

NEW YORK STATE  
LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND  
REAPPORTIONMENT

PUBLIC HEARING  
CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING

Tuesday, September 20, 2011

Brooklyn Borough Hall

Community Room

209 Joralemon Street, Brooklyn, New York

10:00 a.m.

Demographic Research and Reapportionment, 9-20-2011

TASK FORCE MEMBERS PRESENT:

SENATOR MICHAEL F. NOZZOLIO, Co-Chair

ASSEMBLY MEMBER JOHN J. MCENENY, Co-Chair

SENATOR MARTIN M. DILAN

ASSEMBLY MEMBER ROBERT OAKS

DEBRA LEVINE

ROMAN HEDGES

WELQUIS LOPEZ

LEWIS HOPPE

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2 (The public hearing commenced at 10:03  
3 a.m.)

4 ASSEMBLY MEMBER JOHN J. McENENY, CO-  
5 CHAIR, NEW YORK STATE LEGISLATIVE TASK FORCE ON  
6 DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT: I would  
7 like to hold a brief meeting of the task force to  
8 go on the record and formally announce two  
9 additional hearings that have been requested in  
10 particular by our two minority members here from  
11 the Senate and the Assembly. And, without  
12 further adieu, I call a meeting of the Task Force  
13 to order. Senator, would you like to do the  
14 introductions first?

15 SENATOR MICHAEL F. NOZZOLIO, CO-CHAIR  
16 NEW YORK STATE LEGISLATIVE TASK FORCE ON  
17 DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT: Thank  
18 you Assemblyman McEneny. Ladies and gentlemen,  
19 good morning. This is the Legislative Task Force  
20 on Redistricting and Reapportionment. We are  
21 conducting a number of hearings across the State  
22 of New York, and we are very pleased today to be  
23 in Brooklyn. The hearing will begin in a moment,

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2 but we would like to first entertain a motion,  
3 and before I do that I want to introduce the  
4 members of the task force. Along with my co-  
5 chair Assemblyman McEneny, is my colleague in the  
6 Senate, Senator Martin Dilan, my Assemblyman,  
7 Assemblyman Bob Oaks. Citizen participants on  
8 the task force are Welquis Ray Lopez, and Roman  
9 Hedges. With that, members of the task force, on  
10 behalf of suggestions made by Senator Dilan and  
11 Assemblyman Oaks for two additional hearings,  
12 which will take our preliminary first run  
13 hearings from the number of 12 to the number 14.  
14 Senator Dilan suggested that another hearing be  
15 conducted on Long Island. We have one scheduled  
16 for the first week of October in Suffolk County,  
17 and Senator Dilan's recommendation is that an  
18 additional hearing be added and that we conduct  
19 that in Nassau County. Assemblyman Oaks wishes  
20 that a hearing be also conducted in the north  
21 country, in Plattsburgh. So with that, Senator  
22 and Assemblyman, we would like to proffer a  
23 motion to add two additional hearings, one in



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2 Nassau, to be conducted on October 27<sup>th</sup>, and the  
3 second in Plattsburgh, to be conducted November  
4 2<sup>nd</sup>.

5 ASSEMBLY MEMBER ROBERT OAKS, NYS  
6 LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH  
7 AND REAPPORTIONMENT: I'll second that motion.

8 SENATOR NOZZOLIO: Any discussion?

9 ASSEMBLY MEMBER OAKS: No, I just wanted  
10 to say Chairman, just thank you for responding to  
11 those requests, and I look forward to supporting  
12 the motion.

13 ASSEMBLY MEMBER MCENENY: May I ask that  
14 the record be revised to show that there are two  
15 motions on the floor, one offered by Senator  
16 Dilan and seconded by Assembly Member Oaks, and  
17 the second one for Plattsburgh the reverse,  
18 Assembly Member Oaks seconded by Senator Dilan.

19 SENATOR NOZZOLIO: Take all those in  
20 favor.

21 MIXED VOICES: Aye.

22 ASSEMBLY MEMBER MCENENY: Both together.

23 MALE VOICE: Yes.

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2 SENATOR NOZZOLIO: Thank you very, very  
3 much. The Brooklyn hearing, the Borough Brooklyn  
4 will now be underway. That as assemblyman  
5 McEneny indicated, as co-chair of the task force,  
6 I have that responsibility. My name is Mike  
7 Nozzolio, I'm the Senator from the greater Finger  
8 Lakes region. That together these hearings are  
9 to establish a record, a video record, a written  
10 record, for the task force and its deliberations  
11 on redistricting. That there are video cameras  
12 here, and that every testifier will be videoed,  
13 and that will be a portion of the official  
14 record. The record is available on the LATFOR  
15 website. Today we have Debra, it's 86?

16 MS. DEBRA LEVINE: I think it's more  
17 than that.

18 SENATOR NOZZOLIO: Well it was 86 a few  
19 minutes ago in terms of those who have-

20 MS. LEVINE: [interposing] Eighty-nine.

21 SENATOR NOZZOLIO: Eighty-nine have  
22 requested the opportunity to speak, and we want  
23 to hear from everyone, and we want to have-

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2 everyone to have the opportunity to speak. But,  
3 because of the large number, we want to make sure  
4 that everyone will have that opportunity. So, we  
5 would ask our commentators to summarize their  
6 testimony, particularly if they have written  
7 testimony, submit that written testimony. It  
8 will—we assure you, it will be totally included  
9 in the record of the task force. So, that  
10 written testimony does not have to be, or should  
11 not be read. It should be presented, and then  
12 summarized in terms of the major points you would  
13 like to achieve, and have the record be  
14 reflective of. With that, I'd like to ask  
15 members of the task force if they have any  
16 objections to limiting each presenter, in an  
17 effort to make sure we hear everyone before we're  
18 evicted from Borough Hall. And, we want to thank  
19 the Borough of Brooklyn for allowing us to use  
20 this beautiful chamber, today. Does any member  
21 of the task force have an objection to setting a  
22 time limitation on the this hear—on the  
23 individual testifiers?

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2 SENATOR DILAN: What is the limit?

3 ASSEMBLY MEMBER MCENENY: Five minutes.

4 SENATOR NOZZOLIO: A five-minute  
5 limitation.

6 ASSEMBLY MEMBER ROBERT OAKS, NYS  
7 LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH  
8 AND REAPPORTIONMENT: No objection.

9 SENATOR MARTIN M. DILAN, NYS LEGISLATIVE  
10 TASK FORCE ON DEMOGRAPHIC RESEARCH AND  
11 REAPPORTIONMENT: No objection.

12 SENATOR NOZZOLIO: No objections, then  
13 we ask you please--this is as much out of respect  
14 to the 89<sup>th</sup> or 95<sup>th</sup> testifier, as it is to the  
15 first, so please, we're asking you to hold that  
16 and make sure that everyone has the opportunity  
17 to make a statement. Our first testifier is Josh  
18 Pierre, the Flatbush Fair Redistricting  
19 Committee. Mr. Pierre. Before that Senator  
20 Dilan.

21 SENATOR DILAN: Yes, I first just want  
22 to thank my task force members for the additional  
23 two hearings that were requested by the

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2 assemblyman and myself. But also, I first want  
3 to thank borough president Marty Markowitz for  
4 hosting today's Task Force hearing here, and  
5 welcome the entire Task Force to the Borough of  
6 Brooklyn. And, I look forward to hearing from  
7 everyone who lives in Brooklyn with respect to  
8 their own Assembly districts, state Senate  
9 districts, and their Congressional districts. If  
10 we could really focus on those, I really look  
11 forward to that, and I just want to thank the  
12 Task Force for their efforts.

13 SENATOR NOZZOLIO: Thank you Senator.  
14 Assemblyman McEneny.

15 ASSEMBLY MEMBER MCENENY: I echo the  
16 gratitude that was expressed by Senator Dilan for  
17 the hospitality of the city of Brooklyn, it's  
18 provided this beautiful historic room for all.  
19 And, I would also echo the remarks of Senator  
20 Nozzolio that I noticed for example, there's 15  
21 people listed from the same organization. If you  
22 have 15 different things to say, that would be  
23 very, very interesting, but if you could, when

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2 agreeing exactly with the previous speaker, if  
3 you could curtail your remarks to say, "I agree  
4 totally", or "I want to associate myself with the  
5 previous speaker." That would be a great  
6 courtesy particularly to the other people who  
7 would like to speak. I know at one hearing,  
8 somebody said, "Why don't you have this in the  
9 evening?" and we suggested a time, and we  
10 realized that if we had held it in the evening,  
11 we'd be getting out at two or three-o'clock in  
12 the morning. There's a great deal of interest  
13 here, and we do want to hear what everybody has  
14 to say, not necessarily to hear what was read off  
15 in Buffalo, Syracuse, Binghamton, Rochester,  
16 Albany, Westchester, etc., and Queens and the  
17 Bronx. Thank you.

18 SENATOR NOZZOLIO: Thank you.

19 Assemblyman. Senator Dilan?

20 SENATOR DILAN: I just want to make one  
21 more point for the record, and just to let the  
22 public know that as we do here in New York City,  
23 and we do in Kings county, is that whenever we do

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2 have elected officials who are going to testify,  
3 that we do try to accommodate them because they  
4 have other responsibilities as you all know, and  
5 some of them are on the list, and we do try to  
6 take them as elected official and representative  
7 of several hundred thousand individuals. We do  
8 take individuals in the order that they come in,  
9 so we do try to accommodate that. And I really  
10 want to thank the Task Force for respecting the  
11 role of Congress members, state senators,  
12 Assembly members, city counsel members, borough-  
13 wide elected officials and city-wide officials.  
14 Just to make it for the record that we do try to  
15 accommodate them, and we hope everyone  
16 understands that. Thank you.

17 SENATOR NOZZOLIO: Thank you. Any other  
18 member of the Task Force with to say—make any  
19 remarks. Without further adieu, Mr. Josh Pierre.  
20 Josh Pierre. Councilwoman James. Councilwoman  
21 James. Rabbi Lefkowitz.

22 RABBI SHMUEL LEFKOWITZ: Thank you.  
23 Good morning. My name is Rabbi Shmuel Lefkowitz,

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2 Vice President for Community Services of a  
3 Agudath Israel of America. Our growing community  
4 in Brooklyn consists of people of all ages, who  
5 have certain common needs with the rest of the  
6 population, but also have specific needs that  
7 relate to our community - - , and six New York  
8 state senators. All of them are great people,  
9 good friends, but it is quite clear that the  
10 voice and influence of our community is diluted.  
11 We wish to make it clear that our goal is not to  
12 create an orthodox Jewish seat in Congress, or an  
13 orthodox Jewish seat in the New York state  
14 Senate. Our community has very good working  
15 relationships with its elected officials. Our  
16 goal is to maximize our ability to be heard on  
17 the issues that are of concern to us, and to end  
18 the current state of disenfranchisement of our  
19 community. How district lines are drawn has a  
20 dramatic effect on our community. The boundaries  
21 for new election districts will soon be set, and  
22 the future of our democracy depends on how these  
23 decisions are made. On the congregational, the



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2 orthodox community in the southern tier of  
3 Brooklyn is represented by Congress Member Yvette  
4 Clark, Congressman Grimm, Congressman Nadler,  
5 Congressman Towns, Congressman Turner. In all of  
6 these districts, the orthodox Jewish community is  
7 a minority in each of these districts. The  
8 Congressional districts—these Congressional—in  
9 the New York state Senate, it's the same thing.  
10 The orthodox community is represented by six New  
11 York state senators. Again, each of these  
12 districts extends primarily into other  
13 communities. The orthodox Jewish community in  
14 each of these state senator districts is a  
15 minority. In each of these district lines, and  
16 the state senators I'm talking about, the lines,  
17 I'm taking about, is the 20<sup>th</sup> district represented  
18 by Senator Adams, and the 20<sup>th</sup> district  
19 represented by Martin Golden, the 27<sup>th</sup> district  
20 represented by Carl Kruger, the 21<sup>st</sup> district  
21 represented by Kevin Parker, the 19<sup>th</sup> district  
22 represented by John Sampson, and the 23<sup>rd</sup> district  
23 represented by Diane Savino. It is quite clear

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2 that the voice and influence of our community has  
3 been diluted. Our community is disenfranchised  
4 by the fragmentation and dilution of power and  
5 influence. What we are asking for is culturally  
6 sensitive redistricting, not political  
7 districting, not independent districting, but  
8 culturally sensitive districting. Look at the  
9 southern tier of Brooklyn, see who lives there,  
10 draw the lines based on common culture, and  
11 common needs, and common values. We want  
12 districts that enable us to elect officials that  
13 can present our needs and our values. Thank you  
14 for listening.

15 ASSEMBLY MEMBER MCENENY: Thank you.

16 SENATOR NOZZOLIO: Thank you very much.

17 Dr. Meir Wikler. Dr. Meir Wikler. Leon  
18 Goldberg. Leon Goldberg.

19 MR. LEON GOLDBERG: Leon Goldenberg.

20 Morning everybody. I'd like to really reiterate  
21 Rabbi Shmuel Lefkowitz made a perfect case for  
22 us. We are a minority community. We do have our  
23 own needs. We do have our own wants, which are

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2 different, schooling which is a major issue for  
3 us. Our biggest single issue is the private  
4 schooling, and we are broken up into five  
5 separate Congressional districts, and six state  
6 Senate districts. We do have common needs, we do  
7 have common wants, and I think it's important  
8 that it is culturally sensitive to recognize that  
9 we are a minority. We are possibly one million  
10 orthodox Jews in the United States, so we're  
11 really an infinitesimal amount. We're definitely  
12 much larger here in New York, and especially in  
13 Brooklyn. But, we still are a very large  
14 minority community, and we find that our needs  
15 and wants are not met with the current  
16 Congressional and state Senate districts. Thank  
17 you all.

18 SENATOR NOZZOLIO: Thank you very much.  
19 Chaim Israel. Chaim Israel. Mr. Israel could  
20 you hold for one second. Please if you would the  
21 door behind--thank you ma'am.

22 MR. CHAIM ISRAEL: Good morning. My  
23 name is Chaim Israel. I'm the current president--

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2 SENATOR NOZZOLIO: [interposing] Excuse  
3 me again Mr. Israel, would you make the  
4 microphone—would you pull it closer to you, the  
5 whole—

6 MR. CHAIM ISRAEL: Sure.

7 SENATOR NOZZOLIO: Thank You. Maybe  
8 even a little more.

9 MR. CHAIM ISRAEL: Okay, here we go.

10 SENATOR NOZZOLIO: Thank you very much.

11 MR. CHAIM ISRAEL: Good morning. My  
12 name is Chaim Israel, I'm the current president  
13 of the YMHA of Borough Park. The YMHA of Borough  
14 Park was established in 1917 as a community  
15 service center. It is a UJA Federation member  
16 agency servicing the Borough Park, Kensington,  
17 Midwood, and Williamsburg communities in  
18 Brooklyn. To date we've grown in size and  
19 membership. Our membership roles stand today at  
20 roughly 6,000 members, God bless them. We offer  
21 a broad range of services and programs for all  
22 ages. Our membership covers a spectrum of the  
23 communities population ranging from elementary

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2 grade children all the way up to senior citizen  
3 programming. Just this past Sunday we celebrated  
4 the 10<sup>th</sup> founding anniversary of our Club Nissim.  
5 Club Nissim is a support group for the aging  
6 holocaust survivors in Brooklyn, and we now have  
7 an enrollment of approximately 1,200 members,  
8 active members, God bless them. For this  
9 momentous occasion, we published a photo album of  
10 pre-war, Eastern Europe communities. The  
11 material was contributed by—the book was edited  
12 by the members of Club Nissim. The survivors  
13 have not forgotten the past, and to this day  
14 still celebrate their miraculous survival of the  
15 destruction of Europe. Yes, thus the name of  
16 Club Nissim, miracles. It's 60 years since the  
17 remnants of the eastern European communities came  
18 across the Atlantic in the World War II troop  
19 carriers, my parents and I amongst them. Over a  
20 span of time, our parent's generation and their  
21 successors successfully established themselves in  
22 this good land, America. The community thrived  
23 and prospered by the grace of God, and of course

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2 with the help of understanding of friendly  
3 elected officials. They were very accommodating,  
4 some more than others. In the years of my career  
5 in public service, I've watched politicians come  
6 and go. I've also watched with dismay,  
7 redistricting after redistricting, successfully  
8 slicing and dicing our communities, leaving our  
9 neighborhoods hopelessly divided across multiple  
10 political wards. It's high time that our  
11 community be given an opportunity to elect  
12 officials, to give us a voice in the halls of  
13 legislators. Similar to other communities across  
14 the Empire state, reflecting our wants, our  
15 needs, our aspirations, and our values. Not as a  
16 mere accommodation, but as a real partner in the  
17 political process, with a seat at a table. Thank  
18 you very much for listening.

19 SENATOR NOZZOLIO: Thank you very much.

20 Gary Sclessinger. Gary Sclessinger.

21 MR. GARY SCLESSINGER: Good morning  
22 distinguished co-chairs and members of the Task  
23 Force, the New York Legislative Task Force on

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2 Demographic Research and Reapportionment. I  
3 appear before you as a representative of the  
4 Williamsburg Jewish community, we're also now a  
5 part of Clinton Hill and Bedford-Stuyvesant, as  
6 well as a concerned citizen. My name is Gary  
7 Sclessinger. I'm the executive board chair of UJ  
8 Care, which represents approximately 70-80  
9 thousand orthodox Jewish residents, and like I  
10 said, Williamsburg, Client Hill, Bedford-  
11 Stuyvesant. Our organization is a not for profit  
12 organization which assists, provides, and directs  
13 service to people who have no other means, and  
14 depends on social services and also advocates for  
15 policy changes beneficial to schools and the  
16 community and the City as a whole. I appreciate  
17 the fact that I have this opportunity to talk.  
18 As a child of immigrants and Holocaust survivors,  
19 I can only say that only in the United States, we  
20 really had a chance to speak openly to lawmakers  
21 who write the laws and implement policy, and are  
22 ready and happy to hear what we have to say.  
23 Over 60 years have passed since our parents,

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2 immigrants mainly from Eastern Europe, arrived  
3 here in this blessed country, after fleeing the  
4 Holocaust during World War II. They built from  
5 scratch new institutions, and poured millions  
6 upon millions of dollars into schools,  
7 synagogues, community centers. We are continuing  
8 to do exactly that to this day.

9 As of today, our new younger generations  
10 want to stay in the same communities. And  
11 because of that, we are one of the fastest  
12 growing community in New York State. In  
13 addition, we always have been represented as one  
14 big community where our voices were united and we  
15 did our civic part for our community. We are  
16 very worried that this will change, and we will  
17 be diluted and our influence as a community will  
18 be diminished. As one community, we share the  
19 same culture, same religious beliefs, and our way  
20 of life. There's a certain ethnic sensitivity  
21 that should be considered when lines are drawn,  
22 because there are so many special needs. I  
23 should say that the current state Senate lines in



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2 our community is kind of troubling. On one hand,  
3 our representation from the house, the other  
4 house of this legislative body, the state  
5 Assembly district line, in our case, is the 50<sup>th</sup>  
6 Assembly district represented close to 40 years  
7 by our great assemblyman Joel Lentil, is more  
8 consistent with our needs. But on the Senate  
9 map, we are divided into portions of other areas  
10 in Brooklyn.

11 Currently, we are represented by two  
12 Senate districts. We have Senator Squadron,  
13 which is the 25<sup>th</sup>, and we have Senator Dilan,  
14 who's sitting here, he's from the 17<sup>th</sup> district.  
15 Both State Senators have been highly sensitive to  
16 our community needs, and we appreciate what they  
17 are doing. But at the same time, we are  
18 extremely concerned that as our community grows  
19 by leaps and bounds, and as our boundaries have  
20 expanded, that it is important to stay together  
21 as one big family, and have our voices heard. If  
22 we stay together as a community, we believe we  
23 will prosper, and we will continue to be able to

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2 raise our children as great American citizens. I  
3 would ask you all to please review the district  
4 lines as best as you can. Take into  
5 consideration the needs of our community, a  
6 community that has stayed committed to the city  
7 of New York, that has stayed committed to the  
8 state of New York that has pumped in millions of  
9 dollars into the neighborhood, a community that  
10 is committed to making our neighborhoods work.  
11 Please look at these district lines carefully and  
12 see what you can do to preserve our community as  
13 a whole. Let our voices be heard. Thank you  
14 very much for listening.

15 SENATOR NOZZOLIO: Before you leave, Mr.  
16 Sclessinger, I'd like to ask you and Rabbi  
17 Lefkowitz, and Leon Goldberg, and Mr. Israel to  
18 understand that we, as the task force, welcome  
19 this type of input. We also would welcome the  
20 opportunity to see your suggestions through maps,  
21 through specific proposals. That, your testimony  
22 is certainly well listened to, but we would like  
23 you to consider following up as other

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2 organizations have been encouraged. Other of the  
3 representatives of certain particular groups  
4 throughout the state, we've asked to submit  
5 mapping, submit kinds of proposals that would  
6 maximize the interest in your view of the  
7 community that you represent. So, with that, I'd  
8 like to thank you for your testimony, and  
9 encourage you and the other three or four  
10 witnesses who testified to submit to the Task  
11 Force, specific suggestions.

12 MR. GARY SCLESSINGER: Thank you.

13 SENATOR NOZZOLIO: Thank you. Yoshi  
14 Mentzer. Yoshi Mentzer. Yeruchim Silver.  
15 Morning.

16 MR. YERUCHIM SILVER, COMMUNITY BOARD 12:  
17 Good morning members of the Committee. My name  
18 is Yeruchim Silver, I'm a member of community  
19 board 12, president of a local synagogue, and  
20 I've been employed or retained by a number of  
21 non-profits in the area of community and  
22 government relations. I've also worked in  
23 government as a legislative staffer, so I really

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2 experienced interaction with government from both  
3 sides of the table. I'm going to reiterate many  
4 of the points that Rabbi Lefkowitz and Mr.  
5 Goldberg indicated, but I will make some  
6 additions. Over the years, I've had many  
7 occasions to call upon legislators on the  
8 federal, state, and city levels, either on behalf  
9 of an employer or client or my role as a  
10 community activist, helping individuals navigate  
11 government bureaucracy. What my experience has  
12 shown that some legislators are more responsive  
13 than others to particular issues that are brought  
14 before them. In almost all instances, the more a  
15 legislator is familiar with a particular  
16 community, or happens to represent larger chunks  
17 of the community, they'll be more likely to  
18 properly respond to the needs of the community  
19 and its individuals.

20 The orthodox Jewish community of  
21 Brooklyn has many unique needs, as was mentioned  
22 before. Virtually all the children in these  
23 communities attend private and parochial schools,

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2 where the cost of tuition can be a very crushing  
3 burden. Families tend to be large, which could  
4 put strains on both the government and community  
5 safety net. There are many charitable and social  
6 service organizations, as was mentioned, and as  
7 was mentioned, a large population of Holocaust  
8 survivors. It makes it imperative that any  
9 legislator representing those areas become  
10 thoroughly familiar with the issues facing the  
11 community. It is also important to have as  
12 complete a representation as possible, and as was  
13 mentioned before, when a neighborhood is divided  
14 among several legislators, especially this  
15 community with their unique needs, the  
16 representation - - becomes diluted, and the voice  
17 of the community can feel silenced.

