

NEW YORK STATE LEGISLATIVE TASK FORCE
ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT

PUBLIC HEARING

CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING

Hamilton Hearing Room B
Legislative Office Building, 2nd Floor
Albany, New York
Thursday, August 4, 2011
10:00 a.m.

Demographic Research and Reapportionment, 8-4-2011

COMMITTEE MEMBERS:

SENATOR MICHAEL F. NOZZOLIO, Co-Chair

ASSEMBLY MEMBER JOHN J. MCENENY, Co-Chair

SENATOR MARTIN M. DILAN

ASSEMBLY MEMBER ROBERT OAKS

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LEWIS HOPPE, Co-Executive Director

ROMAN HEDGES

WELQUIS LOPEZ

Demographic Research and Reapportionment, 8-4-2011

INDEX

| | Page |
|---|------|
| PANEL: | |
| JOHN. J. MCENENY CO-CHAIR NYS LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT | 6 |
| SENATOR MICHAEL F. NOZZOLIO CO-CHAIR NYS LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT | 8 |
| SENATOR MARTIN M. DILAN NYS LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT | 10 |
| ROBERT OAKS ASSEMBLY MEMBER NYS LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT | 13 |
| WELQUIS LOPEZ NYS LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT | 14 |
| ROMAN HEDGES NYS LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT | 15 |
| INDIVIDUALS TESTIFYING: | |
| ALICE GREEN, PHD EXECUTIVE DIRECTOR CENTER FOR LAW & JUSTICE | 16 |
| YVETTE D. CLARKE, MEMBER OF CONGRESS | 26 |
| MONICA M. ARIAS MIRANDA, MPA PRESIDENT& CEO THE HISPANIC COALITION NY, INC | 33 |
| ESMERALDA SIMMONS, ESQ EXECUTIVE DIRECTOR, CENTER FOR LAW & SOCIAL JUSTICE MEDGAR EVERS COLLEGE BLACK NEW YORKERS FOR FAIR REDISTRICTING | 41 |

Demographic Research and Reapportionment, 8-4-2011

| | |
|--|-----|
| PETE HEALEY | 52 |
| DR. UNA CLARKE, CO-CHAIR WOMEN FOR FAIRNESS & EQUITY IN POLITICS & GOVERNMENT | 56 |
| BISHOP SYLVETA HAMILTON-GONZALES WOMEN FOR FAIRNESS & EQUITY IN POLITICS & GOVERNMENT | 59 |
| THELMA MOREY WOMEN FOR FAIRNESS & EQUITY IN POLITICS & GOVERNMENT | 61 |
| COUNCILMAN ANTON KONEV CITY OF ALBANY | 63 |
| CHEJIN PARK, STAFF ATTORNEY KOREAN AMERICAN VOTERS' COUNCIL (KAVC) | 71 |
| SUSAN LERNER, EXECUTIVE DIRECTOR COMMON CAUSE NEW YORK | 76 |
| ASSEMBLYMAN PETER LOPEZ | 93 |
| JASON PLANCK, ADVOCATE FOR PERSONS WITH DISABILITIES | 102 |
| RACHEL FAUSS, POLICY AND RESEARCH MANAGER CITIZENS UNION | 111 |
| ALLISON TUPPER | 129 |
| IVONNE HANKS, COMMUNITY REPRESENTATIVE LATINO VOICE | 135 |
| BOB COHEN, POLICY DIRECTOR CITIZEN ACTION OF NEW YORK | 137 |
| GENE RODRIGUEZ, COMMUNITY ADVOCATE | 145 |
| ANA LORENA DIANA VICE PRESIDENT, HISPANIC COALITION BOARD MEMBER, CENTRO CIVICO OF AMSTERDAM | 150 |
| PAUL WEIDNER, ACT NOW | 152 |

Demographic Research and Reapportionment, 8-4-2011

| | |
|---|-----|
| JACKSON CHIN, LATINO JUSTICE PRLDEF | 154 |
| RAMON VELASQUEZ, LOCAL CITIZEN | 162 |
| JAMES HONG, CITIZEN, QUEENS, NY | 164 |
| AARON MAIR ARBOR HILL ENVIRONMENTAL JUSTICE | 165 |
| BARBARA BARTOLETTI, LEGISLATIVE DIRECTOR LEAGUE OF WOMEN VOTERS - NEW YORK STATE | 180 |
| ANNE POPE, PRESIDENT ALBANY BRANCH NAACP | 195 |

Demographic Research and Reapportionment, 8-4-2011

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

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

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

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

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

Demographic Research and Reapportionment, 8-4-2011

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

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

Demographic Research and Reapportionment, 8-4-2011

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

Demographic Research and Reapportionment, 8-4-2011

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

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

15 MR. MCENENY: Thank you. Senator Dilan?

16 SENATOR MARTIN M. DILAN, NYS LEGISLATIVE
17 TASK FORCE ON DEMOGRAPHIC RESEARCH AND
18 REAPPORTIONMENT: Thank you very much, sir. I'd
19 just like to say good morning, and again, I'd
20 like to thank the co-chairs for calling today's
21 meeting, and thank all those that came out to
22 testify, and look forward to hearing their
23 remarks. I would like to reiterate the
24 importance that the 2011-12 redistricting process

2 be the most transparent and participatory in the
3 state history. I feel that the citizens have
4 made it clear that they expect no less. I
5 believe that it is in LATFOR's best interest to
6 adopt fair and objective criteria rules for
7 redistricting. Our co-chairs have said that they
8 want this to be a fair and transparent
9 redistricting process. Outlining objective
10 criteria will help achieve this goal. This
11 criteria should reflect public comments made
12 during our first two public hearings, including
13 minimal population deviation within a plus or
14 minus 1% range where possible. The formula is
15 simple. Take the state's population, 19.3
16 million people, and divide it by 62 Senate
17 districts. The average Senate district should
18 have at least 312,550 people. Every Senate
19 district should be as close to this number as
20 possible. Over-populating and under-populating
21 district invites regional bias, and could violate
22 the one-person/one-vote rule. Better defined
23 district contiguity, you shouldn't have to go
24 outside a district to get back inside, nor should

2 you have to take a boat to get from one part to
3 the other. And districts recognizing communities
4 of interest. Communities of interest grouped
5 together can provide better representation for
6 Latino, African-Americans, Caribbean-Americans,
7 and Asian-American populations. Other excellent
8 criteria can be found in Governor Cuomo's program
9 bill for redistricting reform. We should
10 consider all of them.

11 There are some additional issues I
12 believe should be addressed at this time. I
13 believe that this task force should set the
14 number of State Senate districts now. I believe
15 that this--I would also like to--like this Task
16 Force to also address the matter of geo-coding
17 prisoners to their home districts of record in
18 compliance with the State Law of 2010. I will be
19 submitting a resolution for the Task Force's
20 consideration confirming this through the body,
21 intent to comply with the State Law. Since
22 LATFOR does not have rules of procedure, I
23 believe we can even convene a Task Force meeting
24 today, at the conclusion of today's session, to

Demographic Research and Reapportionment, 8-4-2011

2 move on these resolutions, and I look forward to
3 hearing testimony from everyone. And as you
4 speak, I hope to develop some of my points.
5 Thank you.

6 MR. MCENENY: Thank you, Senator.
7 Assembly Member Bob Oaks.

8 ASSEMBLY MEMBER ROBERT OAKS, NYS
9 LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH
10 AND REAPPORTIONMENT: I'll just be very short so
11 we can get to hearing from our people. I just
12 want to say that it's my pleasure to be a part of
13 this panel and task force as we go about this
14 state receiving people's comments and input.
15 Clearly we need a fair and open process, and
16 hopefully your comments today will include that,
17 and I look forward to hearing them. Thank you.

18 MR. MCENENY: Thank you, Assemblymen.
19 Dr. Lopez--Mr. Lopez, I'm sorry.

20 WELQUIS LOPEZ, NYC LEGISLATIVE TASK
21 FORCE ON DEMOGRAPHIC RESEARCH AND
22 REAPPORTIONMENT: Thank you for the doctor, I
23 appreciate that very much. Thank you from both
24 chairmen. (Speaking in foreign language.) Thank

2 you for attending this public hearing. This Task
3 Force committed to conduct in a fair and
4 bipartisan redistrict process, and your testimony
5 here today is a critical part of the process, so
6 testimonial (speaking in foreign language).
7 We're conducting this hearing in different
8 regions across the state so that we can truly
9 listen to the many different voice of the people
10 of New York. We ask that you please concentrate
11 your comments today on how you think the State
12 Legislative and Congressional District should be
13 drawn. We want to hear your recommendation on
14 the composition of the District in your areas.
15 (Speaking in foreign language). Thank you.

16 MR. MCENENY: Thank you. Dr. Hedges.

17 ROMAN HEDGES, NYS LEGISLATIVE TASK FORCE
18 ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT:
19 Thank you. I look forward to today. I am
20 hopeful that we will get good ideas and that we
21 will get lively presentations from those of you
22 who are speaking today. It is important, as
23 others have said, for you to give us an idea as
24 to how we should be doing this work. It's

2 difficult work; it's got lots of legal and other
3 constraints that need to be addressed.

4 Population equality is certainly amongst them.
5 The Voting Rights Act and its requirements are
6 paramount. We can talk about a lot of details
7 with respect to those two policy areas, but we
8 also have to think about things like community,
9 and we need to think carefully about what it is
10 that community means. We're looking forward to
11 hearing from you. Thank you.

12 MR. MCENENY: Thank you. We will call
13 our first speaker. We would ask our speakers to
14 identify themselves, particularly if they
15 represent a particular group, and to give a home
16 address, at least a--actually, the right home
17 address, in case we have to get back in touch
18 with you. Dr. Alice Green.

19 ALICE GREEN, PH.D., EXECUTIVE DIRECTOR,
20 CENTER FOR LAW AND JUSTICE: Good morning.

21 MR. MCENENY: Good morning.

22 MS. GREEN: My name is Alice Green, and
23 I'm the Executive Director of the Center for Law
24 & Justice, which is at Two Pine West Plaza in

Demographic Research and Reapportionment, 8-4-2011

2 Albany, New York. And I'm here today to implore
3 you to comply with New York State Law and count
4 state prison inmates at their address prior to
5 incarceration. None of the reasons given by
6 LATFOR members at prior hearings, that you view
7 the new law as unfair or you think the new law
8 may be overturned in Court, or that you don't
9 have time to determine the home addresses of
10 inmates, permit our law makers to flagrantly
11 violate the law. In August, 2010, Section 83M of
12 New York State Legislative Law was amended to
13 require LATFOR to reflect incarcerated
14 populations at their respective residential
15 addresses prior to incarceration. At the same
16 time, Section 71 of New York State Correction Law
17 was amended to require the New York State
18 Department of Corrections and Community
19 Supervision to deliver for LATFOR the information
20 required to make these determinations. This is
21 the law. You cannot violate it. The
22 ramifications of violating the law are dramatic.
23 According to DOCS data, at the end of 2010, there
24 were 56,315 inmates in State prison, nearly half

2 of whom were from New York City. Of the more
3 than 27,000 inmates from New York City, nearly
4 90% were housed in DOCS facilities outside of New
5 York City. If LATFOR chooses to violate the law,
6 more than 24,000 New York City residents will be
7 counted as residents of upstate communities.
8 This is tantamount to airlifting the population
9 of ZIP code 10039 out of Harlem and dropping it
10 somewhere in the middle of the Adirondacks. The
11 demographics of downstate and upstate communities
12 are markedly different. When downstate residents
13 are counted as part of upstate communities, the
14 results are often alarmingly discriminatory. To
15 quote from the new Jim Crow by Michelle
16 Alexander, "Because most new prison construction
17 occurs in predominantly white rural areas, white
18 communities benefit from inflated population
19 totals at the expense of the urban,
20 overwhelmingly minority communities from which
21 the prisoners come. This has enormous
22 consequences for the redistricting process.
23 White rural communities that house prisons wind
24 up with more people in State Legislatures

2 representing them, while poor communities of
3 color lose representatives because it appears
4 their population has declined. This policy is
5 disturbingly reminiscent of the three-fist clause
6 of the original constitution, which enhanced the
7 political clout of slave holding states by
8 including 60% of slaves in the population base
9 for calculating Congressional seats and electoral
10 votes, even though they could not vote."

11 Let's take a look at how Alexander's
12 narrative applies to New York. At the end of
13 2010, Senate District 45, an upstate district on
14 the Canadian border, was home to 11 state prison
15 facilities. And according to DOCS, housed in
16 these facilities were 5,571 African Americans.
17 According to the LATFOR website, Senate District
18 45 was home to total of 9,092 non-Hispanic blacks
19 in 2010. If we divide the number of incarcerated
20 African-Americans by the total African-American
21 population, we find that an astonishing 60% of
22 the African-American population in Senate
23 District 45 is incarcerated in state prisons. A
24 mere 3½% of Senate District 45's general

2 population, is incarcerated in State prisons, but
3 61% of the African-Americans are incarcerated.
4 61%, an astonishing figure, and an eerie one,
5 three-fifths. Three-fifths of the African-
6 American population of Senate District 45 cannot
7 vote. Yet, they are counted as Senate District
8 45 residents for the purpose of determining
9 upstate clout in the New York State legislature.
10 This is nothing short of shameful.

11 Now let's take a look at the reasons
12 offered for violating New York State law, and
13 allowing the shameful circumstance to persist.
14 It has been intimated that the law is unfair
15 because it allows Congressional and Legislative
16 Districts to be determined in different manners,
17 and that there is the possibility that it will be
18 overturned in Court. It doesn't matter what
19 anyone thinks of the law's fairness or future.
20 It is the law today, and we still, we must follow
21 the law today. Another reason given is the need
22 for speed in getting this redistricting done.
23 There may not be time in order to count inmates
24 at their home addresses. Given that New York

Demographic Research and Reapportionment, 8-4-2011

2 State Correction Law specifies that DOCS must
3 give LATFOR the data it needs in a form specified
4 by LATFOR, time should not be a problem. It is
5 LATFOR's responsibility by law to have these data
6 analyzed before redistricting. A compromise of
7 sorts has also been suggested. If inmates can't
8 be counted at their home addresses, let's not
9 count them at all. This, too, would be a
10 violation of law, as New York State Municipal
11 Home Rule Law, as well as the New York State
12 Constitution specifies that nobody is to be
13 deemed to have lost or gained a residence by
14 virtue of being incarcerated in DOCS facility.
15 If we don't count inmates at all, they simply
16 don't exist as people, much like slaves before
17 the three-fifths compromise. LATFOR members,
18 this is simple. You don't have a choice.
19 LATFOR, like everyone else in the state, is bound
20 by New York State Law. Do your duty and count
21 prisoners at their home addresses. Thank you.

22 MR. MCENENY: I feel a little bit
23 awkward up here, because I think there's a straw
24 man out there that said that LATFOR was not going

2 to follow the law. There has never been either
3 the ability or the inclination to not follow the
4 law or not follow the Constitution. The press
5 release that was put out yesterday gave a
6 progress report on the counting of prisoners.
7 The information was given to us many months ago,
8 and we hope to have a report as early as the end
9 of this month, or shortly thereafter, which will
10 say which prisoners have been geo-coded to which
11 blocks in what part of New York State. But no
12 one up here has ever said they wouldn't follow
13 the law or the Constitution, and I feel a little
14 bit awkward when somebody is saying follow the
15 law. There's no choice but to follow the law,
16 nor is there an inclination not to. There is a
17 lawsuit, my colleague, Senator Nozzolio, and I
18 signed a letter to the Court as in our LATFOR
19 position, obviously as individual legislators we
20 made, and, in fact, are on the opposite of the
21 voting pattern in sponsorship of that law which
22 was passed and--by the legislature and signed
23 into law by Governor Patterson. There is a
24 lawsuit pending, and we have sent the appropriate

2 direction to the Court pleading please give us a
3 decision as quickly as you can. But knowing the
4 added pressure from the Justice Department, and
5 the fact that this process has to move forward,
6 we have been, for several weeks, if not months
7 now, been adding these prisoners from the
8 information given by DOCS, Department of
9 Correction, we've been geo-coding them to block
10 wherever their legal address was before they went
11 into prison and where it is now. And that
12 process has been going on, it is continuing, and
13 unless the Court decides to the contrary, our
14 expectation is to follow the current law and put
15 the prisoners in their home addresses.

16 MS. GREEN: Well, I'm happy to hear
17 that, but I'm not alone. I think many in the
18 state are under the impression that there are
19 some members of LATFOR who do not take that
20 position.

21 MR. MCENENY: We don't address the
22 rumors, and we think there are some people who
23 would like to have us do something and then claim
24 credit because they made us do it. The law is

2 what makes us do what we do, and the
3 Constitution--

4 MS. GREEN: Well, I'm happy--

5 MR. MCENENY: --makes us do--we have no
6 option to not.

7 MS. GREEN: I'm happy to hear that.

8 MR. NOZZOLIO: And, Ms. Green, if I may,
9 let me add comments to Assemblyman McEneny's
10 well-stated position. This is a bipartisan
11 position that the law will be complied with,
12 whatever that law is. That impressions to the
13 contrary, as you articulate them, are just simply
14 not accurate. That certainly questions about
15 laws, and I know you have questioned laws in the
16 past, that questions about law have nothing to do
17 with intentions to comply with the law. And on
18 that premise and position, we are in lockstep in
19 a bipartisan way that the Senate Republican
20 majority agrees, as do all of our four
21 conferences, that the law should be followed.

22 MS. GREEN: As I said, I'm happy to hear
23 that, and I'm happy to be wrong.

24 MR. DILAN: I find it really refreshing

2 to hear the comments of the two co-chairs that we
3 do intend to follow the law. I know that
4 previous--at previous hearings I--this issue has
5 come up. There was no clarity to the issue, and
6 I think they're making it clear at this time. It
7 is also my understanding that at the conclusion
8 of this hearing, there may be a meeting of the
9 task force, and I do intend at that time to
10 present a resolution or a motion that we go on
11 record supporting the law of 2010. Thank you.

12 MS. GREEN: Thank you.

13 MR. OAKS: Mr. Chairman, if I just might
14 add a couple words, too. I was one who voted
15 against that law. I don't view in lockstep with
16 certain perceptions to that. It'd be great at
17 some other forum, perhaps, to discuss further
18 some of the things that you've raised today, but
19 clearly this forum and me being a part of this
20 task force, whatever the law is at the point that
21 we move forward and move in drawing districts or
22 whatever, whatever the law is at that point, we
23 will be following, and I'll be voting or, you
24 know, certainly supporting that.

Demographic Research and Reapportionment, 8-4-2011

2 MS. GREEN: Okay, thank you.

3 MR. MCENENY: Thank you very much for
4 your testimony.

5 MS. GREEN: Thank you.

6 MR. MCENENY: Could we hear now from
7 Yvette D. Clarke, Member of Congress.

8 YVETTE D. CLARKE, MEMBER OF CONGRESS:

9 To Assemblyman James McEneny, State Senator
10 Michael Nozzolio, to State Senator Martin Dilan,
11 and to the members of the New York State
12 Legislative Task Force and Demographic Research
13 and Reapportionment, LATFOR, I'd like to give a
14 special greeting to--and acknowledgment to State
15 Senator, the Honorable Martin Dilan, for his
16 leadership from my borough, Brooklyn. Good
17 morning, everyone. I thank you for providing me
18 this opportunity to testify and to submit for
19 your consideration the map of the Eleventh
20 Congressional District of New York. My name is
21 Yvette D. Clarke. I am a member of the 112th
22 Session of Congress for the Eleventh
23 Congressional District.

24 My verbal testimony to you this morning

Demographic Research and Reapportionment, 8-4-2011

2 is an abbreviated version of the documents in
3 your possession. The proposed Eleventh
4 Congressional District adheres to all
5 Constitutional and voting rights and
6 redistricting guidelines. This district meets
7 the requirement of equal population, compactness,
8 contiguity, and complies with all provisions of
9 the Voting Rights Act. The proposed--the
10 district substantially maintains the same
11 geographic and demographic configuration as the
12 current district, with the exception of it being
13 increased in size by 85,219 persons, changing
14 slightly to achieve population equality with the
15 other districts in New York State. This district
16 is comprised of a total voting age population of
17 55% black, 28% white, 12% Hispanic, and 5% Asian.
18 So this district would be made a majority
19 minority district.

20 According to the United States Census
21 Bureau, the current district is the third most
22 compact district in the nation. This proposed
23 district adheres largely to its present
24 boundaries and still maintains its highly compact

2 nature. This expansion into south central
3 Brooklyn neighborhoods increases the population
4 to meet the 717,707 requirement--717,707 persons
5 requirement. The proposed district is defined by
6 sheer interest, such as social, economic,
7 cultural, linguistic, and other factors that
8 indicate communities of interest. The current
9 district includes many sections of the historic
10 Twelfth Congressional District, which was
11 originally represented by the Honorable Shirley
12 Chisholm, the first African-American female
13 elected to Congress. The proposed district
14 adheres to the voting rights at principles for
15 redistricting. This district is covered by
16 Section 5 of the Voting Rights Act.

17 The Congressional District--this
18 district has been represented by two other
19 individuals of African descent other than myself,
20 and was successful at luring some crossover
21 voters and receiving a majority of the vote from
22 predominantly white precincts. The outcome of--
23 the outcome of the election spelled defeat and
24 further solidified the identity, intent, and

2 purpose of maintaining a majority minority
3 district, and preventing retrogression.

4 I'd like to thank you for providing me
5 this opportunity to address this body today, and
6 as you deliberate, I urge that you give your most
7 utmost consideration to this proposed map for the
8 Eleventh Congressional District of New York. If
9 there are any questions or comments concerning my
10 testimony today, please note that I'm available
11 and can be contacted at
12 clarkeforcongress@gmail.com, or at my telephone
13 number which is also listed there. I thank you
14 all once again.

15 MR. MCENENY: Thank you, Congresswoman,
16 and we thank you for your specificity in your
17 testimony.

18 MS. CLARKE: Thank you.

19 MR. MCENENY: Senator Dilan?

20 MR. DILAN: I just want to say thank you
21 for appearing here today, and it's really good
22 leadership that--or initiative that you've taken
23 as a Congressperson to come up to Albany to
24 testify and make your remarks, and I hope that

2 other members of Congress also let their thoughts
3 be known and hopefully make this process much
4 easier for all of us. Thank you.

