
15 concept does not reflect New York's State  
16 Constitutional mandates, but simple political  
17 expediencies. No doubt other speakers have gone  
18 into detailed descriptions of the 1894 rule  
19 regarding how to calculate the number of Senate  
20 Districts.

21                   Suffice it to say that had that rule  
22 been strictly followed the last time  
23 redistricting was instituted in 2002, the State  
24 Senate would have had 61 members today. Instead,

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2 cynical political motivations led to an extra-  
3 constitutional increase. Ironically simply  
4 following the 1894 rule and utilizing the 2010  
5 Census results would now give us a 62 seat  
6 chamber for the next decade. Whether the upper  
7 chamber of the New York State Legislature should  
8 have an even or odd number of seats makes for a  
9 fascinating philosophical debate. Were I to  
10 draft a new New York State Constitution, I might  
11 well be tempted to require an odd number of seats  
12 in each legislative chamber. After all, an odd  
13 number of seats does ensure that on any given  
14 vote, there will be a majority expressed. Or  
15 does it? Members can still be absent and may  
16 simply choose not to vote on a particular bill.  
17 Political parties may have internal disagreements  
18 leading to factions voting different ways.  
19 Philosophically speaking, an odd number of votes  
20 does not guarantee that a legislative impasse  
21 will not take place.

22 However the redistricting process in  
23 this state should be following our State  
24 Constitution's provisions. Could they or should

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2 they be changed? Probably, in my view. But  
3 since the provisions are not unconstitutional  
4 under either federal or state law, they need to  
5 be followed when the Senate District lines are  
6 drawn. Otherwise, the redistricting process  
7 becomes arbitrary and capricious and nobody wants  
8 that. Another area I briefly want to address  
9 concerns the needs of minority areas and the  
10 redistricting process. It is an axiom that  
11 minority areas will have a smaller impact on  
12 local and state governmental operations than will  
13 more affluent communities.

14 As a result of this, and keeping in mind  
15 the requirement to satisfy the doctrines of equal  
16 protection and due process, minority communities  
17 should be kept together as much as possible when  
18 State Senate lines are drawn. This is especially  
19 true on Long Island where we have a good number  
20 of minority areas which have little or no  
21 influence on the State Senate. A community in  
22 Suffolk County, such as Amityville, shares many  
23 issues, concerns, and values with communities  
24 such as Wyandanch and Wheatley Heights. They all

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2 should be contained within a single Senate  
3 District.

4 Under the current scheme of things the  
5 minority vote in Suffolk and Nassau is diluted.  
6 Under the current system minority constituents'  
7 needs are ignored or given a low priority. A  
8 political party which reflects the needs of  
9 minorities has a more difficult time getting its  
10 candidates elected because of the poor and the  
11 wealthy often have different priorities regarding  
12 government. Being part of a minority, then, can  
13 create a feeling of political hopelessness and  
14 despair. If a person feels that he's being  
15 ignored by his elected officials, he may very  
16 well withdraw from the political process  
17 completely. Why bother to vote at all? Nothing  
18 changes, the person may ask or think. It is true  
19 that minority communities do suffer lower turnout  
20 in more elections than do affluent communities.  
21 This is the most insidious form of vote  
22 suppression, indeed, because it is done  
23 internally by the voter. The voter stops himself  
24 from voting. This is really unacceptable in a

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2 modern democracy. A high level of political  
3 participation should be encouraged for all of our  
4 elections, whether in a presidential year or not.  
5 We must encourage all of our citizens to vote and  
6 to become engaged with their government in a  
7 meaningful way. This means showing leadership by  
8 giving people a reason to vote. A reason begins  
9 through the preservation of minority communities  
10 within a single Senate District for both Nassau  
11 and Suffolk Counties, respectively. I want to  
12 thank this committee for allowing me the  
13 opportunity to testify today. This is an  
14 important mission, and I wish you well. Thank  
15 you.

16 SENATOR NOZZOLIO: Thank you, Mr.  
17 Stonehill. Any members, questions of the panel?  
18 Senator Dilan.

19 SENATOR DILAN: Thank you very much for  
20 testifying. You cited the New York State  
21 Constitution as it relates to the size of the  
22 Senate.

23 MR. STONEHILL: Yes.

24 SENATOR DILAN: Based on perhaps your

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2 knowledge of the Constitution and the 2010  
3 Census, would you be able to determine what the  
4 accurate number of the Senate should be in this  
5 current cycle of redistricting?

6 MR. STONEHILL: From what I've read in  
7 terms of memos on the issue, it seems that right  
8 now, well not counting 2010, counting 2000, 61  
9 would be the correct number for the State Senate.  
10 Looking at the 2010 Census there is an increase  
11 in population and what it comes out to be is 62  
12 seats. Again, you know, 62 sounds kind of odd,  
13 but then we have 150 in the Assembly, and, you  
14 know, we manage and, you know, we do have  
15 provisions in case there is a tie vote, you know,  
16 in bringing in the Lieutenant Governor on certain  
17 procedural aspects, etc. etc.

18 SENATOR DILAN: So if we strictly  
19 followed the existing formula in the New York  
20 State Constitution, you're testifying that that  
21 number should be 62?

22 MR. STONEHILL: Correct.

23 SENATOR DILAN: All right, thank you.

24 SENATOR NOZZOLIO: Mr. Stonehill, before

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2           you leave I have a question. Thank you for your  
3           testimony. I want to focus on your analysis of  
4           the size of the Senate and your understanding of  
5           the New York State Constitution that establishes  
6           the formula for that size. What analysis did you  
7           undergo to indicate, which was a pretty strident  
8           statement that said the rule was not strictly  
9           followed. What about the procedure, in your  
10          estimation, was not, was the rule not complied  
11          with? And the Court which made this, you're an  
12          attorney, the Court that, did you read the  
13          opinion that was presented by the Court in  
14          deciding that the 2002 redistricting was under  
15          the formula growing the Senate from 61 seats to  
16          62 seats was an accurate compliance with the  
17          formula of the State Constitution. Did you read  
18          the judicial opinion that put forward that  
19          analysis?

20                   MR. STONEHILL: I did look at it.

21                   SENATOR NOZZOLIO: What part of that  
22          opinion did you disagree with?

23                   MR. STONEHILL: Essentially what I'm  
24          saying is that I believe that it should have

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2           been, remained at 61, that the increase to 62 was  
3           not done following the State Constitutional  
4           mandate, and that was more done in terms of, I  
5           guess you would say, a policy, a feeling by the  
6           majority at the time that a larger number would  
7           be more beneficial.

8                    SENATOR NOZZOLIO: How did, how was that  
9           formula not complied with? What part of the  
10          formula, in your mind, did the Court err in  
11          analyzing the formula, and was it in population  
12          non-compliance? What type of non-compliance to  
13          that formula do you contend existed in 2002 when  
14          the Senate was first increased to 62 seats?

15                   MR. STONEHILL: Essentially in my view,  
16          in terms of, you know, following the population  
17          trends.

18                   SENATOR NOZZOLIO: To what degree did  
19          your analysis show that the population trend was  
20          contrary to the State Constitution provision  
21          allowing the Senate to go to adding an additional  
22          seat? What was the deficiency in your analysis  
23          of population that would lead to your conclusion  
24          that the Court erred in this circumstance?

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2 MR. STONEHILL: I feel a little  
3 unprepared in this regard. I wasn't, as I said,  
4 I was here to basically discuss from a more  
5 general perspective in terms of how I felt--

6 SENATOR NOZZOLIO: [Interposing] But  
7 your situation, let me not let you off the hook  
8 with that statement, Counselor. You said very  
9 pointedly that the rule was not complied with by  
10 the Court in 2002. You're an attorney, you're  
11 making a representation as an attorney. I would  
12 like to know what analysis led you to that  
13 conclusion.

14 MR. STONEHILL: In terms of reading  
15 analysis of the, basically, of the Court  
16 decision, as well as how the Senate conducted its  
17 deliberations and how it was increased.

18 SENATOR NOZZOLIO: But you can't tell us  
19 what, even though you made the conclusion, you  
20 cannot tell us what steps had you taken to  
21 analyze whether the Courts logic was correct and  
22 incorrect. Yet you've made this conclusion that  
23 the Court's analysis was incorrect. I think,  
24 frankly, I question whether you made an analysis

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2 or whether the analysis had any substantive merit  
3 to it based on your comments to my answering of  
4 my questions.

5 MR. STONEHILL: I understand, I would be  
6 certainly be happy to submit more detailed  
7 analysis and also I have, I believe that the  
8 Taskforce has set up another meeting, I believe,  
9 October 27th in Nassau, which I intended to  
10 participate and testify, so if you want more, you  
11 know, information, I'd be more than happy to  
12 address that.

13 SENATOR NOZZOLIO: Well, thank you, Mr.  
14 Stonehill, for your participations. Senator  
15 Dilan has a question.

16 SENATOR DILAN: I just want to make a  
17 comment because I'm informed that in the 2002  
18 case of Pataki or Rodriguez v. Pataki, the Court  
19 just merely dismissed the issue and never really  
20 dealt with the formula. Is that, to your  
21 knowledge, correct?

22 MR. STONEHILL: That I would have to  
23 research. I'm not certain. I'd rather not say  
24 anything off the cuff.

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2                   SENATOR DILAN: That's what I'm informed  
3 of and if you do have any detailed information  
4 that you could provide with respect to your  
5 testimony, that would be appreciated.

6                   MR. STONEHILL: Okay, that's fine.

7                   SENATOR NOZZOLIO: Thank you, Mr.  
8 Stonehill.

9                   MR. STONEHILL: Thank you.

10                  ASSEMBLY MEMBER MCENENY: You're always  
11 welcome at the Plattsburg hearing, too.

12                  MR. STONEHILL: I do travel, and I'd be  
13 happy to. Thank you very much.

14                  SENATOR NOZZOLIO: Are there any other  
15 citizens wishing to testify? Yes. Good  
16 afternoon. Thank you very much. Would you  
17 please, for the record, indicate your name and  
18 where you're from.

19                  MS. LISA PINKARD: Yes I will. My name  
20 is Lisa Pinkard.

21                  SENATOR NOZZOLIO: I'm sorry.

22                  MS. PINKARD: I'm very soft-spoken, so  
23 I'm going to try to speak up for you. My name is  
24 Lisa Pinkard and I'm a resident of Central Islip.

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2 Lisa Pinkard, Central Islip, and I contemplated  
3 whether or not I would share something with you  
4 all as a panel today, but I just thought it was  
5 fitting, because I want you to get more of a  
6 picture of our flavor of what is represented here  
7 in this particular county, Suffolk County. I am  
8 a resident of Central Islip. My family has been  
9 a resident of Central Islip for 20 years, I'd  
10 say, and I've worked as a community organizer  
11 here, and I just want to express to you the  
12 challenges as a community organizer, as community  
13 organizers, that we face. We have a majority-  
14 minority population here, as you're fully aware  
15 of. Latinos, African-Americans, Haitians in  
16 Central Islip and Brentwood make up the majority  
17 of the population. So our job was to try to  
18 bring that diverse community together.

19 So personally I was so impacted by the  
20 project that I worked on that I have still  
21 continued to serve my community, you know, not  
22 even for money, but just as a personal  
23 obligation. When you look in the faces of the  
24 youth here and you ask them to come, you know,

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2           come be a part of what we're doing, you know,  
3           come out and make sure you vote, tell your  
4           parents to vote. The youth don't understand  
5           fundamentally like what is a Congressman, what  
6           does your Senator do, what are your local  
7           officials. That's hurtful, especially because  
8           the majority of people that are telling you this  
9           are minorities, and if you go a few miles to the  
10          left or to the right, those children there will  
11          have a better understanding of what the whole  
12          civic engagement process is all about. So  
13          recently in the local newspapers some children  
14          had walked out of the school, because they were  
15          fighting for the layoffs and their teachers and  
16          all that. So what we did is we promoted  
17          minorities to run for School Board, and we saw so  
18          much excitement when we started these workshops  
19          and these seminars. Parents showed up, kids  
20          showed up, for the first time in Central Islip,  
21          it's equal now in terms of who's on the Board.  
22          There is three African-American, there's three  
23          Caucasian, and there's also a Spanish  
24          representative.

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2                   So we're seeing that once they can  
3 identify with a preferred candidate, there will  
4 be some action behind it, and so that, as a  
5 community organizer, is very, very fulfilling. I  
6 just challenge you all to please, you know, keep  
7 Central Islip and Brentwood in mind in terms of  
8 their diversity and their need to be together.  
9 If you take Central Islip and West Islip, if you  
10 take the youth, my passion is for the youth, if  
11 you take the youth of those communities and put  
12 them side by side, they will have very little in  
13 common with one another. Where if you take a  
14 youth from Central Islip and Brentwood, they will  
15 share similar interests, they will both be able  
16 to tell you our schools are not that great, you  
17 know, we have similar interests in sports, our  
18 education is about the same.

19                   Both the school districts are in serious  
20 trouble in terms of they're failing. They've  
21 been failing. They don't have a lot of  
22 recreation here. There's not too many parks,  
23 there's not too many fun things for the kids to  
24 do. This has been an ongoing problem with

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2 Central Islip and Brentwood. I'm just telling  
3 you that if you strip these communities, they'll  
4 kind of just get lost in the shuffle and  
5 primarily the youth. The youth need to be able  
6 to see something that they can set their eyes on.  
7 I'm teaching the youth now how to sit on boards  
8 like the ones that you're sitting on today. I  
9 want them to see that there's some steps that  
10 they can take to eventually get there, and so to  
11 tear apart those communities would be  
12 detrimental. That's all I have for you today.

13 SENATOR NOZZOLIO: Thank you very much.  
14 Any members of the panel wishing to ask  
15 questions? Hearing none, we appreciate your  
16 testimony. We ask for the last time, the final  
17 time, are there any other members of the public  
18 that wish to testify at our Suffolk hearing.  
19 Hearing none, we'd like to conclude that portion  
20 of the hearing, thanking everyone for your  
21 participation, for your input, that there is  
22 another hearing that was mentioned a few times.  
23 It will be held on Long Island coming up on the  
24 27th, I believe, of October. It will be held at

1 Demographic Research and Reapportionment, 10/5/11

2 the Old Westbury Campus of SUNY, SUNY Old  
3 Westbury, and we appreciate the input we received  
4 today. Thanking each member of the panel, Co-  
5 Chair, Assemblyman McEneny, thank you for, as  
6 always, your great work.

7 ASSEMBLY MEMBER MCENENY: I would just  
8 like to remind people who are watching this on  
9 home computers and elsewhere that all of the  
10 verbal testimony is eventually turned into a  
11 transcript, which will be part of the Court case,  
12 if one develops, and also as we see a number of  
13 groups here and individuals who speak, they often  
14 speak in giving us the thoughts of people where  
15 they've had some of the elected officials, Sandy  
16 Gala [phonetic], for example, had town meetings  
17 on this issue. When somebody comes in from the  
18 NAACP or some of the good government groups, we  
19 know that they've had evening meetings and  
20 weekend meetings and seminars and roundtables and  
21 we know as they speak, they speak for those  
22 groups, as well.

23 So directly there are hundreds of people  
24 who have come in to testify. There are hundreds

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2 more who communicate in writing, either  
3 electronically or the old-fashioned ways, and  
4 also there are individuals, groups, and elected  
5 officials who have had evening and weekend  
6 meetings on this subject, so there's a great deal  
7 of input from our citizenry here in New York  
8 State. We continue to solicit it, and we look  
9 forward to this phase of the public hearings will  
10 end before the election. At that point we will  
11 be drawing up, based on testimony and maps,  
12 drawing up actual maps and proposed legislation,  
13 and then another 14 public hearings will be held  
14 across the state, and we commend those people who  
15 have been having community town meetings and  
16 roundtables for their groups or their  
17 constituencies and bring their thoughts forward  
18 to us.

19 SENATOR NOZZOLIO: Thank all the members  
20 of the Taskforce, Senator Dilan.

21 SENATOR DILAN: Yes, I just want to  
22 mention to the panel that actually I thought we  
23 were going to meet today on some issues, however  
24 I understand that there's one member that's

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2 missing that's very vital to the discussion with  
3 respect to the prisoner law, and I would just  
4 like to emphasize that we should move quickly as  
5 possible to get the data base in the hands of the  
6 public and so we have the appropriate data and  
7 the public also has the appropriate data, so the  
8 public can then properly make submissions to this  
9 panel, and I think it's very urgent that we do  
10 that as quickly as possible. So I just wanted to  
11 go on the record of that, but I do understand the  
12 situation that we currently have.

13 SENATOR NOZZOLIO: Thank you, Senator,  
14 and with that this meeting is adjourned.

15 (The public hearing concluded at 1:25  
16 p.m.)

C E R T I F I C A T E

I, Trisha Ruckart, do hereby certify that the foregoing typewritten transcription, consisting of pages number 1 to 162, inclusive, is a true record prepared by me and completed from materials provided to me.



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Trisha Ruckart, Transcriptionist

October 18, 2011



**NEW YORK STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC  
RESEARCH AND REAPPORTIONMENT**

**PUBIC HEARING: CONGRESSIONAL AND STATE LEGISLATIVE  
REDISTRICTING**

**OCTOBER 5, 2011 / 10:00 AM  
SUFFOLK COUNTY, LONG ISLAND, NEW YORK**

1. Assembly Member Philip Ramos  
6<sup>th</sup> Assembly District
2. Assembly Member Philip Boyle  
8<sup>th</sup> Assembly District
3. Aubrey Phillips, Editor  
Elmont.org
4. Joyce Stowe, Resident  
Town of Elmont
5. Todd Breitbart
6. Susan Lerner, Executive Director  
Common Cause NY
7. Patrice Benneward, President  
Glenwood/Glen Head Civic Association
8. Terry Gipson, Rhinebeck Village Board Member  
Small Business Owner  
Private Citizen  
Candidate for NYS Senate
9. Dr. Madhulika Khandelwal, Director  
Asian/American Center, Queens College
10. Csarena Dutchev, Student  
(of Premilla Nadasen, Associate Professor of History, Queens College, History  
Department)

11. Nancy Marr, Member  
Suffolk County Redistricting Commission  
League of Women Voters, Suffolk County
12. Dr. Dilcia Granvilla
13. Assembly Member Michelle Schimel  
16<sup>th</sup> Assembly District
14. Joan Gibbs, Esq., General Counsel  
Center for Law and Social Justice
15. Mike Reichert
16. Elise Harris, Member  
Counterpublic
17. Regina Calcaterra
18. H. Scottie Coads, Chair  
Civic Engagement, NAACP NYS Conference
19. Lucius Ware, President  
Eastern Long Island NAACP
20. Roderick A. Pearson, Pastor and President  
Islip Town NAACP
21. Ricardo Montano, Legislator  
Suffolk County, 9<sup>th</sup> Legislative District
22. David Stonehill, Esq.
23. Lisa Pinkard



**NEW YORK STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT**

**PUBLIC HEARING**

**CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING**

**10/27/2011 SUNY COLLEGE AT OLD WESTBURY, MAGUIRE THEATRE**

**223 STORE HILL ROAD, OLD WESTBURY NY**

**SPEAKERS LIST:**

1. HONORABLE KEVAN ABRAHAMS, LEGISLATOR, NASSAU COUNTY
2. WAYNE WINK, LEGISLATOR, NASSAU COUNTY
3. DEBORAH N. MISIR, ESQ
4. DAVID STONEHILL, ESQ with PAUL EVANS
5. TODD BREITBART
6. ASSEMBLYMAN EDWARD P. RA, 21<sup>ST</sup> AD
7. ELLIOT AUERBACH, MEMBER OF BOARD, CHAIR OF ELECTION COMMITTEE, NY CIVIL LIBERTIES UNION
8. ASSEMBLYMAN PHILIP RAMOS
9. SUSAN LERNER, EXECUTIVE DIRECTOR, COMMON CAUSE NY
10. ERNST ULYSSE
11. CARMEN JULIA PIÑEYRO
12. HAZEL SCOTTIE COADS, CHAIR, CIVIC ENGAGEMENT, NAACP NYS CONFERENCE
13. DENNIS JONES, RETIRED NYPD DETECTIVE
14. HONORABLE ARCHIE SPIGNER
15. LEROY GADSDEN, PRESIDENT, NAACP – JAMAICA BRANCH
16. RACHAEL KRINSKY, PRESIDENT THE LEAGUE OF WOMEN VOTERS, NASSAU COUNTY

17. ROBERT SMITH, PROFESSOR, SCHOOL OF PUBLIC AFFAIRS, BARUCH COLLEGE-CUNY
18. JAMES J. MCDONALD
19. REVEREND CHARLES NORRIS, PASTOR EMERITUS, BETHESDA BAPTIST CHURCH, RELIGIOUS LEADER, SOUTHEAST QUEENS, CLERGY UNITED FOR COMMUNITY EMPOWERMENT (CUCE)
20. BARBARA SCOTT

**TASK FORCE MEMBERS PRESENT:**

**Michael F. Nozzolio - Senator  
Co-Chair  
New York State Legislative Task Force on Demographic Research and Reapportionment**

**John J. McEneny - Member of Assembly  
Co-Chair  
New York State Legislative Task Force on Demographic Research and Reapportionment**

**Robert Oaks - Member of Assembly  
New York State Legislative Task Force on Demographic Research and Reapportionment**

**Martin M. Dilan - Senator  
New York State Legislative Task Force on Demographic Research and Reapportionment**

**Debra Levine –  
Co-Executive Director  
New York State Legislative Task Force on Demographic Research and Reapportionment**

**Roman Hedges –  
New York State Legislative Task Force on Demographic Research and Reapportionment**

**Welquis Lopez –  
New York State Legislative Task Force on Demographic Research and Reapportionment**



**NEW YORK STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC  
RESEARCH AND REAPPORTIONMENT**

**PUBLIC HEARING  
Congressional and State Legislative Redistricting**

**NOVEMBER 2, 2011  
PLATTSBURGH, NY**

**WITNESS LIST**

1. Ingeborg Sapp, League of Women Voters—Plattsburgh  
Barbara Bartoletti, League of Women Voters—New York State
2. Assembly Member Ken Blankenbush, 122<sup>nd</sup> Assembly District
3. Raymond Scollin
4. Paul Maroun, Franklin County Legislator
5. Howard Maneely, Malone Town Supervisor
6. Dom Lee, Clinton County Republican Chair  
Martin Mannix, Clinton County Democrat Chair
7. Ron Jackson, Essex County Republican Chair
8. Jim Gallagher
9. Assembly Member Janet Duprey, 114<sup>th</sup> Assembly District

**TASK FORCE MEMBERS PRESENT**

Senator Michael F. Nozzolio, Co-Chair  
Assembly Member John J. McEneny, Co-Chair  
Senator Martin M. Dilan  
Assembly Member Robert Oaks  
Welquis Lopez  
Roman Hedges  
Debra Levine

NEW YORK STATE  
NEW YORK STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC  
RESEARCH AND REAPPORTIONMENT

PUBLIC HEARING  
CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING

SUNY College at Old Westbury  
Maguire Theater  
223 Store Hill Road  
Old Westbury, NY  
Thursday, October 27, 2011  
10:00 a.m.

DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT, 10-27-2011

TASK FORCE MEMBERS PRESENT:

SENATOR MICHAEL F. NOZZOLIO, Co-Chair, NYS Legislative  
Task Force on Demographic Research and Reapportionment

ASSEMBLY MEMBER JOHN J. MCENENY, Co-Chair, NYS Legislative  
Task Force on Demographic Research and Reapportionment

SENATOR MARTIN M. DILAN

ASSEMBLY MEMBER ROBERT OAKS

DEBRA LEVINE

ROMAN HEDGES

WELQUIS LOPEZ

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1 DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT, 10-27-2011

2 (The public hearing commenced at 10:03  
3 a.m.)

4 (Crosstalk)

5 ASSEMBLY MEMBER JOHN J. MCENENY, CO-  
6 CHAIR, NYS LEGISLATIVE TASK FORCE ON DEMOGRAPHIC  
7 RESEARCH AND REAPPORTIONMENT: Good morning and  
8 thank you very much for coming to this. The 13<sup>th</sup>  
9 public hearing of LATFOR which is the New York  
10 State Legislative body which has the  
11 responsibility to draw lines which at this point  
12 will be the preliminary lines which we hope to  
13 have drawn after the last and 14<sup>th</sup> meeting which  
14 is happening next week in Plattsburg. These  
15 meetings have been held across the state. We  
16 started as soon as we could once the session was  
17 over. And my name is John McEneny better known  
18 as Jack McEneny. I'm the co-chair representing  
19 the assembly. I am joined with my co-chair,  
20 Senator Mike Nozzolio. We have members of the  
21 minority in each house. To my right, Bob Oaks,  
22 member of the assembly. To my left, Senator  
23 Martin Dilan, Senator. We have two citizen  
24 members who are with us as well. Welquis Lopez

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2 representing the Senate side and Roman Hedges in  
3 regards to the assembly. We're also joined up  
4 here on the Panel with Debra Levine who is one of  
5 the executive co-chairs that do the day to day  
6 work of LATFOR which goes on literally even  
7 beyond this period. We are joined so far by a  
8 number of elected officials. I'm going to ask  
9 some of them to come up early because I know they  
10 have some conflicts in scheduling. Phil Ra--  
11 Ramos and Ed Ra and Mike Montizano [phonetic],  
12 all members of the New York State Assembly, Devon  
13 Abrahams, and Wayne Wink representing the County  
14 legislature and Nassau and Carmen Piñeyro, who's  
15 a village of--Village of Freeport person who is  
16 on the counsel there.

17 And I advise you all that the only  
18 people that we can only recognize up here sit at  
19 that table because the rest of you are back  
20 lighted. So if you do see another elected  
21 official that should be properly recognized, that  
22 would be helpful.

23 Before we start, I'd like to offer my  
24 co-chair an opportunity to speak, Mike Nozzolio,

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2 and that'll be followed by any other members of  
3 the Panel who wish to have some opening remarks.

4 SENATOR MICHAEL F. NOZZOLIO, CO-CHAIR,  
5 NYS LEGISLATIVE TASK FORCE ON DEMOGRAPHIC  
6 RESEARCH AND REAPPORTIONMENT: Thank you,  
7 Assembly Member McEneny. Good morning ladies and  
8 gentlemen. My name is Mike Nozzolio. I'm  
9 honored to be the Senate's Majorities  
10 representative on this task force. This is our  
11 now 13<sup>th</sup> Hearing that we have conducted across New  
12 York State that Nassau was specifically requested  
13 to have a hearing here by assem--Senator Dilan.  
14 I thank Senator Dilan for his suggestion and that  
15 we look forward to hearing the input from our  
16 Nassau citizenry. We've asked--I've asked for  
17 this theatre type approach to be changed, bring  
18 up the house lights, and let us all engage in  
19 less than hopefully not theatrical situation.  
20 This is a hearing. We want to hear from  
21 everyone. There is a video record being taken of  
22 this proceeding. The record will be placed on  
23 the LATFOR website for all to view. We encourage  
24 those who cannot be at a public hearing to attend

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2 either through written or other com--the LATFOR  
3 website. We are making a lengthy official record  
4 of the interests of our citizens across New York  
5 State and that we ask and welcome--we ask for and  
6 welcome the participation of everyone in this  
7 process. Without further ado, I thank you  
8 assemblymen, it's good to see you again, and I  
9 look forward to having the input from the  
10 citizen's of Nassau County. Senator Dilan?

11 SENATOR MARTIN DILAN, NYS LEGISLATIVE  
12 TASK FORCE ON DEMOGRAPHIC RESEARCH AND  
13 REAPPORTIONMENT: Good morning. I'm State  
14 Senator Martin Malave Dilan, 17<sup>th</sup> Senatorial  
15 District and I am representing the Democratic  
16 Minority Conference at these hearings.

17 First of all, I'd like to thank both co-  
18 chairs for honoring my requests that my  
19 colleagues for holding a hearing here in Nassau.  
20 I just sincerely hope that the maze of Westbury  
21 is accessible to all those that wish to testify.  
22 And nonetheless I am happy to be here and to  
23 listen to the residents of this county as to what  
24 they would like to see within their future in the

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2 State Senate assembly and congressional lines.  
3 So I look forward to hearing from you. Thank  
4 you.

5 ASSEMBLY MEMBER MCENENY: Assemblyman  
6 Oaks?

7 ASSEMBLY MEMBER ROBERT OAKS, NYS  
8 LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH  
9 AND REAPPORTIONMENT: I'd just like to quickly  
10 add my welcome to everyone and a appreciation for  
11 you taking time out of your schedule to be here  
12 and look forward to hearing your comments today  
13 as it impacts redistricting and for next year.  
14 Thank you.

15 ASSEMBLY MEMBER MCENENY: Thank you.  
16 Many people are submitting written testimony. In  
17 some cases, the testimony is very thick. We  
18 would ask you, we don't like to cut anyone off.  
19 You certainly have a minimum of five minutes. If  
20 you're about to wrap it up, we can go a little  
21 bit longer. But when you do have large testimony  
22 being submitted, we would appreciate it if you  
23 would summarize that testimony. Everything that  
24 you say is being recorded. And will be turned

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2 into a transcript. Everything you submit is part  
3 of the official record. And I'd like to start  
4 with County Legislature Kevan Abrams, Abrahams.  
5 Good morning.

6 HONORABLE KEVAN ABRAHAMS, LEGISLATOR,  
7 NASSAU COUNTY: Good morning. Thank you for  
8 accommodating my schedule. I'll be brief as I  
9 read into my statement into the record. But I  
10 want to thank first LATFOR for hosting two forums  
11 on the Long Island area so the public can voice  
12 their concerns regarding the upcoming  
13 redistricting process.

14 I have served with the Nassau County  
15 Legislature for nine years. As most of you know,  
16 this year we endured our own ill advised  
17 redistricting process in which the New York State  
18 Court of Appeals had to intervene to rule against  
19 a proposal that would implement redistricting for  
20 two years prior than past practice as per our  
21 county charter. Though this proposal was struck  
22 down, due to the lack of insight and public  
23 meetings, it disenfranchised many areas and split  
24 communities of common interests. In light of the

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2 judicial intervention, preventing the majority in  
3 the legislature from going forward, this will now  
4 become a fight in two years to ensure and  
5 preserve communities of common interest. Moving  
6 forward to this process, the state and  
7 congressional district redistricting, I would  
8 like to encourage this body to integrate some of  
9 the general themes to ensure the process is fair  
10 to taxpayers in this state.

11 First, make the redistricting process an  
12 open process. This will improve the  
13 imperceptions that residents have of government.  
14 There should be no secret deals. Thank you.  
15 There should be no secret deals behind closed  
16 doors. Two, create districts which are not  
17 gerrymandered and allow communities of common  
18 interest to vote as a block. And three, schedule  
19 as many redistricting meetings possibly in the  
20 evenings to allow working individuals an  
21 opportunity to participate.

22 On a point of history, the Latino and  
23 the African American communities and Nassau and  
24 Suffolk have been split dating back to the 1970s.

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2 Being the representative of the first district in  
3 Nassau County, there are currently three senators  
4 that cover my area. Hempstead, I'm sorry. At  
5 the same time, District Six and Eight have  
6 continued to be divide the communities of color.  
7 Hempstead, Uniondale, Roosevelt, Freeport, and  
8 Lakeview have been divided into two districts. I  
9 encourage this body to address this disservice.

10 These communities have much in common  
11 such as social and economic status. I cannot see  
12 a reason why we would continue to divide these  
13 communities especially since African American and  
14 Latino pop--populations have increased and  
15 they're increasing in population in these  
16 portions of the county. We can very well warrant  
17 our very own district above the communities--as I  
18 mentioned in the above communities if they join  
19 together. Many of my legislative district feel  
20 this is an unfair process and undermines  
21 democracy. Though this is a disservice to the  
22 public, I am not asking for more districts. The  
23 Senate should remain at 62. It is my  
24 understanding that the State constitution form a

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2 mandates a 62 state senate, senate, senatorial  
3 district based on the 2010 census. In my  
4 opinion, what happened in 2002 when the Senate  
5 Majority chose to increase the number of Senate  
6 districts from 61 to 62, did the public a  
7 disservice. This action was seen as a device to  
8 prevent reapportionment of a district which  
9 warranted its lines to change so it would--may  
10 reflect the true population shift of New York  
11 State.

12 On Long Island, it is important we do  
13 not make the same mis-steps. We should give  
14 every effort to the reapportionment that the  
15 current lines of Long Island to reflect district  
16 lines that focus on the guiding principles of re-  
17 districting, such as vote--the Voter Rights Act  
18 and the state constitution. The rationale to  
19 divide these communities of common interests  
20 feeds into my constituents mindset that this  
21 process is unfair and not balanced.

22 I believe this is more of a question of  
23 how the lines are drawn with the current  
24 allotment of 62 seats more than the new lines

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2 coming up with 63. We shouldn't ignore how our  
3 communities are changing. Therefore should join  
4 communities such as Hempstead, Lake View, and  
5 Uniondale, Freeport, and Roosevelt within the  
6 same senatorial district.

7 In conclusion, when you draw these  
8 district lines, put people before politics,  
9 please keep in mind the public is watching and  
10 accepting a fair and balanced process. LATFOR  
11 should use the following basic criteria to govern  
12 the redistricting process. Population equality,  
13 a 2% overall deviation from legislative  
14 districts, strict population equality for  
15 congressional districts, opportunities for  
16 minority communities, voting right compliance,  
17 common--communities of common interest and  
18 inherent to the state constitution as it  
19 mandates. Thank you for giving me an opportunity  
20 to speak.

21 ASSEMBLY MEMBER MCENENY: Thank you very  
22 much.

23 MR. ABRAHAMS: Thank you.

24 ASSEMBLY MEMBER MCENENY: County

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2 Legislature Wayne Wink.

3 MR. WAYNE WINK, LEGISLATOR, NASSAU

4 COUNTY: Good morning lady and gentlemen.

5 ASSEMBLY MEMBER MCENENY: Good morning.

6 MR. WINK: I have not prepared text.

7 But I have jotted down a few notes which I'd like  
8 to read at this time.

9 I was planning on coming here today to  
10 discuss as a cautionary tale the fiasco of the  
11 Nassau County Legislature redistricting which  
12 Kevan Abrahams referred to just previously. And  
13 which was done without public input by a relative  
14 handful of political insiders and it was  
15 redistricting that would have shifted roughly  
16 43%, over 570,000 people, in Nassau County from  
17 their existing districts into new districts  
18 throughout the county. The attempted larceny  
19 that was made of nearly 60% of my district was  
20 fortunately thwarted by the courts.

21 I had also expected to come here today  
22 to discuss the inflammatory memo that was drafted  
23 back in the last redistricting process on behalf  
24 of the Senate Republicans and addressed the fact

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2 that there was the use of the term undesirables  
3 strewn throughout that memo which I found both  
4 politically and racially insensitive. Though it  
5 does provide a unique, this memo does provide a  
6 unique but unintended over--insight into the  
7 opaque insular nature of these procedures. I had  
8 also hoped to address the historical division  
9 gerrymandering of Long Island's minority  
10 populations which have taken place each census  
11 historically, as I had planned to talk about  
12 these and several other issues. Instead, I find  
13 myself today in light of the New York Times  
14 editorial as well as the stories that have been  
15 previously run with respect to this process,  
16 calling upon you to end the charade as the Times  
17 refers to it and go to an independent commission,  
18 a commission which was actually endorsed by many  
19 of the incumbent legislators on both sides in  
20 both houses. I ask that you end this charade--

21 SENATOR NOZZOLIO: [Interposing] I want  
22 you to interrupt you right there.

23 MR. WINK: By all means.

24 SENATOR NOZZOLIO: That you have the

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2 right to use whatever word you want to use.

3 MR. WINK: Well I'm quoting the New  
4 York Times.

5 SENATOR NOZZOLIO: Well I didn't hear  
6 you say you were quoting the New York Times.

7 MR. WINK: Well I can submit if you'd  
8 like a copy of the editorial.

9 SENATOR NOZZOLIO: I'd be glad to have  
10 that submitted for the record. This is our 13<sup>th</sup>  
11 Hearing. We've spent countless hours. Hundreds  
12 and hundreds of hours taking testimony from  
13 citizens like yourself. Now you may agree or  
14 disagree with the fact that LATFOR has a  
15 responsibility under current law to do its job.  
16 And each member of the Board here of the  
17 Commission here, each member, which are four  
18 legislators and two citizen members, are spending  
19 their time to listen to citizens to provide their  
20 input. If you disagree with the fact that the  
21 laws require LATFOR to do this, I certainly  
22 respect that. Many citizens have voiced their  
23 opinion on that very issue. But to say what--to  
24 say the individual members of this commission are

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2 engaging in a charade, is untrue, it's un-  
3 factual. We have a fiduciary responsibility  
4 under the current laws of New York to establish  
5 the process. Your argument is not with LATFOR.  
6 It's with the entire state legislature. And that  
7 I would respectfully ask you--

8 MR. WINK: [Interposing] And four are  
9 represented here today.

10 SENATOR NOZZOLIO: Well we are not--we  
11 are representing under the laws that currently  
12 exist of the state legislature. We are  
13 representing those laws. We were appointed to  
14 this Commission. Have a fiduciary obligation to  
15 adhere to the laws of the State of New York as  
16 they are existing today. If you want to change  
17 those laws, fine. Change those laws. Introduce  
18 resolutions and I'm sure you've authored many  
19 resolutions as a county legislator to establish  
20 an independent redistricting process for the  
21 State of New York. Have you not?

22 MR. WINK: For the State of New York?  
23 No I have not.

24 SENATOR NOZZOLIO: Well then if you

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2 haven't then, then, then--

3 MR. WINK: [Interposing] Because,  
4 because Senator, if I, if I may, let me explain  
5 my answer. I have not issued such resolutions on  
6 behalf of Nassau County legislature for two very  
7 simple reasons. One, being as a member of the  
8 minority in the County legislature, I know for a  
9 fact that the presiding officer would never let  
10 that go anywhere. Two, we are blocked by the  
11 Nassau County charter from issuing what are known  
12 as sense of the legislature resolutions. Since  
13 we do not have direct control over, over the New  
14 York State legislature and over the redistricting  
15 process that, that takes place in New York State  
16 that would be a sense of the legislature  
17 resolution, we are not empowered to do that.  
18 Were we able to? I would. And were we in the  
19 majority, I would put it on a calendar. I do not  
20 have that power in either respect.

21 SENATOR NOZZOLIO: Well I respect that.  
22 And frankly we do not have the power and maybe  
23 you could understand this since you're--you  
24 indicated the structural problems that you would

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2 have to engage in such a resolution. The four  
3 members of the legislature that are on this  
4 panel, the two citizen members who are on this  
5 panel, do not have the authority in and of  
6 ourselves to change the laws of the State of New  
7 York as they exist today. So--

8 MR. WINK: [Interposing] Well Senator--

9 SENATOR NOZZOLIO: So, so my comment to  
10 you is certainly voice whatever opinion you have  
11 but don't claim the members of this Panel in any  
12 way, shape, or form are engaging in as you term  
13 them under the cover of an editorial that you're  
14 using to call what we're doing here a charade.

15 MR. WINK: Well Senator, with all due  
16 respect, you may claim not to have the power to  
17 alter the LATFOR process and yet I know many,  
18 many members of the State legislature, in  
19 particular the Senate majority leader and my com-  
20 -my current state senator, all signed onto the  
21 proposal for independent redistricting--

22 SENATOR NOZZOLIO: [Interposing] And the  
23 State Senate enacted a proposal to change the  
24 state constitution to require a independent from

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2 the legislature process to engage in  
3 redistricting.

4 MR. WINK: Ten years from now?

5 SENATOR NOZZOLIO: No. Well we had  
6 changed the constitution. The constitution was a  
7 constitutional amendment was put forward and at  
8 that a constitutional amendment if enacted will  
9 change the process.

10 MR. WINK: Ten years from now?

11 SENATOR NOZZOLIO: As--well it could be  
12 earlier than that.

13 MR. WINK: So you plan on doing this  
14 again in the future? Is that, is that what we're  
15 talking about here?

16 ASSEMBLY MEMBER MCENENY: It's been so  
17 much fun. It's a great time.

18 MR. WINK: Well assemblymen, I welcome  
19 you here to Nassau County. Any time you wish  
20 and, and I can certainly find you good  
21 accommodations but to come here for the LATFOR  
22 process, I think is to, to come here with all due  
23 respect, Senator, on a fool's errand. And in  
24 fact, I call upon the governor to create the

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2 independent commission that can provide the lines  
3 that are believed to be the most transparent, the  
4 most accurate, and the most representative of the  
5 entire state and what the state strives to be and  
6 what the state should be, in an immediate  
7 fashion.

8 Now I know Senator, you know, there were  
9 those who were going to say that there was a  
10 significant separation of powers issue and that  
11 the governor shouldn't be responsible for  
12 figuring out how the legislative lines should be  
13 crafted. And yet we sit here today fully aware  
14 in the knowledge and seemingly okay with the fact  
15 that eventually this is going to go to the Courts  
16 and a special master appointed by a separate  
17 level of government, by a separate branch of  
18 government will in all likelihood draw all the  
19 lines that we're discussing here today. And if  
20 we're okay with that, then why aren't we okay  
21 with the governor appointing a commission and  
22 doing this on an independent basis. And that's  
23 my question to all of you here today.

24 SENATOR NOZZOLIO: If I may, there is a

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2 bill, it's a Shelly Silver Mill bill requested  
3 introduced at the request of the governor. A lot  
4 of people are on it. I'm on it as a co-sponsor  
5 of it. The governor was not able to convince the  
6 senate that that bill without amendment, would  
7 not wind up with a balance of power in the ends  
8 of the democratic party versus the republican  
9 party. Now I'm sorry that the governor was  
10 unable to sit down and come to some kind of  
11 compromise over in the Senate. And I respect  
12 Senator Scallos for holding whatever opinion he  
13 feels is the responsible opinion representing his  
14 House. But if the governor had been successful  
15 to do that and we waited until the end of session  
16 and let's say a so-called independent commission  
17 was set up. By the way, most of these  
18 independent commissions are correctly bipartisan.  
19 They're not independent, looking for somebody  
20 with, uh, no strong bands.

21 MR. WINK: I understand.

22 SENATOR NOZZOLIO: Yeah.

23 MR. WINK: I mean, there's only so many

24 - - -

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2 SENATOR NOZZOLIO: [Interposing] I, I  
3 think what they mean--

4 MR. WINK: --administrators that are  
5 willing to step up.

6 SENATOR NOZZOLIO: Yeah, I think what  
7 they mean is non-legislative.

8 MR. WINK: Right.

9 SENATOR NOZZOLIO: People from outside  
10 the legislature.

11 MR. WINK: I suspect you're right.

12 SENATOR NOZZOLIO: Although in the  
13 Governor's, there's still appointments from  
14 legislative leaders. The governor's bill does  
15 need some amendment. The 1% variance makes a lot  
16 of sense until you read the New York State  
17 constitution. And then you get into town on  
18 border, lock on border, the Voting Rights Act of  
19 1965, and you get into areas where the percent  
20 has to be changed to protect the rights of  
21 minorities to ensure their participation and  
22 proper representation. And not everything that's  
23 ugly in the, in the lines now is a result of  
24 gerrymandering. Very often our people have moved

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2 around. And the population has shifted  
3 enormously. Particularly with minorities who are  
4 now very significant percentage of different  
5 districts. But let's say that the governor was  
6 able to have that kind of leadership or  
7 diplomatic skill that we did have an independent  
8 commission. You'd be sitting right where you are  
9 now and you'd have six different people up here  
10 because the procedure is pretty basic to good  
11 government. We have originally 12, thanks to the  
12 urging of Senator Dilan and Bob Oaks, who felt we  
13 needed a higher profile in Nassau County  
14 respectively and up in Plattsburg for the North  
15 Country, its 14 public hearings. These hearings  
16 are more or less conceptual. What's wrong with  
17 the present lines, where would you like to see  
18 them changed? We invite written testimony. We  
19 also love to see a follow-up with maps. Maps  
20 would be very, very helpful. It's easy to talk  
21 about it in the abstract. I love these people  
22 who say they're going to do it in an afternoon  
23 because of the software. These are people that  
24 have never done it.

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2 MR. WINK: Well I hate to you, I hate  
3 to tell you Mr. Chairman--

4 ASSEMBLY MEMBER MCENENY: [Interposing]  
5 But you'd be--

6 MR. WINK: [Interposing] That's exactly  
7 what happened in the county legislature this  
8 year.

9 ASSEMBLY MEMBER MCENENY: Yeah.

10 MR. WINK: It was pretty much done in  
11 an afternoon.

12 ASSEMBLY MEMBER MCENENY: Oh yeah well  
13 we have one where they did all the election  
14 districts by software. Absolute disaster.

15 MR. WINK: Right.

16 ASSEMBLY MEMBER MCENENY: By the way,  
17 when you go to the Courts, are you aware of what  
18 happened with the Erie County legislature? A  
19 bipartisan committee was set up. No, no  
20 legislatures on it.

21 MR. WINK: Mm-hm.

22 ASSEMBLY MEMBER MCENENY: They came up  
23 with a plan. It went to the late legislature.  
24 They made a couple of changes and passed it. The

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2 county executive vetoed it. There wasn't enough  
3 votes for an override. And some citizen or  
4 citizens group somewhere quite properly sued  
5 because they're going into an election, an  
6 election with a malapportioned legislature. It  
7 went to the Court's. They cancelled the primary.  
8 So if you're a real good buddy with the political  
9 people in the--that alleged backroom, that's when  
10 you get to run this year in Erie County for the  
11 County legislature.

