

NEW YORK STATE
LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND
REAPPORTIONMENT

PUBLIC HEARING
CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING

SUNY Plattsburgh
Krinovitz Recital Hall, 47 Beekman Street

Plattsburgh, New York

Wednesday, November 2, 2011

10:13 a.m.

Demographic Research and Reapportionment, 11-2-2011

TASK FORCE MEMBERS PRESENT:

SENATOR MICHAEL F. NOZZOLIO, Co-Chair

ASSEMBLY MEMBER JOHN J. MCENENY, Co-Chair

SENATOR MARTIN M. DILAN

ASSEMBLY MEMBER ROBERT OAKS

WELQUIS LOPEZ

ROMAN HEDGES

DEBRA LEVINE

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2 (The public hearing commenced at 10:13
3 a.m.)

4 SENATOR MICHAEL F. NOZZOLIO, CO-CHAIR,
5 NEW YORK STATE LEGISLATIVE TASK FORCE ON
6 DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT: Ladies
7 and gentlemen. My name is Mike Nozzolio. I'm a
8 New York State Senator and I'm the Senate's [off
9 mic] as a co-chair of the Legislative Task Force
10 on Demographic Research and Reapportionment. I'm
11 here, very proudly, with Assemblyman Jack McEneny
12 and the rest of the LATFOR appointees, and let me
13 briefly introduce them.

14 On my right, not usually on my right,
15 but on my right is good friend Senator Martin
16 Dilan. On our left is Assemblyman Bob Oaks. And
17 our two citizen representatives, my right are
18 Welquis Ray Lopez, who is the Senate citizen
19 designee and Roman Hedges, who is the Assembly
20 citizen designee on this task force.

21 This is our 14th meeting. Meetings like
22 this one across the state, hearing from elected
23 officials and those citizens who are interested
24 in this process. We've heard from all levels of

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2 government, at the village, town and county
3 level. We've had a number of speakers, a total
4 closing in now on 400, who have testified during
5 these hearing processes that originally we had
6 scheduled 12 hearings, but at the request of
7 Senator Dilan and Assemblyman Oaks, added two
8 additional hearings. One we conducted last week
9 in Nassau County, and today, I thank Assemblyman
10 Bob Oaks for suggesting this hearing to be
11 conducted, as you all know, in Plattsburgh.

12 That we ask those who testify to focus
13 on the fact that New York will be losing two
14 congressional seats as a result of the formulas
15 driven at the national level, and that we also
16 are, because of the law as it exists, have the
17 fiduciary responsibility, as members of this task
18 force, to draft plans to establish Senate and
19 Assembly seats that are in conjunction with the
20 2010 United States Census.

21 With that, without further ado, I'd like
22 to, again, thank my friend and co-chairman of
23 this task force, Assemblyman McEneny for his
24 leadership throughout the process. Again,

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2 Assemblyman, thank you for the now we're
3 completing as today the first round of our
4 hearings.

5 ASSEMBLY MEMBER JOHN J. MCENENY, CO-
6 CHAIR, NEW YORK STATE LEGISLATIVE TASK FORCE ON
7 DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT: Thank
8 you, Senator. It's a pleasure to be here and we
9 thank the campus here at the college for making
10 this very, very nice space available here. It's
11 easy for people to get to and it's had parking
12 and that helps a great deal.

13 Thank heavens the weather was with us
14 today as we wrap up this, the 14th and last in a
15 series of preliminary hearings, which tend to
16 deal more with a philosophy of communities of
17 interest, keeping municipalities together, not to
18 divide them and that type of thing.

19 This will be followed, after actual
20 drawing occurs, this will be followed by another
21 series of perhaps as many as 14 additional public
22 hearings, which will deal less in theory and
23 philosophy and more in the actuality of
24 criticizing a draft set of maps which will be

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2 available. And that will be for the Congress,
3 the State Senate and the State Assembly.

4 We have tried to make this the most open
5 and public process that we possibly can. I think
6 we've exceeded whatever records existed in the
7 past. We had under 300 people testified at this
8 time, at the last redistricting, and we're now
9 over 400. So that's a good increase in people
10 who have bothered to show up. Papers have been
11 given by many people. We are still welcoming
12 maps, plans, comments.

13 As you get up and speak today, you will
14 be recorded, you will be televised. And that
15 will go on the LATFOR, which is the code name for
16 the Legislative Task Force on Demographic
17 Research and Reapportionment. It will go on the
18 website. So whatever you say will be in
19 cyberspace forever. And we welcome you
20 communicating with us here, in writing,
21 electronically, since we're in that age and very
22 much want to consider every bit of input we get
23 from the people of the State of New York and
24 every area.

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2 With that, Senator, perhaps our other
3 members might like to make a comment?

4 SENATOR NOZZOLIO: Senator Dilan?

5 SENATOR MARTIN M. DILAN, NEW YORK STATE
6 LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH
7 AND REAPPORTIONMENT: I would just like to say
8 good morning and I look forward to your comments
9 this morning. And thank you for your
10 hospitality.

11 SENATOR NOZZOLIO: Assemblyman Oaks?

12 ASSEMBLY MEMBER ROBERT OAKS, NEW YORK
13 STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC
14 RESEARCH AND REAPPORTIONMENT: Thank you,
15 Chairman. And also thank you to the task force
16 for scheduling this event here today. And thank
17 you to all of you who came and plan to testify or
18 just to listen.

19 The other thing I will say is as we
20 prepare today, we're at a higher level and I know
21 those testifying are going to have to be looking
22 up. We may not always agree with what you say,
23 but we don't look down on anything that you
24 provide. So, please speak your mind today as you

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2 will, and we look forward to hearing your
3 testimony. Thank you.

4 SENATOR NOZZOLIO: Mr. Hedges?

5 MR. ROMAN HEDGES, NEW YORK STATE
6 LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH
7 AND REAPPORTIONMENT: Just to amplify what has
8 already been said, in terms of public
9 participation. I actually went back through the
10 records, over the course of this past week. We
11 had just under 300, 297 people testify in the
12 first round of hearings ten years ago. We've got
13 408 who have testified before today begins.

14 When I say testify, we have had
15 testimony in both oral form, and in written form.
16 About 60 of the people who testified, in fact,
17 just submitted things in writing. All of that,
18 as well as what people present today and have
19 presented in other days, will be available on the
20 website. We will look at it, we will consider
21 it. When I say available on the website, that's
22 to say you can look at the video. In addition to
23 that, on the website we'll actually have a
24 transcript of what it is that people have said.

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2 So if you'd like to read it instead of look at
3 it, you're welcome to do that as well.

4 We look forward to today and future days
5 and hearing from you. Thank you very much.

6 MR. WELQUIS LOPEZ, NEW YORK STATE
7 LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH
8 AND REAPPORTIONMENT: I just want to say good
9 morning and I'm here just to hear your testimony.
10 At the same time, I love your beautiful town of
11 Plattsburgh. Thank you.

12 SENATOR NOZZOLIO: Thank you, Mr. Hedges
13 and Mr. Lopez. Without further ado, we'll go
14 through the list that we have and then a number
15 have asked to also testify. Susan Lerner? Susan
16 Lerner?

17 ASSEMBLY MEMBER MCENENY: We will give
18 Susan credit for having testified at least a half
19 dozen times.

20 SENATOR NOZZOLIO: And we had, if the
21 truth be known, we had a small wager as to
22 whether or not Susan would make it to
23 Plattsburgh. She's been at virtually every other
24 hearing. I know she's here in spirit, if not

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2 directly. Ms. Sapp, member of the League of
3 Women Voters of Plattsburgh. And I see you're
4 accompanied by your assistant, Ms. Barbara
5 Bartoletti. Barbara, very nice to see you again.

6 MS. BARBARA BARTOLETTI, LEAGUE OF WOMEN
7 VOTERS - NEW YORK STATE: Good to see you again,
8 Senator.

9 MS. INGEBORG SAPP, LEAGUE OF WOMEN
10 VOTERS - PLATTSBURGH: Good morning, members of
11 LATFOR. Welcome to Plattsburgh. My name is Inge
12 Sapp and I'm a proud member of the League of
13 Women Voters.

14 The League is a nonpartisan organization
15 which encourages informed and active involvement
16 in government and influences public policy
17 throughout education and advocacy.

18 We are also members of a statewide
19 coalition dedicated to reforming New York's
20 redistricting process, Reshape New York, which
21 consists of 35 organizations, including civic
22 groups, issue advocacy groups, unions and
23 business organizations.

24 Over the past year, local leagues have

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2 organized community forums educating the public
3 on the issues surrounding redistricting in over
4 35 localities. Partly as a result of this
5 effort, leagues around the state became active
6 and influential players in local redistricting
7 efforts. The League was involved in creating
8 independent redistricting commissions for county
9 redistricting efforts in several counties,
10 including Suffolk, Ulster and Tompkins.

11 In addition, League members have often
12 been asked to sit on these newly formed
13 commissions because of the nonpartisan commitment
14 of the league. The Suffolk County Redistricting
15 Commission and associated legislation has become
16 a model used by others around the state to create
17 new procedures and independent commissions.

18 We appreciate the opportunity that
19 today's hearing provides to comment on the
20 redistricting process. We believe that New
21 Yorkers have already spoken loud and clear on the
22 drawing of district lands. The public wants an
23 independent commission, not - - to draw state
24 legislative and congressional district boundaries

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2 according to fair and objective criteria, while
3 allowing for public input in the process. An
4 independent commission drawing impartial district
5 lands would maintain the legislators' ability to
6 give input on the plan and ultimately pass
7 legislation in accordance with the state
8 constitution.

9 Voters across all parties believe an
10 independent body should draw the lines. The
11 governor has proposed legislation to form an
12 independent commission. In addition, 61 out of
13 62 senators and 123 out of 150 assembly members
14 have either signed on to this legislation or
15 legislation proposed in their respective houses
16 or otherwise publicly supported reforming and
17 redistricting process.

18 We believe that the redistricting
19 process under the new independent commission
20 should be transparent in all respects, both
21 through multiple public hearings throughout the
22 state and by using technology to have citizens
23 participate at all stages of the process. All
24 data on which the commission relies should be

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2 available to the public, both in writing and
3 electronically, including all draft and proposed
4 final maps of districts; criteria used to
5 generate each draft and proposed final map of
6 districts; software used to generate each draft
7 and final proposed maps of districts and proposed
8 plans.

9 In all of its 90 plus years of history,
10 the League sought to a fair and equitable
11 representation for the people of our state. We
12 believe that the overriding concern in drawing
13 new districts is to provide all New York
14 residents fair representation in Congress and the
15 Legislature. To do otherwise discourages
16 participation in the political process and
17 increase voter cynicism.

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

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2 protected incumbents. Competition in our
3 electoral system, including carving incumbents'
4 competitor's homes out of districts and
5 discourage competition in our electoral system.