5 MR. MCENENY: Thank you.

6 MR. OAKS: Congresswoman, just a quick
7 question. In your drafting of what the Eleventh
8 might look like, did you take into account at all
9 how that might impact those surrounding
10 Congressional Districts?

11 MS. CLARKE: Of course you would have
12 to--everyone in Kings County has to gain
13 population, so in any direction you would go,
14 there's going to be--if you look at, on the
15 larger scale map of New York City, you'll see
16 that what's significant about the Eleventh
17 Congressional District is that it sits square in
18 the middle of Brooklyn, New York. And so any
19 direction you would go have a bearing on the
20 surrounding districts. What we did was we made
21 sure that we adhered to the prescription of the
22 voting rights districts, and bear in mind, the
23 other districts that would have similar
24 regulations regarding their drawing.

2 MR. OAKS: Well, Congresswoman Clarke,
3 thank you, and I just--in this prospect of having
4 specific proposals we appreciate, and just with
5 the recognition that trying to make it all fit
6 and work, the implications of what we do one
7 place impacts the surroundings districts
8 certainly is there, but thank you very much for
9 this presentation.

10 MS. CLARKE: Certainly.

11 MR. MCENENY: Thank you. Senator Dilan?

12 MR. DILAN: I just have one more
13 question. With the map that you presented to us
14 today, can you just give us some insights as to
15 what portion or what areas is your district
16 growing?

17 MS. CLARKE: Okay, sure. You should all
18 have copies of the maps before you. There is a
19 map that says Comparison Between Proposed
20 District and Current Eleventh Congressional
21 District, and it's color-coded in a way that you
22 can look. You will see that the current Eleventh
23 Congressional District is outlined in blue, and
24 the proposed district is outlined in sort of like

2 an orange color. It should be in your packets.

3 I don't know if you all have them.

4 MR. DILAN: Okay, yes, we do.

5 MS. CLARKE: Okay, so you can see that
6 we're looking at predominantly what we call south
7 central Brooklyn, where you would pick up more
8 population. But for the most part, the district
9 stays intact, and it's just a matter of expanding
10 southward in order to pick up the numbers that
11 are required under the 2010 census.

12 MR. DILAN: But you're moving more into
13 Bed-Stuyvesant?

14 MS. CLARKE: No, the community would be
15 the communities--there's also a neighborhood
16 boundaries map as well, so the neighborhoods
17 we're talking about would be a slight adjustment
18 in the area known as Flatlands, Brooklyn.

19 MR. DILAN: Okay.

20 MS. CLARKE: Some adjustment in the
21 Midwood sections of Brooklyn, and slightly, very
22 slightly, in the Canarsie area of Brooklyn.

23 MR. DILAN: Okay.

24 MS. CLARKE: But very few census tracks

2 there. So each of those little adjustments add
3 up to the population that would be required for
4 equal population for the State of New York.

5 MR. DILAN: Thank you very much,
6 Congresswoman.

7 MR. MCENENY: Thank you.

8 MS. CLARKE: Thank you all very much.

9 MR. MCENENY: Aaron Mair. Is Aaron
10 here? Anyone who can't make it, will be
11 accommodated at the end of the list or fit in
12 later on. Monica M. Arias Miranda.

13 MS. MONICA M. ARIAS MIRANDA, MPA,
14 PRESIDENT AND CEO, THE HISPANIC COALITION NY,
15 INC.: Good morning, everyone.

16 MR. MCENENY: Good morning, Monica.

17 MS. ARIAS MIRANDA: Nice to see you all
18 again.

19 MR. NOZZOLIO: Nice to see you again.

20 MS. ARIAS MIRANDA: Again, thank you so
21 much for the opportunity to speak in front of
22 this panel. I really appreciate it. The United
23 States Constitution requires an enumeration of
24 all persons be made every ten years as a way to

2 not only establish adequately represented
3 districts, but also allocate Federal funds used
4 for projects ranging from education to road
5 construction. Minorities have historically been
6 undercounted and underrepresented in this
7 process, and we know this--oh. Did you hear any
8 of it? Yes. Minorities have been historically
9 undercounted and underrepresented in this
10 process, and we know this directly impacts the
11 funding received by those municipalities. During
12 the 2010 census, New York State Government
13 actively worked to increase the participation
14 rate of all communities to ensure its fair share
15 of Federal funding was received. As the fastest
16 growing minority group in the state, it was clear
17 that ensuring a complete count of the Latino
18 community would be beneficial to the many
19 municipalities where Latinos reside. Elected
20 officials asked community members in their
21 districts for help in ensuring all persons were
22 counted. Today I stand before this panel to urge
23 for a fair and transparent redistricting process
24 that takes into consideration the growing

2 Hispanic community and their need for
3 representation in the electorate process. The
4 Latino community in New York State increased by
5 19.2%, or 2.9 million over the last ten years,
6 with a total population of 3.4 million.
7 Hispanics account for 17.6% or 3.4 million of the
8 19.4 million people in New York State. While
9 Hispanics increased significantly, the non-Latino
10 population grew only slightly by 2.1%, from 19
11 million to 19.4 million during the same period.
12 The capital region counties of Montgomery,
13 Schenectady, Rensselaer and Saratoga are home to
14 some 41,000 Latinos. Montgomery County has a
15 Latino population of 5,654, or 11.3% of the
16 total county population; Schenectady, 8,827, or
17 5.7%; Albany, 14,917, or 4.9%; Rensselaer, 6,080,
18 or 3.8%, and Saratoga, 5,279, or 2.4%. Within
19 those communities, the City of Amsterdam has the
20 highest concentration of Latinos in the capital
21 region for a city of its size with 4,873 Latinos,
22 or 26.2% of the population, which is significant,
23 considering the size of that community. Followed
24 by the city of Schenectady with 6,922, or 10.5%;

2 Albany with 8,396, or 8.6%; and the city of Troy
3 with 3,984, or 7.9%. The City of Saratoga
4 Springs has a Latino population of 839, or 3.2%.
5 And I bring these numbers up to your attention to
6 show that the capital region has, indeed, a large
7 growing Latino community, and as noted,
8 Amsterdam, the City of Amsterdam, has the highest
9 Latino population with 26.2%. These numbers
10 represent only a small percent of the larger
11 Latino population who lives in New York State.
12 As a community, what we seek is the opportunity
13 to exercise our right to vote and elect
14 candidates of our choice. Our community is
15 phased by many challenges, and only when we are
16 able to elect candidates who understand these
17 needs and work with us as a community, will we be
18 able to fully participate in our Democratic
19 process. One of the things that I see
20 increasingly in the capital region and across the
21 state is that the Latino community is growing,
22 but in many cases, for example the capital
23 region, we don't have Latino representation. And
24 it doesn't necessarily mean that we need a Latino

2 who is going to be in office, but someone who is
3 going to represent our needs, and if it happens
4 to be a Latino, then that would be the case, but
5 we don't have that type of representation. And so
6 I hope that, as you consider the information that
7 is presented to you, you will look at that
8 information and take the Latino community into
9 consideration.

10 And in closing, I just want to say again
11 that what we are asking for is a fair process,
12 one that considers communities of interest and
13 does not seek to dilute the Latino vote by
14 splitting our communities. Thank you.

15 MR. MCENENY: Thank you very much.

16 MR. NOZZOLIO: Ms. Miranda, it's very
17 good to see you again.

18 MS. ARIS MIRANDA: Nice to see you, too.

19 MS. NOZZOLIO: Thank you for your
20 testimony, I believe it was in Rochester, and
21 again today. Will you or your--the organization
22 you represent be submitting any specific plans
23 for State Legislative or Congressional District
24 representation lines to the Task Force for

2 consideration?

3 MS. ARIAS MIRANDA: We may be able to
4 put something together. We're working on that
5 right now. As I had mentioned before, the
6 process of drawing maps and--it is costly, and
7 we, as a non-for-profit organization, don't
8 necessarily have the resources for doing that
9 type of project, but we are working to see if we
10 are able to draft some maps for you to present.

11 MR. NOZZOLIO: Thank you very much.

12 MR. MCENENY: Senator?

13 MR. DILAN: Yes, again, thank you for
14 your testimony, and I believe what I heard is
15 that the Latino community in this region is
16 basically growing, and what you would like to see
17 is that they are somehow maintained within an
18 Assembly District or Senate District,
19 Congressional District, so that they could
20 influence at least the outcome of who is going to
21 represent them, and you feel that that's the best
22 that this Task Force could do?

23 MS. ARIAS MIRANDA: Correct.

24 MR. DILAN: Okay.

2 MS. ARIAS MIRANDA: For example, the
3 City of Albany has a high population of Latinos,
4 so splitting that particular community or that
5 city would not be advantageous to the community,
6 because it would dilute the vote. That's just an
7 example.

8 MR. DILAN: So with the various counties
9 that you mentioned, you believe that this is
10 possible, to do, let's say, an Assembly District
11 that might be smaller, or are you talking more
12 about the Senate and Congressional Districts, and
13 where possible, to do it within an Assembly
14 District?

15 MS. ARIAS MIRANDA: In the capital
16 region, I am not sure if there--the Latino
17 community is large enough by itself--

18 MR. DILAN: Right.

19 MS. ARIAS MIRANDA: --to create a
20 district.

21 MR. DILAN: Okay.

22 MS. ARIAS MIRANDA: But what I'm saying
23 is for a City like Albany, to--it would not be
24 advantageous again to split that city for

2 whatever reason because it would dilute the
3 Latino vote. But again, in the capital region, I
4 don't know if there are enough Latino--if the
5 Latino community is large enough to create its
6 own district. In areas like upstate New York or
7 downstate where the Latino community is larger,
8 there may be opportunities to look at that.

9 MR. DILAN: All right, thank you.

10 MR. MCENENY: Thank you very much. The
11 reason Albany was split for the last three
12 redistrictings, particularly the last one, and
13 the one in 1990, was to maximize minority
14 concentration by taking essentially downtown
15 Albany, which was heavily minority, and combining
16 it with downtown Troy, and that's the reason that
17 was done. It was done for voting rights
18 considerations, not to break it up. We'll take a
19 look at the numbers this time around, too. Thank
20 you very much.

21 MS. ARIAS MIRANDA: Thank you.

22 MR. MCENENY: Esmeralda Simmons.

23 MS. ESMERALDA SIMMONS, ESQ., EXECUTIVE
24 DIRECTOR, CENTER FOR LAW AND SOCIAL JUSTICE,

2 MEDGAR EVERS COLLEGE, BLACK NEW YORKERS FOR FAIR
3 REDISTRICTING: Good morning, gentlemen, and
4 ma'am. It is good to be here, it's good to see
5 so many of you who have been involved in--

6 MR. MCENENY: Would you give your
7 address and what organization--

8 MS. SIMMONS: Of course, I'm so sorry.

9 MR. MCENENY: --just for the record.
10 This is all televised, and people do watch it on
11 the website.

12 MS. SIMMONS: My name is Esmeralda
13 Simmons. I'm the Executive Director of the
14 Center for Law & Social Justice of Medgar Evers
15 College, City University of New York. My center
16 is also a member of a new coalition formed in New
17 York called Black New Yorkers for Fair
18 Redistricting.

19 I'd like to start off by saying I'm very
20 happy to be here today, very happy to speak to
21 all of you, and particularly to some of you who
22 I've worked with for more than three
23 redistricting rounds. I'm going to start off in
24 the middle of my testimony and not go into the

2 history of the Center for Law and Social Justice,
3 who has been involved in the last two rounds of
4 redistricting in New York State, heavily
5 involved, and myself, this is my actual fourth
6 round, believe it or not. But some of you I know
7 believe it, 'cause we've been in there together.

8 I'm going to address, #1, something I
9 have not heard as yet, and that is what I
10 consider to be the time crisis. There is an
11 extreme need for urgency at this point. We are
12 now in August, 2011. In less than 10 months,
13 maybe 12 months, New Yorkers will be heading to
14 the polls for the 2012 primary elections on the
15 new district lines. But will the lines be ready?
16 Voter tabulation districts are the bedrock data
17 for drawing new lines. However, at this point,
18 the adjusted voter tabulation districts that
19 include the DOCS last address files have yet to
20 be released by the Task Force. I find it curious
21 that you're asking some of us for maps when we
22 don't have this data.

23 Even if the Task Force draws lines by
24 January, or December, the likelihood is slim that

2 the plans will be finalized by June. First, as
3 we all know, Governor Cuomo is promising a veto,
4 so that means it will have to be an override.
5 Second, the Federal Voting Rights Act requires a
6 minimum of 60 days. Sometimes we can ask for--I
7 say we because we're all in this together--can
8 ask for expedited preclearance, but New York
9 State has not been really the beneficiary of that
10 in the last couple rounds. Third, New Yorkers
11 can all count on extensive litigation, both in
12 Federal Court and sometimes even in State Court.
13 It appears to my center that the major players in
14 New York State may, in fact, be advocating their
15 Constitutional responsibility to redistrict the
16 State's districts. This slowing down process
17 actually appears to be a punt to the Court.
18 There is a Federal Constitutional mandate to
19 conduct timely redistricting. In the past, when
20 New York State has not moved swiftly enough on
21 Congressional redistricting, legal challenges
22 have been brought to force the State to act.
23 With all deference to the Courts, this is a
24 legislative and executive function, counting to

2 the Federal Court's smacks of an attempt by New
3 York State to avoid Justice Department voting
4 rights preclearance. It may also be an attempt
5 to avoid the political nuance of having to draw
6 districts in a difficult situation. Section 5
7 preclearance is a stringent, anti-discrimination
8 preview, one that the State has often failed.
9 The Center for Law and Social Justice strongly
10 urges LATFOR to take all steps necessary to
11 complete the redistricting process in a timely
12 fashion, and I understand and I'm very heartened
13 by today--what you said today about where you're
14 moving. Immediately implement the law that ended
15 prison - - . Make the adjusted VTD data
16 downloadable and available online. Chart out a
17 comprehensive timetable for completing State
18 redistricting, and release such to the public,
19 including when the LATFOR maps will be ready for
20 review. Give notice now of the second and third
21 set of public hearings.

22 I'll now move on into the protection of
23 the voting rights of black New Yorkers. As the
24 Task Force is well aware, the Federal Voting

2 Rights Act specifically protects the voting
3 rights of black New Yorkers, as well as Hispanic
4 New Yorkers and Asian and language minorities and
5 others. Due to New York State's long history of
6 voting discrimination, three counties in New York
7 City are covered by the Voting Rights Act,
8 Section 5. Black voters in our communities are
9 protected against retrogression during the
10 redistricting process. Black folks now make up
11 15.9% of New York State population which is over
12 3 million people. Notwithstanding that, for the
13 first time in three decades, there is not a
14 single black member serving on the Task Force.
15 Very shocking. We also note that there is not an
16 Asian member. Such blatant disregard for
17 diversity on the Task Force does not indicate a
18 level of respect that is needed in the
19 redistricting process that has to be sensitive to
20 culture diversity. We call on LATFOR to
21 undertake its duties with a heightened respect
22 for black communities throughout the state, and
23 the communities of all cultural minorities, and
24 those protected by the Voting Rights Act.

2 Obviously the Center for Law and Social Justice
3 will be actively engaged in the process.
4 Needless to say, we and our colleagues will serve
5 as watchdogs during the process on behalf of
6 black New Yorkers.

7 Now turning to the last point, public
8 access procedures. As a New Yorker, I am ashamed
9 of the fact that New York State is seriously
10 lagging behind so many other states in providing
11 real public access to its redistricting process.
12 Like voting, redistricting is a foundational
13 basis to Democracy. LATFOR should be leading, or
14 at least keeping pace, with states like Florida
15 and California, or even municipalities like New
16 York City. This redistricting cycle, the Florida
17 public have online access to the State's data and
18 mapping and drawing software. There was a
19 coordinated electronic access system whereby the
20 Florida public was able to draw districts and
21 submit plans online to the Redistricting
22 Commission for study and use, without spending
23 thousands and thousands of dollars on software,
24 experts, statistics and data. As early as 1991,

Demographic Research and Reapportionment, 8-4-2011

2 the New York City Districting Commission, which I
3 co-chaired at the time, had public access
4 terminals and an available staff to assist the
5 public in drawing lines and reviewing data.
6 Black New Yorkers for Fair Redistricting does
7 intend to submit complete maps for at least the
8 City of New York, for the State, Senate,
9 Assembly, and Congress. But we would like LATFOR
10 to do the following: To set up a 21st century
11 public access system. Give the public access to
12 LATFOR's redistricting database. Establish
13 dedicated, user-friendly, interactive and multi-
14 language--compliance with the Voting Rights Act--
15 online mapping system software that is linked to
16 LATFOR, where the public can submit maps
17 electronically so we don't have the conversion
18 problems, and review and alter LATFOR produced
19 maps. Make the drawing criteria public and
20 explains such in plain language easily understood
21 by lay persons. Have online assistance, and a
22 live helpline.

23 In closing, I thank you for the
24 opportunity to appear before you today. I will

Demographic Research and Reapportionment, 8-4-2011

2 happily answer any questions you have, and I can
3 be reached at the numbers indicated on my
4 statement.

5 MR. MCENENY: Thank you. Senator Dilan?

6 MR. DILAN: Good morning, Dr. Simmons,
7 how are you?

8 MS. SIMMONS: I'm great.

9 MR. DILAN: Okay. I'm pleased to hear
10 that you intend to submit maps with respect to
11 Congress, State Senate and State Assembly, and
12 I'm sure that the Task Force will be making that
13 data available to the public. I was just
14 wondering, with respect to the State Senate, what
15 would you be basing the number of Senate seats,
16 are you going to base it on 61, 62 or 63?

17 MS. SIMMONS: Listen, we can flip a
18 coin. We will be basing it on the current number
19 of 62, but it would be very helpful to all of us,
20 before we spend thousands of dollars, to know
21 what the number is going to be. That is
22 something that only LATFOR or perhaps the State
23 Senate can give us. We can't even lobby you
24 about that, so we would appreciate that number to

2 be given to us, and obviously a copy of the
3 statistical compilation on how you actually
4 arrived at that number. That's still curious
5 from the last time around. We'd like to take the
6 mystery out of all of this. Can we please have
7 that as soon as possible? Can we please have the
8 adjusted data as soon as possible? And
9 obviously, putting this online will continue to
10 have us stay looked at as the Empire State, and
11 not like some lag-along following other folks.

12 MR. DILAN: No, I just wanted to
13 comment, with respect to that, that it's my
14 understanding that within the Constitution of the
15 State of New York, there is a formula that will
16 determine that, and I hope that we do follow
17 that, thank you.

18 MS. SIMMONS: As I said before, there is
19 a formula, I know. We would like to see how it
20 was actually applied, since there was some
21 questions last time.

22 MR. NOZZOLIO: Thank you very much.

23 MS. SIMMONS: Thank you very much, sir.

24 MR. NOZZOLIO: Before you leave, great

2 suggestions that certainly it's--I took notes and
3 appreciate the input. I also appreciate your
4 sense of urgency, and I share that sense of
5 urgency. The clock is ticking and that these
6 issues have to be resolved quickly. On the issue
7 of the number of the Senate, I depart as somewhat
8 from my colleague who's asking for a
9 determination by the Task Force or the Senate.
10 We're asking for input from the public. Some
11 would like to eliminate the entire legislature,
12 some would like to decrease the number, but in
13 terms of these hearings, that's the point, and
14 that the point is to have public input. And
15 certainly we're taking that input and asking from
16 time to time in trying to put it before people in
17 terms of their concerns and what they would like
18 to see in terms of the size of the State Senate.
19 But your suggestions were very well taken, and
20 thank you for making them.

21 MS. SIMMONS: Thank you very much.

22 MR. MCENENY: Thank you very much. Pete
23 Healey is next, and I see in the audience we've
24 been joined by Assemblywoman Amy Paulen. Thank

2 you for coming, Assemblywoman.

3 MR. PETE HEALEY: Good morning. My name
4 is Pete Healey. I live in New Paltz in Ulster
5 County, about 75 miles south of here. Ulster
6 County is exits 17, 18 and 19 on the thru-way,
7 and this is the closest you're all going to come
8 to Ulster County. Although I've talked with
9 several people in my home county, and they would
10 really love you all to take a visit down there
11 and listen to how, over the last ten years, our
12 county legislature has developed an independent
13 redistricting commission, and they've set up
14 lines and candidates are all running campaigns
15 based on--

16 MR. MCENENY: Excuse me, was it
17 independent, or did it have--was it bipartisan
18 plus some independents?

19 MR. HEALEY: Well, let me just say this,
20 this bipartisan business. I'm politically
21 active, and in neither of the bipartisan parties,
22 neither of the two major parties, so--and I know
23 that the Governor, therefore, believes I don't
24 exist. And I want to thank you all for allowing

2 me to come here and dispute that contention.

3 The Independent Redistricting Commission
4 in Ulster County is seven members, none of whom
5 are legislators. I wasn't completely happy with
6 the final composition of the Commission itself,
7 but four members were chosen by the legislature
8 in a bipartisan fashion, and the other three were
9 chosen by those four, supposedly in a multi or
10 non-partisan fashion, however you like to
11 describe it. But we'd like to issue you--we
12 Ulster County people would like to issue you an
13 invitation to any one of those thru-way exits,
14 17, 18 and 19. We'll find a place for you and
15 we'd love to have you come down and hear some
16 other members of the public who might not be able
17 to--might not have been able to take the day off
18 and put out of pocket like I did.