12 MR. WINK: Mm-hm.

13 ASSEMBLY MEMBER MCENENY: I listen to  
14 people again and again say we'd like to see  
15 competitive districts. Well all these districts  
16 will be competitive. If it's heavily one party  
17 or another, that's what we have primaries for.  
18 And to see a primary cancelled by the Court's,  
19 that's, that's a real scary thing. That's one of  
20 the major reforms in our government. It's almost  
21 a century old.

22 MR. WINK: And Mr. Chairman, I, I  
23 concur with that.

24 ASSEMBLY MEMBER MCENENY: Yeah.

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2 MR. WINK: Because I do understand that  
3 when it's left to the will of the political  
4 parties, it is not necessarily the will of the  
5 voters that is, that is first and foremost  
6 served. And that's all the more reason quite  
7 frankly why we should not be entertaining a  
8 tainted process. And I'm not saying that any of,  
9 of you ladies and gentlemen who are up here today  
10 are tainted in and of yourselves. But you are  
11 participating in a tainted process which  
12 inevitably will lead to litigation, that will  
13 inevitably lead to some of the absurd outcomes  
14 that, that Erie County raised and that we all are  
15 fearful of.

16 ASSEMBLY MEMBER MCENENY: That's if it  
17 goes to the courts. We, we do stress and we have  
18 been told by good government groups which by the  
19 way is a self-designated title, same as reformer  
20 is, that these have been helpful hearings. We  
21 have them on record. Because I've asked them,  
22 was this worthwhile to listen to what your fellow  
23 citizens had as an opinion? These were very  
24 useful hearings. And to see the New York Times

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2 call it a sham, the same hearings would have been  
3 held probably in the same locations. And as far  
4 as having them at night instead of by day, we  
5 have legislatures from all over who has have--who  
6 have had town meetings. We have groups that have  
7 been in contact with their people. When they--we  
8 come in, we assume that they know their people  
9 well, that they've had evening and weekend  
10 meetings as well. We don't have to restart the  
11 whole process when we're trying to govern  
12 19,000,000 people plus. But just to call it a  
13 sham, believe me, the League of Women Voters if  
14 they were doing it, and I have the greatest  
15 respect for the league, they'd be doing the exact  
16 same thing that we're doing right now.

17 MR. WINK: And Mr. Chairman, I, I  
18 appreciate your comments and, and as I say, I'm  
19 not trying to cast dispersions on any of the  
20 members of this, of this commission, but one of  
21 the things I've learned in my ten years of  
22 elected office and in my lifetime as, as an aid  
23 to elected officials before that, is that  
24 invariably bad process trumps good policy every

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2 single time. And you are involved in a tainted  
3 process here. A number of members of the state  
4 legislature signed on to a procedure to  
5 independent commissions, signed onto literally a  
6 movement quite frankly, which required that  
7 LATFOR not exist inherently. And unfortunately,  
8 due to certain legal interpretations which I  
9 think were, were political in nature, you, you  
10 are still involved in a process that is tainted.  
11 So as much as I appreciate your, your concerns,  
12 as much as I know that each and every member of  
13 this commission have been involved legitimately  
14 and diligently in hearing public input, the fact  
15 of the matter is once again, bad process trumps  
16 good policy.

17 SENATOR NOZZOLIO: The--you believe that  
18 those who give large sums of money should to  
19 political candidates be allowed to serve on an  
20 independent commission?

21 MR. WINK: Are we talking and--

22 SENATOR NOZZOLIO: [Interposing] Before  
23 redistricting?

24 MR. WINK: Are we talking about the

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2 need for public financing and election.

3 SENATOR NOZZOLIO: No, no, no.

4 MR. WINK: You've got my vote on that.

5 SENATOR NOZZOLIO: No, no, no.

6 ASSEMBLY MEMBER MCENENY: Definitely.

7 SENATOR NOZZOLIO: I--and let me--it's  
8 not a debate. It's a question.

9 MR. WINK: Okay.

10 SENATOR NOZZOLIO: Do you believe that  
11 major contributors to the governor, to the state  
12 legislatures, should be allowed to serve on an  
13 independent commission?

14 MR. WINK: I believe that the  
15 appointees of any independent commission, whether  
16 it be redistricting or any other, should be as  
17 transparent and as free of undue influence as  
18 possible. We have a system right now and the  
19 reason why I, I left to the conclusion of public  
20 financing, we have a system right now that is  
21 anything but public financing. And it's a  
22 system--

23 SENATOR NOZZOLIO: [Interposing] Is that  
24 a yes or a no?

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2 MR. WINK: Sir, I'm, I'm trying to give  
3 you--

4 SENATOR NOZZOLIO: [Interposing] I, I  
5 don't understand, I mean, I, I asked a simple  
6 question.

7 MR. WINK: The law as it states today--

8 SENATOR NOZZOLIO: [Interposing] How  
9 about a simple answer? A direct answer.

10 MR. WINK: The law, the law as it  
11 exists today does not make it illegal to  
12 contribute small or large sums of money to  
13 individual can--

14 SENATOR NOZZOLIO: [Interposing] I  
15 didn't ask you that question. I asked you  
16 whether--

17 MR. WINK: [Interposing] And therefore  
18 there is no taint that comes with that under the  
19 existing law.

20 SENATOR NOZZOLIO: So you--

21 MR. WINK: [Interposing] If you want to  
22 discuss changing the law, I am absolutely in  
23 favor of that.

24 SENATOR NOZZOLIO: So in your mind then,

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2 and I guess the answer is yes?

3 MR. WINK: In my mind--

4 SENATOR NOZZOLIO: [Interposing] That  
5 it, it's--

6 MR. WINK: --that until, until the day  
7 comes that we correct that--

8 SENATOR NOZZOLIO: --okay to--

9 MR. WINK: --that injustice system.

10 SENATOR NOZZOLIO: Then the answer is  
11 yes.

12 MR. WINK: The answer is yes.

13 SENATOR NOZZOLIO: Okay. Then if the  
14 answer is yes, how could you suggest that an  
15 individual would in fact be independent? That is  
16 the essence of the independent commission that  
17 you, a spouse, you're saying is a campaign  
18 contributions are okay. How about being a  
19 director of a political action committee? Would  
20 that, that's certainly legal enterprise but  
21 should it be part, should someone who is that be  
22 allowed to serve as a member of the so called  
23 independent commission?

24 MR. WINK: I imagine that to the extent

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2 that they're not identified with one or another  
3 individual candidate or individual party, that  
4 that would be appropriate as well. But Senator,  
5 let, let's get to the crux of this. Unlike  
6 partisan elections, okay, which are very  
7 straightforward and we know who we're voting for  
8 and we know who's supporting to a great extent  
9 due to our online contributions, my contributions  
10 are as public as yours or anyone else's in the  
11 state government, to the extent that we are  
12 running with known quantities. With known, with  
13 known supporters and, and known contributors,  
14 then that is, that is where we find ourselves in.  
15 The difference here, however, is that many, many  
16 and I'm not asking of any of the four of you in  
17 particular, signed onto the New York Uprising  
18 petition, but certainly we know the number of  
19 state legislatures signed onto that petition and  
20 then proceeded to go against what that petition  
21 called for by pro--by perpetuating and continuing  
22 the LATFOR system. And that I think is the  
23 hypocrisy in the system.

24 SENATOR NOZZOLIO: The independent

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2 commissions of other states have had numerous  
3 missteps and hiccups because the selection  
4 process in effect replaced or was, was  
5 mislabeled. There was no, no genuineness behind  
6 a label of--you can stick a label of independent  
7 on somebody but if the process in New York for  
8 instance, has six democrats and two republicans  
9 chosen to select the membership of this  
10 committee, how is that independent?

11 MR. WINK: Well, Senator, first of all,  
12 I, I, I have read many of the same accounts you  
13 have, of the hiccups as you call them in other  
14 states. First and foremost, I would say that we  
15 are the empire state and we should and can do  
16 better than other states experiences have been.  
17 Secondly, I don't discount for a moment the  
18 possibility of hiccups and mistakes happening in  
19 our system, and yet I don't know think that  
20 perfection should be the enemy of the good. And  
21 I think taking that step is, is proper and right  
22 irrespective of whether or not it becomes the  
23 perfect solution.

24 SENATOR NOZZOLIO: That's very well

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2 stated. But I guess my question was more in line  
3 with elementary school mathematics. How does six  
4 democrats and two republicans create a commission  
5 that's not tilted to one political party? And  
6 then therefore, not independent?

7 MR. WINK: Well I think, I think--

8 SENATOR NOZZOLIO: [Interposing] Because  
9 that's the formula--

10 MR. WINK: [Interposing] Part of the  
11 disposition though--

12 SENATOR NOZZOLIO: That just, just let  
13 me add why I'm asking the question.

14 MR. WINK: Mm-hm.

15 SENATOR NOZZOLIO: For the record, I'm  
16 asking the question because the governor's bill  
17 which you indicated you're fully in support of,  
18 the governor's legislation created a process that  
19 has that dramatic imbalance between a republican  
20 and democrats. Six democrats selected, two  
21 republicans selected. How is that a fair system?

22 MR. WINK: Well first of all, I, I  
23 never endorsed the governor's bill. And in point  
24 in fact, as, as the co-chairman, Mr. McEneny has

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2 indicated, there, there are tweaks necessary and  
3 I think proper to that bill. Secondly, I, I  
4 don't necessarily support the supposition that a  
5 democratic governor inherently is required to  
6 appoint democratic appointees. Anymore than a  
7 republican senate majority leader is required to  
8 appoint republicans. I do believe that the  
9 process for appointing these people should be as  
10 transparent as the ultimate outcome of these  
11 district lines. So to the extent that, that,  
12 that answers your question, you know, and I thank  
13 you for the compliment by the way.

14 SENATOR NOZZOLIO: Any other comments  
15 you wish to make Mr. Wink?

16 MR. WINK: I, I, I think, I think I  
17 have expired my time.

18 SENATOR NOZZOLIO: Any other questions--

19 MR. WINK: [Interposing] Thank you very  
20 much.

21 SENATOR NOZZOLIO: Another questions of  
22 the panel? Thank you very much.

23 MR. WINK: Thank you.

24 ASSEMBLY MEMBER MCENENY: I should point

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2 out, I had your position. It was my first  
3 elected office. I was elected as a write in  
4 candidate, not even in the machine, no party.

5 MR. WINK: Well I, I commend you on  
6 that and I commend you on, on showing once again  
7 there is life after the county legislature.

8 ASSEMBLY MEMBER MCENENY: Yeah, it's,  
9 it--

10 MR. WINK: [Interposing] Thank you.

11 ASSEMBLY MEMBER MCENENY: By the way,  
12 that was 20 years ago and I'm still not forgiven  
13 in some circles.

14 ASSEMBLY MEMBER OAKS: Mr., Mr.--

15 ASSEMBLY MEMBER MCENENY: [Interposing]  
16 Yup?

17 ASSEMBLY MEMBER OAKS: Mr. Chairman, if  
18 I might just make a, a quick comment on that.  
19 Obviously the, the issue of legislation that  
20 would create some independence or a bipartisan  
21 non-legislative entity to do this function, I  
22 think various people have expressed here  
23 concerns. I have concerns with the governor's  
24 bill. There's, there's a number of alternatives.

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2           Actually I'm a co-sponsor or a main sponsor of a  
3 piece of legislation that would do many of the  
4 procedures of the governor's bill. But I, I  
5 think your comment of saying fairness republicans  
6 or democrats, the reality is if that bill became  
7 law, ten years from now, if the governor were  
8 republican, it would skew it the same way. It's  
9 the insertion of the executive into the process  
10 and giving the executive from whichever party  
11 more of an involvement, I think that's the  
12 concern and so looking forward, I think whatever  
13 may come down and certainly I know a number of  
14 the members on this panel support an alternative  
15 process, but we're here as a part of this one  
16 today, is that it should be something that  
17 doesn't favor of one political party or the other  
18 as it goes forward.

19           ASSEMBLY MEMBER MCENENY: Thank you.

20           Deborah Misir. And if I mispronounced your name,  
21 would you please--good morning.

22           MS. DEBORAH N. MISIR: Good morning,  
23 Honorable members of the Committee. My name is  
24 Deborah Misir, I'm an Attorney residing and

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2 practicing law here in Nassau County. I  
3 previously served as an attorney in the White  
4 House Counsel's office and the US Department of  
5 Justice.

6 ASSEMBLY MEMBER MCENENY: Would you move  
7 in a little bit towards the mic or move toward--

8 MS. MISIR: [Interposing] Yup. Okay.  
9 I'm here as President of the Indian American Bar  
10 Association of Long Island and Queens. I also  
11 serve on the Board of Advisors of the Irish  
12 American Bar Association of New York. My  
13 testimony today reflects solely my legal opinion.  
14 First, I'd like to thank the task force for  
15 holding this public hearing in Long Island and  
16 for your commitment to listening to as many  
17 different voices in this great diverse state of  
18 ours. I'd like to focus on two issues of concern  
19 to the, to the committee. First, whether the  
20 proposed redistricting commission can be created  
21 without an amendment to the New York State  
22 Constitution. My review of the New York State  
23 Constitution in applicable precedent, shows that  
24 the Commission cannot be created without an

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2 amendment to the New York State Constitution.

3 Second issue I'd like to focus on is  
4 whether the size of the New York State Senate  
5 should be expanded to 63 members from the current  
6 62. From a public policy on good government  
7 perspective, I suggest that increasing the size  
8 of the Senate to 63 would prevent dilution of  
9 each New York citizens vote and stop the  
10 legislative deadlock that unfortunately would  
11 have experienced in the last few sessions.

12 One reason I'm here today is I've read  
13 in the media that state legislatures and this  
14 task force have received some criticism for not  
15 supporting the establishment of a so called  
16 independent commission. I don't think this  
17 criticism is fair because as, as I mentioned, I  
18 believe you need to have a New York State  
19 amendment. You need to have an amendment to the  
20 New York State Constitution. Under the New York  
21 State Constitution, the State legislature is  
22 vested and only vested with the power to readjust  
23 and reapportion Senate and assembly districts.  
24 No other branch of government is given that

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2 power. The state legislature as a matter of law  
3 cannot simply forego or delegate its  
4 constitutional responsibility. Moreover, it's  
5 questionable whether a redistricting commission  
6 could be created for a period extending beyond  
7 the existing legislative session. Finally, I  
8 would suggest the state legislature cannot bind  
9 its future actions through the creation of such  
10 an independent commissioner.

11 An amendment, on the other hand, would  
12 be a leg--legitimate method of establishing an  
13 independent commission. It would have the power  
14 to provide for the commission's powers,  
15 authorization, and funding. And they would also  
16 be able to lay out what role the commission would  
17 play in any inevitable litigation over the  
18 proposals the commission came up with. I would  
19 also note, just as a legal matter, that if there  
20 is an amendment to the New York State  
21 Constitution considered, we should look at other  
22 provision, provisions that need to be upgraded in  
23 our, in our voting scheme. As currently written,  
24 certain apportionment provisions do not appear to

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2 pass muster with the equal protection clause of  
3 the US Constitution. And here I'm referring to  
4 that old case in 1964, the Laminzo [phonetic]  
5 case. Now the New York State Constitutional  
6 Convention of 1967 proposed certain amendments to  
7 the New York State Constitution to meet the  
8 concerns of the US Supreme Court in Laminzo, but  
9 the proposals were rejected by the voters. So  
10 the legal issues still remains. So any effort to  
11 amend the constitution and any effort to look at  
12 these eff--these redistricting provisions should  
13 be carefully reviewed in light of that old  
14 Laminzo case.

15 Also, just to echo what has been said  
16 earlier, the current proposal, the current  
17 proposal for an independent commission, does not  
18 fairly represent the spectrum of political  
19 parties across the state. The proposal would  
20 have the commission comprised of eight  
21 appointees, four appointed by the governor, one  
22 by the Senate Majority Leader, one by the Senate  
23 Minority leader, one by the assembly speaker, and  
24 one by the assembly minority leader. So six

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2 members would be elected by democrats as current-  
3 -as we are currently constituted and only two by  
4 republicans. This does not strike me as an  
5 independent commission. If we had a republican  
6 governor, it would be similarly unfair to  
7 democrats because it would be skewed towards  
8 republicans. So I believe this proposal runs  
9 directly contrary to the spirit and text of the,  
10 of the New York State Constitution which vests  
11 the legislative branch, not the executive branch  
12 or the power to reapportion.

13 I do support the legislation passed by  
14 the New York State Senate this past March because  
15 it was a bit more evenly balanced with four  
16 members selected by the legislature, a democrat  
17 and republican from the Senate and a democrat and  
18 republican from the assembly who would then work  
19 together to pick an independent citizen member  
20 similar to the citizen members we have sitting on  
21 LATFOR today. This is exactly the kind of  
22 bipartisan process we need in New York. However,  
23 as you all are more familiar than I am, we are  
24 running against the clock at this point. I

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2 understand that primaries have been moved to June  
3 of 2012. So the state government must complete  
4 red--redistricting in the next six months. We  
5 simply do not have the time to experiment with a  
6 redistricting commission. For that reason, I, I,  
7 I suggest that the task force itself should  
8 conduct redistricting for this election cycle.  
9 It is bipartisan and comprised of experienced  
10 members who have had the opportunity to listen to  
11 the voices of New York State citizens at these  
12 hearings. I believe the ta--the task force can  
13 at this point best represent the interests of New  
14 Yorker's.

15 And with regard to the second issue I'd  
16 like to bring to your attention on the increase  
17 of the New York State Senate, I know it's been  
18 raised at several previous hearings. I'm here to  
19 support the proposal to increase it to 63 for two  
20 reasons. First, the increase of the size of the  
21 Senate would prevent the dilution of each New  
22 Yorker's vote. Second, as a practical matter,  
23 increasing the size of the Senate to 63 would  
24 avoid legislative gridlock. Certain individuals

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2 who have testified before this task force in the  
3 past, have suggested there is no constitutional  
4 basis for creating other than 62 seats in the  
5 current redistricting. And respectfully, I, I'm  
6 here to testify that that position is simply not  
7 true and it's ludicrous. Contrary to the plain  
8 language of the New York State Constitution. The  
9 New York State Constitution initially fixed the  
10 number of senators at 50. And here I'm looking  
11 at a Article 3 Section 2 of the New York State  
12 Constitution. However, the New York State  
13 Constitution goes on in Section 4 to provide that  
14 the state legislature can readjust or alter the  
15 number of senators above 50 to ensure the  
16 integrity of populous counties and that the  
17 residents of those counties are not deprived  
18 representation. And in fact, the New York State  
19 Court of Appeals itself in the Case Dowling in  
20 1916 approved increasing the number of state  
21 senators. Indeed, this was most recently  
22 demonstrated in 2002 when state law section 123  
23 increased the size of the senate from 61 to 62.  
24 So there's no question that increasing the size

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2 of the senate at 63 is lawful and permitted.  
3 When if the task force decides to recommend that  
4 or the senate and or the assembly decide to  
5 proceed along those lines, the--they would want  
6 to be mindful of the requirements of the US  
7 Constitution relating to the one person, one  
8 vote, one vote requirement, and the New York  
9 State Con--Constitution which requires that the  
10 integrity of the various counties be preserved  
11 when redistricting. With respect to the federal  
12 one person, one vote requirement, the US Supreme  
13 Court has held that the State legislative plans  
14 may not deviate from a below 10%--may not deviate  
15 above 10% to be acceptable under the voting  
16 rights act and the US Constitution and that was  
17 affirmed in the Rodriguez case in 2004. With  
18 regard to the New York State Constitution, the  
19 New York Court of Appeals has again said that we  
20 have to respect integrity of the county units.  
21 So any redistricting effort has to look at those  
22 two, those two competing concerns and, and come  
23 up with the fairest plan.

24 The most important reason to me why we

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2 should increase from 62 to 63 is frankly the  
3 voter dilution. New York's population has  
4 increased over the past 10 years from 18,976,811  
5 persons to 19,378,102 persons. So currently,  
6 each of the 62 senators represents approximately  
7 360,077 individuals. So the average number of a  
8 person represented by a senator in a 63 setup,  
9 would be 307,588 people. If we remained at 62  
10 however, they would be representing a larger  
11 number of individuals at 312,550 individuals.  
12 And of course, we'd be better served having an  
13 odd number of senators so we would not have  
14 deadlocked votes in the senate. And stop the  
15 conduct of business in Albany.

16 In conclusion, I'd like to also add as  
17 President of the Indian American Bar Association,  
18 that there are no Indian American's in the US  
19 State Senate, to my knowledge none in the New  
20 York State Assembly, none on the New York State  
21 Bench. We make up a considerable portion of the  
22 New York State population. We're active, proud  
23 Americans. I would urge the committee to  
24 consider redistricting so the Indian American's

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2 have an opportunity to have their voices heard in  
3 the Senate. And I would urge the task force to  
4 do your best to ensure that we have competitive  
5 districts for the state legislature and  
6 congressional seats after redistricting. I think  
7 everyone here would agree that our interests are  
8 better served when competitive elections are run.  
9 Thank you very much for your time and  
10 consideration.

11 ASSEMBLY MEMBER MCENENY: Thank you.

12 Senator Dilan?

13 SENATOR DILAN: Yes. Thank you for your  
14 testimony and I see that you have done a somewhat  
15 thorough job with respect to abiding by the law.

16 MS. MISIR: Yes, sir.

17 SENATOR DILAN: And I believe you have  
18 cited some cases here for us. My question has to  
19 do with the current formula that's in the New  
20 York State Constitution. According to  
21 information that I have and testimony from  
22 previous hearings, many individuals have  
23 testified that if we literally interpreted the  
24 constitution of the State of New York and the

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2 current formula that's in there, you come up with  
3 a number of 62. How do you come up with a  
4 number of 63?

5 MS. MISIR: Well you're absolutely  
6 right, sir. The formula is indeed very complex.  
7 The formula does not specify a specific number.  
8 It goes by the census numbers as they're fed into  
9 the county numbers.

10 SENATOR DILAN: How do you answer my  
11 question as to many have testified that if you  
12 apply the formula the way it's written, you come--  
13 -it equals 62. And if you want to argue from--  
14 for an odd number, you talk about 63.

15 MS. MISIR: Yes, sir.

16 SENATOR DILAN: Why not 61? You also  
17 talk about dilution of the boat. Maybe you want  
18 to explain that a little further because if you  
19 maintain the lowest deviation possible in every  
20 single district within the Senate throughout the  
21 entire state, then you would be abiding by the  
22 one person, one vote principal so how would you  
23 be diluting someone's vote? If you made all  
24 districts equal in terms of population, wherever

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2 that is possible.

3 MS. MISIR: Well I hear what you're  
4 saying Senator Dilan. And I actually share your  
5 perspective. I, I think that--

6 SENATOR DILAN: [Interposing] But my  
7 point is here you're asking us to apply the law  
8 everywhere with the exception of a formula that's  
9 within the constitution of State of New York.  
10 Why the exception?

11 MS. MISIR: No, no that's not true  
12 Senator. That's not true. I'm suggesting that  
13 we strictly adhere to the New York State  
14 Constitution and it does not fix the number of  
15 state senate seats at 62. It is, it is a  
16 flexible in, in their wisdom, the folks who wrote  
17 the New York State Constitution understood that  
18 the population could grow and increase. They  
19 also were very concerned with maintaining the  
20 integrity of representation of counties and not  
21 breaking up counties. So they provided for an  
22 increase of your--of state senators from 50 up to  
23 whatever amount the, the, the, the body found to  
24 be acceptable, they provided for that in the New

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2 York State Constitution itself. Now I'd be happy  
3 to provide you with a, with an analysis of the  
4 formula.

5 SENATOR DILAN: Well I, I believe--

6 MS. MISIR: [Interposing] I'm not, I'm  
7 not prepared--

8 SENATOR DILAN: --I believe--

9 MS. MISIR: I'm not prepared to do that  
10 right now.

11 SENATOR DILAN: I believe, I believe  
12 that you indicated previously that as others have  
13 testified that if you actually followed the  
14 formula, you come up with the number 62. Isn't  
15 that correct just a few minutes ago you stated  
16 that?

17 MS. MISIR: No, I, I apologize if I  
18 wasn't clear. What I said was other have  
19 testified that it has to be 62.

20 SENATOR DILAN: That has to be that the  
21 formula--

22 MS. MISIR: [Interposing] I've, I've  
23 seen test--

24 SENATOR DILAN: --results in 62.

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2 MS. MISIR: I've seen testimony--

3 SENATOR DILAN: [Interposing] Do you  
4 agree with that?

5 MS. MISIR: --where folks have said--

6 SENATOR DILAN: Do you agree with that?

7 MS. MISIR: --that--I'm, I'm sorry, I  
8 didn't catch that question.

9 SENATOR DILAN: Do you agree that if you  
10 applied the formula in the constitution and  
11 strictly applied it that the number would equal  
12 62?

13 MS. MISIR: No absolutely not. And I  
14 think I--

15 SENATOR DILAN: [Interposing] Well then  
16 you'll have to show us--

17 MS. MISIR: [Interposing] I, I'd be  
18 glad--

19 SENATOR DILAN: --how it's different and  
20 you can apply--

21 MS. MISIR: --to submit--

22 SENATOR DILAN: You can submit that  
23 later.

24 MS. MISIR: --an analysis to you guys

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2 later.

3 SENATOR DILAN: Sure. We'd love to see  
4 that.

5 MS. MISIR: But it's, it's absolutely  
6 clear from the plain language of the New York  
7 State Constitution, that the number does not have  
8 to be 62. It merely has to reflect the increase  
9 in population of New York State residents and  
10 comport with the notion that counties cannot be  
11 split up, that counties must remain integrated.

12 SENATOR DILAN: We understand that has  
13 to do also here we have a situation where  
14 although the population of the State of New York  
15 did increase, however, here we are losing two  
16 congressional districts and according to the  
17 information I have, it's strictly applied, the  
18 formula would equal 62. And then we have to  
19 justify, justify to the people of the State of  
20 New York that if we're increasing the size of the  
21 Senate, doesn't make sense.

22 MS. MISIR: Senator Dilan, you're,  
23 you're right. We are losing two congressional  
24 seats. That's unfortunate but that's actually a

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2 totally different matter. That's on the federal  
3 side because we lost population. And so they've  
4 given our two congressional seats to other  
5 states.

6 SENATOR DILAN: I look forward to seeing  
7 your analysis.

8 MS. MISIR: Thank you, sir. Thanks for  
9 the questions.

10 ASSEMBLY MEMBER MCENENY: Senator  
11 Nozzolio?

12 SENATOR NOZZOLIO: Thank you, Mr.  
13 Chairman and, and thank you counselor for your  
14 discussions and--

15 MS. MISIR: [Interposing] Thanks, sir.

16 SENATOR NOZZOLIO: --your input. I  
17 think Senator Dilan's question about the size of  
18 the Congress--

19 SENATOR DILAN: [Interposing] Oh I never  
20 talked about the size of the Congress. I  
21 mentioned that we're losing two Congressional  
22 seats sir.

23 SENATOR NOZZOLIO: Well then Senator  
24 Dilan's comments about losing--

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2 SENATOR DILAN: [Interposing] Congress  
3 equals 435. I wasn't talking about that.

4 SENATOR NOZZOLIO: I guess the apples and  
5 oranges of what I'm talking about it's an apple  
6 and an orange in terms of comparing the two and I  
7 think that--

8 SENATOR DILAN: [Interposing] It's  
9 ironic that you do it every time you talk about  
10 the prisoner law.

11 SENATOR NOZZOLIO: Pardon me for  
12 continuing to talk while you're interrupting  
13 Senator. That what I had hoped in our dialogue,  
14 I would better understand these questions and  
15 these formulas and they are extremely complicated  
16 but I think you're, you're mentioning that it's  
17 constitutional based in terms of the size of the  
18 Senate. Is that not right?

19 MS. MISIR: Yes, sir. We believe that  
20 it's set by the constitution and we should adhere  
21 to the state constitution.

22 SENATOR NOZZOLIO: And that state  
23 constitution has a formula?

24 MS. MISIR: Yes, it does.

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2 SENATOR NOZZOLIO: And that formula has  
3 been affirmed by prior courts, counselor, is that  
4 your understanding?

5 MS. MISIR: Yes, Senator. And the  
6 Dowling case in 1916 her in New York and no one  
7 has, no one has said it's anything other than  
8 appropriate.

9 SENATOR NOZZOLIO: So the formula,  
10 although complex, is stated clearly in the  
11 constitution and refined further by case law?

12 MS. MISIR: Yes, sir.

13 SENATOR NOZZOLIO: That your assessments  
14 are helpful and that I too would look forward to  
15 further analysis that you may provide on this  
16 question?

17 MS. MISIR: Thank you, sir, I would be  
18 glad to do that.

19 SENATOR NOZZOLIO: Thank you.

20 ASSEMBLY MEMBER MCENENY: Senator Dilan?

21 SENATOR DILAN: Yeah, just, just to  
22 clarify, I'm not questioning the formula. I am  
23 asking questions as to how the witness comes up  
24 with the number 63. She has indicated that she

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2 will provide additional analysis to show us that  
3 and to prove all the other witnesses that have  
4 testified here wrong. And I look forward to  
5 seeing that and, and when I mention the  
6 congressional districts, I was talking about the  
7 size of the New York State delegation and  
8 indicating that we're losing two seats there and  
9 here we're trying to increase the size of the  
10 Senate. Thank you.

11 MS. MISIR: Thank you, Senator.

12 SENATOR NOZZOLIO: And I guess I have  
13 yet to see analysis from other than Mr. Breitbart  
14 that those who have testified in favor or opposed  
15 to increasing the size of the Senate, that I have  
16 yet to see any formal analysis done, even though  
17 that was requested I know by myself in our  
18 Suffolk hearing, that that has yet to be  
19 obtained. So I think certainly when it is  
20 obtained, we need to share it with all members of  
21 the task force. So thank you very, very much for  
22 your testimony today.

23 MS. MISIR: Thank you.

24 ASSEMBLY MEMBER MCENENY: Yes, if I may.

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2 You, you mentioned the importance of the growing  
3 Indian American population in New York State.  
4 And we were addressed in a number of cases we've  
5 had alternative plans that have already been  
6 submitted on a, on the band, on behalf of number  
7 of minorities in a coalition. We certainly had a  
8 number of Asians at the Queens hearing for  
9 example. Is the Indian Community a part of that  
10 coalition or those coalitions?

11 MS. MISIR: I'm sure that some Indian  
12 folks may be part of it sir. Indian people are  
13 both democrats and republicans.

14 ASSEMBLY MEMBER MCENENY: Yes, I know.

15 MS. MISIR: So we're not supporting one  
16 party or another.

17 ASSEMBLY MEMBER MCENENY: Okay.

18 MS. MISIR: We're simply saying we've  
19 been in the United States now for many  
20 generations. There are many Indian folks in New  
21 York State, serve in the military proudly, work  
22 hard, pay their taxes, and simply want to make  
23 sure their voices are heard. That does not  
24 necessarily mean that there should be an Indian

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2 seat or an Indian representative. It merely  
3 means that we would like to see re--redistricting  
4 so they have a chance to express their voice.

5 ASSEMBLY MEMBER MCENENY: Well in a  
6 practical matter, would you--would it be fair to  
7 say that where there are concentrations, you  
8 would urge those concentrations be kept together  
9 in one district at whatever level?

10 MS. MISIR: Yes, sir. And I think  
11 that's no different what--than what other groups  
12 have done in our state historically.

13 ASSEMBLY MEMBER MCENENY: Mm-hm. That's  
14 true. Just for the record since this becomes a  
15 permanent record, there's no constitutional  
16 prohibition on having, for example, speaker  
17 Silvers bill which was submitted at the  
18 introduced at the request of the governor.  
19 There's no prohibition on having a so called  
20 independent committee involved constitutionally  
21 as long as the final vote is the New York State  
22 Legislature. It's still totally a legislative  
23 matter.

24 The other thing that I would personally

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2           urge is that the governor should read the bill  
3           before he decides to veto it. I think that's not  
4           good government to say you're going to veto  
5           something just because people put it together  
6           through a legal process that you don't agree  
7           with. Read the bill, judge it on its merits,  
8           just as we judge people and appointments on their  
9           merits and then either pass it, sign it, or veto  
10          it based upon whether it meets good public  
11          policy.

12                   MS. MISIR: We agree with that sir.

13          Thank you.

14                   ASSEMBLY MEMBER MCENENY: Yes, Senator  
15          Dilan?

16                   SENATOR DILAN: I, I just have one more  
17          question. How are they to receive notice of this  
18          meeting?

19                   MS. MISIR: I'm sorry, sir?

20                   SENATOR DILAN: How did you become aware  
21          of this meeting?

22                   MS. MISIR: Just from my general civic  
23          knowledge. I pay attention what's going on in my  
24          state.

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2 SENATOR DILAN: Okay. So, so where did  
3 you--

4 MS. MISIR: [Interposing] And what's  
5 going in my, in my country.

6 SENATOR DILAN: Where did you pay  
7 attention that you found out about this meeting?

8 MS. MISIR: It's widely known that  
9 LATFOR is holding hearings.

10 ASSEMBLY MEMBER MCENENY: Really?

11 MS. MISIR: Yes it is.

12 SENATOR DILAN: Were you asked to  
13 testify here by anyone?

14 MS. MISIR: I, I asked to testify  
15 actually.

16 SENATOR DILAN: Sure.

17 MS. MISIR: Because I feel that--

18 SENATOR DILAN: [Interposing] So you  
19 cannot cite your source to me as to how you found  
20 out about this meeting?

21 MS. MISIR: Mr. Dilan, I, I did. I just  
22 told you that my source is my generalized  
23 knowledge of what is going on in New York State.

24 SENATOR DILAN: So you just got it from

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2 the--thank you very much.

3 MS. MISIR: You, you do have a website.

4 SENATOR DILAN: So?

5 MS. MISIR: So, so anyone who pays  
6 attention can--is free to go to your website.

7 SENATOR DILAN: Cite the website.

8 MS. MISIR: And see what you're doing.

9 SENATOR DILAN: Just cite the website.

10 MS. MISIR: It's LATFOR, isn't it?

11 SENATOR DILAN: That's how you found  
12 out?

13 MS. MISIR: Absolutely.

14 SENATOR DILAN: Okay thank you.

15 ASSEMBLY MEMBER MCENENY: Thank you.

16 Are, are there any further questions? We're glad  
17 that you made it. We appreciate your comments.  
18 We would look forward, that is, as you know, a  
19 controversial issue and if you do have anymore  
20 that you want to submit in writing on the  
21 question of the size of the Senate, that could be  
22 helpful. Thank you very much.

23 MS. MISIR: Thank you. I would be glad  
24 to do that. Thank you for your time.

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2 SENATOR NOZZOLIO: Thank you.

3 ASSEMBLY MEMBER MCENENY: David

4 Stonehill? If any elected officials that have  
5 not been at least recognized have come into the  
6 hall, please let us know because we can't  
7 recognize you because of the, the lighting. Good  
8 morning Mr. Stonehill.

9 MR. DAVID STONEHILL: Good morning  
10 everyone.

11 ASSEMBLY MEMBER MCENENY: Good morning.

12 MR. STONEHILL: I--excuse me. I brought  
13 in a friend and colleague, Paul Evans. Mr. Evans  
14 is also an election attorney. He can--

15 MS. MISIR: [Interposing] Can you scoot  
16 up--

17 MR. STONEHILL: He can mention a little  
18 more in terms of who he is and that sort of  
19 thing. And since he was intending on speaking  
20 today anyway, it just made more sense that, you  
21 know, we'd come up together.

22 MR. PAUL EVANS: I think our testimony  
23 we're going to overlap significantly.

24 ASSEMBLY MEMBER MCENENY: Thank you.

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2 Close it. Put it back and close it. There you  
3 go.

4 MR. STONEHILL: Now?

5 ASSEMBLY MEMBER MCENENY: Now you got  
6 it.

7 SENATOR DILAN: How did you find out  
8 about the meeting?

9 MR. EVANS: How did we find out about  
10 the meeting?

11 SENATOR DILAN: Yes.

12 MR. EVANS: I saw it on the LATFOR  
13 website.

14 SENATOR DILAN: Okay. Thank you. Thank  
15 you. That's good.

16 MR. STONEHILL: And you saw me in  
17 Suffolk. So I found out.

18 MR. EVANS: Yeah and like I said, and  
19 Dave and I talked about coming today too.

20 MR. STONEHILL: Good morning. My name  
21 is David H. Stonehill. I'm an attorney with an  
22 office in Merrick, New York. I had the pleasure  
23 of testifying before this distinguished task  
24 force on October 5<sup>th</sup> in Farmingdale.

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2           Today I wanted to discuss briefly some  
3 policy perspectives regarding how the  
4 redistricting process, scheduled for 2012, should  
5 be handled. Generally, redistricting in New York  
6 State has been handled on a bipartisan basis.  
7 However, both major--two major parties have to  
8 recognize that a change in legislative and  
9 congressional district lines should occur in such  
10 a way as to benefit all citizens of this state.  
11 Line drawing should not be blatantly or directly  
12 political in scope but should be viewed as a way  
13 to encourage political participation by citizens  
14 and not as a way to suppress it for any reason.  
15 Currently, the state senate is a 62 person  
16 chamber. Proposals have been aired about  
17 increasing this number to 63. Whether the upper  
18 chamber of the New York State legislature should  
19 be composed of an even or odd number of seats,  
20 makes for a fascinating philosophical debate.  
21 But we're not present today to have a  
22 philosophical debate. The question we should be  
23 considering is what should be the proper number  
24 of New York State Senators now that we have the

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2 2010 census statistics. The answer to this  
3 question needs to comport with the New York State  
4 constitution and relevant case law. How these  
5 districts should be drawn is yet another question  
6 but I will not be going into that matter.

7 There's certainly enough people here today who  
8 will be going into that.

9 The formula for determining a number of  
10 state senate districts is based on Article 3,  
11 Section 4, paragraph 3, of the New York State  
12 Constitution originally adopted in 1894. The  
13 ratio for apportioning Senators shall always be  
14 obtained by dividing the number of inhabitants by  
15 50 and the Senate shall always be composed of 50  
16 members accept that if any county having three or  
17 more senators at the time of any apportionment  
18 shall be entitled on such ratio to add an  
19 additional senator or senators. Such additional  
20 senator or senators shall be given to such county  
21 in addition to the 50 senators and the whole  
22 number of senators shall be increased to that  
23 extent. Policy behind this was to prevent  
24 smaller upstate counties from being overly

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2 dominated by large downstate cities. Of course  
3 things have changed since 1894. We have the  
4 internet as well as the fact that the Bronx and  
5 Nassau Counties were created. The Bronx was  
6 carved out of New York and Westchester Counties.  
7 Nassau was taken out of Queens County. Richmond  
8 and Suffolk County formed one senatorial district  
9 in 1894 which is certainly not the case now.  
10 With an increase in state population over the  
11 years, the creation of the two new counties and  
12 the rise of the legal doctrine of equal  
13 representation, it would be no surprise to an  
14 attorney anyway, that a legislative reapportion,  
15 reapportionment would be challenged in a state  
16 court. A challenge to the legislative  
17 interpretation of paragraph 3 was litigated in  
18 Snyder versus Rockefeller, 1972. This case  
19 involved a 1972 legislative reapportionment based  
20 upon the 1970 census. In a nutshell, the Court  
21 of Appeals upheld the legislatures determination  
22 that the population of the Bronx, New York, and  
23 Westchester Counties should be added together and  
24 then divided by 150<sup>th</sup>, 50 being a number of 1894

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2 senators of the entire New York State Population  
3 in order to determine the number of senators for  
4 these three counties. The same method was also  
5 applied to Queens, Nassau, Richmond, and Suffolk  
6 Counties. This meth--this method resulted in 60  
7 total senate districts in 1972. The legislature  
8 followed this procedure in 1982 and 1992. I  
9 should add that this method has not been  
10 challenged in Court since 1972. Following this  
11 rule, meant a total of 61 senators in 1982 and  
12 1992. Utilizing the rule in 2002 would have  
13 provided for 61 districts. Applying it today  
14 would provide 62 districts. However, the above  
15 rule was not followed by the senate in 2002.  
16 Instead, it's outside counsel, Michael Carvin  
17 used a more complex formula that counted total  
18 population of the six affected counties. This  
19 particular formula was not used the Court in  
20 Snyder. Mr. Carvin came up with the total of 62  
21 senators and that is the number the Senate, the  
22 state currently has.

23 Utilizing the 2010 census and the Carvin  
24 method, you still would have 62 senators in 2012.

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2 Whether you prefer the Court of Appeals method or  
3 the Carvin method, you were still left with a  
4 Senate with 62 seats for re-apportionment next  
5 year. It would be fun to speculate new numbers  
6 in the future but right now, we have to follow  
7 the provisions of the State Constitution.

8 With all due respect, I do not see how  
9 we can legally justify more than 62 senators. If  
10 we added more than 62 senators, the redistricting  
11 process becomes arbitrary and capricious and  
12 nobody wants that. I want to thank this task  
13 force for again allowing me the opportunity to  
14 testify before you. Your work is more important  
15 than ever and I promise not to be in Plattsburg.

16 ASSEMBLY MEMBER MCENENY: Thank you.

17 MR. STONEHILL: Thank you.

18 ASSEMBLY MEMBER MCENENY: Perhaps we go  
19 to Mr. Evans since you're on a similar topic?

20 MR. EVANS: I don't have--I would just  
21 repeat what he said. I would think I would waste  
22 your time.

23 ASSEMBLY MEMBER MCENENY: Senator Dilan?

24 SENATOR DILAN: Yes, sir. Thank you for

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2 your testimony. So in essence, what you're  
3 testifying relates to the question that I asked  
4 the previous witness that if you strictly apply  
5 the formula of the constitution in the sections  
6 that you mentioned, it equals 62.

7 MR. EVANS: Yes, Senator.

8 SENATOR DILAN: So strictly apply it  
9 making no exceptions?

10 MR. EVANS: Yes.

11 SENATOR DILAN: Okay.

12 MR. EVANS: Under, under either of the  
13 two methods that Mr. Stonehill just discussed,  
14 the method that the Court of Appeals used in the  
15 Snyder case or the method that's on the LATFOR  
16 website right now, under the question of how  
17 should redistricting be done, which is the Carvin  
18 memorandum, memo that Mr. Stonehill mentioned  
19 earlier. Both, both methods would yield 62  
20 senators?

21 ASSEMBLY MEMBER MCENENY: Could you,  
22 could you speak up? I can't hear you. Could you  
23 speak up?

24 [Crosstalk]

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2 ASSEMBLY MEMBER MCENENY: Pull that,  
3 pull that closer.

4 SENATOR DILAN: So if we follow--

5 SENATOR NOZZOLIO: [Interposing] I'm  
6 sorry. Go ahead.

7 MR. EVANS: Repeat what I just said?

8 ASSEMBLY MEMBER MCENENY: Would you Mr.  
9 Evans? Yes.

10 MR. EVANS: Sure.

11 ASSEMBLY MEMBER MCENENY: Thank you.

12 MR. EVANS: Apologies. Under either the  
13 method that the Court of Appeals used in the  
14 Snyder case which Mr. Stonehill mentioned earlier  
15 or the method that was used by Mr. Carvin and is  
16 recorded in a memo that's on the LATFOR website  
17 under how redistrict--under the frequently asked  
18 question how should redistricting be done, both  
19 methods would yield 62 senate, 62 senators.

20 SENATOR DILAN: All right. So I don't  
21 have any further questions. Thank you very much.

22 MR. STONEHILL: Thank you very much.

23 SENATOR NOZZOLIO: I, I have some  
24 questions. Mr. Chairman, if I may? Very nice to

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2 see you again. You were in Suffolk County and  
3 that I'd hope that we'd see further submissions  
4 from you.

5 MR. STONEHILL: Always a pleasure sir.

6 SENATOR NOZZOLIO: Mr. Stonehill. Mr.  
7 Stonehill and Skinner?

8 MR. EVANS: Evans.

9 MR. STONEHILL: Evans.

10 SENATOR NOZZOLIO: Evans, Evans. This  
11 is very helpful to discuss these issues. And I  
12 would like to further discuss them with you. Do  
13 you--are you saying that the Court of Appeals had  
14 changed their minds since the Snyder decision and  
15 have somehow overturned that decision? Were you  
16 saying that either one of you?

17 MR. EVANS: Not any way.

18 MR. STONEHILL: No.

19 SENATOR NOZZOLIO: Okay. So you--in  
20 your view that, that formula that the Court had  
21 put forward in Snyder is still existing today?  
22 There have been no--

23 MR. EVANS: [Interposing] Snyder--

24 SENATOR NOZZOLIO: Yes. So there was no

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2 additional Snyder v. Rockfield. There's no  
3 additional changes in your mind in that formula  
4 since the 1972 decision? Is that not correct?

5 MR. EVANS: Snyder has not been  
6 overruled.

7 SENATOR NOZZOLIO: Have there been any  
8 cases that have said that 63 seats are not  
9 acceptable for the Senate? You know of any cases  
10 that, that indicated that?

11 MR. EVANS: I'm not sure why there  
12 would--I'm not sure why there would be a case  
13 that would say that.

14 SENATOR NOZZOLIO: So you're not aware  
15 of any cases that, that have indicated that this-  
16 -

17 MR. EVANS: [Interposing] If you, if you  
18 adopt the formula, if you use the formula that  
19 was used for the Court of Appeals in the Snyder  
20 case, you get to 62 senators. This may come a  
21 time when the New York population is such that  
22 you may yield 63. So the, the, the same case,  
23 the case that I just mentioned could eventually  
24 yield 63. It's possible.