6 In 2010 election, New York State had one
7 of the lowest rates of voter participation in the
8 nation, coming in a 47th among the states.
9 That's not acceptable. This is no surprise. Why
10 should people vote if they face no real choice in
11 candidate?

12 The League believes it is imperative
13 that an independent redistricting process be
14 adopted so that people, not partisan interests
15 are protected. Ignoring the public will and
16 continuing with LATFOR proceedings, the only
17 legally mandated process at this time, will end
18 in Governor Cuomo's redrawing the very lines it
19 draws, making this entire process a waste of
20 time.

21 Legislators should return to Albany
22 during a special legislative session to end
23 partisan gerrymandering and enact redistricting
24 reform by handing the power of the pen to an

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2 independent commission to draw impartial
3 legislative and congressional lines. New Yorkers
4 can't wait another ten years and shouldn't wait
5 another ten years for reform.

6 MS. BARTOLETTI: If you have any
7 questions, I'd be happy to answer some of the
8 questions. I also have just two comments.

9 One is to, actually this is you're 14th
10 public meeting, so the League would like to
11 applaud you for the fact that you have held so
12 many public hearings and that they will be
13 available in both on the website and both
14 electronic and actually you can sit there and
15 read the material.

16 We would also encourage that now as the
17 lines begin to be draw following these hearings,
18 that some of that drawing be done in public. We
19 think that might be a very open and transparent
20 way to actually allow the public to see how it is
21 the lines are being drawn, given what you have
22 heard in those 400 or so admissions of testimony.

23 And also, I think you have heard
24 certainly enough about the criteria. You've seen

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2 it in the governor's program bill. You've heard
3 it from us. I think I've done this more than
4 once. And so you know what the criteria are that
5 should be followed, the deviation, the lowered
6 deviation, the communities of interest, et
7 cetera. I don't think I have to go through all
8 of that. But we would encourage you to allow the
9 public to see how these lines are actually going
10 to be drawn following the--certainly the good
11 government groups have all testified about some
12 of the issues I just went through.

13 But I did want you to be aware that we
14 are aware that you have tried to make this an
15 open and transparent system and are hoping you
16 will continue that and make the drawing open and
17 transparent also.

18 Also, I wasn't sure if you were aware,
19 my colleagues from NYPIRG have not been here
20 today and I don't when the last time was you
21 heard from them, but I wanted you to be aware of
22 a report that they put out on October 7th that
23 deals with, and I'm sure it's on their website.
24 It's a new study talking about strident

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2 population deviation provided in the Governor
3 Cuomo's redistricting reform bill is achievable.
4 And that report does talk about the ability under
5 the New York State Constitution, under the Voting
6 Rights Act that the deviation is achievable at a
7 much lower. What we would like to see is 1
8 percent above the mean, 1 percent below the mean,
9 so a 2 percent population deviation. So I would
10 encourage you to take a look at that report.
11 That may inform you as you begin to draw these
12 lines. Again, we'd love to see you do them in
13 public. Thank you very much.

14 SENATOR NOZZOLIO: Barbara, if I may
15 call you Barbara?

16 MS. BARTOLETTI: Sure.

17 SENATOR NOZZOLIO: We know each other
18 very well. I appreciate the League's
19 participation in a number of the hearings. You
20 yourself participated in a number. I think the
21 League was well represented in every hearing and
22 this case is no exception. We appreciate that
23 input. I know I asked this question a number of
24 times.

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2 MS. BARTOLETTI: That's okay.

3 SENATOR NOZZOLIO: It was uncertain, I
4 think, by some of the testifiers as to whether or
5 not the League would be submitting actual plans
6 themselves.

7 MS. BARTOLETTI: No, and we actually did
8 that. We thought about it. We did it for a very
9 good reason, and we think a good reason. We know
10 some of our other colleagues, Susan Lerner for
11 one, I think Common Cause is going to submit
12 plans.

13 We are a very nonpartisan organization
14 and we cherish that nonpartisanship and we did
15 not want to be out there, either on the one side,
16 the Senate side or the Assembly side with
17 everybody angry with us. We think there is
18 software out there. George Mason University has
19 it. I'm not sure if you're aware that Fordham
20 University has a running contest for its
21 students. I was at the Maxwell School last week
22 and in Binghamton the day before that. And
23 there, I believe, will be some student-generated,
24 graduate student I believe, generated lines that

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2 you also will probably be presented from.

3 ASSEMBLY MEMBER MCENENY: Assemblyman
4 Oaks and I attended that Fordham presentation.

5 MS. BARTOLETTI: In Albany?

6 ASSEMBLY MEMBER MCENENY: And Mr.
7 McDonald's presentation, as did some of the staff
8 of LATFOR.

9 MS. BARTOLETTI: Yes. I think it will
10 also inform you, I believe. And in fact, at the
11 one I was in, in Binghamton, and he may have told
12 you this too, in I believe Michigan, there was a
13 -not to make us all feel very small--a 10-year-
14 old that submitted lines that are now being
15 considered in the Michigan Legislature as one of
16 the two lines, the drawings that will be put
17 before the Legislature.

18 SENATOR NOZZOLIO: I'd like to say that
19 now I've been involved in this for a number of
20 months, it looks a lot easier than it is, in
21 terms of the numbers. And particularly when you
22 have in New York subdivisions of the state called
23 counties and towns, both looked at by the courts-
24 -

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2 MS. BARTOLETTI: [interposing] Yes.

3 SENATOR NOZZOLIO: --and especially the
4 State Constitution that says that districts must
5 have a certain mathematical continuity to their
6 borders.

7 MS. BARTOLETTI: Yes.

8 SENATOR NOZZOLIO: And it's called block
9 on border in the city. It's called town on
10 border in the non-city areas. Putting that as a
11 layer and then another layer called the Voting
12 Rights Act, which requires--

13 MS. BARTOLETTI: [interposing] That's
14 right.

15 SENATOR NOZZOLIO: --not just
16 mathematical precision but there needs to be
17 taken into consideration, particularly opposed,
18 very much opposed to any retrogression that could
19 exist in the strength of particular voting
20 minority in terms of the minority, in terms of
21 racial considerations, that those rules are rules
22 that must be followed. That's a number of the
23 guideposts that--

24 MS. BARTOLETTI: [interposing] And I

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2 think--

3 SENATOR NOZZOLIO: [interposing] I know
4 a 10-year-old can add up to 120--

5 MS. BARTOLETTI: [interposing] Well, he
6 can move a mouse around. I think it was a he.

7 SENATOR NOZZOLIO: A 10-year-old could,
8 I'm sure, add up to 120,000 or 300,000, whatever
9 the number is. But there are other issues that
10 the policies and the laws of the state require.
11 And I certainly understand what you're saying and
12 those need to be explained.

13 MS. BARTOLETTI: Yes, and I--

14 SENATOR NOZZOLIO: [interposing] And
15 that's what you're asking.

16 MS. BARTOLETTI: That's right. And I
17 believe that during the Fordham explanation, they
18 did explain how all of that would be taken into
19 account. And just following up on that, I had a
20 very renowned orthopedic surgeon yesterday tell
21 me, actually drew something on the examining
22 paper and he said "I've been saying for years,
23 saying for years that this is a mathematical
24 problem and all you have to do is a mathematic

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2 formula and you could come up with these lines."
3 And then I said, well, I said, you know there's
4 voting rights and minority majority and the New
5 York State Constitution requirements. He said,
6 oh, I won't even use the word he used. Eh, none
7 of that should be considered, it just should be
8 all mathematical. We could get this done in an
9 hour. I went, okay.

10 SENATOR NOZZOLIO: I'm sure I could cut
11 a kneecap off in a few minutes too.

12 [Laughter]

13 SENATOR NOZZOLIO: I don't think that
14 orthopedic--

15 MS. BARTOLETTI: [interposing] I think
16 what that says is that there is much more public
17 awareness of this process in this go around.
18 This is my--I hate to--I started when I was 10.
19 So this is my fourth go-around with
20 redistricting. So, you know, I am fully aware of
21 all of the ramifications but I will tell you this
22 is the first one that the league has been
23 involved in where we have seen standing room only
24 crowds when we went across the state earlier this

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2 spring. People do get this. They are more aware
3 of it now. So you may be seeing not only a lot
4 more people testifying but you may see a lot more
5 interest in those lines.

6 SENATOR NOZZOLIO: Any other questions
7 of the panel?

8 ASSEMBLY MEMBER MCENENY: Yeah, the 1
9 percent NYPIRG suggestion?

10 MS. BARTOLETTI: Well, it's our position
11 also.

12 ASSEMBLY MEMBER MCENENY: Yeah, if a
13 town is 133,000 people and you're drawing an
14 Assembly district that the average is 127,781 or
15 whatever it is, 787, the State Constitution says
16 the town can't be broken.

17 MS. BARTOLETTI: Correct.

18 ASSEMBLY MEMBER MCENENY: And that would
19 seem to be good government. The variance would
20 therefore be well over 1 percent. Where's the
21 decision? For the good government of making the
22 town a district and making it simple or
23 worshipping some number that's already one year
24 out of date?

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2 MS. BARTOLETTI: I think in that regard,
3 I think you also use the other criteria. I mean
4 we know the courts have given the state and the
5 federal constitution gives the states "to the
6 extent practicable" phrase--

7 ASSEMBLY MEMBER MCENENY: [interposing]
8 Except in Congress.

9 MS. BARTOLETTI: Except in Congress.

10 ASSEMBLY MEMBER MCENENY: In Congress
11 they'll split the town--

12 MS. BARTOLETTI: [interposing] That's
13 correct, they'd split it.

14 ASSEMBLY MEMBER MCENENY: --no matter
15 what the state constitution says.

16 MS. BARTOLETTI: That's right, down to
17 one person. But I think then the criteria here
18 in New York State that then becomes of perhaps
19 equal interest would be your communities of
20 interest. You don't want to split a village or a
21 town up so that you actually have people that
22 have the same, whether they're economic or
23 whether they're language, minority, ethnic,
24 whatever the community of interest is.

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2 I mean, here in this area of the state
3 you are likely to have in the Adirondack Park,
4 communities of interest, both economic,
5 ecological, so there are--you know, you have to--
6 and that is, I totally agree with you, these are
7 difficult choices to make.

8 ASSEMBLY MEMBER MCENENY: I wouldn't see
9 it as a difficult choice. I would go with the
10 people.

11 MS. BARTOLETTI: The communities of
12 interest.

13 ASSEMBLY MEMBER MCENENY: And if it
14 means 2 or 3 percent variance in order to not
15 break a county line, in order not to take a small
16 town on the wrong side of the county line and
17 make it a stepchild of a larger district in the
18 Senate or the Assembly, I mean the testimony
19 we've been hearing from people who actually
20 perform governmental responsibilities is, you
21 know, keep my town together, keep my county
22 together, respect my municipal boundaries.