19 And just to tell you a little more about
20 Ulster County, 180,000 people may be an Assembly
21 District and a half, but we have four Assembly
22 Districts, none of which are wholly within the
23 boundaries of Ulster County. Two Senate
24 Districts divide Ulster County in that unusual

2 sort of vertical way that doesn't make sense to
3 anyone but some people in a back office
4 somewhere. And out of those six state
5 representatives, only one lives in Ulster County.
6 Only one is a resident. Out of those four
7 Assembly Districts, those four Assembly people
8 represent ten counties in the state. The net got
9 cast very far and wide when it came to Ulster
10 County. So what I did on Sunday night and part
11 of Monday night was I took all the county census
12 data and I developed county groupings that fell
13 within the standard deviation. And I didn't have
14 to--I didn't have to put ten counties together.
15 I've attached it to my written comments, my
16 written prepared comments, this whole listing,
17 and all of these 18 groupings of the 62 counties
18 are all within, as far as I can tell, all within
19 the allowed deviation. And there are lots of
20 counties that can stand alone. Queens can stand
21 alone, Kings--this is all for Assembly District
22 purposes--Bronx, Westchester, Putnam, they might
23 as well be one county anyway. There are lots of
24 such groupings. And, you know, I think it's

2 worth, at least for us, that you all take a look
3 at, you know, at the idea of compact. I've heard
4 it mentioned before. And we'd also--I'd also
5 like to echo the comment--two comments from
6 speakers previously, Alice Green, and I've got a
7 request in my prepared comments about how you all
8 might use your website to show how populations
9 would be different, depending on the outcome of
10 the lawsuit over the prison populations. It
11 seems like it's a doable thing. You could show--
12 you could show what the population would be in
13 this situation, and what the population would be
14 in this situation. And we--and those of us who
15 are interested in this sort of thing, we could
16 sort of try to draw up districts based on--and
17 take--and be able to take those numbers into
18 account. And I'd also like very much to follow
19 on Dr. Simmons' request for a much more user-
20 friendly and interactive website, and much more
21 public access to information that you're all
22 using. Your budget is much higher than mine, but
23 still, I'm going to continue to work on it.
24 Thank you.

2 MR. MCENENY: Thank you. Dr. Una
3 Clarke. I'm assuming, being that you're
4 submitting testimony with your address, that
5 we'll need that.

6 DR. UNA CLARKE, CO-CHAIR, WOMEN FOR
7 FAIRNESS AND EQUITY IN POLITICS AND GOVERNMENT:
8 Good morning to the distinguished members of
9 LATFOR. I am Una Clarke, and with me are Women
10 for Equity and Fairness in Political and Public
11 Service. We're a group of Central Brooklyn women
12 who started out when I first run for public
13 office and have remained together since 1991. I
14 am here today with my co-chair and want to say to
15 you that we are alarmed, first of all, that the
16 State of New York is 52% female--have 52% female
17 and on your committee there are no women, that I
18 saw one today and I guess somebody knew that I
19 was going to be complaining, and so there is at
20 least one woman on the side, on the side. So let
21 me just start out by saying I come today as a co-
22 chair, and also embrace the Black New Yorkers for
23 Fair Redistricting. I have testified at least
24 three redistricting exercises. The most

2 memorable of these exercises was the exercise at
3 the Caribbean-American Community in Central
4 Brooklyn, mounted--that created the 40th and the
5 45th council districts in Brooklyn when the City
6 Council expanded from 35 to 51 members, and my
7 colleague, now Senator Martin Dilan, was the
8 colleague in the City Council at that time when I
9 arrived at the City Council.

10 I am here today as a strong advocate on
11 behalf of the proposed Eleventh Congressional
12 District. I'm here as to the Voting Rights Act
13 which created it, and which representative
14 Shirley Chisholm became its first female
15 Congressional Representative of Caribbean
16 ancestry. Our community--and especially the
17 women of our community have sought counsel with
18 advocates and professionals to really understand
19 the requirements of reapportionment process, and
20 to advise us on the Constitutional as well as the
21 Voting Rights act and these guidelines. Our
22 community is moved, and I am repeating that the
23 population of women in the state is not reflected
24 in the thinking of women. Women are completely

2 voiceless in the process and the representation,
3 and therefore I feel that you should find a way
4 to have that corrected, even to have women as
5 advisors, would at least give a sense that women
6 have value outside of just pulling the level on
7 election day. The proposed district, the
8 Congresswoman has already testified about the
9 district and its compactness and all of that. We
10 strongly endorse the proposal. Our committee
11 was--I will skip--since I need the other two
12 women who are members, my co-chair and the other
13 women to say a few, but I just want you to
14 recognize that we're sitting here. We are a
15 diverse group of women. We are from - - nations
16 of the Caribbean. All of us are immigrants who
17 became citizens of the United States and are
18 impacting the process, and we're not going to sit
19 by, especially in Brooklyn, not to have fairness
20 and equity as it's proposed, and, in fact, to
21 encourage women to participate in the process.
22 Bishop Gonzales?

23 BISHOP SYLVETA HAMILTON-GONZALES, WOMEN
24 FOR FAIRNESS AND EQUITY IN POLITICS AND

Demographic Research and Reapportionment, 8-4-2011

2 GOVERNMENT: Good morning. My name is Bishop
3 Sylveta Hamilton-Gonzales, and I am the co-chair
4 for Women for Equity and Fairness in Politics and
5 Public Service. Honorable members of the New
6 York State Legislative Task Force in Demographic
7 Research and Reapportionment, I extend my
8 gratitude to all of you for this privilege and
9 opportunity to address you today. I am a long
10 constituent of the Eleventh Congressional
11 District in Brooklyn. Today I am representing
12 the organization, and I'm here to endorse the
13 proposed district as presented so eloquently by
14 our Congress member, Yvette D. Clarke, and it has
15 been traditionally a voting right district. And
16 the proposed changes satisfy the requirement for
17 the Voting Right Act, while accommodating the
18 growing population. The communities of interest
19 are preserved, and the vitality of the community,
20 in areas such as socio-economic, cultural,
21 linguistic, and other factors, are being
22 maintained. According to the United States
23 Census Bureau, the current district is the third
24 most compact district in the nation. The total

2 land area of the current district is 12.05 miles.
3 And, of course, we have an attachment. The
4 proposed district adhered largely to its present
5 boundaries, and it depicts an overlay of the
6 proposed district and the present district. The
7 most significant area for change is that of the
8 southeastern border. As a result, in order to
9 ensure adequate population growth to meet the new
10 717,707, lovely number, population total, as well
11 as maintaining and protecting community of
12 interest. It is geographically feasible to
13 facilitate the required increased in population
14 with inclusion of south central Brooklyn in the
15 proposed district. Of course, we have heard a
16 lot from our Congresswoman, and I would like to
17 turn it over to the other member of our group,
18 but I'd like to, in conclusion, reiterate my
19 endorsement for the proposed map that is being
20 presented, which complies with the Voting Right
21 Act of 1965. And thank you all for the
22 opportunity to address this body today.

23 MS. THELMA MOREY, WOMAN FOR FAIRNESS AND
24 EQUITY IN POLITICS AND GOVERNMENT: Good morning,

2 my name is Thelma Morey. I'm from Trinidad and
3 Tibego. I'm an American Citizen. I've worked
4 for the New York City HRA for the past 35 years.
5 I retired last year. I belong to the district,
6 the Congressional District 11. I've been a
7 member of District for over 30 years. I'm also a
8 member of the Mel Basin Association [phonetic],
9 Women for Fairness and Equality in Politics and
10 Government, and New Yorkers for Fair
11 Redistricting. I am here to strongly endorse
12 Congresswoman Yvette Clarke's proposal for the
13 Eleventh Congressional District plan to keep the
14 district together.

15 MR. MCENENY: Thank you.

16 MS. CLARKE: Again, and in conclusion, I
17 would just like to say I hope that you have
18 listened to us. We sound a little bit different
19 because we come from different regions in the
20 Caribbean, but we are determined, as part of the
21 African-American community, to make sure that our
22 votes and their votes together give us the kind
23 of empowerment that we need as a people in the
24 State of New York, and again, for women, finally,

2 52% women in the State, you will appeal to women
3 to vote, so I ask that you find some way to give
4 women a voice in this process. Thank you very
5 much.

6 MR. MCENENY: Thank you. Senator Dilan?

7 MR. DILAN: I would just like to make
8 comments with respect to Brooklyn. I think that
9 when it comes to the Congressional representation
10 in Brooklyn, I think that 50% of the Districts in
11 Brooklyn are represented by women. We do have
12 two Congressional members that are women, and I
13 do think we have a long way to go when it comes
14 to the State Senate and the State Assembly in
15 terms of representation for women. In terms of
16 providing more opportunities for women even for
17 Congress, I think it should happen with women, or
18 any particular group of interest, that they
19 should have the ability to choose who they would
20 like to represent them. So with that said, I'd
21 like to thank you very much for your testimony
22 today, and I wish that the Eleventh Congressional
23 District would move even a little bit further
24 south. Thank you.

2 MS. CLARKE: Thank you very much.

3 MR. MCENENY: Thank you. Judith Brink.

4 Is Judith Brink here? Council Member Anton
5 Konev.

6 COUNCILMAN ANTON KONEV, CITY OF ALBANY:
7 Thank you very much. Honorable Chairman McEneny,
8 Honorable Chairman Nozzolio, members of the Task
9 Force, I've been advised that I have to put on a
10 different hat today because of a State law, so I
11 will speak as a legislator director for
12 Assemblyman Peter Rivera on the statewide issues
13 of dividing communities of color, and
14 specifically not dividing worse. You will be
15 hearing more from the Assemblyman Peter Rivera's
16 office in the hearings downstate, specifically in
17 Westchester. There is a report that is coming
18 out by Assemblyman Peter Rivera highlighting
19 certain districts and issues, and municipal
20 districts and issues in Westchester as it
21 pertains to at large elections. And I know
22 Senator Dilan and - - legislation that addresses
23 that very shoe as well on the municipal levels.
24 I--since this is a capital region hearing, I'd

2 like to address it as--particularly as a
3 legislative director, but I'm also a resident of
4 a capital region. I'm also an elected official
5 here in the City of Albany. I present about 5--
6 roughly 5% of the Assembly District. And I'd
7 like to speak about keeping communities of
8 interest together. And an example--a good
9 example is the City of Albany. The City of
10 Albany is a one community with uptown and
11 downtown, yet it is currently split amongst two
12 State Assembly members. The, specifically,
13 Hispanic population grew throughout the city in
14 both uptown and downtown, so to--and so did the
15 African-American population. While the white
16 population has decreased--and the Asian
17 population has also increased in both uptown and
18 downtown city of Albany, while the white
19 population has decreased in both. And I have, in
20 my testimony, I have given some numbers, City of
21 Albany population in ten years has gone up from
22 95,658 to 97,856, and that particular growth
23 could only be contributed to a growth of
24 minorities. The Hispanic community grew from

2 5,349 to 8,396. The Asian community grew from
3 3,116 to 4,850. African-American community grew
4 from 26,915 to 28,479, while the white population
5 went down from 60,383 to 52,857. In my written
6 testimony I have outlined the census tracks and
7 words to show this growth, this proportional
8 growth throughout the city of minority
9 populations everywhere. To go into specific
10 Assembly Districts, I realize the justification
11 for the ten years ago redistricting. However,
12 the current lines or the current percentages show
13 that we have a current 104 District is 5.6%
14 Hispanic, 74.18% white, 12.97% black, 6% Asian,
15 or 24.59 combined minority percentage. The 106
16 Assembly District currently is 6.15 Hispanic,
17 70.97 white, 18.79% black, 2.87 Asian, with
18 27.81% minority. When you consider the size of a
19 City of Albany population with--again 8,396
20 Hispanics, 28,479 black and 4,850 Asian, it is
21 clear that splitting the City in two Assembly
22 District dilutes minority population. If you--
23 for example, if you put the City of Albany into
24 one of four Assembly Districts and the total

2 number remains the same, which you know is naught
3 but just hypothetically, and assuming the rest of
4 35,000 residents that we need to make up that
5 entire Assembly District are all white, which we
6 know is not going to be the situation, you get a
7 district that's 39.45% minority versus, as I
8 quoted earlier, 27.81% or 24.59% minority. It
9 would only be fair to keep current homogeneous
10 conveniences together, and give the City of
11 Albany, as a City and its minority populations,
12 Hispanics, African-Americans and Asians, more of
13 an opportunity to have a representative who would
14 be 90%--whose 90% of attention or who will be
15 towards weigh particular needs. Again,
16 throughout New York State, in communities that
17 have a growing minority population, it is
18 incumbent upon this body to try to keep
19 communities of interest together. That means the
20 cities. We know that some people would like to
21 split our cities in half, have a tale of two
22 cities, when we only have one city. But we do
23 have one, in many of our--throughout New York
24 State, we do have one city, one city that has a

2 minority population that has grown tremendously,
3 including the City of Albany and many other
4 cities, so I urge this body to do the right thing
5 statewide, and to take care to make sure, but
6 the--while you might night be able to create a
7 majority minority--more majority minority
8 districts upstate New York because the minority
9 population might not yet be here, to create a
10 district that the minority population could
11 influence, certainly is - - of this body, and I
12 know you will be hearing later from Council
13 President Carol McLaughlin, former Councilman
14 Corey Ellis, with the exact--and AACP
15 representative, Anne Pope, with exactly the same
16 message, to keep communities of interest
17 together, to keep the cities together.

18 MR. MCENENY: Do you--well, first of
19 all, the number that you gave was one that came
20 out in following the past census, in the 2000
21 census. That was corrected within two months.
22 The correct number is 94,000, two or three
23 hundred. The 95 number included a dormitory that
24 was totally contained in the town of Guilderland.

2 Needless to say, Guilderland brought that to the
3 attention of the census. The correct number is
4 closer to 94,000. When you say minority, do you
5 combine all minorities?

6 MR. KONEV: There is case law
7 specifically with Albany County in challenging
8 the county lines in 2002, that it's said that you
9 can't just count African-Americans as a minority,
10 you must include other communities of similar
11 interest, and include the Hispanics, African-
12 Americans at least together. And at the time,
13 the Asian community was not here--was not as
14 much--did not have as much numbers. But now we
15 have to ensure that we consider them also as part
16 of the equation.

17 MR. MCENENY: I know that for African-
18 Americans, if Albany is kept whole, then either
19 Guilderland or New Scott--or Bethlehem have to be
20 added, which would be less than 23½% African-
21 American, because those two suburban areas have
22 very few minorities of any description. The
23 reason that this was split--and personally, by
24 the way, I'm indifferent to how it's done. But

2 the reason it was split was to combine a
3 significant minority population in downtown Troy
4 with the very disproportionately significant
5 minority population in downtown Albany, West
6 Hill, South End, and so on. If the numbers are
7 put together and there's a higher minority
8 percentage including downtown Troy, versus
9 putting Albany in with a predominantly white
10 suburb, would you say that there's greater merit
11 in keeping the city as one community than having
12 two voices from different cities and counties?

13 MR. KONEV: I'd say keeping the City of
14 Albany whole is a lot more important, because in
15 order to combine it with another city, you're
16 going through a lot of communities that have
17 completely different, sometimes rural, interests.
18 So I give--if you put the entire city of 98,000
19 in the rest, all the rest of the 35,000 that
20 you're adding, that you know neither Guilderland
21 nor Bethlehem are 100% white anymore, you would
22 still get 31.45% minority, which is higher than
23 the current percentages.

24 MR. MCENENY: That would be counting

2 Asians and Hispanics?

3 MR. KONEV: Counting Asians and
4 Hispanics, yes.

5 MR. MCENENY: Okay. Thank you very
6 much. Any members of the panel have a question?
7 Thank you.

8 MR. KONEV: Thank you.

9 MR. MCENENY: I don't see Assembly
10 Member Peter Lopez here yet, though he has
11 expressed an interest in speaking. Corey Ellis?
12 Is Corey Ellis here? Jay Knoll?

13 MR. CHEJIN PARK, STAFF ATTORNEY, KOREAN
14 AMERICAN VOTERS' COUNCIL: Good morning, my name
15 is Chejin Park. I am delivering this speech
16 instead of Mr. Knoll. My name is Chejin Park, a
17 staff attorney for Korean American Voters'
18 Council. Korean American Voters' Council is a
19 non-partisan, non-party community education and
20 advocacy organization devoted to empowering
21 Korean-American and Asian-American community in
22 New York City. The Asian-American community is
23 one of the fastest growing group in New York, now
24 comprising of 1,420,000 people, or 7.3% of the

2 total state population. Within the diverse
3 Asian-American population, South Asian Americans,
4 Chinese Americans, - - Americans and Korean-
5 Americans are the largest groups. Despite the
6 rapid growth in population, Asian-Americans are
7 vastly underrepresented in the State legislature.
8 There is only one Asian-American Assemblywoman,
9 and there is no Senate Member now that--it's only
10 .6% of the State Assembly, and .4% of State
11 legislature as a whole. We highly recommend that
12 New York Legislative Districts are redrawn to
13 reflect a fair proportion of Asian-Americans in
14 the state, to reflect a growing ladder of
15 viability of Asian-American State Legislators, to
16 eliminate the potential for disenfranchisement of
17 growing population of the State's residents, and
18 to keep the communities of interest together. We
19 have elected to recommend that a five to six
20 Assembly District to be redrawn to increase the
21 opportunity for an Asian-American candidate who
22 is seeking the state offices. The following
23 tables may have the table, and we have the 13
24 districts that may have the significant Asian-

2 American population in the District. By
3 reorganizing those districts, we may have a list
4 of five Assembly Districts with Asian-American -
5 - .

6 And we also would like to recommend that
7 LS2 State Senate District be redrawn to increase
8 the opportunity for Asian-American candidates.
9 We have a five-senate district there, and by
10 redrawing that, by--we can have at least two
11 Senate Districts with Asian population.

12 Why we are asking for a fair share of
13 representation for Asian-Americans, we are always
14 asking members of LATFOR to - - at the State
15 Legislature, to call a special legislative
16 session to - - redistricting the format. We
17 strongly believe that the best way to ensuring
18 the fair Asian-American representation is through
19 an independent commission, that which drew State
20 Legislative and Congressional Districts
21 boundaries, according to fair and objective
22 criteria, while allowing for - - public input
23 into the process. We're sending--we have
24 witnessed that LATFOR cannot be objective by

2 itself, when it decided to violate a new State
3 law which requires prisoners to be counted in
4 their home district, not where they are serving
5 time. For the last ten years, Asian-American
6 votes have been diluted by gerrymandering
7 practice in Albany. The fair share of the
8 representation for the Asian-American community
9 should be gone through a fair and objective
10 process, not by a new instance of gerrymandering.
11 Asian-Americans cannot wait another ten years to
12 reform. Thank you.

13 MR. MCENENY: Thank you. Thank you very
14 much.

15 MR. PARK: Thank you.

16 MR. MCENENY: Mr. Brian Paul?

17 MR. NOZZOLIO: Excuse me, excuse me,
18 sir. I'm sorry--

19 MR. PARK: Yes.

20 MR. NOZZOLIO: --that I have to call you
21 back, but thank you very much for your testimony.

22 MR. PARK: Thank you.

23 MR. NOZZOLIO: In terms of the
24 districts--and I don't know if I understood your

2 testimony to say that--did you have any specific-
3 -I mean, you quoted the census data. Is there
4 any specific types of lines for Senate and
5 Assembly and Congress that you have in mind for
6 maximizing the opportunity districts for Asian-
7 Americans?

8 MR. PARK: We gave a list of the
9 districts, but, you know, this is in the district
10 that was joining together, so we are thinking by
11 drawing that some kind of map with this district,
12 we can have some Asian majority district. But we
13 are working on that. You know, we wanted to have
14 the specific maps for that. When we have the
15 hearing in the New York City, we will try to put
16 it on, some of that.

17 MR. NOZZOLIO: Well, that would be
18 important here that we certainly would welcome
19 your input to submit plans, to submit your
20 thoughts about plans, and thank you very much for
21 your testimony today.

22 MR. PARK: Yeah. Actually, the Asian-
23 American community - - but we are preparing
24 together the map, so when we have the hearing in

2 September, we will provide that.

3 MR. NOZZOLIO: Thank you very much.

4 MR. PARK: Thank you.

5 MR. MCENENY: Thank you. Brian Paul?

6 And I am remiss and Senator Dilan reminded me, I

7 did not see her here, but Senator Ruth Tassle-

8 Thompson has been with us for some time now. Is

9 Brian Paul here? Okay, Barbara Bartoletti?

10 Okay, Maritza Martinez? Maritza Martinez here?

11 Susan Lerner?

12 MS. SUSAN LERNER, EXECUTIVE DIRECTOR,

13 COMMON CAUSE NEW YORK: Thank you. I know that

14 Barbara Bartoletti was here just a few moments

15 ago, so she may have stepped out momentarily.

16 Thank you for allowing me to testify. I don't

17 know whether you have my written testimony before

18 you, and I'm not planning to read it, but I would

19 like in my discussion to refer to some of the

20 maps which I have attached. And I'm Susan

21 Lerner, I'm the Executive Director of Common

22 Cause New York, and we are a non-partisan, non-

23 profit advocacy organization, and we work on

24 redistricting issues across the state and across

2 the country, and I am very proud that our
3 colleagues in California were instrumental in the
4 passage of Prop 11, which is the initiative which
5 set up the Independent Redistricting Commission
6 there, and have been very actively involved in
7 helping the Commission and helping the public in
8 California to be involved in the redistricting
9 process. We have established a website of our
10 own, citizensredistrictny.org, and we've set up a
11 blog mapping democracy, and the maps that I've
12 attached to my testimony are up on our blog, and
13 starting last week and going through the hearing
14 schedule, it's our intention to post maps that
15 set forth some of the demographic changes for
16 each of the regions in advance of your hearings
17 for the benefit of the public. And to the extent
18 that I will be testifying in other locations, it
19 will be a little preview of what I would say to
20 you about the maps. We are in the process of
21 drawing statewide maps from a reform, a non-
22 politicized perspective, and we expect to be able
23 to share those with you at sometime in the fall.
24 We'll be drawing the State Senate, the Assembly,

2 and Congressional Districts, applying the
3 principles which I've included in my testimony,
4 where we're emphasizing, obviously, the Federal
5 requirements of one person/one vote, and the
6 Voting Rights Act requirements, and particular
7 emphasis on respecting communities of interest,
8 as those are broadly defined with various
9 demographic factors as well as the things we're
10 learning through the hearings from people who are
11 testifying in different regions, and the
12 community groups that we're working with
13 throughout the state, who have approached us
14 because they know that we are interested in
15 redistricting. Obviously we are cognizant of the
16 traditional redistricting factors, and after this
17 cycle is over, I think it will be very important
18 to revisit the question of constitutional
19 amendment, because the 1894 standards really, I
20 think, tie everybody's hands in terms of really
21 respecting how our communities actually exist in
22 today's modern world, and we believe that it is
23 very important in the process to follow an
24 incumbent lined process. We think that the

2 public is particularly concerned that there be a
3 fair, non-politicized resulting map, and we think
4 that having incumbency residency driving the
5 process is a factor which is not one that we
6 believe should be adhered to. And I would like
7 very much--we also are strong proponents of re-
8 enumerating incarcerated persons back to their
9 districts of last residence. So those are the
10 standards that we believe should be applied. We
11 are working with some academics to come up with a
12 clear set of objective guidelines that we are--we
13 will be using in drawing our maps. We have
14 licensed maptitude and are almost have completed
15 our process of collecting the necessary data.
16 And I would very much like to echo the comments
17 of Dr. Simmons. Certainly our experience in
18 California shows that when user-friendly
19 information is provided to the public, the public
20 will respond, and are interested in the process
21 of how the district lines are drawn when they
22 understand that it does, indeed, affect how their
23 communities are represented in the legislature.
24 And New York is behind the curve. As Dr. Simmons

2 pointed out, other states have done a much better
3 job of inviting the public into the process and
4 providing them with the information. And one of
5 the reasons why we did start the blog and we are
6 posting some maps up there is to invite community
7 members to become more familiar with
8 redistricting and the interesting issues and
9 challenges which the Commission faces.