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2 MR. STONEHILL: I, I guess we're a  
3 little confused also because we don't have a  
4 situation in which the task force or for that  
5 matter any official body of the State of New York  
6 has said there should be 63. So it hasn't been  
7 challenged--that, that aspect hasn't been  
8 challenged in Court.

9 SENATOR NOZZOLIO: Do you have--and I, I  
10 appreciate that you walking through some legal  
11 steps, but as we discussed in Suffolk, there's no  
12 at least with your written submission, there's no  
13 mathematical analysis that accompanies this.  
14 There you suggest the formula but you don't  
15 discuss the, the mathematics.

16 MR. EVANS: I'd be happy to submit a  
17 chart.

18 SENATOR NOZZOLIO: Pardon me sir?

19 MR. EVANS: I would happily to submit a  
20 chart.

21 SENATOR NOZZOLIO: A chart?

22 MR. EVANS: That will show how the  
23 mathematics is done. How the formula is, is used  
24 on the numbers.

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2 SENATOR NOZZOLIO: That, that's really  
3 what I had asked for in Suffolk and that any  
4 mathematical submission would be welcome because  
5 it just doesn't--your testimony, at least Mr.  
6 Stonehill's testimony does not get into any of  
7 the mathematical formulas that you used and I'm,  
8 I, I don't see how you're questioning any of the  
9 mathematical formulas that the Court used in--

10 MR. EVANS: [Interposing] I'm not going  
11 to--

12 SENATOR NOZZOLIO: [Interposing] 70 or--

13 MR. STONEHILL: [Interposing] We're not.

14 MR. EVANS: I'm not questioning when  
15 you--

16 SENATOR NOZZOLIO: [Interposing] How can--

17 -

18 MR. EVANS: --the Court in Snyder sir.

19 SENATOR NOZZOLIO: And again, I know  
20 this is very complicated so if you're not  
21 questioning the formula that the Court has used,  
22 you then need to show how it would be very  
23 helpful if you could how your math somehow is  
24 reflective of what the Court and the constitution

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2 require. And you said you have a chart for us  
3 on, on that?

4 MR. EVANS: Yeah it's easy. It's no  
5 problem.

6 SENATOR NOZZOLIO: It's easy?

7 MR. EVANS: I could explain it to you  
8 right now but it'll take a little bit more time.

9 SENATOR NOZZOLIO: Very good. Then I  
10 would appreciate, appreciate that and we'll look  
11 forward to see your mathematical explanation of  
12 what you had put forward in today's testimony.  
13 Thank you very much.

14 ASSEMBLY MEMBER MCENENY: Senator Dilan?

15 SENATOR DILAN: In, in your statement  
16 here, do you describe how the formula works? I  
17 think you, you take steps in here. Can you refer  
18 to that in here because he's saying we're hearing  
19 that there's no description as to the math--  
20 mathematical formula, that I think you try to  
21 describe that in the statement. Is that correct?

22 MR. STONEHILL: I, I, I'm mentioning it.  
23 I'm not going into the entire--

24 SENATOR DILAN: [Interposing] Detail

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2 okay.

3 MR. STONEHILL: --process. So I think

4 it'd--

5 SENATOR DILAN: [Interposing] We'll wait  
6 for your chart.

7 MR. STONEHILL: --be better--

8 SENATOR DILAN: We'll wait for your  
9 chart.

10 MR. STONEHILL: Yes.

11 MR. EVANS: Yeah, didn't--we didn't  
12 crunch the numbers. But it's, it, I mean, it's  
13 easy to do.

14 SENATOR DILAN: But the issue is here--

15 MR. EVANS: [Interposing] It's easy to  
16 do.

17 MR. STONEHILL: Right.

18 SENATOR DILAN: --that you're not  
19 questioning the law. You're not questioning the  
20 Court of Appeal or you're not questioning anyone  
21 or, or the way they calculate it. You're merely  
22 stating that if you apply their methods, you get  
23 to 62?

24 MR. STONEHILL: That is the sum and

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2 substance of what we're saying.

3 SENATOR DILAN: Thank you.

4 MR. STONEHILL: Thank you.

5 SENATOR DILAN: Yes.

6 ASSEMBLY MEMBER MCENENY: Thank you very  
7 much. Todd Breitbart? Good morning.

8 MR. TODD BREITBART: Good morning.

9 Before I begin with the remarks I have prepared  
10 today, I have with me the table that Senator  
11 Nozzolio just asked for. In fact, it, it's  
12 available in the written testimony that I  
13 submitted to you on September 22<sup>nd</sup>. I would be  
14 happy to give you another copy so that you could  
15 see how, how the two formulas work.

16 ASSEMBLY MEMBER MCENENY: Is it the same  
17 thing that Mr. Evans--

18 MR. BREITBART: [Interposing] It  
19 probably will be because there's only one way to  
20 make a calculation.

21 ASSEMBLY MEMBER MCENENY: But it is--is  
22 it identical or you--have you verified his that  
23 it matches yours?

24 MR. BREITBART: I haven't seen any

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2 independent calculation by, by him. But you will  
3 find tables in the statement that, that I just  
4 gave you another copy of that I submitted on  
5 September 22<sup>nd</sup> which--

6 ASSEMBLY MEMBER MCENENY: [Interposing]  
7 No your, your assumption is that his will match  
8 yours?

9 MR. BREITBART: Well anyone who gets the  
10 county combobulations right will, will, will  
11 produce the same, the same results. And the  
12 tables that I've given you show how the formula  
13 that the, the interpretation that was upheld in  
14 Snyder and used in '72, '82, and '92 and the  
15 alternative or interpretation that was propounded  
16 by the Senate majorities outside counsel, Mr.  
17 Carvin in 2002, both of those interpretations--

18 ASSEMBLY MEMBER MCENENY: [Interposing]  
19 Yup.

20 MR. BREITBART: --if applied to the 2010  
21 census counts, would yield a Senator 62 district.  
22 So you don't even have to resolve the question  
23 for 2012 or whether one or the other is, is the  
24 better. Any number of Senate districts accepts

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2 62 would be a departure from all constitutional  
3 precedent. I've also included tables showing  
4 that after you finish making the amendment of the  
5 redistricting data said based upon the prisoner  
6 populations, that that cannot produce any change  
7 in the application of this formal.

8 What Senator Nozzolio said earlier to  
9 the effect that he had not seen any  
10 interpretation or analysis except mine, that  
11 would produce a Senate of 62 districts is not  
12 quite correct because as Mr. Evans pointed out,  
13 you go to the frequently asked questions page of  
14 the LATFOR website. And if you click on the link  
15 that says click here for technical determination  
16 of the size of the Senate, you will get Mr.  
17 Carvin's memorandum from March 7<sup>th</sup>, 2002 and if  
18 you apply the same legal interpretation that he  
19 lays out very carefully in that memorandum to the  
20 2010 census data, then you will get 62 districts  
21 as is explained in the technical appendix to the  
22 statement I gave you on September 22<sup>nd</sup>. You paid  
23 Mr. Carvin handsomely for his legal advice.  
24 You're doing so again. You've given his law firm

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2 a contract for billings of up to \$3,000,000 in  
3 connection with the current redistricting ground.  
4 What I urge you to do as I did on September 22<sup>nd</sup>  
5 is to embrace the interpretation and his  
6 memorandum of March 7<sup>th</sup>, 2002 and just settle  
7 finally the fact that there will be 62 senates,  
8 senate districts if the third paragraph of  
9 Article 3, Section 4 of the state constitution is  
10 interpreted properly. Now, now I'd like to  
11 proceed with the other remarks I had prepared for  
12 today which are, are on another subject.

13 My name is Todd Breitbart for the  
14 record. I directed the staff work on  
15 redistricting for the democratic leaders of the  
16 State Senate from 1980 through my retirement in  
17 two--at the end of 2005. I do not now work for a  
18 representative min--minority leader. The  
19 opinions I express are solely my own. The  
20 written statement and maps I have submitted today  
21 are the same that I submitted on October 5<sup>th</sup>. At  
22 that hearing, I summarized the facts relating to  
23 Suffolk County. Today I will discuss the history  
24 of racially discriminatory Senate redistricting

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2 in Nassau County.

3 Since its figures show that the non-  
4 Hispanic white population of Long Island has  
5 declined during each of the last two decades, but  
6 Long Island has maintained its share of the total  
7 state population and its share of State Senate  
8 districts, because of the growth of black,  
9 Hispanic and Asian American populations. The  
10 large and growing African American and Latino  
11 communities in Nassau and Suffolk Counties are  
12 concentrated in the same villages and hamlets,  
13 district boundaries that divide one group  
14 diluting its volume power dived both. The  
15 African American and Latino communities have been  
16 systematically split each time the Senate  
17 district boundaries have been redrawn after the  
18 census. This pattern can be seen in 1972, 1982,  
19 1992, and 2002 in Nassau County and in 1982,  
20 1992, and 2002 in Suffolk County.

21 At your previous hearing, I described  
22 how the minority communities in the town of Islip  
23 were repeatedly split between the third and  
24 fourth senate districts by a boundary that never

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2 varied from one decade to the next. And how the  
3 minority communities in the town of Babylon were  
4 split between the fourth and eighth districts.  
5 Also by a boundary that varied hardly at all from  
6 one decade to the next even while the districts  
7 were extensively redrawn around those fixed  
8 features. The boundary between the sixth and  
9 eighth districts of Nassau County shows the same  
10 design. In 1972, that boundary ran east to west  
11 through Roosevelt and in 1982, 1992, and 2002, it  
12 was moved a little bit to the north and has  
13 followed the Roosevelt Uniondale boundary.

14 In all other respects, however, two  
15 districts, the two districts have been changed  
16 greatly over the decades. Both were first  
17 entirely within the town of Hempstead. Then they  
18 were extended into the town of Oyster Bay as far  
19 as the county line. And the eighth district  
20 later reached across the county line into the  
21 town of Babylon. But all the changes have  
22 preserved one fixed feature. The line dividing  
23 the minority communities. Uniondale and the  
24 Village of Hempstead are always in the Sixth

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2 District, Roosevelt and Freeport always in the  
3 Eighth District. The adjoining area of Westbury  
4 and New Castle has meanwhile been placed in the  
5 Seventh District along with Almont and South  
6 Flora Park while North Valley, Valley Stream has  
7 consistently been placed in the Ninth District  
8 and South Hempstead and Baldwin have been divided  
9 between the Eighth and Ninth Districts.

10 Contrary to suggestions made by the co-  
11 chairman on October 5<sup>th</sup>, the persistence of this  
12 pattern when, when the 2002 Senate districts are  
13 overlaid on 2010 cen--10 census data, is not an  
14 accident. It represents the success of an  
15 intentional discriminatory design. Look at pages  
16 four and eight of the map set I have provided  
17 which show the black and Hispanic populations of  
18 Nassau County from the 2000 census overlaid with  
19 the 2002 senate districts and you will see the  
20 same pattern as in map, map pages five, nine, and  
21 ten which show the 2010 census data overlaid with  
22 the same 2002 Senate districts. For Suffolk  
23 County, look at pages 14 and 18 showing the 2000  
24 census data overlaid with the 2002 census

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2 districts and you will see the same pattern as in  
3 pages 15, 19, and 20 which show the 2010 census  
4 data overlaid with the 2002 census districts.

5 Pages four to six of my written statement provide  
6 the numerical data showing how the district  
7 boundaries that split the minority communities in  
8 each redistricting were so artfully designed that  
9 those communities remained evenly divided even as  
10 they continued to grow during the subsequent  
11 decade. Do not attribute this accom--this  
12 accomplishment to mere chance. Take credit for  
13 the artfulness of this design but resolve not to  
14 repeat it. It remains to be seen, whether as a  
15 matter of law, you can get away with continuing  
16 this discriminatory pattern through what would  
17 now be a full half century. That will depend in  
18 part on the statis--the statistical analysis of  
19 recent voting patterns and other data and unstill  
20 evolving judicial precedence.

21 But the important question before you is  
22 not a question of law. It is a question of  
23 justice and wisdom. What sort of redistricting  
24 will produce a healthy democracy? It would be

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2 unwise and unjust to continue the systematic  
3 splitting of the minority communities in Long  
4 Island so that minority votes cannot exercise a  
5 substantial voice in the election of any senator  
6 and cannot compel effective representation of the  
7 interests of their communities. Even if you may  
8 do it, you should not. You have repeatedly  
9 asserted that the governor should not veto a  
10 redistricting plan merely because this task force  
11 has designed it without considering its merits.  
12 But if your new design perpetuates through a full  
13 half century, the systematic splitting of Long  
14 Island minority communities, the governor should  
15 certainly veto that design for it's appalling  
16 lack of merit.

17 ASSEMBLY MEMBER MCENENY: Members?

18 Senator?

19 SENATOR DILAN: Yeah, I just have--I  
20 just have one quick question and it refers again  
21 to the size of the Senate. You indicated that  
22 the Carvin memo is still on the LATFOR website?

23 MR. BREITBART: Yes, if you go to the  
24 frequently asked question page, you'll see a link

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2 that says click here or words to that effect for  
3 technical determination, the size of the Senate,  
4 you click on that link, you'll get Carvin's memo.  
5 Now Mr. Carvin in the memo says his, his, his  
6 interpretation yields 62 districts. He was  
7 referring of course to the 2000 census data from  
8 2000. But if you apply the same method, the same  
9 interpretation of the constitution to the 2010  
10 census data, you will again get 62 districts as  
11 the written statement that I su--that is shown in  
12 the written statement that I submitted on  
13 September 22<sup>nd</sup> and of which I've just given  
14 Senator Nozzolio the one copy that I happen to  
15 have, that I happen to have with me. I should  
16 also point out that because that--because that  
17 mem--memorandum is still on your website and will  
18 be found by anyone who wants to find out from the  
19 frequently asked questions page, which is  
20 supposed to inform the public that the number of  
21 senate districts should be, that means that you  
22 are now currently soliciting proposals from the  
23 public for Senate districts and as some--McEneny  
24 has said, you look forward to getting maps from

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2 the public. You are submitting such proposals  
3 from the public specifically for 62 senate  
4 districts and no other number. If you were now  
5 to substitute another number, you would be  
6 pulling a bait and switch on the members of the  
7 public from whom you are soliciting these  
8 proposals.

9 SENATOR DILAN: Okay. Now is there any  
10 reason why that method of calculation could or  
11 should change?

12 MR. BREITBART: Well the only other  
13 interpretation that has been used by the leg--  
14 legislature and plans that have taken effect as a  
15 result of legislative action in the one person,  
16 one vote here, the, the legislative--the plans  
17 that were, that were used in the 60s were, were  
18 court imposed. But the only other interpretation  
19 that has been used by the legislature is the  
20 interpretation that was used in 1972 and upheld  
21 by the Court of Appeals in the, in the Snyder  
22 case. It happens that both of those  
23 interpretations and this is a coincidence  
24 resulting from the way particular populations

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2 fell out in the 2010 census. It happened that  
3 both of those interpretations have applied to the  
4 2010 census would yield the same number of  
5 districts, 62. So the question of which is a  
6 better interpretation need not be resolved for at  
7 least another, another ten years assuming that  
8 the constitution is not amended between, between  
9 now and then. And I should point out also that  
10 in each of these four decades, the interpretation  
11 that was used, one or the other, both of which  
12 were now produced 62 seats, were interpretations  
13 used by a republican Senate majority in deciding  
14 the Senate districts. So in urging you to, to  
15 adopt one or the other of these interpretations,  
16 both of which would pro--now produce the same  
17 results, I'm not urging upon, urging something  
18 upon you that is tainted with, with partisan  
19 considerations. In fact, Mr. Carvin's  
20 interpretation which was used in 2002 and which  
21 you are still presenting to the public as the  
22 correct interpretation could be regarded as a, as  
23 a bipartisan consensus because it happens to be  
24 exactly the same interpretation that was

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2 advocated by the unsuccessful plaintiffs in the  
3 Snyder case, the Schwartz plaintiff's who were  
4 democrats.

5 The way in which and the circumstances  
6 in which Mr. Carvin's interpretation was  
7 substituted in 2002, is objectionable because the  
8 record as, as you will see from the exhibits that  
9 are attached to the document which I give--just  
10 gave you another copy shows that the decision was  
11 actually made for reasons that had nothing to do  
12 with faithfulness to the constitution and that  
13 Mr. Carvin's interpretations was provided  
14 afterwards as a rationale for doing something  
15 that had been decided for other entirely.  
16 Nevertheless, as an interpretation of the  
17 constitution. Considering it simply as law and  
18 ignoring the historical circumstances in which it  
19 was substituted in 2002, as an interpretation of  
20 the constitution, it is quite reasonable. And as  
21 I say was, was exactly the interpretation that  
22 was, what was proposed by the unsuccessful  
23 plaintiff's in the Snyder case. But you need not  
24 determine which of the two interpretations that

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2 have been used is the better one because they  
3 would both now produce the same result 62  
4 districts and therefore any other number of  
5 districts would be a departure from all  
6 constitutional precedent. And as to whether  
7 there, you know, has been a, you know, a court  
8 ruling saying that you can't do that, well I'm  
9 sure that would be tested if you were to, if you  
10 were to abandon every constitutional precedent to  
11 come up with another number because it seems to  
12 you convenient.

13 SENATOR NOZZOLIO: So if I--

14 SENATOR DILAN: [Interposing] Thank you.

15 SENATOR NOZZOLIO: --if--thank you,  
16 Senator. If I may Mr. Breitbart, if I may try to  
17 sort through what you're saying and understand it  
18 which is very complex.

19 MR. BREITBART: It got me my pension.

20 SENATOR NOZZOLIO: It, it, it, let me  
21 try to rephrase what you said so I can at least  
22 confirm my understanding of what you're saying as  
23 accurate. You're saying that the formula that is  
24 put forward, you do not have--it was put forward

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2 that actually is on the LATFOR website, you're  
3 not disagreeing with that formula? But you're a-  
4 -disagreeing with the interpretation of that  
5 formula?

6 MR. BREITBART: Well I, I, I don't know  
7 whether I'm disagreeing with anyone's  
8 interpretation that formula--Ms., Ms. Misir, I'm  
9 sorry she left, would, would do well to read Mr.  
10 Carvin's memo. I gathered from her testimony  
11 that she's not done so. Because it, it--some of  
12 the errors that I believe she made would be very  
13 clear to her if she, if she were to read, read  
14 the memo. But, you know, the question of, of,  
15 of, of who was right in, in Snyder, whether,  
16 whether the formula that was used in '72, '82,  
17 and '92 which was upheld in Snyder is the better  
18 interpretation or whether the formula that was  
19 proposed by the plaintiff's in Snyder and then  
20 advocated in 2002 by Mr. Carvin and adopted by  
21 the legislature in 2002. The question of which  
22 should those formulas is the better formula is  
23 one which coincidentally need not be resolved for  
24 the current redistricting round because for the

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2 first time, it happens that because--that  
3 applying either formula to the 2010 census data,  
4 you would get 62 districts. So it's, it's a very  
5 easy questions to, to resolve. You don't even  
6 have to decide which of those formulas is the, is  
7 the better interpretation of, of Article 3,  
8 Section 4.

9 SENATOR NOZZOLIO: That your methodology  
10 itself may be questioned and that I, I guess I'm,  
11 I'm trying to indicate for my knowledge which  
12 part and you're, you're saying that the formula  
13 itself is something that we have no--you have no  
14 quarrel with but it's--

15 MR. BREITBART: [Interposing] The  
16 interpretation yes.

17 SENATOR NOZZOLIO: It's the  
18 interpretation that, that is--you have  
19 interpreted a certain way.

20 MR. BREITBART: Well...

21 SENATOR NOZZOLIO: And that way may or  
22 may not be an accurate interpretation?

23 MR. BREITBART: Now I, I think that  
24 either the, the, the interpretation that was used

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2 in '72, '82, '82 an '92 and upheld in Snyder, and  
3 the interpretation that was rejected by the Court  
4 in Snyder but substituted by the legislature in  
5 2002 and, and explained in Mr. Carvin's memo, I  
6 think there, they're both reasonable. I, I  
7 objected--I would, I would say that it was  
8 improper to have substituted a different  
9 interpretation in 2002 simply because after the  
10 experience of '72, '82, and '92, the question,  
11 the proper interpretation should have been  
12 regarded as a settled matter. And it's quite  
13 clear from the history as revealed in the, the  
14 internal Senate majority memo, memoranda that  
15 became available in the discovery phase of the  
16 Rodriguez case in 2003, that the, the decision to  
17 change, adopt a different interpretation was made  
18 as, as part of--was made in order to facilitate  
19 the malapportioned of Senate districts between  
20 upstate and downstate, that had nothing to do  
21 with the desire to, to adhere to or show respect  
22 for the New York State Constitution. So I don't  
23 believe that, that Mr. Carvin's formula should  
24 have been substituted, not because it is an

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2 unreasonable interpretation, the constitution,  
3 but because it should already have been regarded  
4 as a settled matter at that point. Nevertheless,  
5 we don't have to resolve that question for 2012,  
6 because both interpretations as applied to the  
7 2010 census data, would yield a senate of 62  
8 districts. And if you believe that the  
9 calculations in the table that I have given you  
10 and, and the table that in fact I, I gave to you  
11 more than a month ago, if you believe those  
12 calculations are false or that I quoted the, the,  
13 the census data incorrectly, it is to be hoped  
14 that, that you will find an occasion to explain  
15 where my, my error is, if I have made an error, I  
16 will, I will thank you for having called it to my  
17 attention.

18 SENATOR NOZZOLIO: Thank you very much.

19 ASSEMBLY MEMBER MCENENY: I appreciate  
20 your knowledge and your passion in this matter  
21 and look forward to hearing you testify at  
22 Plattsburg next week.

23 MR. BREITBART: I've, I've been at the  
24 other side of the lake. It's quite beautiful.

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2 But I don't think I'll be able to make it.

3 ASSEMBLY MEMBER MCENENY: Thank you. It  
4 was good to see you again.

5 MR. BREITBART: Thank you.

6 ASSEMBLY MEMBER MCENENY: Could we have  
7 Assembly Man Edward P. Ra?

8 ASSEMBLYMAN EDWARD P. RA: Thank you  
9 Assemblymen. I just wanted to thank the co-  
10 chairs Mr. McEneny and Senator Nozzolio for  
11 hearing my testimony today as well as my assembly  
12 colleague Mr. Oaks and Senator Dilan for your  
13 leadership in bringing this hearing to Nassau  
14 County today. I'm just going to read a brief  
15 statement that I have submitted to the committee.

16 A few things are more important in  
17 defining who we are than our identity, our sense  
18 of integrity, and knowing where we stand in a  
19 world that is increasingly chaotic. My  
20 grandfather often cautioned me to know who you  
21 are and be true to yourself. No matter what else  
22 happens, nobody can take away your identity and  
23 integrity. Well I've always attempted to live by  
24 those wise words that take on a greater residence

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2 as I speak to you today. In government,  
3 territorial integrity can be just as important as  
4 personal integrity. In particular, the 25--21<sup>st</sup>  
5 assembly district which I am proud to serve, has  
6 a unique identity based on the common values,  
7 ideals, and priorities that my constituents  
8 share. At a recent hearing before this panel, my  
9 assembly colleague Michelle Shimmel [phonetic]  
10 cautioned this panel about the dangers of extend,  
11 extending Western Nassau assembly districts into  
12 Queens County. I have discussed this issue with  
13 Assemblywoman Shimmel on several occasions. This  
14 is not a partisan issue but rather one of keeping  
15 communities together under common representation.  
16 Lovely bedroom communities like Elmont, South  
17 Floral Park, Franklin Square, Floral Park,  
18 Bellerose, Stewart Manner, Garden City South, and  
19 North Valley Stream, are all rich with a sense of  
20 pride. This district is composed of people who  
21 have moved to Nassau County, whether it be in  
22 this generation or the families in prior  
23 generations, to celebrate a suburban lifestyle  
24 and raise their families in hometowns that do

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2 justice to my grandfather's words. A legislative  
3 committee should not strip away the identity and  
4 integrity of this assembly district and its  
5 residents. The assembly districts of Western  
6 Nassau deserve the same protections that  
7 communities of districts throughout the five  
8 boroughs are afforded. Namely, that our  
9 communities will not be cracked, absorbed, or  
10 otherwise disenfranchised without federal review.  
11 Sound and sensible redistricting practices demand  
12 that the voices of suburban voters not be  
13 diluted. I urge this panel to consider the  
14 character of our region given due sensitivity to  
15 our identity and respect for the integrity of our  
16 neighborhoods. I have been blessed to be part of  
17 a large and diverse family of residents who  
18 comprise the 21<sup>st</sup> assembly district. We are a  
19 district of proud Nassau residents who have  
20 embraced a common identity in our shared suburban  
21 experience. We are much more than just a  
22 political jurisdiction carved out on a map. In  
23 fact, we are a community in every sense of the  
24 word and I want to conclude by saying that I

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2 believe staying consistent with these  
3 considerations and those expressed by my  
4 colleague, Assembly Woman, Woman Shi--Shimmel is  
5 certainly consistent with the statutorily charge  
6 of this committee, the New York State  
7 constitutions charge of this committee, and  
8 federal law as it governs this committee. And I  
9 thank you for hearing my testimony today.

10 ASSEMBLY MEMBER MCENENY: Thank you.

11 SENATOR NOZZOLIO: Thank you.

12 ASSEMBLY MEMBER MCENENY: Assembly  
13 member Phil Ramos? We'll take someone else and  
14 when he comes back, if you'd advise me, I'll call  
15 him up again. Ellen Auerbach. Elliott. I'm  
16 sorry I misread that. Good morning.

17 MR. ELLIOT AUERBACH, MEMBER OF BOARD,  
18 CHAIR OF ELECTION COMMITTEE, NEW YORK CITY CIVIL  
19 LIBERTIES UNION: Good morning.

20 ASSEMBLY MEMBER MCENENY: Good afternoon  
21 now.

22 MR. AUERBACH: - - . My name is Eliot  
23 Auerbach. I'm a resident of Suffolk County. I  
24 appeared before the LATFOR of ten years ago on

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2           behalf of the Suffolk County Chapter of the New  
3           York Civil Liberties Union. I'm currently a  
4           member of the Board of Directors of the New York  
5           Civil Liberties Union, and chair of the committee  
6           on elections of that board. But I am not here to  
7           make an official statement on behalf of the  
8           NYCLU. I'm here representing myself as a citizen  
9           of New York. We've heard people here earlier ask  
10          for what might have been, that is a commission  
11          that does not exist at the present time. I  
12          personally would have preferred if the  
13          constitutional amendment proposed by the Bar  
14          Association of the City of New York had been  
15          adopted. But that is not the case. And so what  
16          we face now is a situation where redistricting is  
17          to be done by the legislature, by a bill which  
18          then can be signed or vetoed by the governor.  
19          And so since you, this Panel, are the input to  
20          the legislature, I will address my concerns along  
21          those, along those lines.

22                   Historically, I'll just use ten years  
23                   ago because that's what I'm familiar with. There  
24                   are two matters that I'd like to address. One is

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2 the fragmentation of minority communities in the  
3 two counties for purpose of senate apportionment.  
4 And the second issue is what I see as the  
5 underrepresentation in the assembly of the two  
6 counties taken as a whole. The latter one is  
7 fast. I'll take care of that right away. In the  
8 2000 census, the more appropriate number of  
9 assembly persons for the two counties would have  
10 been 22. It was given as 21. Now, this is part  
11 of an attempt to shift emphasis elsewhere in the  
12 state. If we look t New York State as a whole,  
13 there are essentially four regions that have some  
14 sort of regional cohesion. Long Island, the  
15 city, the northern suburbs, and the rest of the  
16 state. I think there is no justification for  
17 mal-apportionment in terms of numbers of the  
18 senators or assembly persons, there's no  
19 justification for that in under representing any  
20 one of these four interests. With respect to the  
21 Senate, because the numbers work out, nine  
22 senators is almost perfectly the number that Long  
23 Island should get and it has gotten it in the  
24 last apportionment and I assume it will in this

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2 one. But with respect to the assembly, I would  
3 urge that the number be 22, not 21.

4 Okay. Now we came to the Senate. I'm  
5 considering the two counties as a whole. So it's  
6 reasonable for me to appear here even though I'm  
7 a Suffolk resident. The minority communities  
8 that are predominantly along the central spine of  
9 the island, have consistently been split so that  
10 their influence in any one district is pretty  
11 small. Now there are people who might argue that  
12 this gives nine senators the reason to cover  
13 their interests. But that's not really the case.  
14 The most important function, as I see it, that  
15 the Senate provides for the suburban districts is  
16 protecting their school districts or their school  
17 funding. And if you take communities that are  
18 predominantly of low economic means, low means to  
19 produce--to pro--to provide for their school  
20 districts, and bury them among larger districts  
21 which have a different economic profile, that  
22 interest gets lost. So I would suggest that you  
23 look at the minority communities which have a  
24 certain cohesiveness, they may not meet some

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2 federal test I think that goes under the names of  
3 the Jingle's Test but that's not a reason not to  
4 give them a cohesiveness representation.

5 So now we come to the questions of how  
6 you proceed here. There is a certain distrust of  
7 government mentioned in many areas. There are  
8 people who claim that New York State is  
9 dysfunctional. I don't think it is. I think it  
10 has rough times but it manages to get things done  
11 compared to California, we got a budget and  
12 California didn't for a long while. So I call  
13 upon this panel as the input to a legislature to  
14 produce an apportionment that will meet the test  
15 of fairness, that will meet the test of having an  
16 appearance of reasonable work.

17 Now since you do this by legis--by  
18 legislation, by a bill as required by the state  
19 constitution, a bill of necessity has to be  
20 presented to the governor for his signature or  
21 veto. Now there are people who feel that the  
22 governor's main objection to this whole business  
23 is process. It isn't the process that he wanted  
24 therefore he won't--doesn't like it. Now that

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2 may or may not be the motive at this point for  
3 the governor's statements. But if you produce an  
4 apportionment that is as bad as the 2002  
5 apportionment, then on matters of substance,  
6 there are many people in the state and many  
7 organizations with access to the governor's  
8 office who will urge him to veto it on substance.  
9 So I urge you and the governor to jointly produce  
10 a bill which is fair and which can be signed by  
11 the governor and which indicates that New York is  
12 a functioning state. Thank you.

13 ASSEMBLY MEMBER MCENENY: Thank you very  
14 much. Members any, any questions?

15 MR. AUERBACH: Thank you.

16 ASSEMBLY MEMBER MCENENY: I think  
17 everyone here would like to see what the governor  
18 would come up with. It's not, it's not that easy  
19 but thank you very m much.

20 MR. AUERBACH: And I'm aware, I'm, I'm  
21 aware of that but what, what I would say is that  
22 if what you meaning the legislature rather than  
23 this panel, comes up with, has serious problems  
24 of substance, then there will be good reason for

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2 people to approach the governor on grounds other  
3 than straight politics.

4 ASSEMBLY MEMBER MCENENY: Yes.

5 MR. AUERBACH: To ask for a veto.

6 ASSEMBLY MEMBER MCENENY: I think we  
7 don't object to that.

8 ASSEMBLY MEMBER AUERBACH: Thank you.

9 ASSEMBLY MEMBER OAKS: Mr. Auerbach, if,  
10 if I might, just one quick question.

11 MR. AUERBACH: Surely.

12 ASSEMBLY MEMBER OAKS: You had mentioned  
13 Long Island focus on the assembly seats and just  
14 looking at the numbers.

15 MR. AUERBACH: The two counties.

16 ASSEMBLY MEMBER OAKS: You, you  
17 suggested that perhaps that, that number should  
18 be 22 as, as we go forward as opposed to 21.

19 MR. AUERBACH: Correct.

20 ASSEMBLY MEMBER OAKS: Similarly, you  
21 know, if you looked at the map of this, say you  
22 put it into four sections or if you put it into  
23 three, let's say with the city and--

24 MR. AUERBACH: [Interposing] I'll allow

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2 you to adjoin the northern suburbs to the eastern  
3 suburbs. That's a detail.

4 ASSEMBLY MEMBER OAKS: But, but within  
5 that, should those numbers, I, I know your focus  
6 is on Long Island.

7 MR. AUERBACH: Yeah.

8 ASSEMBLY MEMBER OAKS: That's where we  
9 are todody but should those numbers  
10 proportionately be similar, would it be your  
11 suggestion then that the numbers it adjust up or  
12 wherever--

13 MR. AUERBACH: [Interposing] No the  
14 assembly cannot be to adjust it up.

15 ASSEMBLY MEMBER OAKS: No, no, no I  
16 don't, I don't mean in the total numbers.

17 MR. AUERBACH: Okay.

18 ASSEMBLY MEMBER OAKS: You, you've  
19 mentioned obviously if you add one somewhere,  
20 it's got to come from somewhere else but--

21 MR. AUERBACH: [Interposing] Yes, I  
22 mean, it's clear that when Long Island was  
23 reduced from 22 in the, in the 1992 apportionment  
24 to 21 in the 2002 apportionment, without any

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2 significant percentage change that, that one  
3 district went elsewhere.

4 ASSEMBLY MEMBER OAKS: Sure. And, and,  
5 and my only suggestion would be is if north of  
6 New York and, and upstate should those numbers  
7 come out in a similar mathematical way, would you  
8 agree that it would make sense to adjust that  
9 area of--

10 MR. AUERBACH: [Interposing] Well what  
11 I, what I would call for is if you had a, a  
12 nearly round number upstate, that number should  
13 be used. If you have a nearly round number on  
14 Long Island as you do, which is 22, that should  
15 be used. Maybe you need to run a district across  
16 the city of Westchester line. I don't, I don't  
17 know. I haven't looked at those details. But  
18 yes, I think they should, I think that those four  
19 regions as I stated should be dealt with  
20 appropriately.

21 ASSEMBLY MEMBER OAKS: Thank you.

22 ASSEMBLY MEMBER MCENENY: When you  
23 mentioned that with county line, are you  
24 recommending that county line should be crossed

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2 if the math is more exact? Or if it's within  
3 tolerance, should the county line or city of New  
4 York for example be respected?

5 MR. AUERBACH: I think that the idea of  
6 respecting political jurisdictions such as  
7 counties is something that is a reasonable thing  
8 provided it does not violate equal protection.  
9 That's a matter of law and provided it doesn't  
10 violate my concept of fairness. Because, you  
11 know, the difference between 21 and 22 is less  
12 than 5%. So you meet the standard of Rodriguez  
13 versus Patocky, but just because you meet the  
14 standard doesn't mean you should do that. So I,  
15 I, I think--I don't know what the numbers are in  
16 the upstate area but I think that you see that  
17 there's an application there and I would say  
18 absolutely. Let's say that the upstate numbers  
19 come out to be 47, I don't know that it is, .2.  
20 Then 47 is fine. If it comes out 40, 46.6, then  
21 maybe you have to slop something over. But I  
22 would not count downward in the case of Suffolk  
23 and Nassau, in the apportionment of ten years  
24 ago, 20, I think the exact numbers was something

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2 like 21.9 and another digit after the nine. And  
3 it went to 21. That's the issue I'm raising.

4 ASSEMBLY MEMBER OAKS: Thank you.

5 MR. AUERBACH: Thank you.

6 ASSEMBLY MEMBER MCENENY: Thank you very  
7 much.

8 ASSEMBLY MEMBER OAKS: Yeah.

9 ASSEMBLY MEMBER MCENENY: Assembly  
10 member Phil Ramos please? Good afternoon.

11 ASSEMBLYMAN RAMOS: Good afternoon. I  
12 would also like to thank all the members of  
13 LATFOR for this opportunity to speak on behalf of  
14 my constituents. I represent the towns of Islip  
15 in Suffolk County and I'm happy to be here to  
16 present to you with a unique viewpoint when it  
17 comes to this important issue. I, I first want  
18 to say that I will not pass judgment on LATFOR or  
19 the process. Although I have my own opinions and  
20 I would rather reserve that until we see what,  
21 what is produced from this body here. And at  
22 that point, I think, you know, it would be the  
23 time to speak about whether the process at least  
24 from a personal standpoint, whether process works

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2 or not. So the task at hand is to talk about  
3 what suggestions could come out of this body here  
4 that, that would be appropriate.

5 In 2002, I was elected to represent the  
6 Sixth District in, in New York State Assembly  
7 which encompasses a communities of Brentwood,  
8 Central Islip, Bay Shore, North Bay Shore, Islip,  
9 and Ilandeio [phonetic]. This district was  
10 created for the purpose of giving an  
11 underrepresented and underserved community a  
12 voice in interstate government. A large  
13 percentage of the constituents I represent come  
14 from minority backgrounds. And before the  
15 creation of this sixth district, this population,  
16 this population that had common interest, common  
17 heritage, was split amongst several assembly  
18 districts. Which had the affect of diluting  
19 their voice and disenfranchising our community.  
20 The creation of this new district gave them for  
21 the first time a strong and active voice in state  
22 government. Not only was it the right thing to  
23 do, but it is the law of the land. The Voting  
24 Rights Act of 1965 was passed partly in order to

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2 prevent the disenfranchisement of minority groups  
3 through the political gerrymandering. As a  
4 result, minority communities have been given a  
5 voice in their government and have experienced  
6 tremendous results and improved quality of life  
7 in that district. Right now, Hispanic voters are  
8 the fastest growing segment of the US population.  
9 At the time of the 2000 census, the Hispanic  
10 share of Long Island's population had grown--was  
11 growing at 15.5%. Furthermore, in the 2010  
12 census figures, that was released this spring, it  
13 counted 441,594 Hispanics on the island which now  
14 represents a growth rate of that went up from  
15 15.5% to 56.2% jump since the year 2000. This  
16 year, as you all know, we will be drawing a new  
17 district lines. These dis--these districts  
18 should represent the ethnic and cultural  
19 diversity of New York's many communities and  
20 should continue to give minority groups a voice  
21 in their state government. Any new lines should  
22 reflect the growth of, of the minority  
23 communities on Long Island. Therefore, I would  
24 like to see similar and equitable representation

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2 amongst the minority areas in Suffolk County as  
3 well as Nassau County.

4 As we have seen historically, those who  
5 do not wish to see minority districts tend to  
6 lump them all into one district and ignore other  
7 districts that might not have a majority  
8 minority, but would have a significant portion,  
9 say 30%, 25%. And those we traditionally see  
10 lines drawn right through them.

11 In my own district, in the town of  
12 Brentwood, in the heart of the Latino Community,  
13 when the Puerto Ricans march on in the Fifth  
14 Avenue in the Puerto Rican Day parade, they have  
15 one foot in one senate district and another foot  
16 in another senate district. That's shameful.  
17 I'm hoping that districts with more integrity  
18 come out and more representatives.

19 Here in Nassau, given the growth of the  
20 minority population, there is a potential for at  
21 least two districts, one in the assembly and the  
22 second in the Senate that would give good  
23 representation to good minority groups. Given  
24 the demographics interests and the needs of the

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2 many communities in South Nassau, it is easy to  
3 make a compelling case for areas such as  
4 Freeport, five towns to be included in one new  
5 assembly district. The new district lines should  
6 try to maintain the integrity of counties, towns,  
7 villages, as well as schools, fire and library  
8 districts. Perhaps the most significant example  
9 is the Village of Hempstead. It is also  
10 shameful, and perhaps unconstitutional, to keep  
11 dividing up the Village of Hempstead into two or  
12 more Senate districts. I urge members of this  
13 task force to pay special attention and  
14 consideration to this case. My district is an  
15 example of the successes of our redistricting  
16 process. Communities with common interests  
17 should be untied and represented by one elected  
18 official. Not divided and silenced. We have  
19 come too far in terms of extending a political  
20 voice to underrepresented and underserved  
21 minority communities in New York and across the,  
22 the country. And I urge my colleagues to  
23 preserve this measure of fairness and justice  
24 when considering the new district maps in this

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2 upcoming legislative session. I thank you very  
3 much for your time.

4 ASSEMBLY MEMBER MCENENY: Thank you very  
5 much. We appreciate your sitting through all  
6 this 'cause I know we gave you the opportunity to  
7 come ahead and I know you wanted to listen to  
8 some more testimony first and I appreciate that.  
9 Susan Lerner? Does this mean you're not coming  
10 to Plattsburg?

11 MS. SUSAN LERNER, EXECUTIVE DIRECTOR,  
12 COMMON CAUSE NY: First I want to know who's  
13 betting on me and who's betting against me.  
14 You're registered though.

15 ASSEMBLY MEMBER MCENENY: You'll  
16 probably be there. I got my money on you Susan.  
17 You'll be there.

18 MS. LERNER: Well the person who is  
19 betting that Brooklyn that loves nature is going  
20 to win.

21 ASSEMBLY MEMBER MCENENY: All right.

22 MS. LERNER: So good afternoon. Good to  
23 see you again.

24 ASSEMBLY MEMBER MCENENY: Yeah.

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2 MS. LERNER: I'd like to refer to the  
3 maps that we attached to our testimony because I  
4 think again they graphically illustrate a lot of  
5 what people have been saying. I don't think we  
6 have a significantly different interpretation  
7 other than the interpretation you've heard from  
8 local folks and from the elected representatives  
9 but the maps hopefully will illustrate for you  
10 graphically what we've been talking about.

11 I'd like to start with the first one  
12 because Nassau is quite singular. There are  
13 100.--1.3 million people packed into Nassau  
14 County, roughly 15 miles from east to west, 20  
15 miles from north to south. And that makes Nassau  
16 County one of the densest suburbs not just in New  
17 York but in the entire country. So it has a lot  
18 of attributes of the urban areas yet it is  
19 demographically distinct as we've looked at it.

20 And when you look at the median income,  
21 I think it illustrates what numerous people were  
22 testifying that there is a demographic  
23 distinction between the north and the south for  
24 sure with the North Shore having a concentration

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2 of higher income people if we were look at other  
3 occupation related demographics, we'd see the  
4 same thing on the map. The percentage of  
5 residents with college degrees again. A lot of  
6 people have been talking about the Hempstead  
7 area. When you look at median income, when you  
8 look at residents with college degrees, you're  
9 going to see a distinct demographic cluster that  
10 is the Hempstead area. Here we're looking at  
11 residents with college degrees, lower  
12 concentration of people with college degrees,  
13 lighter color, bingo, Hempstead. Percentage of  
14 foreign born residents. Again, you're going to  
15 see some very distinct demographic clusters,  
16 again it tends to cluster around Hempstead and  
17 the other communities that have been mentioned.  
18 So our map number five is an attempt to put  
19 together what we see as the demographically  
20 similar areas in the Hempstead area, Elmont,  
21 North Valley Stream, Valley Stream, down to  
22 Baldwin Harbor, and all the way up to New Castle.  
23 This to us really is what we've attempted to do  
24 is to bring together the areas which are

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2 demographically similar and we suggest that this  
3 is a reasonable grouping even though it may not  
4 be the most compact district that you could draw  
5 if you were ignoring the demographic factors.  
6 We've also tried to adhere to the boundaries of  
7 the existing villages and towns and that's why  
8 it's less compact than it would be if we drew it  
9 abstractly.

10 The next couple of maps, six, deals with  
11 the non-Hispanic black voting population, sevens  
12 the Hispanic voting population. Again, it  
13 illustrates the way in which that population is  
14 very significantly clustered in that area. Where  
15 we find a deviation, a difference is in the Asian  
16 voting age population and that's our map number  
17 eight. Because that population is an expansion  
18 from communities in Queens and what we're seeing  
19 is that population is expanding in the North  
20 Shore because that's the most reasonable street  
21 and public transportation expansion from the  
22 areas of concentration in Queens.

23 So there's been a lot of discussion  
24 about the current lines. We have them here. Our

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2 map number nine is the current state senate  
3 districts and our map number ten is a graphic  
4 illustration of what many of the earlier  
5 testifiers talked about in terms of cracking of  
6 the black community by the current senate lines.  
7 So as you can see what people are talking about,  
8 it is frankly very graphic. Same thing true on  
9 our map number 11 when you look at the way in  
10 which the Latino of the Hispanic community is  
11 cracked by the current lines.

12 And we agree also with some of the  
13 earlier commentary that the assembly district  
14 lines in Long Island, also have some issues to  
15 them. The--while for instance assembly district  
16 18 is appropriately clustered around the minority  
17 community, it has some very odd aspects to it  
18 where it just reaches out and picks up portions  
19 of adjoining towns and villages that don't seem  
20 to have much geographic logic. And we also  
21 believe that we agree with the earlier testifier  
22 that linking the Queens areas with the Nassau  
23 areas in a district that spans that particular  
24 county border is to us problematic, that is not a

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2 district where you have a lot of commonality of  
3 interest as the earlier person testified and we  
4 think that that is not a district we'd like to  
5 see preserved in its current form.

6 I'm afraid that Long Island really is a  
7 test case. It has been traditionally  
8 gerrymandered by both parties. Gerrymandered by  
9 the assembly to cut down on what they anticipated  
10 would be a number of republican districts so the  
11 number of districts was reduced to 21 even though  
12 the population we believe then and now because  
13 Nassau and Suffolk has expanded in number would  
14 support 21 assembly districts. And then what has  
15 been referred to repeatedly is a classic racial  
16 gerrymander on the Senate side. So I think that  
17 I do have to agree with some of the earlier  
18 commentators that as someone who has said that  
19 LATFOR should complete the process simply because  
20 the clock has been run out. I think that there's  
21 a lot of pressure and a lot of scrutiny on the  
22 lines that you drawn in, in Long Island because  
23 it has traditionally been politically  
24 gerrymandered in a particularly overt way. And

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2 to the extent that you are urging us to give you  
3 an opportunity to show that even a legislatively  
4 dominated body can draw some fair non-politicized  
5 lines. Unfortunately I think the test case is  
6 going to be the lines you draw in Long Island.  
7 Thank you.