18 Rabbi Lefkowitz said before, and I won't  
19 repeat it, the community of South Brooklyn,  
20 Borough Park is divided among five Congressional  
21 districts, and six Senate districts. Just let me  
22 add one thing, let me something separate for the  
23 Congressional ones and Senate. I understand

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2 there are many constitutional concerns that may  
3 prevent the entire area from one Congressional  
4 district. Let me focus on one part, the area of  
5 Borough Park, which I've been very involved in,  
6 and keep it in tact as it is as part of the 8<sup>th</sup>  
7 Congressional district. This district is  
8 currently constituted, already has one of the  
9 highest Jewish populations of any district in the  
10 country and contains Jewish communities of  
11 orthodox Jews, both in Borough Park and other  
12 Brooklyn neighborhoods, as well as in upper west  
13 side, and other parts of Manhattan. The same  
14 time I would strongly urge the Committee to  
15 condense the remainder of the south Brooklyn  
16 neighborhoods with strong orthodox populations,  
17 Kensington, Midwood, Gravesend, - - , - - , and  
18 Marine Park into one Congressional district to  
19 ensure that these communities have adequate  
20 representation.

21 Again in the State Senate, as was  
22 mentioned, there are six districts. I do recall  
23 on thing, ten years ago when this process was

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2 done, there was a tentative Senate district drawn  
3 up that included most of Borough Park and  
4 Midwood. Due to various factors, those lines  
5 didn't survive the final version. I would urge  
6 the Committee to consider, and Mr. Chairman, I  
7 take your suggestion, we will work with our  
8 colleagues to create the possible map and present  
9 to the committee. We're actually reiterating and  
10 putting our map, our suggestions how to make—give  
11 this community more adequate representation, one  
12 that understands as uniquely qualified to  
13 advocate for its needs in the halls of  
14 government. Thank you.

15 SENATOR NOZZOLIO: Mr. Silver, before  
16 you leave, let me give you the address to send  
17 that, and it is part of the record. All the  
18 comments of today's hearing, and all the hearings  
19 will be available through the website. The  
20 address is [www.latfor.state.ny.us](http://www.latfor.state.ny.us). So,  
21 latfor.state.ny.us.

22 MR. YERUCHIM SILVER: Thank you.

23 SENATOR NOZZOLIO: Thank you very much,

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2 and we appreciate your testimony today, and your  
3 input in the future.

4 MR. YERUCHIM SILVER: Thank you.

5 ASSEMBLY MEMBER MCENENY: Assemblyman  
6 Camara. Assemblyman Karim Camara.

7 ASSEMBLY MEMBER KARIM CAMARA: Good  
8 morning, and thank you for permitting me to  
9 testify. It's good to see some colleagues here  
10 in Brooklyn. I'm here to testify today of course  
11 before this Legislative Advisory Task Force on  
12 Demographic Research and Reapportionment. As you  
13 know we are here today for a very important  
14 purpose, to recommend to you how new state  
15 legislative districts ought to be drawn for the  
16 next decade. Needless to say, you have a great  
17 responsibility, and a daunting task ahead. I  
18 want to take my time to talk to you about the  
19 redistricting process, and a few particular  
20 appeals. First, one person, one vote, requires  
21 fair representation for everyone. Please draw  
22 districts that maintain equal population across  
23 the state, as required by law and that follows



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2 where people live in their communities. There  
3 should be no down state advantage, there should  
4 be no up state advantage. Our confidence in  
5 government is undermined when the vote of a  
6 person living in one town is weighed differently  
7 from that of a voter in another town.

8 Second, New York's diversity is one of  
9 our greatest strengths. Redistricting should  
10 permit fair representation for all New Yorkers.  
11 Legislative districts should provide fair  
12 representation for people of color. Forty-two  
13 percent of New Yorkers are Black, Latino, or  
14 Asian, yet the number of our elected officials  
15 from minority communities does not represent that  
16 strength in the state legislature and  
17 Congressional delegation, ensuring that  
18 communities of color and minorities have equal  
19 opportunity to elect representatives of their  
20 choice in compliant and in spirit with the U.S.  
21 Constitution, the Voting Rights Act, and court  
22 decisions should be of paramount priority.

23 Third, New York is a composite of

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2 communities of interest. The unnecessary  
3 division of our neighborhoods results in  
4 meandering lines lacking identity. Continued  
5 division of our communities should be avoided.  
6 Strangely shaped districts ignoring traditional  
7 neighborhood suggest the lines are drawn for  
8 political advantage, undermining public  
9 confidence in the fairness of the process and the  
10 system.

11 Fourth, the new law that counts  
12 prisoners at their home of record for purposes of  
13 redistricting must be fully and timely  
14 implemented. This will help correct an imbalance  
15 in political representation that has  
16 disadvantaged many urban communities.

17 Fifth, please make sure that the state  
18 Senate remains at the current number of  
19 districts, 62, not fewer, not more. The State  
20 Constitution was amended over a hundred years ago  
21 to account for New York City becoming a united  
22 city of five counties, and it provided a formula.  
23 That formula may be old, but it's still the law.

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2 While a different number of Senate districts may  
3 be appealing to some, the truth of the State's  
4 Constitution's formula should be honored. The  
5 Senate should not change for mere political  
6 convenience. The proposed 11<sup>th</sup> Congressional  
7 district adheres to all our Constitutional and  
8 Voting Rights Act, therefore, I support the  
9 proposed map for the 11<sup>th</sup> Congressional district  
10 of New York that was originally submitted to you  
11 by Congresswomen Yvette Claw on August 4<sup>th</sup> 2011.  
12 That proposed district adheres to all  
13 Constitutional and Voting Rights Act  
14 redistricting guidelines, and includes many  
15 sections of the historic 12<sup>th</sup> Congressional  
16 district which was originally represented by the  
17 honorable Shirley Chisholm, the first African-  
18 American female elected to Congress.

19 Please give that map submitted your  
20 utmost consideration. Lastly, please continue to  
21 engage the public as you have, and continue to  
22 encourage input as you have and keep the  
23 redistricting decisions out in the open where the

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2 public can see what is happening. Nothing can  
3 help improve our view of the government better  
4 than to see government out in the open where ever  
5 decision is made with the public present.

6 Finally, I'd like to thank some local individuals  
7 who've been a large part of this effort in  
8 helping us reform the system, Dr. John Flatough  
9 [phonetic], Dr. Luther Blake [phonetic], and  
10 civil rights attorney, Esmeralda Simmons, for  
11 their 50 plus years of service for the state and  
12 for Brooklyn. And again, I'd like to thank all  
13 of you for your time, and I can't stress enough  
14 how glad we are to have you here in the nation of  
15 Brooklyn.

16 SENATOR NOZZOLIO: Christopher Strunk.

17 MR. CHRISTOPHER STRUNK: Good morning.

18 My name is Christopher Earl Strunk. I am glad to  
19 hear the nation of Brooklyn is properly  
20 represented here today. Thank you for allowing  
21 me to extend my remarks beyond the copious amount  
22 of paper that I've handed you. I'm with the  
23 Brooklyn Home Rule Coalition. I'm here to talk

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2 about the Constitution for a change, and that we  
3 haven't used it for a very long time, as Mr.  
4 Hedges and Mr. Hope know, and I would not like to  
5 see hedging hope this time. I think that the  
6 nature of the State Constitution is a bottom up  
7 structure, a subsidiarity, which was adopted by  
8 the federal constitution requiring that the  
9 smallest component of competent jurisdiction  
10 should solve problems at a local level. Our  
11 county system is composed of villages and towns,  
12 and cities --

13 SENATOR NOZZOLIO: [interposing] Excuse  
14 me, sir, could you be so kind as to just pull the  
15 microphone a little closer to you. Thank you.

16 MR. CHRISTOPHER STRUNK: The 1,600 plus  
17 villages, towns, and cities that compose the  
18 various counties of which the counties have  
19 severe problems in that they have not been  
20 consolidated to provide equal protection of  
21 voters within. The City of New York is larger  
22 than it's allowed to be under the State  
23 Constitution, and that is exceeded its limit. We

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2 have not started our districting from Hamilton  
3 County that - - . I have a long list of  
4 grievances, which are part of that paper that I  
5 handed you. But, primarily I'm here to speak—I  
6 live in Brooklyn, I was born in Manhattan. Bob  
7 Dornan [phonetic], a friend of mine was born in  
8 Manhattan, ten or so years earlier than I. He  
9 said it was impossible for anybody to run, in  
10 this state, in a fair election. Bob ran in  
11 California, both as a democrat and as republican.  
12 As a republican he ran and won in a gerrymandered  
13 democratic district, so that leaders need a  
14 chance to represent people. What we need,  
15 according to the State Constitution, is nesting.  
16 That is that the smallest political component,  
17 and we start with election districts, are nested  
18 into the house district so that there is no  
19 overlapping. I am—been practicing for the last  
20 20 years in court, and I'm ready to take all of  
21 you on coming up in the 2012 election. And that,  
22 I believe that Brooklyn with 2.--, well who knows  
23 how many people there are here, but 2.8, 2.7,

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2 that's bigger than most states. And we don't  
3 have any elected representation inside Brooklyn  
4 other than what goes to Manhattan.

5 We've got 18 community boards, which are  
6 the fundamental structure of how we manage our  
7 real property. We don't have one incorporate  
8 village or town within Brooklyn, so we depend on  
9 our community boards. The Brooklyn coalition is  
10 interested in a referendum, not only splitting  
11 Brooklyn from Manhattan, because it's too large,  
12 and everything runs from Manhattan, but that we'd  
13 be able to elect within our community boards the  
14 structure of representation, which we hadn't had  
15 for so long. It's longer than I can remember  
16 because it was never that way in 1947 since I was  
17 born. We have a dictatorship. And Bloomberg has  
18 taken on Mussolini aspect, everything he does,  
19 with syndicalism, and that is unacceptable. So,  
20 I'm saying that you have a structure of community  
21 boards, 18 community boards, in which they should  
22 be structured in a way where it goes right to the  
23 U.S. House of Representatives, which I believe

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2 the federal government has succeeded from New  
3 York. I thought we could succeed from the  
4 federal government, they succeeded. They no  
5 longer listen to us. They're listening to a  
6 syndicate, which is absolutely unrepresentative  
7 of any interest of the state of New York.

8 So, I just want to emphasize that I'm  
9 available for further comment, and certainly I'm  
10 available to go to court.

11 SENATOR NOZZOLIO: Thank you very much.

12 MR. CHRISTOPHER STRUNK: Thank you.

13 SENATOR NOZZOLIO: Councilman Jumaane  
14 Williams. Councilman Williams. Professor Terry  
15 Hung. Professor Terry Hung. Bethany Li. Good  
16 morning.

17 MS. BETHANY LI, STAFF ATTORNEY - ASIAN  
18 AMERICAN LEGAL DEFENCE & EDUCATION FUND (AALDEF):  
19 Good morning. Is this close enough? It's good?  
20 My name is Bethany Li, I'm a staff attorney at  
21 the Asian-American Legal Defense and Education  
22 Fund. We're a national civil rights organization  
23 founded in 1974. Among other things, ALDEF



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2 participates in many coalitions and planning  
3 initiatives focused on protecting the lower  
4 income communities of color in Sunset Park  
5 Brooklyn and in Manhattan's China Town in lower  
6 east side. After interviewing numerous community  
7 groups, ALDEF has submitted recommendations for  
8 Asian-American communities of interest that  
9 should not be divided.

10 I have worked extensively in some of  
11 these communities with community organizations,  
12 residents, workers, small businesses, and  
13 property owners. I've also represented many  
14 individuals, and churches, and land use and  
15 housing cases in both Sunset Park Brooklyn and  
16 Manhattan's China Town, lower east side. In  
17 addition, I've conducted a survey of the impact  
18 on luxury development on the housing needs  
19 encountered by residents in many of these  
20 communities and the experiences of neighborhoods  
21 and residents in Sunset Park and workers in  
22 Bensonhurst in Brooklyn, and I'm here to  
23 summarize briefly some of the preliminary results

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2 in their experiences to illustrate the  
3 interconnectedness of various Asian-American  
4 immigrant communities.

5 The survey focused on six communities  
6 that have among the largest concentrations of  
7 Asians with the highest poverty levels in New  
8 York City, they are Bensonhurst and Sunset Park  
9 in Brooklyn, China Town lower east side in  
10 Manhattan, and Jackson Heights, Elmhurst, and  
11 Woodside in Queens. Between 2009 and 2010, we  
12 collected a total of 853 surveys in these six  
13 neighborhoods. The survey responses and our  
14 conversations with neighborhood residents,  
15 workers, and small business owners, demonstrate  
16 the interconnectedness of these communities.  
17 They share many characteristics, such as  
18 cultural, background, economic status, languages,  
19 community services and resources, public  
20 transportation, and workplaces. In Sunset Park  
21 30% of Asians live below the poverty level, and  
22 75% are foreign born. Approximately 40,000  
23 Chinese people live in the neighborhood, and 81%

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2 of the Chinese speaking population in this  
3 neighborhood is limited English proficient.

4 This area is currently divided between  
5 two Assembly districts, three Senate districts  
6 and two Congressional districts. A significant  
7 Chinese population of both Cantonese and Mandarin  
8 speakers live in Sunset Park, often considered  
9 Brooklyn's China Town. Sunset Park 8<sup>th</sup> Avenue  
10 serves as the main commercial corridor for both  
11 residents in the neighborhood and other Chinese  
12 neighborhoods in Brooklyn, including  
13 neighborhoods like Bensonhurst. Sunset Park has  
14 grown in part because rents in China Town are  
15 increasingly expensive. Many Chinese people live  
16 in Sunset Park, but continue to work in  
17 Manhattan's China Town, after being priced out of  
18 its rental market. Ironically, city rezoning and  
19 development trends have also pushed more  
20 development into Sunset Park making this  
21 neighborhood also increasingly unaffordable.  
22 Chinese and Latino residents are concerned about  
23 finding housing that is affordable for their

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2 families in this neighborhood.

3 Many Chinese families who may not be  
4 able to afford increasing rents in Sunset Park  
5 have moved to Bensonhurst, a neighborhood in  
6 Brooklyn also with a high percentage of low  
7 income Asian families that show similar  
8 characteristics. Bensonhurst has 17% of Asians  
9 who live below poverty level, and 69% who are  
10 foreign born. Approximately 47,000 Chinese  
11 people live in Bensonhurst, and 70% of the  
12 Chinese speaking population in this neighborhood  
13 is limited English proficient. This area is  
14 currently divided among three Assembly districts,  
15 four Senate districts, and two Congressional  
16 districts. Bensonhurst has also experienced a  
17 growing Chinese population in recent years.  
18 Based on our survey, the biggest reason cited for  
19 moving to Bensonhurst is the lower rents.  
20 Because the population in Sunset Park and  
21 Bensonhurst are similar, the concerns faced by  
22 many of the residents in both neighborhoods often  
23 overlap.

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2 Our survey found that similar percentage  
3 of people in both neighborhoods have the same  
4 amount of difficulty paying bills. At the top of  
5 the list were rent, healthcare, and utilities.  
6 Rental issues also topped the list, and  
7 overlapped in many—in these two Brooklyn  
8 neighborhoods. These two Brooklyn neighborhoods  
9 where the highest percentages—had the highest  
10 percentages of people without leases, in all the  
11 six neighborhoods surveyed. Only 26% and 35% in  
12 Bensonhurst and Sunset Park respectively had  
13 leases as compared to 45% of the people overall  
14 in the six neighborhoods. In addition the  
15 neighborhoods had higher percentages of people  
16 citing lack of heat as a major issue with their  
17 housing. Although Bensonhurst remains more  
18 affordable than Sunset Park, market rate  
19 development has impacted residents in both  
20 neighborhoods in similar ways. A similar  
21 percentage of people in Bensonhurst and Sunset  
22 Park noticed more luxury buildings. They also  
23 noticed every day goods becoming more expensive,

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2 and fewer stores where they can afford to shop.  
3 The same percentage of people in both  
4 neighborhoods noticed that their neighbors—more  
5 neighbors are being forced to move out. However,  
6 despite similar populations and every day needs  
7 and concerns, Bensonhurst is clearly the more  
8 affordable neighborhood based on median rent, and  
9 residents perceptions. For example, our survey  
10 showed that only 13% in Bensonhurst had found  
11 apartments to be unaffordable versus the 25% in  
12 Sunset Park. Although Bensonhurst and Sunset  
13 Park have slight differences in housing  
14 affordability, the shared characteristics between  
15 the Chinese-American population in Bensonhurst  
16 and Sunset Park are significant. In fact,  
17 because the neighborhoods have different levels  
18 of affordability, they are in some ways even more  
19 interconnected as many of the residents from  
20 Sunset Park have moved to Bensonhurst in search  
21 of affordability. Residents in both  
22 neighborhoods have shared common languages,  
23 supermarkets and restaurants, housing concerns

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2 and resources and services.

3           Consequently, Bensonhurst is similar to  
4 Sunset Park and should be grouped together in the  
5 same legislative district. In Manhattan's China  
6 Town, which is one of the last affordable  
7 immigrant neighborhoods in Manhattan, 34% of  
8 Asians in China Town and Lower East Side, live  
9 below the poverty level, and 74% are foreign  
10 born. The percentage of Asians in China Town and  
11 lower east side is 40%, and 73% of the Chinese  
12 speaking population in this neighborhood is  
13 limited English proficient. The area of China  
14 Town and lower east side is currently an 80-64  
15 SEP SD25 and split among CD 12 with Sunset Park  
16 and CD 14 and CD 8. Chinatown and Lower East  
17 Side is comprised of a significant Chinese and  
18 low income, Latino population. The Chinese  
19 population includes Cantonese, Mandarin, and  
20 Fujianese speakers. Many of the newer Chinese  
21 Fujianese immigrants, live east of east Broadway,  
22 stretching further out than what some consider  
23 the historic core of China Town along Lot Street,

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2 Pell Street, and Doyer Street. This neighborhood  
3 is one of the few Asian neighborhoods in which a  
4 significant amount of public housing exists,  
5 which is reflected in the higher percentage of  
6 applications to, and general knowledge about  
7 public housing in our survey among the six  
8 neighborhoods.

9 SENATOR NOZZOLIO: Ms. Li.

10 MS. LI: Yes.

11 SENATOR NOZZOLIO: Excuse me, you've  
12 exceeded the five minute limit by 20%. Could you  
13 please summarize - - .

14 MS. LI: [interposing] Sure.

15 SENATOR NOZZOLIO: Submit your written  
16 testimony, we'll make sure that it's part of the  
17 record. And, in your summary would you answer  
18 the question of whether you will be submitting on  
19 behalf of your organization, any specific maps.

20 MS. LI: Absolutely. Just quickly to  
21 summarize China Town and Lower East Side, the  
22 neighborhoods face very similar problems in terms  
23 of housing affordability. Lack of affordable



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2 housing is often at the top of the concerns that  
3 people raise. Both neighborhoods have been  
4 impacted significantly by city rezoning plans  
5 that have pushed a lot of development into both  
6 of the neighborhoods and both are addressing  
7 similar issues in terms of finding affordable  
8 housing for the many overcrowded and poor housing  
9 conditions that exist in both neighborhoods.  
10 And, the community boards have actually sponsored  
11 a planning initiative that encompasses both China  
12 Town and Lower East Side and we believe that both  
13 neighborhoods should be looked at together when  
14 you are looking at redrawing lines and maps. We  
15 will be submitting maps in addition to our  
16 testimony and we plan to submit these maps before  
17 the first round of hearings is over.

18 SENATOR NOZZOLIO: Excellent.

19 MS. LI: Thank you so much for the  
20 opportunity to testify.

21 SENATOR NOZZOLIO: Thank you very, very  
22 much. Esmeralda Simmons. Esmeralda Simmons.  
23 Good morning.

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2 MS. ESMERALDA SIMMONS, EXECUTIVE

3 DIRECTOR, CENTER FOR LAW & SOCIAL JUSTICE, MEDGAR

4 EVERS COLLEGE: Good morning members of LATFOR,

5 I'm pleased to be here again to speak on two

6 issues. Number one, my name is Esmeralda

7 Simmons, I serve as the executive director of the

8 Center for Law and Social Justice. My center is

9 a legal advocacy and research institution that

10 focuses on racial justice issues, particularly

11 those affecting New York City. My center also

12 staffs the newly found, Coalition Black New

13 Yorkers for Fair Redistricting. To go directly

14 to the point, I'll testify today on the topic of

15 deviation, that is how LATFOR should affect the

16 legal principle of one person, one vote on all

17 levels of state redistricting, particularly when

18 drawing Senate and Assembly districts. The

19 United States Supreme Court has clearly stated

20 that Congressional districts should suffer

21 minimal deviation, so I won't spend much time on

22 that. I know that you know that we try, and we

23 urge you to not have a difference of more than

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2 one person per district, so we don't run into any  
3 major problems with Congressional redistricting.

4 However, although state legislative  
5 redistricting is governed by the equal protection  
6 clause of the United States Constitution, they  
7 have held a more relaxed deviation standard of  
8 10% historically. But, there is now a growing  
9 cry for equal-for greater equalization of state  
10 and local districts. Voices from the second  
11 floor of the state capital to legal scholars, for  
12 example there is a recent note abandoning the 10%  
13 rule and reclaiming one person, one vote in the  
14 Cardozo Law Review of 2010. And many other in  
15 between have been calling on New York state to  
16 reexamine its redistricting deviation criteria.  
17 This aspiration is especially in reach with the  
18 striking technological advances that have been  
19 made in redistricting software. What was  
20 thinkable only 20 years ago, is now achievable  
21 with significantly greater ease. Outside of the  
22 compliance of the Voting Rights Act, there should  
23 be no greater priority than equalizing the size

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2 of districts across the state during this  
3 process. This is especially necessary for LATFOR  
4 to adopt minimizing deviation criteria after the  
5 uproar that was heard across the state over  
6 LATFOR's 2000 state Senate maps exploitation of  
7 the 10% rule. That maps blatant minimizing of  
8 upstate districts while grossly maximizing  
9 downstate districts was offensive to a large  
10 number of New Yorkers. These New Yorkers felt  
11 that the ideal of one person, one vote doctrine  
12 was violated, even though the map was upheld by  
13 the federal court.

14 Indeed, this type of proved  
15 gerrymandering in part spawned the intense pre-  
16 gubernatorial lobbying effort and intensive calls  
17 to eliminate LATFOR and replace your body with a  
18 less political commission that has strict low  
19 deviation criteria. In reaction to LATFOR's  
20 performance in 2000, some-or 2012, some advocates  
21 initially called for the establishment of a 1%  
22 deviation criteria. Many have already discovered  
23 however, as they labor to actually create viable

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2 maps, that 1% has proven to be too stringent.

3 The Center for Law and Social Justice advocates  
4 for minimizing deviation wherever possible, but  
5 allowing up to 4% as a maximum deviation. This  
6 slightly higher percentage provides the necessary  
7 flexibility to respect communities of interest  
8 and create districts where groups protected under  
9 the Voting Rights Act can elect candidates of  
10 their choice.

11 I'm now moving to a second topic,  
12 implementing the Prison Readjustment Act. I'll  
13 just say a few words on that. LATFOR'S  
14 pronouncements regarding its intention to  
15 implement the new law has been heralded as good  
16 and lawful policy. The Center for Law and Social  
17 Justice and other members of Black New Yorkers'  
18 for Fair Redistricting have already testified  
19 about our support for the immediate  
20 implementation of the law. Recent notes sounding  
21 at LATFOR hearings however categorizing this law  
22 as dehumanizing caused us to respond. New York  
23 Prison Adjustment Act is a valid and sound act of

2 public policy. It calls on state agencies to act  
3 to ensure that people incarcerated in state  
4 prison are counted in their home district for  
5 redistricting purposes. The law is neither  
6 flawed nor misconceived. Like any state law, it  
7 is simply limited by the fact that it must rely  
8 on the actions and efficacy of state actors for  
9 its implementation. That state actors not always  
10 100% efficient is not a new discovery, and that  
11 fact should not lead anyone to question the  
12 validity of the underlying statute. Agencies  
13 often have incomplete records, but they are  
14 charged with implementing the law to the best  
15 ability and with curing the omissions as  
16 expeditiously as possible.