10 Turning to the maps that we brought,
11 regarding the capital region, I would like to
12 echo some of the comments of Anton Konev. The
13 demographics are what the demographics are. The
14 capital region is a region which has experienced
15 an increase in population, approximately 5%,
16 since the last census, and as he pointed out
17 correctly, it is the fact that the increase has
18 been in the minority population, so it's been a
19 slight decrease in white population here. And
20 when we look at the maps that show the
21 communities of interest, we are struck by the
22 fact that the cities of Albany, Troy, and
23 Schenectady in any number of measures do seem to
24 form their own communities of interest. If you

2 look at the black voting age population, if you
3 look at the Hispanic voting age population, when
4 you look at the distribution of median income,
5 when you look at education levels in the patterns
6 of where people are living, if you look at home
7 ownership, I think it's a pretty stark picture,
8 and certainly when you look at public transit,
9 commuters as well as the occupational breakdown,
10 the cities in the tri-city area do seem to form a
11 fairly distinct community of interest on any
12 number of measures in relation to the surrounding
13 suburbs. And therefore, we believe, certainly,
14 that the Committee--the Task Force needs to
15 consider how to honor those communities of
16 interest, not solely from a racial and ethnic
17 point of view, but those other factors as well.
18 And certainly currently these are communities,
19 these cities are split, particularly in the
20 Assembly Districts, and we suggest to you that
21 you should very seriously look at keeping them
22 in--unified within one Assembly District.

23 Less flexibility we find in the Senate
24 side because of the county requirements, but we

2 figure that there is a way in which to approach
3 the mapping process, and we suggest that you
4 consider a district, a Senate District which
5 would unify Troy and Schenectady, which we know
6 is a different and somewhat creative approach,
7 but we think it's something that certainly bears
8 discussion. I would like to say that we feel
9 strongly that it is possible to draw fair maps
10 which satisfy the necessary standards of both the
11 State and the Federal Constitution with a
12 deviation that is somewhere between 4 and 6%
13 total deviation, between the largest and the
14 smallest. We have subscribed and supported a
15 bill which would have a 1% plus or minus, a 2%
16 total deviation. In all honesty and practical
17 terms, since we have gotten into the mapping
18 process, on the Assembly level we find that that
19 is a bit too tight to fully honor the
20 requirements of the Voting Rights Act, and, of
21 course, we've got the other restraints of the
22 State Constitution. But we do think that the 5%
23 or the total 10% deviation is too large of a
24 deviation, and we're strong supporters of an

2 independent redistricting process, but our
3 concern at the end of the day is that the maps be
4 fair and non-politicized to whomever draws them,
5 and we realize with the time constraints that
6 this may be the only opportunity, these hearings
7 may be the only opportunity for the public to
8 weigh in before whomever is drawing the lines
9 draws the lines, and we think it's important that
10 the public participate as much as possible in
11 this process and share thoughts with you. So
12 we're looking forward to, you know, this process
13 of the hearings, of engaging with groups across
14 the state, and helping them to find their
15 communities of interest and understand the
16 redistricting we'll be offering. We've been
17 invited to conduct some workshops in different
18 places, and we hope that we will be testifying
19 less at these hearings, and community members who
20 are actually resident of the areas will be
21 testifying more, hopefully with information that
22 we can help--help them develop.

23 MR. MCENENY: Thank you, we were very
24 pleased to hear that you are drawing maps. We

2 encourage this of all interested groups and
3 citizens, because this is the age that we live
4 in. It's much more possible, it's easier to do
5 than it was 10 and certainly 20 years ago. Once
6 as I said to councilman Konev, you have the wrong
7 numbers for Albany, they were down at 94.3, and
8 that number that came out stuck, but it was not
9 accurate. So I don't think it makes a lot of
10 difference, but it does when you're trying to
11 show percentage of growth. And I'm happy to hear
12 you knocked the 1894 Constitution. I think it's
13 horribly anti-urban.

14 MS. LERNER: Yes.

15 MR. MCENENY: It's inflexible. It
16 doesn't allow us to split towns even when there's
17 a village at the edge of a town, regardless of
18 the size of the town. It's all well and good to
19 protect small communities, but some of our towns
20 are enormously large compared to 1894, and the
21 Governor's bill on the 1% variance would
22 ultimately be unconstitutional, because you'd
23 have to split a town to do that, which is not
24 allowed. And I agree with you, 4 to 6% is much

2 more realistic. These public hearings, I assume,
3 are useful to common cause as well, and that
4 you're looking at the testimony that comes here
5 and the ideas that come here?

6 MS. LERNER: Yes, absolutely. We're
7 finding it very helpful, and it's also very
8 helpful for us in our outreach in the different
9 areas as a way to focus attention. When
10 community groups and activities know that there
11 is a public hearing coming up, then they're
12 interested in finding out what the demographic
13 changes have been in their community, and
14 exploring how one properly discusses how to
15 define their communities of interest. And so we
16 find that the hearings are very helpful. I would
17 like to second the comment that it is difficult,
18 I think, for the public when the information is
19 not easily obtainable. And we were able, thanks
20 to our grassroots supporters, to invest in a
21 license for the Maptitude software, which is not
22 inexpensive and is not easy to use. So we have
23 somebody on staff who has a Master's and is
24 familiar with the software. But there are, as

2 other states have shown, there are tools out
3 there which are easier to use. We, on our
4 redistricting website, actually have a sheet
5 which is a set of simple instructions for how to
6 use Google maps to at least help you think about
7 what your community of interest is and think
8 about boundaries. It's obviously not the elegant
9 tool that the mapping software that the
10 Commission -- that the Task Force is using is,
11 but it is available to the public on a free
12 basis, and people in this computerized day and
13 age are much more familiar with it. I like to
14 say that if you are familiar with the video game
15 Sim City, then you can actually engage in
16 redistricting, because people are now much more
17 familiar with these multi-factored kind of
18 analyses in a graphically based world.

19 MR. MCENENY: I think if we've allowed
20 people only under the age of 25 to do this,
21 they'd be finished by now.

22 MS. LERNER: I'm not touching that one.

23 MR. NOZZOLIO: I wish to associate
24 myself with Assemblyman McEneny's remarks, except

2 for the last one. The issue that you bring
3 forward is extremely helpful, relative to
4 providing your organization to expand the
5 potential input that can be brought to this
6 process. Then I reiterate a suggestion, and I'm
7 pleased to hear that you're considering drawing
8 proposed legislative lines for, I assume, the
9 State Legislative Districts and Congressional
10 Districts?

11 MS. LERNER: Correct.

12 MR. NOZZOLIO: And that I welcome that,
13 and I know members of the Task Force welcome
14 that. It's exactly the kind of input we need,
15 and we appreciate that very much. That our
16 efforts are to make this as open and accessible a
17 process as possible. I would also ask that you
18 do the same and make sure that as you're
19 providing these inputs, that you share with us
20 how you came across the process. I think that it
21 would be more helpful and strengthen the proposal
22 to understand the methodology and process that
23 your organization had undergone to have this
24 input, who provided it, how was it provided. And

2 I do appreciate, also, your comments about
3 deviations, and implore you to--as my colleague
4 and friend is representing an urban area, I know
5 many of us represent more rural areas, and the
6 Constitution does not allow the severance of
7 towns for State Legislative Districts, does make
8 a mathematical difference when you're trying to
9 achieve exactly. So be mindful of that. It is
10 something that we have to be, and I then I hope
11 that in your proposals you will be, as well. And
12 that again, I hope that you'll be participating
13 in other hearings that we'll be conducting prior
14 to the development of maps, and those hearings
15 that are going to be scheduled once the maps are
16 developed.

17 MS. LERNER: Thank you. I would,
18 certainly. We are committed to explaining the
19 criteria that we use, and the specific choices
20 that we make. Because, as anybody who is engaged
21 in this begins to even engage in this process is
22 aware, the thing that's most fascinating about it
23 is that there is no one perfect map. There are a
24 lot of good possibilities as well as a lot of bad

2 possibilities, and choices have to be made. We
3 are committed to providing the kind of
4 information that explains the criteria and the
5 choices that we made, the factors that we
6 weighed, and we would urge the Commission -- the
7 Task Force, when it releases its maps, to
8 similarly explain some of the decision points, so
9 that the public can understand the basis on which
10 your maps, which, after all, will be the official
11 maps, are drawn, and allow people to comment and
12 hopefully make helpful suggestions. So we very
13 much want to have this be an open process, and
14 one where we can explain, at least, how we have
15 gone about it. I would like to say that one of
16 the challenges we face right now is in properly
17 handling the data relating to prison-based
18 populations. Obviously, with the census data, we
19 can identify and remove the blocks, but we're
20 eager to have the task force complete the
21 analysis so that we are better able to do an
22 adequate job of the re-enumeration, and not just
23 simply the removal of those individuals from the
24 places of incarceration in the process of drawing

2 the maps.

3 MR. NOZZOLIO: Thank you.

4 MR. MCENENY: Senator?

5 MR. DILAN: Yes, I, too, am pleased that
6 you will be submitting or drawing your own maps,
7 and I understand that the criteria that you will
8 be using are those, wherever possible, those that
9 are contained within the Governor's program
10 bills. But I am also curious to know, when you
11 go to draw the Senate lines, I will ask you the
12 same question that I asked Dr. Simmons. Based on
13 what number will you be drawing the State Senate?

14 MS. LERNER: Well, we are--we are
15 looking at that wonderfully arcane formula, and
16 trying to do an analysis, or it the initial
17 computation that we are familiar with suggests
18 that it probably would result in a 62-District
19 House. From a pure good Government point of
20 view, if we were not restrained by the
21 Constitution, we would be advocating for an odd
22 number of districts, but that's out of our hands.
23 That's for a later discussion when we revisit the
24 1894 provisions. And I would like to second Dr.

2 Simmon's request, which is it would be very
3 helpful to all of us who are spending the time
4 and the effort to try and make suggestions as to
5 actual boundary lines, to know what the ultimate
6 conclusion of the Task Force is in its
7 application of the formula. Because if--well, if
8 we had to scuttle everything and change the
9 drawing, probably it would scramble to do that,
10 but it does seem as if it would be more helpful
11 if there could be a discussion and some guidance
12 from the Task Force of the computation that you
13 would use. My understanding is that the straight
14 application of the formula as it has been applied
15 in previous redistrictings, not the immediate
16 one, but earlier cycles, and then validated by
17 the Court of Appeals and other Courts, would lead
18 to a 62-District map.

19 MR. DILAN: Okay, I agree with you in
20 terms of the number of 62. Unfortunately, the
21 numbers that we have indicate that the number
22 should stay the same. But, however, I would
23 advocate an odd number also. But the
24 Constitution and the formula that's there now

2 dictates, apparently, that we stay at 62.

3 MS. LERNER: But in all fairness, I
4 mean, we know that there was a calculation made
5 in the last redistricting cycle, which was a
6 different interpretation of how to apply the
7 formula, and that's why it would be helpful if
8 the Task Force were to work out among itself what
9 rubric they are going to use so that we can be
10 more participatory and helpful in the process by
11 providing maps that comport with what you are
12 expecting to draw yourselves.

13 MR. DILAN: Thank you.

14 MR. MCENENY: Thank you. I see
15 Assemblyman Peter Lopez is here now.

16 ASSEMBLY MEMBER PETER LOPEZ: Thank you,
17 Chairman. I won't--I'll try not to read
18 testimony, but just basically address the primary
19 premise, and my reflection is primarily on the
20 issue of rural districts in particular, and we
21 heard Chairman Nozzolio make reference to rural
22 communities, and many of our colleagues on this
23 panel are very familiar with the challenges
24 demographically, but also geographically--

2 logistically in serving rural districts. And the
3 main premise that I'm submitting for the Task
4 Force consideration is a filter that may not have
5 been--that may not be one that's been assessed as
6 a matter of statute or requirement, but one which
7 is a very practical consideration, and that issue
8 being that of serviceability of a district, given
9 the relative resources available to an individual
10 member. And clearly, as we look at rural areas,
11 and irrespective of who's serving a given
12 district, regardless of party affiliation, when
13 you move into rural communities, part of the
14 challenge is recognizing that when you sever a
15 town from the basic unit of government, which I
16 would call from a critical mass perspective a
17 county level, where services and necessary
18 attention to economic development and other
19 aspects of servicing a given community emanate
20 largely from a county seat, and when you separate
21 a town or two from its parent county,
22 particularly in rural areas, you run the risk of
23 isolating those individual towns as you attempt
24 to address economic development, housing, any

2 number of critical issues that are import to that
3 respective community. And I highlighted the
4 127th, just as a poster child, if I may, and if
5 you'd turn to page two of your--of the testimony
6 I provided. I just gave the map, and just for
7 illustrative purposes, as you look at that
8 district--and there are many other districts that
9 are equally big, but this particular district is
10 additionally complex by the aspect of including
11 seven counties. So if you start to the southeast
12 corner, and you'll notice Columbia and Ulster
13 County, you'll see Saugerties, the town of
14 Saugerties in the lower right-hand corner, and
15 Columbia County on the far right adjacent. You
16 follow the arc of the district, roughly a three-
17 hour drive, to the southwest corner where you
18 arrive in Chenango County. And just by
19 illustration, and many of you are members, others
20 are staff, imagine the complexity of serving
21 seven County Boards of Supervisors or County
22 Legislatures, seven County Farm Bureaus, seven
23 County Chambers of Commerce, seven County--the
24 list goes on, offices for the aging, with roughly

2 a 2½ FTE equivalent on staff, and rules of the
3 House that allow you only one office to service
4 that district, only one office that's provided
5 support. Now, certainly in Congress, and this
6 just leads me back to the issue, is one, the
7 compactness and the serviceability, given the
8 resources at hand and the logistic challenges
9 that go with it. Certainly Congress has
10 addressed it by providing equal staffing. We
11 know that the rules in the Senate have changed
12 somewhat to adjust staffing, and what I would
13 also say is, as you look at this other rules of--
14 and again, I am departing a little bit from
15 script, but it does have bearing for the Task
16 Force's purposes--travel. By--out of necessity
17 to serve this district, I literally travel, oh,
18 about 1,000 miles a week. My 2½ staff I can only
19 push so far, so I--and it's a privilege,
20 nonetheless. But a I do that, the Assembly funds
21 one office, my office in Greene County, which was
22 under contract, if you can imagine, trying to
23 service on the far right-hand corner in Catskill,
24 try to service the rest of that district from the

2 one office that's supported formally by the
3 Assembly. So, again, not to belabor the point, I
4 just bring this to the Task Force's attention,
5 respectfully. I am not alone in this, and
6 regardless of party affiliation, if you are in a
7 rural area, you are at a disadvantage in terms of
8 meeting the full spirit, really, of what the task
9 force is about. Proper representation, full
10 representation, one person, one vote, but also
11 the requirement and expectation that the member
12 is in a position to provide that service on an
13 equal basis, regardless of urban, rural, or
14 suburban. So with that, I'll conclude my
15 observations. I'll leave you my notes, and
16 certainly take any questions.

17 MR. MCENENY: Thank you. Someone else
18 at one of the western and central New York
19 hearings also mentioned that normally what
20 happens is people come in from business
21 communities, the political community, keep my
22 urban community together.

23 MR. LOPEZ: Sure.

24 MR. MCENENY: And when everybody has

2 their urban community together, then, at least
3 one person mentioned, what happens to all the
4 rural communities? And the answer is these huge,
5 sprawling districts. The example is the district
6 where Senator Gellibrand's--first it was
7 Congressman Sweeney, then Gellibrand, then
8 Murphy--

9 MR. LOPEZ: Sure.

10 MR. MCENENY: --now Gibson.

11 MR. LOPEZ: Sure.

12 MR. MCENENY: The district, if you
13 looked at it statistically, has a lot in common.
14 They're all rural, and to some extent suburban,
15 with three small cities. But on the other hand,
16 it goes from Lake Placid down through Saratoga,
17 it goes in back of the City of Troy, goes to Hyde
18 Park, crosses the river, gets the town next to
19 Cooperstown, then it's 20 miles from Binghamton.
20 So they may have a lot in common in some ways,
21 but they're almost impossible to work for
22 constituent services. And on a smaller level,
23 you're showing what happens here, and I don't
24 think we have an answer. But that is one of the

2 considerations, that as you create nice compact
3 contiguous urban and densely suburban districts,
4 you get into that none-of-the-above category
5 which can be really a disservice to constituents.

6 MR. LOPEZ: And thank you, Mr. McEneny.
7 I would dare say, though, that it's a two-edged
8 sword, and when you reflect on the demographics
9 in the state, and just the nature of state policy
10 and budget making, we understandably have an
11 urban state. And so rural areas are
12 overshadowed, budgetarily, policy-wise. There's
13 a bias towards urban-based models. And so the
14 whole premise of having a rural voice and
15 representation, to me, is a critical
16 consideration. And demographically, and I'm not
17 sure with the current census, but I had worked
18 years ago for a Commission on Rural Development.
19 Charlie Crook was the chair, Bill Parmet was the
20 first vice chair. And in their assessment they
21 had, through a State definition of rural area,
22 had identified as many a 2½ million people
23 representing rural communities across the state
24 of New York, overshadowed by the urban and

2 suburban populations. And the whole premise
3 there was that the one-size-fits-all mentality
4 could be detrimental to rural community issues.
5 So even as we reflect on the sprawling nature,
6 there is an advantage to having a commonality of
7 interests and a rural voice. So your assertion
8 certainly has merit, but I would dare say going
9 too far in the other extreme. You risk eclipsing
10 rural issues by attaching them to an urban
11 center, because, on a smaller scale, you'll see
12 an exact duplication of what happens on a state-
13 wide basis. So there is merit to retaining rural
14 areas, my point being that, by retaining them and
15 retaining the rural voice, there also has to be
16 some attention to the support, the necessary
17 financial support that goes into that in an urban
18 center. And I'll use an example. If you're
19 looking at the rent of a building, there's
20 adjustment for the relative property value. So
21 if you're an urban center, rents in my town are
22 small. So what the Assembly pays for my rent is
23 puny by comparison to what may happen in
24 Manhattan or elsewhere. So, respectfully, what I

2 would suggest is, as we make adjustments for
3 urban and suburban offices, there should be some
4 reflection on what the adjustments might be to
5 fully serve a rural district. So it may not be
6 rent, but it may be some other factor that helps
7 the member serve that constituency more
8 effectively.

9 MR. MCENENY: Very good.

10 MR. LOPEZ: Thank you.

11 MR. MCENENY: Members? Bob?

12 MR. OAKS: Just a quick comment. We had
13 an earlier presenter go through and, you know,
14 looking at the 127th, which sprawls across six
15 counties, he was--had proposed, you know, kind of
16 his own regions, in essence, but suggesting that
17 Dutchess, Columbia, Ulster, Green, and Schoharie
18 could kind of make five districts and maybe not
19 sprawl quite as much.

20 MR. LOPEZ: Sure.

21 MR. OAKS: I don't know how those five
22 would go with serving rural versus urban or
23 suburban populations, but I think your comments,
24 as well as his types of comments and others, are

2 all that need to be taken into account as we try
3 to put this together.

4 MR. MCENENY: Thank you very much.

5 MR. LOPEZ: My pleasure. Thank you,
6 gentlemen.

7 MR. MCENENY: Jason Planck?

8 JASON PLANCK, ADVOCATE FOR PERSONS WITH
9 DISABILITIES: Committee members, Honorable
10 Committee members, thank you very much for
11 allowing us to speak. I'm an advocate for
12 persons with disabilities. I wanted to comment
13 after my prepared statements, at least, to
14 Senator Dilan and a couple other things after
15 that of his comments. My name is Jason Planck.
16 I've been a disability advocate for over 20
17 years. As such, the disenfranchisement of the
18 disability voters in the state has been very real
19 to the point some being not able to vote because
20 of the discrimination. I have experienced and
21 seen others being discriminated--have been
22 discriminated against to the point of having a
23 hard time to vote because of my disability. In
24 March of 2006, the Catskill Independent Living

2 got a grant to do a training for different New
3 York State counties on building accessibility
4 training for polling sites. I was asked to
5 attend the training as a person with a disability
6 for my own county, Schenectady. The training
7 didn't include the possibility of persons with
8 disabilities serving as poll workers. I was able
9 to convince my county to look at the situation
10 from both points of view, building access and
11 employment. As a result, a disability person
12 still is not able to serve as poll workers,
13 because the income from that would result in
14 countable income, and will lose some or all of
15 the current benefits that that person with a
16 disability has received for that month. What is
17 needed is at both Federal and State level, is to
18 add to the non-countable income section, poll
19 worker income, not to be counted in calculating
20 our benefits. The experience of discrimination
21 also occurred from not having disability parking,
22 accessible routes being blocked, and the voting
23 area too small to vote in. When you try to call
24 the County or the State Election Commission, the

2 only answer is that we're too busy today, call us
3 back in a couple days. So I ask that you make
4 sure that the polling sites become more
5 accessible so you can have a chance to vote and
6 be counted.

7 In redistricting, the State and Federal
8 Districts need to be done in a way that does not
9 disenfranchise the minority and disability voter.
10 In my own State Assembly District 105, we have
11 two different types of interests, both rural and
12 inner city, and where the inner city is being
13 disenfranchised by the rural area by having a
14 higher voting block. We need to create minority
15 majority districts so that all have a chance to
16 be heard, and different ways of doing things will
17 come out. The minority majority districts don't
18 have to be done in according to race, sex,
19 ethnicity, disability, but a combination of all
20 types to form a minority majority district.
21 These types of districts need to reflect the
22 population of the state as a whole.