8 ASSEMBLY MEMBER MCENENY: Thank you.

9 Senator?

10 SENATOR NOZZOLIO: Susan, always great  
11 to see you.

12 MS. LERNER: Yeah.

13 SENATOR NOZZOLIO: Just a quick  
14 question. And first a thanks though. Again this  
15 information is very, very helpful, provides not  
16 only information but good focus. And thank you  
17 for your continuing involvement with this  
18 process. Does your organization have an opinion  
19 on the primary date?

20 MS. LERNER: We have taken a position on  
21 the primary date and we have--are supporting a  
22 June primary date because we're very concerned  
23 that with vacation and school schedules, that a  
24 traditionally low turnout date, a low turnout

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2 election which is the primary election, would be  
3 negatively impacted for even lower turnout if the  
4 primary were August.

5 SENATOR NOZZOLIO: That I certainly  
6 understand that objective. What we found and I'm  
7 not sure if you were in Buffalo. I think one of  
8 the few hearings you didn't attend was Buffalo.

9 MS. LERNER: Well I had help.

10 SENATOR NOZZOLIO: But we heard--I know  
11 you were in Westchester and it did come out in  
12 Westchester. Two of the bigger counties of our  
13 state, outside the City of New York, and if it's  
14 a problem for them, it's certainly going to be a  
15 problem for the Nassau Suffolk as well as the  
16 City. And that's the coordination of getting all  
17 this done in time to have a June primary this  
18 year, this coming year. This coming cycle, 2012.  
19 It's not only the district lines that have to be  
20 created as you know of the assembly, the Senate  
21 and the Congress, it's then the polling place  
22 jurisdictions that must be commensurate with  
23 those and the coordination of that. In Buffalo,  
24 it was testified too by some of the Board of

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2 Elections and county legal staff that it would be  
3 as much as a \$3,000,000 unfunded mandate just to  
4 put this together. And then to have it together  
5 in time for this year is a problem that we've  
6 seen and heard from various administrators across  
7 the state. And that's, that's sort of a perfect  
8 storm this year to change the primary date which  
9 may or may not happ--may or may not happen but to  
10 have it then if it's a early primary date,  
11 whenever the date is selected, that to have that  
12 date then have all the other information ready,  
13 I, I think that they just wondered what you're--  
14 if you had any sense of opinion on that  
15 particular part of it.

16 MS. LERNER: Yeah, I, I understand that  
17 it, it's challenging for the Boards of Election.  
18 I know that there are other boards who feel that  
19 they can indeed satisfy the time schedule. I've  
20 also heard feedback from Boards of Elections that  
21 having the date in August complicates the  
22 selection of locations because to the extent that  
23 they have relied on schools as a location, the  
24 school staff is generally still on site in June.

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2 In August, it becomes more expensive and more  
3 complicated to reopen the schools when a lot of  
4 the janitorial staff is on vacation and the  
5 administrative staff is also not available. So  
6 there are a lot of different factors and in this  
7 situation, I don't know that there's a perfect  
8 solution. We came down on the side of June  
9 because we had heard from various Boards of Ed  
10 including the state board as they felt it was  
11 doable, we felt that it made it easier with a  
12 school situation as well as vacation situation  
13 and so we factored that in. But, but we  
14 understand it's a push for everybody.

15 SENATOR NOZZOLIO: Thank you.

16 MS. LERNER: Thank you.

17 ASSEMBLY MEMBER MCENENY: Now we have  
18 another concern with an August primary other than  
19 college kids away at jobs and people focusing on  
20 other things. In upstate New York, we were  
21 devastated by floods in the Adirondacks, the  
22 Catskills, and a number of other areas. And a  
23 lot of the schools are sort of limping along.  
24 They're, they're lucky to be open. The time that

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2 you do capital expenses, capital repairs is  
3 usually if you have the summer school right  
4 after.

5 MS. LERNER: Yeah.

6 ASSEMBLY MEMBER MCENENY: So in August,  
7 that's when you're sanding down the gym floor and  
8 repairing it. And a lot of heavy construction  
9 has to go on in the summer rather than during the  
10 school year. So that's another concern as well.

11 MS. LERNER: Another fact. And also,  
12 you know, historically in the past, we have had  
13 June primaries.

14 ASSEMBLY MEMBER MCENENY: Yes.

15 MS. LERNER: So it is less confusing to  
16 an already confused electorate that finds it  
17 difficult--

18 ASSEMBLY MEMBER MCENENY: [Interposing]  
19 You and I may remember them but I think there's a  
20 lot of the electorate that has no idea what it--

21 EXECUTIVE DIRECTOR LERNER: [Interposing]  
22 Right.

23 ASSEMBLY MEMBER MCENENY: --a June  
24 primary is. We, we got rid of them in the

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2 earlier mid-70s.

3 MS. LERNER: Right.

4 ASSEMBLY MEMBER MCENENY: I would say  
5 one thing, just that I have you here, for you  
6 Boards of Elections out there, don't use software  
7 to do election districts. It has been a  
8 disaster. Software is based on the census  
9 blocks. We're not allowed to split a block. But  
10 for an election district, you can. So if you  
11 have an enormous ravine that nobody can get  
12 across, it's going to be on the same block, from  
13 this street to this street. And normally, a  
14 Board of elections will go down the middle of the  
15 ravine and the houses on both sides of the street  
16 are together. But software won't accommodate  
17 that and we've had some very awkward situations  
18 with people running it through. It's like the  
19 people say you could do it all in an afternoon.  
20 You could but you wouldn't want to have to live  
21 with it for the next so many years.

22 MS. LERNER: Well, you know--

23 ASSEMBLY MEMBER MCENENY: [Interposing]  
24 Do the work.

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2 EXECUTIVE DIRECTOR LERNER: --computers  
3 can only take us so far.

4 ASSEMBLY MEMBER MCENENY: Yeah.

5 MS. LERNER: It's really the input of  
6 people who know the patterns on the ground, the  
7 geography and so forth. I mean, it's--it, when  
8 we're drawing the maps or rural areas, we have to  
9 look at the roads--

10 ASSEMBLY MEMBER MCENENY: [Interposing]  
11 Yeah.

12 MS. LERNER: --in order to make sure  
13 that a district, that we're thinking of makes any  
14 sense. Because the software doesn't tell us  
15 where the mountains are.

16 ASSEMBLY MEMBER MCENENY: And the  
17 software can only--

18 MS. LERNER: [Interposing] But when  
19 there's only one little road.

20 ASSEMBLY MEMBER MCENENY: Yup.

21 MS. LERNER: That's connecting the north  
22 and the south areas that we're thinking about  
23 that we know that we're transcending a mountain  
24 area, but there might be a lot of road connection

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2 to an area--

3 ASSEMBLY MEMBER MCENENY: [Interposing]  
4 Right.

5 MS. LERNER: --to the east, and that  
6 tells us something. So there are a lot of  
7 different factors. It's unfortunately not an  
8 instantaneous process. It's what makes it  
9 interesting and I think one of the reasons why  
10 there can be many different versions of good maps  
11 just as there can be many different versions of  
12 projection-able maps.

13 ASSEMBLY MEMBER MCENENY: Thank you very  
14 much.

15 MR. ROMAN HEDGES, NYS LEGISLATIVE TASK  
16 FORCE ON DEMOGRAPHIC RESEARCH AND  
17 REAPPORTIONMENT: Before you go.

18 MS. LERNER: Yes.

19 ASSEMBLY MEMBER HEDGES: I was a little  
20 confused in your comments regarding the Nassau  
21 Queens border.

22 MS. LERNER: Yes.

23 ASSEMBLY MEMBER HEDGES: There isn't  
24 currently a district that crosses that.

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2 MS. LERNER: Congressionally I think  
3 there is.

4 ASSEMBLY MEMBER HEDGES: Congressionally  
5 there is?

6 MS. LERNER: Yes.

7 ASSEMBLY MEMBER HEDGES: Or equal  
8 population purposes.

9 MS. LERNER: There is, there is some of  
10 that concern.

11 ASSEMBLY MEMBER HEDGES: But, but you  
12 were arguing don't cross that for state  
13 legislative lines?

14 MS. LERNER: Yes, that's correct.

15 ASSEMBLY MEMBER HEDGES: Did I  
16 understand you correctly?

17 MS. LERNER: That's correct. We think  
18 that you can hold them separately. And, you  
19 know, again, you know, certainly to the extent  
20 that you have North Shore, you know, the  
21 congressional district really does pick up a very  
22 suburban aspect of North Shore and is joining it  
23 with some very urbanized dense area of Queens  
24 than we question whether that's the best

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2 demographic match in terms of trying to put  
3 together the right numbers.

4 ASSEMBLY MEMBER HEDGES: On a different  
5 topic, I apologize, I had to step out of the room  
6 for a moment, are you still planning to submit a  
7 plan?

8 MS. LERNER: Yes. But it's taking us--

9 ASSEMBLY MEMBER HEDGES: [Interposing]  
10 When are we expecting to get it?

11 MS. LERNER: We're, we're expecting to  
12 have it to you sometime around the 2<sup>nd</sup> week of  
13 November. It's taken us longer than we  
14 anticipated. There's some things that we  
15 realized we needed to go back and adjust for.

16 ASSEMBLY MEMBER HEDGES: Very good,  
17 thank you.

18 MS. LERNER: Thanks.

19 ASSEMBLY MEMBER MCENENY: Thank you very  
20 much.

21 MS. LERNER: Thank you.

22 ASSEMBLY MEMBER MCENENY: Leo Fernandez?  
23 Leo Fernandez? We will go back over the list  
24 before we leave or give people a chance to

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2 testify in case they stepped out. Ernst Ulysse?

3 Were you here before at another hearing?

4 MR. ERNST ULYSSE: No.

5 ASSEMBLY MEMBER MCENENY: Oh okay.

6 There's a similar name I think up in Westchester.

7 MR. ULYSSE: Okay. Good afternoon. My  
8 name is Ernst Ulysse and I reside in Elmont. I'm  
9 here, you know, to tell you that I'm impressed so  
10 far with the task force.

11 ASSEMBLY MEMBER MCENENY: Would, would  
12 you move in closer to the mic?

13 MR. ULYSSE: I'm impressed so far--

14 ASSEMBLY MEMBER MCENENY: [Interposing]  
15 We're, we're, we're recording this. We want to  
16 make sure this goes out to everyone.

17 MR. ULYSSE: Okay. I'm impressed so far  
18 with the task force that both parties so far has  
19 been represented which I believe is a critical  
20 compliment for fair redistricting. The LATFOR  
21 committee and the governor legislation that picks  
22 possible members of the commission as it's  
23 appointees, four by the governor and one by the  
24 Senate majority leader, and one by the Senate

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2 minority leader, and one by the assembly speaker  
3 and one by the assemblyman or leader. In my  
4 opinion, six members are appointed by the  
5 democratic elected officials and only two members  
6 appointed by a republican elected official.  
7 These, those notes strike me as a very fair and  
8 also independent commission. As a matter of  
9 fact, it's, it's, it's--if you ask me, it is not,  
10 is not independent. And if it was the other, if  
11 it was the other way around, such as if, if we  
12 had a Republican governor, it, it will be unfair  
13 to the democrats in the same way. I also cannot  
14 imagine why either house of the legislature would  
15 give the governor so much power in the  
16 redistricting process which have never been the  
17 case on the New York State Law which clearly  
18 provides that this, this legislature would want  
19 redistricting. I'm here today, you know, I'm  
20 here today because I strongly believe if we  
21 follow that model, we will be spending a lot of  
22 time and also resources arguing about  
23 redistricting moving forward in the future  
24 whether it's next year or ten years from now.

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2 With that, you know, I will say thank you for  
3 your time and wish the task force much luck in  
4 the implement task of redistricting.

5 ASSEMBLY MEMBER MCENENY: Thank you.

6 Did I pronounce your name correctly?

7 MR. ULYSSE: Yes.

8 ASSEMBLY MEMBER MCENENY: Thank you.

9 Carmen Julia Pinyero? Good afternoon.

10 MS. CARMEN JULIA PINYERO, TRUSTEE

11 VILLAGE OF FREEPORT: Good afternoon. Good  
12 afternoon, Senators, assemblymen, and task force  
13 members. Thank you for you, your service.

14 My name is Trustee Carmen Pinyero from  
15 the Incorporated Village of Freeport. My  
16 statement here today is to bring to light, when  
17 we look at the census data going as far as back  
18 as 1972 to the present, we see how communities of  
19 the same interests have been divided throughout  
20 decades. You now have the chance of making  
21 things right for these communities. Especially  
22 here on Long Island. I share with you the  
23 community which I represent, Freeport. My  
24 community is split into two senate seats, two

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2 assembly seats, and the same goes for the town.  
3 At the school district level, it's divided into  
4 three as well as the county legislature. How can  
5 it be that communities of common needs and  
6 interests continue to be divided decades after  
7 decades? Even though these communities black,  
8 Latino, Asian American have continued to increase  
9 in the last decades. By dividing these groups of  
10 common interests, the Senate and the legislatures  
11 are diluting its voting power by continuing to  
12 divide their interests. The 2010 census shows  
13 that communities of Freeport, Baldwin, Roosevelt,  
14 Uniondale, Hempstead, West Hempstead, Lakeview,  
15 and Westbury which are currently divided into  
16 three Senate seats have increased collectively by  
17 combining Latino, African American, and Asian  
18 both. What percentage increase between 63% to  
19 100% depending which town or village you see  
20 that--you take the numbers from. Today you have  
21 now the chance to keep these communities together  
22 and interests by creating or redesigning a new  
23 Senate district, a new assembly district which  
24 represents them. I conclude by stating to you

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2 that the critical and most important questions  
3 before you is to make sure you act justly and  
4 wisely in deciding and making the redistricting  
5 lines which will impact the next generation of  
6 leaders and the well-being of our community.

7 Thank you.

8 ASSEMBLY MEMBER MCENENY: Thank you very  
9 much. Walter Perug [phonetic]. Beatrice Perug.  
10 I assume that's a relationship or a great  
11 coincidence. We'll call the names again later  
12 on. H. Scottie Coads. Would you just state your  
13 name again for the record?

14 MS. HAZEL SCOTTIE COADS, CHAIR, CIVIC  
15 ENGAGEMENT, NAACP NY CONFERENCE: Okay. It's  
16 Hazel Scottie Coads.

17 ASSEMBLY MEMBER MCENENY: Coads. Thank  
18 you very much. I apologize for mispronouncing  
19 it.

20 MS. COADS: Good afternoon, Mr. Chairman  
21 and members of the LATFOR committee. My name  
22 again is Hazel Scottie Coads. I am the Civic  
23 Engagement Chair of the NAACP, New York State  
24 Conference. The National Association for the

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2 Advancement of Colored People, NAACP, was founded  
3 in 1909 and is the oldest civil rights  
4 organization in the country. In its 102 years of  
5 existence, we have seen our share of  
6 disappointments, disenfranchisements, and yes  
7 downright blatant racism. Through all of it, we  
8 continue to stay in the struggle fighting, and  
9 supporting causes that will benefit all people.

10 Today, our fight is on behalf of all of  
11 the communities but especially for the minority  
12 communities in Nassau and Suffolk Counties.

13 Nassau County has been deemed one of the most  
14 segregated counties in the United States. I am  
15 willing to bet we got that reputation because of  
16 how the districts have been drawn through the  
17 years. The lines were drawn with pockets of  
18 minority communities scattered across the county  
19 with no possibility of ever having minority  
20 representation from Nassau County. It is mind  
21 boggling thinking of how the redistricting,  
22 gerrymandering, re-apportionment process has  
23 disenfranchised so many minorities for so long.  
24 Since the beginning of these counties existence,

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2 as well as throughout the State of New York,  
3 minorities have been left out of fair  
4 representation in government. Each of you were  
5 appointed to this distinguished legislative task  
6 force with a huge responsibility of drawing lines  
7 that hopefully will not disenfranchise  
8 minorities. We are here today for a very  
9 important purpose. To recommend to you how new  
10 legislative districts should be drawn for the  
11 next decade. The lines should revert--should  
12 reflect diverse communities with great inclusions  
13 of, of minorities. I'm not asking for more  
14 districts. Only the fair and correct numbers of  
15 districts. You should draw each Senate district  
16 to be as equal in population as possible. One  
17 person, one vote requires fair representation for  
18 everyone. I ask that you draw the districts that  
19 maintain pop--population across the state and  
20 that follows where people live in their  
21 communities. When drawing the lines, please  
22 don't play politics. Respect the boundaries of  
23 where people live. You should not look into  
24 other areas to connect boundaries that would

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2 reshape the political landscape.

3 Let me be more--make more points of  
4 concern. The NAACP is quite disappointed that  
5 this legislature body does not have any African  
6 American representative as part of the LATFOR  
7 Task Force. Each of you should be proud to serve  
8 on the committee but should be equally concerned  
9 that of the 3.1 million African Americans in the  
10 State of New York, not one sit on the LATFOR  
11 committee. I'm sure some of you possibly have  
12 African American's living in your districts. The  
13 absence of African American's on the committee is  
14 a blatant disregard for the minority communities.  
15 Because of this, the importance of fairness and  
16 good government, and the decision you make  
17 regarding redistricting is a real concern for us.  
18 It has been four decades, 40 long years, since  
19 LATFOR came to Nassau County. Forgive me, I  
20 prefer to say 40 years because it resonates  
21 better when the people of Nassau County begin to  
22 take notice of how long it took us to have our  
23 voices heard, on how lines are to be drawn. It  
24 makes African Americans and Latino realize how

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2 disenfranchised and marginalized we have been for  
3 all these years. The NAACP commend you for  
4 holding the 12 hearing--I think I heard 14.

5 ASSEMBLY MEMBER MCENENY: Yeah we added  
6 two.

7 MS. COADS: Throughout the state. But  
8 must add it was not nearly enough. Working  
9 citizens of these counties are not able to attend  
10 meetings held 10:00 in the morning. This too is  
11 being disenfranchised. Redistricting in New York  
12 slash Nassau County. The residents of Nassau  
13 County experience redistricting, gerrymandering  
14 at its worst this year, 2011, due to insults and  
15 total disregard for individual expressing the  
16 concern to have good government representation.  
17 We were ashamed and claim--to claim Nassau as  
18 home. Our ability to be a part of redistricting  
19 of the redistricting process was challenged in  
20 unbelievable ways in Nassau County--in the Nassau  
21 County legislature. The NAACP will not stand  
22 idly by and tolerate the mistreatment of  
23 minorities being disenfranchised nor accept the  
24 blatant disregard of elected officials who

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2           trample on and ignore what the Voting Rights Act  
3           of 1965 represents. The most sacred and precious  
4           part of democracy is the right to vote and or the  
5           right to choose who's going to govern them. For  
6           102 years, NAACP has recognized the power of the  
7           vote and has always valued and fought for the  
8           right to vote. Then came finally the passing of  
9           the Voting Rights Act of 1965 permi--prohibiting  
10          attempts to dilute African American's voting  
11          strength, authorizing federal officials to ensure  
12          fair voting practices. The African American  
13          communities experienced and witnessed lots of  
14          tragedies prior to 1965 and many since then. We  
15          have seen it all. And have been through a lot.

16                   Disenfranchisement at the polls is not a  
17          tragedy that the NAACP will tolerate. On  
18          election day, attempts to weaken and dilute our  
19          voting strength, broken machines, and now  
20          mandated government photo ID's in 34 states in  
21          order to vote is rapidly overtaken minority  
22          communities. The US census report of the last 40  
23          years as well as 2010 census report always  
24          indicating voting age population growth in Nassau

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2 and Suffolk Counties. Although there was  
3 increase in voting age population every ten  
4 years, the minority community, communities always  
5 got sliced and diced to the interests of the  
6 political party in power. It is mind boggling  
7 that after each US census report, we always find  
8 ourselves in Court fighting the redistricting  
9 gerrymandering that happens in New York State.  
10 The cutting up of election districts downstate  
11 and the strengthening districts upstate must  
12 stop. I thank you for listening. I also would  
13 like to add that inasmuch as we are appreciate  
14 your coming to Nassau County after 40 years, it's  
15 your, your place of venue left a lot to be  
16 desired. It was the most difficult to find.  
17 Thank you.

18 SENATOR NOZZOLIO: Wait a minute. Hold  
19 on. You're not the only one.

20 ASSEMBLY MEMBER MCENENY: Yeah, you're  
21 not the only one.

22 SENATOR NOZZOLIO: Obviously by those  
23 applause, I mean, it took me 45 minutes to find  
24 the building. Once I got on the grounds, I was

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2 three miles--I stayed at a hotel three miles away  
3 from here. My GPS got sick trying to get here  
4 and that I agree that this is not the, the best  
5 venue. And we've got a good--just so you know,  
6 we're going to do at least another dozen hearings  
7 or so across the state after we finish Plattsburg  
8 next week. I know you've attended a couple of  
9 them. We're going to be going through--  
10 Assemblyman McEneny and I are--haven't discussed  
11 the specifics of the schedule but we have to have  
12 another series of hearings and that we certainly  
13 appreciate the hospitality of the school here but  
14 at the same token it was the choice of the staff  
15 here, the task force on this particular venue.  
16 And I don't think we'll be returning here, to  
17 this venue, but we certainly will be on Long  
18 Island and throughout the state as well as the  
19 City of New York and look forward to your further  
20 testimony once plans are put forward.

21 ASSEMBLY MEMBER MCENENY: Do you have a  
22 recommendation of a location for a second public  
23 hearing that's centrally located and easy to get  
24 to in Nassau?

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2 MS. COADS: We have Hofstra University  
3 and quite frankly, I think the legislature, the  
4 legislative building.

5 ASSEMBLY MEMBER MCENENY: Mm-hm.

6 MS. COADS: We have a beautiful  
7 legislative building. Actually the Theodore  
8 Roosevelt Building at 1550 Franklin Street in  
9 Minneola.

10 ASSEMBLY MEMBER MCENENY: Well why, why  
11 don't, why don't you think about it, it would be  
12 helpful to us considering the weather turns a  
13 little difficult as time goes on, if it's  
14 something you could reach by train too.

15 MS. COADS: Yes.

16 ASSEMBLY MEMBER MCENENY: That would  
17 make life a lot easier.

18 MALE VOICE: How about Malloy College--

19 MS. COADS: Malloy College is close also  
20 but most people know where Hofstra is also.

21 ASSEMBLY MEMBER MCENENY: Right.

22 MS. COADS: Also, you know.

23 ASSEMBLY MEMBER MCENENY: Well we, we--

24 MS. COADS: [Interposing] And if I

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2 might, if I might add, I just want to thank that  
3 we have some people here, some seniors who wanted  
4 to observe you in action.

5 ASSEMBLY MEMBER MCENENY: Mm-hm.

6 MS. COADS: And I, I want to say thanks  
7 to them for coming and they're in the audience.

8 ASSEMBLY MEMBER MCENENY: Thank you.  
9 Thanks for coming. Now on the issue of  
10 diversity, my predecessor and several  
11 predecessors before were in fact African  
12 American. There are no African American  
13 republicans in either conference. And we have to  
14 have two elected, one assemblyman and one Senator  
15 would seem to me and I think they would agree  
16 that you have to get a republican African America  
17 elected so there's an option to appoint somebody.  
18 We are also criticized for not having woman here.

19 MS. COADS: You don't have any women.

20 ASSEMBLY MEMBER MCENENY: Certainly  
21 affects 51% but there are reasons for that and  
22 the reasons are not a racial, who was available,  
23 who had expertise, et cetera. I created the  
24 first two black wards in the City of Albany in

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2 1972. And have a great deal--

3 MS. COADS: [Interposing] And we had one  
4 African American on the commission 20 years ago.  
5 Is that correct?

6 ASSEMBLY MEMBER MCENENY: I don't know.  
7 I didn't do it 20 years ago.

8 MS. COADS: Oh okay.

9 ASSEMBLY MEMBER MCENENY: We had one.  
10 Yeah.

11 MS. COADS: You had one last--yes, we  
12 had last year.

13 ASSEMBLY MEMBER MCENENY: Now on the  
14 issue, when you come forward and represent a  
15 group, especially with prepared testimony, I'm  
16 assuming that the NAACP has had evening meetings,  
17 town meetings, seminars, when you're speaking for  
18 a group as prestigious as the NAACP, which I've  
19 been a member of for years. I think others up  
20 here have as well. We're assuming that for  
21 people who can't make it, this is usually an all  
22 day affair and I realize that people can't all  
23 attend it. There's transportation problems. I  
24 also realize there's people with child raising

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2 responsibilities that can't make the meetings at  
3 night. So a number of elected officials have  
4 held those kinds of meetings discussing,  
5 discussing redistricting, what it is, what the  
6 constraints are under the Voting Rights Act,  
7 under the constitution, et cetera. And I'm  
8 assuming that when a group comes forward, that  
9 those kinds of meetings have already been held.  
10 This is getting near the 11<sup>th</sup> hour. And that you  
11 respect--that you're representing not your  
12 personal opinion, but the opinion of a wi--a wide  
13 group of people who are representative of the  
14 African American other communities that are at  
15 risk for proper representation.

16 MS. COADS: Mr. McEneny, let me just  
17 say, the NAACP has been on this road,  
18 redistricting road, since 2009 preparing its  
19 members--

20 ASSEMBLY MEMBER MCENENY: [Interposing]  
21 Yes.

22 MS. COADS: --for the census of 2010 and  
23 onto the redistricting of 2011. And we are proud  
24 that we're able to put the redistricting to the

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2           forefront, one of the organizations, not all, but  
3           one of the organizations that did a fantastic job  
4           in making sure our people were aware, people in  
5           general, but our communities were aware of what  
6           was happening and what was going to happen in  
7           2011. And you're right. We did meet and have  
8           meetings in the evenings. We had meetings  
9           various times at our conventions, be it state or,  
10          or national, we talked about redistricting. But  
11          I also want to add that I too worked for  
12          government. And I know that in the Town of  
13          Hempstead, they used to have all meetings during  
14          the day. It was only when we had some more  
15          progressive elected officials to come forward and  
16          really fight the issue that we were able to get  
17          night meetings in the Town of Hempstead. It is  
18          just absolutely important to be able to at least  
19          have some of your meetings in the evenings. All  
20          of them at 10:00 does not address the concerns of  
21          the--everybody, constituents hearing the  
22          concerns. And it's an important issue. You have  
23          a major, major important job to do. And as many  
24          people should hear it as possible. And that's

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2 all we are saying, 10:00 for 12 or 14 meetings is  
3 just not so fair. And we hope that you will look  
4 into changing it for the future. And maybe when  
5 you have those other meetings, maybe hopefully  
6 you can come back to Nassau County at Hofstra or  
7 somewhere.

8 ASSEMBLY MEMBER MCENENY: Thank you.

9 MS. COADS: More convenient then where  
10 we are today.

11 ASSEMBLY MEMBER MCENENY: Once again,  
12 anyone who wishes to watch this hearing can do so  
13 on their home computer.

14 MS. COADS: Okay.

15 ASSEMBLY MEMBER MCENENY: And or  
16 computer that's accessible to them. You and I  
17 are now immortal in cyberspace somewhere.

18 MS. COADS: And I thank you so much.

19 ASSEMBLY MEMBER MCENENY: Thanks so much  
20 for coming.

21 SENATOR NOZZOLIO: Thank you so much.

22 ASSEMBLY MEMBER MCENENY: Au--Aubrey,  
23 Aubrey Phillips [phonetic]. Aubrey Phillips.  
24 Wilton Robinson [phonetic]. Wilton Robinson.

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2 Carol Gordon [phonetic]. Carol Gordon. Give a  
3 little yell if you're coming down 'cause we can't  
4 see the audience beyond that. Andrew Hardwick  
5 [phonetic]. Joyce Stow [phonetic]. Eugene  
6 Bernett [phonetic]. Dennis Jones. Thank you.  
7 Good afternoon.

8 MR. DENNIS JONES, RETIRED NYPD

9 DETECTIVE: Good afternoon, yes sirs. And ma'am.  
10 Well here we are again at--as a complainant on  
11 the Federal case concerning the Nassau Republican  
12 legislature redistricting plan, I felt obligated  
13 to come and speak to you about some concerns that  
14 should be on this table regarding the New York  
15 State Senatorial redistricting and assembly  
16 redistricting.

17 As this commission reviews testimony and  
18 information and, and attempt to do that which  
19 some of you may have thought was a simple task, I  
20 ask you to honestly consider our pleas. What I  
21 hope is not on your mind is any mental comments  
22 like let's redraw the lines of the Senate  
23 districts and in the process, we can silence the  
24 voting power of some of these larger black

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2 communities. Oh and let's not forget the  
3 Hispanic vote. This will silence their emerging  
4 communities also. Well a similar plan didn't go  
5 well in the Nassau County legislature. The  
6 people came out to show their displeasure.  
7 However today, what we are discussing here, is a  
8 much more serious nature and has remained a  
9 systemic form of voter disenfranchisement for a  
10 number of years. There are nine Senate seats  
11 from this area in Albany and not one seat has  
12 been designated a minority seat from Nassau or  
13 Suffolk. The 2010 census report indicated our  
14 voting age population has grown even larger,  
15 however minority representation in the Senate  
16 still escapes this densely minority populated  
17 area. Systemically public hearings on  
18 redistricting and reapportionment have not been  
19 held in Nassau County in four decades. How come?  
20 In this democracy--is this democracy or voter  
21 suppression? Can you imagine 40 years and no  
22 hearings in Nassau County? Nassau County where  
23 it matters, where laws were put in place to  
24 ensure that two minority legislature seats exist.

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2           Someone said it's time we fight for fair  
3           representation in our state government and I  
4           agree. The Voting Rights Act of 1965 and the  
5           Civil Rights Act of 1964, has, has indeed helped  
6           us. However, when others in power choose to  
7           ignore its words and intentions, it becomes a  
8           lesson unlearned. If we must fight for fair  
9           representation in the New York State Senate, then  
10          let the fight begin. Enough is enough.

11                   The Nassau County areas are unlike  
12          minority areas in Brooklyn and Queens where they  
13          have representation indicative of their map drawn  
14          districts. Here in Nassau County, the lines are  
15          drawn inadvertently or intentionally to disperse  
16          the minority vote in its entirety. No district  
17          is a clear representation of the greatest number  
18          of minority represented in Nassau. I hope that  
19          what transpires here results in more than hearing  
20          testimony for more that have testified before me  
21          and will testify after I do. I hope that it  
22          brings you members of the Commission pause. I  
23          hope, I hope that you recognize our cry for an  
24          opportunity to vote for true representation.

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2 Discrimination is a hell hound that gnaws at  
3 Negroes in every walking American--in every  
4 waking moment of their lives to remind them that  
5 the lie of their inferiority is accepted as truth  
6 in the society dominating them. And that was  
7 said by Martin Luther King, Junior. I want to  
8 thank you all.

9 SENATOR NOZZOLIO: I'd like to ask just  
10 a--whatever the years have been, I, I assume  
11 you're happy that this task force has here taking  
12 testimony and listening and conducting the hear,  
13 the first of what--a hearing no matter how many  
14 years it's been, this year, this task force is  
15 conducting this hearing and it's been our goal to  
16 be as open and as transparent and as available  
17 in an unprecedented way. So I guess in a sort of  
18 a back door way, you pointed out how this task  
19 force is doing its job. You might not have liked  
20 what happened in the past but in the present,  
21 we're doing what you want us to do. And that's  
22 something that we appreciate you taking the time  
23 to be here today to discuss the issues.

24 MR. JONES: Yes, thank you. That is,

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2 that is correct. I am, I am most appreciative of  
3 you coming out to Nassau and I, I'm so sorry that  
4 there is not a full house for you to hear and,  
5 and not more of the officials or the community  
6 leaders that need to be here to, to express to  
7 you what they've seen over the years. And what  
8 they would have expected you as this commission  
9 can do for them. So, you know, I could only  
10 speak for myself. I, I am involved in the  
11 Hempstead community and, and I see where the  
12 disenfranchisement exists. We fought very hard  
13 with the, the legislative just recently and I,  
14 like I said, I'm a member of a--as a complainant  
15 on a federal case that existed because of that.  
16 So I again wanted to just express my concern that  
17 and hope that maybe we can draw you back again to  
18 probably pick up some more of those that were not  
19 able to attend today.

20 SENATOR NOZZOLIO: That's a great point.  
21 And if I may make another point that certainly  
22 we'd welcome your involvement in getting the word  
23 out for people to take a look at some of your  
24 testimony and others testimony today, that may

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2 encourage additional thoughts of people in Nassau  
3 County in particular, that although they might  
4 not have been able to make this hearing or know  
5 about this hearing, that nonetheless they  
6 certainly can view your testimony and others of  
7 today on the task force's website in the very  
8 near future, encourage them to do so, encourage  
9 them to email us with other information that may  
10 be on their minds, and that thank you for being a  
11 catalyst in that endeavor.

12 ASSEMBLY MEMBER MCENENY: These, these  
13 here--

14 MR. JONES [Interposing] You're welcome.  
15 I, I am the second vice present for the Hempstead  
16 democratic club and we have a meeting tonight and  
17 I will definitely forward that information that  
18 they're accessible to send emails out to you and  
19 make their, their comments known. Thank you.

20 ASSEMBLY MEMBER MCENENY: Let, let me  
21 assure you that the people who show up at these  
22 meetings which in some cases last for six hours  
23 straight, are only some of the input that we get.  
24 We also get indirect input where somebody comes

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2 in and speaks for an entire group where they've  
3 done their homework, they've had community  
4 meetings over the months, if not the years, but  
5 also there are maps being submitted and there are  
6 letters being submitted the old fashioned way and  
7 electronically and all of that becomes part of  
8 the record and it influences the final drawing.

9 MR. JONES: Thank you for that. Thank  
10 you for that so much.

11 ASSEMBLY MEMBER MCENENY: Thank you very  
12 much.

13 SENATOR NOZZOLIO: Thank you.

14 ASSEMBLY MEMBER HEDGES: Could I ask  
15 that you simply state your name so that we get  
16 it--

17 MR. JONES: [Interposing] Oh I'm so  
18 sorry.

19 ASSEMBLY MEMBER HEDGES: --in the  
20 transcript and on the video?

21 MR. JONES: My name is--yeah, my name is  
22 Dennis Jones.

23 ASSEMBLY MEMBER HEDGES: Thank you.

24 ASSEMBLY MEMBER MCENENY: Thank you.

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2 Karie Solonges [phonetic] Esquire. Karrie  
3 Solonges. Archie Spigner.

4 SENATOR NOZZOLIO: He's coming.

5 HONORABLE ARCHIE SPIGNER: Hi.

6 ASSEMBLY MEMBER MCENENY: Good afternoon  
7 sir.

8 HONORABLE SPIGNER: Good morning. Good  
9 afternoon. It is now. Good afternoon Co-Chairs,  
10 McEneny, McEneny and Nozzolio as well as Senator  
11 Oaks. And Senator Dilan, Senator Dilan. Dilan  
12 excuse me, I forgot. I serve with Senator Dilan  
13 on the New York City Counsel for ten years and  
14 I'm glad that you're here making sure that this  
15 redistricting cycle is fair and considers  
16 communities we fought for together as elected  
17 officials. My name is Archie Spigner. I reside  
18 at 112-10 175 Street in Jamaica. I served as a  
19 member of the New York City Counsel for 27 years.  
20 And I'm currently a democrat district leader in  
21 the 29<sup>th</sup> Assembly District in Southeast Queens.  
22 I'm also the executive member of the Guy Brewer  
23 United Democratic Club.

24 Every ten years we go through this

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2 process which always yields a mixed bag of  
3 results. On the one hand, LATFOR makes certain  
4 adjustments that keep communities together such  
5 as reconfiguring Senate District 10 which used to  
6 travel from Williamsburg, Brooklyn to Southeast  
7 Queens. That matter was addressed in 2002 in the  
8 2002 redistricting. And I commend you for taking  
9 that district and making it more com--compact.  
10 However, a neighboring district, Senate District  
11 14 was created in a way that violates principals  
12 of con--con--contiguity, a lesser closed course  
13 as a low tide on Jamaica Bay. I was around in  
14 1982 when former Senate Majority Leader Warren  
15 Anderson misinterpreted the State Constitution  
16 and decided that redistricting did not have to  
17 happen that year. In effect, he did not want to  
18 face the demographic realities made clear in the  
19 1980 census. This trepidation disrupted the  
20 democratic process for a full year. In effect it  
21 was a case of just delayed is justice denied.  
22 The landmark US Supreme Court redistricting case  
23 of Plateau versus Anderson corrected this  
24 injustice and set the stage for new black and

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2 Latino Districts in various counties of New York.

3 Allow me to touch on the following three  
4 points for your consideration. First, prison  
5 based gerrymandering. It is great to know that  
6 one of the great injustices of the redistricting  
7 process was corrected when Governor Patterson  
8 signed the Prisoner Census Adjustment Act into  
9 law in 2010. Also known as Part 20, Chapter 57,  
10 the laws of 2010. I was either more pleased when  
11 President Barack Obama's justice department saw  
12 fit to pre-clear that just law, that seek to  
13 make, that seek to count prisoners at their homes  
14 of record and not some faraway prison community.

15 However, LATFOR not need delay full  
16 implementation of this law. I would hope that  
17 this law is fully implemented in advance of the  
18 first draft of maps. In effect, no di--  
19 redistricting maps should be drawn that does not  
20 do the proper addition and subtraction of the  
21 state's prison population.

22 Secondly, bi-county district. As I  
23 previously mentioned, LATFOR corrected an  
24 injustice with the guards to the old senatorial

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2 District 10 which straddled North West Brooklyn  
3 and Southeast Queens. New York City and its  
4 suburbs are densely populated areas that should  
5 have little need for too many districts splitting  
6 county lines to achieve political goals or  
7 disenfranchised communities. A 2002 memo by  
8 Senate Republican Staffer Michael Carvin, made a  
9 reference to politically undesirable areas in  
10 Nassau County that, that inhabited by a sizeable  
11 black community. Under a scenario described in  
12 this memo, portions of Southeast Queens would  
13 have been jointed to the communities of Elmont,  
14 Lakeview, Hempstead, Roosevelt, and Baldwin.  
15 This was being considered in order to give  
16 several Nassau County Republican senators a  
17 political advantage by not representing a, by not  
18 having to represent a more diverse district.  
19 This ill conceived idea was put into the  
20 political garbage can in 2002 and I'm asking for  
21 the record that it not be recycled in 2011, 12.  
22 Do not dilute our influence as a community by  
23 adjoining Southeast Queens which all, which  
24 already has two very competent black senators

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2 with Nassau County for purposes of providing  
3 political cover on Nassau republicans. The black  
4 community should not be used as a pawn in the  
5 redistricting process.

6 Please do not--don't do this to our  
7 community on the assembly state senate or the  
8 congressional level. The size of the senate  
9 population and the equality. The population  
10 equality. Ten years ago, LATFOR had multiple  
11 hearings in which the public was asked to submit  
12 their own plan for, considered plans for  
13 consideration. As it pertains to the Senate, we  
14 are all under the assumption that the size of the  
15 tenant would--we were all under the assumption  
16 that the size of the Senate would be 61 seats.  
17 At last minute, in ex--inexplicable political  
18 deals resulted in another senate district being  
19 added. For the record, I support the senate  
20 remaining at 62 seats. No deviation from this  
21 number should be considered that would violate  
22 the state constitutional formula which allows for  
23 62 seats. Now I know that there are some that  
24 have called for an odd number of seats to prevent

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2 a tie or gridlock. Lie--Lieutenant Governor was  
3 supposed to serve this purpose in the senate  
4 until the majority conference stripped him of  
5 some of this power in presiding over the senate.  
6 Furthermore in these times of fiscal austerity,  
7 we have folks who are losing their homes and  
8 being laid off, are laid off from work, adding to  
9 the state budget by creating more senate  
10 districts is inexcusable. We cannot have  
11 political calculation drive up the cost of  
12 running government.

13 With regards to the issue of population  
14 equality, Queens District in 2002 were drawn at  
15 318,000 individuals while some districts in  
16 Upstate New York were drawn at 291,000, many of  
17 which included prisoners. This practices flies  
18 in the face of concept of one person, the concept  
19 of one person, one vote. The individual vote of  
20 an upstate voter carries much more weight than  
21 one in Queens. Why should voters in the  
22 districts of Senators Huntley or Smith or Generis  
23 [phonetic] or Stavisky or Avella or Divore  
24 [phonetic] or Peralta have a, a less of a voice

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2 than an Upstate voter. Every district should  
3 have the same number of constituents.

4 In conclusion, I know that I've said a  
5 handful today but it is rooted in my years of  
6 observing redistricting and the impact good and  
7 bad that it has had on my community. LATFOR,  
8 please do the right thing. I will be back when  
9 you release those proposed plan to hope,  
10 hopefully praise LATFOR on putting on a plan  
11 that, that puts fairness above partisan politics.  
12 As Dr. Martin Luther--Martin Luther King said,  
13 "Injustice anywhere is a threat to justice  
14 everywhere." Let's show the country that New  
15 York knows how to do redistricting in an  
16 objective, fair, and compassionate way. Thank  
17 you.

18 ASSEMBLY MEMBER MCENENY: Thank you very  
19 much.

20 HONORABLE SPIGNER: Thank you very much.

21 ASSEMBLY MEMBER MCENENY: You were on  
22 the counsel for 27 years in the City of New York?

23 HONORABLE SPIGNER: Yes. In the city,  
24 in the city of New York.

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2 ASSEMBLY MEMBER MCENENY: Who drew the  
3 districts?

4 HONORABLE SPIGNER: Pardon me?

5 ASSEMBLY MEMBER MCENENY: Who drew the  
6 districts the last time they were drawn?

7 HONORABLE SPIGNER: The counsel. No  
8 the--it was a special committee that, that an  
9 independent committee that was appointed.

10 ASSEMBLY MEMBER MCENENY: Okay.

11 HONORABLE SPIGNER: Or a special  
12 committee that was appointed. Prior to that  
13 change in the law, the counsel drew its own  
14 lines.

15 ASSEMBLY MEMBER MCENENY: Okay. Thank  
16 you.

17 HONORABLE SPIGNER: You're welcome.

18 ASSEMBLY MEMBER HEDGES: Be, before you  
19 leave, I understand that you've tried to submit  
20 plans to the task force. We've gotten two emails  
21 from you, neither of which have the plan  
22 attached. I wondered if you could re-send your  
23 email with the plans attached?

24 HONORABLE SPIGNER: I, I'm sorry, I

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2 didn't hear you.

3 ASSEMBLY MEMBER HEDGES: My  
4 understanding is that we've gotten two emails  
5 from you that indicate in the email that there's  
6 a plan attached for drawing district lines. But  
7 there is no attachment.

8 HONORABLE SPIGNER: That, there's some,  
9 some misunderstanding there which we have to  
10 clarify. No I did not--

11 ASSEMBLY MEMBER HEDGES: [Interposing]  
12 You, you don't--

13 HONORABLE SPIGNER: [Interposing] No.

14 ASSEMBLY MEMBER HEDGES: -- you have not  
15 submitted it?

16 HONORABLE SPIGNER: I did not submit two  
17 emails with any plans, no.

18 ASSEMBLY MEMBER HEDGES: Okay thank you.

19 HONORABLE SPIGNER: All right. Then  
20 you're welcome.

21 ASSEMBLY MEMBER MCENENY: Will you  
22 submitting any plans?

23 HONORABLE SPIGNER: And I make any  
24 plans?

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2 ASSEMBLY MEMBER MCENENY: Yeah.

3 HONORABLE SPIGNER: I'm, I'm doing more  
4 watching to this to see that what is put out is  
5 appropriate. But I'm, I'm working with some  
6 people who--

7 ASSEMBLY MEMBER MCENENY: [Interposing]  
8 Who are?

9 HONORABLE SPIGNER: --who are doing work  
10 and, and observing very closely what the lines  
11 are. But we will await the outcome of whatever  
12 you, you do and we will look at that and if it's  
13 fair, we'll praise and support it. If not, we'll  
14 tackle it and suggest changes.

15 ASSEMBLY MEMBER MCENENY: Thank you.

16 HONORABLE SPIGNER: You're welcome.

17 ASSEMBLY MEMBER MCENENY: Leroy Gadsden.  
18 It's on trip too. I didn't fall. Good afternoon  
19 Mr. Gadsden.

20 PRESIDENT LEROY GADSDEN, NAACP-JAMAICA  
21 BRANCH: Good afternoon. Good afternoon to the  
22 Panel.

23 ASSEMBLY MEMBER MCENENY: Good  
24 afternoon.

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2 SENATOR NOZZOLIO: Good afternoon.

3 MR. GADSDEN: I am Leroy Gadsden,

4 President of the Jamaica branch of the NAACP. I  
5 sit before you today with mixed emotions as I  
6 look at you and your willingness to serve in such  
7 a worthy and civil cause. I am offended as an  
8 American that this body with such an awesome  
9 legislative task of duties of the highest  
10 standard is the board of no African Americans and  
11 only one woman is seated amongst you. True that  
12 we have evolved beyond the 1950s. if we were to  
13 turn back the hands of time, 100 years from 1911,  
14 this is exactly how this panel would look. I  
15 don't fault you for answering the call of serving  
16 this capacity. However, I question the manner of  
17 composing a segregated panel with the purpose of  
18 creating and making redistricting decisions in  
19 the just and fair interest of all of the citizens  
20 of New York State. This is a terrible indictment  
21 upon the great state of New York. This makes  
22 your job and responsibilities even more so  
23 important. How are we expected to have trust in  
24 a system that discriminates against us in the

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2 creation and onset of this great task that lies  
3 before you? It is our hope that as you carry out  
4 your duties and responsibilities, that you will  
5 rise above it all and update the hands of time in  
6 the government of structure of this state.