17 The New York State Department of  
18 Correction's admission that it does not have home  
19 addresses for all those who are incarcerated has  
20 been know by LATFOR for months. Notwithstanding,  
21 both agencies are still charged by the law with  
22 reallocating the population to the extent  
23 possible. Some of the incarcerated persons have

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2 homes in other states, or have no home address,  
3 that means they will not be allocated to a home  
4 district. In our opinion, that is still an  
5 improvement over continuing the state's practice  
6 of counting their physical person as fodder for  
7 the districts where prisons are located. We  
8 suggest that rather than using LATFOR hearings as  
9 a soap box for disparaging the new law, LATFOR's  
10 energy would be better spent actually  
11 implementing the law. Thank You.

12 SENATOR NOZZOLIO: Ms. Simmons, I have a  
13 question. You talk about the Congressional  
14 versus the State deviation, and you say that the  
15 State should be closer in deviation than the  
16 Congress.

17 MS. SIMMONS: [interposing] Well, it's  
18 not what I said, it's the Supreme-

19 SENATOR NOZZOLIO: We've outlined it.

20 MS. SIMMONS: Yes.

21 SENATOR NOZZOLIO: And that, what-I find  
22 an inconsistency in your support for a prisoner  
23 counting law that only applies to state

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2 legislative districts but not Congressional  
3 districts. If the inconsistency was highlighted  
4 by you for deviation, why are you ignoring that  
5 inconsistency for counting purposes for  
6 Congressional districts? How can there be one  
7 set of rules for state legislative on this very  
8 topic?

9 MS. SIMMONS: There are two sets of  
10 rules, Sir. The Supreme Court has recognized  
11 that there are different sets of rules the state  
12 as opposed to Congressional districting. The  
13 Supreme Court has recognized that Congressional  
14 districting are covered by, by the actual  
15 Constitution and State redistricting is covered  
16 the Equal Protection Act, two very distinct  
17 standards. Because of that, the state can  
18 determine--New York state can determine how it  
19 wants to count its--

20 SENATOR NOZZOLIO: [interposing] I  
21 didn't ask you that question, Counselor. I asked  
22 you the question--

23 MS. SIMMONS: [interposing] I'm



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2 answering the question sir.

3 SENATOR NOZZOLIO: I asked you the  
4 question is, why you support a law that in one  
5 hand deals with prisoner counting, requiring it,  
6 another body, that needs to be redistricted, is  
7 not counting. Don't you recognize an  
8 inconsistency in that approach?

9 MS. SIMMONS: There is an inconsistency  
10 in the law, Sir. As an attorney, I recognize  
11 that inconsistency, and I'm willing to comply  
12 with it, and support the fact that there have to  
13 be different standards. Both in the Prison  
14 Readjustment Act, in the way it's been drafted,  
15 and the way it's being implemented, and in the  
16 deviation.

17 SENATOR NOZZOLIO: Are you saying there  
18 have to be different standards in the counting of  
19 prisoners for Congress—

20 MS. SIMMONS: [interposing] That there  
21 are different standards, sir.

22 SENATOR NOZZOLIO: --and State  
23 legislature? I guess I asked, you said there

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2 have to be? There have to be different-

3 MS. SIMMONS: [interposing] That there  
4 are different standards sir.

5 SENATOR NOZZOLIO: Well, I know that,  
6 and that's why I'm asking you how you can support  
7 that inconsistency.

8 MS. SIMMONS: Because it's the law.

9 SENATOR NOZZOLIO: Well, it's also the  
10 law that the State Constitution requires the  
11 United States Census to govern the State  
12 legislative redistricting process. And that law  
13 is that State Constitutional provision, and I  
14 know you are an attorney, and I've heard you  
15 testify these two times, maybe three, that that  
16 inconsistency for ignoring the State Constitution  
17 by this very prisoner counting law is something  
18 that I guess I'm wondering how you as an attorney  
19 reconcile the fact that there is a State  
20 Constitutional provision that requires the census  
21 to be the ultimate ruling.

22 MS. SIMMONS: Well, the Census Bureau  
23 has stated to all states that they have no

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2 objection to states adjusting their count by  
3 adding, or not adding prisoner adjustment.  
4 That's been discussed by the census department.  
5 The census department actually put out a  
6 pronouncement about it before the Prison  
7 Readjustment Act was passed.

8 SENATOR NOZZOLIO: So you're saying that  
9 the Census Bureau has no objection?

10 MS. SIMMONS: Absolutely.

11 SENATOR NOZZOLIO: But, what about the  
12 State Constitutional provision that requires the  
13 Census to control?

14 MS. SIMMONS: Well the Census Bureau is  
15 the one that decides what's in the Census. If  
16 they have no objection to that being--to the  
17 numbers being adjusted, I think that complies  
18 with the State Constitution.

19 SENATOR NOZZOLIO: And let me clear one  
20 last time Counselor, you indicate that you would  
21 rather have prisoners not counted if the last  
22 known address can not be found, that they in  
23 effect should be exist in terms of their Census

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2 counting?

3 MS. SIMMONS: In terms of redistricting,  
4 in regard to redistricting, that's all the Act  
5 covers—Prisoner Readjustment Act covers. Yes  
6 sir, absolutely. Rather than have their bodies  
7 counted in districts where they are incarcerated,  
8 the Center for Law and Social Justice would  
9 rather not have them counted anywhere in New York  
10 state, except of course for other census issues  
11 like funding, etc. That is not covered by the  
12 Act.

13 SENATOR NOZZOLIO: Thank you.

14 MS. SIMMONS: You're welcome. Any other  
15 questions? Thank you very much.

16 SENATOR NOZZOLIO: David Greenfield.  
17 David Greenfield. David Greenfield. Reverend  
18 Anita Burson.

19 REVEREND ANITA BURSON, BROOKLYN BRANCH  
20 NAACP: Good morning Mr. Chairman.

21 SENATOR NOZZOLIO: Good morning.

22 REVEREND BURSON: Good morning, chairmen  
23 and members of the LATFOR committee, I'm Reverend

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2 Anita Burson and I serve as the second Vice  
3 President of the NAACP, Brooklyn branch. And I  
4 bring these remarks on behalf of our branch  
5 president, Karen Boykin-Towns, and the membership  
6 of the Brooklyn NAACP. I thank you for the  
7 opportunity to testify today on the New York  
8 state Congressional and legislative  
9 redistricting. The long-standing mission of the  
10 National Association for the Advancement of  
11 Colored People is to ensure the political,  
12 educational, social, and economic equality rights  
13 of all persons to eliminate race based  
14 discrimination. Founded in 1909, the National  
15 Association for the Advancement of Colored  
16 People, or as referred to as the NAACP, is the  
17 largest and oldest civil rights organization in  
18 our nation. The birth of the NAACP was rooted in  
19 the disenfranchisement of African-Americans and  
20 other people of color. Its history is one of  
21 activism and relentless advocacy for the safe  
22 guarding of rights of African-Americans and other  
23 minority groups. The struggle has not been easy.

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2 From championing voter registration, and economic  
3 empowerment, to demanding equity in education,  
4 the NAACP has waged a tireless fight to ensure  
5 the civil rights of all Americans. The Brooklyn  
6 branch of the NAACP was established in 1920, and  
7 over the years has gained a reputation as one of  
8 the largest and most effective and influential  
9 branches in the nation.

10 As Pastor of the Opedia Church of Christ  
11 Baptist in Crown Heights, and the second Vice  
12 President of the Brooklyn branch of the NAACP,  
13 I've been involved extensively in these aspects  
14 in the Brooklyn community. Having also served as  
15 the voter empowerment chairperson for the Borough  
16 for the national NAACP. My keen awareness of the  
17 unique niche of religious organizations, and  
18 clergy of various faiths, it is often time  
19 required me to serve as a liaison to the faith  
20 communities of the city and across the state.

21 In my professional capacity, - -  
22 analyzing demographic data on minority population  
23 voting patterns, developed voter education

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2 programs, and GOTV or, Get Out the Vote, efforts  
3 in marginal districts of the state, which makes  
4 me uniquely qualified to represent our branch  
5 when the importance of retaining the political  
6 integrity of the voting rights districts in our  
7 Borough. Today on behalf of the Brooklyn branch,  
8 I'll present four key areas for the committee to  
9 carefully consider. The first, diversity. The  
10 branch is extremely concerned about what we see  
11 as a lack of diversity in the process. We have  
12 found there to be a lack or minimal  
13 representation for the African-American, Asian,  
14 and Hispanic communities as well as female  
15 representation on the LATFOR committee or any  
16 persons of color working on the staff in LATFOR  
17 offices. It is of the utmost importance as you  
18 move around the state, its cities, towns, and  
19 boroughs, that you represent all communities.

20 As a resolution to this concern, the  
21 NAACP is recommending that LATFOR develop an  
22 official advisory committee on which the NAACP  
23 Brooklyn branch - - , one of our New York state

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2 branches, would be willing to serve. Outreach,  
3 as number two. The branch applauds the committee  
4 for holding hearings in 12 locals around the  
5 state, but must point out that more hearings are  
6 needed and at more convenient times for the  
7 general public. We would urge the committee to  
8 hold a hearing in Nassau, for the communities  
9 there interested in providing testimony.

10 SENATOR NOZZOLIO: Excuse me.

11 REVEREND BURSON: [interposing] I'm  
12 about to mention your motion-

13 SENATOR NOZZOLIO: [interposing] Excuse  
14 me, Ms. Burson.

15 REVEREND BURSON: --this morning.

16 SENATOR NOZZOLIO: [interposing] Pardon  
17 me.

18 REVEREND BURSON: Yes.

19 SENATOR NOZZOLIO: I apologize for the  
20 interruption, but we--earlier this morning,--

21 REVEREND BURSON: [interposing] I'm  
22 about to mention it. I made a note-

23 SENATOR NOZZOLIO: [interposing] And so



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2 you were here—

3 REVEREND BURSON: [interposing] of your  
4 motion.

5 SENATOR NOZZOLIO: You were here?

6 REVEREND BURSON: Yes, I was.

7 SENATOR NOZZOLIO: That hearing will be  
8 held, I believe on the 27--the hearing in Nassau,  
9 will be conducted on the 27<sup>th</sup> of October, as well  
10 as a hearing in Suffolk, I believe on the 5<sup>th</sup> of  
11 October.

12 REVEREND BURSON: Yes. We are confident  
13 that our sister branch would be more than eager  
14 to assist in coordinating such a hearing. I did  
15 make note of the motion, as I was about to close  
16 in that part. Our communities are comprised of  
17 working people, and holding hearings in the  
18 morning does not provide access that we believe  
19 you are trying to solicit.

20 SENATOR MCENENY: What time would you  
21 want these hearings to be?

22 REVEREND BURSON: I would imagine, six  
23 or seven p.m. in the evening so that working

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2 people would be able-

3 SENATOR MCENENY: [interposing] That  
4 means we'd get out at three-o'clock in the  
5 morning. Some people have child care  
6 responsibilities.

7 REVEREND BURSON: And I'm certain that  
8 people will moderate their circumstances, but as  
9 public servants, it is thoughtful and wise to  
10 have people who are working to at least have the  
11 opportunity.

12 SENATOR NOZZOLIO: They will, and I  
13 think that's something that we also pointed out,  
14 and I want to point out again. And thank you for  
15 your suffering this interruption. Anyone who  
16 wishes to watch the hearings only need to go to  
17 the LATFOR website at [www.latfor.state.ny.us](http://www.latfor.state.ny.us), to  
18 view your testimony as well as the seven or eight  
19 hours of testimony we will take today.

20 REVEREND BURSON: And will they have  
21 opportunity for input?

22 SENATOR NOZZOLIO: Yes, they will.  
23 Going to that website, you also will have the

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2 opportunity to provide written testimony, any  
3 comments made, we welcome that opportunity. So  
4 thank you for suffering that interruption and for  
5 the opportunity to mention this for the record.

6 REVEREND BURSON: Wonderful. So on to  
7 number three, redistricting. The Voting Rights  
8 Act was passed to ensure that people of color  
9 were not denied their civil and constitutional  
10 rights. Brooklyn is protected under section five  
11 of the Voting Rights Act because of past  
12 discrimination that required heightened security  
13 in many areas, including redistricting. It is  
14 extremely important that communities of interest  
15 are not gerrymandered. Our communities should  
16 not be divided. In particular, the communities  
17 of central Brooklyn, include Bedford-Stuyvesant,  
18 Crown Heights, East Flatbush, Flatbush,  
19 Brownsville, and East New York. The NAACP, like  
20 this committee, has a zero tolerance for  
21 gerrymandering. We urge the committee to be  
22 sensitive, and to ensure that communities of  
23 demographic and ethnic cultural similarities be

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2 kept together. Our communities live, work, and  
3 shop together. We educate our children in the  
4 same schools, we should also have the same  
5 alignment of representation. We understand that  
6 our voting rights district has six seats. We  
7 believe that that does not match our  
8 demographics, which show that we should have at  
9 least nine seats. To this end, we should not  
10 loose seats when this is redrawn.

11 SENATOR MCENENY: In which house?

12 REVEREND BURSON: I'm coming down to it.

13 SENATOR MCENENY: Okay.

14 REVEREND BURSON: If anything, we should  
15 have lines drawn, and this has been submitted to  
16 you electronically so that you will have the full  
17 measure of it. If anything, we should have lines  
18 drawn that allow us to pick up two seats,  
19 downtown Brooklyn, with opportunities in the  
20 Bronx with the Joseph Crowley seat. But, without  
21 a doubt, the three voting rights districts should  
22 continue in Brooklyn. While the branch will not  
23 recommend of Senate seats, we clearly are not in

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2 favor of retrogression of minority seats. We are  
3 also not in favor of a number that will result in  
4 the political gridlock recently experienced. And  
5 finally, number four, but maybe most importantly,  
6 prisoner adjustment law.

7 We would like to remind the committee  
8 that we have been leading advocates of the  
9 prisoner adjustment law. It has been one of our  
10 legislative action items during the past three  
11 years where the NAACP statewide has traveled to  
12 Albany to meet with our state representatives.  
13 We have met with and or distributed information  
14 on our support for this law to all Brooklyn  
15 delegation members of the Assembly and Senate.  
16 We are monitoring that the letter of the law is  
17 followed by this committed in its implementation.  
18 We support full enforcement of this law,  
19 effective this year. And I thank you so much for  
20 your opportunity, and for listening and finding  
21 where measures have taken place already. Thank  
22 you so much.

23 SENATOR MCENENY: Thank you.

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2 Councilwoman Letitia James.

3 COUNCILWOMAN LETITIA JAMES: I apologize  
4 for not being here earlier when you called my  
5 name, unfortunately there was gridlock in the  
6 City of New York. And I thank you for coming to  
7 the greatest borough on earth, and that is  
8 Brooklyn.

9 First, I hear the word retrogression,  
10 and by—I don't mean to offend anyone who is one  
11 the panel, you are public servants and you are  
12 doing the work of the angels, but let me just say  
13 that when it comes to retrogression, when I look  
14 at the body before me, and I look at the audience  
15 that is here today, unfortunately this body does  
16 not reflect the diversity that I celebrate, that  
17 I fight for each and every day, and that is  
18 reflected not only in this city, not anywhere in  
19 the borough and the city, but in the state of New  
20 York. It's unfortunate that there is not an  
21 African-American who can serve on this panel. I  
22 certainly am available if you would be willing to  
23 appoint me, I would be more than willing to stay

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2 up late until three-o'clock in the morning. I  
3 don't have any child care issues, and, Mr.  
4 Hedges, Roman Hedges who I've worked with in the  
5 past, Assembly Member McEneny, and the Senator  
6 Dilan, I am available, you know my numbers.  
7 Thank you.

8 My name is Letitia James, and I  
9 represent the 35<sup>th</sup> district, which is literally  
10 five blocks from here, in the New York City  
11 council. And, in his opinion in Reynolds versus  
12 Sims-

13 SENATOR MCENENY: [interposing] Would  
14 you move the mic-

15 MS. LETITIA JAMES: [interposing] Sure.

16 SENATOR MCENENY: --closer and more  
17 directly.

18 MS. LETITIA JAMES: Chief Justice, Earl  
19 Warren stated that the right to vote freely for  
20 the candidate of one's choice is of the essence  
21 of a democratic society. And, any restrictions  
22 on that right strikes at the heart of  
23 representative government. It has been the role

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2 of all three branches of government, at every  
3 level of government in this nation, to ensure  
4 that the essence of a democratic society is  
5 preserved. We meet here today to fulfill that  
6 obligation by examining how best to redistrict  
7 within the state of New York. While there are  
8 many criteria to consider when redistricting, I  
9 wish to highlight the main criteria, in my humble  
10 opinion.

11 First, LATFOR must make logical  
12 decisions geographically in redistricting.  
13 Districts must be contiguous in territory and  
14 must remain compact in size. The more organized  
15 the geography of a district is, the more  
16 accessible the legislator is to the community.  
17 Along with geographical equality LATFOR must  
18 create population equality between the districts.  
19 Districts should have around a 1% deviation to  
20 ensure that urban localities receive the same  
21 representation as those in rural areas. Second,  
22 the voting rights of people of color, and I will  
23 not say the word minority because we are no



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2 longer the minority in New York City, must  
3 continue to be protected in order to account for  
4 the diversity of New York City and other urban  
5 areas. Again I urge that we add diversity to  
6 LATFOR itself. The Brennan Center for Justice  
7 believes the redistricting body should optimally  
8 reflect the diversity of its state or locality.  
9 New York State is comprised of a 42% minority  
10 population, and it is inexcusable that this body  
11 does not reflect that fact.

12 The second means of protecting the  
13 voting rights of people of color, is to uphold  
14 the Voting Rights Act. The Voting Rights Act of  
15 1965 was enacted to ensure that the maximum  
16 number of Americans took part in their  
17 inalienable democratic right to vote. I am proud  
18 to represent a voting rights district, and I  
19 strongly believe that as a population of color as  
20 in-in this nation, as this nation grows, our  
21 state must remember to adhere to the standard set  
22 forth by the historic act, and in honor of the  
23 Supreme Court and the justices who died for that

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2 right, it's important that we pay homage to the  
3 Voting Rights Act and honor it in all of its  
4 intentions. While creating districts where  
5 minorities—where people of color have the ability  
6 to elect a member of their choice, it is  
7 essential to equality. Segregation must not be  
8 created, and diversity cannot be sacrificed.  
9 Both Shaw v. Reno and Miller v. Johnson stated  
10 that states must not go out of their way to  
11 create voting rights districts. While these two  
12 cases apply to southern states with less urban  
13 areas than our own, the lesson to be learned is  
14 that all criteria for redistricting must work  
15 hand in hand. This relates directly to my third  
16 point in that communities with common cultures  
17 and interests must be preserved. Communities  
18 flourish through the solidarity of their people  
19 and governments thrive when their representatives  
20 can truly represent the ideals of their  
21 constituents.

22 The Voting Rights Act of 1965 helped  
23 establish these communal districts for people of

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2 color and now LATFOR, it is your responsibility,  
3 you must preserve such communities for the entire  
4 population of the state. The fourth issue to  
5 address is the prisoner count law. LATFOR  
6 refuses to implement state law and that-

7 SENATOR MCENENY: [interposing] Wrong.

8 MS. LETITIA JAMES: --is unfortunate.

9 SENATOR MCENENY: Wrong.

10 MS. LETITIA JAMES: Okay. I stand  
11 corrected, but it is important that you take into  
12 consideration the fact that a significant number  
13 of prisoners come from several districts in the  
14 city of New York, and they should be counted  
15 where they live. The districts where prisons are  
16 located receive a much higher population than  
17 they actually have, making population equality  
18 between the districts harder to achieve.  
19 Secondly, prisoners must be counted in the home  
20 of record to assist voting rights districts. By  
21 counting prisoners as residents of their prisons  
22 districts, voting rights districts will have  
23 artificially low numbers in regards to their

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2 minority population. I was just—I just saw, or  
3 it flashed in my head a few minutes ago was a  
4 reminder when President Barack Obama spoke before  
5 the joint houses, and when a representative  
6 interrupted him and said that, "You were wrong."  
7 I would hope that I would be allowed to finish  
8 before you enter and before you—yes they said  
9 that you lied. It's about the same, so I would  
10 hope that you would allow me to finish before you  
11 interrupt. Thank you.

12 While the issue of where prisoners are  
13 counted is important for accurate data, a greater  
14 issue arises from this debate. LATFOR, whether  
15 or not you are ignoring state law is a prime  
16 example of the irresponsibility that has plagued  
17 the state legislature in recent years. Such  
18 actions are unjust for the citizens who elected  
19 these officials. Actions like these justify  
20 Governor Cuomo and Mayor Koch's call for and  
21 independent body to handle redistricting. The  
22 final suggestion that I have for LATFOR is  
23 proceed with patience. The task ahead of you is

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2           daunting and has tremendous implications. The  
3           most recent census shows that the demographics of  
4           our state are ever changing. My district has had  
5           significant demographic changes in the past  
6           decade, which has added to the diversity of my  
7           community. While the increase of diversity is a  
8           positive addition, such an increase makes it  
9           harder for my district to abide by the Voting  
10          Rights Act.

11                 While redistricting will solve the issue  
12          of having a district control by someone of color,  
13          I question the immediate need to fix this problem  
14          through redistricting. It is clear to all New  
15          Yorkers that the 2010 Census data is deeply  
16          flawed. New buildings are being erected and  
17          being occupied every day in this Borough, but the  
18          data states that Brooklyn added only a little  
19          over 39,000 residents in the past decade. I can  
20          tell you there are 39 residents who are living  
21          just within two blocks from this building. I  
22          believe recent immigrant and minority communities  
23          have been under represented drastically, which

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2 greatly impacts the redistricting of a voting  
3 rights district. Thus I urge the task force to  
4 work with the Census Bureau in getting more  
5 accurate information before the state Assembly,  
6 state Senate, and Congressional districts within  
7 the 35<sup>th</sup> council district, a change dramatically.  
8 The final issue I'd like to speak about today is  
9 the Governor's call for an independent commission  
10 to replace LATFOR.

11 With all due respect to the task force I  
12 address today, I strongly support the Governor's  
13 legislation for an independent commission. An  
14 independent body will more fairly represent the  
15 people of the state, and ensure that inevitable  
16 temptation for legislators to conflate the public  
17 interest with personal or partisan gain, does not  
18 take precedent. Although LATFOR has no say in  
19 the in the independent commissions  
20 implementation, I urge you to embody many of the  
21 characteristics that the commission looks to  
22 deploy. With that request in mind, I push for  
23 greater transparency from this task force. Since

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2 your decision impacts every person in the state,  
3 every person should know about your decision  
4 making process. LATFOR itself must become as  
5 diverse as the city/state that it represents.  
6 The task force must create districts that are  
7 contiguous and compact. You must create  
8 districts that are similar in population and that  
9 do not separate communities of interest. And you  
10 must, above all things abide by state laws and  
11 adhere to the standards set by the Voting Rights  
12 Act of 1965. I know many of my colleagues and  
13 citizens in this state share many of the same  
14 views as I have on this issue of redistricting.  
15 Hence I appear before you today as a New Yorker,  
16 not as a politician strongly urging the New York  
17 State Legislative Task for on Demographic  
18 Research and Reapportionment to listen to all the  
19 opinions of those appearing before you today when  
20 making your decision.