23 Two other recommendations that I hope
24 that you'll send to the New York State

2 legislature is the following: 1, we need a
3 county-wide school district which results in 62
4 school districts, not the current over 750 school
5 districts in the state. At the county level it's
6 so political, the people are not seeing the
7 bigger picture, which means lower property taxes
8 because the property tax base will be spread out
9 over the entire county, not just a small
10 district. This has no bearing on teachers' loss,
11 just on management loss from which most of them
12 are double-dippers anyway. Second, we need to
13 eliminate the campaign petition drives in which
14 they disenfranchise both the voter and the
15 candidate, for which any person has the right to
16 challenge a signature, and if successful, could
17 have the candidate thrown off the ballot, and not
18 have the voter to choose the candidate of their
19 choice. I, as a person with a disability, it's
20 very hard to gather signatures, for which there
21 are architectural barriers in forms of stairs, so
22 I'm not able to gather enough signatures to help
23 anyone. Campaign petition drives serve no
24 purpose in our elective process, and it costs

2 taxpayers too much money to handle the process,
3 and therefore eliminate it.

4 I have two other things--comments that I
5 wanted to add. In Schenectady County, and I know
6 you have no jurisdiction over them, but I'm
7 hoping that this Commission will not take the
8 route that Schenectady County did. They went
9 from--to a--what is called a weighted voting.
10 Instead, in Schenectady County, we have about 4%
11 Asian, about 2%--no, 2% Asian, 4% Hispanic, and
12 about 15% African-American, which is about 22%
13 minority population. We have about 17%
14 population of persons with disabilities. About
15 half of them are minorities. So you add that
16 together, we have about a 30% minority
17 population. Currently right now we have two
18 legislative districts in the City of
19 Schenectady, and they're dividing the minority
20 vote down, so that brings to less--they're almost
21 about 15% of the minorities that are actually in
22 that. So we've got a 15% to 85% white. And the
23 legislature decided to, after 46 years, to keep
24 the status quo. I'm hoping that this Commission

2 will take a look at, when they're doing minority
3 majority districts, that they're combining it
4 together.

5 That leads me into Senator Dilan's
6 question that he asked, which is I hope we go to
7 63 districts--Senate Districts. And the purpose
8 of it is that we don't have the circus and the
9 fiasco that we had when we had--when the Senate
10 was down to 32 to 32, and everybody was jumping
11 ship from one side to the other. We need to have
12 an odd number, because then we don't have to rely
13 on whether we have a Lieutenant Governor or not
14 have a Lieutenant Governor. Also, too, is you
15 were suggesting that at 62 we would need about
16 330,000 registered voters in each one of those
17 Senate Districts, if I was remembering from the
18 beginning of what you were saying to (indiscern.)
19 this morning. By going to 63, that number will
20 be lowered back down, and that will--probably
21 around 250,000. That will make it much more
22 easier to have a compact minority majority
23 district. So we'll kill two birds with one
24 stone. So, you know, I'm hoping that this

2 district can take a look at it.

3 The other piece of the puzzle, somebody
4 was talking about the computers. We have what's
5 called Google Earth, and you can be able to
6 adjust the lines and readjust the lines with
7 kml.format files. And you can download them
8 right onto Google Earth. And then if you wanted
9 to take a look at what the community looks like,
10 all you have to do is click on the little man and
11 bring it down, and you can have it even street
12 views, and you can actually look at the street
13 views. This is a free program that would be much
14 available. Also, the New York State website has
15 not been accessible and nor is in compliance with
16 Section 508, which is accessibility for persons
17 with disabilities. And this needs to be moving
18 forward to be more accessible to persons with
19 disabilities. Also, too, is when I was looking
20 on your website, most of the data, when I was
21 reading on the front page, it said 2002, 2000. I
22 need new--more update--new information. I know
23 you guys are staffed, and I know it's kind of
24 hard, but we need to have some of this

2 updateness. I hope I was able to help you a
3 little bit from the disability point of view.

4 MR. MCENENY: Senator Dilan?

5 MR. DILAN: Yes, I would just like the
6 clarify the record with respect to the number of
7 the Senate. I never suggested that we go to 63,
8 so first I would like to make that clear. What I
9 did indicate is that the numbers that we do have
10 from the census, the numbers indicate, and based
11 on the formula that's in the State Constitution,
12 that we stay at 62. The numbers--I don't decide
13 the numbers. The numbers are based by the State
14 population, which is 19.3. You divide that by
15 62, you get 312,550. But based on the formula
16 that we have in the State Constitution, that
17 number would seem to indicate 62. I, too, prefer
18 an odd number, so we could prevent things like
19 what happened during 2009. But the formula is
20 there and we have to go based on numbers. If we
21 had to go with an odd number, if we had too, I
22 would prefer the lesser number.

23 MR. PLANCK: The one question I wanted
24 to follow up on that is that if the State

2 Constitution is in violation of Federal Law, so
3 therefore the State Constitution can--is no
4 longer valid, so, you know, when you're taking a
5 look at the 1965 vocational--sorry, the 1965
6 Voters Rights Act, and you're looking at Section
7 2 and Section 5, if the State Constitution is not
8 valid to those two sections, then you can
9 override that State Constitution, and then you
10 can be able to put in what would be valid. And,
11 in this case, a 63-seat State Senate seat. So
12 you need to take a look at, can't--is the State
13 Constitution in compliance with Section 2 and
14 Section 5, and that would be another question
15 that you guys may need to take a look at, instead
16 of blindly going down one pathway of saying the
17 State Constitution is correct. It may not be.
18 It may be completely--

19 MR. DILAN: Well, those are all things
20 we'll have to look at as we move along. But I
21 just wanted to clarify that at no time am I
22 suggesting 63. Thank you.

23 MR. MCENENY: Thank you very much.

24 MR. PLANCK: Thank you.

2 MR. MCENENY: Rachel Fauss?

3 RACHEL FAUSS, POLICY AND RESEARCH

4 MANAGER, CITIZENS UNION: Good afternoon, members

5 of LATFOR. My testimony, I will say, says

6 morning, but it is now afternoon, and I

7 appreciate the long time you're spending here

8 listening to all the testimony of the public, and

9 I appreciate the ability for me to present my

10 thoughts as well. My name is Rachel Fauss, and

11 I'm the Policy and Research Manager of Citizens

12 Union of the City of New York, an independent

13 non-partisan civic organization of New Yorkers

14 who promote good Government and advance political

15 reform in our City and State. Earlier this year,

16 Citizens Union launched a statewide campaign,

17 Reshape New York, comprised of a coalition of

18 over 37 organizations, including civic groups,

19 issue advocacy groups, unions, and business

20 groups, united and reforming our State's

21 redistricting process. We testify here today in

22 recognition of the overwhelming and diverse

23 public support for redistricting reform. At this

24 third public hearing of LATFOR, it is clear from

2 previous hearings in Syracuse and Rochester that
3 the public is continuing its call for
4 redistricting reform. 16 members of the public,
5 more than half of the 29 participants who
6 presented their views at the past two hearings,
7 specifically testified in support of independent
8 redistricting. And, of course, today there have
9 been a number of speakers who have made that same
10 point, and I expect more will later this
11 afternoon. And many others favor the use of
12 sensible criteria for drawing lines, such as not
13 splitting communities and conforming to existing
14 political boundaries such as cities. Both
15 independent redistricting and defined and
16 objective criteria are fundamental elements of
17 the major redistricting reform proposals that
18 have been supported by the legislature. The
19 public has spoken loud and clear in favor of
20 reform, and will continue to speak in favor of an
21 independent redistricting commission to draw
22 State Legislative and Congressional District
23 boundaries according to fair and objective
24 criteria, while allowing for robust public input.

2 And on the public input piece, I'd like to echo
3 comments about making software available to
4 public to draw their own maps, perhaps using
5 LATFOR's technical expertise to allow the public
6 to learn a little bit more about how it works.
7 But I'd also like to add another piece, and that
8 is webcasting of the public hearings. I think
9 while it's great that you've got the video posted
10 on after the fact, as well as the transcripts, I
11 think real time posting of the information and of
12 the testimony that others are giving would be
13 invaluable.

14 It is past time for the legislature to
15 heed the public's call for an independent
16 commission and return to Albany, where we sit
17 today, in a special session in past redistricting
18 reform before the 2012 elections. Had the
19 legislature done what 184 of its 212 members
20 pledged or co-sponsored to do, create a new
21 impartial process for drawing state legislative
22 lines, this hearing today would have been held
23 before an independent commission. And instead of
24 doing what is right and beneficial for both

2 parties in the long run, whatever the political
3 fortunes are today, it seems that our elective
4 leaders have thought the majorities can't be
5 built through policies that are appealing to New
6 Yorkers without the electoral insurance policy of
7 gerrymandering. And New York State has one of
8 the lowest voter participation rates in the
9 nation, coming at 47th among states in the 2010
10 elections. This is not surprising, as meaningful
11 discussion of public policy and real debate that
12 comes from competitive elections have taken a
13 backseat to partisan interests.

14 And I'd also like to address some of the
15 comments that have been made about the timing of
16 an independent commission. We believe that there
17 is still time for an independent commission to be
18 put in place, particularly since, you know, if
19 legislators were to come back very soon in a
20 special session to pass reform, an independent
21 commission could finish the public hearing
22 process that LATFOR has started, and complete the
23 job in time for legislators to vote on its plans
24 before the 2012 elections. And, indeed, we would

2 hope that LATFOR would not currently be drawing
3 lines without considering the public input given
4 at these hearings, the last of which is scheduled
5 for October 5th. And given that, under the State
6 Constitution, the legislature will have a vote on
7 the plan from whatever commission is drawing the
8 lines, simply switching to an independent
9 commission should not create substantial delays.

10 And concerning the Move Act, the
11 legislature itself has not come to an agreement
12 on a new date for the primary elections, and we
13 understand it may be possible for the Department
14 of Defense to issue a waiver for the 2012
15 elections. The delay in complying with this
16 Federal Law for overseas and military voters is
17 no excuse for inaction on other important issues,
18 such as redistricting reform.

19 We would also like to comment on the
20 counting of prisoners in their home residences.
21 Citizens Union supported the change in law in
22 2010, and those we recognize that there is a
23 lawsuit pending, there is no reason that LATFOR
24 cannot be preparing the data necessary to place

2 prisoners at their home address for whatever
3 eventuality occurs.

4 The Governor recently reiterated his
5 pledge to veto lines that are not drawn in an
6 independent or a non-partisan manner. Further,
7 he does not believe that LATFOR can be non-
8 partisan, and if the history of redistricting is
9 any guide, the public should not expect anything
10 different this time around. New York has had a
11 long history of partisan gerrymandering, with
12 communities being carved--or being divided,
13 minority groups being under-represented,
14 competitors' homes being carved out of districts,
15 and districts varying widely in population size
16 to favor one region of the state over other
17 regions. The system has, for decades,
18 prioritized the re-election of incumbents,
19 resulting in a 96% re-election rate. We ask that
20 history does not repeat itself this redistricting
21 cycle, and for a fair an independent process to
22 be put in place immediately. We ask that
23 legislators honor their words and commitments to
24 redistricting reform by returning to Albany in a

2 special legislative session, to finally end
3 partisan gerrymandering in enact redistricting
4 reform. New Yorkers have already waited many
5 decades for reform, and we and they refuse to
6 accept postponing reform for another ten years.
7 Thank you.

8 MR. MCENENY: Thank you. Does the
9 Citizens Union consider these LATFOR hearings to
10 be of use to it?

11 MS. FAUSS: I'm sorry, I didn't hear the
12 last part of it.

13 MR. MCENENY: Do you find these hearings
14 to be of use, regardless if the system changed as
15 to who held the pen that drew the lines, are
16 these hearings valuable to you?

17 MS. FAUSS: Well, I think we certainly
18 appreciate that, you know, the public is--the
19 public that is able to attend these hearings, I
20 think that it's important for them to be able to
21 present their views, and absolutely necessary for
22 them to present their views to this commission.
23 But, you know, I think we would certainly think
24 that an independent commission might be more

2 attuned to some of the interests of different
3 communities that aren't represented.

4 MR. MCENENY: But in the absence of
5 legislative--legislation having been passed, are
6 we wise to have started when we could, just as
7 soon as we could after the session was over?

8 MS. FAUSS: No, absolutely, I think
9 that's--

10 MR. MCENENY: Okay.

11 MS. FAUSS: --that's correct, and it's
12 something that, you know, given the time
13 constraints mentioned by other speakers, it's
14 something that is needed to have started. I
15 think our argument is that an independent
16 commission should have been in place certainly
17 earlier, but given that some work is being done
18 by LATFOR now, we don't--some of that information
19 could certainly transfer to another commission.

20 MR. MCENENY: Do you support Governor
21 Cuomo's proposed legislation?

22 MS. FAUSS: Yes, we do.

23 MR. MCENENY: Are you aware that 1%
24 would probably be unconstitutional, and would you

2 be more in line with other speakers that if that
3 was revisited, a higher percentage to allow for
4 town on borders should be allowed?

5 MS. FAUSS: Well, I--just as a matter of
6 clarification, the Governor's bill actually lists
7 prioritized criteria, and it--up front, before
8 any of the criteria listed, the State
9 Constitution and Federal Law is presumed to be
10 paramount. So following those, the 1% deviation
11 then follows. So in certain instances, it's
12 certainly possible that it would not be poss--
13 that it wouldn't work for every single district--

14 MR. MCENENY: Okay.

15 MS. FAUSS: --but I think the most
16 important thing to Citizens Union is that the
17 plus or minus 5% is way too much.

18 MR. MCENENY: What--

19 MS. FAUSS: It provides way too much
20 leeway, and, in particular, because of
21 advantaging one region of the--over the--of the
22 state over another.

23 MR. MCENENY: These independent members,
24 what criteria would be placed on them in the

2 Governor's bill? What would their background
3 have to be?

4 MS. FAUSS: Well, the bill has a number
5 of pieces. One is that lobbyists cannot serve on
6 the Commission, current legislators cannot serve
7 on the Commission, or former, people who have--
8 party leaders is another one, and then--and then
9 I might be forgetting every single piece--

10 MR. MCENENY: That tells it--

11 MS. FAUSS: --but there's a number.

12 MR. MCENENY: I've heard all the people
13 who can't serve on it, including anybody that
14 worked in the mail room five years ago and then
15 got a Ph.D. in sociodemographics and
16 redistricting from Harvard, because they worked
17 in the mail room five years ago would be
18 ineligible. What I've not heard is who is
19 eligible. I mean, the lobbyists aren't eligible.
20 I haven't heard anything about donors not being
21 eligible.

22 MS. FAUSS: Well, something I'd like to
23 just mention is that--has been discussed at this
24 hearing is that members of the public are now

2 increasingly being empowered to draw their own
3 maps. So I think the pool of people who are
4 gaining the knowledge of the process, who are
5 learning the tools, is steadily increasing
6 because of technology. I think California is an
7 example of the Commission where the same sorts of
8 criteria are used in terms of the membership of
9 the Commission, something that's, you know,
10 certainly new, but they're doing the work, and
11 Commissioners can also be--their work can be
12 supplemented by professional staff.

13 MR. MCENENY: Okay.

14 MR. NOZZOLIO: In the state of--I
15 believe it was New Mexico--I believe it was New
16 Mexico, I may be wrong, but I believe it was New
17 Mexico that just had a huge controversy about the
18 so-called independent commission, and an
19 independent member on that commission who was, in
20 fact, a contractor for political campaigns across
21 the country, all of one political party's
22 persuasion. So it's--I think Assemblyman McEneny
23 is correct, in pursuing the details necessary
24 from those who are advocating independence to

2 define independence. Define it appropriately.
3 Define it concisely and strictly. And that I
4 think you put a label on someone that says
5 they're independent, in effect, that's just prove
6 in one state to not be the case. So it is, I
7 think, imperative as we learn from these examples
8 of other states, what we should utilize for this
9 state and what we should not.

10 The testimony today from the Brennan
11 Center was very clear, that we are behind the
12 eight ball in terms of timing, and that we
13 appreciate your advocacy, better made to other
14 members of the legislature than us at this table,
15 in a sense, because we are simply trying to do
16 what everyone, I know, believes in, and that is
17 complying with the law as it exists. And that we
18 have a legal and moral responsibility, certainly
19 a fiduciary responsibility, as we've been
20 assigned to this task force to follow the law.
21 And that's why we hope that this is a good forum
22 for you to discuss issues of interest, but at the
23 same token, we have to focus on the task at hand,
24 the responsibility at hand, and the law as

2 they're currently written.

3 MS. FAUSS: And I'd just like to mention
4 one thing in response to what you said earlier
5 about, you know, New Mexico in terms of--or
6 whatever state it might be, in terms of who would
7 be appointed to the independent commissions. In
8 the Governor's bill, the legislative leaders
9 select from a pool of candidates, and presumably
10 the legislative leaders entrusted all of you to
11 be qualified and appropriate and up to the task
12 of redistricting, and we'd hope that given the
13 legislature's authority under the constitution
14 over certain elements of redistricting, that the
15 Cuomo bill would also allow for the legislative
16 leaders to pick qualified candidates.

17 MR. NOZZOLIO: And I guess that, as you
18 proffer the suggestion, I guess I wonder if what
19 you're saying is not independent redistricting,
20 but non-legislative oriented redistricting, or
21 non--but the so-called plan--independent plan,
22 still requires the legislature to appointment the
23 members of a commission, as well as to accept or
24 reject the plan proffered by those commissioners.

2 Are there any states that you have looked at
3 that, in effect, do not provide the legislature
4 with the opportunity to decide who's on this
5 Commission, or the opportunity to accept or
6 reject a Commission's plan?

7 MS. FAUSS: Well, California is one
8 example. I could certainly look at other
9 examples to provide to you at a later date. But,
10 you know, I think we've--there's been a lot of
11 discussion today about the State Constitution,
12 and there are a number of things that we think
13 would be wise to revise and, you know, I think
14 that is, you know, in terms of the--not dividing
15 towns, I think, you know, right now, the
16 legislature is authorized under the Constitution
17 to approve of the redistricting plans. But, you
18 know, other states, that's not the case.

19 MR. MCENENY: Thank you. Senator Dilan?

20 MR. DILAN: Yes, thank you. I'd like to
21 make two points. One goes to the point of
22 deviation, and the second point is with respect
23 to a comment of the previous witness. But first,
24 you indicate that the criteria that should be

2 used is that criteria that is in the Governor's
3 program bill, and that bill calls for a plus or
4 minus deviation of 1%, where possible. That's
5 allowing for flexibility, so that means wherever
6 it's not possible, then we go to--maybe to 4% or
7 5%. But wherever possible, we go to 1%, is that
8 correct?

9 MS. FAUSS: Yes, that is the language in
10 the Governor's bill, and like I mentioned,
11 similar to the piece before the criteria, that
12 the State Constitution and Federal law has to be
13 followed. There is some leeway there in that
14 specific language, but--

15 MR. DILAN: So the Governor's bill
16 provides for flexibility where, for some reason,
17 because there's a town at some borderline or
18 something like that, then we follow that
19 Constitution, but where possible, we stay at 1%,
20 is that the way you want to extend it?

21 MS. FAUSS: You know, I can't speak to
22 an exact number that it would be, and, you know,
23 Citizens Union's position has long been, you
24 know, however--you know, if it's a change in the

2 Constitution that's necessary, as the districts
3 need to be as near in population as possible
4 between each other. I mean, with the
5 Congressional seats, as you all know, they're
6 within one person. While we can't do that under
7 the State Constitution now, I think the closer we
8 get to that, the more we're going to have equal
9 and fair districts.

10 MR. DILAN: All right, thank you. My
11 second point, Mr. Chairman, was with respect to
12 the previous witness, Mr. Jason Planck, who was
13 citing Federal sections, 2 and 5, I believe, of
14 the Federal Voting Rights Act. And I just want
15 to indicate for the record that the Federal
16 Voting Rights Act would not require the state to
17 create 63 districts. Federal law does not
18 determine the size of the legislature. The
19 Voting Rights Act determines whether the plan
20 developed by the State provides proper minority
21 representation based on State law. So I think he
22 had that reversed, and I just wanted to clarify
23 that point for the record. Thank you.

24 MR. MCENENY: I like the hearing we had

2 in Western New York where someone suggested that
3 we give it to the Canadians, because they would
4 be neutral.

5 MS. FAUSS: Well, that we would not
6 support, so--

7 MR. MCENENY: We very much appreciate
8 your coming forward.

9 MS. FAUSS: Okay, thank you.

10 MR. MCENENY: Thank you very much. I
11 have Bishop Sylveta Hamilton-Gonzales. I believe
12 she testified with an earlier group. I also
13 believe that Brennan Center was mentioned. It
14 wasn't the Brennan Center, I think it was Common
15 Causes representative. Is Lattice Monique Walker
16 here? Lattice Monique Walker? Allison Tupper?
17 Ms. Tupper, as you're sitting, I would just like
18 to reflect that the comment by the last testifier
19 regarding California, I've been informed by
20 counsel that California does require legislative
21 approval of their redistricting plan. Thank you
22 very much, welcome.

23 MS. ALLISON TUPPER: Good afternoon,
24 Task Force members. Thank you for this

2 opportunity to speak. I have two points to make.
3 I'm going to try to make my remarks shorter than
4 I had planned because--and just to reiterate what
5 some prior testifiers have said. Of course, you
6 are now the Constitutionally charged body to come
7 up with the new redistricting, and we thank you
8 for these hearings and for all the work that you
9 have been doing, we're glad that you have been
10 doing. At this same time--

11 MR. MCENENY: Ms. Tupper, excuse me,
12 would you pull the microphone just a little
13 closer to you? Thank you.

14 MS. TUPPER: Okay. We are glad that you
15 have this process well underway, and that you are
16 having these hearings. At the same time, you are
17 in a conflict of interest position, so I'm also
18 going to make the case for an independent
19 commission.