7 I also join my predecessors in raising  
8 the issue of the location of this hearing. Even  
9 though we have talked about we have small evening  
10 meetings in our own particular groups and  
11 organization, however though when you put a  
12 hearing at a very distant location, without any  
13 means of public transportation, and by any decent  
14 mapping, that sends a solid message of certain  
15 people in the inner city that your opinion  
16 doesn't count, you do not have a right to observe  
17 or to participate. That's the message that's  
18 sent, that is the message that is received. I  
19 hope we go forward that whoever make these  
20 decision will give careful consideration that all  
21 the people can get there but with public  
22 transpiration and as a way that people can go and  
23 they can be accommodated. Going back to your--

24 SENATOR NOZZOLIO: [Interposing] We

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2 fully agree that I'm--if I may interrupt you. We  
3 fully agree. I don't know if you heard our  
4 discussions with other representatives from the  
5 NAACP. But we agree with you. How about helping  
6 us out, send us a list of places where you do  
7 think the hearing should be held.

8 MR. GADSDEN: Definitely we'll do that  
9 sir.

10 SENATOR NOZZOLIO: Thank you.

11 MR. GADSDEN: And saying that, we thank  
12 you and give you our utmost respect for agreeing  
13 to serve in such a capacity. You have an awesome  
14 task before you.

15 As I said earlier and we agreed that the  
16 most cherished part of a democracy is a right to  
17 vote. And the right of the people to pick who is  
18 going to govern them. There is no greater right  
19 than that right to vote in democracy. Here in  
20 the NAACP, we view and cherish this concept of  
21 good government. But since our inception since  
22 102 years ago, until the present minute, we have  
23 always recognized and invited the right to vote.  
24 America has always invited this voice of

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2 government. In fact, this nation was found on  
3 the principal of no taxation without  
4 representation. However, when it comes to  
5 African American's and black folks, America has  
6 always had a double standard of what is good and  
7 beneficial to the rest of the country as opposed  
8 to what is good and beneficial for African  
9 American's. So while the calmness and eventually  
10 America was enjoying the fruits of the  
11 representative government, people of color were  
12 still living in a so called democracy with no  
13 right to vote. Although not restricted, such  
14 existence was usually found on the plantation.  
15 Prior to the Civil War, the South went to count  
16 black slaves for representation in Congress, but  
17 now them--but denied them representation or any  
18 right to participate in government. We have to  
19 be very careful. Very careful that here in New  
20 York State we don't duplicate the attitude of the  
21 south in our redistricting efforts. As the  
22 people, we built this country for free. We did a  
23 good job because she is still standing. We  
24 fought on every war of conflict. Truly, we are

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2 some of America's loyal citizens. If anyone has  
3 a right to participate in this democracy, it is  
4 the African American citizen. We are the only  
5 race where laws were created for the simple  
6 purpose of denying us the right to vote. Nor the  
7 race of people has been killed or destroyed or  
8 mayhem in the - - which we have in the pursuit of  
9 the right to vote. First, we couldn't vote. And  
10 then when it was legal to vote, we were denied  
11 the opportunity to vote. There were many rebels  
12 and hurdles across, killings and beatings, et  
13 cetera. A few of our white brothers, Adam  
14 Goodman, 21 years of age from Queens and New  
15 York's 25 year old Michael Schwarler, both  
16 conscientious young men who were killed in the  
17 pursuit of this right to vote for all men. I can  
18 present you with a volume of names of persons  
19 killed in the pursuit of this right. But I chose  
20 these two because they were local, they were sons  
21 of New York. In fact, one went to school right  
22 here in Queens. But they're conscientious level  
23 rose above their surroundings. They gave their  
24 life in pursuit of this thing. You have the

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2 charge to make sure these brave men and women  
3 both black and white didn't die in vain. When  
4 you draw district lines to dilute and weaken  
5 minority voting strip, you allow them to die in  
6 vain. Because the right to vote is on the half  
7 of the answer. Full participation means the  
8 ability to cast a decided and meaningful vote or  
9 influence of who will represent you. We're not  
10 asking you to lay down your life. We're asking  
11 you to do the right thing. But what is the right  
12 thing? The right thing is to draw district lines  
13 that would not dilute the strip of the minority  
14 voters of this state.

15 In 1965, the United States Congress  
16 passed the Voting Rights Act. In your actions,  
17 we ask that you not trivialize the voting right  
18 act. This act did not come by as a goodwill  
19 gesture. But this act was the result of many  
20 tears shedding the blood and even the loss of  
21 profit and life. We paid a price for the Voting  
22 Rights Act. Let us not forget the obstacle  
23 placed before African Americans trying to vote.  
24 Our ballot box like any other ballot box is

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2 covered with blood of those both black and white  
3 of a greater conscience who laid down their life  
4 just to ensure that we're not only have access to  
5 the ballot box, but a meaningful access and  
6 involvement in deciding who's going to represent  
7 us in government. But if you look back at key  
8 wording in this landmark voting rights  
9 legislation, includes such words that prohibits  
10 attempts to dilute African American voting  
11 strength. We remind you the need and the intent  
12 of the 1965 Voting's Right Act was to protect and  
13 ensure that constitution rights are those persons  
14 in America who were traditionally discriminated  
15 against the ballot box. The 1965 Voting Right  
16 Act is still on the books and in full effect.  
17 And the people whom those laws were designed to  
18 protect are still here and in need of that same  
19 protection and guarantee of their right to vote.  
20 We ask that any and all restriction decisions be  
21 made, excuse me, redistricting decisions, be made  
22 in compliance with the 1965 Voting Right Act.

23 In addition, we ask you to regard the  
24 fact that the New York State formula requires 62

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2 senate seats. We strongly believe that any  
3 deviation or departure from this 62 senate seats  
4 would be a violation of that Voting Right Act.  
5 We also believe that the creation of a new senate  
6 seat in Upstate New York by the commingling and  
7 conjoining of any district in Queens with Nassau  
8 County, will violate, will violate the 65 Voting  
9 Rights Act as well as the Equal Protection Clause  
10 of the 14<sup>th</sup> Amendment to the United States  
11 Constitution.

12 We also remind you that according to the  
13 laws of New York State, all prisoners must be  
14 counted in the city of home of their  
15 jurisdiction. The redistricting lines must be in  
16 compliance with this new population shift from  
17 Upstate to downstate. We put this body on notice  
18 that we will view any redistricting attempt in  
19 this state to cut up election district that  
20 weakens a heavily populated downstate minority  
21 vote and strengthen the less populated  
22 predominantly while Upstate voting district as a  
23 violation of the Equal Protection Clause and the  
24 14<sup>th</sup> Amendment as well as the Voting Right Act of

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2 '65. We challenge you to remain true to the  
3 intent of both the constitution, the Voting Right  
4 Act, and the 15<sup>th</sup> Amendment of the constitution.

5 And then we ask you to do the following:

6 One, we ask that you draw legislative district  
7 that will not dilute the ability of minority  
8 group voters to elect the representatives of  
9 their choice or to influence the electoral  
10 outcomes.

11 Two, we ask that you make an  
12 redistricting election decision based on the New  
13 York State Constitution, Article 3, Section 4,  
14 which requires Senate districting on the basis of  
15 the growth of certain county population. Three,  
16 we ask you to count and design every district  
17 with the same population ratio with no more than  
18 a 2% deviation, and four, the redistricting and  
19 legislative district we ask you to refrain from  
20 race and gerrymandering where as you like count  
21 the less populated upstate predominantly white  
22 district in Upper New York State while  
23 undercounting the heavily populated minority  
24 district in downstate New York. We are looking

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2 very close at that Fourth Amendment and that  
3 Equal protection clause. Because if we look at  
4 the Upstate, excuse me, if we look at the  
5 downstate currently, the 29 downstate districts  
6 contains 75% of the black population, 80% of the  
7 Asian population, and 81% of the Hispanic  
8 population of New York State. These over  
9 populated district only contain 47.88% of the  
10 state population, yet they constitute it on a  
11 46.77% of the 62 Senate district. Honorable Mr.  
12 Spigner raised the issue earlier that a man  
13 upstate and a woman upstate have more electoral  
14 power than and woman downstate just by like the  
15 one man, one vote and thus violating the equal  
16 protection clause of the 14<sup>th</sup> Amendment to the  
17 United State Constitution. I thank you for the  
18 time to render this testimony.

19 ASSEMBLY MEMBER MCENENY: Members?

20 Thank you very much.

21 SENATOR NOZZOLIO: I, I, I have a  
22 question. I agree with a lot of what you say but  
23 I guess what I tend to in a sense you sort of  
24 taken the parts of the constitution you like and

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2 discount the parts of the constitution that you  
3 don't like. And that that--one constitution,  
4 that's all. You have to have adherence to the  
5 constitution of the State of New York and the  
6 Constitution of the United States. You can't  
7 pick and choose and say well this part I like,  
8 this part I don't like. And I point to one  
9 particular aspect of the constitution that you  
10 said a deviation should be 2%. The Constitution  
11 of State of New York and it says that you cannot  
12 split towns. That deviation of 2% is virtually  
13 impossible to reach, is, is impossible to reach  
14 with that type of constitution provision. So I,  
15 I guess I'm, I'm saying to you, I certainly  
16 respect what you're saying, I respect your  
17 advocacy on behalf of encouraging everyone to  
18 vote, the protection of that right, of a right  
19 that you so adequately indicate has been hard  
20 fought by blacks, by women, by others who have  
21 been discriminated against in this nation for,  
22 for a number of years. That certainly should  
23 never be tolerated. But at the same token, there  
24 are constitutional provisions that protect

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2 regions of the state, protect the integrity of  
3 certain subdivisions of the state, and that you  
4 just can't say ones good and one's not good.  
5 You've got to look at them all and, and indicate  
6 that we want to adhere to every constitutional  
7 principal, not just those that are the ones that  
8 we like the most.

9 MR. GADSDEN: Yes, sir. And  
10 respectfully as we may respond is that however  
11 though we look at the federal constitution that I  
12 think the state constitution has to be in  
13 compliance with and not violate that in,  
14 individual rights, guaranteed by the federal  
15 constitution, I think the 2% is possible if we  
16 can be creative enough to create those districts.  
17 We go beyond 2% will not destroy us but when we  
18 get up to 9% and 10%, then that would, that would  
19 definitely create a new form of, let's say  
20 however in New York State where it would be in  
21 violation of that 14<sup>th</sup> Amendment 'cause I don't  
22 think we can take the state and say the state has  
23 an attempt to do the right thing when in the  
24 meantime we're going to violate the New York

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2 State constitution in doing the right thing. I  
3 think we have to pick a choice and be an  
4 attorney.

5 SENATOR NOZZOLIO: That's a--are you an  
6 attorney?

7 MR. GADSDEN: What sir?

8 SENATOR NOZZOLIO: Are you an attorney?

9 MR. GADSDEN: I don't practice sir.

10 SENATOR NOZZOLIO: Well I guess the, the  
11 assumption that many courts have held that  
12 numbers well beyond 2% are within constitutional  
13 dictates and the Supreme Court dictate of one  
14 person, one vote. The rationale is important and  
15 there has to be reason. And that certainly one  
16 of the reasons that New York is based is to  
17 ensure that those areas that--and we've heard  
18 testimony from a number of individuals that have  
19 said it's part of the worst thing that's ever  
20 happened is when a town was split and that we  
21 wouldn't have the similar type of representation  
22 and you're not talking about a town where one  
23 representative may be hundreds of miles away from  
24 that town as a result of the split. And the

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2 rationale basis of the constitution stayed in New  
3 York. And I think that not only ask you to say  
4 that your points are well taken but not those--  
5 we're not going to--certainly not going to  
6 advocate for the destruction of constitutionally  
7 protected principals that also are in place for  
8 the integrity of the voting public. So and the  
9 citizens of the state.

10 MR. GADSDEN: Well yes sir. And we  
11 believe that--we think this panel can be creative  
12 enough to console the districts and we redesigned  
13 those districts because we would have a problem  
14 if we look at the district into today and if a  
15 person upstate has almost one and a half time  
16 more power in an electing a representative as a  
17 person downstate, we think that is going to be so  
18 definitely skewed and so far away from the intent  
19 of the constitution, that we do not--we, we don't  
20 believe that say when we're in compliance with  
21 the state constitution, it's got to be  
22 satisfactory. Like you say, if you've got 2% to  
23 maybe 5% on deviation, perhaps that could be  
24 possible. And we're talking about 8% to 10%,

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2 that would definitely put a cit--a, a citizen of  
3 upstate New York in a higher class position than  
4 a citizen of downstate New York, therefore I  
5 don't know if we can get away from that fact of  
6 the one man, one vote, if that's our intent. If  
7 we go a district up, even respecting city lines,  
8 et cetera, when we get away from the one man, one  
9 vote, I think we're travelling all over that 14<sup>th</sup>  
10 Amendment and that's what will protect us.

11 And yes sir, I do agree, we have to pick  
12 the counselors we like. But our history in  
13 American has shown that US Constitution has been  
14 our bread and butter. They have saved us, they  
15 have given us power that the states are not one  
16 to give us and so we have to stay down to the--we  
17 have to hide on the banner of the United States  
18 Constitution and we hope that this panel will  
19 just keep that in mind when making a decision  
20 that we citizen, we need the protection, we want  
21 to make sure that we're in compliance with that  
22 14<sup>th</sup> Amendment, that one man, that one vote.

23 SENATOR NOZZOLIO: And I assure you  
24 every member of this task force is dedicated to

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2 ensuring that whatever product is produced, it  
3 complies with the letter and spirit of both the  
4 federal constitution and the constitution of the  
5 State of New York.

6 MR. GADSDEN: Thank you sir.

7 SENATOR NOZZOLIO: Thank you.

8 MR. GADSDEN: Thank you.

9 ASSEMBLY MEMBER MCENENY: Thank you.

10 Rachel Krinsky. Yup. Good afternoon.

11 PRESIDENT RACHEL KRINSKY, THE LEAGUE OF  
12 WOMEN VOTERS, NASSAU COUNTY: Good afternoon.  
13 First, I would like to thank the embers of LATFOR  
14 for holding these, for holding these hearings.  
15 They are much appreciated. I'm sure you see  
16 that. Even though I too object to the location,  
17 but I understand you will try to have a more  
18 centrally located place next time.

19 My name is Rachel Krinsky and I'm here  
20 as President of the League of Women Voters of  
21 Nassau County. The League is a non-partisan  
22 organization which encourages informed and active  
23 involvement in government and influences public  
24 policy through education and advocacy. We are

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2 also members of a statewide coalition to reshape  
3 New York which is dedicated to reforming New  
4 York's redistricting process and which consists  
5 of 35 organizations including civic groups, issue  
6 advocacy groups, unions, and business  
7 organizations. Though we consider today's  
8 hearing a good vehicle for citizens to comment on  
9 the redistricting process, we believe that New  
10 Yorker's have already made their position quite  
11 clear regarding the drawing of district lines.  
12 The voters of New York State want an independent  
13 commission rather than LATFOR to draw state  
14 legislative and congressional district boundaries  
15 according to fair and objective criteria while  
16 allowing for public input into the process. An  
17 independent commission drawing impartial district  
18 lines would still allow for the legislature to  
19 give input on the plan and ultimately pass  
20 legislation in accordance with the state  
21 constitution. Voters across all parties believe  
22 an independent body should draw the lines. The  
23 governor proposed legislation to form an  
24 independent commission. 61 of the 62 senators

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2 and 123 of the 150 assembly members either signed  
3 onto his legislation or legislation proposed in  
4 their respective houses, or signed pledges and  
5 questionnaires from good government groups in  
6 support of reforming the redistricting process.

7 An important element of reforming the  
8 di--redistricting process is keeping the  
9 differences in the allowable population between  
10 legislative district smaller to prevent favoring  
11 one region over another. The current  
12 redistricting process has historically protected  
13 incumbents. It has even carved incumbents  
14 competitor's homes out of districts and  
15 significantly discouraged competition. Voter  
16 participation in New York State is distressingly  
17 low. People tend not to vote if they face no  
18 real choice in candidates. Meaningful discussion  
19 of public policy has taken a backseat to years of  
20 partisan rhetoric and late budgets because  
21 partisan interests have been honored before  
22 interests. It is time for legislators to honor  
23 their words and keep their commitments. They  
24 should return to Albany during a special

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2 legislative session to end partisan  
3 gerrymandering and enact redistricting reform by  
4 creating an independent commission to draw  
5 impartial legislative and congressional lines.  
6 The state legislature should be a model of good  
7 government for local governments to emulate.  
8 Here in Nassau County, there was an attempt to  
9 push through new county legislative lines for the  
10 2011 election. With minimal public input and  
11 totally partisan planning. Fortunately the  
12 Courts have stopped this travesty for now. The  
13 League of Women Voters of Nassau County strongly  
14 advocated for an independent non-partisan  
15 commission to draw our county legislative lines  
16 and will continue to do so when the lines for  
17 2013 are being determined. We urge the  
18 legislature to institute an independent  
19 commission now as so many senators and assembly  
20 members led us to believe we would be done when  
21 they were running for office. New Yorkers cannot  
22 wait another ten years for reform. Thank you  
23 very much.

24 ASSEMBLY MEMBER MCENENY: Thank you.

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2 Robert Smith? Good afternoon.

3 PROFESSOR ROBERT SMITH, SCHOOL OF PUBLIC  
4 AFFAIRS, BARUCH COLLEGE-CUNY: Good afternoon.

5 Thank you for the opportunity to appear before  
6 the task force. My name is Robert Smith and I am  
7 a professor at Baruch College in the graduate  
8 center of CUNY. And I'm drawing on an expert  
9 affidavit that I wrote for the case of Boone v.  
10 Nassau in making this statement today.

11 My statement will focus on three points.  
12 One is a history of segregation and equality on  
13 Long Island. Two is the notion of blacks and  
14 Latino's constituting having a community of  
15 interests and the third are the implications of  
16 this for the drawing of districts that the Voting  
17 Rights Act and fair districting principals  
18 require the recognition of communities of  
19 interest in drawing districts that enable  
20 minorities to elect representatives of their  
21 choice.

22 The first point is that segregation and  
23 equality have been built into the development of  
24 Long Island primarily in the post second World

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2 War period and has become institutionalized to  
3 the point where that inequality does not require  
4 people to be individually racist in their day to  
5 day life. The inequalities get reproduced  
6 systematically and structurally. A prime example  
7 of this is the development of housing.

8 Segregation Long Island is the, is the third most  
9 segregated suburban place in the entire country  
10 and the roots of this are quite clear. For  
11 example, Levittown required that the houses could  
12 only be only sold to members of the Caucasian  
13 race when they were originally built. That  
14 requirement lasted through the 60s. Levittown is  
15 still 94% white. Urban renewal in the 50s and  
16 40s and 50s pushed blacks out of incorporated  
17 into unincorporated areas. Today real estate  
18 agents routinely steer black and Latino clients  
19 to black and Latino areas and away from white  
20 areas and steer white clients to white areas.  
21 73% of the race based complaints by African  
22 Americans to the New York State Housing  
23 Authorities were against real estate agents. Now  
24 in addition to this segregation, there's also

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2 notoriously ineffective enforcement of these laws  
3 against discrimination. In the New York State  
4 Division of Human Rights, the central office,  
5 took between five and ten years to reach a  
6 decision on most cases, even though the law  
7 requires it be done within 465 days. The  
8 regional offices were much faster. They took  
9 from one to four years. In this case, many of  
10 the complainants had moved away or died before  
11 their complaints were adjudicated. In addition  
12 to the lack of infest--ineffective investigation,  
13 there has also been--there's also no punitive  
14 damages so the realtors begin to look at this  
15 steering. If they get fined, it's just a cost of  
16 doing business. The point in terms of  
17 redistricting is that if blacks and Latinos are  
18 divided politically it would be harder for them  
19 to elect representatives of their choice who will  
20 advocate for their interests which are very  
21 different here than, than white Long Islanders.

22 There's a second history of division and  
23 equality. And that is in the school districts.  
24 Long Island has 125 school districts. Normally

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2 in the United States, the average is 15 school  
3 districts per county. This--more school  
4 districts is systematically tied to greater  
5 levels of segregation and inequality. There are  
6 more than 1,000 separate governmental units in  
7 Long Island's 1,199 square miles. One of the  
8 results of this is that this segregation--the  
9 education is funded by property taxes.  
10 Segregation has reduced the property values in  
11 places where blacks and Latinos live so that  
12 spending in primarily white higher income  
13 districts is 26,000 per student while lower  
14 income districts spend 18,000 per student. This  
15 is a very glaring inequality. The Roosevelt  
16 School district is 99.9% black and there were  
17 four white students in the entire school district  
18 in the year 2000. The half of black and Latino  
19 children on Long Island live and go to school in  
20 districts that are more than 95% black and  
21 Latino. This is a very high level of  
22 segregation. In addition to these high levels of  
23 segregation and inequality, blacks and Latinos  
24 form a community of interest on Long Island which

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2 I define as when groups of common interests  
3 confront similar problems and relate similarly to  
4 structures of inequality and power. There are  
5 several ways that these communities of interests  
6 are expressed. One of them is they have common  
7 social locations. The statistic on half of the  
8 students of, of color going to schools that are  
9 95% black and Latino is one. Another is that  
10 blacks and Latinos on Long Island are three times  
11 more likely to live in poverty than whites. They  
12 are also much more high--affected by the  
13 foreclosure crisis. A second thing is that  
14 blacks and Latinos on Long Island believe  
15 themselves to be in the same boat in terms of  
16 opportunity. 60% of African Americans and, and  
17 40% of Latino's reported having had significant  
18 experiences of discrimination, 39% of African  
19 Americans and 21% reported direct housing  
20 discrimination. White's by the way in these, in  
21 these surveys also believed that housing  
22 discrimination happens.

23 Another example, and I know that we're  
24 supposed to keep our, ourselves limited here is

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2 that blacks and Latinos on Long Island are much  
3 more likely to depend on public transportation.  
4 83% of whites versus 59% of Hispanics and 65% of  
5 blacks drove their own vehicle to work. Latinos  
6 and blacks are six times and seven times more  
7 likely than whites to use public transportation  
8 system to get around in New York. Black and  
9 Latino leaders that I have interviewed have  
10 talked about the fact that they are material in  
11 the same, in the same boat and legislature Robert  
12 Troyano, an LD2, said to me that blacks and  
13 Latinos if he had to succinctly describe their  
14 conditions of life on Long Island it would be  
15 separate and unequal from whites.

16 The point of this analysis and I've gone  
17 as quickly as I could to keep into the five  
18 minute limit, is that in the drawing of  
19 legislative districts, the Voting Rights Act and  
20 fair districting principals in case law require  
21 that communities, communities of interest be  
22 considered and respected. There's been ample  
23 testimony today that blacks and Latinos have not  
24 been--that, that community of interest has not

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2           been grouped together and that that--those  
3           communities of interest have grown significantly  
4           over the last ten years. I commend the  
5           commission for looking, the task force for  
6           looking at these issues and I encourage you to  
7           take advantage of the opportunity before you to,  
8           to draw districts that in fact do take note of  
9           these very significant communities of interest  
10          between blacks and Latinos. Thank you.

11                   ASSEMBLY MEMBER MCENENY: Thank you. An  
12          earlier person testified, gave maps, common  
13          cause, gave a wonderful rendition of divisions  
14          based on income and education which seemed to  
15          indicated that in Nassau County on the Southern  
16          Shore, it tended to be poor less educated, having  
17          more needs associated with, with poverty and  
18          discrimination. There were no Asians in that  
19          map. But north of a line in between, the out  
20          migration of Asians from upper Queens seemed to  
21          be going to the North Shore. Do you think that  
22          the Asian population on Long Island identified  
23          more with the proposed minority districts of  
24          primarily blacks and Hispanics or do you think

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2 they identify more with overwhelmingly white  
3 districts?

4 MS. KRINSKY: When you say Asians, you  
5 mean south Asians, Indians, [crosstalk] or?

6 ASSEMBLY MEMBER MCENENY: Everybody  
7 udder that category. Just as with the African  
8 Americans we include Caribbean's and Africans as  
9 well.

10 MS. KRINSKY: Are you referring to  
11 Elmont and areas like that?

12 ASSEMBLY MEMBER MCENENY: Yes.

13 MS. KRINSKY: I'm not sure I can make an  
14 informed comment on that, on the Asian  
15 population. But I would say, I have noticed when  
16 I and, and the research that I've done, that  
17 there is a higher income level for example--

18 ASSEMBLY MEMBER MCENENY: [Interposing]  
19 Mm-hm.

20 MS. KRINSKY: --among blacks and Latinos  
21 moving into those north areas into Elmont and  
22 places like that. However, even when you don't--  
23 'cause the, the story that I just related very  
24 quickly is one of, you know, income levels,

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2 educational opportunities, et, et cetera between  
3 whites versus Latinos and blacks being very, very  
4 different. In Elmont, the income level of blacks  
5 and Latinos is actually higher than of whites.  
6 However, you do not get in those school districts  
7 integration. You get almost perfect segregation.  
8 Elmont Memorial High School has 90 plus percent  
9 black students and Sewanhaka High school has 90  
10 plus percent white students and they're in the  
11 same school district right?

12 ASSEMBLY MEMBER MCENENY: Mm-hm.

13 MS. KRINSKY: And you get the same  
14 rhetoric in the local newspaper. It's--we have a  
15 Western border with Queens. We're being invaded.  
16 They're ruining the schools. Instead of an  
17 extrication story, these guys are coming in and  
18 driving housing prices up. The story that's  
19 being told about these blacks and Latinos with  
20 20,000 higher income per year is they're ruining  
21 the school system. So that race really does make  
22 a, a, a tremendous difference. There's actually  
23 research that's been done that you can map  
24 housing prices based more on school districts

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2 than on anything else. So if you have a house--  
3 and this is not rocket science to most of us.

4 ASSEMBLY MEMBER MCENENY: I'm, I'm from  
5 Albany. It's the exact same thing.

6 MS. KRINSKY: But you have houses in the  
7 same neighborhood. Houses--same housing stock.  
8 This side of the streets one school district and  
9 this side of the streets the other. You get a  
10 massive different in price because one is  
11 perceived to be in a black district and the  
12 others in a white district. So--

13 ASSEMBLY MEMBER MCENENY: [Interposing]  
14 We have that with urban and rural, rural as well.

15 MS. KRINSKY: Yeah.

16 ASSEMBLY MEMBER MCENENY: One is  
17 considered to be more suburban. It's preferred  
18 for, for housing versus across the road where  
19 it's in a, in a rural district.

20 MS. KRINSKY: So in answer--your  
21 question, I did the professor thing which is that  
22 you asked me a certain question but I didn't have  
23 a lot of information on and then I answered a  
24 question I did have a lot of information on. But

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2 the--I do think that in a place like Elmont that  
3 there, there is a non-white--there's a white,  
4 non-white divide. And I think for example  
5 Caribbean's who moved in there, many of whom have  
6 also South Asian ancestry--

7 ASSEMBLY MEMBER MCENENY: [Interposing]  
8 Mm-hm.

9 PRESIDENT KRINSKY: --identify, in that  
10 case, identify with blacks and Latinos. And, and  
11 the voting, for example, in school board  
12 elections in Elmont is very polarized. Schools  
13 with mainly white students always vote for the  
14 white candidates. Schools with mainly black and  
15 Latino candidates vote for those candidates. So  
16 and even in the place where you have nearly--you  
17 have the ideal conditions for sort of a very  
18 positive kind of integration, you still have this  
19 racial division and you have a rhetoric and a  
20 public narrative that those guys are ruining the  
21 schools by coming in. And I think that's very  
22 important when you think about the idea of a  
23 community of interest, that even people that are  
24 making a lot of money and, and really should--if

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2 race didn't matter, no one would remark on this  
3 right? They would be saying my housing prices  
4 are going up because those guys are making more  
5 money. That's not the story. The story is we're  
6 being invaded from Queens.

7 ASSEMBLY MEMBER MCENENY: Yeah, racism  
8 is never based on logic. So that's--thank you  
9 very much. We appreciate your testimony.

10 MS. KRINSKY: Thank you very much.

11 SENATOR NOZZOLIO: Thank you. That we  
12 have been joined and I apologize because I think  
13 it's been for awhile by a couple of our  
14 colleagues in the legislature. It's difficult to  
15 see out there but I understand that Senator Ruth  
16 Hassell-Thompson is here. Senator Thompson,  
17 thank you very much Ruth to--for your  
18 participation. You've been to a number of  
19 hearings we do appreciate your involvement.  
20 Also, Assemblyman Joe Salidino. Joe, thank--  
21 Saleman, thank you very much for being here to--  
22 if you're--are we in your district or close,  
23 close by in the general vicinity. Well thank you  
24 for your participation.

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2 ASSEMBLY MEMBER MCENENY: Thank you.

3 James McDonald. James McDonald.

4 MR. JAMES J. MCDONALD: Do you envy  
5 Solomon when he only had the baby to worry about?

6 ASSEMBLY MEMBER MCENENY: What was that?

7 MR. MCDONALD: Do you envy Solomon? All  
8 he had to do was slice the baby in half.

9 ASSEMBLY MEMBER MCENENY: No matter what  
10 happens with any redistricting, someone is always  
11 unhappy and there's almost always some kind of  
12 lawsuit somewhere.

13 MR. MCDONALD: That's well I'm a little  
14 hard of hearing.

15 ASSEMBLY MEMBER MCENENY: Yeah.

16 MR. MCDONALD: My wife screaming at me  
17 over the years. So if you'll bear with me. My  
18 name is Jim McDonald. I represent nobody but  
19 myself. The views I express are my own. And  
20 while I may deviate a little bit from the purpose  
21 of the hearing, I think in some sense it's all  
22 related. I thank the Committee for the  
23 opportunity to speak on this issue. I support  
24 the concept that all legislative districts in New

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2 York State should be drawn to contain equal  
3 populations aiming for a deviation from the  
4 mathematical average of no more than 1% or 2% at  
5 most. Districts should be compact and  
6 contiguous, the ideal being a circle where every  
7 point on the perimeter is approximately the same  
8 distance, distance from the geographic center.  
9 Districts should not be gerrymandered to include  
10 or exclude specific populations or voting blocs  
11 as to, as is so often the practice now.  
12 Geography and political boundaries should be  
13 respected as much as possible. Many of the  
14 current legislative districts in New York State  
15 were drawn to enhance the fortunes of a political  
16 party or an incumbent or to strengthen or weaken  
17 one group of voters at the expense of other  
18 voters within the same district. That practice  
19 is undemocratic and should end. Geography makes  
20 communities of interest. Congressional and  
21 legislative lines should be drawn to serve the  
22 community's needs and not the legislators. The  
23 practice in New York State, as in most other  
24 states, if for each legislative house to draw its

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2 own lines and predictably the majority party  
3 seeks to maintain this majority by creating  
4 districts to satisfy its own needs. I don't know  
5 if there will ever be a better way to tackle this  
6 problem but the legislature should consider  
7 surrendering this task to an imperial impartial--  
8 sorry, impartial commission if such a group can  
9 ever be created. I doubt it. As far as  
10 congressional districts are concerned, the same  
11 rules should apply. Compact and contiguous while  
12 respecting geography and political boundaries as  
13 much as possible.

14 My understanding is that ten years ago  
15 the congressional delegation from Nassau and  
16 Suffolk Counties worked out a deal among  
17 themselves to swap blocks of voters across  
18 different communities to solidify, to solidify  
19 their hold on their own districts. And that the  
20 state legislature ratified the arrangement. If  
21 true, arrangements like this only serve to deepen  
22 the cynicism and distain that so many Americans  
23 now feel towards politicians and the political  
24 process. I think legislative candidates should

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2 also be allowed to run and serve in contiguous  
3 districts close to where they live. A line on a  
4 map should not prevent voters in a given district  
5 from making the decision as to who should  
6 represent them. I say this because if you're a  
7 candidate for Congress in New York State, you can  
8 run anywhere in the state of New York. But very  
9 often district lines have been drawn where you  
10 might say that two candidates who live across the  
11 street from each other are now suddenly put  
12 either in the same district or in opposite  
13 districts. And this in a sense is a, a selective  
14 form of gerrymandering. We've seen some really  
15 exotic districts drawn over the years to  
16 accomplish exactly that task.

17 Rather than quibble over the size of the  
18 state senate, 61 versus 62 districts, I would  
19 like to eliminate the senate altogether and  
20 replace it with a 211 member legislature. 150  
21 plus 61. A single legislative body of this size  
22 would bring the state government closer to that  
23 public, to the people of the state in smaller  
24 districts and perhaps even allow more voters to

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2 actually meet their legislatures. I would like  
3 to see the legislative term of office increased  
4 to four years. So that the governor and the  
5 members of the legislature are all up for  
6 election at the same time giving the people of  
7 New York State an opportunity to affect a change  
8 in their government if they so desire. A single  
9 legislative chamber would be more productive,  
10 would be an effective counter weight against the  
11 executive if necessary, and would allow the  
12 public to easily determine which party should be  
13 awarded or punished for their policies. It would  
14 also give legislators more time to govern and  
15 make some of the necessary hard decisions. I  
16 would like to see the state fund all legislative  
17 campaigns so that the citizens in each district  
18 get the opportunity to hear from all of the  
19 candidates in that district. At the present  
20 time, the incumbent is usually the only one the  
21 voters ever hear from. Primarily because the  
22 challenger or challenges lack the financial means  
23 to mount even a minimum campaign. The large  
24 amounts of private money donated to political

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2 campaigns taints the process and increases voters  
3 cynicism. In 2008, a presidential election year,  
4 approximately 72% of registered voters in New  
5 York State turned out to vote. Of the 62 state  
6 senate districts, 11 were completely uncontested  
7 and three others had only minority party  
8 opposition. Many of the senate races were  
9 lopsided or fair as with the incumbent facing  
10 token opposition while enjoying all of the  
11 advantages. The assembly races were no  
12 different. Money, or the lack of it, is the root  
13 of the problem. With so many citizens expressing  
14 dissatisfaction with government, while more than  
15 95% of incumbents are re-elected year after year,  
16 something must be wrong with the process.

17 I would also like to discuss one other  
18 issue in regards to improving voter participation  
19 in the elections. There are only a handful of  
20 states that allow a candidate to appear on more  
21 than one party line and we are one of them. The  
22 Wilson Pikula Law in New York State has perverted  
23 the political process by allowing party leaders  
24 to trade their parties endorsement for jobs,

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2 judges, and a whole host of political favors. It  
3 has gotten to the point in Suffolk County where  
4 whole segments of the population have been  
5 routinely disenfranchised because party leaders  
6 have made deals to guarantee the winners in a  
7 political contest before the ballots are even  
8 printed. To cite just a few examples. In 2010,  
9 the county clerk and the controller received all  
10 four lines and each received 100% of the vote.  
11 In 2009, the district attorney, the sheriff, and  
12 the county treasurer were on all four lines and  
13 each received 100% of the vote. In 2007, the  
14 county executive in his first bid for reelection  
15 received all five lines but only received 96% of  
16 the vote because two minor party candidates went  
17 to great trouble to get on the ballot in a  
18 courageous but futile attempt to provide  
19 opposition. These are only some of the contests  
20 where the voters have been rendered superfluous.  
21 This law is a terrible law and should be repealed  
22 as soon as possible.

23 Finally, I would like to see all judges  
24 in New York State appointed rather than elected.

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2 The voters should not have to wade through a  
3 forest of judicial candidates to find and vote  
4 for the policy makers. A ballot without judges  
5 would focus voter's attentions on those who  
6 actually make the laws. Besides, most voters  
7 have no idea who these judicial candidates are.

8 I recognize that this committee is  
9 specifically tasked with gathering input on  
10 redistricting but even in the fairest set of  
11 lines were drawn to satisfy every voter in New  
12 York State, it would not necessarily make our  
13 elections any fairer because of these and other  
14 issues which only the state legislature can  
15 successfully address. I urge you to do so.  
16 Thank you for your time.

17 ASSEMBLY MEMBER MCENENY: Mr. McDonald,  
18 I appreciate a lot of the things that you said  
19 there. In fact, most of them. And if we ever  
20 did have a constitutional convention, I wouldn't  
21 mind having you sitting there asking those  
22 questions. A few things that you bring up. A  
23 question of residency which is anyplace in the  
24 state for Congress and don't be on the wrong side

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2 of the street or virtually everything else. In  
3 an election year, you can run pretty much  
4 anywhere in a redi--excuse me, a redistricting  
5 year. The problem is, you could wind up selling  
6 your house if you wanted to continue for the--

7 MR. MCDONALD: [Interposing] Assuming  
8 you could do so in this market.

9 ASSEMBLY MEMBER MCENENY: Yes. Exactly.  
10 Exactly. I, I'd like to see that softened within  
11 a distance or in an enjoining district. The four  
12 year term would make a lot of sense, particularly  
13 running the same time as the governor. Single  
14 legislative chamber, the number of bad  
15 legislation which gets rescued and changed by the  
16 time it makes it to the other house and then  
17 comes out as good legislation, more than  
18 justifies splitting it up. It also means that if  
19 you have more than one representative, there's  
20 always somebody there that has to be responsible  
21 to you where if you've only got one and you ran  
22 against him and he can't stand you, you're not  
23 going to get the same legislation. I'd like  
24 smaller districts because special interests money

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2 can be over common. The smaller the district,  
3 the better it is to know your own people, your  
4 own media. I'm very worried having congressional  
5 districts going for about \$650,000 up to  
6 \$718,000. When you, when you get into Senator  
7 Nozzolio's part of, part of the state, this means  
8 many, many, many counties, different media  
9 markets which forces you to buy advertisement  
10 which means you've got to turn to special  
11 interests for funding. And I certainly agree  
12 with the campaign--

13 MR. MCDONALD: [Interposing] I'd like--

14 ASSEMBLY MEMBER MCENENY: [Interposing]  
15 finance.

16 MR. MCDONALD: --to make an observation.  
17 I ran six times for, I'm sorry, three times for  
18 the state senate. 1968, 1972 against Owen  
19 Johnson by the way who--

20 ASSEMBLY MEMBER MCENENY: [Interposing]  
21 Yup.

22 MR. MCDONALD: --we know each other well.

23 ASSEMBLY MEMBER MCENENY: Sure.

24 MR. MCDONALD: And again in 2006 against

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2 Owen Johnson. We're both aging warriors and but  
3 there--the reason I ran in 2006 was because there  
4 was an arrangement made between the political  
5 leaders in Suffolk County that if the democrats  
6 didn't put a candidate up against the republican  
7 state senator, the republicans wouldn't put a  
8 candidate up against the democratic assemblyman.  
9 And what this did was effectual, effectively  
10 disenfranchised three-quarters of the entire town  
11 of Babylon and so for 2000, 2002, 2004 and 2006,  
12 there was absolutely no choice. The leaders had  
13 selected our representatives in the legislature.  
14 So I decided along with some friends of mine that  
15 maybe we should give them a contest. And this  
16 happens a lot. All over the state. And I  
17 recognize that for an incumbent who spent 20 or  
18 30 years of legislature, it's probably a  
19 harrowing experience to be confronted with let's  
20 say a pick and shovel job or being out on the  
21 street as a result of the voters suddenly going  
22 mad and choosing somebody else. You see but  
23 after awhile, this is what happens in a democracy  
24 or at least an alleged democracy.

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2           The argument against having two houses  
3           is basically this. When the constitution was  
4           originally drafted, the idea was initially a  
5           single house. It was only the states arguing  
6           that what about us, Delaware primarily and I  
7           believe Rhode Island. But at that time, Delaware  
8           was only one-tenth the size of Virginia. Montana  
9           with 550,000 people right now is one-sixtieth or  
10          one-seventieth the size of California. And so  
11          that whole argument no longer holds water. And  
12          one of the problems we have in the entire country  
13          is the fact that this vestige of poor thinking,  
14          230 some odd years ago, has now locked us into a  
15          situation with those who have the power refused  
16          to surrender it. And even the way in which we've  
17          constructed a three-quarter majority, by the way,  
18          the original constitutional convention debated  
19          whether it was a simple majority in Congress, a  
20          unanimous vote by every single member of  
21          congress, a unanimous vote by the various states,  
22          and they actually kicked around a variety of  
23          different ways to amend the constitution. So we  
24          have the same thing. I believe the 1894

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2 Constitution of New York State said no two  
3 counties separated by a river which by the way  
4 was the East River, that you'll ever have a  
5 majority in this state assembly. And that was an  
6 effort by the upstate people to keep, keep power.  
7 But it's, it's undemocratic. And what I'm  
8 suggesting here is this. We should have a  
9 constitution convention. The only way we're ever  
10 going to have it is somebody's got to ask for it  
11 and start that. I believe it was Kennedy who  
12 once said the longest journey begins with the  
13 single step. Somebody has to make the proposal  
14 to make these changes because basically if we  
15 don't do this, all we're basically doing is  
16 spinning our wheels and ten years from now, when  
17 I'm probably pushing up daisies, somebody else  
18 will be up here asking the same questions. So we  
19 should really try to deal with this.

20 You know, I, I, I wish you gentlemen  
21 well. I realize you have a very tough task  
22 trying to satisfy everybody. But I guess the  
23 argument that I would use is that you should  
24 always put yourself in the other guy's shoes.

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2           What about the guy who doesn't have the power,  
3           what about the guy who isn't represented, you  
4           know, how do I take care of him? Right now,  
5           public financing, if we were to spend a million  
6           dollars in 211 assembly districts without a  
7           Senate, and divvy that money up in such a way  
8           that whoever ran in that particular district  
9           which would have about 92,000 people in it, that  
10          million dollars would guarantee that every single  
11          voice would be heard. As at the moment, that's a  
12          hell of a lot cheaper than what we have I believe  
13          member items roughly run about \$285,000,00 a  
14          year. Right?

15                    ASSEMBLY MEMBER MCENENY: They've been  
16                    gone for two years.

17                    MR. MCDONALD: Well I haven't--

18                    ASSEMBLY MEMBER MCENENY: [Interposing]  
19                    No member items left.

20                    MR. MCDONALD: I haven't, I haven't run  
21                    in two years so I didn't know that. But that  
22                    was, that was a, a considerable amount of money.  
23                    And \$50,000,000 a year which would be roughly  
24                    what it would account to run every four years, is

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2 miniscule in the state budget. But what it would  
3 do for politics in New York State, it would be--  
4 we would lead the nation on this. And we haven't  
5 really done this. And at the present time, every  
6 candidate who runs in order to get his message  
7 out requires money and no matter how you coat it,  
8 it almost looks like legalized extortion. Not  
9 that you ever promise anybody anything in return  
10 for their contribution but there are very few of  
11 us who doubt that those who sit around a table at  
12 \$10,000 a head or \$20,000 a head or \$50,000 a  
13 head, do so because they're interested in civic  
14 virtue, you see. So I would like to see all of  
15 these issues addressed including redistricting.  
16 Thank you very much.

17 ASSEMBLY MEMBER MCENENY: Thank you very  
18 much. Cecil Lawrence [phonetic]. Cecil  
19 Lawrence. Reverend Charles Norris. Yeah, yeah  
20 he came up before. Good afternoon sir.

21 REVEREND CHARLES NORRIS, PASTOR  
22 EMERITUS, BETHESDA BAPTIST CHURCH, RELIGIOUS  
23 LEADER, SOUTHEAST QUEENS, CLERGY UNITED FOR  
24 COMMUNITY EMPOWERMENT (CUCE): Good after--good

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2           afternoon. My name is Bishop Charles L. Norris,  
3           Senior. And I served as the Pastor of Bethesda  
4           Missionary Baptist Church of Jamaica Queens for  
5           37 years. I also serve as the Executive  
6           Secretary for Clergy United for Community  
7           Empowerment which was originally known as  
8           Southeast Queens Clergy for Community  
9           Empowerment. We came together in 1984 to try to  
10          elect Jessie Jackson as the President of the  
11          United States. And we tried it again in '88 and  
12          didn't succeed. I think we finally made it in  
13          2008 when we were able to elect Barack Obama.

14                    But what does a Baptist preacher have to  
15          say about redistricting and the demographic  
16          changes in communities? First off, the Bible  
17          makes reference to the census when it describes  
18          how Joseph and Mary had to travel from Galilee to  
19          Bethlehem to be counted in the census. It was a  
20          practice of the Roman government to have  
21          individuals travel to their native land to be  
22          counted in the census. Bethlehem was the  
23          ancestral land of Joseph who was the descendant  
24          of King David. So even back then, there was an

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2 awareness that counting individuals and counting  
3 them in the right place had a purpose. Joseph  
4 knew that he had to be counted in his home of  
5 record. Thank God for that was, that was done  
6 2000 years ago. Our government decided to count  
7 everyone in their homes of record. This is why  
8 there is no reason why this task force should  
9 delay in assigning the state prisoners to their  
10 homes of record.

11 As someone has ministered to the dozens  
12 of formally incarcerated young men, I must say  
13 that it is a travesty of justice to argue that an  
14 Upstate Senator or assembly member adequately  
15 cares and re--represents prisoners in their  
16 district. I was saddened to hear that some  
17 republican senators are challenging this law in  
18 the court. So let's stop the waffling and  
19 reassign these--those prisoners back to their  
20 homes in of record. If this legislation can  
21 count billions of dollars in the budget of this  
22 strict time, timeline, and can count votes every  
23 two years during the election, you can certainly  
24 reassign 58,000 prisoners back to their homes of

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2 record for redistricting purposes.