21 I am a proud graduate of Howard  
22 University Law School. Howard University Law  
23 School was a laboratory for the Voting Rights

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2 Act. Howard University is where Justice Marshall  
3 engineered the Voting Rights Act. As a proud  
4 graduate of that institution, and as someone—and  
5 as a school which creates individuals who are  
6 committed to social justice, as I am here today,  
7 I would urge you to adhere to the mandates of the  
8 Voting Rights Act and to do the right thing. And  
9 last but not least, again to have a  
10 representative who looks like me, and the  
11 majority of the individuals in this room. Thank  
12 you.

13 SENATOR MCENENY: Councilwomen.

14 MS. LETITIA JAMES: Yes.

15 SENATOR MCENENY: First, I apologize for  
16 saying, "not true" to that.

17 MS. LETITIA JAMES: That's—thank you.

18 SENATOR MCENENY: There have been a  
19 number of people who have come and perpetuated a  
20 lie that has been out there for some time, that  
21 LATFOR was going to ignore the law, totally  
22 untrue. And, I was afraid that there was a long  
23 paragraph going into a description of how that



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2 lie was going to be enacted. We will obey the  
3 law. We have neither the inclination nor the  
4 ability to ignore the law, and it was unfortunate  
5 that somebody came out with that in July in an  
6 effort to discredit LATFOR because someone else  
7 didn't get to draw the lines. The-

8 MS. LETITIA JAMES: [interposing]  
9 Assembly Member McEneny, I've worked with you  
10 when I was a former chief of staff to Assembly  
11 Member, then Assembly Member, Al Van. I respect  
12 you, I recognize your integrity and your  
13 intelligence, and I take you at your word.

14 SENATOR MCENENY: Thank you. Tell me,  
15 who drew up the lines for the New York City  
16 counsel?

17 MS. LETITIA JAMES: There are a number  
18 of individuals who drew up the lines, a lot of  
19 them who are in this room. And, I'm going to  
20 continue to have conversations with them as we go  
21 forward with respect to the New York City lines.

22 SENATOR MCENENY: All right. We have  
23 every intention of obeying ever law, including

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2 the New York State Constitution. The 1% that has  
3 been discussed would be unconstitutional because  
4 there are some rather large towns that when put  
5 together come out perfectly to be a district of  
6 one kind or another, towns may not be broken in  
7 New York State. So, that would be impossible.  
8 Also, block on border, when you get into large  
9 blocks, can also mean that you wind up with 2 or  
10 3% variance. Also the protection of the  
11 traditionally disadvantaged minority groups that  
12 are specifically protected under the Voting  
13 Rights Act—

14 MS. LETITIA JAMES: [interposing] Yes.

15 SENATOR MCENENY: --of 1965 often means  
16 that you are looking more at that law, than you  
17 are at an arbitrary 2 or 3%. Then it protects—it  
18 protects us from not having a retrograde of the  
19 voting voice that we want minorities to have, and  
20 are required to make sure they have.

21 MS. LETITIA JAMES: And Assemblyman, to  
22 the issue of the lack of an African-American  
23 serving on this body, I did not hear you speak to

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2 that issue.

3 SENATOR MCENENY: We are one-third  
4 minority, two people are native Spanish speakers,  
5 as you may have noticed, and it is unfortunate we  
6 not only have a lack of an African-American, but  
7 also we could use a woman. Unfortunately, we  
8 have a number of women and African Americans who  
9 are not here at this table, including one of our  
10 co-executive directors Debbie Levine, whom you've  
11 seen down at the end of the table. There-

12 MS. LETITIA JAMES: [interposing]  
13 Assemblyman-

14 SENATOR MCENENY: --is input.

15 MS. LETITIA JAMES: [interposing]  
16 Sorry.

17 SENATOR MCENENY: To be sure there is  
18 input and sometimes when we draw from the elected  
19 body, it doesn't turn out that way.

20 MS. LETITIA JAMES: Assembly Member  
21 McEneny, I have seen you in the past move  
22 mountains, and so I trust that you will do the  
23 right thing, and I would hope that you will again

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2 raise the issue, unfortunately the lack of  
3 representation on this body, in addition to that  
4 the flaws in the Census. And I thank you for  
5 this opportunity, and I thank each and every  
6 member of the panel. Thank you.

7 SENATOR MCENENY: Thank you.

8 SENATOR NOZZOLIO: Congresswoman Yvette  
9 Clark.

10 CONGRESSWOMAN YVETTE CLARK: Assemblyman  
11 McEneny, State Senator Michael Nozzolio, and to  
12 the members of New York State Legislative Task  
13 Force in Demographic Research and  
14 Reapportionment, also knows as LATFOR. I'd like  
15 to give a special greeting—also give a special  
16 greeting in acknowledgment to our Brooklyn State  
17 Senator, the honorable Martin Dilan for his  
18 leadership in this endeavor. Good morning.

19 My name is Yvette D. Clark, I'm a member  
20 of the 112 session of Congress for the 11<sup>th</sup>  
21 Congressional district of New York. I was quite  
22 pleased to be able to represent the 11<sup>th</sup>  
23 Congressional district recently at the August 4<sup>th</sup>

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2 2011 New York State Legislative Task Force on  
3 Demographic Research and Reapportionment  
4 redistricting hearing in Albany. At that  
5 hearing, I introduced a proposed map for a newly  
6 created 11<sup>th</sup> Congressional district, which as you  
7 are aware, I currently represent as a member of  
8 Congress. I am resubmitting for your  
9 consideration a hard copy of the proposed map as  
10 well as supplemental material containing more  
11 demographic information. The proposed district  
12 with neighborhood boundaries, the proposed  
13 district with the current 11<sup>th</sup> Congressional  
14 overlay, and supporting documentation.

15 Please note that upon your request, I  
16 can provide you with an electronic version of  
17 these maps and an assignment list. Since the  
18 time of my initial testimony, a number of my  
19 constituents, colleagues, and friends have  
20 expressed their support for the proposed map. I  
21 suspect that you will hear from a delegation of  
22 them today. Please keep in mind the following,  
23 the proposed 11<sup>th</sup> Congressional district adheres

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2 to all constitutional and Voting Rights Act  
3 redistricting guidelines. The district meets the  
4 requirement for equal population, compactness,  
5 contiguity, and complies with all provisions of  
6 the Voting Rights Act. The proposed district  
7 substantially maintains the same geographic and  
8 demographic configuration as the current  
9 district, with the exception of it being  
10 increased in size by 85,219 persons, changing  
11 slightly to achieve the population equality with  
12 the other districts in New York State. This  
13 district is comprised of a total voting age  
14 population of 55% Black, 28% White, 12% Hispanic,  
15 and 5% Asian so that this district will remain a  
16 majority minority district.

17 According to the United States Census  
18 Bureau, the current district is the third most  
19 compact district in the Nation. The proposed  
20 district adheres largely to its present  
21 boundaries and still maintains its highly compact  
22 nature. This expansion into south central  
23 Brooklyn neighborhoods increases the population

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2 of them to meet the 717,707 persons requirement.  
3 The district—the proposed district is defined by  
4 shared interest, such as a social, economic,  
5 cultural, linguistic, and other factors that  
6 indicate communities of interest. The current  
7 district includes many sections of the historic  
8 12<sup>th</sup> Congressional district, which was originally  
9 represented by the honorable Shirley Chisholm,  
10 the first African American female elected to  
11 Congress. The proposed district adheres to the  
12 Voting Rights Act principles for redistricting,  
13 and this district is covered by section five of  
14 the Voting Rights Act.

15 I'd like to thank you once again for  
16 allowing me to address you this body again today.  
17 As you deliberate, I urge that you give your  
18 utmost consideration to the proposed map of the  
19 11<sup>th</sup> Congressional district of New York. If there  
20 are any questions or comments concerning my  
21 testimony, please feel free to contact me. And,  
22 I'm available at this moment to answer any  
23 questions you may have. Thank you very much.

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2 SENATOR NOZZOLIO: Congresswoman, thank  
3 you very much. It's great to see you again, and  
4 that we appreciate very much the proposal that  
5 you put forward, and that I encourage, as all the  
6 task force does, and we'll put this on the record  
7 again that we encourage suggested maps, that your  
8 suggestions are very helpful, and that we will  
9 certainly make sure that LATFOR considers them in  
10 detail. Thank you very, very much.

11 CONGRESSWOMAN CLARK: Thank you all very  
12 much, and thank you for coming to the great  
13 borough of Brooklyn, the big County of Kings.

14 SENATOR MCENENY: Assemblyman Nick  
15 Perry. Nick Perry.

16 ASSEMBLY MEMBER NICK PERRY: Good  
17 morning. To my colleagues, I just want to thank  
18 you for traveling all the way to Brooklyn to  
19 allow my constituents and other residents of  
20 Brooklyn, the opportunity to testify before you  
21 today and provide you with some information that  
22 I hope you will find quite useful as you try to  
23 complete the challenge of constructing districts



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2 which will be fair enough to enable empowerment  
3 for New York's gorgeous mosaic of people.

4 First, I'd just like to say that I know  
5 that your task is quite daunting, especially in  
6 the current atmosphere. But, I'd just like you  
7 to know that I'm sure that at the end of the day,  
8 you know that New York's citizens and voters  
9 appreciate your efforts. And, I'd like to offer  
10 my own best wishes for a timely completion of  
11 your task. Notwithstanding, I wish to express  
12 the disappointment here at the scheduling of your  
13 hearings. For example, today's hearing is  
14 scheduled for 10:00 a.m., this Tuesday morning.  
15 And like all your other hearings, scheduled  
16 likewise, that means that working people all over  
17 the state, who cannot get some time off from  
18 work, will be unable to make their voices heard  
19 regarding this very critical and important  
20 exercise that is taking place, one that can have  
21 significant impact, as a matter of fact, one that  
22 will have significant impact on them and their  
23 children going into the future.

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2 I urge you to move forward on your—that  
3 as you move forward on your mission, you will  
4 consider scheduling an appropriate—a  
5 proportionate share of your hearings for evening  
6 hours, when you get to the next round, so that  
7 all New Yorkers will have an opportunity to be  
8 heard. While I do not come to you today with any  
9 maps or specific district proposals for Senate or  
10 Assembly legislative districts, my colleagues and  
11 I are working with a variety of community groups  
12 that will present proposed district maps today,  
13 and in the near future. I am aware that some of  
14 those groups have presented maps at previous  
15 hearings. With regards to those state  
16 legislative lines, I just want to speak in  
17 general and on some issues that we are all  
18 concerned about. And, I intend to provide—and I  
19 hope that as we move on my colleagues with whom  
20 we are working on those groups will provide  
21 specific and aggressive monitoring as we move  
22 forward.

23 One of the very important issues is

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2 determining the size of each legislative  
3 district. Based on the current census data, with  
4 a 150 Assembly districts, each district has been  
5 determined to have, or need a population of about  
6 129,000 people. Past redistricting practices  
7 have allowed for some deviation from the  
8 determined—from that determined population  
9 figure. It is also well known by those who  
10 monitor redistricting activities, that the higher  
11 the deviation allowed, the more likely it is for  
12 blatant gerrymandering to occur. Current  
13 sentiments across Brooklyn and our state support  
14 allowing for the lowest deviation, if any at all  
15 is needed. If we must allow some deviation, I  
16 urge that you draw the lines at no more than a 2%  
17 deviation. As I said before, 0% deviation is the  
18 optimum choice, but there should be no acceptable  
19 reason to go higher than 2%. Brooklyn is one of  
20 the three counties in New York where legislative  
21 districts are subject to the protection of the  
22 Voting Rights Act.

23 So, as you construct these new

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2 districts, I know that you will remain mindful of  
3 the fact that any attempts to propose districts  
4 which will dilute the voting power of ethnic,  
5 cultural, racial minorities or other groupings  
6 that share a community of common interests could  
7 end up in a long drawn out court battle.

8 However, all of us expect that you will go the  
9 extra mile to draw districts that are as compact  
10 as they can feasibly be constructed and that  
11 you'll make every effort to keep communities of  
12 interest together, thereby enhancing their  
13 ability to achieve political empowerment. At  
14 this point, I wish to express my support for the  
15 efforts of Asian, and Indo-Caribbean communities  
16 in Queens and other parts of our state. And, be  
17 sensitive and responsive to their efforts to  
18 elect representation from their own communities.  
19 These New Yorkers who make up a significant  
20 community of interest have seen their population  
21 swell in the past ten years, especially in Queens  
22 and in some parts of Brooklyn. They deserve an  
23 open road to empowerment. I want to also bring

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2 your attention to the fact that the 11<sup>th</sup>  
3 Congressional district, which is of tremendous  
4 historic significance, not only to the voters who  
5 reside there, but to African-Americans across our  
6 nation.

7 Since its creation, the 11<sup>th</sup>  
8 Congressional district has served—has been served  
9 by representatives who have been the voice of the  
10 voiceless following in the trailblazing tradition  
11 of Shirley Chisholm, who first represented the  
12 area which today makes up most of that district.  
13 As the first black woman elected to serve in the  
14 House, she spoke up for the impoverished and  
15 provided leadership for justice and equality in  
16 Washington. Drastically altering the  
17 demographics and the geographic composition of  
18 the 11<sup>th</sup> Congressional district would not only  
19 serve to dilute this historic district, it would  
20 also undermine and diminish the legacy that's  
21 important to many of us. Therefore I'd like to  
22 go on the record as strongly favoring the  
23 proposed lines presented by Congresswoman Yvette

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2 Clarke. Representative Clark's proposal appears  
3 to meet the requirement of equal population,  
4 compactness, and contiguity, and is in compliance  
5 with all provisions of the Voting Rights Act.  
6 The proposed district retains most of the current  
7 geographic and demographic composition while  
8 being increased in population by the 85,219  
9 persons required to meet the population equality  
10 with other Congressional districts in our state.  
11 The current and the proposed 11<sup>th</sup> Congressional  
12 district is home to one of the largest  
13 populations of Caribbean-Americans in the nation.

14 Any action, intended or not, which would  
15 alter the demographic and geographic composition  
16 of the 11<sup>th</sup> Congressional district would be  
17 counter productive to the goal to allow the  
18 opportunity for significant representation to  
19 this large and increasing ethnic and cultural  
20 community.

21 SENATOR NOZZOLIO: Assemblyman, we've  
22 been lenient with the time, but before you came  
23 in here, we announced that it would be a five-

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2 minute limit. Your written testimony certainly  
3 will be welcome in its entirety. Would you  
4 please for the record summarize and conclude?

5 ASSEMBLY MEMBER PERRY: Thank you.

6 Regarding the 10<sup>th</sup> Congressional district which on  
7 current maps appear to have the 11<sup>th</sup> Congressional  
8 district in the - - , this district is also a  
9 voting rights district, and is of significant  
10 importance to politician empowerment goals of  
11 Brooklyn's African-American community. I urge  
12 your careful attention to ensuring that the 10<sup>th</sup>  
13 district is also drawn to retain demographic  
14 composition which would not result in dilution of  
15 the African-American vote. I thank you for  
16 allowing me to address you, and as you  
17 deliberate, I urge that you give your utmost  
18 consideration to the historic relevance and  
19 existing need for appropriately drawing voting  
20 rights districts throughout Brooklyn and New York  
21 City and or State. Thank you.

22 SENATOR MCENENY: Thank you. Now,

23 Assemblyman, you recommended that perhaps for the

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2 next round, that an evening meeting would be  
3 held. This was brought up also in the Bronx,  
4 several people said around 7 o'clock, when people  
5 have time to go home and take care of family  
6 responsibilities and come to an evening meeting.  
7 Now, if 90 people show up at 7 o'clock, and many  
8 like yourself go beyond the five minutes, what  
9 time would the evening get out, bearing in mind  
10 that this meeting is less controversial since  
11 we're talking on the overall, in the abstract,  
12 perhaps on the academic, but the next meeting  
13 there will be draft districts, which will be for  
14 some people, very controversial. When do you  
15 think that meeting would get out?

16 ASSEMBLY MEMBER PERRY: Well I think  
17 that when you accept it, as all of us do, public  
18 service, that we agree to make the sacrifice, and  
19 regardless of how late the meeting would go, I  
20 think that among all of you here there is that  
21 commitment to go the full course. And, if we  
22 have to stay a little longer than we normally  
23 would, I would—



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2 SENATOR MCENENY: We're not the issue.

3 I took the 5:10 a.m. train down this morning.-

4 ASSEMBLY MEMBER PERRY: [interposing]

5 Jack, I know.

6 SENATOR MCENENY: I can get up, I can  
7 sleep later, I can come down here, I'm staying  
8 over night anyway, it doesn't matter. I'm just  
9 wondering about anybody with child-raising  
10 responsibilities, that has a high school baby  
11 sitter, coming home at three-o'clock in the  
12 morning.

13 ASSEMBLY MEMBER PERRY: I think Jack and  
14 I know that you'll agree with me, having served  
15 with you for such a long time, that the  
16 commitment that we need to get this done is  
17 there, and some sacrifices have to be made. But,  
18 I do think that a very heavy responsibility that  
19 you bear as members of this redistricting panel,  
20 is to ensure that all New Yorkers who want to be  
21 heard, they have opportunity to be heard.

22 SENATOR MCENENY: We like to think that  
23 when people speak for neighborhood groups for the

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2 NAACP, for various Asian groups, citizens groups,  
3 that they are speaking for those people. But,  
4 you know, we may just do that, and put the  
5 elected officials at the end this time.

6 [laughter]

7 ASSEMBLY MEMBER PERRY: Fine with me.

8 SENATOR MCENENY: Thank you very much.

9 SENATOR NOZZOLIO: Thank you very much  
10 Mr.—

11 SENATOR NOZZOLIO: Dr. Una St. Clarke.  
12 Dr. Clarke. Dr. Una Clarke. Angela Carrington,  
13 Angela Carrington.

14 SENATOR MCENENY: Clarke is coming?  
15 Thanks.

16 SENATOR NOZZOLIO: Doctor Clarke.  
17 Angela Carrington. Janet DeSilvia. Janet  
18 DeSilvia. Rose Graham. Rose Graham. Joyce  
19 Jarvis-Henry. Joyce Jarvis-Henry. Ingrid Lear  
20 Charles. Oh, Ms. Henry. Thank you.

21 SENATOR MCENENY: Ms. Henry, there are  
22 about—

23 MS. JOYCE JARVIS-HENRY: [interposing]

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2 Good morning. My name is Joyce Jarvis-Henry.

3 SENATOR MCENENY: --Ms., hold on, there  
4 are about 15 people representing the Progressive  
5 Democrats Political Association. If you could  
6 follow up, obviously not all of them wish to  
7 testify. My guess is they want their name on the  
8 record agreeing with what the group--

9 MS. HENRY: [interposing] I have said.

10 SENATOR MCENENY: --says. If you could  
11 confirm that in writing, that will become a part  
12 of the record and their names will be included.

13 MS. HENRY: Yes, sir. Thank you.

14 SENATOR MCENENY: Because I don't want  
15 to make an assumption unduly. If you would  
16 confirm that later on with a follow up, the  
17 following people agree with the testimony of  
18 whoever does actually speak.

19 MS. HENRY: Yes, sir.

20 SENATOR NOZZOLIO: Thank you Ms. Henry.

21 MS. HENRY: Good morning, my name is  
22 Joyce Henry, and I'm a resident of Brooklyn. I  
23 have been a resident and I work in the Brooklyn

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2 11<sup>th</sup> Congressional district for many years. I  
3 thank you for providing me this opportunity to  
4 testify. I am the proposed—I support the  
5 proposed map for the 11<sup>th</sup> Congressional district  
6 of New York, that was originally submitted to you  
7 by Congresswoman Yvette D. Clarke on August 4<sup>th</sup>,  
8 2011. The proposed 11<sup>th</sup> Congressional district  
9 adheres to all constitutional and Voting Rights  
10 Acts, redistricting guidelines. I am submitting  
11 a copy of the proposed map in addition to my  
12 testimony. Please give this map your utmost  
13 consideration. The current district includes  
14 many sections of the historic 12<sup>th</sup> Congressional  
15 district, which was originally represented by the  
16 honorable Shirley Chisholm, the first African-  
17 American female district of the—to the Congress,  
18 elected to the Congress. This district is  
19 covered by Section 5 of the Voting Right Act and  
20 adheres to Voting Rights Act principles and  
21 redistricting. The proposed district is defined  
22 and shared interest, such as social, economic,  
23 and cultural, linguistic, and other factors that

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2 indicate communities of interest. Thank you sir.

3 SENATOR MCENENY: Thank you very much.

4 SENATOR NOZZOLIO: Ingrid Lear Charles.

5 Bishop Shalique Hamilton Gonzales, Dr. Bony

6 John, Gene Joseph, Jeanette Riberrah, Patsy

7 Mure, Veronica Phillips, Cruize Garcia, Sandy

8 Vallas.

9 MR. SANDY VALLAS: Good morning.

10 SENATOR NOZZOLIO: Morning.

11 MR. VALLAS: I would like to thank the  
12 task force members for the opportunity to provide  
13 testimony before you today. I represent the  
14 Dyker Heights Civic Association of--

15 SENATOR NOZZOLIO: [interposing] Excuse  
16 me, Mr. Vallas, would you pull that microphone--

17 MR. VALLAS: [interposing] Yes. Sure--

18 SENATOR NOZZOLIO: --closer to you.  
19 Thank you.

20 MR. VALLAS: I represent the Dyker  
21 Heights Civic Association, which is one of the  
22 oldest Civic Associations in Brooklyn, if not the  
23 City of New York, having been established in

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2 1928. Our community is a middle class  
3 residential community, made up of primarily of  
4 homeowners. It is important to our civic  
5 association members that the residents of Dyker  
6 Heights, that our community be contained in  
7 legislative districts that unite us with other  
8 communities of similar interests and concerns  
9 taking into account geographical, social-  
10 economic, and other factors that indicate  
11 camaraderie of interests. Presently, the state  
12 Assembly representation of our community—

13 SENATOR NOZZOLIO: [interposing]

14 Excuse me, Mr. Vallas, again I apologize for the  
15 interruption, pardon me. Would one of you  
16 gentlemen be so kind as to close the door to cut  
17 down on the noise? Thank you very much, Mr.  
18 Vallas.

19 MR. VALLAS: Presently the State  
20 Assembly representation of our community does not  
21 adhere to these principles as we are now split  
22 amongst several Assembly districts adjoining  
23 Dyker Heights with other communities that have

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2 different concerns and interests. In an effort  
3 to correct this, we ask that Dyker Heights be  
4 contained in one contiguous Assembly district  
5 united with neighboring Bay Ridge, as we share  
6 geography and other factors that indicate similar  
7 interest and concerns. Bay Ridge too, is split  
8 among several Assembly districts. The  
9 neighborhood community of Dyker Heights and Bay  
10 Ridge are presently included in one community  
11 board, one police precinct, one city council  
12 district, one state Senate district, and one  
13 Congressional district which leads—which has led  
14 to the representation that can effectively  
15 address our concerns. Unfortunately, we do not  
16 enjoy the benefit of that from our state—from our  
17 Assembly representatives. Thus, we ask that when  
18 you draw the new legislative district lines that  
19 you indicate Dyker Heights and Bay Ridge in one  
20 contiguous Assembly district.