20 First, non-partisan criteria. As has
21 been said, we want the voters to choose their
22 representatives, not the other way around.
23 Ultimately, we're going to need a Constitutional
24 amendment, but that can wait until 2013. We want

2 the criteria to be clear and to be published,
3 and, of course, they're going to comply with the
4 Constitution and laws and the United States
5 Supreme Court decisions. We want Districts to be
6 contiguous and compact without small peninsulas
7 or bays, and we want them--and we want them to
8 keep communities together. By community, I mean
9 racial and ethnic, I want to take into account
10 income and racial and ethnic and language
11 considerations. In the New York--in the cities,
12 that means traditional neighborhoods. Outside
13 the cities it means villages and townships and
14 counties. I think, to the extent possible,
15 Districts should vary from each other no more
16 than 1--vary from the average no more than 1%.
17 It's clear that that's not always going to be
18 possible. I would suggest a maximum of 3%, but I
19 do think there should be a clear maximum, and I
20 think that 5% is too much. A 10% difference is
21 huge. The word decimate means reduce by 10%, so
22 just, in the history of our language, we consider
23 10% to be huge. So we have to get it lower than
24 that. Lines should be drawn without considering

2 party enrollment at all. I know that some people
3 are saying that we should try to make them
4 competitive with equal numbers of Democrats and
5 Republicans. I think that that would be--I think
6 that would be inconsistent with keeping
7 communities of interest together, so I am against
8 that. Another--and prison population should be
9 counted where the prisoners live, not where
10 they're imprisoned, consistent with New York
11 State law. Another reason to be consistent with
12 all of these criteria is that we don't want the
13 Governor to veto this. We want the--we want it
14 to work as drawn, and it looks as though you're
15 going in that direction. I'm really very glad to
16 hear that.

17 Second, the case for an independent
18 commission. The current system puts this Task
19 Force in an unavoidable conflict of interest
20 situation. Of course, legislators want to be re-
21 elected, and are loyal to their parties and their
22 colleagues. But these are--but at the same time,
23 we want independent criteria. These are
24 contradictory demands, and historically, I'm

2 afraid to say, the party and the incumbents have
3 had more weight than the representative
4 democracy. The current system favors incumbents,
5 but there are other reasons for incumbents to
6 have a great advantage in elections. There are
7 lots of other reasons. My guess is that a fair
8 and honest non-incumbent related and non-party
9 related redistricting would not change the
10 legislature drastically. There might be a few
11 changes, but it would essentially be the same
12 body. The current system leaves substantial
13 parts of our population under-represented, and
14 one result of that is lower voter turnout,
15 because too many prospective voters believe their
16 votes don't count. I'm going to put in a word
17 for having 61 Senate Districts, because it's an
18 odd number, and because it would be more
19 efficient, I would try to--I would rather try to
20 work to get 33 Senators or 32 senators to vote my
21 way than 35 Senators--than 34 or 35 Senators, and
22 I think it should be odd numbered, if it's
23 possible.

24 I understand I'm make--in conclusion, I

2 understand I'm making two seemingly contradictory
3 requests, but I'm making sure that if an
4 independent commission is created, whether by the
5 legislature or by the Governor, as others are
6 suggesting, that I know this task force would
7 make its work available to them, and that the
8 procedure would continue. And I hope that we're
9 going to have our new non-partisan district lines
10 in good time for our 2012 elections. Thank you
11 for your time.

12 MR. MCENENY: Thank you. Did you give
13 us an address, or do you represent an
14 organization? Do we have it on the testimony?

15 MS. TUPPER: Yes, I have submitted
16 testimony that has my address on it, yes.

17 MR. MCENENY: Well, for the benefit of--

18 MS. TUPPER: My name is Allison Tupper,
19 I live in New York City, at 526 West 46th Street.

20 MR. MCENENY: Thank you. That's for the
21 benefit of the television camera behind me.

22 MS. TUPPER: Yes.

23 MR. MCENENY: Yes, Senator?

24 MR. DILAN: Yes, you indicated that we

2 should have independent criteria. I've been
3 calling for criteria of this panel, and that--or
4 that we have procedures as to how--procedures or
5 rules as to how we proceed. I don't know what--I
6 understand what you mean by independent criteria,
7 but I think that if we at least had criteria that
8 the public could work from and advocate groups
9 could work from, I think that would be a good
10 beginning, so we could all participate in this
11 process, and even rules as to how we proceed
12 would be a good thing for us to do. So I think
13 that's what you meant?

14 MS. TUPPER: Yes.

15 MR. DILAN: That we have an open and
16 transparent--

17 MS. TUPPER: Open and transparent and--

18 MR. DILAN: --procedure, because we can
19 repeat that all we want--

20 MS. TUPPER: --objective criteria.

21 MR. DILAN: --but if we don't have
22 criterias to work with, I don't know how
23 transparent we are.

24 MS. TUPPER: Yes.

2 MR. DILAN: Okay, thank you.

3 MR. MCENENY: Thank you very much.

4 Ivonne Hanks?

5 IVONNE HANKS, COMMUNITY REPRESENTATIVE,
6 LATINO VOICE: Good morning.

7 MR. MCENENY: Good morning. Good
8 afternoon.

9 MS. HANKS: Good to see everybody in
10 here. My name is Ivonne Hanks. I'm a little
11 hoarse, my voice, so my names is Ivonne Hanks.
12 Please allow me to express my gratitude and my
13 appreciation for this opportunity to speak to
14 you. I am here as a New York taxpayer
15 constituent and an American Citizen. I am very
16 proud to be able to participate in this
17 Democratic process which allow me to lift the
18 voice of the Latino community on this important
19 issue, and I thank you.

20 As I am sure you are well aware, I won't
21 repeat number because I know you will have access
22 to that. In the past decade, the Latino
23 population of New York State has grown
24 substantially, and at a significantly greater

2 rate than the non-Latino population. It is no -
3 - that the largest Latino group, Puerto Ricans,
4 have a historically high voter participation.
5 This population growth is having an impact in
6 many areas, in modern education, health care
7 services, jobs, and infrastructure. To most
8 efficiently ensure that Latinos and all New
9 Yorkers have an equal voice in addressing this
10 many issues, one person, one vote is not only
11 essential, but it's crucial to the future of New
12 York State. And of the many issues where
13 districting can address is inclusiveness.
14 Democracy intends that elected officials should
15 reflect the constituency they serve. This
16 benefits all citizens regardless of race, origin,
17 or ethnic identity. District lines should be
18 drawn that will best represent this constituents'
19 communities. Gerrymandering does not--does just
20 the opposite. Only an independent redistricting
21 commission can create district that the citizens
22 of New York State can be confident truly
23 accomplishes this. It is fair, it is democratic,
24 and it's the right thing to do. Do you have any

2 questions? I thank you again.

3 MR. MCENENY: Thank you very much.

4 MS. HANKS: Thank you.

5 MR. MCENENY: Anne Pope. Anne Pope?

6 Bob Cohen?

7 BOB COHEN, POLICY DIRECTOR, CITIZEN

8 ACTION OF NEW YORK: Good afternoon Assemblyman
9 McEneny and other members of the LATFOR. This
10 may be the shortest testimony I've ever delivered
11 before a legislative committee. I think it comes
12 from the fact that, one is I'm #23, and two, some
13 of the issues--the issues that I was going to
14 speak about have been dealt with, and so I'm just
15 going to make very, very brief remarks and submit
16 some written testimony tomorrow. First of all,
17 I'm Bob Cohen. I'm the policy director of
18 Citizen Action of New York, which is an
19 organization that advocates for racial, social,
20 economic, and environmental justice. We have
21 chapters in seven communities throughout the
22 state, including here in the capital district.
23 Our interest in this, obviously we have a
24 concern, as do so many other organizations, with

2 fair and ethical Government, and open and
3 transparent process in addressing the difficult
4 task of drawing legislative districts. So I have
5 really only two things I'd like to touch on very
6 briefly, and I'm hoping to make one or two
7 comments based on some of the discussions that
8 happened earlier today. Citizen Action would
9 like to join with the other non-profit
10 organizations and others who have said today and
11 at other hearings that we support an independent
12 commission. I know that has met with some
13 resistance or at least skepticism by the members
14 up on the panel today, but I, you know, to say
15 something maybe slightly different as has been
16 said before, it's not only a practical issue of--
17 I think it's important to remember that the
18 legislature does have to come back anyway, so
19 it's not really a case of, you know, even
20 bringing the legislature back for a special
21 session because at least it's publicly reported,
22 the legislature has to deal with the PEF
23 contract. Wearing my other hat as a healthcare
24 activist, we hope that you'll act on the health

2 insurance exchange, and that seems to be the
3 intention of both house and legislature. So, you
4 know, there's not even the issue, frankly, that
5 you can come back--that you'd have to come back
6 just for this issue, and I would echo what other
7 people have said, that it's not an issue of time,
8 that there's time to do it.

9 I also want to say--respond, hopefully,
10 to Assemblyman McEneny's comments about have
11 these hearings been useful. I think the answer
12 is clearly yes. I've learned a lot from just
13 sitting here today, but I don't think, with all
14 due respect, that that's the issue. You have a
15 professional staff, there's expertise among
16 legislators, obviously, enjoying legislative
17 districts. But the issue is, is--and it's not
18 even an issue of whether we think or the public
19 thinks that you're going to vote fairly in the
20 end in designing district lines. It's an issue
21 of public perception, and I don't think it's
22 anything original for me to say that, you know,
23 the legislature, and as legislators generally are
24 not always held in the highest regard, and I

2 think there are many principles of law that
3 simply talk about the perception. And I'll just
4 give one analogy that affects my organization
5 directly. With the health insurance exchange,
6 which has to be set up under the Affordable Care
7 Act, the coalition that Citizen Action is a
8 member of, Healthcare for All New York, came up
9 with a position that said that nobody is directly
10 impacted financially should serve on the exchange
11 board. Well, quite frankly, Citizen Action, when
12 we read the proposal by one of our coalition
13 partners who started it, we didn't realize, at
14 first, that this excluded us from potentially
15 membership on the exchange board, because our
16 501(c)(3) side public policy and education fund
17 received a minimal amount of funding for consumer
18 advice under the Affordable Care Act. So,
19 although we weren't terribly happy about that, we
20 instantly took the position of our coalition that
21 we and other coalition partners, frankly, should
22 be excluded from the board because of the
23 perception issue. So I'd just like to move on,
24 but just make that observation.

2 On the second issue, I was prepared to
3 talk this morning about what Mr. McEneny
4 characterized as rumors that some members of
5 LATFOR, and it was also reported in the media,
6 were at least skeptical about following the
7 prison gerrymandering law, which Citizen Action
8 played a vital role in getting passed, in terms
9 of mobilizing people throughout the state, along
10 with other organizations. So I would like to
11 reiterate the importance from the perspective of
12 our organization that that law be followed, but I
13 was very happy to hear that members from both
14 sides of the aisle, including, I believe, Mr.
15 Oaks, who said he voted against the prison
16 gerrymandering law, or would have voted against
17 it, have indicated that your intention to follow
18 the law, and if so, that's great, we praise you
19 for that, and I appreciate that that issue has
20 been clarified in the context of these
21 proceedings. That's all I had to testify. I'd
22 be obviously to take any questions.

23 MR. MCENENY: Thank you. The reason I
24 asked the question on the usefulness of these

2 hearings is that someone fairly prominent in the
3 State made a comment to the press it was all a
4 sham, and I thought that was very insulting to
5 the people who come to completely public forums,
6 and come up with some very sincere and very
7 useful suggestions. I thought it essentially put
8 down the people who came forward knowing, you
9 know, time is wasting, we have to get ideas out
10 there, we can't wait until everything is perfect
11 from one person's point of view or another, and I
12 thought that was unfair to those people. So I
13 thought, if some of our good Government groups
14 who are in fact drawing up plans, and many of
15 them still advocating that we do this in a
16 different way, that this is useful, and we can't
17 stall it off until maybe somebody comes back and
18 maybe they don't come back, that it was important
19 to give people a very public outlet, and I was--
20 and I know my fellow members here feel we were
21 very much refreshed with the quality of the
22 testimony of the individuals that have been
23 coming forward so far and have signed up to come
24 up for future meetings.

2 MR. COHEN: I totally agree, and again,
3 the analogy, again, with the health benefits
4 exchange is there, which is we don't have a
5 board, I hope you will act on it. I'm not trying
6 to get away from the topic of the hearing, but
7 the professional staff that's been hired to
8 address that with Federal grants is doing its
9 work, and from our perspective, is doing an
10 excellent job. So I would agree with that
11 sentiment.

12 MR. NOZZOLIO: Will Citizen Action of
13 New York, Mr. Cohen, be submitting any
14 suggestions to the Task Force regarding lines of
15 Assembly, Senate, or Congress?

16 MR. COHEN: I mean, I have to say,
17 Assemblyman Nozzolio, I think--we don't have the
18 expertise, I think, to do on that level as common
19 clause has indicated, so just--we may have some
20 general comments, but we don't have the capacity--
21 --as far as I know, I will certainly check and
22 correct this if I'm misspeaking, but I'm not
23 aware that we have plans to do that.

24 MR. NOZZOLIO: Okay.

2 MR. COHEN: Thanks.

3 MR. MCENENY: Thank you very much.

4 LaDon Alamar? LaDon Alamar? Gene Rodriguez?

5 Gene Rodriguez? Carolyn--oh, Gene, you're here.

6 GENE RODRIGUEZ, COMMUNITY ADVOCATE: I
7 said good morning to you this morning.

8 MR. MCENENY: I know, we spoke earlier,
9 three hours ago. Sorry, Gene.

10 MR. RODRIGUEZ: And on that note, I'll
11 have to say--I'll have to change good morning to
12 good afternoon. Good afternoon Senator Nozzolio,
13 Assemblyman McEneny, and the Task Force. I would
14 like to thank you for giving me the opportunity
15 to discuss with you today the impact of
16 redistricting within the communities of color,
17 and more specifically, the Latino community. It
18 is throughout our history where the majority or
19 the people in power have gone to great extent to
20 hold onto that control. We know and it is
21 documented that many Americans were denied their
22 right to participate in a political process
23 because of their race, income level, and
24 education or cultural and language

2 characteristics. We would think that this is not
3 present at this time, but we know better.
4 Throughout this state, there are communities of
5 interest that are not what they were 10 or 20
6 years ago. Manufacturing companies have gone
7 south, if not overseas. Persons that were born
8 here are not fully protected of their rights.
9 Policies are not conducive to ex-offenders
10 accessibility to reintegrate into the political
11 process. Disenfranchisement has become the major
12 reason for these communities to fall through the
13 cracks of political involvement. This lack of
14 positive interaction is crucial if the mission of
15 this task force is to get input from the
16 communities. Throughout my professional
17 experiences, this negative impact has transcended
18 to our youth, especially to those in the
19 economically challenged communities. I sit here
20 today to say that I know you and your colleagues
21 are fully aware of this situation. I can only
22 hope that this process of redistricting takes
23 into account those communities that have been
24 neglected for decades, and the sense of mistrust

2 and apprehension is justified. We can no longer
3 accept a practice of political or racial
4 gerrymandering. We must remember that voting is
5 a right, not a privilege. But I also want to
6 include that if there is anything that I can do
7 to make this a more all inclusive process, I am
8 at your service. Again, I thank you for your
9 time and for the opportunity to speak. I look
10 forward to assisting this Task Force in enforcing
11 the Voter Rights Act, and reaching its ultimate
12 goal of the equality concept of one person, one
13 vote. Thank you.

14 MR. MCENENY: Thank you. Mr. Lopez?

15 MR. LOPEZ: I just want to ask him a
16 question. Gene, if you were going to submit a
17 plan?

18 MR. RODRIGUEZ: Yes.

19 MR. LOPEZ: When?

20 MR. RODRIGUEZ: Later on in the fall, as
21 many of you may know, there is going to be a
22 Latino upstate summit where a lot of the
23 compilation of information will probably be
24 prepared for that time. Obviously there are

2 steps to be taken so we will notify the
3 Commission on our progress, and hopefully, as you
4 all know, you are all welcome to attend that --
5 at Utica. I think it's October 21st.

6 MR. LOPEZ: When is that?

7 MR. RODRIGUEZ: October 21st.

8 MR. LOPEZ: October 24th?

9 MR. RODRIGUEZ: Up in Utica.

10 MR. LOPEZ: Thank you.

11 MR. RODRIGUEZ: Thank you.

12 MR. NOZZOLIO: Senator Dilan?

13 MR. DILAN: Yes. You're listed as a
14 community advocate. Do you represent any
15 particular organization or group?

16 MR. RODRIGUEZ: Not at this time. I
17 have another hat, but that would be inappropriate
18 at this time.

19 MR. DILAN: So right now you're acting
20 as an independent individual?

21 MR. RODRIGUEZ: I would say I'm
22 dependent on the progress and the successability
23 of my community that I serve.

24 MR. DILAN: And you just made reference

2 to some future meeting. What is that about?

3 MR. RODRIGUEZ: The Latino Upstate
4 Summit is an annual event. Last year it was held
5 here in Albany, the year before in Syracuse. So
6 what we do is--it's usually the I-90 New York
7 State thru-way. The cities from Buffalo,
8 Rochester, Utica, Syracuse, Amsterdam, Albany.
9 So the community-based organizations get together
10 to promote certain agenda that may positively or
11 negatively affect the Latino community throughout
12 New York State.

13 MR. DILAN: All right, thank you.

14 MR. RODRIGUEZ: Thank you.

15 MR. DILAN: Thank you. Any other
16 questions?

17 MR. MCENENY: I should point out,
18 Senator, that Mr. Rodriguez is well known as a
19 very effective community advocate in a number of
20 areas.

21 MR. RODRIGUEZ: Thank you.

22 MR. MCENENY: Thank you so much.

23 MR. DILAN: Pleasure to meet you.

24 MR. RODRIGUEZ: Thank you, it's a

2 pleasure.

3 MR. MCENENY: Ana Lorena Diana?

4 ANA LORENA DIANA, VICE PRESIDENT,
5 HISPANIC COALITION, BOARD MEMBER CENTRO CIVICO OF
6 AMSTERDAM: Good afternoon. I will be brief. To
7 all members of New York State Legislative Task
8 Force on Demographic Research and
9 Reapportionment, my name is Ana Lorena Diana. I
10 am here today as the Vice President of Hispanic
11 Coalition, New York, and also a board member of
12 Centro Civico of Amsterdam. For the last 18
13 years I've been a resident of Montgomery County
14 and Amsterdam, New York resident, and I've been
15 seeing, I've been a witness of all the changes in
16 our community that affect and also reflects who
17 we are as a member of this beautiful fabric of
18 our society. Historically, after every decennial
19 census, we have been seeing all the changes in
20 the redistricting, and many concerns have been
21 taking place today about all the different venues
22 that--or much rather the honesty, the fairness of
23 the process. I am confident about your--I am
24 confident about what you are going to do, but as

2 a member of a Latino, I truly want to express my
3 concern that Latinos, we are members of many
4 different counties and countries--much rather
5 countries, that we speak one language, but we
6 also are integrated into an American dream. And
7 be part of the process, counting us as part of
8 the process is make us aware of our
9 responsibilities and duties as American citizens.
10 According with the data that all of you are
11 aware, and I am very glad that finally, finally
12 we are taking some census number into
13 considerations, the increment of Latino
14 population has been not only in the place where I
15 live, you can see many professionals, according
16 with the census release, in counties considered
17 white professionals, as Saratoga County. So that
18 means that Latino, we reflect different
19 backgrounds and different - - , not only in
20 professional, but as well as in the economical.

21 So I am standing here today, much rather
22 as a citizen, to urge all of you for a fair and
23 transparency redistricting process. I am
24 confident of that, but I wanted to make sure that

2 a little part of our voice is heard today. And I
3 am thank you to all of you for your
4 consideration. Thank you very much.

5 MR. NOZZOLIO: Thank you for that.
6 Thank you.

7 MR. MCENENY: Thank you for coming.

8 MS. DIANA: Appreciate it.

9 MR. MCENENY: Guiermo Martinez? Guiermo
10 Martinez? Paul Weidner?

11 PAUL WEIDNER, ACT NOW: Thank you for
12 hearing me. My name is Paul Weidner. I live in
13 New York City, and with your permission, I'm
14 going to be a lot less specific than most of the
15 testimony today, but I'm also going to be a lot
16 briefer. I worked several years in developing
17 countries, so-called developing democracies, and
18 I had a chance to see some elections that were
19 taking place there, and in which a winner would
20 come out with a 98.8% majority of the vote. And
21 everyone would say, "How wonderful, what unity we
22 have here." Actually, the wonder was that he
23 didn't get 100% of the vote, because his name was
24 the only one on the ballot. It wasn't a real

2 election. So I have come to appreciate all the
3 more the fact that here in the United States, we
4 have real elections, the simple act of me casting
5 a vote where it will count. The actual process,
6 of course, is what's crucial, and the devil is in
7 the details: voter registration, getting your
8 name on the ballot where it's appropriate, the
9 proper running of polling stations on the day,
10 all of those details being run in a non-partisan
11 management of the entire election process. And
12 needless to say, that includes the way we
13 constitute our voting districts. So it doesn't
14 seem unreasonable, then, in this case, and with
15 all respect for you and the work that you are
16 doing and have done, to support Rachel Fauss in
17 her call from Citizen Union for a special session
18 to address and work for the old cause of
19 redistricting reform by a strictly independent,
20 non-partisan body, in an effort to get another
21 piece of the puzzle, another detail that much
22 realer in our election process. Thank you.

23 MR. MCENENY: Thank you very much.

24 MR. WEIDNER: Thank you.

2 MR. MCENENY: Jackson Chin?

3 JACKSON CHIN, LATINO JUSTICE PRLDEF:

4 Good afternoon LATFOR members. My name is
5 Jackson Chin. I have some prepared testimony
6 that I submitted to the Committee, and I will
7 amend some of my comments. But first of all,
8 thank you for holding these hearings. They're
9 very important, and I believe that since
10 attending this morning, I have learned many
11 things, and I am very happy to hear that you will
12 be having additional hearings for the post-
13 release maps that this LATFOR body will apply
14 for. And I think that it is important that the
15 public know about it, 'cause otherwise we just
16 learned about it today.