23 And when you get into the Voting Rights
24 Act, now a recent poll said 70 percent of the

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2 people wanted an independent redistricting
3 commission. The same 70 percent said they don't
4 want any special privileges given to people who
5 are minorities such as black and Hispanic and
6 Asian.

7 MS. BARTOLETTI: That's right.

8 ASSEMBLY MEMBER MCENENY: Well, you know
9 what, that's against federal law.

10 MS. BARTOLETTI: That's right.

11 ASSEMBLY MEMBER MCENENY: That's what
12 the Voting Rights Act of 1965--

13 MS. BARTOLETTI: [interposing] That's
14 right. And that brings up--

15 ASSEMBLY MEMBER MCENENY: --specifically
16 says.

17 MS. BARTOLETTI: --certainly brings up,
18 and you're an historian, it brings up another
19 point. I think the citizens of this state and
20 probably all over the United States need much
21 better civic literacy, because clearly when
22 people are unaware of the Voting Rights Act and
23 its impact--now, they might now know exactly what
24 part of a state it might impact. And clearly, of

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2 course it doesn't impact this community, it does
3 impact three counties in New York City. And as
4 you've been down there, you have seen that those
5 are minority ethnic or language and they fall
6 under the Voting Rights Act and we clearly have
7 to--

8 ASSEMBLY MEMBER MCENENY: [interposing]
9 And many of those districts will have very odd
10 shapes because that's the pattern people live in
11 and that's federal law. That's not a local
12 option in many cases.

13 There was one other thing. I went to
14 the presentation yesterday and the software that
15 they're using is for the nation. So it applies
16 in every state. Well not every state has block
17 on border, which would force you to move a block,
18 even if it's on the other side of a river or a
19 six-lane highway, just to make the math come out.

20 MS. BARTOLETTI: However, I think--

21 ASSEMBLY MEMBER MCENENY: [interposing]
22 New York State will mandate that.

23 MS. BARTOLETTI: Yes. And that's what
24 this reports says it's still manageable.

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2 ASSEMBLY MEMBER MCENENY: And town on
3 border. Well what I asked them is I said when
4 you're done with this competition, this \$1,000
5 prize, you can pick either Senate or Assembly or
6 Congress. In the case of the State Legislature
7 does a red light say: okay, that's good but now
8 go and balance it by moving everything across the
9 border to make the math come as close as
10 possible? And the answer is no, we don't do
11 that. Well, if you don't do that, it's
12 unconstitutional. So it's not a perfect system
13 with that software either.

14 MS. BARTOLETTI: We're well aware of
15 that. And I think that's why this report NYPIRG
16 put out does specify that even with those
17 constitutional edicts, you can get the deviation
18 rate down considerably.

19 And I think you would all agree if you,
20 I mean look at some of the maps that are out
21 there right now of your districts that no one is
22 going to argue with some of them that are very
23 bizarre and for whatever reason. What we are
24 saying and have been saying, as you know for

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2 decades now, is that it is done to protect
3 incumbents and make sure that the parties who are
4 in power get to stay in power.

5 That's what I think the citizens of this
6 state are most concerned about. Is it strictly
7 the drawing of lines to protect incumbents and
8 let you select voters before they get a chance to
9 select you? That is the primary concern of
10 voters.

11 So, given all the constraints we have
12 and all the information you have before you
13 today, we do ask you to look at the criteria in
14 the Governor's bill and this deviation and do the
15 best job you can.

16 SENATOR NOZZOLIO: Commissioner Lopez?

17 MR. LOPEZ: I just want to ask her a
18 question then. You mentioned something about
19 Suffolk County before. Was the League involved
20 in Suffolk County?

21 MS. BARTOLETTI: Yes, we were. We were
22 on that commission. We were very involved.

23 MR. LOPEZ: How many members were in
24 that commission?

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2 MS. BARTOLETTI: That's a good question.
3 You mean how many members on the entire
4 commission?

5 MR. LOPEZ: Right, the commission. My
6 understanding I think it was eight member of the
7 commission.

8 MS. BARTOLETTI: It started a couple of
9 years ago.

10 MR. LOPEZ: Four were chosen by the
11 Republicans and four by the Democrats. And who
12 chose the League of Women Voters, appointed?

13 MS. BARTOLETTI: We weren't the only
14 civic group I don't believe, Laura, on that.
15 There were several citizens on that--

16 MR. LOPEZ: [interposing] My
17 understanding is that I understand--

18 MS. BARTOLETTI: [interposing] And it
19 was done in a nonpartisan way and it has become
20 the model for local redistricting in the state.

21 MR. LOPEZ: I understand. But
22 basically, did the Republican appointed one of
23 you as a member or the Democrat appoint you?

24 MS. BARTOLETTI: No, I don't believe it

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2 was either an appointment by either. I believe
3 the plan called for so many civic organizations
4 to sit on it and we were just--who chose us, to
5 be honest with you, I don't know.

6 MR. LOPEZ: We had a speaker from the
7 League of Women Voters in Suffolk County and she
8 said that it was appointed by the Democrats. I
9 just want to ask that question.

10 MS. BARTOLETTI: Oh really?

11 MR. LOPEZ: Yeah.

12 MS. BARTOLETTI: No. That I was not
13 aware of.

14 MR. LOPEZ: thank you.

15 MS. BARTOLETTI: You're very welcome.

16 SENATOR NOZZOLIO: Any other questions
17 from members of the panel? Hearing none, thank
18 you, again.

19 ASSEMBLY MEMBER MCENENY: Thank you very
20 much.

21 MS. BARTOLETTI: Thank you very much.

22 SENATOR NOZZOLIO: Assemblyman Ken
23 Blankenbush. Morning, Assemblyman.

24 ASSEMBLY MEMBER KEN BLANKENBUSH, 122nd

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2 ASSEMBLY DISTRICT: Morning.

3 ASSEMBLY MEMBER MCENENY: Good morning.

4 ASSEMBLY MEMBER BLANKENBUSH: Again, my
5 name is Ken Blankenbush from Black River, New
6 York. I currently serve as the Assemblyman
7 representing the counties of Jefferson, Lewis,
8 St. Lawrence and Oswego Counties.

9 I want to first of all thank the
10 committee for having a north country meeting.
11 It's good to see you up here in the north
12 country. My trip over, it sort of reminds me of
13 my old days in Plattsburgh as I graduated from
14 Plattsburgh State and had many classes at Hopkins
15 Hall. It seems like a hundred years ago, but not
16 quite.

17 Earlier this year, you may know or
18 remember that I spoke in Syracuse. And at that
19 time, I spoke about the importance of keeping the
20 23rd Congressional District intact. For more
21 than 30 years, the 11 northern counties in New
22 York State that comprise of the North Country,
23 have in some combination been part of a single
24 congressional district.

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2 This North Country district that runs
3 from Oswego County to Clinton County and from St.
4 Lawrence River to Fulton County, shares some very
5 common issues and interests. The area is rural
6 in nature and has tremendous reliance on
7 agriculture and tourism. This sets us apart from
8 many other regions in the State of New York, such
9 as central New York or Mohawk Valley, for
10 example, which are more reliant on manufacturing.

11 As the Assemblyman who represents 4 of
12 the 11 counties, I believe that it is important
13 to keep the North Country together as a single
14 congressional district and not split the region
15 possibly into two or three different districts.

16 If that were to happen, our
17 representation would be diluted and we would be
18 relying on members who are unlike to live or work
19 in the North Country.

20 With that being said, I'm here today to
21 talk about another issue facing upstate New
22 Yorkers in the redistricting process. This is
23 the disproportionate allocation of Assembly seats
24 to New York City during the 2001-2002

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2 redistricting process, while upstate and Long
3 Island lost members.

4 In 2001, upstate New York accounted for
5 43.4 percent of the state's population. That
6 should have related to 65 seats in the Assembly.
7 Instead, upstate was only allocated 64 seats,
8 essentially losing one representative in the
9 Assembly. In contrast, New York City's
10 population was 42.3 percent of the state's total
11 and should have been allocated 63 seats.
12 Instead, New York City's representation in the
13 Assembly currently stands at 65.

14 In 2002, upstate New York had about
15 206,000 more people than New York City, yet one
16 less Assembly seat.

17 Finally, Long Island has 14.5 percent of
18 the state's population in 2002, which meant that
19 they should receive 22 seats. Instead, Long
20 Island only has 21.

21 As you can see, the redistricting
22 process ten years was completely unfair to
23 upstate and Long Island residents, who both lost
24 an Assembly member while New York City two

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2 representatives.

3 In regards to the population of upstate,
4 not much has changed in the last ten years.

5 Upstate still has 43.2 percent of the state's
6 population, which should mean that this region
7 should have 65 Assembly members. New York City,
8 on the other hand, still stands at 42.2 percent
9 of the state's population, which would relate to
10 63 representatives in the Assembly, not 65.

11 When you take into consideration whether
12 or not the prisoners end up being counted in
13 their place or origin or where they are
14 incarcerated, these numbers still stands. So
15 however the prisoners are going to be counted,
16 the percentages still stand.

17 So, for the last ten years, upstate New
18 York has really been cheated out of an Assembly
19 member while New York City has unfairly enjoyed
20 the advantage of having two extra representatives
21 in the Assembly chamber. I'm hopeful that this
22 committee recognizes the discrepancy this time
23 around and returns the Assembly members to
24 upstate New York so that the majority of New

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2 Yorkers are fairly represented in the Assembly.

3 Thank you very much.

4 SENATOR NOZZOLIO: Thank you very much,
5 Assemblyman. Any questions from members of the
6 panel?

7 ASSEMBLY MEMBER BLANKENBUSH: Okay,
8 thank you.

9 SENATOR NOZZOLIO: Thank you, again, for
10 your support and insistence that a hearing be
11 conducted in the North Country and thank you for
12 your comments. They are on the record.

13 ASSEMBLY MEMBER BLANKENBUSH: Again, I'm
14 glad to see everybody up here, and I'm happy with
15 the turnout here.

16 SENATOR NOZZOLIO: Thank you. For the
17 preliminary round, you made our first hearing and
18 our fourteenth hearing. It's good to see you
19 again.

20 ASSEMBLY MEMBER MCENENY: Ken?

21 ASSEMBLY MEMBER BLANKENBUSH: Yes, sir?

22 ASSEMBLY MEMBER MCENENY: Do you have
23 the same statistics for the Senate?

24 ASSEMBLY MEMBER BLANKENBUSH: No, I

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2 don't.