21 Also, we request that Dyker Heights  
22 remain contained in one state Senate, and on  
23 Congressional district united with the other

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2 communities with similar interest and concerns.

3 Thank you.

4 SENATOR NOZZOLIO: Do you, or plan to  
5 submit any mapping, Mr. Vallas?

6 MR. VALLAS: Yes, we will. The Dyker  
7 Heights Association will meet and we will submit  
8 the map that we request.

9 SENATOR NOZZOLIO: We encourage anyone  
10 with mapping with suggestions to contact the  
11 LATFOR website. Those maps will certainly be  
12 considered in the deliberations of the task  
13 force.

14 MR. VALLAS: Is that  
15 latfor.state.ny.us.org, .gov?

16 SENATOR NOZZOLIO: Ny.us.

17 MR. VALLAS: Okay, .gov.

18 MALE VOICE: No, just us.

19 MR. VALLAS: Just us, okay.

20 SENATOR NOZZOLIO: Thank you very much.  
21 Thelma Moore. Thelma Moore. Pam Ransome. Pam  
22 Ransome. Tawana Gale. Tawana Gale. Judy  
23 Barren. Judy Barren. Ed Jarousky. Ed Jarousky.



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2 Joy Williams. Joy Williams. Gene Johnson. Mr.  
3 Johnson? Thank you. Good morning.

4 MR. GENE JOHNSON: Good morning, thank  
5 you for your time. My name is Gene Johnson and  
6 I'm not an elected official nor am I a  
7 redistricting expert, but I do have a testimony.  
8 It's brief, and I plan to read it as a member of  
9 the community. So once again, my name is Gene  
10 Johnson. I reside at 1655 Flatbush Avenue in the  
11 Flatlands neighborhood of Kings County, which is  
12 currently in the 11<sup>th</sup> Congressional district, the  
13 21<sup>st</sup> state Senate district, and the 41<sup>st</sup> state  
14 Assembly district. I'm a member of Black New  
15 Yorkers for Fair Redistricting and active in  
16 several grass roots and civic organizations  
17 throughout New York City.

18 As I look at the members of LATFOR, I  
19 cannot help but to notice the lack of diversity.  
20 In New York state where Blacks make up nearly 16%  
21 of the population, totaling over three million,  
22 and where there are several districts influenced  
23 by the Voting Rights Act, there is not a single

2 Black person on LATFOR.

3 In addition, females make a majority of  
4 our state, about 52% of our population, and yet  
5 there is only one female on the committee.

6 Blacks and females have traditionally been  
7 disenfranchised in regards to voting rights and  
8 should not only have a voice, they should have  
9 representation in this decision making process.

10 In my community, we have representation from  
11 three separate local community boards within a  
12 five block radius. In a practical sense, it  
13 means that I can leave my home in the morning on  
14 my way to work, drop off a shirt at the dry  
15 cleaners, take the subway to work, all within  
16 four blocks, and within that short walk I have  
17 crossed three different community boards. I hope  
18 that my Congressional state Senate and state  
19 Assembly districts do not take heed to that  
20 drawing of boundaries.

21 My community at Flatbush Junction, which  
22 is at the intersection of Nostrand and Flatbush,  
23 has a major transportation hub, a city college,

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2 an anchor department store, and various other  
3 small businesses where we all live and commune  
4 together. It would be a disservice to segregate  
5 us according to imaginary district boundaries.  
6 There is also the issue of population equity, one  
7 person-one vote. In keeping with that theme, all  
8 districts should have a minimum deviation. The  
9 current system where there are huge and great  
10 deviations, is not fair and allows members in  
11 certain districts to have more resources and  
12 accesses to those resources in other districts.  
13 Lastly, LATFOR needs to be more transparent and  
14 accessible to the everyday citizens by making all  
15 data and software available online and  
16 downloadable and having hearings that are more  
17 accessible and friendly for people who work in  
18 the daytime or otherwise are unavailable. I  
19 thank you for your time.

20 SENATOR NOZZOLIO: Thank you very much.

21 James Hong. James Hong. Welcome Mr. Hong. I  
22 believe this is the third hearing that you  
23 testified at, am I correct?

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2 MR. JAMES HONG, SPOKESPERSON - ASIAN  
3 AMERICAN COMMUNITY COALITION ON REDISTRICTING AND  
4 DEMOCRACY: Actually, it's only the second as in  
5 my current--

6 SENATOR NOZZOLIO: [interposing] Oh,  
7 just the second.

8 MR. JAMES HONG: Yes.

9 SENATOR NOZZOLIO: Welcome.

10 MR. JAMES HONG: Although I did speak  
11 once in Albany, but just for myself.

12 SENATOR NOZZOLIO: So that's three that  
13 I count. Well welcome, and it's very nice to see  
14 you.

15 MR. JAMES HONG: Oh thank you, thank you  
16 Senator. Good afternoon now. Members of the  
17 task force, my name James Hong, and I'm speaking  
18 on behalf of the Asian-American Community  
19 Coalition on Redistricting and Democracy. ACCORD  
20 for short is a non-partisan coalition of  
21 organizations and individuals committed to  
22 advancing the opportunity of Asian-Pacific  
23 American and minority communities to meaningfully

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2 participate in the political process. ACCORD  
3 recognizes that redistricting plays a fundamental  
4 and pivotal role in these opportunities and we  
5 support redistricting plans that keep together  
6 communities of interest that exist in and around  
7 ethnic neighborhoods across New York.

8 We are here again, before the task force  
9 delivering public testimony because Asian-Pacific  
10 Americans in Brooklyn have been, like other  
11 minorities, negatively impacted by the practice  
12 of gerrymander that is the norm in our  
13 redistricting cycles. Some of my statement today  
14 will reiterate points that I relayed at the  
15 Queens public hearing. As the dynamics in the  
16 two boroughs are somewhat similar in their impact  
17 on ethnic communities. So, I would just like to  
18 take this time—we expect our elected officials to  
19 uphold the Voting Rights Act of 1965. And,  
20 consequently in light of that act, to support  
21 district maps that keep together the communities  
22 of interest that exist either wholly or partly  
23 in, though not limited to, the Brooklyn

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2 neighborhoods of Sunset Park, Bensonhurst, and  
3 Dyker Heights.

4 Before commenting more specifically on  
5 Brooklyn, however, I would like to mention the  
6 community of interest that several members of  
7 ACCORD identified at the Queens hearing, just  
8 back-tracking a little. At this time, we express  
9 our explicit support for a majority Asian Senate  
10 district to be drawn in northeast Queens. We  
11 request LATFOR to consider a district plan that  
12 draws together the dense Asian population  
13 identified in a swath of the borough beginning in  
14 downtown Flushing, and stretching to Bayside, to  
15 create a state Senate district with a 50% plus  
16 Asian population. This district can easily be  
17 drawn as a highly compact and entirely contiguous  
18 district, and we believe that such a district  
19 reflects the community of interest there and will  
20 both meet and exceed standards established by the  
21 Voting Rights Act of 1965. Now, in Brooklyn, the  
22 growth of the AP-

23 SENATOR NOZZOLIO: [interposing] Mr.

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2 Hong, I'd suffer just a brief interruption. Will  
3 you be presenting any maps regarding the  
4 suggested district?

5 MR. HONG: Yes, the coalition will be.

6 SENATOR NOZZOLIO: And when will you be  
7 submitting those maps.

8 MR. HONG: We are still in deep  
9 discussion about the particulars of those maps,  
10 but we are working hard—the members of our  
11 coalition, we are—who are meeting very frequently  
12 nowadays to come to consensus.

13 SENATOR NOZZOLIO: [interposing] I  
14 appreciate your suggestion and you and every  
15 other organization that wishes to submit maps to  
16 the task force can do so either by mail, or  
17 through the website, and we welcome those  
18 suggestions.

19 MR. HONG: Okay. Thank you, Senator.  
20 So, in Brooklyn, the growth of the APA population  
21 is quite astounding, a 40% overall increase, and  
22 a 46% increase among the voting age population.  
23 So there are now over a quarter million Asian-

1  
2 Pacific Americans in Brooklyn alone. Many of  
3 these APAs live in an area of Brooklyn that spans  
4 from Sunset Park, over to Bensonhurst, including  
5 parts of Dyker Heights. In Brooklyn, as in  
6 Queens, the cracking and vote dilution of the APA  
7 community is clear, and it is pervasive. At the  
8 state Assembly level, the neighborhoods of Sunset  
9 Park, Bensonhurst, and the connecting portion of  
10 Dyker Heights are divided into at least four  
11 different districts, the 47<sup>th</sup>, the 48<sup>th</sup>, 49<sup>th</sup>, and  
12 51<sup>st</sup>.

13 At the State Senate level, despite its  
14 much larger size, the same area is divided again  
15 into four districts, 20<sup>th</sup>, 22<sup>nd</sup>, 23<sup>rd</sup>, and 27<sup>th</sup>.

16 So, in short, the APA community in Brooklyn has  
17 been subject to cracking and vote dilution like  
18 many of their counterparts across the state.

19 ACCORD supports and recommends the testimony of  
20 its member groups with direct experience in these  
21 areas, and urges the task force to recognized  
22 communities of interest by drawing lines that do  
23 not divide the community, and instead, hold



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2 together these areas at the state Assembly and  
3 state Senate levels. These neighborhoods, or  
4 portions of these neighborhoods, contain  
5 residents sharing economic, social, political,  
6 cultural, linguistic, and educational concerns  
7 that deserve to be reflected in the results of  
8 the redistricting process. By diluting voters,  
9 the current district lines undermine not only the  
10 political will of certain communities, these  
11 lines undermine the very basis of democracy as a  
12 system that recognizes and respects the will of  
13 the many over the will of the few.

14 ACCORD is a 14 member organization that  
15 includes the Asian-American Bar Association of  
16 New York, Asian-American Legal Defense and  
17 Education Fund, Asian-Americans for Equality,  
18 Asian-Pacific Americans for Progress New York,  
19 Chinese Progressive Association, Korean-Americans  
20 for Political Advancement, Korean Community  
21 Services of Metropolitan New York, Minkwon Center  
22 for Community Action, OCA New York, Queensboro  
23 Hill Neighborhood Association, SABA, Taking Our

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2 Seat, United Chinese Association of Brooklyn, and  
3 Dr. Carol Huang of Queens, NY. Thank you very  
4 much for your time.

5 SENATOR NOZZOLIO: Thank you Mr.—Mr.  
6 Hong, thank you. Dr. Wah Lee. Dr. Wah Lee.  
7 Afternoon Dr. Lee. Welcome.

8 DR. WAH LEE: Thank you. Good morning.  
9 My name is Dr. Wah Lee, and I am testifying on  
10 behalf of OCA New York. I have been a board  
11 member since 2010. Founded in 1976, OCA New  
12 York, formerly known as Organization for Chinese-  
13 Americans, is a non-profit, non-partisan  
14 organization dedicated to protecting and  
15 advancing the political, economical, social, and  
16 cultural rights of Asian-Americans. OCA New York  
17 represents the five boroughs of New York City.  
18 Our work in Brooklyn includes voter registration  
19 drives in Sunset Park, taking victims of hate  
20 crimes to the Kings County District Attorney's  
21 Office, and participating in Asian-American  
22 heritage festivals in McKinley Park. In 2010, we  
23 co-sponsored a successful census event at Sunset

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2 Park Recreational Center. We've partnered with  
3 United Puerto-Rican Organization of Sunset Park,  
4 Brooklyn's Chinese-American Planning Council.  
5 Chinese Brooklyn Association, and United Chinese  
6 Association of Brooklyn on OCA New York's hate  
7 crimes prevention art project, and the 2010  
8 Census. OCA New York has served on the Brooklyn  
9 Borough president's committee to celebrate Asian-  
10 American Heritage Month, and has received rewards  
11 from the Kings County District Attorney, Charles  
12 Hynes, the Brooklyn Borough President, Marty  
13 Markowitz, and Brooklyn State Senator, Eric  
14 Adams. The 2010 Census revealed Asian-Americans  
15 now comprise 13% of the City's population. The  
16 number of Asian-American's has reached a million,  
17 with over a quarter million in Brooklyn alone.  
18 We urge LATFOR to keep communities of interest in  
19 Brooklyn, that contain a high concentration of  
20 Asian-Americans together. My statement focuses  
21 on the neighborhoods of Sunset Park, Bensonhurst,  
22 and China Town Manhattan.

23 Support for my statement is based on

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2 other OCA New York Brooklyn members, data from  
3 the 2005-2009 American Community Survey, 2010  
4 Census, and my extensive personal and work  
5 experience. I am now 39-years-old. I grew up in  
6 Bensonhurst, where I worked in my parent's dry  
7 cleaner and attended PS 247. I spent one year of  
8 my medical internship in Sunset Park's Lutheran  
9 Medical Center, where I am still an affiliate  
10 physician. I currently commute to my medical  
11 practice in Manhattan's China Town from  
12 Bensonhurst, six days a week. I have witnessed  
13 my neighbors, the local restaurants, store  
14 fronts, and the community centers change within  
15 the past ten years. More than just one block  
16 from my house, a local diner became a Chinese  
17 restaurant, named Fu Kee. The 86<sup>th</sup> street Jewish  
18 Deli became a Chinese restaurant named 86 Wong,  
19 and three Chinese bakeries sprung up. And a  
20 sharp rise in Asian patronage resulted in the  
21 Brooklyn Federation of Italian-American  
22 Organizations to offer immigration assistance,  
23 and the Bensonhurst Jewish Community Center to

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2 hire Chinese-English bi-lingual case managers.  
3 For the state Senate, Sunset Park is currently  
4 divided into three different Senate districts.  
5 OCA New York supports a state Senate district  
6 that contains all of Bensonhurst and Sunset Park  
7 linked by Dyker Heights. These neighborhoods  
8 should be kept together due to their economic  
9 ties, shared resources, and social networks.  
10 2010 Census data shows Sunset Park has 35% Asian,  
11 and Bensonhurst has 37% Asian.

12 The 2005 through 2009 Community Survey  
13 shows 80% of Chinese speakers in Sunset Park  
14 speak English less than very well, similar to 61%  
15 in Bensonhurst. Brooklyn Asian Voice  
16 Organization, a non-profit community based  
17 organization based in Sunset Park, conducts  
18 regular cleanup efforts in Bensonhurst for all  
19 the community. Asian Community United Society,  
20 based in Bensonhurst often does community  
21 outreach in Sunset Park. Libraries in both  
22 neighborhoods now have programs that cater to  
23 Brooklyn's Hispanic and Asian residents. Asians

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2 in Sunset Park and Bensonhurst usually go to  
3 Lutheran Medical Center in Sunset Park,  
4 especially after Victor Memorial Hospital in Bay  
5 Ridge shut down. I have attended weddings of  
6 Bensonhurst friends in Sunset Park because  
7 Chinese restaurants in Sunset Park are larger and  
8 more established. Both Sunset Park and  
9 Bensonhurst also face the same problems. I have  
10 personally treated three victims of violence and  
11 harassment in Sunset Park, who were Asian. I  
12 myself have been targeted for racially motivated  
13 harassment in both neighborhoods. The two areas  
14 have their share of rampant graffiti and  
15 littering, and one of the most pressing problems  
16 is the unavailability of low cost access to  
17 language instruction.

18 Although I was born in America, the  
19 language I speak at work is Chinese because 70%  
20 of my patients who are from Sunset Park,  
21 Bensonhurst, and China Town Manhattan speak  
22 English less than well. In regards to the State  
23 Assembly, currently State Assembly 51 contains

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2 Red Hook, Bush Terminal, and only parts of Sunset  
3 Park. Bensonhurst is too large to constitute a  
4 state Assembly district by itself, however, parts  
5 of Sunset Park and Bensonhurst should be placed  
6 in the same district for the reasons supporting  
7 OCA New York's position on state Senate lines.  
8 In terms of the Congressional districts,  
9 currently Sunset Park is in the same district  
10 with most of Manhattan's China Town. OCA New  
11 York supports keeping at a minimum, Manhattan  
12 China Town and Sunset Park together in the same  
13 district because of shared socio-economic status.  
14 The poverty levels are 48% and 42% respectively.  
15 74% of Chinese speakers speak English less than  
16 very well, similar to 80% in Sunset Park.

17 Many students, several who have been my  
18 patients, have been the targets of both physical  
19 and verbal bullying because of language barriers,  
20 limited access to English instruction, and high  
21 rents in Manhattan, many people live in Sunset  
22 Park and work in Manhattan's China Town in low  
23 skill jobs. There are several independently

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2 owned bus shuttles that specifically transport  
3 Brooklyn and Manhattan residents back and forth.  
4 Sunset Park residents uses these buses to commute  
5 to work and to drop their children off at day  
6 care centers and learning centers in Manhattan's  
7 China Town. OCA New York hopes that LATFOR will  
8 incorporate our suggestions into the drawing of  
9 new lines. Thank you.

10 SENATOR NOZZOLIO: Dr. Lee, will the OCA  
11 be submitting any mapping as suggested—in  
12 suggested detail?

13 DR. LEE: I understand that there will  
14 be maps that will be submitted, which will—which  
15 OCA's position supports. Yes.

16 SENATOR NOZZOLIO: We await your  
17 suggestions—those specific suggestions, and thank  
18 you for your testimony.

19 DR. LEE: Thank you, sir.

20 SENATOR NOZZOLIO: Eleanor Moretta.  
21 Good afternoon.

22 MS. ELEANOR MORETTA: My name is Eleanor  
23 Moretta, and I'm a resident of Brooklyn. I'd



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2 like to say at the outset that I'm grateful to  
3 the LATFOR commission for being open to the views  
4 of the many people who have testified in the  
5 hearings you've held all around the state. I'm  
6 sure its been a grueling tour, but New York's  
7 future is at state, and it's reassuring to know  
8 that you want to see redistricting done right. I  
9 represent Act Now New York, an all volunteer  
10 organization of activists who engage with the  
11 public and elected officials on behalf of a  
12 progressive agenda at the state and national  
13 level. Among our events this year, we rallied at  
14 the offices of state senators, Jack Martins and  
15 Greg Ball, who we believe have reneged on their  
16 promise to enact non-partisan redistricting.  
17 Organized by the new Roosevelt Coalition, these  
18 rallies included groups such as, Citizen Action  
19 of New York, the New York Democratic Lawyers  
20 Council, the Nassau County Womens' Democratic  
21 Caucus, Westchester for Change, and several other  
22 groups.

23 Act Now New York, favors a non-partisan

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2 redistricting commission for the common sense  
3 reason that there is a built in conflict of  
4 interest when legislators are allowed to draw  
5 their own district lines. They take the people  
6 who voted for them for granted, knowing that by  
7 design, there aren't enough opposing voters in  
8 their districts to unseat them. This has  
9 resulted in decades of deadlock in Albany as  
10 democrats have carved up the Assembly districts  
11 and republicans the Senate to keep incumbents in  
12 office and to checkmate the other party. I  
13 believe that the confidence of the public in our  
14 election system is of paramount importance.  
15 Whatever the motivations of our legislators, we  
16 must avoid even the appearance of a conflict of  
17 interest. Just as judges recuse themselves from  
18 cases in which they have an interest, so to  
19 should legislators recuse themselves from the  
20 process of drawing district lines.

21 In preparing for today's meeting, I've  
22 reviewed the transcripts and videos of previous  
23 hearings around the state, and nearly everyone

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2           testifying about who should draw the maps is in  
3 favor of a non-partisan commission. We disagree  
4 chiefly on whether an amendment to the State  
5 Constitution is required to establish this  
6 commission, or whether the legislature itself  
7 already has the power to establish it. Though  
8 I'm not a lawyer, Article 3 of the State  
9 Constitution as I read it, says that the  
10 legislature must apportion districts by law, but  
11 it doesn't exclude other people, politician's or  
12 concerned citizens from participating in the  
13 process of apportionment, or what we call  
14 redistricting. As many people at these hearings  
15 have pointed out, a non-partisan commission would  
16 only recommend changes to districts, but the  
17 legislature would still retain the power to enact  
18 those changes into law, or to reject them.  
19 Other special commissions have been created to  
20 advise the legislature without a constitutional  
21 amendment, for example, the Health Care  
22 Commission, the Commission on Public Integrity,  
23 and the Commission on Judicial Compensation.

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2           In fact, some of the recommendations of  
3 these commissions have the force of law unless  
4 the legislature expressly rejects them. Since  
5 the Senate leadership crisis two years ago, the  
6 public, the media, and citizens groups have  
7 become understandable, more insistent in  
8 demanding reform, including non-partisan  
9 redistricting. Even though some legislators may  
10 honestly believe that a constitutional amendment  
11 is necessary, amending the constitution will  
12 postpone non-partisan redistricting for another  
13 decade, and many New Yorkers will see that  
14 argument as a deception and a deliberate delay  
15 tactic.

16           Certainly, the members of Act Now, and  
17 the other groups who rallied in the rain with us  
18 in Peekskill, never imagined that our legislators  
19 intended to take ten years to fulfill their  
20 promise of fair redistricting. Given the  
21 overwhelming testimony in favor of non-partisan  
22 redistricting at these hearings, I hope the  
23 legislature will still find a way to enact it in

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2 time of the 2012 elections. If that's not  
3 possible, then I urge all the legislatures who  
4 once again will be drawing the districts to put  
5 incumbency protection aside and make the needs of  
6 citizens their first priority. Thank you for the  
7 work you're doing and for giving me the  
8 opportunity to testify today.

9 SENATOR MCENENY: Thank you. Just one  
10 comment, when you say an independent  
11 redistricting commission, most of the examples  
12 that people point to are actually bi-partisan,  
13 non-legislative.

14 MS. MORETTA: Yes, well I've been  
15 saying--

16 SENATOR MCENENY: [interposing]  
17 Independent is like looking for a person with no  
18 knowledge and no--

19 MS. MORETTA: [interposing] No.

20 SENATOR MCENENY: But usually, bi-  
21 partisan non-legislative is more of a--

22 MS. MORETTA: Well, I've been using the  
23 term non-partisan because what I mean is not that

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2 the people on the commission would not be  
3 democrats or republicans, no their obviously  
4 their all going to have—but that in the process  
5 of drawing the districts, incumbency protection  
6 is not going to be a priority in that sense, be  
7 partisan.

8 SENATOR NOZZOLIO: Dr. Una—thank you  
9 very, very much. Dr. Una Clarke. Dr. Clarke  
10 while you are coming to the podium, Senator Dilan  
11 asked that you be called up, so thank you very  
12 much.

13 DR. UNA S.T. CLARKE: First of all, let  
14 me apologize for being absent when my name was  
15 first called. I had a little emergency, so I'm  
16 happy to be back. Distinguished members of the  
17 State Legislative Task Force in Demographic  
18 Research and Reapportionment, thank you for  
19 allowing me the opportunity to come before you  
20 today. I am Una S. Thomlinson Clarke, a former  
21 member of the New York City Council. I served  
22 1991 to 2001. Today, I come before you as co-  
23 chair of Women for Fairness in Politics and

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2 Public Service. I have testified in at least  
3 three redistricting exercises. The most  
4 memorable is the one that created my own office  
5 in Brooklyn in the 40<sup>th</sup> council district, which  
6 was moved by the immigrant Caribbean-American  
7 community who felt disenfranchised and recognized  
8 the large population had been growing in central  
9 Brooklyn. It resulted in my being the first ever  
10 immigrant woman to be elected to the New York  
11 City Council.