3 The Voting Rights Act has done a great  
4 deal in increasing representation in our  
5 community. Some have said that since we now have  
6 the black president, it may not be relevant.  
7 That's hogwash. Laws are in place and I--and as  
8 a check against the worst instinct of societies.  
9 If Cain had been, had been his, his brother's  
10 keeper and not murdered Able, perhaps we would  
11 not--never or not ever have the need for the laws  
12 against murder. But history has shown that--  
13 shown us that the law helps keep the scales of  
14 justice balanced. I believe that the Voting  
15 Rights Act should always protect African  
16 Americans, Latinos, Asians, and Native Americans.  
17 And in the election and in redistricting process.  
18 If there are some in this body that may think  
19 that race should not be a determinative factor in  
20 redistricting here in Nassau County for more  
21 legislative representative, excuse me, when--well  
22 let us look at the geography. There are enough  
23 blacks and Latinos right here in Nassau County  
24 for a legislature, for a legislative

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2 representation. This can be done without having  
3 to reach into Queens for more folks of color. It  
4 can be done by drawing compact districts. In  
5 communities such as Hempstead, Lakeview,  
6 Uniondale, Baldwin, Freeport, Westbury, Elmont,  
7 there are sizeable communities. These are  
8 sizeable communities of color. To elect another  
9 assembly member and another senator, it can be  
10 done to serve a political purpose. So if you  
11 don't want to look at race, well look at the  
12 village town or the school district, the  
13 boundaries, and you will see that oftentimes,  
14 people live around others that they share their  
15 history, culture, and values. But please don't  
16 decide or rather divide us up for political ends.

17 We ask all the senators serving on this  
18 task force. I am talking about your district for  
19 the Bible says there is nothing hidden that will  
20 not be disclosed and nothing concealed that will  
21 not be known or brought to the, to the open.  
22 These four districts, these four districts exist  
23 the way they do because black and Latino  
24 communities were divided. Thank God for

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2 transparency in government and hearings such as  
3 these. Do the right thing, not just because God  
4 is watching but because we people are watching as  
5 well.

6 Let me, let me, let me just also be sure  
7 that this task force does everything possible to  
8 ensure that every district has the same  
9 population across, across the state. According  
10 to the prisoners that should be expeditiously be  
11 assigned to their homes of record. Every  
12 district should have the same population, no  
13 excuse. No delay. Because as we said earlier,  
14 justice may have said earlier, justice delayed is  
15 justice denied.

16 Let me thank you for the time that I  
17 have looked forward to testifying again before  
18 this task force and release, under release its  
19 purpose, its proposed district maps. Let me just  
20 say from the memory that I have of the last time  
21 Nassau County and Queens were together, they had  
22 a senator by the name of Karen Burstine. And if  
23 I remember correctly, I can't remember too many  
24 member items coming across my desk in Queens as I

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2 would imagine came across the desk of those  
3 people who lived in Hewlett, Woodmere, Cedars,  
4 Lawrence, and we must include Inwood. But what  
5 I'm saying is that I would hope that we can count  
6 the people who are in prison in their homes where  
7 they came from. And also, keep the district so  
8 that we will have a senator in Nassau and a  
9 senator in Queens. We should not combine those  
10 two counties together. Thank you very much and  
11 we trust that you will do the right thing.

12 SENATOR NOZZOLIO: Reverend, thank you  
13 very much for your testimony. Before you go, I  
14 just wish you to know that the task force is not  
15 dragging its feet on the issue you addressed  
16 which is the counting issue of prisoners from  
17 their place of incarceration to a place of last  
18 known address.

19 MR. NORRIS: Uh-huh.

20 SENATOR NOZZOLIO: Just please  
21 understand though that this is a monumental task.  
22 It's not simply a, a--the subtraction and  
23 addition is a very cumbersome and difficult  
24 process. Without any regulations in the statute.

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2           It's the first time this is happening. The  
3           statute did not have any regulatory guidance as  
4           to direct the task force to move forward. The  
5           task force has moved forward even without that  
6           regulatory direction. And we're coming on  
7           establishing in effect an entire process that  
8           normally the United States Census Bureau  
9           undertakes. So we're--we've rolled up our  
10          sleeves a number of months ago. Each member of  
11          the task force, on both sides of the aisle,  
12          including our citizen representatives have been  
13          very involved in that process and that there is  
14          no foot dragging. It's a task that required a  
15          lot of work and that the members who have worked  
16          on it should be congratulated as opposed to  
17          indicating that they're dragging their feet  
18          because no one is dragging their feet.

19                 MR. NORRIS: Right. I hope they, I'm  
20                 sure they will con--they will work at it and  
21                 continue to work at it until this is concluded to  
22                 the best interest of the people of the State of  
23                 New York and especially where those--well I don't  
24                 want to call them convicts but where those person

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2 who are incarcerated live. Because it's very  
3 important that they're counted in their homes of  
4 origin.

5 SENATOR NOZZOLIO: Thank you Reverend.

6 MR. NORRIS: Thank you very much.

7 ASSEMBLY MEMBER MCENENY: Thank you  
8 Reverend. Barbara Scott.

9 MS. BARBARA SCOTT: Good afternoon.

10 SENATOR NOZZOLIO: Good afternoon.

11 MS. SCOTT: Ladies and gentlemen, I  
12 represent the FFI Alpha Senior Center of Jamaica  
13 Queens and due to the restrictions of time, I  
14 would just like to add to what Reverend Norris  
15 has said. We are clear that the prison  
16 industrial complex, as it stands now with the  
17 counting of inmates, brings money upstate. It  
18 brings jobs. I don't know if that's true now but  
19 that's the information that I have. If I've been  
20 misinformed, I beg your pardon. But we deal with  
21 the prison industrial complex as well as other  
22 complexes that have been set up against us here  
23 in America. So that just to piggyback on what he  
24 says, I don't know if there's a dragging of feet.

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2 But we know that when dollars are involved,  
3 there, there's a lot that goes on. With that,  
4 I'd like to say good afternoon.

5 ASSEMBLY MEMBER MCENENY: Thank you.  
6 Thank you very much. Oh Senator Dilan, I'm  
7 sorry.

8 SENATOR DILAN: The issue--I don't know  
9 if the mic is on here. Oh. The issue with the  
10 prisoner law only impact for redistricting  
11 purposes. That means that everything goes well,  
12 they will be recorded at their last address of  
13 record. That goes through, everything goes well  
14 as the law indicates. Whatever funding happens,  
15 it rightfully belongs where the person is  
16 currently located because that's where they were  
17 receiving services.

18 MS. SCOTT: And how can we change that?

19 SENATOR DILAN: Well it still would--  
20 that, I mean, just to do it for the purposes of  
21 redistricting--

22 MS. SCOTT: [Interposing] I understand.

23 SENATOR DILAN: --to be sufficient, but  
24 if you have a person in a physical location, the

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2 services should follow that person.

3 MS. SCOTT: I understand. Then I've  
4 been misinformed. I beg your pardon. Good  
5 afternoon.

6 SENATOR NOZZOLIO: Thank you.

7 ASSEMBLY MEMBER MCENENY: Thank you.  
8 I'll go through the list one more time. And if  
9 there's anyone here who would like to testify  
10 after I've gone through this list, by all means  
11 come forward. These were names that we had on  
12 the list. Leo Fernandez, Walter and Beatrice  
13 Peruq, Audrey Phillips, Wilton Robinson, Carol  
14 Gordon, Andrew Hardwick, Joyce Stow, Eugene  
15 Bernett, Kerie Solonges, and I think did we have  
16 Cecil Lawrence? Is there any--are any of those  
17 individuals here at this time? And is there  
18 anyone else who would like to testify and go on  
19 record? We believe a number of these people will  
20 follow-up in writing with whatever their feelings  
21 were on this important issue.

22 That being the case, this, this portion  
23 of our hearing is closed. We thank you. We  
24 thank the hospitality of, of Old Westbury Campus

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2 for having us. And just for logistics, I think  
3 Senator you were suggesting that we have a brief  
4 business informational meeting.

5 SENATOR NOZZOLIO: For the record we  
6 have one more hearing in the first round. That  
7 again being next, I believe, it's Wednesday the  
8 2<sup>nd</sup> of November in Plattsburg. And thank you  
9 assemblymen for conducting the meeting today.

10 SENATOR DILAN: I recall a conversation  
11 that we had last the last time we met and I  
12 thought that we were going to have a business  
13 meeting today because we have one member of this  
14 panel who was not available at that time. And it  
15 was indicated to me that he would be available  
16 today and we would be dealing with the issue of  
17 the prisoner count or, or what was going on with  
18 that. I think there was a question also as to a  
19 memorandum from Senator Nozzolio that we wanted  
20 to address. That was, I believe, given  
21 assurances that we would do that today. However,  
22 if you're not ready today, I can't make you do it  
23 today. But I would expect that at the Plattsburg  
24 meeting, that we would be ready with those

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2 issues. Also, I would also request that at the  
3 Platt, at the Plattsburg meeting, that we could  
4 also perhaps be ready with proposed dates for our  
5 second round of hearings. That way, I mean, if  
6 we're going into the holiday season and, and  
7 pretty soon, you know, January is going to creep  
8 up and we're going to have session, so I think  
9 that we seriously need to take a look at that  
10 right now and have those dates so everyone can  
11 schedule accordingly. And I believe there was  
12 one--oh.

13 And finally, with respect to the draft  
14 plans themselves, if we can have an idea of when  
15 plans are going to be released, and I think that  
16 at one point I may have sent a letter, I believe,  
17 also that there should be public drafting,  
18 drafting sessions and I don't believe I've gotten  
19 a response of that letter. How are we working on  
20 these plans and can other members of this panel  
21 be available when work is actually being  
22 performed on drafting these lines?

23 ASSEMBLY MEMBER HEDGES: With respect to  
24 the first item that you brought up, I was not

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2 available the last time around. And, and--

3 SENATOR DILAN: [Interposing] But today-

4 -

5 ASSEMBLY MEMBER HEDGES: No, no, no. I  
6 understand. But I, I believe that the staffs  
7 have been talking and I think that those staff  
8 conversations are getting close to a point where  
9 we can get a positive conclusion and I would like  
10 to give the staff a little bit more time to fi--  
11 finish that. So if we could have that discussion  
12 next week, I think that would be more productive  
13 for all of us.

14 SENATOR DILAN: Okay. I did not mention  
15 any name of who was or wasn't here last time.  
16 But I'm glad you came forward. But with the  
17 issue of staff talking, I remember that we passed  
18 a resolution on this panel that when those  
19 sessions of staff talking, that all staff be  
20 included and I don't know but--

21 SENATOR NOZZOLIO: [Interposing] I, I  
22 need to explain.

23 SENATOR DILAN: I don't know that my  
24 staff was informed that staff is talking so I

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2 believe that I have a right to question that as  
3 we're moving forward. When we passed that  
4 resolution that all staff majority, minority  
5 staff should all be informed as to when there are  
6 discussions or working session. So that means  
7 that we're not following the resolutions that we  
8 have passed and since I don't know this, I have a  
9 right to ask this question.

10 SENATOR NOZZOLIO: Senator, you  
11 certainly do have the right. And let me try to--  
12 I, I think I should have spoken before Roman  
13 because Roman was away for awhile, that we have  
14 been analyzing the data. The Task Force has  
15 analyzed the data that was reviewed. And that I  
16 think--I don't want to speak for Mr. Hedges, but  
17 I believe that the staff's analysis is what I  
18 have been talking about with staff. Now that to  
19 be is a preliminary discussion based on  
20 preliminary review of the data that was put  
21 together by the task forces sort of sub-committee  
22 that Roman seized the day and, and pulled  
23 together. And the technical staff of LATFOR is  
24 reviewing as we have all discussed we wanted them

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2 to do, including yourself, Senator, that we would  
3 have the technical staff review what was being  
4 done. And I think that may be what Roman is  
5 referring to. What I would like to see occur at  
6 our next meeting is a delineation of where we are  
7 with that issue, a prisoner counting, and that,  
8 that your suggestion is well taken. I think that  
9 should be certainly discussed at our meeting next  
10 week and hopefully there will be an opportunity  
11 to resolve any outstanding issues on that score  
12 between now and next week. And that the task  
13 force will be able to make a presentation to us  
14 in terms of where the technical staff of the task  
15 force will be able to make a presentation to us  
16 as to where they are with that information. The  
17 issue of a calendar, I agree that we should get a  
18 calendar together as soon as possible. Sort of  
19 the problem we have, and I'd like your input, is  
20 the calendar of the political calendar. That  
21 calendar, what happens if we do have a June  
22 primary, that really does put us under the gun  
23 for the hearing schedule. And then I would hate  
24 to agree to a hearing schedule that was rendered

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2 inoperative by an early primary. Not to say that  
3 we shouldn't begin this process as soon as  
4 possible but we'd are, are flying blind here in  
5 the sense we do not know what the determination  
6 is for the primary. And if that primary becomes  
7 very early, then we really have an expedited  
8 schedule. We may all be spending the month of  
9 December together and then I certainly want to  
10 know what Senator Dilan wants for Christmas if  
11 I'm going to be with him because we're certainly  
12 going to be together during those weeks if there  
13 is an early primary.

14 So I, I don't know if anyone has  
15 anything to shed on, on that light on that issue  
16 but I, I would welcome the opportunity to start a  
17 schedule to review. And, and with that becomes  
18 the determination of a drafts of plans. Because  
19 we all agree that you can't take out hearings  
20 unless you--and the second rounds of hearings  
21 should be hearings that have the outlines or the  
22 specifics rather of the, the suggested plans.

23 SENATOR DILAN: Yeah I, I bring these  
24 issues now so hopefully we can be prepared for

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2 the Plattsburg meeting and, and so we can take  
3 the next couple of days to see what we can put  
4 together and where we can work together on these  
5 issues. I, I would love to work on an expedited  
6 or accelerated type schedule on the assumption  
7 that we have an early primary date. And whatever  
8 the case may be, that way the public can see  
9 exactly what we're doing. I also ask the  
10 question about how are we drafting these plans,  
11 when are we having these working sessions, and as  
12 Mr. Chairman, you indicated that we did agree  
13 that staff should be involved but I do want to  
14 make it very clear that as staff is talking,  
15 they're not talking to my staff.

16 ASSEMBLY MEMBER HEDGES: Let, let me be-

17 -

18 SENATOR DILAN: [Interposing] And, and  
19 that--

20 ASSEMBLY MEMBER HEDGES: [Interposing]  
21 No, no let, let me be clear because it was  
22 something I said.

23 SENATOR DILAN: No stop, stop, stop.  
24 I'm not asking you directly. I'm asking the

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2 group that--

3 ASSEMBLY MEMBER HEDGES: [Interposing]

4 No, no, no, no.

5 SENATOR DILAN: --we work together to do  
6 this. I'll make--I'll finish my comment very  
7 quickly and, and I do this in a positive sense  
8 not challenging anyone. I, I'm just looking for  
9 us to work together. So we need to deal with the  
10 issue of the draft plans, the working sessions.  
11 When the plans come out, we need to talk about  
12 the dates, we need to fi--conclude. We need to  
13 come to a conclusion really on--with respect to  
14 the prisoner count and start to implementing it.  
15 We've been talking about this since day one. We  
16 did pass a resolution on, on this panel that we  
17 were going to allow the members of the state  
18 assembly really to take the lead and do almost  
19 all of the work on this issue. I remember that  
20 we passed a resolution doing that. We can always  
21 go back to the record and, and check it. And  
22 then at the same time, we've been talking about  
23 criteria. We've been talking about transparency.  
24 We've been talking about letting the public know

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2 the size of the senate. And how could we even  
3 release draft plans if we don't conclude the  
4 numbers with respect to the prisoner count. And  
5 if the public's going to submit plans, they have  
6 to have these answers the size of the senate and  
7 the numbers that apply to the district. And, and  
8 I'm--I do this all in a positive and cooperative  
9 spirit.

10 ASSEMBLY MEMBER HEDGES: I, I certainly  
11 didn't hear it as anything other than that. I  
12 just wanted to clarify something because I was  
13 the one that said something. What's happened in  
14 the last three weeks, four weeks, is really  
15 individuals calling each other with questions and  
16 trying to make sure we understood what it was  
17 that largely we said. I think that there was a  
18 lot of confusion about that. And, and a lot of  
19 confusion about what it is that we had done and  
20 how had we done it. And so we've really just  
21 been asking--answering questions. It hasn't been  
22 negotiation. It hasn't been discussion in that,  
23 in that sort of a broader sense of the word. I  
24 think that that broader discussion has to happen.

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2 But up till now for the last several weeks, what  
3 we've been doing is when somebody had a question,  
4 we've been trying to make sure we gave a clear  
5 answer. And that took quite a bit of back and  
6 forth. I'm not sure whether or not your staff  
7 was talking to people that work with me but  
8 largely what it was as far as I know and as I  
9 said, I was away for a portion of that period,  
10 was people calling folks that work with me and  
11 asking how did you do this, what is it that this  
12 number means. We talked in broad policy terms  
13 only about a couple of issues and we have not  
14 made any effort to resolve any of those issues.  
15 An example being what geo-coding software was  
16 used. And what was the underlying data that were  
17 embedded in that geo-coding software. An example  
18 being we had available to us a commercial product  
19 that doesn't base its work, its underlying data  
20 on the Tiger data file. That's a major policy  
21 call. That's something that everyone should be  
22 involved in. The fact question was what software  
23 did you use, what was the data that underlies  
24 that software? And we've been going back and

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2       forth on that. I know the most recently ideation  
3       of that conversation took place yesterday and it  
4       was this kind of a technical detail. Something  
5       we were not aware of that the software that all  
6       of us use has the same ability to handle the geo-  
7       coding task in a what's the technical folks would  
8       call a batch mode, we've been doing that  
9       interactively, we didn't have the technical  
10      knowledge that would have allowed us to do  
11      exactly what the joint staff had asked us  
12      questions about until yesterday. I got an email  
13      as we were arriving today saying yup, we--now  
14      that we know how to do that, we can run it too.  
15      I'll get you the answer as to how it differs from  
16      what we've got and we should convey that. That's  
17      a conversation that I think was largely  
18      technical. I don't think there was a policy call  
19      at all. And I think that policy call  
20      conversation now, that we've got most of the  
21      technical issues from the joint staff asking us  
22      hundreds of questions, I think we can actually  
23      have that conversation productively. I don't  
24      think yesterday we could have.

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2           SENATOR DILAN: Okay. I appreciate your  
3 comments and I just look forward to us having  
4 some answers at the next meeting.

5           ASSEMBLY MEMBER HEDGES: I think that's  
6 great.

7           SENATOR DILAN: And hopefully bring a  
8 finality to some of these issue so we can start  
9 with the second round. Thank you.

10          SENATOR NOZZOLIO: Any other comments  
11 members of task force?

12          ASSEMBLY MEMBER MCENENY: I'm a little  
13 uncomfortable with coming out with a schedule for  
14 this series of public hearings. While we said  
15 they were all state wide in their focus,  
16 realistically, because they weren't as  
17 controversial or as specific, most of them like  
18 the hearing here today, of the 20 people who  
19 testified, I think 20 of them were concentrating  
20 on regional issues. I think there may be an  
21 obligation to have everything including the  
22 Congress before we schedule because in theory at  
23 least, I'm sure legally, anyone can show up at  
24 any hearing. It can be on Plattsburg and they

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2 may be concerned with what happened to Staten  
3 Island or Buffalo. And I think it wouldn't have  
4 hurt for the first wave to have regional ones and  
5 then schedule the other ones later on. But I, I  
6 think the nature of it is, unless we have all the  
7 maps because what goes on in the western part of  
8 the state literally affects what is possible by  
9 the time you get to Montague. Then unless all  
10 those maps are there, we shouldn't start the  
11 hearings until we have a complete product. And  
12 the product will be a first draft. A lot of it  
13 will stay, I'm sure. Some of it I'm also sure  
14 will be amended. And I think people need to see  
15 the entire, entire picture.

16 SENATOR DILAN: I just have a quick  
17 question there. For those of you have, who have  
18 been here in the past, I have not, have we always  
19 had the entire package senator assembly and  
20 congress or have we done the assembly senate and  
21 then proceeded to congress?

22 SENATOR NOZZOLIO: The--it's been the  
23 other way around. The latter. It's been  
24 Assembly, Senate, and Congress. But this year,

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2 we are faced with an extraordinary issue of  
3 having that if we have a primary as early as pr--  
4 as some have suggested, it could be difficult.

5 SENATOR DILAN: So we should be moving  
6 at a, at a, at an accelerated rate?

7 SENATOR NOZZOLIO: Yes.

8 SENATOR DILAN: All right.

9 SENATOR NOZZOLIO: Yes.

10 SENATOR DILAN: Thank you.

11 SENATOR NOZZOLIO: And I just--Senator  
12 Dilan, I consider you--I respect you as a  
13 colleague and I, I care for you as a friend. I  
14 think that we--you raised some excellent points.  
15 I, I do want to, to, to just reiterate that we  
16 did ask the task force technical staff to review  
17 what the assembly had put together. And I know  
18 you were part of those discussions. So this  
19 wasn't something to be done as one side I was  
20 very technical and I think it's, it's a  
21 responsibility we had because our technical  
22 people are, are full time staff, they're non-  
23 partisan in nature, they're very technically  
24 competent. And that's really I think what the

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2 discussions were that I could see happening  
3 about. Or I could hear about. So with that,  
4 let's look to pursue some difficult work next  
5 week. Hopefully we can get some of it, if not  
6 all of it, bitten off, and concluded.

7 SENATOR DILAN: I just want to say that  
8 I do have some staff members that are also  
9 technical that have worked on this for many  
10 years.

11 SENATOR NOZZOLIO: Thank you very much.

12 ASSEMBLY MEMBER MCENENY: And I would  
13 also urge 'cause we're still broadcasting these  
14 people that say it's easy to put it together with  
15 all the software, get it in here. We don't want  
16 to find out there's a marvelous plan out there  
17 after we've already drawn it up. If you  
18 sincerely have input and you really want your  
19 input incorporated in the plan, you have to let  
20 us know what it is. Monday morning  
21 quarterbacking is not particularly helpful.  
22 Thank you. This hearing is closed. We  
23 appreciate the hospitality of the campus and we  
24 appreciate all who came and testified as well as

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2 those who will send in information in writing.

3 (The public hearing concluded at 3:02

4 p.m.)

C E R T I F I C A T E

I, Lynn M. Reinhardt, do hereby certify that the foregoing typewritten transcription, consisting of pages number 1 to 239, inclusive, is a true record prepared by me and completed from materials provided to me.



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Lynn M. Reinhardt,

Transcriptionist

November, 10, 2011 Date

NEW YORK STATE  
LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND  
REAPPORTIONMENT

PUBLIC HEARING  
CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING

SUNY Plattsburgh  
Krinovitz Recital Hall, 47 Beekman Street

Plattsburgh, New York

Wednesday, November 2, 2011

10:13 a.m.

Demographic Research and Reapportionment, 11-2-2011

TASK FORCE MEMBERS PRESENT:

SENATOR MICHAEL F. NOZZOLIO, Co-Chair

ASSEMBLY MEMBER JOHN J. MCENENY, Co-Chair

SENATOR MARTIN M. DILAN

ASSEMBLY MEMBER ROBERT OAKS

WELQUIS LOPEZ

ROMAN HEDGES

DEBRA LEVINE

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2 (The public hearing commenced at 10:13  
3 a.m.)

4 SENATOR MICHAEL F. NOZZOLIO, CO-CHAIR,  
5 NEW YORK STATE LEGISLATIVE TASK FORCE ON  
6 DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT: Ladies  
7 and gentlemen. My name is Mike Nozzolio. I'm a  
8 New York State Senator and I'm the Senate's [off  
9 mic] as a co-chair of the Legislative Task Force  
10 on Demographic Research and Reapportionment. I'm  
11 here, very proudly, with Assemblyman Jack McEneny  
12 and the rest of the LATFOR appointees, and let me  
13 briefly introduce them.

14 On my right, not usually on my right,  
15 but on my right is good friend Senator Martin  
16 Dilan. On our left is Assemblyman Bob Oaks. And  
17 our two citizen representatives, my right are  
18 Welquis Ray Lopez, who is the Senate citizen  
19 designee and Roman Hedges, who is the Assembly  
20 citizen designee on this task force.

21 This is our 14th meeting. Meetings like  
22 this one across the state, hearing from elected  
23 officials and those citizens who are interested  
24 in this process. We've heard from all levels of

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2 government, at the village, town and county  
3 level. We've had a number of speakers, a total  
4 closing in now on 400, who have testified during  
5 these hearing processes that originally we had  
6 scheduled 12 hearings, but at the request of  
7 Senator Dilan and Assemblyman Oaks, added two  
8 additional hearings. One we conducted last week  
9 in Nassau County, and today, I thank Assemblyman  
10 Bob Oaks for suggesting this hearing to be  
11 conducted, as you all know, in Plattsburgh.

12 That we ask those who testify to focus  
13 on the fact that New York will be losing two  
14 congressional seats as a result of the formulas  
15 driven at the national level, and that we also  
16 are, because of the law as it exists, have the  
17 fiduciary responsibility, as members of this task  
18 force, to draft plans to establish Senate and  
19 Assembly seats that are in conjunction with the  
20 2010 United States Census.

21 With that, without further ado, I'd like  
22 to, again, thank my friend and co-chairman of  
23 this task force, Assemblyman McEneny for his  
24 leadership throughout the process. Again,

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2 Assemblyman, thank you for the now we're  
3 completing as today the first round of our  
4 hearings.

5 ASSEMBLY MEMBER JOHN J. MCENENY, CO-  
6 CHAIR, NEW YORK STATE LEGISLATIVE TASK FORCE ON  
7 DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT: Thank  
8 you, Senator. It's a pleasure to be here and we  
9 thank the campus here at the college for making  
10 this very, very nice space available here. It's  
11 easy for people to get to and it's had parking  
12 and that helps a great deal.

13 Thank heavens the weather was with us  
14 today as we wrap up this, the 14th and last in a  
15 series of preliminary hearings, which tend to  
16 deal more with a philosophy of communities of  
17 interest, keeping municipalities together, not to  
18 divide them and that type of thing.

19 This will be followed, after actual  
20 drawing occurs, this will be followed by another  
21 series of perhaps as many as 14 additional public  
22 hearings, which will deal less in theory and  
23 philosophy and more in the actuality of  
24 criticizing a draft set of maps which will be

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2 available. And that will be for the Congress,  
3 the State Senate and the State Assembly.

4 We have tried to make this the most open  
5 and public process that we possibly can. I think  
6 we've exceeded whatever records existed in the  
7 past. We had under 300 people testified at this  
8 time, at the last redistricting, and we're now  
9 over 400. So that's a good increase in people  
10 who have bothered to show up. Papers have been  
11 given by many people. We are still welcoming  
12 maps, plans, comments.

13 As you get up and speak today, you will  
14 be recorded, you will be televised. And that  
15 will go on the LATFOR, which is the code name for  
16 the Legislative Task Force on Demographic  
17 Research and Reapportionment. It will go on the  
18 website. So whatever you say will be in  
19 cyberspace forever. And we welcome you  
20 communicating with us here, in writing,  
21 electronically, since we're in that age and very  
22 much want to consider every bit of input we get  
23 from the people of the State of New York and  
24 every area.

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2           With that, Senator, perhaps our other  
3 members might like to make a comment?

4           SENATOR NOZZOLIO: Senator Dilan?

5           SENATOR MARTIN M. DILAN, NEW YORK STATE  
6 LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH  
7 AND REAPPORTIONMENT: I would just like to say  
8 good morning and I look forward to your comments  
9 this morning. And thank you for your  
10 hospitality.

11           SENATOR NOZZOLIO: Assemblyman Oaks?

12           ASSEMBLY MEMBER ROBERT OAKS, NEW YORK  
13 STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC  
14 RESEARCH AND REAPPORTIONMENT: Thank you,  
15 Chairman. And also thank you to the task force  
16 for scheduling this event here today. And thank  
17 you to all of you who came and plan to testify or  
18 just to listen.

19           The other thing I will say is as we  
20 prepare today, we're at a higher level and I know  
21 those testifying are going to have to be looking  
22 up. We may not always agree with what you say,  
23 but we don't look down on anything that you  
24 provide. So, please speak your mind today as you

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2 will, and we look forward to hearing your  
3 testimony. Thank you.

4 SENATOR NOZZOLIO: Mr. Hedges?

5 MR. ROMAN HEDGES, NEW YORK STATE  
6 LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH  
7 AND REAPPORTIONMENT: Just to amplify what has  
8 already been said, in terms of public  
9 participation. I actually went back through the  
10 records, over the course of this past week. We  
11 had just under 300, 297 people testify in the  
12 first round of hearings ten years ago. We've got  
13 408 who have testified before today begins.

14 When I say testify, we have had  
15 testimony in both oral form, and in written form.  
16 About 60 of the people who testified, in fact,  
17 just submitted things in writing. All of that,  
18 as well as what people present today and have  
19 presented in other days, will be available on the  
20 website. We will look at it, we will consider  
21 it. When I say available on the website, that's  
22 to say you can look at the video. In addition to  
23 that, on the website we'll actually have a  
24 transcript of what it is that people have said.

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2 So if you'd like to read it instead of look at  
3 it, you're welcome to do that as well.

4 We look forward to today and future days  
5 and hearing from you. Thank you very much.

6 MR. WELQUIS LOPEZ, NEW YORK STATE  
7 LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH  
8 AND REAPPORTIONMENT: I just want to say good  
9 morning and I'm here just to hear your testimony.  
10 At the same time, I love your beautiful town of  
11 Plattsburgh. Thank you.

12 SENATOR NOZZOLIO: Thank you, Mr. Hedges  
13 and Mr. Lopez. Without further ado, we'll go  
14 through the list that we have and then a number  
15 have asked to also testify. Susan Lerner? Susan  
16 Lerner?

17 ASSEMBLY MEMBER MCENENY: We will give  
18 Susan credit for having testified at least a half  
19 dozen times.

20 SENATOR NOZZOLIO: And we had, if the  
21 truth be known, we had a small wager as to  
22 whether or not Susan would make it to  
23 Plattsburgh. She's been at virtually every other  
24 hearing. I know she's here in spirit, if not

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2 directly. Ms. Sapp, member of the League of  
3 Women Voters of Plattsburgh. And I see you're  
4 accompanied by your assistant, Ms. Barbara  
5 Bartoletti. Barbara, very nice to see you again.

6 MS. BARBARA BARTOLETTI, LEAGUE OF WOMEN  
7 VOTERS - NEW YORK STATE: Good to see you again,  
8 Senator.

9 MS. INGEBORG SAPP, LEAGUE OF WOMEN  
10 VOTERS - PLATTSBURGH: Good morning, members of  
11 LATFOR. Welcome to Plattsburgh. My name is Inge  
12 Sapp and I'm a proud member of the League of  
13 Women Voters.

14 The League is a nonpartisan organization  
15 which encourages informed and active involvement  
16 in government and influences public policy  
17 throughout education and advocacy.

18 We are also members of a statewide  
19 coalition dedicated to reforming New York's  
20 redistricting process, Reshape New York, which  
21 consists of 35 organizations, including civic  
22 groups, issue advocacy groups, unions and  
23 business organizations.

24 Over the past year, local leagues have

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2 organized community forums educating the public  
3 on the issues surrounding redistricting in over  
4 35 localities. Partly as a result of this  
5 effort, leagues around the state became active  
6 and influential players in local redistricting  
7 efforts. The League was involved in creating  
8 independent redistricting commissions for county  
9 redistricting efforts in several counties,  
10 including Suffolk, Ulster and Tompkins.

11 In addition, League members have often  
12 been asked to sit on these newly formed  
13 commissions because of the nonpartisan commitment  
14 of the league. The Suffolk County Redistricting  
15 Commission and associated legislation has become  
16 a model used by others around the state to create  
17 new procedures and independent commissions.

18 We appreciate the opportunity that  
19 today's hearing provides to comment on the  
20 redistricting process. We believe that New  
21 Yorkers have already spoken loud and clear on the  
22 drawing of district lands. The public wants an  
23 independent commission, not - - to draw state  
24 legislative and congressional district boundaries

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2 according to fair and objective criteria, while  
3 allowing for public input in the process. An  
4 independent commission drawing impartial district  
5 lands would maintain the legislators' ability to  
6 give input on the plan and ultimately pass  
7 legislation in accordance with the state  
8 constitution.

9 Voters across all parties believe an  
10 independent body should draw the lines. The  
11 governor has proposed legislation to form an  
12 independent commission. In addition, 61 out of  
13 62 senators and 123 out of 150 assembly members  
14 have either signed on to this legislation or  
15 legislation proposed in their respective houses  
16 or otherwise publicly supported reforming and  
17 redistricting process.

18 We believe that the redistricting  
19 process under the new independent commission  
20 should be transparent in all respects, both  
21 through multiple public hearings throughout the  
22 state and by using technology to have citizens  
23 participate at all stages of the process. All  
24 data on which the commission relies should be

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2 available to the public, both in writing and  
3 electronically, including all draft and proposed  
4 final maps of districts; criteria used to  
5 generate each draft and proposed final map of  
6 districts; software used to generate each draft  
7 and final proposed maps of districts and proposed  
8 plans.

9 In all of its 90 plus years of history,  
10 the League sought to a fair and equitable  
11 representation for the people of our state. We  
12 believe that the overriding concern in drawing  
13 new districts is to provide all New York  
14 residents fair representation in Congress and the  
15 Legislature. To do otherwise discourages  
16 participation in the political process and  
17 increase voter cynicism.

18 A key element of reforming the  
19 restricting process is limiting the allowable  
20 population difference between legislative  
21 districts that in the past have created districts  
22 that vary widely in population size, thereby  
23 favoring one region over another. The current  
24 redistricting process has also historically

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2 protected incumbents. Competition in our  
3 electoral system, including carving incumbents'  
4 competitor's homes out of districts and  
5 discourage competition in our electoral system.

6 In 2010 election, New York State had one  
7 of the lowest rates of voter participation in the  
8 nation, coming in a 47th among the states.  
9 That's not acceptable. This is no surprise. Why  
10 should people vote if they face no real choice in  
11 candidate?

12 The League believes it is imperative  
13 that an independent redistricting process be  
14 adopted so that people, not partisan interests  
15 are protected. Ignoring the public will and  
16 continuing with LATFOR proceedings, the only  
17 legally mandated process at this time, will end  
18 in Governor Cuomo's redrawing the very lines it  
19 draws, making this entire process a waste of  
20 time.

21 Legislators should return to Albany  
22 during a special legislative session to end  
23 partisan gerrymandering and enact redistricting  
24 reform by handing the power of the pen to an

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2 independent commission to draw impartial  
3 legislative and congressional lines. New Yorkers  
4 can't wait another ten years and shouldn't wait  
5 another ten years for reform.

6 MS. BARTOLETTI: If you have any  
7 questions, I'd be happy to answer some of the  
8 questions. I also have just two comments.

9 One is to, actually this is you're 14th  
10 public meeting, so the League would like to  
11 applaud you for the fact that you have held so  
12 many public hearings and that they will be  
13 available in both on the website and both  
14 electronic and actually you can sit there and  
15 read the material.

16 We would also encourage that now as the  
17 lines begin to be draw following these hearings,  
18 that some of that drawing be done in public. We  
19 think that might be a very open and transparent  
20 way to actually allow the public to see how it is  
21 the lines are being drawn, given what you have  
22 heard in those 400 or so admissions of testimony.

23 And also, I think you have heard  
24 certainly enough about the criteria. You've seen

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2           it in the governor's program bill. You've heard  
3           it from us. I think I've done this more than  
4           once. And so you know what the criteria are that  
5           should be followed, the deviation, the lowered  
6           deviation, the communities of interest, et  
7           cetera. I don't think I have to go through all  
8           of that. But we would encourage you to allow the  
9           public to see how these lines are actually going  
10          to be drawn following the--certainly the good  
11          government groups have all testified about some  
12          of the issues I just went through.

13                    But I did want you to be aware that we  
14                    are aware that you have tried to make this an  
15                    open and transparent system and are hoping you  
16                    will continue that and make the drawing open and  
17                    transparent also.

18                    Also, I wasn't sure if you were aware,  
19                    my colleagues from NYPIRG have not been here  
20                    today and I don't when the last time was you  
21                    heard from them, but I wanted you to be aware of  
22                    a report that they put out on October 7th that  
23                    deals with, and I'm sure it's on their website.  
24                    It's a new study talking about strident

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2 population deviation provided in the Governor  
3 Cuomo's redistricting reform bill is achievable.  
4 And that report does talk about the ability under  
5 the New York State Constitution, under the Voting  
6 Rights Act that the deviation is achievable at a  
7 much lower. What we would like to see is 1  
8 percent above the mean, 1 percent below the mean,  
9 so a 2 percent population deviation. So I would  
10 encourage you to take a look at that report.  
11 That may inform you as you begin to draw these  
12 lines. Again, we'd love to see you do them in  
13 public. Thank you very much.

14 SENATOR NOZZOLIO: Barbara, if I may  
15 call you Barbara?

16 MS. BARTOLETTI: Sure.

17 SENATOR NOZZOLIO: We know each other  
18 very well. I appreciate the League's  
19 participation in a number of the hearings. You  
20 yourself participated in a number. I think the  
21 League was well represented in every hearing and  
22 this case is no exception. We appreciate that  
23 input. I know I asked this question a number of  
24 times.

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2 MS. BARTOLETTI: That's okay.

3 SENATOR NOZZOLIO: It was uncertain, I  
4 think, by some of the testifiers as to whether or  
5 not the League would be submitting actual plans  
6 themselves.

7 MS. BARTOLETTI: No, and we actually did  
8 that. We thought about it. We did it for a very  
9 good reason, and we think a good reason. We know  
10 some of our other colleagues, Susan Lerner for  
11 one, I think Common Cause is going to submit  
12 plans.

13 We are a very nonpartisan organization  
14 and we cherish that nonpartisanship and we did  
15 not want to be out there, either on the one side,  
16 the Senate side or the Assembly side with  
17 everybody angry with us. We think there is  
18 software out there. George Mason University has  
19 it. I'm not sure if you're aware that Fordham  
20 University has a running contest for its  
21 students. I was at the Maxwell School last week  
22 and in Binghamton the day before that. And  
23 there, I believe, will be some student-generated,  
24 graduate student I believe, generated lines that

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2 you also will probably be presented from.

3 ASSEMBLY MEMBER MCENENY: Assemblyman  
4 Oaks and I attended that Fordham presentation.

5 MS. BARTOLETTI: In Albany?

6 ASSEMBLY MEMBER MCENENY: And Mr.  
7 McDonald's presentation, as did some of the staff  
8 of LATFOR.

9 MS. BARTOLETTI: Yes. I think it will  
10 also inform you, I believe. And in fact, at the  
11 one I was in, in Binghamton, and he may have told  
12 you this too, in I believe Michigan, there was a  
13 -not to make us all feel very small--a 10-year-  
14 old that submitted lines that are now being  
15 considered in the Michigan Legislature as one of  
16 the two lines, the drawings that will be put  
17 before the Legislature.

18 SENATOR NOZZOLIO: I'd like to say that  
19 now I've been involved in this for a number of  
20 months, it looks a lot easier than it is, in  
21 terms of the numbers. And particularly when you  
22 have in New York subdivisions of the state called  
23 counties and towns, both looked at by the courts-  
24 -

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2 MS. BARTOLETTI: [interposing] Yes.

3 SENATOR NOZZOLIO: --and especially the  
4 State Constitution that says that districts must  
5 have a certain mathematical continuity to their  
6 borders.

7 MS. BARTOLETTI: Yes.

8 SENATOR NOZZOLIO: And it's called block  
9 on border in the city. It's called town on  
10 border in the non-city areas. Putting that as a  
11 layer and then another layer called the Voting  
12 Rights Act, which requires--

13 MS. BARTOLETTI: [interposing] That's  
14 right.

15 SENATOR NOZZOLIO: --not just  
16 mathematical precision but there needs to be  
17 taken into consideration, particularly opposed,  
18 very much opposed to any retrogression that could  
19 exist in the strength of particular voting  
20 minority in terms of the minority, in terms of  
21 racial considerations, that those rules are rules  
22 that must be followed. That's a number of the  
23 guideposts that--

24 MS. BARTOLETTI: [interposing] And I

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2 think--

3 SENATOR NOZZOLIO: [interposing] I know  
4 a 10-year-old can add up to 120--

5 MS. BARTOLETTI: [interposing] Well, he  
6 can move a mouse around. I think it was a he.

7 SENATOR NOZZOLIO: A 10-year-old could,  
8 I'm sure, add up to 120,000 or 300,000, whatever  
9 the number is. But there are other issues that  
10 the policies and the laws of the state require.  
11 And I certainly understand what you're saying and  
12 those need to be explained.

13 MS. BARTOLETTI: Yes, and I--

14 SENATOR NOZZOLIO: [interposing] And  
15 that's what you're asking.

16 MS. BARTOLETTI: That's right. And I  
17 believe that during the Fordham explanation, they  
18 did explain how all of that would be taken into  
19 account. And just following up on that, I had a  
20 very renowned orthopedic surgeon yesterday tell  
21 me, actually drew something on the examining  
22 paper and he said "I've been saying for years,  
23 saying for years that this is a mathematical  
24 problem and all you have to do is a mathematic

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2 formula and you could come up with these lines."  
3 And then I said, well, I said, you know there's  
4 voting rights and minority majority and the New  
5 York State Constitution requirements. He said,  
6 oh, I won't even use the word he used. Eh, none  
7 of that should be considered, it just should be  
8 all mathematical. We could get this done in an  
9 hour. I went, okay.

10 SENATOR NOZZOLIO: I'm sure I could cut  
11 a kneecap off in a few minutes too.

12 [Laughter]

13 SENATOR NOZZOLIO: I don't think that  
14 orthopedic--

15 MS. BARTOLETTI: [interposing] I think  
16 what that says is that there is much more public  
17 awareness of this process in this go around.  
18 This is my--I hate to--I started when I was 10.  
19 So this is my fourth go-around with  
20 redistricting. So, you know, I am fully aware of  
21 all of the ramifications but I will tell you this  
22 is the first one that the league has been  
23 involved in where we have seen standing room only  
24 crowds when we went across the state earlier this

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2           spring. People do get this. They are more aware  
3 of it now. So you may be seeing not only a lot  
4 more people testifying but you may see a lot more  
5 interest in those lines.

6           SENATOR NOZZOLIO: Any other questions  
7 of the panel?

8           ASSEMBLY MEMBER MCENENY: Yeah, the 1  
9 percent NYPIRG suggestion?

10          MS. BARTOLETTI: Well, it's our position  
11 also.

12          ASSEMBLY MEMBER MCENENY: Yeah, if a  
13 town is 133,000 people and you're drawing an  
14 Assembly district that the average is 127,781 or  
15 whatever it is, 787, the State Constitution says  
16 the town can't be broken.

17          MS. BARTOLETTI: Correct.

18          ASSEMBLY MEMBER MCENENY: And that would  
19 seem to be good government. The variance would  
20 therefore be well over 1 percent. Where's the  
21 decision? For the good government of making the  
22 town a district and making it simple or  
23 worshipping some number that's already one year  
24 out of date?

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2 MS. BARTOLETTI: I think in that regard,  
3 I think you also use the other criteria. I mean  
4 we know the courts have given the state and the  
5 federal constitution gives the states "to the  
6 extent practicable" phrase--

7 ASSEMBLY MEMBER MCENENY: [interposing]  
8 Except in Congress.

9 MS. BARTOLETTI: Except in Congress.

10 ASSEMBLY MEMBER MCENENY: In Congress  
11 they'll split the town--

12 MS. BARTOLETTI: [interposing] That's  
13 correct, they'd split it.

14 ASSEMBLY MEMBER MCENENY: --no matter  
15 what the state constitution says.

16 MS. BARTOLETTI: That's right, down to  
17 one person. But I think then the criteria here  
18 in New York State that then becomes of perhaps  
19 equal interest would be your communities of  
20 interest. You don't want to split a village or a  
21 town up so that you actually have people that  
22 have the same, whether they're economic or  
23 whether they're language, minority, ethnic,  
24 whatever the community of interest is.

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2 I mean, here in this area of the state  
3 you are likely to have in the Adirondack Park,  
4 communities of interest, both economic,  
5 ecological, so there are--you know, you have to--  
6 and that is, I totally agree with you, these are  
7 difficult choices to make.

8 ASSEMBLY MEMBER MCENENY: I wouldn't see  
9 it as a difficult choice. I would go with the  
10 people.

11 MS. BARTOLETTI: The communities of  
12 interest.

13 ASSEMBLY MEMBER MCENENY: And if it  
14 means 2 or 3 percent variance in order to not  
15 break a county line, in order not to take a small  
16 town on the wrong side of the county line and  
17 make it a stepchild of a larger district in the  
18 Senate or the Assembly, I mean the testimony  
19 we've been hearing from people who actually  
20 perform governmental responsibilities is, you  
21 know, keep my town together, keep my county  
22 together, respect my municipal boundaries.

23 And when you get into the Voting Rights  
24 Act, now a recent poll said 70 percent of the

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2 people wanted an independent redistricting  
3 commission. The same 70 percent said they don't  
4 want any special privileges given to people who  
5 are minorities such as black and Hispanic and  
6 Asian.