3 ASSEMBLY MEMBER MCENENY: If you have
4 them, I'd like to see them.

5 ASSEMBLY MEMBER BLANKENBUSH: Okay, I
6 could get them.

7 ASSEMBLY MEMBER MCENENY: Thank you very
8 much.

9 ASSEMBLY MEMBER BLANKENBUSH: All right.

10 SENATOR NOZZOLIO: Thank you,
11 Assemblyman. Ray Scollin? Ray Scollin?

12 MR. RAYMOND SCOLLIN: Good morning.

13 ASSEMBLY MEMBER MCENENY: Good morning.

14 SENATOR NOZZOLIO: Good morning.

15 MR. SCOLLIN: I'm Ray Scollin. I'm from
16 Saranac Lake. Saranac Lake is a small Adirondack
17 village situated in two counties and three
18 townships.

19 In the past, I've served as the
20 village's deputy mayor, and have continued to
21 serve on various community boards and committees.
22 Currently, I am the Republican State Committeeman
23 representing Franklin County.

24 I wish to thank the task force for

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2 conducting this series of hearings and providing
3 me the opportunity to comment. If we are to be
4 successful in the redistricting process, public
5 input is essential.

6 Although I plan to provide some specific
7 comments to you in regard to the redistricting
8 project, I do want to make one general
9 observation. It is also my perception that the
10 public does not want a political process drawing
11 state legislative and congressional boundaries.
12 I believe, like the majority of New York State
13 voters, that an independent commission should be
14 managing the process.

15 The redistricting process we are
16 engaging in here has historically protected
17 incumbents, created districts that widely vary in
18 population size and carve up communities. It is
19 wrong to make New York residents wait another
20 decade before legislating needed reform.

21 I believe quite strongly that the single
22 most important consideration during redistricting
23 is representing communities and maintaining their
24 boundaries. Common issues within a community

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2 develop from the social, economic and
3 environmental realities that they experience.
4 Political issues are a result, an aftermath.
5 They should never be a precursor.

6 Communities will have similar concerns
7 and when legislative action is needed to
8 facilitate a resolution, it is necessary that the
9 group, the community has the benefit of a unified
10 and connected representation.

11 The North Country is such a community.
12 We are a more rural community that economically
13 depends on agriculture and tourism. To our north
14 is St. Lawrence River and seaway is an
15 international border. To our east, we are
16 separated from Vermont by Lake Champlain. And
17 the Adirondack Park comprises the south of the
18 North Country.

19 The redistricting process that occurs
20 ever decade has always recognized and supported
21 that the North Country has specific and unique
22 issues and that the counties that comprise the
23 North Country have worked cohesively on common
24 issues. It is for these very reasons today the

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2 North Country districts should be preserved.

3 When you visit the people who live and
4 work in the North Country, you will hear them
5 talk about their dairy farms, apple orchards,
6 maple syrup production, lumbering and cheese.
7 You will hear New York residents across our state
8 speak of mountains, hiking, hunting, fishing and
9 lakes. You will read in national magazines about
10 our skiing, Olympic venues and small town main
11 streets. Yet, we are suffering from the same
12 economic downturn impacting our entire nation.
13 We have regular concerns and problems with border
14 security and seaway shipping. All of this
15 requires focused representation from our
16 legislative representatives. It is a ball we
17 cannot afford to drop.

18 Due to current population, the 23rd
19 Congressional District must change.
20 Specifically, the district needs to grow by more
21 than 50,000 people. I believe the best solution
22 is to keep the North Country intact and add the
23 remainder of Essex County and all of Fulton
24 County to the district. These two counties

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2 already share the same economic, social and
3 environmental concerns. Our current separation
4 has nothing to do with our common issues and
5 goals.

6 In conclusion, the North Country
7 district continues to be quite different from the
8 districts to our south and west. We cannot
9 afford to lose our cohesive legislative voice.
10 It not only serves our region, it serves our
11 entire state. I hope that I've helped make that
12 point today. Do you have any questions? Thank
13 you.

14 SENATOR NOZZOLIO: Thank you very much.

15 ASSEMBLY MEMBER MCENENY: Thank you very
16 much.

17 SENATOR NOZZOLIO: The Honorable Paul
18 Maroun, Franklin County Legislator. Good
19 morning.

20 MR. PAUL MAROUN, FRANKLIN COUNTY
21 LEGISLATOR: Good morning, Senator. How are you?

22 SENATOR NOZZOLIO: Nice to see you
23 again.

24 MR. SCOLLIN: Gentlemen, chairman,

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2 members of the task force, welcome to the North
3 Country. I have to be transparent here. As some
4 of you know, I've worked with you, I was Senator
5 Stafford's counsel for years and now I'm Senator
6 Little's counsel. But I want to take that hat
7 off this morning, and I'm the legislator from
8 Franklin County, representing Tupper Lake and
9 Santa Clara, which is upper Saranac Lake.

10 I'd like to welcome you to the North
11 Country. You've traveled through the district,
12 Senator, and I see that Assemblyman McEneny was
13 in Blue Mountain Lake a few weeks ago. So you've
14 seen what it's like in the Adirondacks.

15 Perhaps I, more than most in this room,
16 in fact probably anyone in this room, know more
17 about this congressional district, which I want
18 to speak about today. Because when the former
19 Senator McHugh and now Secretary McHugh resigned,
20 I was one of the candidates for Congress, and
21 I've traveled the whole district. And this
22 district does not and should not be placed in
23 close proximity or on the edges or within a major
24 city.

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2 We're sitting in a city today here,
3 Plattsburgh. Where I come from in Franklin
4 County, there are no cities. Many of the
5 Adirondack counties don't have cities. It's an
6 entirely different outlook on life. Farming and
7 tourism, you're going to hear over and over
8 again. That's what we flourish on.

9 My particular region is tourism. To the
10 north you're going to hear from--I saw him here n
11 the audience--Howard Maneely, the supervisor from
12 the Town of Malone. That's farm country, St.
13 Lawrence Country: farm country. Oswego: farm
14 country. Clinton County: farm country. We don't
15 have the issues and the items and, actually, we
16 don't have the amounts of people to deal with
17 city issues.

18 Over the four congressmen that I've
19 worked with, including now Congressman Owens,
20 Congressman McHugh and Congressman Martin and
21 Congressman McHugh, they've come from either
22 small cities or just outside of small cities:
23 Plattsburgh, Ogdensburg. We need to have a North
24 Country District which is North Country and rural

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2 in nature. That's who the people that that
3 congressperson will represent.

4 I would suggest that you look strongly
5 at, and we should have never separated Essex
6 County, it should be one county and it should be
7 in our district. And to probably drift into more
8 of Fulton County would pick up your 53,000
9 people. I know there are cities there.
10 Assemblymen, you're going to have to figure a
11 little bit, and Johnstown and Gloversville, but I
12 think those people share the concerns that we do.
13 They're very close to the Adirondack Park. They
14 know the issues. Most of them have second homes
15 or have camps in the park. They hunt and fish
16 here.

17 And I don't want you to think that we're
18 a bunch of--as Senator Stafford would say--a
19 bunch of wooden heads, we're not. We're
20 sophisticated. But we don't enjoy and we don't
21 miss some of the problems that the cities like
22 Syracuse or Albany would have if our congressman
23 had to touch on those borders.

24 So I would ask you to consider the 23rd

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2 District a rural, truly rural, upstate county or
3 district that depends on agriculture and tourism
4 for their main economic derivative. I know Gary
5 Douglas is going to tell you there's great
6 industry in Plattsburgh, and Mayor Kasprzak will
7 too, and there is, but it's not the kind of major
8 industrial development that Syracuse or Albany or
9 those areas thrive on.

10 So I think, again, if you look at Essex
11 County and perhaps Fulton County, we could put
12 our 50,000-53,000 additional people together
13 there. And I'd just like to say it's so nice to
14 have so many of Liz Benjamin's celebrities in the
15 North Country at one time, some behind me and
16 some in front of me. So I welcome you all here
17 and I thank you for taking the time to listen to
18 the North Country issues. Thank you. Any
19 questions?

20 SENATOR NOZZOLIO: Thank you very much,
21 Paul.

22 MR. SCOLLIN: Okay.

23 ASSEMBLY MEMBER MCENENY: Do you have a
24 population you consider as a small city? What do

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2 you think of Glens Falls, Saratoga or Oswego? I
3 mean these are cities too.

4 MR. SCOLLIN: I mean I consider
5 Watertown, Ogdensburg and Plattsburgh small.
6 Glens Falls is--

7 ASSEMBLY MEMBER MCENENY: [interposing]
8 Messina.

9 MR. SCOLLIN: --Messina. Those are what
10 I would--I mean, when we start hearing Syracuse
11 or Albany--

12 ASSEMBLY MEMBER MCENENY: [interposing]
13 Right.

14 MR. SCOLLIN: --that's a little out of
15 our league.

16 ASSEMBLY MEMBER MCENENY: What's Utica?

17 MR. SCOLLIN: Excuse me?

18 ASSEMBLY MEMBER MCENENY: What's Utica?
19 Is that a big city or a little city?

20 MR. SCOLLIN: Utica is a fair city,
21 Assemblyman. I learned that from Ron Stafford.

22 ASSEMBLY MEMBER OAKS: If I might, one
23 of the things, just, of course with Congress we
24 talked in the earlier discussion with previous

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2 presenters about having some latitude. Of
3 course, in Congress, there is no latitude and the
4 districts are all going to be 717,707--

5 ASSEMBLY MEMBER MCENENY: [interposing]
6 Or else.

7 ASSEMBLY MEMBER OAKS: Or else. And
8 therefore, somebody is going to be split. And so
9 there is going to be some community, whether it's
10 in Fulton County or it's in Essex or somewhere.
11 The reason that Essex was split before was
12 because you had to draw the line and clearly it
13 can end, you know, in the middle of a street or
14 whatever. And so, just in the challenge of doing
15 that, I think the prior presenter and yourself
16 talking about the importance of keeping it
17 together is understood and appreciated, but also
18 to know that somewhere in this there is going to
19 be a community or some communities that are not
20 going to be quite where you or we may like to put
21 them because of that concern.

22 MR. SCOLLIN: Understood. Thank you.

23 ASSEMBLY MEMBER MCENENY: Thank you.

24 SENATOR NOZZOLIO: Thank you. Howard

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2 Maneely, Malone Town Supervisor. Good morning,
3 Mr. Supervisor.

4 MR. HOWARD MANEELY, MALONE TOWN
5 SUPERVISOR: Good morning. First of all, thank
6 you very much for coming up to the North Country
7 and giving us an opportunity to make a few
8 comments. I got to piggyback on Paul Maroun
9 because he shares Franklin County with me. He's
10 in the southern end and we're at the northern
11 end.