12 I am here today as a strong advocate on  
13 behalf of the 11<sup>th</sup> Congressional district, which  
14 adheres to the Voting Rights Act, which created—  
15 which created it and Representative Shirley  
16 Chisholm, who became the first female  
17 Congressional representative, also of Caribbean  
18 ancestry. Our community is especially concerned  
19 about the lack of women on this committee, and  
20 when we recognized that in the state of New York  
21 there are 52% female population who are  
22 completely voiceless in this process for  
23 representation, I feel that the matter should be

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2 corrected, and that women be seated at the table  
3 to represent their rights and their interest.  
4 The proposed district is of equal population,  
5 compact and contiguous, complies with 42 USC, and  
6 which is the other applicable provision of the  
7 Voting Rights Act. We strongly endorse  
8 Congresswoman Clarke's 11<sup>th</sup> Congressional district  
9 proposal. Our committee works carefully in  
10 calibrating with other substantially community  
11 interest, especially in the 11<sup>th</sup> Congressional  
12 district. We have added our 87,000 persons,  
13 changes which are kept in the district compact,  
14 and which the same cultural and ethnic mix of the  
15 current district, we are to achieve the  
16 objectives of LATFOR. According to the United  
17 States Census Bureau, the current district is the  
18 third most compact district in the Nation. The  
19 total land area of the current district is 12.2  
20 miles and we are attaching a copy of the proposed  
21 map. The proposed district adheres largely to  
22 the present boundaries, attached are the—that  
23 depicts all of the population for the new



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2 district. The proposed district is covered by  
3 Section 5 of the Voting Rights Act. A county  
4 such as Kings County, New York, has contiguous  
5 history of discrimination against minorities. As  
6 such, the proposed district does not have the  
7 purpose for which I have—of which it have effect  
8 of denying and abridging the rights to vote on  
9 the amount of race and color.

10 Secondly, I encourage your committee,  
11 with the large female population in the state of  
12 New York, to have some say in this  
13 reapportionment by approaching women as an  
14 advisory committee and as Council Member, Council  
15 Member Letitia James, spoke to all of the points  
16 that I would like to speak to and hope that you  
17 heard her, and for those of us in Brooklyn,  
18 especially our women population, we want to see  
19 fairness in politics. We want to see more women  
20 in government, and therefore we want to push  
21 forward to make sure that we educate women as to  
22 their rights and their privilege of both serving  
23 both in public office as well as in government.

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2 We hope that you would draw lines that will  
3 enhance and encourage women to fully participate  
4 in the democracy of which they are a part, so  
5 that we are not only the supporters of men, but  
6 that we also can sit beside men to advise and to  
7 help them to understand the process, especially  
8 as it, as it affects family and family members.  
9 And again, I'd like to remind you that in the  
10 state of New York, there are 52% women and that  
11 women should have some say in how these lines are  
12 drawn because it affects not only their lives,  
13 but the lives of their family and their children,  
14 and we become good partners with men by educating  
15 them that there is a process, and there is a  
16 conscious in government. I know that I did the  
17 best I could when I was at City Hall and I know I  
18 left City Hall a different place than it was with  
19 an accent of an immigrant woman. And because the  
20 district that I'm speaking about is a large  
21 immigrant population in the 11<sup>th</sup> Congressional  
22 district, we would like to see our district  
23 continue to grow and remain together as a

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2 community of interest. Thank you very much.

3 SENATOR MCENENY: Thank you.

4 SENATOR NOZZOLIO: Thank you. I regret  
5 I had to be out during part of testimony, but I  
6 thank you very much for it. I just would like to  
7 point out that LATFOR is designed to take  
8 testimony and to provide the appropriate data so  
9 that lines for Congress and the state legislature  
10 can be drawn, but the decision is not the  
11 decision ultimately by LATFOR, it will be the  
12 decision of the entire New York State  
13 Legislature, made up of the 212 members of the  
14 legislature, and that we only act as the clearing  
15 house of information, with the assistance of the  
16 development. So, this—the decisions are not  
17 ultimately made by LATFOR, they are made by the  
18 entire 212 members of the legislature.

19 MS. CLARKE: I am sure that you were  
20 picked because of your influence in the body of  
21 which you are a part, and we hope that off the  
22 record you will influence them after all that  
23 you've heard from the communities of interest.

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2 And, let me just say hello to my former colleague  
3 Senator Dilan. I expect you to be a voice for  
4 Brooklyn, and sit on them so that Brooklyn  
5 remains what Kings County ought to be, the King  
6 among them all. Thank you very much.

7 SENATOR NOZZOLIO: Thank you.

8 SENATOR DILAN: I will do that.

9 SENATOR NOZZOLIO: Zacheah Sachere  
10 Ansuare [phonetic], Dale Ho. Good afternoon Mr.  
11 Ho.

12 MR. DALE HO, ASSISTANT COUNSEL - NAACP  
13 LEGAL DEFENSE & EDUCATION FUND: Good afternoon.  
14 I was going to say, good morning. My name is  
15 Dale Ho, and I serve as assistant council with  
16 the NAACP Legal Defense Fund. My testimony today  
17 will very briefly address one topic that has been  
18 raised about a statute that was adopted last  
19 year, that allocates incarcerated individuals  
20 back to their home communities for redistricting  
21 purposes. This law was necessary for a number of  
22 reasons because counting incarcerated individuals  
23 where they are confined rather than in their home

2 communities undermine principles of fair  
3 representation considerable weakened the strength  
4 of minority communities and raised concerns under  
5 the federal Voting Rights Act.

6 Now some members of this body have  
7 raised questions about whether some incarcerated  
8 individuals will not be counted at all during the  
9 statewide redistricting process. The statute  
10 however is quite clear that it seeks to allocate  
11 all incarcerated individuals back to their home  
12 addresses wherever possible. But certain  
13 categories of incarcerated individuals, such as  
14 state prisoners, who are legal residents of other  
15 states, and those for whom the Department of  
16 Corrections does not currently have a home  
17 address of record will not be included in the  
18 population count.

19 Now, some members of this panel have  
20 questioned whether this practice will serve to  
21 dehumanize incarcerated individuals and the  
22 answer, I think quite clearly, is no. To the  
23 contrary, it was the prior practice of prison-

2 based gerrymandering which was dehumanizing;  
3 using incarcerated individuals' bodies as tools  
4 for political gain by pretending that they were  
5 ordinary constituents in districts where they had  
6 no real contact with the community, were not  
7 legal residents and did not choose to live.

8 Some have even likened prison-based  
9 gerrymandering to be notorious original clause in  
10 the United States constitution that infamously  
11 called for people who were enslaved to be counted  
12 as three-fifths of a person. It was an  
13 abominable compromise, but the abomination was  
14 not merely that those who were enslaved were  
15 treated as less than fully human, it was that  
16 they were actually counted in a way that boosted  
17 the political power of states where they were not  
18 equal citizens. One might even say that, at the  
19 time, not counting them at all would have been  
20 better than counting them in a way that increased  
21 the power of the slave holding south.

22 Now to be clear, I do not mean to draw a  
23 direct analogy to our situation here, which is

2 obviously quite different. But, as I hope my  
3 testimony today makes clear, sometimes it's  
4 better not to be counted at all then to be  
5 counted in the wrong place, if being counted in  
6 the wrong place will unfairly disadvantage your  
7 community.

8 Now more fundamentally, it is also  
9 incorrect to suggest that large numbers of  
10 incarcerated individuals will not be counted at  
11 all. Those who lack home address information  
12 will remain counted as part of the total  
13 statewide population. They are simply not  
14 allocated to any particular part within the  
15 state. Now, this is not unusual. In fact, it's  
16 exactly how we count our servicemen and women who  
17 are abroad.

18 A member of the armed services from  
19 Brooklyn who serves on a base in Afghanistan is  
20 counted by the Census Bureau as a New Yorker, but  
21 then is not allocated to a specific district  
22 within New York State for redistricting purposes.  
23 The U.S Supreme Court upheld this practice in

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2 Franklin vs. Massachusetts and I think it's a  
3 stretch to say that treating prisoners in the  
4 same way that we treat our men and women in  
5 uniform is somehow dehumanizing to the prisoners.

6 Furthermore, some states and  
7 municipalities subtract certain categories of  
8 individuals altogether during redistricting.  
9 Kansas and Hawaii, for example, do not count  
10 military personnel during redistricting and the  
11 United States Supreme Court upheld that practice  
12 in Burns vs. Richardson. Here in New York, 13  
13 counties currently exclude incarcerated  
14 individuals from the local population for County  
15 election districts and the Second Circuit upheld  
16 that against legal challenge in a case named  
17 Kaplan.

18 So for example, Cayuga County, which is  
19 located in your district, Senator Nozzolio, and  
20 in your district, Assemblyman Oaks, declines to  
21 count prisoners as members of the local  
22 community. There's no legal bar to that practice  
23 and if it makes sense for your constituents in



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2 Cayuga County, then I think it also makes sense  
3 for New York State as a whole. Indeed, it is the  
4 law of the land in New York and rightfully so.

5 Thank you very much for your time and  
6 for the opportunity to testify before you today.

7 SENATOR NOZZOLIO: Senator Dilan?

8 SENATOR DILAN: Can you repeat your  
9 comments with respect to servicemen who are  
10 serving abroad again?

11 DR. CLARKE: Oh, of course. I'm sorry.  
12 I may have glossed over that rather quickly.

13 The United States Census Bureau counts  
14 servicemen; and not just servicemen, but all  
15 federal employees who live abroad, both military  
16 and civilian and their dependents; so their  
17 family members; anyone who's living with them as  
18 part of the total population of an individual  
19 state.

20 So, if I work for the State Department--  
21 I'm a Brooklyn person. If I work for the State  
22 Department in, I don't know, Japan for instance.  
23 Right? Me and my family would be counted as

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2 members of the total population of New York State  
3 for purposes of apportioning Congressional  
4 representation as amongst the states. But I'm  
5 not then allocated to a specific district within  
6 New York State for redistricting purposes. That  
7 practice has been upheld by the United States  
8 Supreme Court in Franklin vs. Massachusetts and--  
9 I'm sorry.

10 SENATOR DILAN: Yeah, that's good. But  
11 then, would those individuals, those of the  
12 individuals who are out of the country on the  
13 day, however if they were here in the states the  
14 particular day you have to file, then they are  
15 counted in their district, correct?

16 DR. CLARK: That's right. So, not all  
17 federal employees are treated in this way; only  
18 federal employees who are abroad.

19 SENATOR DILAN: Who happen to be out of  
20 the country on that particular day. Is that  
21 correct?

22 DR. CLARK: Yes, that's correct.

23 SENATOR DILAN: However, if they're in

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2 the home on that day, they are counted.

3 DR. CLARK: Right.

4 SENATOR DILAN: Okay. I just wanted to  
5 clear that for the record.

6 Dr. CLARK: I think what's very  
7 interesting about that and the Supreme Court's  
8 decision in Franklin vs. Massachusetts is that  
9 these individuals have no physical presence in  
10 the states whatsoever, but the Court still found  
11 that it was okay to count them in their states.  
12 And in fact, the average person who works for the  
13 State Department spends 20 years abroad and yet  
14 they're still counted in their home states.

15 When we talk about prisoners and  
16 allocating them back to their home communities,  
17 their average sentences are much, much shorter  
18 than that. They're back in their home communities  
19 well before that time.

20 SENATOR DILAN: Thank you.

21 SENATOR NOZZOLIO: Mr. Ho.

22 DALE HO, ASSISTANT COUNSEL - NAACP LEGAL  
23 DEFENSE & EDUCATION FUND: Part of your testimony

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2 that I had a speed bump over was the issue of the  
3 connection or contact with the prison inmate and  
4 the community at large. The next time a prisoner  
5 needs medical transportation, has a heart attack  
6 for instance, and needs to be taken from one of  
7 the correctional facilities to a hospital, tell  
8 the emergency medical personnel who volunteer to  
9 make that ride that they have no contact with  
10 someone in their community.

11 Or tell the tutor who volunteers, the  
12 retired high school teacher who volunteers in a  
13 prison to help tutor an individual and school  
14 them to read; tell them that they have no contact  
15 with the prison in their area.

16 Or ask the local government that  
17 provides the sewer line and the water line to and  
18 from the prison that's located, that the local  
19 property tax payers or sewer district tax payers  
20 or water district tax payers have no contact with  
21 a prisoner who lives in that, or is incarcerated  
22 in that facility.

23 I appreciate your zealous advocacy on

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2           behalf of your position, but I believe that needs  
3           to be tempered with a fuller understanding of the  
4           realities that exist in communities. And that  
5           that is a for the record comment I would like to  
6           make regarding your testimony. I thank you very  
7           much for that testimony.

8                     DR. CLARKE: If I may respond briefly to  
9           your comments, Senator Nozzolio.

10                    SENATOR NOZZOLIO: Of course.

11                    DR. CLARKE: Your point is absolutely  
12           well taken and I would agree with you that there  
13           are reasons why and certain purposes for which we  
14           do need to count and take a count of prison  
15           populations in their districts. For utilities,  
16           for instance; I think it obviously makes sense.  
17           Take a count of the prison populations. For the  
18           use of roads and for hospital facilities;  
19           obviously it makes sense that funding shouldn't  
20           be affected by removing the prison populations  
21           out of there. We need services in those  
22           communities to deal with the prison population.

23                    I think the question really and the

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2 policy reason behind this statute is where are  
3 they really considered constituents? And are  
4 they ordinary constituents in those communities  
5 when they can't patronize the local businesses,  
6 when they can't participate in civic life and  
7 when they can't use services like parks and  
8 schools and the like.

9 I think for those purposes and the fact  
10 that they remain legal residents for all purposes  
11 in their home communities, where they're  
12 domiciled under New York law, it makes sense.  
13 And the legislature made a rational judgment that  
14 they should be allocated back to their home  
15 communities and it's the law of the land and  
16 binding on this committee.

17 SENATOR NOZZOLIO: Thank you for your  
18 comments, Mr. Ho.

19 DR. CLARKE: Thank you very much for  
20 your time.

21 SENATOR NOZZOLIO: Bernell Arthur  
22 Richardson. Bernell Arthur Richardson. Steve  
23 Chung. Good afternoon, Mr. Chung.

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2 STEVE CHUNG, PRESIDENT - UNITED CHINESE  
3 ASSOCIATION OF BROOKLYN: Hi, good afternoon - -  
4 committee. And my name is Steve Chung and I am  
5 the president of United Chinese Association of  
6 Brooklyn. And in abbreviation we call ourselves  
7 UCA. And UCA was founded in the year 2002 and  
8 its main goal is to serve and improve the well-  
9 being of the Chinese immigrant and family in the  
10 neighborhood of Bensonhurst, Brooklyn.

11 According to the 2010 Census data,  
12 besides Sunset Park, Bensonhurst is home to the  
13 second largest Asian-American population in  
14 Brooklyn and they constitute almost one third of  
15 the total population in Bensonhurst.

16 Besides Asian-Americans, Latinos are the  
17 second largest minority group there in  
18 Bensonhurst and they make up about 20% of the  
19 total population. Now, like Asian-American  
20 population, the Latinos share a lot of the  
21 immigrant values. Most of them are mainly  
22 working class immigrants with a majority of them  
23 speaking their native language at home. If we

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2 combine these two minority groups together, they  
3 will become one of the majority populations in  
4 Bensonhurst.

5 Now currently, Bensonhurst is divided  
6 into four City Council Districts and three State  
7 Senate Districts and three Congressional  
8 Districts and two Assembly Districts. These  
9 District lines severely split up the minority  
10 population community as well as dilute their  
11 voting strength to elect a candidate that can  
12 represent them.

13 There are a total of 12 elected public  
14 officials representing the Bensonhurst area, but  
15 none of them, none of them are from a minority  
16 background. And no Asian-American has ever been  
17 elected to public office in Bensonhurst as well  
18 as in the Borough of Brooklyn.

19 Now, UCA would like to provide community  
20 input for a new Assembly and Senate District  
21 which basically covers the neighborhoods of  
22 Bensonhurst, Dyker Heights and Sunset Park.  
23 According to Census 2010 data, a new Assembly



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2 District which stretched from western Bensonhurst  
3 to Sunset Park would contain an Asian-American  
4 population of more than 50%. Under the Voting  
5 Rights Act, a new proposed Assembly District  
6 Asian-American population is a protected group  
7 and fits into the category of a majority-minority  
8 district. And Asian-Americans should be kept  
9 together under the new district to avoid voter  
10 dilution and to keep communities of common  
11 interests together.

12 For the other Assembly Districts and  
13 State Districts in this area, the Asian-American  
14 population can constitute about one third of the  
15 total population. If we can act, the Latino, as  
16 the second largest minority in this neighborhood,  
17 which is about 20%, the total population of these  
18 two minorities will become a majority. These  
19 minority community interests are compelling and  
20 are sufficient to group them together into a  
21 district so that they can elect a candidate of  
22 their own choice.

23 As a community leader, I experienced--I

2 have personally experienced the pain and the  
3 agony to be underrepresented by our public  
4 officials. I'm not saying they're doing a bad  
5 job, but under most of the second circumstance,  
6 like - - ; they are very supportive. But when  
7 we, sometimes when we have to fight against the  
8 Board of Education maybe or some other government  
9 agency or we're asking for more legislative  
10 grants to support our social services, they will  
11 generate some other excuse.

12 For example, there is a high disparity  
13 in receiving legislative grants. And I know that  
14 this committee is focused on the State Assembly  
15 and Senate, but I have experienced to deal with  
16 the City Council because we have four City  
17 Councilmen in our neighborhood. And every time  
18 when I ask him for legislative grants, which is  
19 one of our major sources of income to support our  
20 social services, I ask one of the City Council  
21 Legislators would he give me \$2,000. And I asked  
22 for a little more and he told me, "Why don't you  
23 ask the other three, because I only cover a small

2 area of your population."

3 Now by statistics, right now Bensonhurst  
4 has one third of the population and all the  
5 Asian--there's three Asian-American Social  
6 Service organizations in Bensonhurst. We only  
7 receive a total of \$86,000 as of 2012 now. But  
8 among the four City Council members in - - , they  
9 have approximately \$800,000. In percentagewise,  
10 we're only getting about 10.7% from them but our  
11 population should be one third. This is a huge  
12 disparity.

13 In conclusion, before the year of 2000,  
14 Bensonhurst was mainly occupied by different  
15 ethnic groups, including Irish, then Jewish and  
16 recently it's the Italian neighborhood. But  
17 after the year 2000, new Asian immigrants keep  
18 pouring in and they account for the biggest  
19 growth rate among all the ethnic groups in  
20 Bensonhurst.

21 These newcomers inject new economic  
22 liveliness into the declining business left  
23 behind by the Italian-American community. And

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2 Asian Americans turned many of the empty  
3 warehouses into supermarkets and restaurants and  
4 they pump in new business and bring in millions  
5 of tax dollars into our city. And nobody can  
6 deny the economic contribution in Bensonhurst.  
7 But their political involvement needs to be  
8 encouraged.

9 Our new proposal: the Assembly District  
10 and Senate District and Congressional District to  
11 combine the Asian-Americans and Latinos into a  
12 majority-minority district to preserve their  
13 common interests and values. And this will not  
14 only eliminate voter dilution from the current  
15 district, but also galvanize the minority  
16 population by providing them with an opportunity  
17 to elect a candidate of their own choice. An  
18 elected official who can be devoted to represent  
19 their constituted interests is vital to harmonize  
20 and prosper a community, a city and a nation.

21 SENATOR NOZZOLIO: Thank you.

22 ASSEMBLYMAN MCENENY: Thank you very  
23 much, Mr. Chung. Will you be submitting any

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2 specific mapping proposals?

3 MR. CHUNG: Yes, we will. As a matter  
4 of fact, we belong to part of the Court  
5 Coalition.

6 ASSEMBLYMAN MCENENY: When do you expect  
7 to submit those to LATFOR?

8 MR. CHUNG: Most likely it will be in  
9 the next meeting.

10 ASSEMBLYMAN MCENENY: At the next?

11 MR. CHUNG: Meeting.

12 ASSEMBLYMAN MCENENY: Meeting?

13 MR. CHUNG: Yes.

14 ASSEMBLYMAN MCENENY: When is it?

15 MR. CHUNG: We have AALDEF; Asian-  
16 American Legal Defense Education Fund.

17 ASSEMBLYMAN MCENENY: What time--is that  
18 in weeks, days, months; when will that take  
19 place?

20 VOICE: Before the end of the - - .

21 ASSEMBLYMAN MCENENY: Before the end of  
22 the hearings?

23 MR. CHUNG: They're based in AALDEF and

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2 some of our members in our coalition are  
3 responsible for the mapping.

4 ASSEMBLYMAN MCENENY: That's important.  
5 Thank you very, very much.

6 SENATOR NOZZOLIO: You mentioned  
7 creating a minority-majority district by  
8 including the Latino or Hispanic community. Do  
9 you have any group that might want to testify to  
10 that from that Latino point of view? Is there  
11 are coalition put together?

12 MR. CHUNG: Yes, we can connect to them,  
13 but not this hearing; probably in the next one,  
14 yes.

15 ASSEMBLYMAN MCENENY: Thank you.

16 SENATOR NOZZOLIO: Councilman Al Van.  
17 Councilman Al Van. Assemblywoman Annette  
18 Robinson.

19 ANNETTE M. ROBINSON, ASSEMBLY MEMBER:  
20 Good afternoon to members of the task force and I  
21 see several of my colleagues in government  
22 present as well, so good afternoon to you.

23 I am Assemblywoman Annette Robinson and

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2 I serve as the elected Assembly representative of  
3 the 56th Assembly District which includes the  
4 communities of Bedford Stuyvesant, Northern Crown  
5 Heights and a portion of the Bushwick community.

6 Approximately ten years ago, I  
7 represented the 36th Council District. The 56th  
8 Assembly District is wholly contained in the 36th  
9 Council District. Over the years, I have been  
10 actively involved in the reapportionment and  
11 redistricting process as I and other sought to  
12 protect the voting rights of those racial groups  
13 protected by the Federal Voting Rights Act.

14 LATFOR must keep communities together as  
15 you review and draw Assembly, State Senate and  
16 Congressional District. In workshops and forums,  
17 I describe the community of Bedford Stuyvesant as  
18 one of the most stable communities in America. I  
19 have lived here all of my life, went to school,  
20 married, raised my family and their children also  
21 sent their children to schools in the same  
22 community and are still here. Many of my  
23 schoolmates continue to live in the community; so

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2 do theirs. We worship together, shop together  
3 and socialize with one another at various  
4 cultural and civil events and activities. We  
5 reside in brownstones, limestones, brick homes,  
6 condos and public housing. Some areas of the  
7 community have been designated as historic  
8 because of the architecture of many of the  
9 beautiful homes and the history of the  
10 neighborhood and its people.

11 Public and private institutions continue  
12 to service the needs of the people in Bedford  
13 Stuyvesant, Crown Heights and Bushwick. The  
14 Bedford Stuyvesant Restoration Corporation is the  
15 oldest community development corporation in the  
16 country. They provide housing, business  
17 development, social service, financial literacy,  
18 cultural, education and social activities. They  
19 are a hub and mentor to other community service  
20 organizations. Bedford Stuyvesant Legal Services  
21 seeks to service those without the ability to pay  
22 for legal services. Interfaith Medical Center,  
23 New York City Department of Health, Bedford



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2 Stuyvesant Family Health Center, Brooklyn  
3 Children's Museum, St. John's Recreation Center  
4 and the Bedford Y, College of New Rochelle and  
5 Medgar Evers College also serve the 56th Assembly  
6 District.

