

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

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,

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

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

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

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

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,

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

## Demographic Research and Reapportionment, 8-4-2011

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.

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 drove 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.

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MR. MCENENY: Rachel Fauss?

RACHEL FAUSS, POLICY AND RESEARCH  
MANAGER, CITIZENS UNION: Good afternoon, members  
of LATFOR. My testimony, I will say, says  
morning, but it is now afternoon, and I  
appreciate the long time you're spending here  
listening to all the testimony of the public, and  
I appreciate the ability for me to present my  
thoughts as well. My name is Rachel Fauss, and  
I'm the Policy and Research Manager of Citizens  
Union of the City of New York, an independent  
non-partisan civic organization of New Yorkers  
who promote good Government and advance political  
reform in our City and State. Earlier this year,  
Citizens Union launched a statewide campaign,  
Reshape New York, comprised of a coalition of  
over 37 organizations, including civic groups,  
issue advocacy groups, unions, and business  
groups, united and reforming our State's  
redistricting process. We testify here today in  
recognition of the overwhelming and diverse  
public support for redistricting reform. At this  
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 hydrofracturing, 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