12 SENATOR NOZZOLIO: Mr. Maneely, would
13 you be so kind as to pull that microphone a
14 little closer to you?

15 MR. MANEELY: Okay. As I said before,
16 I'd like to tag on what Paul Maroun had to say
17 about the North Country. Malone is unique.
18 Malone has, for a small town, we have three state
19 prisons there and which fluctuates our
20 population. About one-third of our population
21 are confined to the three correctional
22 facilities. And if we take them away from our
23 count, our population of Malone, we will have
24 hardly any representation at all. Our district

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2 will be so big that we won't even know our
3 legislators anymore. We provide services. We're
4 a seasonal use, road use before, we have to
5 maintain these roads year round now. And they
6 provide a lot of other services that are needed
7 for these facilities and we need the population
8 count to stay in the North Country.

9 Franklin County has four correctional
10 facilities and another one, another small one in
11 Chateaugay, about 13 miles from Malone, but it
12 covers a lot of our population of the North
13 Country area and the correctional facilities.

14 I have no more to say. I mean I just
15 want to protect our turf that we have now and I
16 hope they take in consideration to count them
17 where they sleep at night.

18 SENATOR NOZZOLIO: I appreciate your
19 comments. And Senator Little says this
20 frequently that she talks about how when there is
21 an emergency at one of the prison facilities, in
22 all likelihood that emergency will be met by an
23 ambulance, if that is what the emergency
24 requires. And that ambulance will be provided by

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2 one of the volunteer organizations. Is that not
3 correct?

4 MR. MANEELY: That is correct.

5 SENATOR NOZZOLIO: And that when there
6 is a tutoring program at one of the facilities,
7 Senator Little would talk about how that program
8 was made up by local residents. Is that how
9 it's--

10 MR. MANEELY: [interposing] Yes, it is.

11 SENATOR NOZZOLIO: --you operate?

12 MR. MANEELY: My background, I'm retired
13 from the Department of Correction also. I've
14 worked all over the state of New York and I know
15 the services that the communities that these
16 facilities rest in, there's a lot of the services
17 come from the families, a lot of volunteers,
18 religious volunteers, college programs, school
19 programs. We need them to be counted where they
20 are.

21 SENATOR NOZZOLIO: The law has changed
22 and that LATFOR, this commission must follow that
23 law. I know the law is also being contested and
24 that contest is taking place in the courts. But

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2 until the courts act, we have no choice but to
3 follow the laws that exist. And that's something
4 that I know is--and certainly the other side of
5 this--this law, by the way, I might add, was
6 pushed forward without a single hearing, without
7 a single review, without any opportunity to
8 debate and question. So I appreciate you putting
9 a very local and real policy concern on that
10 issue. Thank you very much for your testimony.

11 MR. MANEELY: One more comment.

12 SENATOR NOZZOLIO: Yes, and then Senator
13 Dilan wishes to raise a--

14 MR. MANEELY: Yes, I have one more
15 comment. The residents of these facilities,
16 they're called residents anymore, they're not
17 called inmates. They are called residents. So I
18 just want to...

19 SENATOR NOZZOLIO: Senator Dilan.

20 SENATOR DILAN: Yes. I just want to
21 comment and appreciate the fact that the Chairman
22 says that we do have to follow the law. That was
23 a law that was passed in 2010. He also comments
24 that that particular law did not have a single

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2 hearing. You know, that is also true, but that,
3 unfortunately, is the case for most of the laws
4 that pass Albany and are signed into law.

5 But also, I just wanted to clarify one
6 more issue with respect to the law. The law only
7 pertains to counting the residents or the inmates
8 back to their last home of record. However,
9 whatever federal funding comes from them that
10 will still be counted within the locality. So
11 there will be no loss of revenue as a result of
12 this law. And I guess we'll find out between now
13 and December 4th, which is really at this point
14 the only remedy that you have with respect to
15 that issue. I just wanted to make that for the
16 record.

17 SENATOR NOZZOLIO: Thank you, Senator.
18 Any other comments? Assemblyman Oaks.

19 ASSEMBLY MEMBER OAKS: Just a couple of
20 things. You had mentioned a third of your city,
21 about, is--or the town, I'm sorry, are residents.
22 What is the prison population, the town
23 population?

24 MR. MANEELY: The town population right

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2 now in the last census is 14,000 and the inmate
3 population or the resident population runs right
4 around 3,900 or 4,900.

5 ASSEMBLY MEMBER OAKS: And just a
6 question of any sense of the number of people who
7 work in those facilities in the community?

8 MR. MANEELY: I haven't got the
9 percentage, but a lot of our employees at the
10 correctional facilities travel, you know from
11 Messina, Plattsburgh, a lot of places in Clinton
12 County and some Essex County and St. Lawrence
13 County.

14 ASSEMBLY MEMBER OAKS: And when were
15 they built, your facilities?

16 MR. MANEELY: The first one was built in
17 '84 and '85. It opened in '86. The second one,
18 the second medium security facility opened in
19 '88. And the maximum security facility opened in
20 '98.

21 ASSEMBLY MEMBER OAKS: So the first two
22 were built during the time when there was the
23 real crunch in trying to house prisoners. And
24 how many years have you been supervisor?

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2 MR. MANEELY: Since January 1st, 1998.

3 I come in with the ice storm.

4 SENATOR NOZZOLIO: You seem to have an
5 ice storm every year, don't you? I hope not.

6 ASSEMBLY MEMBER OAKS: Thank you.

7 SENATOR NOZZOLIO: Any other questions?
8 Thank you very much, sir.

9 MR. MANEELY: Thank you.

10 SENATOR NOZZOLIO: Dom Lee, Dom Lee.

11 MR. DOM LEE, CLINTON COUNTY REPUBLICAN

12 CHAIR: Good morning. I'm Dom Lee. I'm the
13 current Clinton County Chairman of the Republican
14 Party. But more importantly, I'm here to speak
15 to you as a citizen. If you noticed, I was
16 sitting next to Mr. Mannix and he's the
17 Democratic Party Chairman, so we have a pretty
18 good relationship up here in the North Country.
19 We differ on some things, but we get along on
20 most.

21 ASSEMBLY MEMBER MCENENY: Which county,
22 for the record?

23 MR. LEE: Clinton County, sir.

24 ASSEMBLY MEMBER MCENENY: Thank you.

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2 SENATOR NOZZOLIO: If that's the case,
3 the why don't we have Mr. Mannix come up and sit?
4 Are you both the same county?

5 MR. LEE: We are.

6 SENATOR NOZZOLIO: Why don't you come
7 up, Mr. Mannix and we'll hear from both of you at
8 the same time? Not at the same time but back and
9 forth.

10 MR. MARTIN MANNIX, CLINTON COUNTY

11 DEMOCRAT CHAIR: This is really going to get
12 interesting.

13 SENATOR NOZZOLIO: For the record, it's
14 Mr. Martin Mannix. And Mr. Lee, could you state
15 for the record your residence?

16 MR. LEE: Morrisonville, New York.

17 SENATOR NOZZOLIO: And Mr. Mannix, would
18 you please state for the record your residence?

19 MR. MANNIX: Morrisonville, New York.

20 SENATOR NOZZOLIO: That's great. Mr.
21 Lee, you have the floor.

22 MR. LEE: Thank you. As you know,
23 historically New York has always had a
24 congressional district, and we've had the North

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2 Country District. As it stands out, it's very
3 unique. You noticed that when you came here as
4 you drove up. You all are familiar with the
5 Adirondack Park, and that truly makes us unique
6 and different. We talk about prisons and things
7 like that to bring population into our area, and
8 I think basically that's what that was for.

9 With the advent of the Adirondack Park,
10 it makes who we are. It demands what we can do.
11 We're not going to have any large metropolis here
12 because of the Adirondack Park. We enjoy, and
13 that's why most of us live here and come here. I
14 came with the Air Force. I was a pilot here for
15 22 years. I'm from Whitehall originally, down in
16 Washington County.

17 But you come here, you love this place,
18 you love the North Country, you love what we
19 have, and we need to keep it and we need the
20 unique representation that it represents here.

21 We've heard everyone speak about
22 agriculture, the apple orchards, you've seen
23 them. We have the clean water and streams. You
24 know, less than 1 percent of the world's water is

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2 safe to drink and we've got most of that right
3 here in upstate New York.

4 Tourism is another big thing. Mr.
5 Douglas and folks from the North Country Chamber
6 of Commerce have made our border security better.
7 They've had better aspects to get through
8 customs. And we have a lot of Canadian tourism,
9 which makes us unique as well, because we border
10 a true foreign country.

11 With that comes also the problems with
12 being bordered on a true foreign country. We
13 have a tremendous amount of Homeland Security and
14 Border Patrol folks here, state police that are
15 up in this area. They come up here because of
16 the problems with the border area. Those make us
17 unique, with the illegal smuggling, illegal
18 immigrants--excuse me--and also, we have the
19 problem with the terrorism aspects right now.

20 So that all makes it a little bit
21 difficult, but with the advent of our new border
22 control, it has helped us out as well. The
23 Adirondacks, as I said, has been very unique for
24 all of us. Hunting and fishing, tourism, all

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2 make these things extremely advantageous.

3 One of our concerns, though, is if you
4 split us up into one, two or three districts,
5 instead of going east/west like we are right now,
6 and you go north/south and you include some of
7 the cities and stuff like that, where do you
8 think our representation is going to be? Where
9 do you think the due diligence is going to be for
10 the politicians? Are they going to come up to
11 the North Country? Yeah, for vacation maybe.
12 But are they going to pay attention to us?
13 They're going to get their votes in the
14 metropolis areas and where the big industrial
15 areas are and us up here in the North Country
16 will not get the true representation that we
17 need.

18 That's what we're concerned about and
19 we'd hope you consider keeping it. And I've
20 heard some discussion about adding Fulton County,
21 the rest of Essex County and things like that.
22 Whatever you do, keep in mind as long as it's
23 people that share the same interests that we
24 have, the same concerns that we have, to keep us

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2 truly unique like we have here in the North
3 Country.

4 SENATOR NOZZOLIO: And Chairman Lee, for
5 the record, you're talking about congressional
6 districts.

7 MR. LEE: I am. I am, sir.

8 SENATOR NOZZOLIO: Why don't we hold any
9 questions until Mr. Mannix has the opportunity to
10 speak.

11 MR. MANNIX: Okay. I'm not here to talk
12 to you about boundaries. What I am here to talk
13 to you about is what I believe will be the
14 outcome of your work. And I think,
15 unfortunately, your time and efforts will not
16 serve the needs of the people of the State of New
17 York. And I don't think that's due to any fault
18 of your own. I think it's due to the climate
19 that we're in.

20 We have a situation, and I'm not
21 pointing my finger at either political party, but
22 we have a situation where, as was pointed out
23 earlier, you can look at the Republican members
24 of the legislature and the pledges that they took

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2 that they would support an independent
3 commission. You can look at where Democrats were
4 previously, before they thought they had a
5 controlling hand, and what their position was on
6 that issue. It will be a pox on both houses.