7 Even though Community Board Three  
8 defines Bedford Stuyvesant, Community Board Eight  
9 defines Crown Heights and Community Board Four  
10 defines the Bushwick portion of the district,  
11 these areas should be maintained as communities  
12 of interest, counting people.

13 Prisoners must be counted. The new  
14 state law that counts people who are incarcerated  
15 at their home for purposes of redistricting must  
16 be fully and timely implemented. This will help  
17 correct an imbalance in political representation  
18 that has disadvantaged many urban communities,  
19 including my district.

20 As I conclude my testimony, I have  
21 observed that there needs to be much more public  
22 notice about LATFOR's activities. Hearings  
23 should be held at accessible times so that many

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2 more interested residents can attend.

3 LATFOR does not have a black member  
4 serving on the task force to represent the  
5 concerns of black New Yorkers. If we do not pay  
6 attention to the bad history, we are doomed to  
7 repeat it.

8 There are three counties in New York  
9 State that are covered by the stringent Voting  
10 Rights Act. I urge the task force: conduct an  
11 outreach campaign to solicit the recommendations  
12 of black New Yorkers and others to correct the  
13 inequity. Thank you.

14 SENATOR NOZZOLIO: Thank you very much.  
15 Councilman Greenfield.

16 DAVID G. GREENFIELD, MEMBER - NEW YORK  
17 CITY COUNSEL: Thank you, Mr. Chairman. Thank  
18 you Chair Nozzolio, Chair McEneny and members of  
19 the task force for the opportunity to testify  
20 today on behalf of my constituents in southern  
21 Brooklyn.

22 My district covers most of Borough Park,  
23 roughly half of Midwood and Bensonhurst,

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2           respectively and a small portion of Kensington.  
3           Because of the time limitations, I'm going to  
4           focus my testimony today on the Borough Park and  
5           Midwood portions of the district, which encompass  
6           the vast majority of my district of roughly  
7           170,000 constituents.

8                     - - having heard the testimony on  
9           behalf of the Asian community in Bensonhurst, I  
10          think that is a fair testimony and fair concerns  
11          that they raise.

12                    As you have no doubt heard by now, these  
13          two communities of Borough Park and Midwood are  
14          predominantly made up of orthodox Jews who have  
15          similar religious, cultural and social needs.  
16          The rough borders of Borough Park are New Utrecht  
17          Avenue to the west, McDonald Avenue to the east,  
18          Legal Road to the north and 60th Street to the  
19          south. The rough borders of Midwood are McDonald  
20          Avenue to the west, Nostrand Avenue to the east,  
21          King's Highway to the south and Avenue I to the  
22          north. These two neighborhoods are connected and  
23          contiguous.

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2 I would say that in general, we're  
3 relatively satisfied with the lines drawn on the  
4 federal level as they mostly respect the  
5 integrity of these two communities. We're  
6 grateful that most of Borough Park is represented  
7 by the 8th Congressional District and that most  
8 of Midwood is represented by the 9th  
9 Congressional District. There are two other  
10 Districts that have swallowed a few blocks of  
11 Borough Park and Midwood, specifically the 13th  
12 and the 11th. We would appreciate it if one of  
13 these districts encompassed the other in these  
14 neighborhoods so that we can have more of an  
15 impact on either one of these districts. We  
16 would surely ask that you not split Borough Park  
17 or Midwood any further on the federal level.

18 On the state level however, we are in  
19 sore need of changes. Six state senators  
20 represent parts of Midwood and Borough Park as do  
21 six members of the New York State Assembly.  
22 Right there, that presents an incongruity. It  
23 simply doesn't make sense that we have the same

1  
2 amount of assembly members and senators, when the  
3 average assembly member has a population of  
4 roughly 126,000 and the average senator roughly  
5 306,000. Simply put, the current senate lines  
6 have gerrymandered the community out of any real  
7 influence in the senate. It's our strong  
8 preference that the communities have no more than  
9 three, but preferably two representatives in the  
10 New York State Senate in the areas of Borough  
11 Park and Midway.

12 As for our representation in the  
13 Assembly; once again, we are generally satisfied  
14 with these lines, however I would reiterate the  
15 importance of keeping the neighborhoods of  
16 Borough Park and Midwood intact. Any further  
17 dilution of those neighborhoods in the Assembly  
18 would harm these communities.

19 Finally, I just want to leave you with a  
20 sense of Borough Park and the growth of these  
21 neighborhoods in the past decade. Aside from  
22 being orthodox Jewish, Borough Park has the  
23 highest concentration of Hasidic Jews in the

1  
2 United States. As you know, a Census Bureau  
3 aggregates Census tracts into larger units called  
4 Neighborhood Tabulation Areas, or NTA's, in order  
5 to give us an idea of how individual communities  
6 grow over time. There were five NTA's, five  
7 neighborhoods in New York City that registered  
8 populations of over 100,000 eleven years ago:  
9 Flatbush, Northern Crown Heights, Jackson  
10 Heights, the Upper West Side and Borough Park.  
11 Now of these especially populous neighborhoods,  
12 Borough Park was the only one to register a  
13 positive growth rate, 5.2%, since the year 2000.  
14 So not only is Borough Park one of the city's  
15 most populous neighborhoods, but is the only one  
16 with over 100,000 residents that actually grew  
17 over the last decade.

18 The numbers are even more staggering  
19 when we consider the growth rate of the young  
20 population. Brooklyn Community District 12,  
21 which is mostly Borough Park and includes parts  
22 of Kensington and Midwood, saw staggering growth  
23 in the under 18 population over the last ten

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2 years. In fact, Community District 12 was  
3 Brooklyn's top Community District in terms of  
4 percentage growth of the under 18 population  
5 since the year 2000.

6 I conclude by asking that as you  
7 deliberate over the reapportion process to be  
8 mindful of the staggering growth in the orthodox  
9 communities' majority population in Borough Park  
10 and Midwood. Please be sensitive to their unique  
11 ethnic and religious identities, but most of all,  
12 please keep these communities intact and give  
13 them the representation that they deserve. Thank  
14 you, member of the committee.

15 SENATOR NOZZOLIO: Thank you very much,  
16 councilman. Robert Cornegy.

17 ROBERT CORNEGY, DISTRICT LEADER 56TH  
18 ASSEMBLY DISTRICT: Good afternoon members of the  
19 New York legislative advisory task force on  
20 demographic research and reapportionment. My  
21 name is Robert E. Corney, Jr. and I serve as  
22 State Committeeman District Leader for the 56th  
23 Assembly District.

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2           The 56th Assembly District serves  
3 Bedford Stuyvesant, Crown Heights and a small  
4 portion of Bushwick. For many years I've worked  
5 in underserved communities throughout New York  
6 City. I testify today before LATFOR because of  
7 the seriousness of state redistricting to these  
8 aforementioned communities, but especially my  
9 current community.

10           To me, the idea of redistricting  
11 represents an opportunity. However, how it  
12 wielded can bring about either political  
13 empowerment or political disempowerment.  
14 Essentially, this 2011 round of redistricting is  
15 about the protection of the voting rights of New  
16 Yorkers. LATFOR must respect the voting rights  
17 of those racial groups recognized by and  
18 protected by the Federal Voting Rights Act.  
19 Further, LATFOR must keep together communities of  
20 interest as it goes about drawing new Assembly,  
21 State Senate and Congressional Districts.

22           Bedford Stuyvesant is a prime example of  
23 a community of interest. Census 2010 shows that



2 it remains consistently a largely black  
3 community. Its residents are diverse in that  
4 some are home owners and some reside in the many  
5 public housing facilities throughout Bedford  
6 Stuyvesant. There are areas currently recognized  
7 as historic districts, such as Stuyvesant Heights  
8 as well as area currently undergoing the process  
9 of becoming a historic district; namely Bedford  
10 Corners, an area in the western portion of the  
11 district.

12 Bed-Stuy residents are a proud people  
13 who have always been proud of their neighborhood  
14 and share its schools, local homegrown  
15 businesses, vast array of cultural and civic  
16 programs, and the services of its anc-or  
17 organizations like the Bedford Stuyvesant  
18 Restoration Corporation.

19 Likewise, Crown Heights, as Bedford  
20 Stuyvesant's southern neighbor, shares its  
21 history as a residential community. It has tree-  
22 lined streets of historic limestones and  
23 brownstone residences, as well as its share of

1  
2 public housing.

3 Both communities share the similar, if  
4 not exact economic and civic concerns. The  
5 boundaries of Brooklyn's Community District Three  
6 define the area of Bedford Stuyvesant and  
7 Community District Eight contains area of  
8 Northern Crown Heights that I proudly serve.

9 I believe that you will find a  
10 consistent theme with my colleagues in federal,  
11 state and city government in demanding the  
12 following. First, make the process public.  
13 LATFOR should make this reapportionment process  
14 accessible to the public. This process is  
15 important. It must be transparent and the public  
16 needs to be involved. There needs to be much  
17 more public notice about LATFOR's activities. I  
18 acknowledge LATFOR's web site, but more needs to  
19 be done to inform the public.

20 I suggest ads in print and electronic  
21 press, radio and cable TV, public information  
22 spots and e-mail and social media. In addition,  
23 all of LATFOR's data needs to be accessible to

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2 the public online. The hearings should be held  
3 at times that are convenient to the working  
4 public. I suggest that you hold day and evening  
5 sessions at each location. Just holding daytime  
6 hearings in the middle of the work week  
7 discourages public participation.

8 Secondly, respect the needs of black New  
9 Yorkers. For the first time since its creation,  
10 there's not a single black member on LATFOR. I  
11 remind you that New York State has less than a  
12 stellar history of protecting the voting rights  
13 of its black voters. That is why three counties  
14 of New York State are among the few northern  
15 jurisdictions in the entire United States that  
16 are covered by the stringent Voting Rights Act's  
17 preclearance law. I urge that task force to take  
18 the recommendations that black New Yorkers bring  
19 to the task force seriously. I urge the task  
20 force to conduct a serious outreach campaign to  
21 solicit the recommendations of black New Yorkers.

22 I finally note that similarly, there are  
23 no women or Asians represented on LATFOR. In a

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2 state as diverse as New York, such blatant lack  
3 of diversity on our important body impairs public  
4 confidence in the task force and its products.

5 Third, redistricting criteria. LATFOR  
6 should make its redistricting criteria or  
7 interpretations public. For example, let the  
8 public know how you are interpreting the one  
9 person, one vote principle. Is LATFOR using a  
10 10% deviation standard for Assembly and Senate  
11 Districts? Will you be taking the residences of  
12 the state elected officials into consideration?  
13 How are you ensuring that racial minorities have  
14 an opportunity to elect representatives of their  
15 choice in compliance with the Voting Rights Act?

16 Fourth, counting people who are  
17 incarcerated. The New York State law that counts  
18 people who are incarcerated at their home of  
19 record for purposes of redistricting must be  
20 fully and timely implemented. This will help  
21 correct an imbalance in political representation  
22 that has disadvantaged many urban communities,  
23 including my district.

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2 Fifth, the size of the State Senate.

3 The size of the State Senate should not be  
4 changed for mere political convenience. Such  
5 actions are transparent to the public and  
6 discourage confidence in government. The Senate  
7 should not change without second reasons firmly  
8 rooted in the State Constitutions. If LATFOR  
9 believes that such a change is warranted, then it  
10 should be explicitly clear to the public about  
11 how it interprets the State Constitution to  
12 mandate such a change. In addition, if such a  
13 seat is created, it should logically be placed in  
14 a part of the state where there has been an  
15 increase in population.

16 I thank you for your opportunity to  
17 speak to the task force. This reapportionment is  
18 important, both the process and the resulting new  
19 districts should be about empowering New York  
20 communities. Thank you.

21 SENATOR NOZZOLIO: Thank you very much.  
22 For the record, I'd just like to indicate that  
23 there were a number of newspaper advertisements

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2 that were paid to publicize these hearings in  
3 publications like The New York Times, but also  
4 The Daily Challenge and Amsterdam News, The India  
5 Abroad, The Staten Island Advance, Newsday for  
6 our Nassau and Queens and Suffolk editions, The  
7 Korean Times, The Alvario and The Sing Tao.  
8 Those are just the publications that we advertise  
9 the hearing in.

10 We welcome other legislators to use  
11 their web sites to publicize the hearings; that  
12 we will have close to a hundred who are  
13 participating in this hearing, if not over a  
14 hundred, so that your points are well taken. We  
15 will continue to encourage the distribution of  
16 this information and anything you can do to help  
17 publicize the fact that your comments are on the  
18 permanent record and have been videoed so that  
19 your comments will be part of the record as well  
20 as part of the video on the LATFOR's web site.  
21 Feel free to publicize that to get more people to  
22 go to the web site and that we encourage those  
23 comments you made about openness and transparency

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2 we share. We want to make this well-known and  
3 anything you can do to help us in that effort we  
4 would welcome.

5 MR. CORNEGY: Thank you. I just want to  
6 suggest that the publication for my community  
7 that's widely read is Our Time Press. So you  
8 might want to just add that to the list.

9 SENATOR NOZZOLIO: Could you repeat  
10 that?

11 MR. CORNEGY: Our Time Press. Thank  
12 you.

13 PETER WEISS, KINGS COUNTY DEMOCRATIC  
14 COALITION: I am appearing before you because I  
15 want to express my concern about the process and  
16 my hopes for the next ten years.

17 New York State needs to create districts  
18 that have equal population throughout the state.  
19 These districts should preserve neighborhoods,  
20 keep neighborhood identities and have common  
21 interests. Neighborhoods should not be divided.  
22 I reside in the 44th Assembly District and part  
23 of that District is in Flatbush. Part of

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2 Flatbush, part of Victorian Flatbush is in the  
3 42nd Assembly District and part of it is in the  
4 44th. The majority part is in the 44th. I think  
5 that Victorian Flatbush deserves to be in one  
6 Assembly District. The 44th encompasses parts of  
7 Borough Park, parts of Windsor Terrace,  
8 Kensington, Victorian Flatbush and parts of Park  
9 Slope. All of Borough Park should be in one  
10 District; the 48th District. Victorian Flatbush  
11 should all be in one District; the 44th. This  
12 would allow these neighborhoods to have one  
13 assembly member representing those neighborhoods.

14 The next thing I'd like to just  
15 reiterate and I agree with is about the new state  
16 law where prisoners should be counted. I think  
17 that's important that this commission keep that  
18 in mind.

19 I then also want to stress something  
20 else that I have not heard today. I have heard  
21 that there are various dates where the primaries  
22 are going to be held. I've heard the suggested  
23 dates are in late August, August 28th. I've



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2 heard that another date would be late June and a  
3 third date is where we are now in September. I  
4 am vehemently opposed to having a late August  
5 date. I think that would be awful. I think that  
6 most--that's right before the Labor Day weekend  
7 holiday. I think most people will be away. I  
8 think that the voting turnout would decrease and  
9 I think people are just not interested. I would  
10 prefer either keeping the date the way it is or  
11 having a June date.

12 I also want to remind this commission  
13 that the people who get jobs, sometimes working  
14 in primaries need the money and they are college  
15 students and people who are unemployed and a  
16 college student certainly would not have an  
17 opportunity to work as hard as they do if the  
18 primary date was changed.

19 Also, this would affect our senior  
20 population and then their ability to vote. Those  
21 are the things that I would like to stress and  
22 thank you for your time.

23 SENATOR NOZZOLIO: Thank you, Mr. Weiss.

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2 Brian Paul. Brian Paul. Daniel Goudin. Daniel  
3 Goudin. Judith Orlando. Judith Orlando. Chuck  
4 Richenthal. Chuck Richenthal.

5 SUSAN LERNER, EXECUTIVE DIRECTOR -  
6 COMMON CAUSE NEW YORK: I am testifying in place  
7 of Richenthal.

8 SENATOR NOZZOLIO: Susan, your name is I  
9 think on the list, but it hasn't been called.

10 MS. LERNER: Okay.

11 SENATOR NOZZOLIO: Judith Orlando.  
12 Judith Orlando. Chuck Richenthal. Chuck  
13 Richenthal. Burchell Marcus. Burchell Marcus.  
14 Jonathan Yeaden. Jonathan Yeaden. Katie Davis.  
15 Good afternoon, Ms. Davis.

16 KATIE DAVIS, PRESIDENT - COMMUNITY  
17 COUNCIL FOR MEDGAR EVERS COLLEGE: Good afternoon  
18 to the task force. My name is Katie Davis,  
19 president of the Community Council for Medgar  
20 Evers College in Brooklyn.

21 The Community Council is an organization  
22 that founded the organization along with CUNY in  
23 1970. It is located in central Brooklyn. I'm

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2 here speaking on behalf of the community in  
3 central Brooklyn. Our concern is that in the  
4 process of drawing new lines that the interest of  
5 the people is kept in mind and the process is  
6 fair and free from political manipulation.

7 Please allow me to state some of our  
8 specific concerns and interests. I'm here to  
9 articulate it on behalf of this community to  
10 ensure that each New Yorker's vote is counted on  
11 the basis of one man, one vote; that fair  
12 districts must be a priority, new lines are free  
13 from political advantage for either political  
14 party. There should be no upstate or downstate  
15 advantages; that each district has equal number  
16 of population and that the outcome reflects  
17 changes in the 2010 Census as required by law.

18 Redistricting should take into  
19 consideration fair representation of all  
20 populations, carefully noting that current  
21 minority representation in the state and in  
22 congress does not fairly represent; currently it  
23 does not fairly represent the 42% population of

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2 blacks and Latino and Asian population. We would  
3 like for you to really, really look at that to  
4 correct that.

5 A priority of consideration should be  
6 taken in the spirit of the US Constitution and  
7 the Voting Rights Act. There should be objective  
8 standards used that are transparent to accomplish  
9 a fair outcome.

10 We appreciate an equal opportunity to  
11 elect our representative of choice in compliance  
12 with the law; that there be no unnecessary  
13 division of our neighborhoods that result in  
14 gerrymandering to suit some political interest.

15 Thank you for this opportunity to voice  
16 our interest and concerns. We look forward to  
17 and expect a fair and equitable outcome. Thank  
18 you and good evening.

19 SENATOR NOZZOLIO: Thank you. Now Susan  
20 Lerner. There you go.

21 MS. SUSAN LERNER, EXECUTIVE DIRECTOR,  
22 COMMON CAUSE, NEW YORK: Thank goodness Senator  
23 Nozzolio was kind enough to give me the sign that

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2 I was being called. So thank you very much for  
3 allowing me to speak. I'm Susan Lerner. I'm the  
4 executive director of Common Cause New York and I  
5 want to thank you for coming to my home borough.  
6 It's good to have you in Brooklyn.

7 And as you know, we've been  
8 concentrating on the demographic changes that we  
9 are seeing in the different areas where LATFOR is  
10 taking testimony and Brooklyn is no exception.  
11 Our thoughts on the demographic changes have been  
12 posted on the blog that we maintain, Mapping  
13 Democracy at [www.citizensredistrictny](http://www.citizensredistrictny.com). And we  
14 have, as we have in the past, provided you with  
15 some maps. And I'd like to just point out that  
16 we hope we can help Senator Dilan explain  
17 Brooklyn to you because our first map is the  
18 Brooklyn neighborhoods, which for people who  
19 aren't familiar with our borough, it can  
20 sometimes be confusing. I know you're hearing a  
21 lot of testimony about different neighborhoods  
22 and we have just started with a map of where the  
23 different neighborhoods are; because Brooklyn,

2 after all, is the largest of the five boroughs;  
3 two and a half million people. If Brooklyn were  
4 still an independent city, it would be the fourth  
5 largest city in the United States and I think  
6 you've seen very eloquently how diverse our  
7 district is.

8 So rather than going through our written  
9 testimony, which reviews the thoughts that we  
10 have about the demographic changes, I'd like to  
11 go to a couple of specific comments.

12 First, I'd like to respond a little bit  
13 to some of the discussion we've had this morning;  
14 particularly the entire question of when hearings  
15 are held and our desire to see more public  
16 participation. I'd like to suggest to you that  
17 the New York City Charter Commission, which  
18 struggled with exactly this issue, actually set  
19 an interesting model.

20 They began their hearings at 4:00 in the  
21 afternoon and they generally concluded somewhere,  
22 in all honestly, between 9:00 and midnight. But  
23 that gave them a very significant period of time.

2 They started late in the afternoon, but early  
3 enough before the evening so that organizations  
4 that are staffed, elected officials and so forth  
5 who wanted to testify during the work day would  
6 come and then community members would be able to  
7 join in the discussion later in the process where  
8 they felt they wanted to be heard in person.

9 And I think it's very important to  
10 provide people with an opportunity, not just to  
11 participate through the internet and we're great  
12 users of social media and as you can see from our  
13 blogs, we believe in communication through the  
14 internet, but I think that politics, at the end  
15 of the day, is a very personal exercise and we  
16 should be encouraging people to come out and to  
17 speak directly in person should they wish to.

18 I also would suggest that it wouldn't be  
19 untoward to think about an occasional weekend  
20 hearing. Obviously, the people who are paid  
21 staff members; that is more of a difficulty for  
22 them. But the ordinary voter who really feels  
23 passionately about the issue, and we're really

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2 happy to see the amount of attention that this  
3 issue is getting in the communities, would be  
4 well served by an occasional weekend meeting,  
5 especially as we get to, as you have pointed out,  
6 the more contentious set of hearings around the  
7 maps.

8 So, we very strongly support the various  
9 communities that testified here today. We  
10 believe that the big emphasis should be on  
11 communities on interest and holding them  
12 together. And as you can see, the great  
13 diversity of the borough has been well reflected.  
14 It isn't simply a question of ethnicity or  
15 religion. There are many different communities.  
16 The neighborhoods are really pretty well  
17 reflective of those communities of interest and  
18 we hope that you will be able to follow them more  
19 exactly than has been done with the previous  
20 maps.

21 And I'd like to point to two specific  
22 areas that are of concern to us, that we think  
23 need change. And one comes from my own personal



1  
2 experience. I'm a resident of Ford Green, which  
3 is in the 54th AD. And if you start at my home,  
4 which is very close to Fort Green Park and you  
5 travel, as I frequently do, to the Red Hook area  
6 because there's a large IKEA, there's a large  
7 grocery store that I like to frequent there and I  
8 am frequently driving or driving in this instance  
9 that approximately three and a half mile trip  
10 maybe once or twice a month.

11 When I make that trip, I am crossing  
12 four congressional district lines in three and a  
13 half miles. That is a lot and we're not talking  
14 about an area that has a great density of  
15 population. So that particular arrangement is of  
16 concern to us and we have pictured the existing  
17 congressional district maps on our map number 15.

18 And the other area that we think really  
19 requires attention is one that has gotten a  
20 tremendous amount of criticism in the previous  
21 redistricting cycle and there has been testimony  
22 here today about it and that is the area in south  
23 Brooklyn, which is the Dyker Heights of Bay Ridge

2 area. It really is carved up substantially and  
3 if you look at both map 16, which is the current  
4 Senate district map and map 17, which is the  
5 current Assembly map, you see how this community  
6 has been carved up.

7 We're also looking at the Sunset Park  
8 area and are very cognizant of that community's  
9 desire not to be cut into too many pieces.

10 As you know, we are engaged right now in  
11 a mapping process. We're learning every day how  
12 interesting the various factors are to balance  
13 and we expect that before you conclude your set  
14 of first round of hearings that we will be able  
15 to provide you with our suggestions and we'll be  
16 going public with our maps. Our maps are, of  
17 course, suggestions. We are using the criteria  
18 which are found in the Governor's Bill and with  
19 the exception of the deviation, the numerical  
20 deviation; we find them to be very workable from  
21 a good government point of view. We do believe  
22 that the deviation needs to be larger and I think  
23 I've testified on that previously.