17 I wanted to say that my name is Jackson
18 Chin, I'm senior counsel at Latino Justice
19 PRLDEF. PRLDEF, formerly Puerto Rican Legal
20 Defense and Education Fund, which is an
21 independent, non-profit, non-partisan civil
22 rights impact litigation and advocacy
23 organization. Our mission is to promote the
24 civic participation of Latinos in the United

2 States, and to promote equal protection under the
3 law. Now, for the past three decennial recycles-
4 -districting cycles, Latino Justice has worked
5 with communities to defend the civil and voting
6 rights of the Latino community. We have filed
7 litigation in some cases to challenge
8 redistricting plans which violated the rights of
9 the Latino community.

10 I come here today to respectfully talk
11 about two important points. The first matter is
12 that we believe that, in terms of the
13 Congressional plans that you will be drawing, we
14 urge that the core Latino Congressional Districts
15 be preserved, and I understand that in the cycle
16 you will be required to eliminate two
17 Congressional Districts. Some speculate one
18 district eliminated from the downstate area, and
19 the other from the upstate area. But
20 recognizing, incontrovertibly, that the growth of
21 the Latino population in this state has been very
22 substantial and significant over the last ten
23 years, we feel that we must preserve the four
24 Latino core Congressional Districts, which are in

2 the five counties of New York City, and those
3 four Congressional Districts are minority--I'm
4 sorry majority minority and plurality Latino
5 population districts. They are currently the
6 districts held by Congressman Jose Serrano in the
7 Bronx, Nydia Velasquez in Brooklyn and Manhattan,
8 Charlie Wrangle in Central Harlem, and Joseph
9 Crowley in Queens and the Bronx.

10 We at Latino Justice have looked at data
11 and analyzed various mapping options. We believe
12 that eliminating the Ninth Congressional
13 District, once held by Congressman Andrew Weiner,
14 offers LATFOR the flexible and solid path in
15 satisfying a number of important redistricting
16 objectives in 2011. The diverse populations
17 within the Ninth Congressional District, we
18 believe, can be readily absorbed into the
19 surrounding Congressional Districts, and as we
20 all know, in this round, we need to add
21 population to all of our Congressional Districts
22 so that they amount to the new equal population
23 district size of 717,707 individuals.

24 I think the Ninth CD option is also

2 going to be very useful in your needing to
3 satisfy a number of legal objectives. We believe
4 that these objectives are that the Ninth CD
5 option can preserve existing Latino and black
6 Congressional Districts, which would avoid
7 dilution claims. This opportunity to avoid truly
8 disruptive, and some other options may be even
9 more disruptive, but this seems to be the best
10 way to preserve many of the downstate districts.
11 And then we also avoid the risk of retrogression
12 in Latino and black Congressional Districts,
13 which are covered under the Voting Rights Act
14 Section 5 counties. They fall within these
15 Section 5 counties.

16 Now, the Ninth Congressional District
17 can easily support the adjoining Velasquez and
18 Crowley districts, as they have all seen
19 expansions in growth in the Latino populations.
20 The Congressional District that Mr. Crowley
21 currently has in Queens and the Bronx is covered
22 under the Voting Rights Act, Section 5. We have
23 seen large increases of Latinos during the decade
24 and in his district. We expect that that

2 district would grow into a minority majority
3 district in the coming decade. Similarly, in the
4 Velasquez Congressional District, which straddles
5 the two Section 5 counties, some minor
6 adjustments to her district could be done with
7 relative efficacy, by keeping intact within her
8 district the two Asian communities of Manhattan's
9 China Town and Sunset Park, as well as the Latino
10 communities found within the lower East Side, and
11 Sunset Park and other parts of Kings County.

12 So we also feel that this option would
13 enable us to shore up additional Congressional
14 Districts, also protected under the Voting Rights
15 Act, Section 5. Those are the Sixth
16 Congressional District, currently held by
17 Congressman Meeks, the Tenth Congressional
18 District, currently Congressman Towns, and the
19 Eleventh Congressional District, which is
20 Congresswoman Clarke's district. So these will
21 ensure that the maps for the Congressional
22 downstate areas would comply with the Voting
23 Rights Act.

24 We will intend to submit maps,

2 Congressional as well as the State legislative
3 maps at some future point, but we wanted to make
4 sure you heard our suggestions about the
5 Congressional map, and concerns that the Latino
6 communities have in ensuring that they do not
7 become split up, that they are compact, and they
8 are preserved in the best way that we see
9 possible.

10 The second issue that I came prepared to
11 talk about, before I heard the announcement that
12 the Committee intended to follow the law that was
13 passed to address prison gerrymandering,
14 something called Part 20, I'm heartened to know
15 that that is indeed what this Committee intends
16 to do. I was certainly about to, as you'll see
17 in my submitted testimony, lambaste the Committee
18 for failing to follow the law and to neglect its
19 duty as it proceeds to state under this
20 redistricting process, but I see--I would also
21 urge that I think the idea of having a resolution
22 or some sort of commitment to using geo-coding
23 data that the Department of Corrections will
24 supply to you as required under the law, I think

2 that is important. As you may know, Latino
3 Justice and six other civil rights organizations
4 ran to State Court to attempt to seek the
5 compliance of LATFOR in following the
6 requirements of Part 20, and so I'm encouraged to
7 hear that this is what this committee says it
8 will do. I think from the vantage point of the
9 Latino community, the prison gerrymandering
10 problem has been a very--has been very impactful
11 in a very adverse way to the political rights of
12 Latinos over the last three decades, and with the
13 waging of the war on drugs, and the Rockefeller
14 drug laws, the communities of color and low
15 income individuals have been--have suffered
16 tremendously. And I think, with Part 20, we
17 start to address the political issues that have
18 hindered the democratic rights of these
19 communities. And so, again, Part 20 is a very
20 critical law that was passed last year to deal
21 with the problem of prison gerrymandering and
22 have--and people who are incarcerated are not
23 being counted from the pre-incarceration
24 districts and addresses that they came from.

2 I think the other comment that I would
3 make is simply that, you know, the Latino
4 population currently makes up 18% of the State's
5 residents, and accounts for about 25% of the
6 State population--prison population, so it is a
7 very important matter that Part 20 of the law is
8 complied with by LATFOR in its efforts to do the
9 state redistricting. So anyway, I want to just
10 say thank you, and we look forward to presenting
11 our maps at future hearings, and we would proffer
12 our assistance in any way to help this body in
13 its obligations to create fair maps.

14 MR. MCENENY: Thank you. Will you be
15 submitting maps?

16 MR. CHIN: Yes, we will be submitting
17 maps. I don't have a particular date, but we are
18 working on them.

19 MR. MCENENY: Will you do it for the
20 whole state or just up - -

21 MR. CHIN: We intend to have, yes, maps
22 for the whole state as well as Congressional
23 districting.

24 MR. MCENENY: Very good. Members?

2 Thank you very much.

3 MR. CHIN: Thank you very much.

4 MR. MCENENY: Ramon Velasquez?

5 RAMON VELASQUEZ, LOCAL CITIZEN: Hi. My
6 name is Ramon Velasquez. I'm here from - - New
7 York. You see I have nothing written. The
8 reason I'm here is to tell you I was a product,
9 for 17 years, I was counted as an inmate in the
10 Wyoming County, okay. I never knew that I was
11 being counted as an inmate at Wyoming County, but
12 really I'm from Brooklyn, and I never knew that,
13 that I was counted. So we originally - - New
14 York came here to disrupt this whole thing, but
15 we find out--as we come in here we find out that
16 you guys are going to count through the county,
17 and we appreciate what you guys are going to do.
18 You know, it's not right that we'd be counted at-
19 -myself, as a Wyoming County inmate, when I'm
20 from Brooklyn, being used for political purpose
21 up there, you know. And I appreciate that you
22 guys are going to count the inmates up there now
23 from where they come from. So we're here to say
24 we appreciate that it's going to be done. With

2 that, I'm done.

3 MR. MCENENY: Thank you very much.

4 MR. VELASQUEZ: You're welcome.

5 MR. MCENENY: James Hong?

6 JAMES HONG, CITIZEN, QUEENS, NEW YORK:

7 Good afternoon, members of the Commission. My
8 name is James Hong, and I am a resident of Queens
9 in New York City, and I am just here as an
10 individual. I just want to make a quick comment
11 on the time that these hearings are held
12 throughout the state. 10 a.m. on weekday
13 mornings are not really conducive to public
14 participation. Senator Nozzolio, you mentioned
15 that your goal was to have as an open and
16 transparent process as possible, but openness
17 means accessibility and I don't think the time of
18 these hearings are really helpful in that regard.
19 And being from Queens, I note that the Queens
20 hearing is on September 8th, and--I'm sorry, the
21 7th, and that is the day before public school
22 begins for all New York City. That is a very bad
23 time for people to be attending any hearing. I
24 think it's going to be a very hectic time in the

2 City for many, many families, so I think those
3 two converging, for Queens, that is an especially
4 bad timing. So if you can, I would ask you to
5 consider rescheduling those hearings--or that
6 hearing, and all the hearings subsequent to this
7 one, to be in the evenings or on the weekends, so
8 the public can truly participate. That's all
9 really I wanted to say. And I think the 2.2
10 million residents of Queens would be delighted.
11 Thanks.

12 MR. MCENENY: Thank you very much.
13 Members? All right, we're going to go through
14 the list again. People I know, a couple of them
15 have come in. Let's start with Aaron Mair.

16 AARON MAIR, ARBOR HILL ENVIRONMENTAL
17 JUSTICE: Ladies and gentlemen of the Committee,
18 I want to thank you for your indulgence and your
19 time, and I got bound up this morning, part of a
20 reapportionment litigation lawsuit here in Albany
21 County. It began yesterday; we're seeking
22 injunctions. This is the third time. We
23 anticipate--again, there's no certainty, but we
24 anticipate we shall prevail. The facts are still

2 the same. And I want to talk a little bit about
3 that, as well as the broader considerations,
4 because while all politics are local, just like
5 the Governor's offices and the State houses
6 determine who is going to be present, and they
7 count those State houses when we talk about the
8 present national elections, it is the local
9 elections at the counties, it's the county
10 executives that determine the Assemblymen, the
11 Senators, and the Congressmen. And it is the
12 climate at the local levels that ultimately drive
13 and shape this process which then shapes our
14 State house, and so on and so forth. So the
15 lawsuit that I was tied up yesterday is
16 indicative at the grass--the real grassroots
17 level where the citizen is actually at of our
18 experiences, the considerations, and this is even
19 before we start to get into the considerations
20 that this legislative task force has to deal
21 with. I understand and I am aware that there are
22 other proposals of independent commissions.
23 Again, if we were to look at climate levels, you
24 have the higher atmosphere, you have a prevailing

2 wind, a jet stream, and you have what's the
3 climate at the local level. And before we start
4 even considering the bigger disenfranchisements,
5 we have to start tackling and addressing the
6 local ones, or at least be aware that in how they
7 play out in shaping this body, which ultimately
8 shapes our Congressional and our gubernatory
9 body. So it is quite important. And my notes--
10 by the way, I apologize, I submitted only five
11 because of the hearing and the lawsuit, I was
12 tied up all day, so the time to get to Kinko's,
13 it was enough to run there, print those out and
14 at least get some of those, in a much more
15 detailed one I will leave with the Commission
16 which has, actually, a copy of our memorandum of
17 law, which I want entered into the record,
18 because that detailed memorandum of law is
19 telling about some of the tactics and strategies
20 that counties and local municipalities engage in
21 to systematically disenfranchise and disempower
22 and play off ethnic minorities off one another.
23 And let's be crystal clear. It is about power.
24 And the most important piece of literacy that any

2 citizen, any American can have, our power to
3 enfranchise the citizen, is understanding the
4 most fundamental element, which is
5 reapportionment, which is for two purposes. Most
6 people don't know this. I gave a talk
7 approximately a month ago before a bunch of
8 attorneys and asked him why do we have
9 apportionment, and many of them pointed
10 immediately to representation. That is only 50%
11 of the answer. The other half of it is revenue,
12 and that should jar you, because that's what
13 we're dealing with at the national level.
14 Revenue is a piece of this as well as
15 representation, the issue of taxation and
16 representation. So, in other words, we do this
17 with the anticipation of not only yielding up
18 revenue for our national or state and local
19 operations, but we also yielded up, so we can
20 have effective voices to re-present--again,
21 represent is the word, re-present, so you're re-
22 presenting the ideas and the concerns at the
23 local level. And it is deeply disconcerting when
24 we find newcomers or those who have been

2 systematic--what I call the forced nations.
3 It's' the first nations, Native Americans, the
4 forced nations, those who are slaves, whether you
5 landed in the Caribbean, Latin America, America,
6 you are a part of the forced nations. There's a
7 systematic effort to keep these peoples in their
8 place, to disenfranchise them and come as a wedge
9 between them and their power. This is what we
10 are experiencing here in the county. And this is
11 important, because it takes the form of
12 patronage, jobs. These things are very critical
13 inducements, and these go right to the core of
14 power. So when you talk about a fair
15 reapportionment process, it is important that you
16 look at what's happening right now. We're
17 talking about the work that's gone--the
18 reapportionment that's happening right now. The
19 agendas relative to reapportionment are being set
20 right now. We are a society--one of the
21 beautiful things about our democracy, again,
22 without all those papers, is factions. So those
23 factions are being set right now. And
24 understand, all politics are local. A lot people

2 there--everything's immediate, but they don't
3 really connect the dots on--especially in the
4 case of minorities, Hispanics and African-
5 Americans in particular, and I think one of the
6 interesting playouts, when we talked about the
7 Pedro Spada incident relative to the Senate and
8 that struggle, 'cause when new arguments came up,
9 blacks don't respect Latinos, Latinos don't
10 respect blacks, and this was the ritual division
11 from the same people, 'cause ethnically they're
12 all African descendants. The question is where
13 they fell at and what's the linguistic stripe
14 that divides them. The language is not enough,
15 it is the experience. It is what we fought for
16 in civil rights with Dr. King, et cetera, and the
17 long litany of civil rights heroes. And civil
18 rights are not black rights, civil rights are not
19 Hispanic rights. Civil rights is basically us
20 getting down to a common denominator of equality
21 in citizen. And if you can understand that
22 citizen's right, then you transcend a lot of the
23 things that divide you and you come together and
24 you build coalitions that are effective. My big

2 concern, and we've just talked a little bit about
3 the Congressional seat, and one's got to
4 disappear upstate and one's got to disappear
5 downstate, and we have to protect turf or
6 existing--my point is, that is not what you want
7 to look at. Again, going back to my county
8 example, going back to those county executives,
9 those local examples, what you are there is to
10 protect the rights of the citizens. You're there
11 to protect the civil rights. It's not about the
12 gangs of New York or the gangs of upstate, it is
13 about the people. And so to the extent that this
14 body can come up with a clear set of rules that
15 a) educates the citizens about their rights and
16 their franchise, and, more importantly, their
17 power under reapportionment. This is the most
18 significant power for any citizen, if they
19 understand their power. And more importantly,
20 that any of them have the right to draw our plan,
21 and that every one of them have a right to submit
22 that plan. And one of the most important tools
23 that you can do is make sure that there are
24 resources like they have down in Florida. They

2 actually have software that's online that people
3 in communities can go and draw plans and try to
4 come up with ideas on how their community--or how
5 best to serve them, without necessarily having to
6 be a member of somebody's Democratic club,
7 Republican club, Hispanic club, African-American
8 club, or any kind of club or whatever, because
9 those things tend to revert or distort the real
10 needs and the real concerns. But more
11 importantly, they don't build, they divide. And
12 if we are talking about true representation, and
13 we look at it at the national level as it's
14 playing out, meaning when we talk about the tea
15 party, which is predominantly white, not all, but
16 it is predominantly white, and anti-people of
17 color. Now borrowing Glen Beckism, I think they
18 don't like colored people. And I say that
19 because the language is systematically cloaked
20 and coated in such a way that it disempowers or
21 comes up with legislative policies that
22 disproportionately impact people of color and the
23 poorer citizens. So to the extent that the
24 reapportionment process brings together New

2 Yorkers of all stripes, and New Yorkers that are
3 of minority - - so that they can understand
4 their power, so they can effectively, at the
5 local level, whether they're electing a county
6 executive or electing a mayor, build that
7 fundamental block so that they can build
8 effective assembly and senate districts, which
9 they can also no fair that these in Congressional
10 districts, they will absolutely have a much more
11 significant say with regard to the rights being
12 stripped away.

13 Right now is the most critical hour in
14 this country. This reapportionment process this-
15 -this point within the next couple of years
16 across this country is going to shape the power
17 of rich America versus poor America, and how they
18 use and exploit and stratify their dominant
19 group, 'cause again, what happens with the
20 elites, they buy the poor, they tell them that
21 the minorities are coming, this is where your tea
22 party backlash comes up. It is we are taking it
23 from them, which is not true. It is a revenue--
24 going back to the original intent of

2 apportionment, it is a revenue problem when at
3 the national level our Congressional delegates
4 collapse the revenue uptaking stream, it's less
5 resources down. As these resources become much
6 more scarce, political coalitions at the local
7 level and at the county level become even that
8 much more acute and sensitive. We talk about the
9 butterfly effect, the power at a local level to
10 have an asymmetric response due to what we
11 perceive is a simple action, and these are very,
12 very, very critical times. So paying attention
13 to the litigation that we have in the Albany
14 County in particular, I won't bore you with the
15 details, but this is the third time in 30 years
16 that I had to prove that I'm in there, 'cause
17 under their definition by which they apportion
18 and created majority minority districts,
19 President Obama is not black, under their rule.
20 I, because I self-identified as two-race black--
21 Jack knows my family history and knows it quite
22 well, I have three. And my daughters from--my
23 ex-wife is from Columbia, South America. By the
24 way, the two first Hispanic sisters attend West

2 Point, already combat veterans, 3227 and also out
3 at Fort Jackson. They were not considered black,
4 okay. And then on top of that, even though with
5 historic redlining and discrimination and a lack
6 of access to decent housing, education and
7 credit, they said that the black and Hispanic
8 community, basically the blacks who speak English
9 and blacks who speak Spanish, Portuguese or
10 whatever, or black and Asian, we do not have a
11 shared history, even though the common history of
12 slavery is very apparent and very clear. So all
13 these denial factors are designed to
14 delegitimize, to fragment--we call it crack--
15 groups, fracture groups, and divide. Now, some
16 of our folks, for political and advantage and
17 economical opportunity will exploit that. We
18 have the Clarence Thomases of the world, and
19 that's okay, it happens. Or the Malenches of the
20 world. Okay, it happens. Some people
21 internalize - - and do interesting things. But
22 the consequence of it is at the local level it
23 exacerbates the systematic discrimination that
24 comes in the form of malapportioned plans that

2 under-represent and systematically decennial
3 census, at the decennial census, to
4 disenfranchise people of color. Again, this was
5 the third decennial census lawsuit in Albany
6 County in which we had to prove we are people of
7 color. Now, just the quicker slide and I'll be
8 done. I say Albany County 'cause Albany County
9 is very significant in American history. It is
10 the place in which the Emery family, Albany
11 Agriculture Works, Jack knows about this. They
12 are the equivalent of IBM versus the transistor
13 radio, the IBM mainframe versus the transistor--
14 what they did to the cotton gin, they created the
15 condenser and automate--they're the ones that
16 revolutionized the actual process of cotton,
17 which basically intensified and made slavery
18 profitable. They patented it in 1850 and it came
19 from here. They also are the founding bedrock,
20 or - - according to first, of the copperhead
21 movement. These were basically pro-southern
22 anti-union empathized with the Confederate states
23 or those who were seeking disunion. That party,
24 or descendants of folks that are tied to that

2 culture, are still in action today. We had
3 Rasmus Corning, who was one of the longest
4 tenured mayors--and we're only two mayors out
5 from him. But that culture and the attitude and
6 the lack of sensitivity and the disrespect that
7 goes right back to the antebellum slave period,
8 is still pervasive. And that war, the Civil War,
9 we're 150th anniversary, we're still fighting the
10 civil war in Albany County. It is serious. I
11 understand folks are coming, recent immigrants,
12 and they're not--this sounds boring to them, but
13 the most elemental enterprise of our citizenry
14 goes right to the Constitutional interpretation
15 of what is a citizen, what is a human being, and
16 most importantly, fair representation.

17 I will give you the details of the suit.
18 You will see the details. I have two pages of
19 what they did and how they concern--and how our
20 population has grown. The main point in takeaway
21 for my African brothers and sisters of Spanish
22 and Portuguese descent, is that there's a bigger
23 fight. And the local houses, the counties, the
24 mayors, are very important in determining the

2 Assembly Districts and the Congressional
3 Districts. It's not enough to say one
4 Congressional District upstate and one downstate
5 must disappear. The way it's been done, the area
6 with the most significant decline of population
7 loses. So if it means that two people upstate
8 disappeared, the two people upstate disappeared.
9 If the area of the state where they've increased
10 is the metropolitan area, Westchester area, then
11 they should be increasing by two. This is not an
12 issue of fairness. It's always amazing as our--
13 the poor, the working class, start to ascend.
14 All of a sudden these rules of liberal democracy
15 start popping out. Remember, before the Senate
16 was taken back to the Republican majority, before
17 they were talking about a fair reapportionment
18 process, now all of a sudden they're silent. But
19 again, I don't mean to sound partisan, but these
20 things are tied to very old policies and very old
21 traditions.

22 I thank you for your time. Please
23 consider what's happening local. Please look at
24 these definitions. Please learn from these

2 mistakes that are clearly going on before they're
3 amplified amongst yourselves. Reach across the
4 lines, help and support one another, and again,
5 thank you for your time.

6 MR. MCENENY: Thank you. I'm going to
7 wait until you go back to your seat before I get
8 on the history thing. The first, Rasmus Corning
9 was a big-time abolitionist, and when Vanderbilt
10 finally dumped him from New York's Central
11 Railroad labor--organized labor gave him a
12 torchline parade. So saying anti-labor, he's
13 also a champion of immigrant rights, so I would
14 just correct that since we're on TV. Continuing
15 down, Judith Brink? Judith Brink? Corey Ellis?
16 Corey Ellis? Brian Paul, Common Cause? Barbara
17 Bartoletti?