7 I'm very happy that we have a governor
8 who in the spirit of ethics and equity has said
9 that he will veto any solution that has not been
10 drawn by a truly independent body. I think that
11 will occur. What will happen is all this time
12 will have been taken and wasted and we will not
13 have moved toward the reform that we need to
14 have. We need that reform dramatically.

15 I think the average person in this
16 country looks at something like this and says
17 it's not illegal but it's unethical, because
18 people have vested interest on both sides. You
19 know, if we talk about the Assembly and what
20 they're going to argue and we talk about the
21 Senate and what they're going to argue, they all
22 have vested positions. The average citizen is
23 saying, you know, no more. Just turn it over to
24 an independent group that we can have some faith

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2 that they will have hammered out solutions.

3 While one of you can comment on how
4 difficult a particular solution might be, as long
5 as you're a member of the Assembly or the Senate,
6 your position will be questioned. If a speaker,
7 a co-chair of independent commission speaks to
8 the difficulty of dealing with the legislative
9 constraints that obviously have to be dealt with,
10 that will be heard differently because they will
11 be of an independent commission.

12 So that's where I am. I just really
13 want to urge you all to make the recommendation
14 that should have been done to start with, and
15 that is that this be turned to an independent
16 commission. Because I think the longer you go,
17 you know when you come out with your maps,
18 believe me, you know I don't mean to be gross,
19 but all hell is going to break loose because
20 nobody is going to accept the maps from this
21 group. It's very clear, because there is a gross
22 lack of confidence that this can be done in a
23 truly nonpartisan basis.

24 Even if you pull it off in a nonpartisan

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2 basis, unfortunately they're going to say yeah,
3 they all got in a back room and shook hands.
4 They just will not, the general public is not
5 going to accept redistricting not done by an
6 independent commission. Thank you.

7 SENATOR NOZZOLIO: Mr. Mannix, I have a
8 question.

9 MR. MANNIX: Sure.

10 SENATOR NOZZOLIO: What if an
11 independent commission drew Clinton County
12 congressional district in to the City of Albany,
13 would you support that?

14 MR. MANNIX: I don't think I would have
15 much choice if that were to be what happened. I
16 don't think statistically that's going to be
17 viable. I don't think that they could defend
18 that position statistically. So I don't think
19 that that's the likelihood.

20 SENATOR NOZZOLIO: The point is that an
21 independent commission has been asked to not
22 consider community of interest, to mathematically
23 be precise, which LATFOR has to be too with
24 congressional lines. But I think that was a

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2 sidestep to the real question. What would you do
3 if an independent commission drew, let's say,
4 Utica. The prior testifier said don't put Utica,
5 don't put Syracuse into this district. Let me
6 use Syracuse as an example. With Clinton
7 County's congressional district being in
8 Syracuse, would you support that?

9 MR. MANNIX: Well I think you're
10 question, you know is clearly you're very good at
11 posing a question and trying to put a person in a
12 box. The reality is that they will draw their
13 conclusions. They will listen to their
14 testimony. They will come up with a plan. The
15 point is that an independent commission is
16 exactly that. That it should be an independent
17 group that does not serve the political wishes of
18 any given party or any particular group of
19 people.

20 I guess, you know I will make the
21 comment that I made before. I think when we urge
22 that there be an independent commission
23 established to do this, yeah, we're going to have
24 to deal with the independent commission--

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2 SENATOR NOZZOLIO: [interposing] And
3 that's what I--

4 MR. MANNIX: --we could use all the
5 efforts that we have to influence them, but the
6 bottom line will be that they're going to come up
7 with their solution. And the number one benefit
8 of their solution is it's not going to have been
9 drawn with the political goals of a party that
10 holds, you know, a two-vote majority controlling
11 the issues.

12 SENATOR NOZZOLIO: The Senate that has a
13 two-vote majority Republicans this year enacted a
14 constitutional amendment to establish an
15 independent commission. But I guess I wanted to
16 hear your reaction to some of the comments made
17 by county legislators here and your counterpart
18 county chair who indicated the city influence is
19 something that the North Country did not want to
20 have. But the independent commission would,
21 frankly, may very well be blind to those kinds of
22 concerns. I raise that for your opinion.
23 Chairman Lee, do you have any comments on those
24 points?

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2 MR. LEE: Well, like I stated, we are
3 very concerned about if you attach Syracuse, put
4 us in the mix with Syracuse. Where do you think
5 the attention is going to be? I mean, quite
6 frankly, we all know what will happen. I mean
7 people are going to where they--politicians are
8 going to politick where they get the votes.
9 Where are they going to get the votes? Where the
10 population is, and it's not going to be in our
11 neck of the woods.

12 So when it comes to divvying up a piece
13 of the pie, I mean that's what we look at. We're
14 looking--

15 ASSEMBLY MEMBER MCENENY: [interposing]
16 Chuck Schumer will find you wherever you are.

17 MR. LEE: He won't find me, sir. No,
18 you understand our position. But I mean we're
19 very unique here. We have a very esteemed area,
20 very unique, very pleasing are and we'd like to
21 keep our lifestyle and we just want to be
22 represented fairly, that's all. We're just
23 asking for a fair representation. And we're
24 saying that if we do get stuck with Syracuse over

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2 to the west, we might not get the fair
3 representation that we would require.

4 SENATOR NOZZOLIO: Any further questions
5 of Mr. Lee and Mr. Mannix?

6 ASSEMBLY MEMBER MCENENY: If I can
7 comment?

8 SENATOR NOZZOLIO: Mr. Chair.

9 ASSEMBLY MEMBER MCENENY: When most
10 people say they want an independent commission, I
11 mean do we turn it over to the clergy? Do we
12 give it to college professors? How about French
13 Canadians? They don't know where any of it is.
14 We don't really mean independent, having no bias
15 at all or no background or experience. Most of
16 the so-called independent commissions are
17 bipartisan. So you'll have three or four from
18 each party, an even number. And sometimes those
19 eight people would get together and elect
20 somebody who seems to be very neutral, like a
21 League of Women Voters type person

22 I think what most people are talking
23 about when they say independent is they mean non-
24 legislative. People that are removed from the

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2 legislature whose lines they are drawing. I
3 didn't take the Mayor Koch pledge. I remember
4 exactly what he thought about upstate when he was
5 running to be governor. And I never take pledges
6 unless I see legislation in front of me, because
7 it doesn't always turn out. I'll tell you
8 philosophically how I feel, but until there's
9 actual legislation, never take the pledge. I
10 think some people might have learned a lesson on
11 that.

12 This morning on the way up from Albany--
13 we're not planning to put you in Albany by the
14 way, but who knows. It's now occurred to me.
15 But I noticed that the chair of the so-called
16 independent commission in Arizona was impeached
17 by the Arizona State Senate at the request of the
18 governor.

19 There's no easy solution to some of
20 this. Some of these abstract, don't go above 1
21 percent variance, well that's nice unless you're
22 the small town that's on the wrong side of the
23 county line. The argument that you just gave on
24 having somebody from, perhaps, a different

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2 culture within New York having a long learning
3 curve to really get to know people in the North
4 Country, you know that's what happens when you
5 draw lines without putting the human element in
6 there. Human decisions have to be made.

7 I've listened to some so-called good
8 government groups, bear in mind that's a self-
9 designated title, say you know you could do it in
10 an afternoon with this software. No, you
11 couldn't do it in an afternoon. It's a very
12 long, tedious process. Put this town in, that
13 doesn't work. Put another town in. Substitute
14 it. It takes a lot of time. And it helps if you
15 understand whether your community is rural,
16 whether there's commuting patterns, whether in
17 fact families are up and down a state highway.
18 So even though it's a long thin area, there's a
19 community of interest.

20 If you want to gerrymander, put boxes on
21 the map. The fact that there's a mountain
22 selecting people and the two valleys don't know
23 one another, the people who are looking at it
24 will say oh that's great, there's lots of

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2 straight lines. It doesn't always work out that
3 way.

4 And as far as this job here, yeah,
5 people are cynical. They're cynical all the
6 time. The rightness and the wrongness, you
7 mentioned Mr. Mannix that the governor has
8 threatened to veto it. Do you think it's a good
9 thing when a chief executive, whether they're a
10 county legislator or a mayor or a town supervisor
11 or a governor says that he's going to veto a
12 piece of legislation before he's read it? Where
13 does that lead to in our democracy? Do we start
14 looking at who the prime sponsor is? Do we start
15 saying: well you put it through the Agriculture
16 Committee, it should have gone through Consumer
17 Affairs.

18 We have a separation of powers. The job
19 of the governor is to look at whatever the result
20 is, get the best advice that he or she can get
21 and then decide whether to veto it. To say
22 you're going to veto it because of who as opposed
23 to because of how and as opposed to what the end
24 result is, we're going to try to do the best job

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2 that we can.

3 MR. MANNIX: Isn't the objective of the
4 governor when he takes that position to tell you
5 that he really believes you need to put something
6 together that will have the support of a super
7 majority without that, you know we're in the
8 problem we're in and then the next election the
9 next group wants to begin to work to change
10 things.

11 ASSEMBLY MEMBER MCENENY: Well, we have
12 a structure, it's the New York State
13 Constitution. I get along reasonably with my co-
14 chair Mike Nozzolio. I've known him for 20
15 years. I don't like the fact that he gets to
16 approve whether somebody gets to be a state
17 commissioner or whether an empty judgeship gets
18 filled. But you know what, that's a Senate
19 privilege. It's not an Assembly privilege.
20 That's the rules we play with.

21 It is a legislative obligation to draw
22 these lines. Now, the governor doesn't approve
23 of that. And in the end, an independent
24 commission will only be advisory, because we are

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2 going to have that vote. It's the world that we
3 live. It's what we knew when we ran for these
4 offices, including the governor's office. I just
5 think words of caution from a governor, if you do
6 this, if you do that, if you for no reason vary
7 the numbers too much, I'm going to have to
8 consider vetoing it. That's negotiation. That's
9 diplomacy. That's courtesy and that's respect.

10 But to say I don't really care what you
11 do, I don't care how good it is, I'm going to
12 veto it because you did it. I don't think that's
13 good government. I'm sorry to take off on you on
14 that. But I'd rather see lots of warnings and
15 cautions rather than "I'm not even going to read
16 it." I don't think that's good government. I
17 think it sets a bad precedent.

18 SENATOR NOZZOLIO: Any other questions,
19 members of the panel? Assemblyman Oaks.

20 ASSEMBLY MEMBER OAKS: Just a quick
21 comment along with that. I serve as one of the
22 minority representatives on this task force. So
23 I've been listening, you know and going through
24 this process. The final result, I don't know if

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2 I'm going to support it. You know, it is
3 dependent on how it comes out. I think certainly
4 the governor, you brought up the governor. I
5 have problems with the governor's bill. I have a
6 bill that makes changes to the governor's bill
7 that I think would make it fairer and whatever.