7 MS. BARTOLETTI: That's right.

8 ASSEMBLY MEMBER MCENENY: Well, you know  
9 what, that's against federal law.

10 MS. BARTOLETTI: That's right.

11 ASSEMBLY MEMBER MCENENY: That's what  
12 the Voting Rights Act of 1965--

13 MS. BARTOLETTI: [interposing] That's  
14 right. And that brings up--

15 ASSEMBLY MEMBER MCENENY: --specifically  
16 says.

17 MS. BARTOLETTI: --certainly brings up,  
18 and you're an historian, it brings up another  
19 point. I think the citizens of this state and  
20 probably all over the United States need much  
21 better civic literacy, because clearly when  
22 people are unaware of the Voting Rights Act and  
23 its impact--now, they might now know exactly what  
24 part of a state it might impact. And clearly, of

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2 course it doesn't impact this community, it does  
3 impact three counties in New York City. And as  
4 you've been down there, you have seen that those  
5 are minority ethnic or language and they fall  
6 under the Voting Rights Act and we clearly have  
7 to--

8 ASSEMBLY MEMBER MCENENY: [interposing]  
9 And many of those districts will have very odd  
10 shapes because that's the pattern people live in  
11 and that's federal law. That's not a local  
12 option in many cases.

13 There was one other thing. I went to  
14 the presentation yesterday and the software that  
15 they're using is for the nation. So it applies  
16 in every state. Well not every state has block  
17 on border, which would force you to move a block,  
18 even if it's on the other side of a river or a  
19 six-lane highway, just to make the math come out.

20 MS. BARTOLETTI: However, I think--

21 ASSEMBLY MEMBER MCENENY: [interposing]  
22 New York State will mandate that.

23 MS. BARTOLETTI: Yes. And that's what  
24 this reports says it's still manageable.

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2 ASSEMBLY MEMBER MCENENY: And town on  
3 border. Well what I asked them is I said when  
4 you're done with this competition, this \$1,000  
5 prize, you can pick either Senate or Assembly or  
6 Congress. In the case of the State Legislature  
7 does a red light say: okay, that's good but now  
8 go and balance it by moving everything across the  
9 border to make the math come as close as  
10 possible? And the answer is no, we don't do  
11 that. Well, if you don't do that, it's  
12 unconstitutional. So it's not a perfect system  
13 with that software either.

14 MS. BARTOLETTI: We're well aware of  
15 that. And I think that's why this report NYPIRG  
16 put out does specify that even with those  
17 constitutional edicts, you can get the deviation  
18 rate down considerably.

19 And I think you would all agree if you,  
20 I mean look at some of the maps that are out  
21 there right now of your districts that no one is  
22 going to argue with some of them that are very  
23 bizarre and for whatever reason. What we are  
24 saying and have been saying, as you know for

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2 decades now, is that it is done to protect  
3 incumbents and make sure that the parties who are  
4 in power get to stay in power.

5 That's what I think the citizens of this  
6 state are most concerned about. Is it strictly  
7 the drawing of lines to protect incumbents and  
8 let you select voters before they get a chance to  
9 select you? That is the primary concern of  
10 voters.

11 So, given all the constraints we have  
12 and all the information you have before you  
13 today, we do ask you to look at the criteria in  
14 the Governor's bill and this deviation and do the  
15 best job you can.

16 SENATOR NOZZOLIO: Commissioner Lopez?

17 MR. LOPEZ: I just want to ask her a  
18 question then. You mentioned something about  
19 Suffolk County before. Was the League involved  
20 in Suffolk County?

21 MS. BARTOLETTI: Yes, we were. We were  
22 on that commission. We were very involved.

23 MR. LOPEZ: How many members were in  
24 that commission?

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2 MS. BARTOLETTI: That's a good question.  
3 You mean how many members on the entire  
4 commission?

5 MR. LOPEZ: Right, the commission. My  
6 understanding I think it was eight member of the  
7 commission.

8 MS. BARTOLETTI: It started a couple of  
9 years ago.

10 MR. LOPEZ: Four were chosen by the  
11 Republicans and four by the Democrats. And who  
12 chose the League of Women Voters, appointed?

13 MS. BARTOLETTI: We weren't the only  
14 civic group I don't believe, Laura, on that.  
15 There were several citizens on that--

16 MR. LOPEZ: [interposing] My  
17 understanding is that I understand--

18 MS. BARTOLETTI: [interposing] And it  
19 was done in a nonpartisan way and it has become  
20 the model for local redistricting in the state.

21 MR. LOPEZ: I understand. But  
22 basically, did the Republican appointed one of  
23 you as a member or the Democrat appoint you?

24 MS. BARTOLETTI: No, I don't believe it

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2 was either an appointment by either. I believe  
3 the plan called for so many civic organizations  
4 to sit on it and we were just--who chose us, to  
5 be honest with you, I don't know.

6 MR. LOPEZ: We had a speaker from the  
7 League of Women Voters in Suffolk County and she  
8 said that it was appointed by the Democrats. I  
9 just want to ask that question.

10 MS. BARTOLETTI: Oh really?

11 MR. LOPEZ: Yeah.

12 MS. BARTOLETTI: No. That I was not  
13 aware of.

14 MR. LOPEZ: thank you.

15 MS. BARTOLETTI: You're very welcome.

16 SENATOR NOZZOLIO: Any other questions  
17 from members of the panel? Hearing none, thank  
18 you, again.

19 ASSEMBLY MEMBER MCENENY: Thank you very  
20 much.

21 MS. BARTOLETTI: Thank you very much.

22 SENATOR NOZZOLIO: Assemblyman Ken  
23 Blankenbush. Morning, Assemblyman.

24 ASSEMBLY MEMBER KEN BLANKENBUSH, 122nd

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2 ASSEMBLY DISTRICT: Morning.

3 ASSEMBLY MEMBER MCENENY: Good morning.

4 ASSEMBLY MEMBER BLANKENBUSH: Again, my  
5 name is Ken Blankenbush from Black River, New  
6 York. I currently serve as the Assemblyman  
7 representing the counties of Jefferson, Lewis,  
8 St. Lawrence and Oswego Counties.

9 I want to first of all thank the  
10 committee for having a north country meeting.  
11 It's good to see you up here in the north  
12 country. My trip over, it sort of reminds me of  
13 my old days in Plattsburgh as I graduated from  
14 Plattsburgh State and had many classes at Hopkins  
15 Hall. It seems like a hundred years ago, but not  
16 quite.

17 Earlier this year, you may know or  
18 remember that I spoke in Syracuse. And at that  
19 time, I spoke about the importance of keeping the  
20 23rd Congressional District intact. For more  
21 than 30 years, the 11 northern counties in New  
22 York State that comprise of the North Country,  
23 have in some combination been part of a single  
24 congressional district.

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2           This North Country district that runs  
3           from Oswego County to Clinton County and from St.  
4           Lawrence River to Fulton County, shares some very  
5           common issues and interests. The area is rural  
6           in nature and has tremendous reliance on  
7           agriculture and tourism. This sets us apart from  
8           many other regions in the State of New York, such  
9           as central New York or Mohawk Valley, for  
10          example, which are more reliant on manufacturing.

11           As the Assemblyman who represents 4 of  
12          the 11 counties, I believe that it is important  
13          to keep the North Country together as a single  
14          congressional district and not split the region  
15          possibly into two or three different districts.

16           If that were to happen, our  
17          representation would be diluted and we would be  
18          relying on members who are unlike to live or work  
19          in the North Country.

20           With that being said, I'm here today to  
21          talk about another issue facing upstate New  
22          Yorkers in the redistricting process. This is  
23          the disproportionate allocation of Assembly seats  
24          to New York City during the 2001-2002

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2           redistricting process, while upstate and Long  
3           Island lost members.

4           In 2001, upstate New York accounted for  
5           43.4 percent of the state's population. That  
6           should have related to 65 seats in the Assembly.  
7           Instead, upstate was only allocated 64 seats,  
8           essentially losing one representative in the  
9           Assembly. In contrast, New York City's  
10          population was 42.3 percent of the state's total  
11          and should have been allocated 63 seats.  
12          Instead, New York City's representation in the  
13          Assembly currently stands at 65.

14          In 2002, upstate New York had about  
15          206,000 more people than New York City, yet one  
16          less Assembly seat.

17          Finally, Long Island has 14.5 percent of  
18          the state's population in 2002, which meant that  
19          they should receive 22 seats. Instead, Long  
20          Island only has 21.

21          As you can see, the redistricting  
22          process ten years was completely unfair to  
23          upstate and Long Island residents, who both lost  
24          an Assembly member while New York City two

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2 representatives.

3 In regards to the population of upstate,  
4 not much has changed in the last ten years.

5 Upstate still has 43.2 percent of the state's  
6 population, which should mean that this region  
7 should have 65 Assembly members. New York City,  
8 on the other hand, still stands at 42.2 percent  
9 of the state's population, which would relate to  
10 63 representatives in the Assembly, not 65.

11 When you take into consideration whether  
12 or not the prisoners end up being counted in  
13 their place or origin or where they are  
14 incarcerated, these numbers still stands. So  
15 however the prisoners are going to be counted,  
16 the percentages still stand.

17 So, for the last ten years, upstate New  
18 York has really been cheated out of an Assembly  
19 member while New York City has unfairly enjoyed  
20 the advantage of having two extra representatives  
21 in the Assembly chamber. I'm hopeful that this  
22 committee recognizes the discrepancy this time  
23 around and returns the Assembly members to  
24 upstate New York so that the majority of New

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2           Yorkers are fairly represented in the Assembly.

3           Thank you very much.

4                    SENATOR NOZZOLIO: Thank you very much,  
5           Assemblyman. Any questions from members of the  
6           panel?

7                    ASSEMBLY MEMBER BLANKENBUSH: Okay,  
8           thank you.

9                    SENATOR NOZZOLIO: Thank you, again, for  
10          your support and insistence that a hearing be  
11          conducted in the North Country and thank you for  
12          your comments. They are on the record.

13                   ASSEMBLY MEMBER BLANKENBUSH: Again, I'm  
14          glad to see everybody up here, and I'm happy with  
15          the turnout here.

16                   SENATOR NOZZOLIO: Thank you. For the  
17          preliminary round, you made our first hearing and  
18          our fourteenth hearing. It's good to see you  
19          again.

20                   ASSEMBLY MEMBER MCENENY: Ken?

21                   ASSEMBLY MEMBER BLANKENBUSH: Yes, sir?

22                   ASSEMBLY MEMBER MCENENY: Do you have  
23          the same statistics for the Senate?

24                   ASSEMBLY MEMBER BLANKENBUSH: No, I

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2 don't.

3 ASSEMBLY MEMBER MCENENY: If you have  
4 them, I'd like to see them.

5 ASSEMBLY MEMBER BLANKENBUSH: Okay, I  
6 could get them.

7 ASSEMBLY MEMBER MCENENY: Thank you very  
8 much.

9 ASSEMBLY MEMBER BLANKENBUSH: All right.

10 SENATOR NOZZOLIO: Thank you,  
11 Assemblyman. Ray Scollin? Ray Scollin?

12 MR. RAYMOND SCOLLIN: Good morning.

13 ASSEMBLY MEMBER MCENENY: Good morning.

14 SENATOR NOZZOLIO: Good morning.

15 MR. SCOLLIN: I'm Ray Scollin. I'm from  
16 Saranac Lake. Saranac Lake is a small Adirondack  
17 village situated in two counties and three  
18 townships.

19 In the past, I've served as the  
20 village's deputy mayor, and have continued to  
21 serve on various community boards and committees.  
22 Currently, I am the Republican State Committeeman  
23 representing Franklin County.

24 I wish to thank the task force for

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2 conducting this series of hearings and providing  
3 me the opportunity to comment. If we are to be  
4 successful in the redistricting process, public  
5 input is essential.

6 Although I plan to provide some specific  
7 comments to you in regard to the redistricting  
8 project, I do want to make one general  
9 observation. It is also my perception that the  
10 public does not want a political process drawing  
11 state legislative and congressional boundaries.  
12 I believe, like the majority of New York State  
13 voters, that an independent commission should be  
14 managing the process.

15 The redistricting process we are  
16 engaging in here has historically protected  
17 incumbents, created districts that widely vary in  
18 population size and carve up communities. It is  
19 wrong to make New York residents wait another  
20 decade before legislating needed reform.

21 I believe quite strongly that the single  
22 most important consideration during redistricting  
23 is representing communities and maintaining their  
24 boundaries. Common issues within a community

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2           develop from the social, economic and  
3           environmental realities that they experience.  
4           Political issues are a result, an aftermath.  
5           They should never be a precursor.

6                       Communities will have similar concerns  
7           and when legislative action is needed to  
8           facilitate a resolution, it is necessary that the  
9           group, the community has the benefit of a unified  
10          and connected representation.

11                      The North Country is such a community.  
12          We are a more rural community that economically  
13          depends on agriculture and tourism. To our north  
14          is St. Lawrence River and seaway is an  
15          international border. To our east, we are  
16          separated from Vermont by Lake Champlain. And  
17          the Adirondack Park comprises the south of the  
18          North Country.

19                      The redistricting process that occurs  
20          ever decade has always recognized and supported  
21          that the North Country has specific and unique  
22          issues and that the counties that comprise the  
23          North Country have worked cohesively on common  
24          issues. It is for these very reasons today the

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2 North Country districts should be preserved.

3 When you visit the people who live and  
4 work in the North Country, you will hear them  
5 talk about their dairy farms, apple orchards,  
6 maple syrup production, lumbering and cheese.  
7 You will hear New York residents across our state  
8 speak of mountains, hiking, hunting, fishing and  
9 lakes. You will read in national magazines about  
10 our skiing, Olympic venues and small town main  
11 streets. Yet, we are suffering from the same  
12 economic downturn impacting our entire nation.  
13 We have regular concerns and problems with border  
14 security and seaway shipping. All of this  
15 requires focused representation from our  
16 legislative representatives. It is a ball we  
17 cannot afford to drop.

18 Due to current population, the 23rd  
19 Congressional District must change.  
20 Specifically, the district needs to grow by more  
21 than 50,000 people. I believe the best solution  
22 is to keep the North Country intact and add the  
23 remainder of Essex County and all of Fulton  
24 County to the district. These two counties

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2 already share the same economic, social and  
3 environmental concerns. Our current separation  
4 has nothing to do with our common issues and  
5 goals.

6 In conclusion, the North Country  
7 district continues to be quite different from the  
8 districts to our south and west. We cannot  
9 afford to lose our cohesive legislative voice.  
10 It not only serves our region, it serves our  
11 entire state. I hope that I've helped make that  
12 point today. Do you have any questions? Thank  
13 you.

14 SENATOR NOZZOLIO: Thank you very much.

15 ASSEMBLY MEMBER MCENENY: Thank you very  
16 much.

17 SENATOR NOZZOLIO: The Honorable Paul  
18 Maroun, Franklin County Legislator. Good  
19 morning.

20 MR. PAUL MAROUN, FRANKLIN COUNTY  
21 LEGISLATOR: Good morning, Senator. How are you?

22 SENATOR NOZZOLIO: Nice to see you  
23 again.

24 MR. SCOLLIN: Gentlemen, chairman,

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2 members of the task force, welcome to the North  
3 Country. I have to be transparent here. As some  
4 of you know, I've worked with you, I was Senator  
5 Stafford's counsel for years and now I'm Senator  
6 Little's counsel. But I want to take that hat  
7 off this morning, and I'm the legislator from  
8 Franklin County, representing Tupper Lake and  
9 Santa Clara, which is upper Saranac Lake.

10 I'd like to welcome you to the North  
11 Country. You've traveled through the district,  
12 Senator, and I see that Assemblyman McEneny was  
13 in Blue Mountain Lake a few weeks ago. So you've  
14 seen what it's like in the Adirondacks.

15 Perhaps I, more than most in this room,  
16 in fact probably anyone in this room, know more  
17 about this congressional district, which I want  
18 to speak about today. Because when the former  
19 Senator McHugh and now Secretary McHugh resigned,  
20 I was one of the candidates for Congress, and  
21 I've traveled the whole district. And this  
22 district does not and should not be placed in  
23 close proximity or on the edges or within a major  
24 city.

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2           We're sitting in a city today here,  
3           Plattsburgh. Where I come from in Franklin  
4           County, there are no cities. Many of the  
5           Adirondack counties don't have cities. It's an  
6           entirely different outlook on life. Farming and  
7           tourism, you're going to hear over and over  
8           again. That's what we flourish on.

9           My particular region is tourism. To the  
10          north you're going to hear from--I saw him here n  
11          the audience--Howard Maneely, the supervisor from  
12          the Town of Malone. That's farm country, St.  
13          Lawrence Country: farm country. Oswego: farm  
14          country. Clinton County: farm country. We don't  
15          have the issues and the items and, actually, we  
16          don't have the amounts of people to deal with  
17          city issues.

18          Over the four congressmen that I've  
19          worked with, including now Congressman Owens,  
20          Congressman McHugh and Congressman Martin and  
21          Congressman McHugh, they've come from either  
22          small cities or just outside of small cities:  
23          Plattsburgh, Ogdensburg. We need to have a North  
24          Country District which is North Country and rural

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2 in nature. That's who the people that that  
3 congressperson will represent.

4 I would suggest that you look strongly  
5 at, and we should have never separated Essex  
6 County, it should be one county and it should be  
7 in our district. And to probably drift into more  
8 of Fulton County would pick up your 53,000  
9 people. I know there are cities there.  
10 Assemblymen, you're going to have to figure a  
11 little bit, and Johnstown and Gloversville, but I  
12 think those people share the concerns that we do.  
13 They're very close to the Adirondack Park. They  
14 know the issues. Most of them have second homes  
15 or have camps in the park. They hunt and fish  
16 here.

17 And I don't want you to think that we're  
18 a bunch of--as Senator Stafford would say--a  
19 bunch of wooden heads, we're not. We're  
20 sophisticated. But we don't enjoy and we don't  
21 miss some of the problems that the cities like  
22 Syracuse or Albany would have if our congressman  
23 had to touch on those borders.

24 So I would ask you to consider the 23rd

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2 District a rural, truly rural, upstate county or  
3 district that depends on agriculture and tourism  
4 for their main economic derivative. I know Gary  
5 Douglas is going to tell you there's great  
6 industry in Plattsburgh, and Mayor Kasprzak will  
7 too, and there is, but it's not the kind of major  
8 industrial development that Syracuse or Albany or  
9 those areas thrive on.

10 So I think, again, if you look at Essex  
11 County and perhaps Fulton County, we could put  
12 our 50,000-53,000 additional people together  
13 there. And I'd just like to say it's so nice to  
14 have so many of Liz Benjamin's celebrities in the  
15 North Country at one time, some behind me and  
16 some in front of me. So I welcome you all here  
17 and I thank you for taking the time to listen to  
18 the North Country issues. Thank you. Any  
19 questions?

20 SENATOR NOZZOLIO: Thank you very much,  
21 Paul.

22 MR. SCOLLIN: Okay.

23 ASSEMBLY MEMBER MCENENY: Do you have a  
24 population you consider as a small city? What do

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2 you think of Glens Falls, Saratoga or Oswego? I  
3 mean these are cities too.

4 MR. SCOLLIN: I mean I consider  
5 Watertown, Ogdensburg and Plattsburgh small.  
6 Glens Falls is--

7 ASSEMBLY MEMBER MCENENY: [interposing]  
8 Messina.

9 MR. SCOLLIN: --Messina. Those are what  
10 I would--I mean, when we start hearing Syracuse  
11 or Albany--

12 ASSEMBLY MEMBER MCENENY: [interposing]  
13 Right.

14 MR. SCOLLIN: --that's a little out of  
15 our league.

16 ASSEMBLY MEMBER MCENENY: What's Utica?

17 MR. SCOLLIN: Excuse me?

18 ASSEMBLY MEMBER MCENENY: What's Utica?  
19 Is that a big city or a little city?

20 MR. SCOLLIN: Utica is a fair city,  
21 Assemblyman. I learned that from Ron Stafford.

22 ASSEMBLY MEMBER OAKS: If I might, one  
23 of the things, just, of course with Congress we  
24 talked in the earlier discussion with previous

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2 presenters about having some latitude. Of  
3 course, in Congress, there is no latitude and the  
4 districts are all going to be 717,707--

5 ASSEMBLY MEMBER MCENENY: [interposing]  
6 Or else.

7 ASSEMBLY MEMBER OAKS: Or else. And  
8 therefore, somebody is going to be split. And so  
9 there is going to be some community, whether it's  
10 in Fulton County or it's in Essex or somewhere.  
11 The reason that Essex was split before was  
12 because you had to draw the line and clearly it  
13 can end, you know, in the middle of a street or  
14 whatever. And so, just in the challenge of doing  
15 that, I think the prior presenter and yourself  
16 talking about the importance of keeping it  
17 together is understood and appreciated, but also  
18 to know that somewhere in this there is going to  
19 be a community or some communities that are not  
20 going to be quite where you or we may like to put  
21 them because of that concern.

22 MR. SCOLLIN: Understood. Thank you.

23 ASSEMBLY MEMBER MCENENY: Thank you.

24 SENATOR NOZZOLIO: Thank you. Howard

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2 Maneely, Malone Town Supervisor. Good morning,  
3 Mr. Supervisor.

4 MR. HOWARD MANEELY, MALONE TOWN  
5 SUPERVISOR: Good morning. First of all, thank  
6 you very much for coming up to the North Country  
7 and giving us an opportunity to make a few  
8 comments. I got to piggyback on Paul Maroun  
9 because he shares Franklin County with me. He's  
10 in the southern end and we're at the northern  
11 end.

12 SENATOR NOZZOLIO: Mr. Maneely, would  
13 you be so kind as to pull that microphone a  
14 little closer to you?

15 MR. MANEELY: Okay. As I said before,  
16 I'd like to tag on what Paul Maroun had to say  
17 about the North Country. Malone is unique.  
18 Malone has, for a small town, we have three state  
19 prisons there and which fluctuates our  
20 population. About one-third of our population  
21 are confined to the three correctional  
22 facilities. And if we take them away from our  
23 count, our population of Malone, we will have  
24 hardly any representation at all. Our district

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2 will be so big that we won't even know our  
3 legislators anymore. We provide services. We're  
4 a seasonal use, road use before, we have to  
5 maintain these roads year round now. And they  
6 provide a lot of other services that are needed  
7 for these facilities and we need the population  
8 count to stay in the North Country.

9 Franklin County has four correctional  
10 facilities and another one, another small one in  
11 Chateaugay, about 13 miles from Malone, but it  
12 covers a lot of our population of the North  
13 Country area and the correctional facilities.

14 I have no more to say. I mean I just  
15 want to protect our turf that we have now and I  
16 hope they take in consideration to count them  
17 where they sleep at night.

18 SENATOR NOZZOLIO: I appreciate your  
19 comments. And Senator Little says this  
20 frequently that she talks about how when there is  
21 an emergency at one of the prison facilities, in  
22 all likelihood that emergency will be met by an  
23 ambulance, if that is what the emergency  
24 requires. And that ambulance will be provided by

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2 one of the volunteer organizations. Is that not  
3 correct?

4 MR. MANEELY: That is correct.

5 SENATOR NOZZOLIO: And that when there  
6 is a tutoring program at one of the facilities,  
7 Senator Little would talk about how that program  
8 was made up by local residents. Is that how  
9 it's--

10 MR. MANEELY: [interposing] Yes, it is.

11 SENATOR NOZZOLIO: --you operate?

12 MR. MANEELY: My background, I'm retired  
13 from the Department of Correction also. I've  
14 worked all over the state of New York and I know  
15 the services that the communities that these  
16 facilities rest in, there's a lot of the services  
17 come from the families, a lot of volunteers,  
18 religious volunteers, college programs, school  
19 programs. We need them to be counted where they  
20 are.

21 SENATOR NOZZOLIO: The law has changed  
22 and that LATFOR, this commission must follow that  
23 law. I know the law is also being contested and  
24 that contest is taking place in the courts. But

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2           until the courts act, we have no choice but to  
3           follow the laws that exist. And that's something  
4           that I know is--and certainly the other side of  
5           this--this law, by the way, I might add, was  
6           pushed forward without a single hearing, without  
7           a single review, without any opportunity to  
8           debate and question. So I appreciate you putting  
9           a very local and real policy concern on that  
10          issue. Thank you very much for your testimony.

11                   MR. MANEELY: One more comment.

12                   SENATOR NOZZOLIO: Yes, and then Senator  
13          Dilan wishes to raise a--

14                   MR. MANEELY: Yes, I have one more  
15          comment. The residents of these facilities,  
16          they're called residents anymore, they're not  
17          called inmates. They are called residents. So I  
18          just want to...

19                   SENATOR NOZZOLIO: Senator Dilan.

20                   SENATOR DILAN: Yes. I just want to  
21          comment and appreciate the fact that the Chairman  
22          says that we do have to follow the law. That was  
23          a law that was passed in 2010. He also comments  
24          that that particular law did not have a single

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2 hearing. You know, that is also true, but that,  
3 unfortunately, is the case for most of the laws  
4 that pass Albany and are signed into law.

5 But also, I just wanted to clarify one  
6 more issue with respect to the law. The law only  
7 pertains to counting the residents or the inmates  
8 back to their last home of record. However,  
9 whatever federal funding comes from them that  
10 will still be counted within the locality. So  
11 there will be no loss of revenue as a result of  
12 this law. And I guess we'll find out between now  
13 and December 4th, which is really at this point  
14 the only remedy that you have with respect to  
15 that issue. I just wanted to make that for the  
16 record.

17 SENATOR NOZZOLIO: Thank you, Senator.  
18 Any other comments? Assemblyman Oaks.

19 ASSEMBLY MEMBER OAKS: Just a couple of  
20 things. You had mentioned a third of your city,  
21 about, is--or the town, I'm sorry, are residents.  
22 What is the prison population, the town  
23 population?

24 MR. MANEELY: The town population right

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2 now in the last census is 14,000 and the inmate  
3 population or the resident population runs right  
4 around 3,900 or 4,900.

5 ASSEMBLY MEMBER OAKS: And just a  
6 question of any sense of the number of people who  
7 work in those facilities in the community?

8 MR. MANEELY: I haven't got the  
9 percentage, but a lot of our employees at the  
10 correctional facilities travel, you know from  
11 Messina, Plattsburgh, a lot of places in Clinton  
12 County and some Essex County and St. Lawrence  
13 County.

14 ASSEMBLY MEMBER OAKS: And when were  
15 they built, your facilities?

16 MR. MANEELY: The first one was built in  
17 '84 and '85. It opened in '86. The second one,  
18 the second medium security facility opened in  
19 '88. And the maximum security facility opened in  
20 '98.

21 ASSEMBLY MEMBER OAKS: So the first two  
22 were built during the time when there was the  
23 real crunch in trying to house prisoners. And  
24 how many years have you been supervisor?

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2 MR. MANEELY: Since January 1st, 1998.

3 I come in with the ice storm.

4 SENATOR NOZZOLIO: You seem to have an  
5 ice storm every year, don't you? I hope not.

6 ASSEMBLY MEMBER OAKS: Thank you.

7 SENATOR NOZZOLIO: Any other questions?  
8 Thank you very much, sir.

9 MR. MANEELY: Thank you.

10 SENATOR NOZZOLIO: Dom Lee, Dom Lee.

11 MR. DOM LEE, CLINTON COUNTY REPUBLICAN

12 CHAIR: Good morning. I'm Dom Lee. I'm the  
13 current Clinton County Chairman of the Republican  
14 Party. But more importantly, I'm here to speak  
15 to you as a citizen. If you noticed, I was  
16 sitting next to Mr. Mannix and he's the  
17 Democratic Party Chairman, so we have a pretty  
18 good relationship up here in the North Country.  
19 We differ on some things, but we get along on  
20 most.

21 ASSEMBLY MEMBER MCENENY: Which county,  
22 for the record?

23 MR. LEE: Clinton County, sir.

24 ASSEMBLY MEMBER MCENENY: Thank you.

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2                   SENATOR NOZZOLIO: If that's the case,  
3 the why don't we have Mr. Mannix come up and sit?  
4 Are you both the same county?

5                   MR. LEE: We are.

6                   SENATOR NOZZOLIO: Why don't you come  
7 up, Mr. Mannix and we'll hear from both of you at  
8 the same time? Not at the same time but back and  
9 forth.

10                   MR. MARTIN MANNIX, CLINTON COUNTY

11                   DEMOCRAT CHAIR: This is really going to get  
12 interesting.

13                   SENATOR NOZZOLIO: For the record, it's  
14 Mr. Martin Mannix. And Mr. Lee, could you state  
15 for the record your residence?

16                   MR. LEE: Morrisonville, New York.

17                   SENATOR NOZZOLIO: And Mr. Mannix, would  
18 you please state for the record your residence?

19                   MR. MANNIX: Morrisonville, New York.

20                   SENATOR NOZZOLIO: That's great. Mr.  
21 Lee, you have the floor.

22                   MR. LEE: Thank you. As you know,  
23 historically New York has always had a  
24 congressional district, and we've had the North

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2 Country District. As it stands out, it's very  
3 unique. You noticed that when you came here as  
4 you drove up. You all are familiar with the  
5 Adirondack Park, and that truly makes us unique  
6 and different. We talk about prisons and things  
7 like that to bring population into our area, and  
8 I think basically that's what that was for.

9 With the advent of the Adirondack Park,  
10 it makes who we are. It demands what we can do.  
11 We're not going to have any large metropolis here  
12 because of the Adirondack Park. We enjoy, and  
13 that's why most of us live here and come here. I  
14 came with the Air Force. I was a pilot here for  
15 22 years. I'm from Whitehall originally, down in  
16 Washington County.

17 But you come here, you love this place,  
18 you love the North Country, you love what we  
19 have, and we need to keep it and we need the  
20 unique representation that it represents here.

21 We've heard everyone speak about  
22 agriculture, the apple orchards, you've seen  
23 them. We have the clean water and streams. You  
24 know, less than 1 percent of the world's water is

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2 safe to drink and we've got most of that right  
3 here in upstate New York.

4 Tourism is another big thing. Mr.  
5 Douglas and folks from the North Country Chamber  
6 of Commerce have made our border security better.  
7 They've had better aspects to get through  
8 customs. And we have a lot of Canadian tourism,  
9 which makes us unique as well, because we border  
10 a true foreign country.

11 With that comes also the problems with  
12 being bordered on a true foreign country. We  
13 have a tremendous amount of Homeland Security and  
14 Border Patrol folks here, state police that are  
15 up in this area. They come up here because of  
16 the problems with the border area. Those make us  
17 unique, with the illegal smuggling, illegal  
18 immigrants--excuse me--and also, we have the  
19 problem with the terrorism aspects right now.

20 So that all makes it a little bit  
21 difficult, but with the advent of our new border  
22 control, it has helped us out as well. The  
23 Adirondacks, as I said, has been very unique for  
24 all of us. Hunting and fishing, tourism, all

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2 make these things extremely advantageous.

3 One of our concerns, though, is if you  
4 split us up into one, two or three districts,  
5 instead of going east/west like we are right now,  
6 and you go north/south and you include some of  
7 the cities and stuff like that, where do you  
8 think our representation is going to be? Where  
9 do you think the due diligence is going to be for  
10 the politicians? Are they going to come up to  
11 the North Country? Yeah, for vacation maybe.  
12 But are they going to pay attention to us?  
13 They're going to get their votes in the  
14 metropolis areas and where the big industrial  
15 areas are and us up here in the North Country  
16 will not get the true representation that we  
17 need.

18 That's what we're concerned about and  
19 we'd hope you consider keeping it. And I've  
20 heard some discussion about adding Fulton County,  
21 the rest of Essex County and things like that.  
22 Whatever you do, keep in mind as long as it's  
23 people that share the same interests that we  
24 have, the same concerns that we have, to keep us

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2 truly unique like we have here in the North  
3 Country.

4 SENATOR NOZZOLIO: And Chairman Lee, for  
5 the record, you're talking about congressional  
6 districts.

7 MR. LEE: I am. I am, sir.

8 SENATOR NOZZOLIO: Why don't we hold any  
9 questions until Mr. Mannix has the opportunity to  
10 speak.

11 MR. MANNIX: Okay. I'm not here to talk  
12 to you about boundaries. What I am here to talk  
13 to you about is what I believe will be the  
14 outcome of your work. And I think,  
15 unfortunately, your time and efforts will not  
16 serve the needs of the people of the State of New  
17 York. And I don't think that's due to any fault  
18 of your own. I think it's due to the climate  
19 that we're in.

20 We have a situation, and I'm not  
21 pointing my finger at either political party, but  
22 we have a situation where, as was pointed out  
23 earlier, you can look at the Republican members  
24 of the legislature and the pledges that they took

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2 that they would support an independent  
3 commission. You can look at where Democrats were  
4 previously, before they thought they had a  
5 controlling hand, and what their position was on  
6 that issue. It will be a pox on both houses.

7 I'm very happy that we have a governor  
8 who in the spirit of ethics and equity has said  
9 that he will veto any solution that has not been  
10 drawn by a truly independent body. I think that  
11 will occur. What will happen is all this time  
12 will have been taken and wasted and we will not  
13 have moved toward the reform that we need to  
14 have. We need that reform dramatically.

15 I think the average person in this  
16 country looks at something like this and says  
17 it's not illegal but it's unethical, because  
18 people have vested interest on both sides. You  
19 know, if we talk about the Assembly and what  
20 they're going to argue and we talk about the  
21 Senate and what they're going to argue, they all  
22 have vested positions. The average citizen is  
23 saying, you know, no more. Just turn it over to  
24 an independent group that we can have some faith

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2 that they will have hammered out solutions.

3 While one of you can comment on how  
4 difficult a particular solution might be, as long  
5 as you're a member of the Assembly or the Senate,  
6 your position will be questioned. If a speaker,  
7 a co-chair of independent commission speaks to  
8 the difficulty of dealing with the legislative  
9 constraints that obviously have to be dealt with,  
10 that will be heard differently because they will  
11 be of an independent commission.

12 So that's where I am. I just really  
13 want to urge you all to make the recommendation  
14 that should have been done to start with, and  
15 that is that this be turned to an independent  
16 commission. Because I think the longer you go,  
17 you know when you come out with your maps,  
18 believe me, you know I don't mean to be gross,  
19 but all hell is going to break loose because  
20 nobody is going to accept the maps from this  
21 group. It's very clear, because there is a gross  
22 lack of confidence that this can be done in a  
23 truly nonpartisan basis.

24 Even if you pull it off in a nonpartisan

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2 basis, unfortunately they're going to say yeah,  
3 they all got in a back room and shook hands.  
4 They just will not, the general public is not  
5 going to accept redistricting not done by an  
6 independent commission. Thank you.

7 SENATOR NOZZOLIO: Mr. Mannix, I have a  
8 question.

9 MR. MANNIX: Sure.

10 SENATOR NOZZOLIO: What if an  
11 independent commission drew Clinton County  
12 congressional district in to the City of Albany,  
13 would you support that?

14 MR. MANNIX: I don't think I would have  
15 much choice if that were to be what happened. I  
16 don't think statistically that's going to be  
17 viable. I don't think that they could defend  
18 that position statistically. So I don't think  
19 that that's the likelihood.

20 SENATOR NOZZOLIO: The point is that an  
21 independent commission has been asked to not  
22 consider community of interest, to mathematically  
23 be precise, which LATFOR has to be too with  
24 congressional lines. But I think that was a

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2 sidestep to the real question. What would you do  
3 if an independent commission drew, let's say,  
4 Utica. The prior testifier said don't put Utica,  
5 don't put Syracuse into this district. Let me  
6 use Syracuse as an example. With Clinton  
7 County's congressional district being in  
8 Syracuse, would you support that?

9 MR. MANNIX: Well I think you're  
10 question, you know is clearly you're very good at  
11 posing a question and trying to put a person in a  
12 box. The reality is that they will draw their  
13 conclusions. They will listen to their  
14 testimony. They will come up with a plan. The  
15 point is that an independent commission is  
16 exactly that. That it should be an independent  
17 group that does not serve the political wishes of  
18 any given party or any particular group of  
19 people.

20 I guess, you know I will make the  
21 comment that I made before. I think when we urge  
22 that there be an independent commission  
23 established to do this, yeah, we're going to have  
24 to deal with the independent commission--

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2 SENATOR NOZZOLIO: [interposing] And  
3 that's what I--

4 MR. MANNIX: --we could use all the  
5 efforts that we have to influence them, but the  
6 bottom line will be that they're going to come up  
7 with their solution. And the number one benefit  
8 of their solution is it's not going to have been  
9 drawn with the political goals of a party that  
10 holds, you know, a two-vote majority controlling  
11 the issues.

12 SENATOR NOZZOLIO: The Senate that has a  
13 two-vote majority Republicans this year enacted a  
14 constitutional amendment to establish an  
15 independent commission. But I guess I wanted to  
16 hear your reaction to some of the comments made  
17 by county legislators here and your counterpart  
18 county chair who indicated the city influence is  
19 something that the North Country did not want to  
20 have. But the independent commission would,  
21 frankly, may very well be blind to those kinds of  
22 concerns. I raise that for your opinion.  
23 Chairman Lee, do you have any comments on those  
24 points?

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2 MR. LEE: Well, like I stated, we are  
3 very concerned about if you attach Syracuse, put  
4 us in the mix with Syracuse. Where do you think  
5 the attention is going to be? I mean, quite  
6 frankly, we all know what will happen. I mean  
7 people are going to where they--politicians are  
8 going to politick where they get the votes.  
9 Where are they going to get the votes? Where the  
10 population is, and it's not going to be in our  
11 neck of the woods.

12 So when it comes to divvying up a piece  
13 of the pie, I mean that's what we look at. We're  
14 looking--

15 ASSEMBLY MEMBER MCENENY: [interposing]  
16 Chuck Schumer will find you wherever you are.

17 MR. LEE: He won't find me, sir. No,  
18 you understand our position. But I mean we're  
19 very unique here. We have a very esteemed area,  
20 very unique, very pleasing are and we'd like to  
21 keep our lifestyle and we just want to be  
22 represented fairly, that's all. We're just  
23 asking for a fair representation. And we're  
24 saying that if we do get stuck with Syracuse over

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2 to the west, we might not get the fair  
3 representation that we would require.

4 SENATOR NOZZOLIO: Any further questions  
5 of Mr. Lee and Mr. Mannix?

6 ASSEMBLY MEMBER MCENENY: If I can  
7 comment?

8 SENATOR NOZZOLIO: Mr. Chair.

9 ASSEMBLY MEMBER MCENENY: When most  
10 people say they want an independent commission, I  
11 mean do we turn it over to the clergy? Do we  
12 give it to college professors? How about French  
13 Canadians? They don't know where any of it is.  
14 We don't really mean independent, having no bias  
15 at all or no background or experience. Most of  
16 the so-called independent commissions are  
17 bipartisan. So you'll have three or four from  
18 each party, an even number. And sometimes those  
19 eight people would get together and elect  
20 somebody who seems to be very neutral, like a  
21 League of Women Voters type person

22 I think what most people are talking  
23 about when they say independent is they mean non-  
24 legislative. People that are removed from the

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2 legislature whose lines they are drawing. I  
3 didn't take the Mayor Koch pledge. I remember  
4 exactly what he thought about upstate when he was  
5 running to be governor. And I never take pledges  
6 unless I see legislation in front of me, because  
7 it doesn't always turn out. I'll tell you  
8 philosophically how I feel, but until there's  
9 actual legislation, never take the pledge. I  
10 think some people might have learned a lesson on  
11 that.

12 This morning on the way up from Albany--  
13 we're not planning to put you in Albany by the  
14 way, but who knows. It's now occurred to me.  
15 But I noticed that the chair of the so-called  
16 independent commission in Arizona was impeached  
17 by the Arizona State Senate at the request of the  
18 governor.

19 There's no easy solution to some of  
20 this. Some of these abstract, don't go above 1  
21 percent variance, well that's nice unless you're  
22 the small town that's on the wrong side of the  
23 county line. The argument that you just gave on  
24 having somebody from, perhaps, a different

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2 culture within New York having a long learning  
3 curve to really get to know people in the North  
4 Country, you know that's what happens when you  
5 draw lines without putting the human element in  
6 there. Human decisions have to be made.

7 I've listened to some so-called good  
8 government groups, bear in mind that's a self-  
9 designated title, say you know you could do it in  
10 an afternoon with this software. No, you  
11 couldn't do it in an afternoon. It's a very  
12 long, tedious process. Put this town in, that  
13 doesn't work. Put another town in. Substitute  
14 it. It takes a lot of time. And it helps if you  
15 understand whether your community is rural,  
16 whether there's commuting patterns, whether in  
17 fact families are up and down a state highway.  
18 So even though it's a long thin area, there's a  
19 community of interest.

20 If you want to gerrymander, put boxes on  
21 the map. The fact that there's a mountain  
22 selecting people and the two valleys don't know  
23 one another, the people who are looking at it  
24 will say oh that's great, there's lots of

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2 straight lines. It doesn't always work out that  
3 way.

4 And as far as this job here, yeah,  
5 people are cynical. They're cynical all the  
6 time. The rightness and the wrongness, you  
7 mentioned Mr. Mannix that the governor has  
8 threatened to veto it. Do you think it's a good  
9 thing when a chief executive, whether they're a  
10 county legislator or a mayor or a town supervisor  
11 or a governor says that he's going to veto a  
12 piece of legislation before he's read it? Where  
13 does that lead to in our democracy? Do we start  
14 looking at who the prime sponsor is? Do we start  
15 saying: well you put it through the Agriculture  
16 Committee, it should have gone through Consumer  
17 Affairs.

18 We have a separation of powers. The job  
19 of the governor is to look at whatever the result  
20 is, get the best advice that he or she can get  
21 and then decide whether to veto it. To say  
22 you're going to veto it because of who as opposed  
23 to because of how and as opposed to what the end  
24 result is, we're going to try to do the best job

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2 that we can.

3 MR. MANNIX: Isn't the objective of the  
4 governor when he takes that position to tell you  
5 that he really believes you need to put something  
6 together that will have the support of a super  
7 majority without that, you know we're in the  
8 problem we're in and then the next election the  
9 next group wants to begin to work to change  
10 things.

11 ASSEMBLY MEMBER MCENENY: Well, we have  
12 a structure, it's the New York State  
13 Constitution. I get along reasonably with my co-  
14 chair Mike Nozzolio. I've known him for 20  
15 years. I don't like the fact that he gets to  
16 approve whether somebody gets to be a state  
17 commissioner or whether an empty judgeship gets  
18 filled. But you know what, that's a Senate  
19 privilege. It's not an Assembly privilege.  
20 That's the rules we play with.

21 It is a legislative obligation to draw  
22 these lines. Now, the governor doesn't approve  
23 of that. And in the end, an independent  
24 commission will only be advisory, because we are

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2 going to have that vote. It's the world that we  
3 live. It's what we knew when we ran for these  
4 offices, including the governor's office. I just  
5 think words of caution from a governor, if you do  
6 this, if you do that, if you for no reason vary  
7 the numbers too much, I'm going to have to  
8 consider vetoing it. That's negotiation. That's  
9 diplomacy. That's courtesy and that's respect.

10 But to say I don't really care what you  
11 do, I don't care how good it is, I'm going to  
12 veto it because you did it. I don't think that's  
13 good government. I'm sorry to take off on you on  
14 that. But I'd rather see lots of warnings and  
15 cautions rather than "I'm not even going to read  
16 it." I don't think that's good government. I  
17 think it sets a bad precedent.

18 SENATOR NOZZOLIO: Any other questions,  
19 members of the panel? Assemblyman Oaks.

20 ASSEMBLY MEMBER OAKS: Just a quick  
21 comment along with that. I serve as one of the  
22 minority representatives on this task force. So  
23 I've been listening, you know and going through  
24 this process. The final result, I don't know if

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2 I'm going to support it. You know, it is  
3 dependent on how it comes out. I think certainly  
4 the governor, you brought up the governor. I  
5 have problems with the governor's bill. I have a  
6 bill that makes changes to the governor's bill  
7 that I think would make it fairer and whatever.

8 However, I think the governor's  
9 provided, with all respect to Assemblyman's  
10 comments, I think he's provided--his voice has  
11 helped to focus, hopefully, this group. Some  
12 outside groups who've called for certain things  
13 hopefully do so that the plans that you see and  
14 that I'm going to see and that we're going to  
15 have a chance to vote on will hopefully take that  
16 into account.

17 And the governor then will be able to  
18 look at that and make a determination based on is  
19 it more fair, you know and it's not going to be  
20 perfect. As you said, there's going to be  
21 groups. And maybe in a world that was answering  
22 to those, you know, groups, doing it in that  
23 fashion would be best. But hopefully we're going  
24 to see at the end of this process something that

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2 is the most open, the most fair plan and not as  
3 extreme maybe as some have been in past  
4 redistricting processes. But I think your  
5 comments are appreciated as well as everyone's  
6 today.

7 SENATOR NOZZOLIO: Thank you both very,  
8 very much.

9 MR. LEE: Thank you.

10 MR. MANNIX: Thank you.

11 SENATOR NOZZOLIO: Ron Jackson.

12 MR. RON JACKSON, ESSEX COUNTY REPUBLICAN  
13 CHAIR: Good morning, my name is Ron Jackson from  
14 Essex, New York. Like Dom Lee, except I'm from  
15 Essex County. I'm the Republican County Chair in  
16 Essex County. Previously I was supervisor for  
17 eight years and on the county board supervisors,  
18 as my background.

19 I appreciate the opportunity to testify  
20 here today.

21 SENATOR NOZZOLIO: Excuse me, Mr.  
22 Jackson. Pardon me.

23 MR. JACKSON: Yeah.

24 SENATOR NOZZOLIO: Are there any other

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2 Essex County political chairmen that are in the  
3 room?