18 BARBARA BARTOLETTI, LEGISLATIVE
19 DIRECTOR, LEAGUE OF WOMEN VOTERS, NEW YORK STATE:
20 Good afternoon, and I don't really cherish having
21 to follow that. That was an academic lesson, and
22 so much more. But I made the mistake earlier
23 today of going to the ladies room, and when I
24 came back--so here I am. And I'd like to say now

2 good afternoon to Senator Nozzolio, Senator
3 Dilan, Assemblyman McEneny, Assemblyman Oaks, and
4 the rest of the Task Force members. My name is
5 Barbara Bartoletti, and I am the legislative
6 director for the League of Woman Voters--whoops,
7 is this on yet, still? Can you hear me? Okay.
8 I am the legislative director for the New York
9 State League of Woman Voters.

10 The League is a non-partisan, as you
11 know, organization which encourages informed and
12 active involvement in Government, and influences
13 public policy through education and advocacy.
14 For this current redistricting cycle, we are also
15 members of a statewide coalition, dedicated to
16 reforming New York's redistricting process. It's
17 called Reshape New York, and it consists of 35
18 organizations, including civic groups, issue
19 advocacy groups, unions, and business
20 organizations. The league, as all of you sitting
21 up there, especially my friend, Roman Hedges, are
22 aware, the League is not a newcomer to this
23 subject. Since 1966, we have proposed guidelines
24 for redistricting. In the 1970s, we organized

2 the Committee for Fair Representation, and in
3 1982 we wrote model legislation that was
4 introduced in both the Assembly and the Senate.
5 We sat at a similar hearing ten years ago, and
6 here we are again today. I will tell you with
7 some amount of assurances that I will not be
8 sitting here ten years from now doing this.
9 Hopefully, hopefully the people involved in the
10 ability to change the redistricting process will
11 have done their work in the intervening ten
12 years. We'd like to see it done this year, but
13 certainly I hope that none of us are sitting here
14 ten years from now still doing redistricting in
15 the same way we are doing it now.

16 Behind the League's position on
17 reapportionment is a conviction that a population
18 standard is the most equitable way of assuring
19 that each vote is of equal value in a Democratic
20 and representative system of Government. The
21 term "substantially", used in the U.S. Supreme
22 Court decisions, also allows State Legislature
23 adequate leeway to provide for any necessary
24 local diversity and to protect minority

2 representation. The League has a longstanding
3 support position on the Voting Rights Act of
4 1965, so I think--and I think all of you are
5 very, very much aware of that.

6 Over the past year, and I think this is
7 where the League really has had a great deal of
8 impact, the League, including the State League,
9 have organized community forums, educating the
10 public on the issue surrounding redistricting in
11 over 35 localities. Partly as a result of this
12 effort, leagues around the State have become
13 active and influential players in local
14 redistricting efforts. The League was involved
15 in creating independent redistricting commissions
16 for county redistricting efforts in several
17 counties, including our most prominent county,
18 Suffolk County, where this happened a number of
19 years ago and Suffolk County now does--has an
20 independent commission for doing their local
21 redistricting. Ulster County this year, and
22 Tompkins County. In addition, I think also they
23 just cleared one in Dutchess County. I think
24 they've also just gone to an independent

2 redistricting commission. In addition, League
3 members have also been asked to sit on these
4 newly formed Commissions because of our non-
5 partisan commitment. In Suffolk County, the
6 redistricting commission, as I said, and
7 association legislation, has become a model used
8 by others around the state to create new
9 procedures and independent commissions.

10 While we appreciate the opportunity that
11 today's hearing provides to comment on the
12 redistricting process, we believe that New
13 Yorkers have already spoken loud and clear on the
14 drawing of district lines. The public wants an
15 independent redistricting commission to draw the
16 lines. They want them for legislative districts
17 and Congressional districts, according to fair
18 and objective criteria, while allowing for public
19 input into the process. An independent
20 commission drawing district lines would maintain
21 the--would, I'm sorry, would maintain the
22 political impasse created by putting partisan
23 interests before the public's interest. I think
24 we have talked a great deal today about changing

2 the Constitution in some way. There has been,
3 you know, the 1% deviation issue and, by the way,
4 we do support the Governor's program bill,
5 allowing for a 1% deviation. We do understand
6 the Constitutional problems with that, and what
7 we would recommend is that once this--and we do
8 think there is enough time do a non-partisan
9 commission, but what we would recommend, and have
10 been recommending in the middle of very decade
11 since I have been legislative director, and that
12 would be to come up with a very thoughtful
13 constitutional amendment to do this so that we
14 can have two passages, and put it on a--the
15 ballot for the public. We did this in 1995. We
16 did it again in 2005, and I will tell you, not to
17 chastise any of you sitting up there
18 individually, but I can tell you, the response we
19 got every time we went in mid-decade to start
20 trying to educate legislators about the need for
21 a Constitutional convention, to clear a
22 Constitutional amendment to clean this up--we
23 also have had problems with the Constitutional
24 convention--however, what we got, the same

2 response from both Senate and Assembly was, "Oh,
3 please don't bother us now, that's down the road.
4 We'll take time, we'll do this, it'll get done."
5 It never does get done, and we know why that is,
6 and I think if any of you were really--and Roman
7 Hedges and I have talked about this for years and
8 years and years, this is how you keep your powers
9 in each of the houses. It is political
10 incumbency protection, and certainly what you see
11 not only here in New York, which I will tell you,
12 after what happened in Washington this past week,
13 I don't think anybody is going to call Albany the
14 most dysfunctional legislature in the country any
15 longer. It has now passed to Washington. But
16 what we have found, and what I am very fearful
17 for all of the citizens of this country in a
18 representative democracy, is with continued
19 political gerrymandering and letting the affects
20 of this enter into the fringes of both political
21 parties, what we will continue to see is this
22 disinclination to do anything that is as the word
23 in Washington was last week, compromise. It's
24 because they know their seats are secure, you put

2 on top of that campaign finance, and the Citizens
3 United decision, and you will continue to have
4 the type of gridlock that will make us an
5 embarrassment in the rest of the country. I know
6 you can't do anything about Washington. We feel
7 very frozen about being able to actually do
8 anything to help the citizens of this country get
9 beyond this issue and get back to some kind of
10 good representation where the voices and the
11 needs of the citizens of this country are better
12 represented than are the needs of the
13 politicians. We can do something about New York
14 State, hopefully, and it is our hope that if you
15 come back for a special session in what I'm told
16 now is perhaps early October, you will consider
17 passing the Governor's program bill. You will
18 go, there is still time, you will go to an
19 independent and let them take what you've already
20 done and perhaps not impose the need to have the
21 lines drawn to again, for another ten years,
22 extend the political gerrymandering to keep the
23 powers as they are. We also recognize that you
24 are never going to have, and I think it was my

2 colleague, Blair Horner, so I will give Blair his
3 due, who said years ago, "You are never going to
4 have more--or in"--let's take upstate--"you have
5 more cows upstate than--in some areas--than you
6 do Democrats, and in the city, you have more
7 lampposts than you do Republicans. You are never
8 going to be able to make those districts truly
9 competitive, but in--competition in this--in our
10 democracy is that lifeblood of democracy, and if
11 we don't at least give some opportunity for an
12 exchange of ideas, with only the look of the same
13 partisan over and over again, we are not going to
14 have this dynamic democracy that we so have
15 fought to protect over the last 250 odd years.
16 So I would implore you, before it's too late,
17 allow a special session, allow your work to be
18 carried on by a non-partisan redistricting
19 commission, and then, because we must address the
20 constitutional issues that I'm--I know Jack talks
21 about quite a bit, we will have to have a
22 Constitutional amendment, but we can do it in a
23 thoughtful way, we can look at the deviation--the
24 population deviation, we can get Mr. Hedges'

2 political science expertise, and we can have a
3 good constitutional amendment and put these
4 matters to rest so that, never again, do people
5 that will succeed me for the League of Woman
6 Voters, do not have to keep doing this decade
7 after decade after decade. So I thank you very
8 much for sticking in there for a long time today,
9 and I would entertain any questions you might
10 have.

11 MR. MCENENY: Thank you, thank you, Ms.
12 Bartoletti.

13 MR. NOZZOLIO: Thank you, Barbara, very
14 much for your testimony. I have to point one
15 thing out. I know you were quoting Blair Horner--
16 -

17 MS. BARTOLETTI: He's moved on.

18 MR. NOZZOLIO: And I guess I really--I
19 don't know where you're from, but I think to say
20 that you've got more cows than competitive
21 districts just simply belies the facts. In
22 Utica, I'm just making some mental notes here, in
23 Utica in the last four or five cycles, the
24 Congressional District went from Republican to

2 Democrat to Republican. In Syracuse it went from
3 Republican to Democrat to Republican. In the
4 north country it went from Republican to
5 Democrat. In the western part of the state, it
6 went Republican to Republican, and other
7 retirement, but Republican, and then a Democrat
8 in the special election this year. The southern
9 tier went from Republican to Democrat to
10 Republican. I think that that's just a small
11 example in about 60% of the geography of the
12 state where there have been a great amount of
13 competitiveness and turnover at the Congressional
14 District level in particular, and not that I--I
15 think that it's--I don't think you meant to leave
16 the impression that those--I think you did leave
17 the impression, frankly, that it was the
18 Republican areas or the upstate areas were less
19 competitive. I'd ask you to--that when you go
20 home to look at the State, look at the urban
21 areas of the state, and particularly the New York
22 City area and see if that type of turnover which
23 we saw in upstate, very significantly over the
24 past decade, in fact, was not replicated in the

2 City regions and more urban areas of the
3 downstate area in the state.

4 MS. BARTOLETTI: I think, then, what you
5 do is make my point. If we--if there is no fear
6 of incumbency protection as far as independent
7 redistricting, and I agree with you, many of the
8 seats in that part of the state do change
9 depending on, perhaps, campaign finance, perhaps
10 outside groups that are funding, perhaps seats
11 that now--I know Bill Parment's seat, he retired,
12 I think he could have had that seat for the next
13 20 years if he'd want of it, so--but that became
14 an open seat. I think there are very great
15 extenuating circumstances that come in on top of
16 the redistricting. However, if, indeed, what you
17 say is true, then it should not matter whether an
18 independent redistricting commission actually
19 draws the lines rather than the politicians who,
20 there is a public perception, you must admit,
21 that the public perception is that legislators
22 sitting on the redistricting commission do that
23 to provide--draw these bizarrely shaped designer
24 districts to protect their incumbency and their

2 house's incumbency, and therefore they're the
3 power. And I would really--I don't think you can
4 convince me that the election of 2010, and that
5 itself had extenuating circumstances. My
6 goodness, we went from being a terribly
7 dysfunctional legislature, and I think the public
8 heard that, and so that entered into the election
9 of 2010. However, I would submit to you that
10 nobody would seriously, if they looked at this as
11 long as the League and the other good Government
12 groups have looked at, could say that those
13 districts are not drawn with the packing and the
14 cracking and all of the things we know that go
15 into drawing lines, would not say that they are
16 drawn to protect as closely as possible the
17 incumbents, and therefore retain the power in
18 both the Assembly and the Senate. Now, what I
19 was--what I think Blair was getting at, and I
20 would not--never would speak for Blair, but I
21 think what we were getting at is that you cannot
22 always create competitive districts, but you
23 can't just look at redistricting in isolation
24 either. You must look at all the other variables

2 that are coming into our political system, that
3 of the--I don't know what exactly we're calling
4 them in campaign finance lingo these days, but
5 the Citizens United group of folks that are
6 coming in with their vast amounts of money,
7 whether it's in the southern tier and it has to
8 do with hydrofracturing, or whether it's in New
9 York City and it has to do with something else.
10 So I think there are other variables, but I think
11 never would you convince me or any of my other
12 good government colleagues, that there isn't a
13 better way to do this redistricting every ten
14 years, and that is with an independent
15 redistricting commission, taking the politics, as
16 much as possible, out of the actual drawing of
17 the lines. It might not change, I think one of
18 the other speakers today--it might not change the
19 way the lines are, much at all. But it would
20 give the public the confidence that it was no
21 longer a rigged system by people, politicians,
22 legislators, who wanted to maintain their own
23 power base. And I simply would say to you, for
24 the good of this state's representation and the

2 nations' democracy, that we begin to look at the
3 perception and we get back to having the voter
4 confidence that we don't seem to have. As all of
5 you know, and we can dispute the exact number,
6 whether it's 30, 32 or 36% voter turnout this
7 last election, we were 47th in the nation. It
8 was abominable. People no longer think their
9 voice is heard. They no longer think their vote
10 counts. And when that happens, and I've worked
11 in places in Central Asia where that's the case,
12 people shut down, and what you then get is an - -
13 . I don't think anybody sitting up there or
14 anybody in the state wants us to go down that
15 road.

16 MR. MCENENY: Thank you.

17 MS. BARTOLETTI: You're very welcome.

18 MR. MCENENY: Thank you very much.

19 Continuing on the list, Maritza Martinez? Latice
20 Monique Walker? Anne Pope?

21 ANNE POPE, PRESIDENT, ALBANY BRANCH

22 NAACP: Good afternoon. My name is Anne Pope and
23 I am currently the regional director for the
24 Northeast Region of the NAACP, and the former

2 President of the Albany branch. Like Aaron, I am
3 coming here from a Court hearing where I am the
4 lead Plaintiff in a lawsuit against Albany County
5 and their redistricting process regarding a fifth
6 majority minority legislative district.

7 Unfortunately, this is the third time that we
8 have had to sue the county to get what we
9 deserved. I'm here today to testify on behalf of
10 the NAACP and the community--the minority
11 community, because our community is split between
12 two Assemblymen, Assemblyman Jack McEneny, who
13 sits as chair of this group, and Assemblyman Ron
14 Canistrarie. And I believe that this is unfair
15 to the minority community because it does dilute
16 the minority vote. I also believe that it is out
17 of compliance with the Voter Rights Act of 1965,
18 and the Civil Rights Act of 1964. So I am going
19 to briefly voice the concerns felt by the African
20 American communities across our region and
21 upstate New York.

22 One of my heroes, the beloved American
23 Statesman Frederick Douglas, said that power
24 concedes nothing without a demand. It never has

2 and it never will. One--as he uttered those
3 words a century and a half ago. So I'm here
4 today to actually demand that this government
5 body acknowledge the fact that there are huge
6 minority communities across our state that want
7 and need to have representation in government
8 that looks like them. You and your staffs here
9 all have the U.S. census numbers that validate
10 this point. Of great concern is the current
11 situation of the lack of minority members in the
12 New York State legislature who are African-
13 American or Latino, from areas north of
14 Westchester County. Our communities constitute
15 over 46% of the populations of the cities of
16 Buffalo and Rochester, and over 30% of the City
17 of Syracuse. In the capital region, both
18 minority groups have also seen increased growth.
19 In all of the - - there is a clear absence of
20 elected officials that resemble the ethnicity and
21 the race of the residents of these communities.

22 Let me be clear. How is it that New
23 York State only has three Assembly members who
24 are African-American, and none who are Latino

2 from upstate counties, while our numbers continue
3 to grow significantly, and already make up a
4 significant percentage of the population? And I
5 don't expect you to answer that today, but I do
6 expect, as does the NAACP, that the new
7 legislative districts drawn for the 2012
8 elections will adequately represent the diversity
9 of this State.

10 As you all know, the Courts have already
11 threatened legal--these groups have already
12 threatened legal actions if Congressional
13 districts are drawn to dilute minority voting
14 strength, and I just left the national NAACP
15 convention in Los Angeles, and redistricting was
16 one of the main topics there. The coalitions of
17 Asian, African-American, and Latino groups have
18 formed--come together to watch this process and
19 are prepared to ask the Federal Government to
20 intervene if the lines you draw disenfranchise
21 our communities and do not allow for more
22 minority candidates to have a fair opportunity to
23 run for public office. Here in my home city, the
24 African-American community has, for decades, had

2 to rely on the Court system for fair treatment in
3 the process you are undertaking. Here at Albany
4 we have a situation where the minority
5 communities are divided into two Assembly
6 Districts, instead of concentrating that
7 population into one and increasing the political
8 and electoral process of this large and growing
9 population. The people here are very, very
10 frustrated over that. Unfair practices like this
11 one must stop. The City of Albany cannot and
12 should no longer be divided up and carved to
13 dilute minority voter strength. This is an issue
14 of fairness, and I call for one city, one
15 district, and ask you to end this process that
16 has marginalized minorities in a very clear and
17 detrimental way, and it has clearly
18 disenfranchised minority votes. In addition to
19 this local issue, we see that there are no blacks
20 or women on LATFOR. There is a clear lack of
21 diversity in New York. There are 3.1 million
22 African-Americans, 1.5 million Asian-Americans,
23 and the state is 52% female, but they have no
24 voice on LATFOR, who draws the lines for their

2 political representation. This situation should
3 be corrected. There are no public access
4 computer terminals for the public to use. And in
5 closing, I also ask you to continue that there
6 would be hearings such as these held in the
7 evenings as well as during the day so that more
8 people can have access to the hearings and will
9 not have to take time from their work. Thank you
10 for this opportunity.

11 MR. MCENENY: In fairness, the
12 population percentage of African-Americans in the
13 City of Albany has changed over the years, and in
14 1990, a decision was made to split the City based
15 upon race.

16 MS. POPE: Okay.

17 MR. MCENENY: I think you may recall
18 that, and it was done with many other places
19 across the country. In the case of Albany, it
20 was to maximize the African-American vote. The
21 Hispanic vote or population was not as
22 significant in 1990 as it would be today.

23 MS. POPE: Correct.

24 MR. MCENENY: And it was sought at the

2 time to find another concentration of African-
3 Americans. The nearest practical concentration
4 was downtown Troy, and that's why the two were
5 put together. When that--when the year 2000 came
6 with the new census, again, the numbers had not
7 changed that radically, and once again, Troy and
8 downtown Albany, at this time more expanded as
9 minorities moved up the hill, was combined again.
10 Now we're dealing with very different numbers.

11 MS. POPE: Okay.

12 MR. MCENENY: But the division was not
13 done to hurt the African-American community, it
14 was done to help it at the time. If numbers have
15 changed today as they have across the state, then
16 we should look at it in today's numbers. But the
17 history of creating the maximum minority
18 participation in downtown Troy and downtown
19 Albany was done for all the reasons the NAACP was
20 demanding across the country at that time when
21 those numbers were that way.

22 MS. POPE: So could I feel that there
23 will be the opportunity taken to look at that
24 again--

2 MR. MCENENY: Yes--

3 MS. POPE: --and to reconfigure it?

4 MR. MCENENY: --everything is on the
5 table.

6 MS. POPE: Okay.

7 MR. MCENENY: And--

8 MS. POPE: People are very frustrated--

9 MR. MCENENY: Well--

10 MS. POPE: --and I just hate to go back
11 to it, but I met Delilah - - prior to her
12 passing, and not very long before that spoke to
13 me about that, so--

14 MR. MCENENY: No, other people have
15 spoken about keeping cities together.

16 MS. POPE: Okay.

17 MR. MCENENY: But in many cases those
18 cities were broken into black and white
19 districts, and then added to other areas that
20 were nearby to maximize minorities.

21 MS. POPE: I think we just feel that we
22 haven't had representation. You look at Troy and
23 Albany, Green Island and Albany together is--
24 hasn't made sense for us.

2 MR. MCENENY: Okay, I just wanted to say
3 that was the reasons, and it happened around the
4 country in the 1997 challenge to the
5 Congressional District in North Carolina, race
6 became a important consideration--

7 MS. POPE: Right.

8 MR. MCENENY: --not the, and people
9 began to look at other commuting patterns,
10 traditional boundaries, traditional
11 neighborhoods, much better than they did back in
12 1990. The year 2000 was pretty much perpetuated.
13 This is now 2010 census and we're taking a look
14 at that.

15 MS. POPE: Okay, thank you very much.

16 MR. MCENENY: Thank you. Yes?

17 MR. NOZZOLIO: Just a quick question.
18 You'd mentioned across upstate, the limited
19 number of African-American representatives, and I
20 know there's one in Buffalo, Rochester, and
21 Syracuse. Other people have been asked, and you
22 talked about possibly greater representation.
23 Other people have asked about maps being
24 presented. Have you looked in at all as a

2 possibility to present the Task Force with
3 proposals that you think that might make that
4 more likely?

5 MS. POPE: I have not done that, only
6 because I've been dealing with the county and, of
7 course, the national, but I could certainly do
8 that. I think I could do that. What is your
9 timeline?

10 MR. NOZZOLIO: Our timeframe?

11 MS. POPE: Yeah.

12 MR. NOZZOLIO: Well--

13 MS. POPE: Tomorrow?

14 MR. MCENENY: We don't--assuming things
15 stay as they are, we don't expect to be actually
16 drawing anything that's a near finished product
17 until after the last public hearing, and the
18 public hearings are in two phases. The last
19 phase one public hearing is on the 5th of
20 October. Then drawing will take place during
21 October, early November, and then when you've
22 actually got draft maps, that's always a much
23 more contentious--

24 MS. POPE: Okay.

2 MR. MCENENY: --the same 12 hearings
3 will be held all over again, but this time with
4 actual proposed districts that people will weigh
5 in on. So if something were to come in here over
6 the next month, month and a half, that would be
7 still useful. If it comes to us on November 1st,
8 that's going to be late.

9 MS. POPE: So it's before--thank you, I
10 will try to do that.

11 MR. NOZZOLIO: Thank you.

12 MR. MCENENY: Thank you.

13 MS. POPE: Thank you.

14 MR. MCENENY: LaDon Alamar? LaDon
15 Alamar? Carolyn McLaughlin? Carolyn McLaughlin?
16 Guiermo Martinez? Guiermo Martinez? I believe
17 that concludes. Is there anyone here that wishes
18 to speak? We will, of course, welcome any
19 subsequent participation in other hearings, or
20 submit it in writing as to your thoughts, and
21 this applies to the general public of the State
22 of New York, and suppose and beyond. With that,
23 do we have a motion to adjourn?

24 MR. NOZZOLIO: Motion to adjourn.

2 MR. MCENENY: Adjourn?

3 MR. OAKS: Second.

4 MR. MCENENY: Now, the members will be
5 meeting--it's now 2:15--at quarter of 3 at the
6 latest. We're going to take a break and we'll be
7 meeting here in this room. And that will be a
8 regular meeting.

9 (The public hearing concluded at 2:15
10 p.m.)

C E R T I F I C A T E

I, Julie Davids, do hereby certify that the foregoing typewritten transcription, consisting of pages number 1 to 207, inclusive, is a true record prepared by me and completed from materials provided to me.



Julie Davids, Transcriptionist

August 12, 2011 Date