8 However, I think the governor's
9 provided, with all respect to Assemblyman's
10 comments, I think he's provided--his voice has
11 helped to focus, hopefully, this group. Some
12 outside groups who've called for certain things
13 hopefully do so that the plans that you see and
14 that I'm going to see and that we're going to
15 have a chance to vote on will hopefully take that
16 into account.

17 And the governor then will be able to
18 look at that and make a determination based on is
19 it more fair, you know and it's not going to be
20 perfect. As you said, there's going to be
21 groups. And maybe in a world that was answering
22 to those, you know, groups, doing it in that
23 fashion would be best. But hopefully we're going
24 to see at the end of this process something that

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2 is the most open, the most fair plan and not as
3 extreme maybe as some have been in past
4 redistricting processes. But I think your
5 comments are appreciated as well as everyone's
6 today.

7 SENATOR NOZZOLIO: Thank you both very,
8 very much.

9 MR. LEE: Thank you.

10 MR. MANNIX: Thank you.

11 SENATOR NOZZOLIO: Ron Jackson.

12 MR. RON JACKSON, ESSEX COUNTY REPUBLICAN
13 CHAIR: Good morning, my name is Ron Jackson from
14 Essex, New York. Like Dom Lee, except I'm from
15 Essex County. I'm the Republican County Chair in
16 Essex County. Previously I was supervisor for
17 eight years and on the county board supervisors,
18 as my background.

19 I appreciate the opportunity to testify
20 here today.

21 SENATOR NOZZOLIO: Excuse me, Mr.
22 Jackson. Pardon me.

23 MR. JACKSON: Yeah.

24 SENATOR NOZZOLIO: Are there any other

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2 Essex County political chairmen that are in the
3 room?

4 MR. JACKSON: No, she's not here today.

5 SENATOR NOZZOLIO: I want to make sure
6 that we have fair and balanced and equal
7 opportunities.

8 MR. JACKSON: I appreciate that.

9 SENATOR NOZZOLIO: Thank you. I
10 apologize for the interruption.

11 MR. JACKSON: But she's not here today.

12 ASSEMBLY MEMBER MCENENY: And what town
13 did you represent when you were--

14 MR. JACKSON: [interposing] The town of
15 Essex.

16 ASSEMBLY MEMBER MCENENY: The town of
17 Essex. Thank you.

18 MR. JACKSON: The main reason I'm here
19 is to urge what several other people have is that
20 the North Country remain as a group.
21 Historically, we've always been one, since World
22 War II. Franklin, Jefferson, St. Lawrence and
23 Lewis County have been in the same. And for
24 almost 50 years, Clinton and at least part of

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2 Essex have been in that same. And for good
3 reason.

4 I'm going to get away a little bit from
5 what I have submitted. If you look at the 23rd
6 District and with a little bit of imagination, it
7 follows the Canadian border and the counties that
8 are near that. The only other county that's on
9 the border, other than in the 23rd is Erie County
10 out by Buffalo.

11 Being on the border, there's issues that
12 are completely different from Albany, Syracuse or
13 Utica. They don't have the border issues, which
14 are very, very important to us up here. Being on
15 the border is good and bad.

16 Certainly the international trade is a
17 good thing for us up here. The companies that
18 have both U.S. and Canadian divisions are of
19 tremendous importance to us up here. There are a
20 lot of people that work for companies that are
21 Canadian-based but they also have U.S. parts to
22 it. Canadian, the culture up there is something
23 that those of us partake of whenever we have the
24 opportunity. It's a major city an hour away.

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2 That's not something that is so common in other
3 places, a foreign country with a major city that
4 close to us.

5 The bad side, of course, is the border
6 security issues, the Homeland Security, the
7 smuggling of cigarettes, liquor, illegal
8 immigrants. It's a very important issue to
9 everybody in the North Country because we live
10 that. I'm part of the hazmat team. There's all
11 kinds of stuff that come across the border and
12 down the interstate and down the railroads that
13 we may have to respond to at some time, and
14 certainly as a potential terrorist group.

15 So I think the important thing is the
16 commonality of it, both the border and the
17 ruralness of it, the farming which is hay, dairy,
18 maple syrup, apples. The whole North Country
19 here has a very similar economy. And it's very
20 important, we are rural, we are tourist, we are
21 different than the capitol, the central New York,
22 the Mohawk. Those are completely different
23 districts that border us, but their thoughts are
24 different, their way of life is different, their

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2 interests are different.

3 If you look at the 23rd and use a little
4 imagination, the way it's shaped right now kind
5 of looks like an elephant. You've got a leg
6 coming down Clinton and Essex. You've got
7 Franklin here and St. Lawrence. You come down
8 another leg and the trunk kind of goes out to
9 Oswego.

10 If you want to balance it and get the
11 53,000 we need, if you add in parts of Fulton and
12 maybe the rest of Essex and take that belly out
13 of the elephant and add that part of Herkimer
14 County into it, I think you'd come up with the
15 53,000 and have a rural block and a
16 representative that truly is concerned with the
17 border, the farming, the tourism areas that you
18 would not have if you divide us up and put us
19 into three different districts.

20 Combining us with the capitol, the
21 Mohawk and the central New York, we would lose
22 that representation because the congressman would
23 naturally be more concerned with the larger group
24 of people. I don't think we would have the

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2 spokesman that we have now. Be he Republican in
3 the past or Democrat now, they've always spoken
4 loudly for the border issues, the farming issues
5 and the tourist issues. And we would lose that
6 if we were broken up and put into other
7 districts.

8 I'm going to go a little bit against
9 what other people have said. I don't want a
10 computer deciding my congressman. I want the
11 human element in. I want the fact that we are a
12 region taken into account.

13 People talk about a nonpartisan
14 commission. Where's that coming from? Somebody
15 has to appoint that. If it's the Legislature
16 appointing it, certainly there's going to be
17 influence on that. If it's a government
18 appointment, there's going to be his influence on
19 it. I don't think you can have such a thing as a
20 nonpartisan committee. It's human nature that
21 whoever is appointing it is going to appoint
22 people that reflect their interest.

23 So I think what we have with both the
24 Senate and the Assembly members here, I think is

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2 a good thing. Is it perfect? No. There is no
3 perfection in this world. But I support what
4 you're doing. I probably won't be totally happy
5 with the results. The devil is in the details.
6 I know there's a lot of laws that have to be
7 followed.

8 I'm certainly not going to insult your
9 intelligence by saying you don't know the laws.
10 You do know the laws and you'll apply them the
11 best you can. But please don't take the human
12 element out of it. Please leave the region
13 intact as it is. It's very important for us.
14 Redistricting is important everywhere, but up
15 here in the North Country it's more important
16 than a lot of other areas because we are so
17 unique. I just hope that we aren't sacrificed in
18 the interest of just an expedient mathematical
19 equation. Please put the human element into it
20 and recognize the uniqueness that is the North
21 Country. Thank you very much.

22 ASSEMBLY MEMBER MCENENY: Thank you very
23 much.

24 SENATOR NOZZOLIO: Thank you, Mr.

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2 Jackson. Any questions for Mr. Jackson, members
3 of the panel? Hearing none, thank you very much
4 for coming.

5 MR. JACKSON: Thank you.

6 SENATOR NOZZOLIO: Jim Langley? Jim
7 Langley? Jim Gallagher? Jim Gallagher?

8 MR. JIM GALLAGHER: I have a booming
9 voice, so be careful. Good morning, gentlemen.

10 SENATOR NOZZOLIO: Good morning.

11 ASSEMBLY MEMBER MCENENY: Good morning.

12 MR. GALLAGHER: Before I make my
13 comments, I'm going to reply to many of the well-
14 spoken comments that have been made, specifically
15 the one that seems the biggest is whether an
16 independent commission should be formed or not.

17 With all due respect and probably more
18 in common with your feeling of those who are
19 calling for a common commission is my opinion,
20 and I think you expressed it well, it's not going
21 to matter whether it's independent or it's part
22 of the legislature. There's going to be
23 influence. If it's independent, then the
24 influence is simply just going to be filtered

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2 through anyway.

3 Instead of saying that our legislators
4 can't do the job, I think it's better to call the
5 legislature responsible to do the job. And I
6 would agree with your frustration. I am open to
7 listening to the dialogue because I think we are
8 more in common than we are different. But again,
9 I think it's more important for these gentlemen
10 and their colleagues, and this lady--I'm sorry, I
11 didn't see you earlier sitting there.

12 MS. DEBRA LEVINE, CO-EXECUTIVE DIRECTOR,
13 NEW YORK STATE LEGISLATIVE TASK FORCE ON
14 DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT: Thank
15 you.

16 MR. GALLAGHER: To do their jobs the way
17 our constitution, both federal and state have
18 been called to do as opposed to saying they can't
19 do their job and we're just going to do it
20 differently.

21 I want to say that while I may not agree
22 on local politics, the way things are done within
23 the Republican Party, I want to thank both, and
24 agree with Mr. Lee and Mr. Jackson. I thought

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2 they were extremely eloquent concerning the
3 congressional district.

4 I do want to make that Mr. Lee was
5 saying, when he referred to an international
6 border, that that was referring to Canada and not
7 Vermont, though we may feel differently. And
8 that Mr. Jackson probably did not infer that the
9 shape of the district being an elephant was in
10 any way a political statement.

11 SENATOR NOZZOLIO: A comment on that
12 that I don't think he'll mind. My co-chair
13 quipped that maybe it should look more like a
14 donkey. So we're truly all things partisan and
15 bipartisan.

16 MR. GALLAGHER: Yes. Let me transition
17 a bit and say while I do enjoy self-deprecating
18 humor and laughter, it's a part of working
19 together, I believe, is having a good sense of
20 humor.

21 I want to honestly say I wish I was not
22 here today and that my comments can be construed
23 as being demeaning possibly and putting you down.
24 And in fact, in truth, someone calls me on it in

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2 a conversation, I may have to admit some truth to
3 that. You may hear a bit of anger. I have to
4 admit there may be some truth in that. But what
5 I want you to know is that I do not know, and for
6 the record, any of you as individuals. You
7 certainly may be the exception to the rule, any
8 one or all of you. So my comments are referred
9 towards government in general and not
10 specifically slanderous to any individual.
11 Please understand that I'm very passionate about
12 this state.

13 While I was born in Manhattan, I do not
14 remember that day. And not long, by the age of
15 4, I moved down south and I became a southerner.
16 I come from a southern family and that is deeply
17 entrenched. And unless you have a known a
18 southerner, a true southerner, and lived down
19 there for a while, I'm not sure you can quite
20 understand how deep those roots go. They still
21 refer to people above the Mason Dixon line as
22 "those people."

23 But like many southerners, I joined the
24 military and wound up being stationed here in

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2 Plattsburgh. I want to tell you that was no
3 accident. While I was stationed in what was then
4 West Germany, every person who I asked about
5 where I should consider putting on my dream list
6 of where to be stationed said Plattsburgh that
7 had ever been stationed here. No, most of them
8 did not hunt and fish. They said it was the
9 community.