4 MR. JACKSON: No, she's not here today.

5 SENATOR NOZZOLIO: I want to make sure  
6 that we have fair and balanced and equal  
7 opportunities.

8 MR. JACKSON: I appreciate that.

9 SENATOR NOZZOLIO: Thank you. I  
10 apologize for the interruption.

11 MR. JACKSON: But she's not here today.

12 ASSEMBLY MEMBER MCENENY: And what town  
13 did you represent when you were--

14 MR. JACKSON: [interposing] The town of  
15 Essex.

16 ASSEMBLY MEMBER MCENENY: The town of  
17 Essex. Thank you.

18 MR. JACKSON: The main reason I'm here  
19 is to urge what several other people have is that  
20 the North Country remain as a group.  
21 Historically, we've always been one, since World  
22 War II. Franklin, Jefferson, St. Lawrence and  
23 Lewis County have been in the same. And for  
24 almost 50 years, Clinton and at least part of

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2 Essex have been in that same. And for good  
3 reason.

4 I'm going to get away a little bit from  
5 what I have submitted. If you look at the 23rd  
6 District and with a little bit of imagination, it  
7 follows the Canadian border and the counties that  
8 are near that. The only other county that's on  
9 the border, other than in the 23rd is Erie County  
10 out by Buffalo.

11 Being on the border, there's issues that  
12 are completely different from Albany, Syracuse or  
13 Utica. They don't have the border issues, which  
14 are very, very important to us up here. Being on  
15 the border is good and bad.

16 Certainly the international trade is a  
17 good thing for us up here. The companies that  
18 have both U.S. and Canadian divisions are of  
19 tremendous importance to us up here. There are a  
20 lot of people that work for companies that are  
21 Canadian-based but they also have U.S. parts to  
22 it. Canadian, the culture up there is something  
23 that those of us partake of whenever we have the  
24 opportunity. It's a major city an hour away.

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2 That's not something that is so common in other  
3 places, a foreign country with a major city that  
4 close to us.

5 The bad side, of course, is the border  
6 security issues, the Homeland Security, the  
7 smuggling of cigarettes, liquor, illegal  
8 immigrants. It's a very important issue to  
9 everybody in the North Country because we live  
10 that. I'm part of the hazmat team. There's all  
11 kinds of stuff that come across the border and  
12 down the interstate and down the railroads that  
13 we may have to respond to at some time, and  
14 certainly as a potential terrorist group.

15 So I think the important thing is the  
16 commonality of it, both the border and the  
17 ruralness of it, the farming which is hay, dairy,  
18 maple syrup, apples. The whole North Country  
19 here has a very similar economy. And it's very  
20 important, we are rural, we are tourist, we are  
21 different than the capitol, the central New York,  
22 the Mohawk. Those are completely different  
23 districts that border us, but their thoughts are  
24 different, their way of life is different, their

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2 interests are different.

3 If you look at the 23rd and use a little  
4 imagination, the way it's shaped right now kind  
5 of looks like an elephant. You've got a leg  
6 coming down Clinton and Essex. You've got  
7 Franklin here and St. Lawrence. You come down  
8 another leg and the trunk kind of goes out to  
9 Oswego.

10 If you want to balance it and get the  
11 53,000 we need, if you add in parts of Fulton and  
12 maybe the rest of Essex and take that belly out  
13 of the elephant and add that part of Herkimer  
14 County into it, I think you'd come up with the  
15 53,000 and have a rural block and a  
16 representative that truly is concerned with the  
17 border, the farming, the tourism areas that you  
18 would not have if you divide us up and put us  
19 into three different districts.

20 Combining us with the capitol, the  
21 Mohawk and the central New York, we would lose  
22 that representation because the congressman would  
23 naturally be more concerned with the larger group  
24 of people. I don't think we would have the

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2 spokesman that we have now. Be he Republican in  
3 the past or Democrat now, they've always spoken  
4 loudly for the border issues, the farming issues  
5 and the tourist issues. And we would lose that  
6 if we were broken up and put into other  
7 districts.

8 I'm going to go a little bit against  
9 what other people have said. I don't want a  
10 computer deciding my congressman. I want the  
11 human element in. I want the fact that we are a  
12 region taken into account.

13 People talk about a nonpartisan  
14 commission. Where's that coming from? Somebody  
15 has to appoint that. If it's the Legislature  
16 appointing it, certainly there's going to be  
17 influence on that. If it's a government  
18 appointment, there's going to be his influence on  
19 it. I don't think you can have such a thing as a  
20 nonpartisan committee. It's human nature that  
21 whoever is appointing it is going to appoint  
22 people that reflect their interest.

23 So I think what we have with both the  
24 Senate and the Assembly members here, I think is

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2 a good thing. Is it perfect? No. There is no  
3 perfection in this world. But I support what  
4 you're doing. I probably won't be totally happy  
5 with the results. The devil is in the details.  
6 I know there's a lot of laws that have to be  
7 followed.

8 I'm certainly not going to insult your  
9 intelligence by saying you don't know the laws.  
10 You do know the laws and you'll apply them the  
11 best you can. But please don't take the human  
12 element out of it. Please leave the region  
13 intact as it is. It's very important for us.  
14 Redistricting is important everywhere, but up  
15 here in the North Country it's more important  
16 than a lot of other areas because we are so  
17 unique. I just hope that we aren't sacrificed in  
18 the interest of just an expedient mathematical  
19 equation. Please put the human element into it  
20 and recognize the uniqueness that is the North  
21 Country. Thank you very much.

22 ASSEMBLY MEMBER MCENENY: Thank you very  
23 much.

24 SENATOR NOZZOLIO: Thank you, Mr.

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2 Jackson. Any questions for Mr. Jackson, members  
3 of the panel? Hearing none, thank you very much  
4 for coming.

5 MR. JACKSON: Thank you.

6 SENATOR NOZZOLIO: Jim Langley? Jim  
7 Langley? Jim Gallagher? Jim Gallagher?

8 MR. JIM GALLAGHER: I have a booming  
9 voice, so be careful. Good morning, gentlemen.

10 SENATOR NOZZOLIO: Good morning.

11 ASSEMBLY MEMBER MCENENY: Good morning.

12 MR. GALLAGHER: Before I make my  
13 comments, I'm going to reply to many of the well-  
14 spoken comments that have been made, specifically  
15 the one that seems the biggest is whether an  
16 independent commission should be formed or not.

17 With all due respect and probably more  
18 in common with your feeling of those who are  
19 calling for a common commission is my opinion,  
20 and I think you expressed it well, it's not going  
21 to matter whether it's independent or it's part  
22 of the legislature. There's going to be  
23 influence. If it's independent, then the  
24 influence is simply just going to be filtered

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2 through anyway.

3           Instead of saying that our legislators  
4 can't do the job, I think it's better to call the  
5 legislature responsible to do the job. And I  
6 would agree with your frustration. I am open to  
7 listening to the dialogue because I think we are  
8 more in common than we are different. But again,  
9 I think it's more important for these gentlemen  
10 and their colleagues, and this lady--I'm sorry, I  
11 didn't see you earlier sitting there.

12           MS. DEBRA LEVINE, CO-EXECUTIVE DIRECTOR,  
13 NEW YORK STATE LEGISLATIVE TASK FORCE ON  
14 DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT: Thank  
15 you.

16           MR. GALLAGHER: To do their jobs the way  
17 our constitution, both federal and state have  
18 been called to do as opposed to saying they can't  
19 do their job and we're just going to do it  
20 differently.

21           I want to say that while I may not agree  
22 on local politics, the way things are done within  
23 the Republican Party, I want to thank both, and  
24 agree with Mr. Lee and Mr. Jackson. I thought

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2 they were extremely eloquent concerning the  
3 congressional district.

4 I do want to make that Mr. Lee was  
5 saying, when he referred to an international  
6 border, that that was referring to Canada and not  
7 Vermont, though we may feel differently. And  
8 that Mr. Jackson probably did not infer that the  
9 shape of the district being an elephant was in  
10 any way a political statement.

11 SENATOR NOZZOLIO: A comment on that  
12 that I don't think he'll mind. My co-chair  
13 quipped that maybe it should look more like a  
14 donkey. So we're truly all things partisan and  
15 bipartisan.

16 MR. GALLAGHER: Yes. Let me transition  
17 a bit and say while I do enjoy self-deprecating  
18 humor and laughter, it's a part of working  
19 together, I believe, is having a good sense of  
20 humor.

21 I want to honestly say I wish I was not  
22 here today and that my comments can be construed  
23 as being demeaning possibly and putting you down.  
24 And in fact, in truth, someone calls me on it in

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2 a conversation, I may have to admit some truth to  
3 that. You may hear a bit of anger. I have to  
4 admit there may be some truth in that. But what  
5 I want you to know is that I do not know, and for  
6 the record, any of you as individuals. You  
7 certainly may be the exception to the rule, any  
8 one or all of you. So my comments are referred  
9 towards government in general and not  
10 specifically slanderous to any individual.  
11 Please understand that I'm very passionate about  
12 this state.

13 While I was born in Manhattan, I do not  
14 remember that day. And not long, by the age of  
15 4, I moved down south and I became a southerner.  
16 I come from a southern family and that is deeply  
17 entrenched. And unless you have a known a  
18 southerner, a true southerner, and lived down  
19 there for a while, I'm not sure you can quite  
20 understand how deep those roots go. They still  
21 refer to people above the Mason Dixon line as  
22 "those people."

23 But like many southerners, I joined the  
24 military and wound up being stationed here in

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2           Plattsburgh. I want to tell you that was no  
3           accident. While I was stationed in what was then  
4           West Germany, every person who I asked about  
5           where I should consider putting on my dream list  
6           of where to be stationed said Plattsburgh that  
7           had ever been stationed here. No, most of them  
8           did not hunt and fish. They said it was the  
9           community.

10                   On September 12, 2001, my family did  
11           what we had planned to do for several months, and  
12           that is to go see my mother down in Florida. It  
13           was quite a drive. As I went down that  
14           interstate, I saw these signs that said: roads to  
15           NYC closed. Remember what I said about where I  
16           came from and who I identified myself: an  
17           American first, southerner always. And in my  
18           mind I said those--pardon my language--SOBs did  
19           that to my state. What a revelation that was to  
20           me.

21                   I realized, having gone to school,  
22           gotten out of the Air Force and gone to school in  
23           New York, married a New Yorker, adopted five  
24           children in New York that this southerner had

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2           become a New Yorker. So I care deeply about what  
3 happens in New York. And I do not want to be  
4 here and I do not want to say what I feel  
5 compelled needs to be said.

6           I apologize for my dress. I assure you  
7 I do have a coat and tie. It is no disrespect to  
8 you. But as a stay at home father of four  
9 teenagers: 14, 14, 17 and 18, I have a long list  
10 of things to do today, not the least of which is  
11 to finish that - -. So I've got to get to work  
12 and I've got to get that done. But at the same  
13 time I have a responsibility, not just as a  
14 husband and a father but as a New Yorker to say  
15 what I have to say today.

16           Again, I want to make sure that you do  
17 not take these as rude statements or direct  
18 statements because I do love New York.

19           My three points today are that many of  
20 those of us who do not hold a specific  
21 responsibility or elected office, just  
22 constituents, do not trust New York State  
23 government. Period, end of sentence.

24           Why? For the very reason we're here.

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2           Why are we here? Because so many people have  
3 voted with their feet, they have left what used  
4 to be called the Empire State. It doesn't matter  
5 what the votes are, it doesn't matter whether or  
6 not you redraw district lines according to what  
7 serves either you personally or the folks in  
8 general. It doesn't matter whether it works for  
9 you. It doesn't matter if you get the votes you  
10 need by drawing lines. People have already voted  
11 with their feet to leave New York and that is  
12 tragic.

13           We have not lost population because New  
14 York has become an effective government. We have  
15 not lost our population because New York is  
16 business friendly. We have lost New York because  
17 of the dysfunction called Albany.

18           So point two would be, unfortunately,  
19 this is a waste of time. We have, in a sense, in  
20 a sense, seen you before here today, as I believe  
21 I recognize some people here will remember and  
22 were on a presentation board before a board like  
23 you that came here, back in the 1990s. It was  
24 called the Brac Commission and it was making

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2 decisions on what airbases to close or to keep  
3 open. And another airbase, further south, large  
4 city, lots of congressional and political  
5 connections didn't like that they were on the  
6 list. And so their response was to say well what  
7 about Plattsburgh? So Plattsburgh got put on the  
8 list.

9 Interestingly enough, that airbase did  
10 close, and obviously so did Plattsburgh, and the  
11 chairman of that commission happened to be from  
12 New Jersey with a third airbase that did stay  
13 open. That required millions and millions of  
14 dollars of renovations of taxiways and ramps.  
15 And I served for four years an air traffic  
16 controller here, sir and I will tell you that  
17 this was a great facility. I'm sure Mr. Lee will  
18 be able to affirm that this was an outstanding  
19 facility to fly in and fly out. Not because of  
20 beautiful mountains, it just worked really well  
21 here. And a lesser facility was kept open due to  
22 politics, by an independent commission no less.

23 I will also say that as I watched what  
24 happened this year, both in the Senate and

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2 especially to do with the legislation that passed  
3 on the gay rights and gay marriage, and no matter  
4 how you feel on that subject that's fine, that's  
5 not what I'm talking about. As a New Yorker who  
6 loves this state, it appalled me as to how that  
7 process worked out. It appalled me.

8 So, there is a lack of trust in New York  
9 State government. There is a perception among  
10 many constituents that this is a waste of time.

11 Finally, you're late. It's November  
12 2011. As an Army drill instructor once said to a  
13 recruit, "son, a chipmunk with a brain tumor  
14 could have figured that out." A chipmunk with a  
15 brain tumor could have figured out New York State  
16 was going to lose representation a long time ago,  
17 even before the census was done.

18 And again, you individuals may not  
19 personally be responsible for this. I understand  
20 that. But we have to deal with the constituents  
21 with the whole, we don't deal with the  
22 individuals.

23 So you're late. When it comes to a  
24 congressional district, we're a year away. It

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2 takes a lot of time and a lot of money,  
3 especially if you don't have your own, to be able  
4 to put together a congressional campaign. How is  
5 someone who is not connected but may be the  
6 greatest representative our nation has ever known  
7 supposed to be able to do that when they're given  
8 less than a year to prepare. You're late. And  
9 there's going to be a second round?

10 This morning, the best news I heard on  
11 the radio was that New York Yankees renewed Brian  
12 Cashman's contract for another three years. In  
13 12 years, New York Yankees have made the playoffs  
14 of 11, an American League championship in 6 and  
15 appeared in four World Series. I'd say that he  
16 did a pretty good job, whether you like him or  
17 not. He's a winner.

18 For those of you not familiar, and I'll  
19 show my age, the Pittsburgh Pirates were once a  
20 great team, with names like Stargell and Clemente  
21 and they won a World Series and everybody knew  
22 them as the "We are Family" and you didn't have  
23 to be a baseball fan to have fun to go watch the  
24 Pittsburgh Pirates. They packed that stadium.

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2 They sang that song. And today they are known as  
3 perennial losers. Both of those teams are known  
4 by the results of what they did.

5 Pittsburgh Pirates coach, GM, owner can  
6 come out and say whatever he wants to about the  
7 reasons why the Pirates aren't winning. The  
8 bottom line is the Pirates aren't winning, not  
9 even close. And I would say unfortunately the  
10 same is true for New York State government. It's  
11 not working and the people are leaving.

12 Again, I apologize if any of this is  
13 taken too personally. It is not intended that  
14 way. I wish I wasn't here. I wish all I had to  
15 do was be a dad, a husband, a little league coach  
16 and could go on my merry way building a chicken  
17 coup, but I don't think I can. Thank you.

18 SENATOR NOZZOLIO: Thank you very much.  
19 Any questions, members of the panel? Hearing  
20 none, thank you.

21 ASSEMBLY MEMBER MCENENY: Thank you very  
22 much.

23 SENATOR NOZZOLIO: Asking to be the last  
24 speaker, in her very polite way, is Assemblywoman

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2 Janet Duprey. But before, I should ask,  
3 Assemblywoman, does anyone else wish to speak?  
4 Hearing none, thank you very much, Assemblywoman.

5 ASSEMBLY MEMBER JANET DUPREY, 114th  
6 ASSEMBLY DISTRICT: Excuse me. Thank you. As my  
7 colleague Ken Blankenbush thanked you in his  
8 beginning statement for being here, I asked to  
9 wrap up so I can echo that thanks. I certainly  
10 am pleased that all of you are in our beautiful  
11 North Country.

12 We are unique. You've heard that terms  
13 several times this morning. We believe it. We  
14 live it. We work it.

15 I also want to bring regrets from  
16 another of our colleagues, Teresa Sayward, who  
17 would like to have been here this morning but is  
18 at a meeting in Albany at DEC with some of her  
19 local communities. Because although we are  
20 interested in redistricting, our work with our  
21 constituents always has and always will take  
22 priority. I'm sure you understand that the  
23 Assemblywoman is in the right place today.

24 As population shifts go, I think the

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2 North Country has held its own. Of course, with  
3 the exception of our concerns about the 23rd  
4 Congressional District and a lot of those  
5 statistics are out of New York State's control  
6 and reflect the national trend.

7 We have sprawling districts in the North  
8 Country. We take upstate to a whole new term up  
9 here. Teresa Sayward and I together have two  
10 districts that represent the size of the state of  
11 Vermont. If we add in our colleague Ken  
12 Blankenbush, we're going to have to figure out a  
13 couple more states.

14 However, we feel that we represent our  
15 districts well. And I will echo what has been  
16 said by so many before me, the human element,  
17 keeping our districts whole, having respect for  
18 the communities and the people we represent is  
19 critical.

20 I'm glad you added a 14th hearing. I  
21 appreciate the amount of time and the miles of  
22 travel that each of the members of this task  
23 force have put in over the last few months. I  
24 understand your job isn't done and the hard work

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2           you're going to have in producing maps. I look  
3           forward to seeing the results of your efforts.

4                       I also understand that prisons don't  
5           count as part of your duties and your  
6           responsibilities because of the law that passed.  
7           However, as someone who represents six facilities  
8           and several thousand people who work there, I'd  
9           be remiss if I didn't state on the record that  
10          the late Senator Ronald B. Stafford recognized  
11          the good jobs and financial benefits that the  
12          prisons would bring to the North Country. Other  
13          areas didn't want prisons. They took a "not in  
14          my backyard" to a whole level and we took the  
15          opportunity to create an industry around them.

16                      Since the beginning of the census, the  
17          snapshot in time has been where people lay their  
18          heads at night. And these prisoners lay their  
19          heads here in the North Country. Our communities  
20          do provide a great deal of volunteer services to  
21          the prisons. I know at the last fire at Clinton  
22          Correctional Facility in Dannemora, more than a  
23          dozen volunteer fire departments responded to a  
24          very critical situation.

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2 I will wrap up quickly. You've had a  
3 long morning. I know a lot of you have a long  
4 way to travel. Again, to state I think when we  
5 talk about the North Country, unique is probably  
6 the best statement we can use. We're proud of  
7 our area. We echo, again, the needs of our  
8 communities to stay together, the recognition of  
9 our rural nature.

10 I thank you each and every one of you  
11 sincerely for your attendance here and ask that  
12 you, again, listen to our--you have listened to  
13 our considerations and that you understand our  
14 concerns. Thank you.

15 ASSEMBLY MEMBER MCENENY: Thank you.

16 SENATOR NOZZOLIO: Thank you,  
17 Assemblywoman. Any other questions? Thank you,  
18 Assemblyman Oaks for suggesting this hearing.  
19 That concludes the testimony of those who wished  
20 to testify and those who have signed up at the  
21 desk.

22 Without further ado, I just wanted to  
23 say that this concludes our 14th hearing. We've  
24 had well over 360 speakers, well over 50 hours of

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2 testimony being taken, and this is only halftime  
3 in terms of the first half of this process. We  
4 thank you very much for your participation. At  
5 the conclusion of this hearing, there will be a  
6 brief meeting of the task force. Assemblyman  
7 McEneny?

8 ASSEMBLY MEMBER MCENENY: No, I think  
9 it's been a good turnout from the North Country  
10 and I think we have a very good indication of  
11 what your thoughts are, particularly in the case  
12 of the congressional district and that will be  
13 taken into consideration. Thank you very much  
14 for advising us.

15 SENATOR NOZZOLIO: Thank you all very  
16 much.

17 [Music]

18 (The public hearing concluded.)

C E R T I F I C A T E

I, Donna Hintze, do hereby certify that the foregoing typewritten transcription, consisting of pages number 1 to 97, inclusive, is a true record prepared by me and completed from materials provided to me.

  
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Donna Hintze, Transcriptionist

November 30, 2011 \_\_\_\_\_ Date

NEW YORK STATE  
LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND  
REAPPORTIONMENT

PUBLIC MEETING  
PRISONER COUNT AND REALLOCATION

Room 124  
State Capitol Building, 1st Floor  
Albany, New York  
Friday, November 18, 2011  
1:39 p.m. to 2:10 p.m.

Demographic Research and Reapportionment, 11-18-2011

TASK FORCE MEMBERS PRESENT:

SENATOR MICHAEL F. NOZZOLIO, Co-Chair

ASSEMBLY MEMBER JOHN J. MCENENY, Co-Chair

SENATOR MARTIN M. DILAN

ASSEMBLY MEMBER ROBERT OAKS

DEBRA LEVINE

ROMAN HEDGES

WELQUIS LOPEZ

LEWIS HOPPE

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2 (The meeting commenced at 1:39 p.m.)

3 ASSEMBLY MEMBER JOHN J. MCENENY, CO-  
4 CHAIR, NEW YORK STATE LEGISLATIVE TASK FORCE ON  
5 DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT: -thank  
6 everybody for coming. We have a full commitment  
7 here, both co-chairs and the members of the task  
8 force. This is a meeting, not a public hearing,  
9 as we just held our 14 public hearings and  
10 several meetings over the course of the last  
11 several months, and we have several items to  
12 discuss. I'd like to make some opening remarks  
13 but before I do that I'd like to give my fellow  
14 task force members starting with my co-chair  
15 Senator Nozzolio an opportunity to speak and then  
16 I'll take back the chair.

17 SENATOR MICHAEL F. NOZZOLIO, CO-CHAIR,  
18 NEW YORK STATE LEGISLATIVE TASK FOR ON  
19 DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT: Thank  
20 you, Assemblyman McEneny. Jack, it's been a long  
21 road that you and I have travelled over the--and  
22 members of the task force have travelled over the  
23 past few months. We are back in the Capitol and  
24 we decided this historic room in complement to

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2 the work you've done in the restorations and  
3 renovations of the Capitol. Thank you for all  
4 your great work in that endeavor. I'd like to  
5 introduce the members of the task force. On my  
6 left is Assembly—excuse me, Senator Martin Dilan.  
7 To his left is a citizen participant, Welquis  
8 "Ray" Lopez. To Ray's left is Executive Director  
9 of the task force Debra Levine. To my far—or to  
10 my near right is Assemblyman Bob Oaks. To his  
11 right is the citizen participant from the  
12 Assembly Roman Hedges and to his right is co-  
13 Executive Director Lew Hoppe. Each of us  
14 participated in now 14 hearings across the state.  
15 At one of our last hearings, it was hoped that  
16 this meeting today could—should be scheduled, and  
17 it would have been in time for the Court to have  
18 made its decisions on the establishment of the  
19 primary day in New York State. Senator Dilan was  
20 right at that hearing—in that meeting discussion,  
21 that he was not optimistic that the Court would  
22 act and decide today and Senator congratulations  
23 for being correct, and unfortunately, that's the  
24 case that we are now still without a primary date

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2 established in New York. We hope that it—as  
3 arguments and there will be finality to that  
4 issue on or around December 1st. With that  
5 Assemblyman, thank you. I know that we have a  
6 couple of issues that we need to focus on and  
7 that—and some additional meetings to schedule.

8 ASSEMBLY MEMBER MCENENY: Would anyone  
9 else like to make opening remarks? Senator  
10 Dilan?

11 SENATOR MARTIN M. DILAN, NEW YORK STATE  
12 LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH  
13 AND REAPPORTIONMENT: No, I was just wondering if  
14 we had an agenda or is this the only issue we're  
15 dealing with today?

16 ASSEMBLY MEMBER MCENENY: There are  
17 three items on the agenda. One is the number of  
18 prisoners to be repatriated back to their own  
19 neighborhoods. We wanted to discuss the public  
20 drawing session or what the equivalent might be,  
21 and we were hoping to discuss what the next round  
22 of public hearings would look like; although,  
23 based upon the recent Court decision, I think  
24 we're looking at something that will be different

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2 than what we just went through.

3 SENATOR DILAN: That was my only  
4 question.

5 ASSEMBLY MEMBER MCENENY: Assemblyman  
6 Oaks, did you have any opening comments?

7 ASSEMBLY MEMBER ROBERT OAKS, NEW YORK  
8 STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC  
9 RESEARCH AND REAPPORTIONMENT: I don't other than  
10 let's move forward.

11 ASSEMBLY MEMBER MCENENY: - - two  
12 citizen participants - - the first issue and the  
13 primary reason for meeting today was to see if we  
14 could get some exact numbers that both of us  
15 could agree on as to how many, pursuant to law,  
16 how many people who are incarcerated in docks  
17 facilities throughout the state could be  
18 identified with appropriate and correct addresses  
19 and therefore be geocoded back to the exact block  
20 in their neighborhood. Unfortunately, we are  
21 still in disagreement both among ourselves and  
22 our staff is in disagreement on some of the  
23 technicalities. The range of the number of  
24 people who can be identified with an appropriate

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2 address ranges from a high of breaking 37,000 to  
3 a low pushing 29,000. Somewhere in between we  
4 may have something we can both agree on, but we  
5 are simply not there yet. I was going to  
6 recommend to the task force that one of the  
7 things that I think we're moving toward is  
8 agreeing to what type of software should be used  
9 to enhance that initial count that we made of the  
10 TIGER files, as they're known of the census, and  
11 produces the lower number. We have used a  
12 different kind of software that the Assembly was  
13 using that agreed with that number and then went  
14 several thousand more because it's a later form  
15 perhaps of the software and identifies buildings  
16 and blocks, for example, that people need to be  
17 geocoded back to that simply are not there in the  
18 first type of software. I apologize for the  
19 lateness of it, but I do have a LATFOR resolution  
20 which would describe that upgrading of software,  
21 and if we all agreed on it, we would probably  
22 come to a quicker solution on exact numbers.  
23 Senator, your comments?

24 SENATOR NOZZOLIO: Thank you,

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2 Assemblyman. I think it should be noted that  
3 there is little or no disagreement of members of  
4 the task force or the staff regarding the process  
5 that prisoners are extracted from their place of  
6 incarceration for the purposes of counting—that  
7 there is no question about the taking away of  
8 those numbers. We do have and continue to have,  
9 items of concern regarding the geocoding and  
10 placement and you had mentioned this,  
11 Assemblyman, I think I need to emphasize it  
12 exactly where those prisoners will be located in  
13 a geocoded process that is identical to the  
14 census process as possible and until we have, I  
15 mean, you shared with me the resolution moments  
16 before the committee met today that I am of the—I  
17 have no choice but to not support this amendment  
18 at this time and that certainly we will—I suggest  
19 that we continue the discussions and particularly  
20 with staff. And, again, I want to make our  
21 objections clear that we agree the statute  
22 requires the extraction of prisoners from their  
23 place of incarceration, but we do have some  
24 significant disagreements on the process and the

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2 coding of those prisoners to their last known  
3 address.

4 ASSEMBLY MEMBER MCENENY: Senator, could  
5 we consider the resolution tabled for  
6 consideration at our next meeting?

7 SENATOR NOZZOLIO: It—certainly I would  
8 consider a motion, and I'll move to table this  
9 and hopefully that the staffs can iron out what  
10 difficulties and differences there are on those  
11 questions, and I think, again, the fundamental  
12 question is the census and whether or not the  
13 state is setting up a precedent to have its own  
14 census in this process.

15 ASSEMBLY MEMBER MCENENY: Thank you.  
16 Senator?

17 SENATOR DILAN: Yes, I just want to make  
18 it clear that I just received this resolution for  
19 the first time. Are we making a motion to  
20 consider this resolution, or are we making a  
21 motion to just table it without considering it?

22 ASSEMBLY MEMBER MCENENY: I think—

23 SENATOR DILAN: Even then I would have  
24 some questions based the resolution in view of

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2 the fact that it's the first time that I see it,  
3 and I want to understand the purpose of why  
4 you're presenting the resolution. Is the purpose  
5 so the Assembly and Senate could be on the same  
6 page with respect to the way that they geocode  
7 the addresses?

8 ASSEMBLY MEMBER MCENENY: That is  
9 exactly the purpose of it. Perhaps we should  
10 rephrase it on submitting it for consideration at  
11 the next meeting when people have had the chance  
12 to digest it.

13 SENATOR DILAN: All right, so there then  
14 would be no need to move—for a motion to table  
15 it.

16 ASSEMBLY MEMBER MCENENY: You are—you  
17 are correct, Senator.

18 SENATOR DILAN: All right.

19 SENATOR OAKS: My only comment would be,  
20 you know, I appreciate having a few challenges  
21 yet. In the consideration of time, you know, in  
22 the interest of time, I would have liked to had  
23 us been at this today moving forward, but  
24 hopefully if we schedule something in the near

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2 future to be able to do this so that we can  
3 finally move forward.

4 SENATOR DILAN: Just one more concern is  
5 when would the next business meeting be so that  
6 would give me an idea of how long we're talking  
7 about when we would actually consider this.

8 ASSEMBLY MEMBER MCENENY: Well, we'll  
9 discuss that and set that at the end of this  
10 meeting. It looks like it would be the 5th, but  
11 let's wait and handle that as a-

12 SENATOR DILAN: It would definitely be  
13 done before anything else. That's the point. We  
14 would obviously we would be-

15 ASSEMBLY MEMBER MCENENY: Okay. Fine.

16 SENATOR NOZZOLIO: I, again, want to  
17 reiterate my concerns using enhanced or different  
18 software from the software used by the census  
19 bureau, again, we're-or a different counting or  
20 relocation process that we're-the professional  
21 staff of LATFOR did analyze this and continue to  
22 analyze it. These are career professionals  
23 dealing with census information and are experts  
24 in census information. This is not to denigrate

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2 any of the work that was done particularly headed  
3 up by Roman Hedges, who I complimented grabbing  
4 the bull by the horns, and again we are in major  
5 agreement on the need to reallocate and the  
6 numbers that are going to be reallocated,  
7 extracted from the prisons. But until we answer  
8 questions about the geocoding process further--  
9 hopefully this two-week period will allow us--  
10 well, I'm not--let me just say that. I have  
11 objections and I'm going to continue to have them  
12 until be proven otherwise.

13 SENATOR DILAN: Can we just, for the  
14 record and for the sake of the public to know,  
15 can someone describe to us what are the technical  
16 hang ups right now so everyone can be on the same  
17 page as to what we're talking about?

18 ASSEMBLY MEMBER MCENENY: The standard  
19 software that we used does not include blocks  
20 that very clearly exist and can't automatically  
21 geocode people back to those blocks. For  
22 example, to point out, and we can give other  
23 examples if this remains still to be a source of  
24 concern at the next meeting, but for example, the

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2 state offices that house the Senate, the  
3 Assembly, a number of state and city offices, and  
4 the LATFOR offices doesn't exist in the type of  
5 software that was used, and the software that we  
6 used to enhance it—just standard software, but a  
7 different version, 250 Broadway does exist, and  
8 if somebody were to be found to have been sent  
9 into docks custody with 250 Broadway they would  
10 be back there and they would be added, so the  
11 numbers that are produced by the enhanced  
12 software are more complete in our opinion by  
13 several thousand people. We're not talking  
14 10,000 people here; we're talking several  
15 thousand up into the 30s and certainly not down  
16 around 29. We want to make this as accurate as  
17 possible. We don't want to slow up the process  
18 in the big picture. We have 19,200 people in  
19 the—19,200,000 people in the State of New York,  
20 but we have an obligation and a few fiduciary  
21 responsibilities to make things as accurate as  
22 possible. Nobody is changing census numbers.  
23 One is going through a process we've never done  
24 before. I'm convinced that we've made a lot of

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2 progress in a number of areas, but we need more  
3 work so that everybody is comfortable with the  
4 methodology. And in order to agree with new  
5 numbers other than that base, this resolution or  
6 something very much like it would have to be  
7 passed allowing for the enhancement, and I  
8 understand, Senator, you have questions of  
9 appropriateness, legality, and of accuracy and it  
10 is our hope on this side of the House that you  
11 will—or at least this side of the aisle—that we  
12 can answer those questions which you can  
13 certainly can ask those, but this is just to get  
14 this out to early so people can understand  
15 exactly what it is we're going to need if we use  
16 the numbers that I believe we're going to use.

17 SENATOR NOZZOLIO: Assemblyman, you said  
18 it very well. I think, though, that our concern,  
19 to try to summarize, is to focused on the type of  
20 software being used to code the—it's called  
21 geocoding these individuals as their taken away  
22 from the places where the United States Census  
23 Bureau has indicated they are to be. In this  
24 reallocation process, it appears important to use

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2 the same census TIGER software that is used by  
3 the United States Census Bureau, and until we can  
4 iron out these wrinkles, I think that certainly  
5 has to be our position. That's why I made these  
6 arguments and will continue to look but hopefully  
7 we can find some middle ground but I think that's  
8 our position to date.

9 ASSEMBLY MEMBER MCENENY: Any other  
10 members?

11 SENATOR DILAN: I would just like to  
12 second your motion in support of the resolution.

13 ASSEMBLY MEMBER MCENENY: Pardon me.

14 SENATOR DILAN: In support of the  
15 resolution.

16 ASSEMBLY MEMBER MCENENY: All right, but  
17 we agreed it wasn't a motion-

18 SENATOR DILAN: I understand.

19 ASSEMBLY MEMBER MCENENY: -but to  
20 endorse the-

21 SENATOR DILAN: I'm just seconding.

22 ASSEMBLY MEMBER MCENENY: -contracts. I  
23 appreciate it. I'm not offering it as a  
24 resolution.

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2                   SENATOR DILAN: I understand for  
3 whatever it's considered. I'm agreeing with you,  
4 sir.

5                   ASSEMBLY MEMBER MCENENY: Thank you. I  
6 hope we can come to terms at the next meeting.  
7 The next question that came up at the last  
8 meeting was the series of public hearings, and  
9 the original thought was since we had had 14  
10 public hearings, most of them I would point out  
11 were scheduled by the Assembly staff of LATFOR,  
12 that the Senate would go and schedule another 14  
13 hearings. Now the difference in the two airings  
14 are very different, somewhat more controversial.  
15 The first hearings tend to be more conceptual. A  
16 lot of keep my community together or break me  
17 apart from a certain area, we have less in common  
18 with these people than we do with those people,  
19 good representation calls for a certain  
20 cohesiveness, arguments that perhaps the district  
21 was balanced back at the last census but when we  
22 read the Voting Rights Act of 1965 which calls  
23 for not only reducing minority representation but  
24 also where possible enhancing particularly when

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2           you can create a minority/majority district that  
3           even if a district was something everyone agreed  
4           on ten years ago, the increase in minorities,  
5           something like 42% increase in just Asians alone  
6           in Queens. You've heard all the numbers. It's  
7           very important to adjust these lines to reflect  
8           those changes in accordance with the Voting  
9           Rights Act—the federal Voting Rights Act of 1965.  
10          So these kinds of broad questions, most of them  
11          offering very vague specifics will turn into  
12          something very different because the staff is now  
13          and will continue to draw districts. The  
14          districts will be drawn reflecting economic, and  
15          social, and political needs and also will take  
16          into consideration the people who submitted  
17          testimony. The submitted it verbally, they  
18          submitted it in writing, some people submitted it  
19          certainly well over 2 or 300 of them submitted  
20          them at the public hearings, all of which is by  
21          the way on the LATFOR website, so if you said  
22          something it is now going to live forever in  
23          cyberspace, and others just simply mailed things  
24          in, or sent them in electronically. Some sent us

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2           specific maps, some sent us a narrative. Well,  
3           now the second hearings will be more  
4           controversial, less philosophical, and less  
5           academic. We will have a map, and we ask people  
6           to participate in what Senator Dilan mentioned  
7           the last time, drawing sessions. So we expect  
8           people to come in and not say, "This is terrible.  
9           I don't like it" but to aid us in the drawing and  
10          say that this neighborhood here which has x-  
11          thousand people really belongs here, and if you  
12          do that, then we realize the district that you  
13          drew would then be too heavy, so therefore it  
14          should shed blocks in another direction. It's  
15          more complicated. It requires more skill. It's  
16          more than just an opinion, and we have a number  
17          of groups who have been working, some coalitions  
18          in many cases to try to get the appropriate maps.  
19          The maps that we draw will reflect in some cases  
20          many opinions, and we suspect that they will  
21          bring about many opinions from the audience and  
22          Senator, I think, we passed on those 14  
23          schedules, and now we have a new crisis in that  
24          the Court as the Senator mentioned has turned

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2 down New York's bid for an extension, so one more  
3 September primary would occur, and Senator, I'm  
4 going to let you talk about that, and if you  
5 would explain what it does to your thinking on  
6 the sessions to be held.

7 SENATOR NOZZOLIO: Thank you very much,  
8 Assemblyman. Those 14 hearings that you describe  
9 very well allowed well over 370 people to testify  
10 directly, and the LATFOR website is still  
11 available for anyone that wishes to submit  
12 written testimony. We had hearings that lasted  
13 well over 50 hours in terms of the quantity of  
14 the amount of time that was spent in developing  
15 that testimony. We also had a great number of  
16 suggestions regarding additional public  
17 participation, and I would like to see and I know  
18 you have also recommended that we have the public  
19 engage in additional reviews where their own  
20 legislators, nights and weekends, as this moves  
21 forward and the LATFOR will, I believe, schedule  
22 some hearings during the next round, also nights  
23 and weekends, so that we can have some additional  
24 opportunities for people, as you call drawing

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2 maps while we are taking their public input. I  
3 think that is a public drawing opportunity, and  
4 we are certainly are in lockstep with those  
5 recommendations. Thank you, Assemblyman, for  
6 sharing your thoughts there. The political  
7 calendar in New York State is about to see  
8 additional upheaval. Upheaval that I am frankly  
9 surprised that the Department of Defense rejected  
10 the opportunity for a continuation of a September  
11 primary in New York State citing that it was not  
12 going to be a significant hardship on this state.  
13 We heard from Erie County and from Westchester  
14 County, the two larger counties in upstate, as  
15 well as the participants from the Board of  
16 Elections who indicated an accelerated primary  
17 will result in a significant unfunded mandate for  
18 those Board of Elections across New York State.  
19 Election districts have to be redrawn, polling  
20 places have to be reestablished. There are just  
21 enormous costs that are going to have to be  
22 engaged in by local governments because of this  
23 federal ruling, and I think it's cavalier to-when  
24 I read those words that say it would not be a

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2 hardship. Well, they obviously did not listen to  
3 the testimony that we listened to because we  
4 certainly heard from that time and again local  
5 and government officials concerned that these  
6 costs would be extreme.

7 ASSEMBLY MEMBER MCENENY: I should say  
8 in some cases we had both Democratic and  
9 Republican election commissioners side by side  
10 singing the same tune if you will.

11 SENATOR NOZZOLIO: And as much as I  
12 hoped my good friend, Senator Dilan, was not  
13 going to be right in his admonitions last time  
14 that we would have by this time, this date, the  
15 November 18th, a decision by the Courts in terms  
16 of what primary date, we do not have that date.  
17 Hopefully by our next meeting, and we should  
18 decide today when that will be, by our next  
19 meeting, I hope we will have an answer so we can  
20 accelerate the hearing process if necessary that  
21 we may end up being in Brooklyn on Christmas Eve  
22 so Senator Dilan, we know you're inviting us all  
23 over for Christmas dinner that we are not certain  
24 where and when the hearings will be but this we

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2            hopefully will have a completed hearing schedule  
3            for LATFOR through the months of January on if we  
4            have what—depending on what type of window we  
5            will have. Remember, too, that once the plans  
6            are proposed and adopted by the legislature and  
7            is signed into law by the Governor, the Justice  
8            Department has a full 60 days to review New  
9            York's plans under the Voting Rights Act and it's  
10           clear we're giving—getting that advice the  
11           Justice Department utilizes the entire 60 day  
12           process. That moves the primary date, if it's  
13           moved up, which it will be, that means the  
14           petition process also has to be moved sooner in  
15           the year on the calendar and that will create  
16           significant time pressures that we hope to be  
17           responsive to those pressures. At our next  
18           meeting which I would like to move if we could as  
19           a resolution, Assemblyman, asking for  
20           participation on the 5th of December in this room  
21           if it's available, or someplace in the Capitol,  
22           if it is not to have the LATFOR hearing for the  
23           agenda of scheduling the next round of LATFOR  
24           hearings.

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2 ASSEMBLY MEMBER MCENENY: I'd like to  
3 second that. Pass it on for consideration or  
4 discussion.

5 SENATOR OAKS: Did you have a specific  
6 time for that? Afternoon?

7 SENATOR NOZZOLIO: Because of travel it  
8 would be early afternoon.

9 SENATOR OAKS: Thank you.

10 WELQUIS LOPEZ, NEW YORK STATE  
11 LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH  
12 AND REAPPORTIONMENT: Same time, like 1:30 or...

13 SENATOR NOZZOLIO: Would 1:00-

14 MR. LOPEZ: One o'clock sounds good.

15 SENATOR NOZZOLIO: Is that acceptable?  
16 One o'clock on the 5th is the resolution.  
17 Senator Dilan?

18 SENATOR DILAN: Yeah, I just have  
19 several questions. First of all, I just want to  
20 say that I'm very pleased that this task force is  
21 seriously considering the public drawing  
22 sessions, and I'm happy that that's occurring,  
23 but I believe that there is several issues that  
24 need to be addressed prior to that point.

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2 Obviously a completed database also dealing with  
3 the prisoner issue should happen prior to that,  
4 and also in view of the fact that I know the  
5 committee has been very inclusive of the public  
6 testimony et cetera, but I don't believe that we  
7 have had clear criteria in terms of how we are  
8 going to draw the lines. For example, there's  
9 been a lot of testimony as to the size of the  
10 Senate, and I think that that's perhaps another  
11 issue that should be resolved before we even get  
12 to the point of drawing so the public can know  
13 are we drawing a 62-member Senate. Some have  
14 talked about an odd side number Senate, and I  
15 think that the public has to have the same  
16 information that we have so those issues need to  
17 be resolved before we even get to the drawing  
18 stage.

19 SENATOR NOZZOLIO: Agreed.

20 SENATOR DILAN: Okay.

21 ASSEMBLY MEMBER MCENENY: Obviously,  
22 Senator, the goal is to take the month of  
23 December and what we have left of this month and  
24 to come up with a draft and a piece of

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2           legislation that will be subject to amendment at  
3           the end of the process and then passed on to the  
4           full legislature for a vote. So roughly speaking  
5           drawing between now and the end of the calendar  
6           year, public hearings at the same time we're  
7           going through sessions starting up probably post-  
8           State of the State, which is on the 4th this  
9           year, and it means a lot of doubling up and  
10          perhaps somewhat of a compacted schedule. If in  
11          fact the primary occurs as early as June, it  
12          would mean we would have to have a finished  
13          product with whatever amendments need to be made  
14          probably around the first week of February. If  
15          the decision were made—and by the way it's not  
16          LATFOR's decision, to go all the way to the 18th  
17          of August then that might be a little less time  
18          pressure on it but not much.

19                    SENATOR DILAN: I just have one more  
20                    question. I believe that we're, as a task force,  
21                    waiting for two Court decisions. Is that  
22                    correct?

23                    SENATOR NOZZOLIO: That's correct.

24                    SENATOR DILAN: We're waiting on a

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2 ruling on the date of the primary, and we're also  
3 waiting on a decision with respect to the  
4 constitutionality of the Chapter 57 law of 2010,  
5 is that correct?

6 ASSEMBLY MEMBER MCENENY: The date of  
7 the primary is an easier question to answer.  
8 That's December 1st there'll be a hearing. We  
9 would hope there'd be a decision as well. And  
10 the other one—

11 SENATOR NOZZOLIO: I'll respond to  
12 Senator Dilan's question on—I don't believe,  
13 Senator, that the Commission is awaiting the  
14 determination of the Court on the  
15 constitutionality of the prison litigation.

16 SENATOR DILAN: So we're moving ahead?

17 SENATOR NOZZOLIO: Well, we already  
18 agreed to extract—

19 SENATOR DILAN: Okay.

20 SENATOR NOZZOLIO: We—I cannot agree as  
21 a member yet on the additions, but we agree on  
22 the subtractions under the statues, but we're not  
23 waiting for the Court to act.

24 SENATOR DILAN: Okay. You can agree on

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2 the subtractions but not the additions; however,  
3 at the end of the day those that are not added  
4 back on, those are not going to be counted  
5 anyway. Is that my understanding?

6 SENATOR NOZZOLIO: That's the way the  
7 statute is worked. Yes, Senator.

8 SENATOR DILAN: Okay. Thank you.

9 SENATOR NOZZOLIO: We have a motion on  
10 the meeting date.

11 SENATOR DILAN: I second it.

12 ASSEMBLY MEMBER MCENENY: All in favor?

13 [Chorus of ayes]

14 ASSEMBLY MEMBER MCENENY: Opposed? Is  
15 there any additional information that anyone  
16 wants to give or any other issues before the task  
17 force? Hearing none, I'll entertain a motion to  
18 adjourn. All in favor?

19 [Chorus of ayes]

20 (The meeting concluded at 2:10 p.m.)