10 On September 12, 2001, my family did
11 what we had planned to do for several months, and
12 that is to go see my mother down in Florida. It
13 was quite a drive. As I went down that
14 interstate, I saw these signs that said: roads to
15 NYC closed. Remember what I said about where I
16 came from and who I identified myself: an
17 American first, southerner always. And in my
18 mind I said those--pardon my language--SOBs did
19 that to my state. What a revelation that was to
20 me.

21 I realized, having gone to school,
22 gotten out of the Air Force and gone to school in
23 New York, married a New Yorker, adopted five
24 children in New York that this southerner had

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2 become a New Yorker. So I care deeply about what
3 happens in New York. And I do not want to be
4 here and I do not want to say what I feel
5 compelled needs to be said.

6 I apologize for my dress. I assure you
7 I do have a coat and tie. It is no disrespect to
8 you. But as a stay at home father of four
9 teenagers: 14, 14, 17 and 18, I have a long list
10 of things to do today, not the least of which is
11 to finish that - -. So I've got to get to work
12 and I've got to get that done. But at the same
13 time I have a responsibility, not just as a
14 husband and a father but as a New Yorker to say
15 what I have to say today.

16 Again, I want to make sure that you do
17 not take these as rude statements or direct
18 statements because I do love New York.

19 My three points today are that many of
20 those of us who do not hold a specific
21 responsibility or elected office, just
22 constituents, do not trust New York State
23 government. Period, end of sentence.

24 Why? For the very reason we're here.

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2 Why are we here? Because so many people have
3 voted with their feet, they have left what used
4 to be called the Empire State. It doesn't matter
5 what the votes are, it doesn't matter whether or
6 not you redraw district lines according to what
7 serves either you personally or the folks in
8 general. It doesn't matter whether it works for
9 you. It doesn't matter if you get the votes you
10 need by drawing lines. People have already voted
11 with their feet to leave New York and that is
12 tragic.

13 We have not lost population because New
14 York has become an effective government. We have
15 not lost our population because New York is
16 business friendly. We have lost New York because
17 of the dysfunction called Albany.

18 So point two would be, unfortunately,
19 this is a waste of time. We have, in a sense, in
20 a sense, seen you before here today, as I believe
21 I recognize some people here will remember and
22 were on a presentation board before a board like
23 you that came here, back in the 1990s. It was
24 called the Brac Commission and it was making

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2 decisions on what airbases to close or to keep
3 open. And another airbase, further south, large
4 city, lots of congressional and political
5 connections didn't like that they were on the
6 list. And so their response was to say well what
7 about Plattsburgh? So Plattsburgh got put on the
8 list.

9 Interestingly enough, that airbase did
10 close, and obviously so did Plattsburgh, and the
11 chairman of that commission happened to be from
12 New Jersey with a third airbase that did stay
13 open. That required millions and millions of
14 dollars of renovations of taxiways and ramps.
15 And I served for four years an air traffic
16 controller here, sir and I will tell you that
17 this was a great facility. I'm sure Mr. Lee will
18 be able to affirm that this was an outstanding
19 facility to fly in and fly out. Not because of
20 beautiful mountains, it just worked really well
21 here. And a lesser facility was kept open due to
22 politics, by an independent commission no less.

23 I will also say that as I watched what
24 happened this year, both in the Senate and

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2 especially to do with the legislation that passed
3 on the gay rights and gay marriage, and no matter
4 how you feel on that subject that's fine, that's
5 not what I'm talking about. As a New Yorker who
6 loves this state, it appalled me as to how that
7 process worked out. It appalled me.

8 So, there is a lack of trust in New York
9 State government. There is a perception among
10 many constituents that this is a waste of time.

11 Finally, you're late. It's November
12 2011. As an Army drill instructor once said to a
13 recruit, "son, a chipmunk with a brain tumor
14 could have figured that out." A chipmunk with a
15 brain tumor could have figured out New York State
16 was going to lose representation a long time ago,
17 even before the census was done.

18 And again, you individuals may not
19 personally be responsible for this. I understand
20 that. But we have to deal with the constituents
21 with the whole, we don't deal with the
22 individuals.

23 So you're late. When it comes to a
24 congressional district, we're a year away. It

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2 takes a lot of time and a lot of money,
3 especially if you don't have your own, to be able
4 to put together a congressional campaign. How is
5 someone who is not connected but may be the
6 greatest representative our nation has ever known
7 supposed to be able to do that when they're given
8 less than a year to prepare. You're late. And
9 there's going to be a second round?

10 This morning, the best news I heard on
11 the radio was that New York Yankees renewed Brian
12 Cashman's contract for another three years. In
13 12 years, New York Yankees have made the playoffs
14 of 11, an American League championship in 6 and
15 appeared in four World Series. I'd say that he
16 did a pretty good job, whether you like him or
17 not. He's a winner.

18 For those of you not familiar, and I'll
19 show my age, the Pittsburgh Pirates were once a
20 great team, with names like Stargell and Clemente
21 and they won a World Series and everybody knew
22 them as the "We are Family" and you didn't have
23 to be a baseball fan to have fun to go watch the
24 Pittsburgh Pirates. They packed that stadium.

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2 They sang that song. And today they are known as
3 perennial losers. Both of those teams are known
4 by the results of what they did.

5 Pittsburgh Pirates coach, GM, owner can
6 come out and say whatever he wants to about the
7 reasons why the Pirates aren't winning. The
8 bottom line is the Pirates aren't winning, not
9 even close. And I would say unfortunately the
10 same is true for New York State government. It's
11 not working and the people are leaving.

12 Again, I apologize if any of this is
13 taken too personally. It is not intended that
14 way. I wish I wasn't here. I wish all I had to
15 do was be a dad, a husband, a little league coach
16 and could go on my merry way building a chicken
17 coup, but I don't think I can. Thank you.

18 SENATOR NOZZOLIO: Thank you very much.
19 Any questions, members of the panel? Hearing
20 none, thank you.

21 ASSEMBLY MEMBER MCENENY: Thank you very
22 much.

23 SENATOR NOZZOLIO: Asking to be the last
24 speaker, in her very polite way, is Assemblywoman

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2 Janet Duprey. But before, I should ask,
3 Assemblywoman, does anyone else wish to speak?
4 Hearing none, thank you very much, Assemblywoman.

5 ASSEMBLY MEMBER JANET DUPREY, 114th
6 ASSEMBLY DISTRICT: Excuse me. Thank you. As my
7 colleague Ken Blankenbush thanked you in his
8 beginning statement for being here, I asked to
9 wrap up so I can echo that thanks. I certainly
10 am pleased that all of you are in our beautiful
11 North Country.

12 We are unique. You've heard that terms
13 several times this morning. We believe it. We
14 live it. We work it.

15 I also want to bring regrets from
16 another of our colleagues, Teresa Sayward, who
17 would like to have been here this morning but is
18 at a meeting in Albany at DEC with some of her
19 local communities. Because although we are
20 interested in redistricting, our work with our
21 constituents always has and always will take
22 priority. I'm sure you understand that the
23 Assemblywoman is in the right place today.

24 As population shifts go, I think the

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2 North Country has held its own. Of course, with
3 the exception of our concerns about the 23rd
4 Congressional District and a lot of those
5 statistics are out of New York State's control
6 and reflect the national trend.

7 We have sprawling districts in the North
8 Country. We take upstate to a whole new term up
9 here. Teresa Sayward and I together have two
10 districts that represent the size of the state of
11 Vermont. If we add in our colleague Ken
12 Blankenbush, we're going to have to figure out a
13 couple more states.

14 However, we feel that we represent our
15 districts well. And I will echo what has been
16 said by so many before me, the human element,
17 keeping our districts whole, having respect for
18 the communities and the people we represent is
19 critical.

20 I'm glad you added a 14th hearing. I
21 appreciate the amount of time and the miles of
22 travel that each of the members of this task
23 force have put in over the last few months. I
24 understand your job isn't done and the hard work

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2 you're going to have in producing maps. I look
3 forward to seeing the results of your efforts.

4 I also understand that prisons don't
5 count as part of your duties and your
6 responsibilities because of the law that passed.
7 However, as someone who represents six facilities
8 and several thousand people who work there, I'd
9 be remiss if I didn't state on the record that
10 the late Senator Ronald B. Stafford recognized
11 the good jobs and financial benefits that the
12 prisons would bring to the North Country. Other
13 areas didn't want prisons. They took a "not in
14 my backyard" to a whole level and we took the
15 opportunity to create an industry around them.

16 Since the beginning of the census, the
17 snapshot in time has been where people lay their
18 heads at night. And these prisoners lay their
19 heads here in the North Country. Our communities
20 do provide a great deal of volunteer services to
21 the prisons. I know at the last fire at Clinton
22 Correctional Facility in Dannemora, more than a
23 dozen volunteer fire departments responded to a
24 very critical situation.

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2 I will wrap up quickly. You've had a
3 long morning. I know a lot of you have a long
4 way to travel. Again, to state I think when we
5 talk about the North Country, unique is probably
6 the best statement we can use. We're proud of
7 our area. We echo, again, the needs of our
8 communities to stay together, the recognition of
9 our rural nature.

10 I thank you each and every one of you
11 sincerely for your attendance here and ask that
12 you, again, listen to our--you have listened to
13 our considerations and that you understand our
14 concerns. Thank you.

15 ASSEMBLY MEMBER MCENENY: Thank you.

16 SENATOR NOZZOLIO: Thank you,
17 Assemblywoman. Any other questions? Thank you,
18 Assemblyman Oaks for suggesting this hearing.
19 That concludes the testimony of those who wished
20 to testify and those who have signed up at the
21 desk.

22 Without further ado, I just wanted to
23 say that this concludes our 14th hearing. We've
24 had well over 360 speakers, well over 50 hours of

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2 testimony being taken, and this is only halftime
3 in terms of the first half of this process. We
4 thank you very much for your participation. At
5 the conclusion of this hearing, there will be a
6 brief meeting of the task force. Assemblyman
7 McEneny?

8 ASSEMBLY MEMBER MCENENY: No, I think
9 it's been a good turnout from the North Country
10 and I think we have a very good indication of
11 what your thoughts are, particularly in the case
12 of the congressional district and that will be
13 taken into consideration. Thank you very much
14 for advising us.

15 SENATOR NOZZOLIO: Thank you all very
16 much.

17 [Music]

18 (The public hearing concluded.)

C E R T I F I C A T E

I, Donna Hintze, do hereby certify that the foregoing typewritten transcription, consisting of pages number 1 to 97, inclusive, is a true record prepared by me and completed from materials provided to me.



Donna Hintze, Transcriptionist

November 30, 2011 _____ Date