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2 So I want to thank you. I hope that the  
3 information--

4 SENATOR NOZZOLIO: [Interposing] I'm  
5 sorry Susan. I didn't hear your last sentence.  
6 Could you bear repeating it?

7 MS. LERNER: I said that we--the only  
8 area of the Governor's Reform Redistricting Bill  
9 that we feel needs to be varied is the numerical  
10 deviation. We feel the numerical deviation needs  
11 to be larger than 1% to fairly represent the  
12 communities of interest in the mapping.

13 SENATOR NOZZOLIO: And your mapping; you  
14 plan to have that by the second week of October?

15 MS. LERNER: We plan to have that--I  
16 thought the last hearing was the 27th of October.

17 SENATOR NOZZOLIO: No, well we just  
18 added two hearings today. Originally we were  
19 scheduled to be done the first week of October.  
20 Now we're, at the request of Assemblyman Oaks and  
21 Senator Dilan, we have expanded the number of  
22 hearings to two more in the state. So that will  
23 take us to the first of November.

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2 MS. LERNER: Right, and we will have--  
3 our maps will be finished and publicly available  
4 and presented to you by, certainly by sometime in  
5 the second half of October.

6 SENATOR NOZZOLIO: Thank you very much.

7 ASSEMBLYMAN MCENENY: Thank you. It's  
8 good to see you again and your advice is good. I  
9 thought the idea of the late afternoon makes a  
10 lot more sense than starting so late that it  
11 would be way in the middle of the next morning  
12 before people got out.

13 We're up to 28 public hearings now from  
14 Buffalo down to Long Island and I think the idea  
15 of weekend hearings, unless we did them in 14  
16 locations, it wouldn't be quite fair. On the  
17 other hand, when we do get our draft maps, I  
18 think that's the type thing that individual  
19 legislators, good government groups might want to  
20 have weekend hearings and then come and testify  
21 what the results are. So they can take a  
22 Saturday for Common Cause or whomever and  
23 whatever locality seemed to make sense and then

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2 send in a representative at the scheduled hearing  
3 to say the general feeling is this or that or  
4 what have you.

5 MS. LERNER: Assembly member, that's a  
6 really interesting suggestion for us and having  
7 made the suggestion about weekend hearings,  
8 that's something we'll look at with our coalition  
9 partners in the different communities to see if  
10 we can facilitate that.

11 ASSEMBLYMAN MCENENY: The idea of  
12 starting late seems like a practical compromise  
13 for some communities. Some communities don't  
14 seem to care. They have enough representatives  
15 that work 9 to 5 that consider that part of their  
16 job and are well tuned into the community.

17 MS. LERNER: Okay. Thank you.

18 SENATOR NOZZOLIO: Thank you very much.  
19 Councilman Jumaane Williams. Good afternoon,  
20 councilman.

21 JUMAANE WILLIAMS, COUNCILMAN: Good  
22 afternoon. Co-chairs, thank you for the  
23 opportunity. Just to mention, my name is Jumaane

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2 Williams, council member for the 45th District,  
3 representing parts of Midwood, Flatbush, East  
4 Flatbush primarily and parts of - - .

5 Most of my testimony will be general  
6 because I know we're talking most of the state.  
7 Welcome to Brooklyn.

8 First, I believe it's a shame and I wish  
9 we--and I know some of my comments actually have  
10 been said before but I think it bears repeating,  
11 that there hearings are being held at this hour  
12 and people, the most affected people are a  
13 working class community and they'll be largely  
14 unable to attend and have their voices heard and  
15 I'd like to reiterate that hopefully we can have  
16 some evening and perhaps weekend hours. I think  
17 it's incumbent upon us, even if it doesn't fit  
18 our schedule necessarily, to fit the schedule of  
19 the people who it's going to affect the most.

20 Gerrymandering is a real hazard to  
21 affect the representation to keep communities  
22 together. We have neighborhoods in Brooklyn that  
23 have been sliced, diced and altogether abused by

2 law makers; not as bad as some others, but pretty  
3 rough.

4 The city level in my district has some  
5 very weird fingers that kind of jut out all over  
6 the place, all in the name of the petty goal and  
7 it's usually to serve one party or another. The  
8 reality is elected officials and people in  
9 general are all going to have some self-serving  
10 interests and I believe we should just do our  
11 best to try to keep that at a minimum as much as  
12 humanly possible.

13 We need a fundamental restructuring of  
14 the thought process behind redistricting. This  
15 is meant to determine how to best serve the  
16 people of New York not the elected officials of  
17 New York.

18 Several key goals need to be kept in  
19 mind. The districts should be contiguous as much  
20 as possible; compact and easy for residents to  
21 understand. They should be easily able to  
22 associate with who represents them.

23 There is also a continuing issue of the

2 lack of representation of people in the state.  
3 New York is now 42% black, Latino and Asian, but  
4 has nowhere near that percentage of state  
5 legislators or congress members. Furthermore,  
6 there are no African-Americans, Asians and I  
7 believe only one woman on LATFOR. How can these  
8 communities be assured their interests are being  
9 protected when they're not at the table? For too  
10 many times, I believe white males are allowed and  
11 assume that they can go past their white maleness  
12 and talk on behalf of the whole community. But  
13 for some reason, when it's reversed and perhaps a  
14 black male, they're assumed that they will only  
15 represent one district and I think we need to  
16 have more representation because I think  
17 everybody can represent anyone.

18 This needs to be viewed as a chance to  
19 right the wrongs of the past and to set New York  
20 on a course for effective representation of a  
21 state with revolving demographics. Political  
22 horseplay should not be allowed when drawing  
23 lines this time around. Too much is at stake.



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2           A couple of other things, and I know  
3           some of my constituents are going to be  
4           testifying, but of the 25% that was mentioned  
5           before, we're hoping that on the state and the  
6           city level, at least if it can't be 100%, there  
7           would be a better split. I know on the city  
8           level, it's about 80/20. Hopefully it will be  
9           about 60/40 and I know it was talked about on the  
10          state level earlier.

11          Also, I don't know where this comes up,  
12          but South Midwood in particular; they have about  
13          one ED. For some reason, they have to vote many,  
14          many, many, many blocks away. And I'm trying to  
15          figure out how to get that one ED back into South  
16          Midwood, so that the entire community can vote at  
17          the same place.

18          I'd like to also see as close to  
19          actually zero deviation as much as possible. I  
20          think the more deviation you have of course, it  
21          kind of defeats the whole purpose of having this  
22          commission to begin with.

23          And lastly, I'm horrified at the fact

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2 that we're even thinking about not adhering to  
3 the law when it comes to prisons. I really think  
4 it's disgusting that in the charge and the search  
5 for power, we'll do whatever we can. I think it  
6 is right that the prisoners should be counted at  
7 the home that they come from. For many years,  
8 people tell it, "Well, change the law. Change  
9 the law." The law has been changed, so I think  
10 that it would behoove everyone to try to honor  
11 the law because it's morally right and it's now  
12 legally right.

13 So I want to say thank you and that I  
14 plan on giving formal testimony at a later date.  
15 Thank you--formal written testimony.

16 ASSEMBLYMAN MCENENY: Councilman, you  
17 may not have been here earlier, but the LATFOR is  
18 only going to obey the law and we have never said  
19 that we would not obey the law in regards to  
20 prisoners.

21 MR. WILLIAMS: I'm very, very happy to  
22 hear that.

23 ASSEMBLYMAN MCENENY: It's a widely

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2 passed around rumor and it's quite inaccurate.  
3 Whatever the law says, we are committed to  
4 carrying it out. Likewise obeying the  
5 constitution; state constitution and also the,  
6 especially the Voting Rights Act of 1965.

7 MR. WILLIAMS: I'm very pleased to hear  
8 that. Thank you. There are two newspapers that  
9 I'm not sure that you heard that represent the  
10 Caribbean community which is the largest  
11 constituency I represent. Carib News, Caribbean  
12 Life and the Haitian Times are some papers that  
13 you may look into to advertise.

14 SENATOR NOZZOLIO: Thank you.  
15 Councilman, just one second. Senator Dilan.

16 SENATOR DILAN: I just want to say thank  
17 you and with respect to the additional newspapers  
18 that you have; if you can submit that to staff,  
19 I'll make sure it gets advertisements.

20 MR. WILLIAMS: Thank you. I want to say  
21 thank you to my colleagues on the task force and  
22 my colleagues in the audience.

23 SENATOR DILAN: And I also want to just

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2 reiterate and enforce that fact that this  
3 commission has come out publicly in favor of the  
4 laws of 2010 with respect to the prisoners.

5 MR. WILLIAMS: Thank you, Senator Dilan.

6 SENATOR DILAN: Alright. Thank you.

7 SENATOR NOZZOLIO: Paul Wiedner. Paul  
8 Wiedner. Anthony Gronowicz. Anthony Gronowicz.

9 ASSEMBLYMAN MCENENY: What happened to  
10 Richard?

11 SENATOR NOZZOLIO: Richard Boatti. I  
12 apologize, Mr. Boatti. Could you for the record  
13 pronounce your name for us?

14 RICHARD BOATTI, ORGANIZING COMMITTEE-ACT  
15 NOW MEMBER: Yes, Boatti.

16 SENATOR NOZZOLIO: Boatti.

17 MR. BOATTI: Boatti, yes. Well, as we  
18 just discussed, my name is Rich Boatti and thanks  
19 for giving me the chance to speak today. I'm  
20 here as a member of ACT NOW, a progressive group.  
21 But I'm also here as myself, a concerned citizen.

22 Unfortunately today we are taking part  
23 in an exercise in futility. We are assembled in

2 a room where voters have gathered to plead with  
3 members of the Senate majority and members of the  
4 Assembly majority to do something they will never  
5 do willingly, which is to put their jobs in  
6 jeopardy.

7 What can I or anyone else in this room  
8 say that hasn't already been said a million  
9 times. It is inherently unfair to allow  
10 legislators to choose their voters. Why would  
11 anyone on this task force who is here by virtue  
12 of Dean Skelos or Sheldon Silver do anything  
13 against the interests of Dean Skelos and Sheldon  
14 Silver?

15 So what are the interests of Dean Skelos  
16 and Sheldon Silver? Well, we know that Dean  
17 Skelos' interest is to continue the decade's long  
18 disenfranchisement of New York voters. The  
19 Republican Conference in the Senate is now  
20 playing a transparent game saying that  
21 redistricting reform has to be done via a  
22 constitutional amendment. But we all know that  
23 is not true. Redistricting has historically done

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2 by law, not constitutional amendment and this  
3 desire to have it done by constitutional  
4 amendment is just a delay tactic to push the  
5 redistricting until the 2022 cycle.

6 Obviously the Republican majority does  
7 not care about the voters of New York because if  
8 they did, they wouldn't be in power. There's no  
9 reason why a state that is as thoroughly  
10 Democratic, capital D, as New York would have a  
11 Republican Senate majority for 40 years. If the  
12 districts were drawn fairly that would never be  
13 the case. Every election, more people in New  
14 York vote for Democratic senators than Republican  
15 ones, but this is not reflected in the Senate's  
16 majority because the voters in New York are  
17 disenfranchised.

18 Then there's the Assembly. Not content  
19 with a fair majority that an un-gerrymandered  
20 system would undoubtedly give Assembly Democrats,  
21 Sheldon Silver strikes an alliance with  
22 Republican senators in order to get larger than  
23 necessary, even superfluous majorities just so he

2 can have slightly more power. This whole system  
3 is a farce and I mean no disrespect, but it's  
4 true.

5 Luckily Governor Cuomo is so far  
6 standing by his veto threat to veto any  
7 legislative reapportionment that is not drawn by  
8 an independent commission and I don't think  
9 members of this committee or of the Assembly and  
10 Senate as a whole will ever vote to do that. So  
11 it seems like there's just going to be deadlock  
12 and in that case, it's most likely that a special  
13 master will draw the districts and hopefully that  
14 will produce a better result because a special  
15 master doesn't have the inherent bias of being a  
16 self-interested party in the process; unlike  
17 every single member of the Assembly and Senate.

18 So, I just want to conclude that the  
19 only way New Yorkers will get their human rights  
20 to elect their leaders fulfilled would be to have  
21 an independent commission to draw the lines or  
22 some other type of system where human  
23 interference is not allowed, such as with a

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2 computer program that is openly available to the  
3 public that can automatically draw districts  
4 based on population and compliance with the  
5 Voting Rights Act. But honestly, any system that  
6 doesn't involve members of the actual legislature  
7 at the time picking their voters would be fine  
8 with me. So, thank you for your time.

9 ASSEMBLYMAN MCENENY: Just an  
10 observation and I'm the Assemblyman on the panel.  
11 I believe I heard you say that there's no normal  
12 way, except for the obvious gerrymandering that  
13 would take place, that the Senate could ever be  
14 Republican.

15 MR. BOATTI: Yes, I mean over a long  
16 period of time. Obviously within certain  
17 election cycles it could be a Republican cycle,  
18 but--

19 ASSEMBLYMAN MCENENY: [Interposing]  
20 Well, Governor Pataki ran at large and so did  
21 Governor Rockefeller. He ran at large and they  
22 were both Republicans. One was elected four  
23 times. One was elected three times.



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2 I think the one thing we know about  
3 politics--I've always been one of those people;  
4 I'm a history major not a poli-sci major and I  
5 always disliked political science as a title  
6 because it's an attempt to turn an art into a  
7 science and give it predictable rules. I think  
8 the people continually surprise us. My first  
9 election knocked off an 18 year incumbent in the  
10 County Legislature who was the majority leader.  
11 That was a write-in; not even in the machine.  
12 Same party, too.

13 I think there's a body politic out there  
14 that really expresses approval and also outrage  
15 and it depends on the issue. And the idea of  
16 mechanically dictating how the people will vote--  
17 we talk to a lot of legislators. This is all on  
18 the record. And they will come in; you know what  
19 most of their concerns are? Keep my neighborhood  
20 together. Don't split our neighborhoods. I've  
21 only heard one, what have we had? Two, three  
22 hundred people have testified. I only heard one  
23 person testify that he liked it that the town had

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2 three members of Congress because he thought  
3 there were three voices speaking for him. Almost  
4 everybody said, "Neighborhood; keep my  
5 neighborhood together. Don't split my  
6 neighborhood." That's most of the concerns. And  
7 I think you've come to a lot of judgments and  
8 we're trying to do a good job. I'm sorry that  
9 Governor Cuomo failed to convince the legislature  
10 and particularly the Senate that it was in their  
11 best interest to let his new board do the  
12 redistricting. But we have to do our job and we  
13 have a fiduciary responsibility in the New York  
14 State constitution as the legislature working  
15 jointly to take the districts, which after ten  
16 years are obsolete and have them truly reflect  
17 the new Census. And to hold these hearings; and  
18 at some of them, the League of Women Voters were  
19 specifically asked, "Are these hearings  
20 worthwhile? Are they helpful to you?" And the  
21 answer was, "Yes, these public hearing and these  
22 people that give up time from their day to come  
23 in here and give us advice, I know I personally

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2 have changed my mind on many previously assumed  
3 assumptions based upon what these people, in good  
4 faith, many with no political motive, are  
5 expressing. And I think your statements are so  
6 broad, so judgmental; and then to recommend that  
7 a governor veto legislation that he hasn't read  
8 yet I think is not exactly good government.

9 MR. BOATTI: Well, that's well taken. I  
10 would just like to respond that in other states,  
11 it is not this way and in regards to New York  
12 electing Republican governors in the past, yeah  
13 it's true.

14 ASSEMBLYMAN MCENENY: I didn't. The  
15 electoral did that.

16 MR. BOATTI: I'm sorry.

17 ASSEMBLYMAN MCENENY: The electorate  
18 elected them.

19 MR. BOATTI: I was going to say, when I  
20 said New York, I meant the voters. I apologize  
21 for the confusion. But in truth, no offense to  
22 anyone on this panel, but people pay more  
23 attention to the governor and are more likely to

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2 make informed decisions about the governor than  
3 they are about their local legislator. That's  
4 just a fact. And when it comes to local  
5 legislators, yes, there are exceptions like you  
6 mentioned, but most of the time people just vote  
7 on party lines when it comes to legislators.  
8 Most people don't even know who the legislators  
9 are. People just vote for the party. And if  
10 you--I understand the desire to keep  
11 neighborhoods intact and I'm not opposing that  
12 and obviously an independent commission; that  
13 could be one of its mandates. But I don't like  
14 to hear that districts are all designed by  
15 neighborhood when there are these ridiculously  
16 gerrymandered districts all over the state. The  
17 Abe Lincoln pushing a vacuum cleaner. I mean, is  
18 that a neighborhood? Is that a contiguous--  
19 anyone want to defend that here?

20 ASSEMBLYMAN MCENENY: I would.

21 MR. BOATTI: You would? Why is that  
22 district drawn that way?

23 ASSEMBLYMAN MCENENY: You hit the

2 classic example of prejudice and that's the one  
3 that has the Abe Lincoln hat and goes down with a  
4 glob on both sides of the Mohawk.

5 MR. BOATTI: Yes, yes.

6 ASSEMBLYMAN MCENENY: It's called  
7 Hercomer County. It's looked like that for 200  
8 years.

9 MR. BOATTI: We're not contiguous with  
10 the counties.

11 ASSEMBLYMAN MCENENY: It's a terrible  
12 looking county, but people try to keep the county  
13 together. That's one of the goals. If you can,  
14 you try not to cross a county line. So, Old Abe  
15 up there, or as some have called it Abe Lincoln  
16 riding a vacuum cleaner; that's what Herkimer  
17 County has looked like for about 200 years.

18 MR. BOATTI: It's not exactly contiguous  
19 with the county and it's definitely drawn to  
20 carve in and out certain demographic voters.

21 SENATOR NOZZOLIO: You're certainly  
22 entitled to your opinion and we respect that and  
23 we're glad that you were able to put that on the

2 record. But I think that you have come with  
3 obvious partisan focus and that I believe  
4 strongly that, particularly your references about  
5 the Senate are inappropriate and just not  
6 factual.

7 MR. BOATTI: Well, I respectfully  
8 disagree.

9 SENATOR NOZZOLIO: And if I may, an  
10 inconvenient truth for you may be the  
11 constitution of the state of New York which,  
12 although redistricting comes but once a decade,  
13 that the Senate has enacted what we believe is a  
14 truly non-partisan approach to this process which  
15 would also enable the constitution of the state  
16 of New York to be changed, which we believe  
17 strongly should be the case if establishing this  
18 redistricting commission.

19 I don't think I've heard; and maybe this  
20 is something that you like, but the fact that we  
21 believed the selection process, which placed six  
22 Democrats in the selection process, weighted only  
23 against two republicans, was not fair and

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2 unbalanced. We also believe that having a real  
3 independent commission would, in fact, exclude  
4 those who have headed up political action  
5 committees, those who have contributed greatly to  
6 any political candidate; those who have acted in  
7 some partisan fashion should be excluded from  
8 this committee.

9 One needs only to go to other committees  
10 like this. For instance, in Arizona where an  
11 individual was chosen who was the so-called  
12 Independent because they were registered to by an  
13 Independent, but in fact, were campaign  
14 consultant for many Democrats, including the  
15 President of the United States.

16 So, it is truly more than simple  
17 mathematics of putting something down and saying  
18 that we believe Ed is, in fact, independent. I  
19 understand your desire to take this process away  
20 from the legislature. Many believe in that  
21 opinion and share that opinion.

22 We cannot engage in that process now  
23 because we believe that we have to exist under

2 the laws that currently exist and that LATFOR  
3 certainly could be criticized but the fact of the  
4 matter is, that's the law right now and until  
5 that law is changed, we had to continue and go  
6 forward with the redistricting process and taking  
7 these hearings.

8 This doesn't preclude the process from  
9 changing in any way. We just wanted to make sure  
10 the hearings; that people would have the  
11 opportunity to testify and that the process move  
12 forward while there are other decisions with are  
13 left pending.

14 We appreciate the opportunity to provide  
15 you with a forum to present your views and that  
16 we thank you very much for expressing them.  
17 Senator Dilan.

18 SENATOR DILAN: I will be very brief. I  
19 may agree with some of your comments and I may  
20 disagree with some of your comments. And  
21 likewise with the co-chairs, I may agree with  
22 them at time and disagree with them at times.  
23 But history has indicated how the last four



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2 redistricting in the last 40 years have gone and  
3 those speak for themselves.

4 You will have another opportunity with  
5 respect to the comments that you made here today.  
6 You can come back during the second round when  
7 you see the actual districts and then you'll have  
8 an opportunity to speak with facts. Thank you.

9 MR. BOATTI: Thank you. I'm looking  
10 forward to that opportunity.

11 ASSEMBLYMAN MCENENY: Thank you very  
12 much. We don't mean to be hard on you. We've  
13 heard it quite a few times and the Lincoln hat  
14 one always flips me out because I used to be the  
15 county historian. And not knowing what the shape  
16 of the county is, I think that's a basic, that's  
17 a decision someone's making from afar and it  
18 casts doubt on some of the other criticisms.

19 We also have additional pressure this  
20 year. The Justice Department is justifiably  
21 concerned that 20% of all servicemen and women  
22 who vote absentee don't have their ballot  
23 counted.

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2 Now, that means most likely that we're  
3 going to be obligated to have a June primary,  
4 which means that the legislature will come back  
5 in January and we hope to have a plan by late  
6 January and one that's had the two sets of  
7 hearings at a minimum.

8 So, that means petitions to run for  
9 office; for Congress, the Senate and the Assembly  
10 are going to have to hit the streets at the end  
11 of February, possibly the first week of March.  
12 And we can't afford to wait while the Governor's  
13 negotiating for a better bill than the one that's  
14 in there now which, by the way, I'm the sponsor  
15 of.

16 MR. BOATTI: I appreciate that.

17 SENATOR DILAN: We've got to get rid of  
18 the 1%. That doesn't make sense. And we need to  
19 reassure people that independent really means  
20 independent. You're better off saying bi-  
21 partisan because at least you know what you got.  
22 But that's a personal opinion. Thank you so much  
23 for coming down.

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2 MR. BOATTI: Thank you for taking my  
3 comments.

4 ASSEMBLYMAN MCENENY: Mr. Joel  
5 Rosenfeld. Good afternoon, Mr. Rosenfeld.

6 JOEL ROSENFELD: Good afternoon. My  
7 name is Joel Rosenfeld. My wife and I, together  
8 with our eight beautiful children are lifelong  
9 residents of the Borough Park section of  
10 Brooklyn. I'm a member of the Bobov Community,  
11 one of the largest Hasidic Sects in New York.

12 When our founding fathers created this  
13 great nation with their great insight and wisdom,  
14 they chose to create a representative democracy  
15 in which majority rule is tempered by minority  
16 rights protected by law. Unlike other  
17 democracies that have a parliamentary system,  
18 where you vote for a party or an ideology with no  
19 local input, our framers understood that the  
20 farmers of Virginia have different needs than  
21 that merchants of New York and therefore, they  
22 should each have their own representative that is  
23 keen and sensitive to their respective needs.

2           The same should hold true today. When  
3 you have a community that has a large  
4 concentration of like-minded people that are  
5 interconnected either by the same interests or by  
6 the same ethnicity, they should have a unified  
7 voice and should be represented by one  
8 representative that will listen to their needs  
9 and show interest in their concerns. This is  
10 what our founding fathers wanted.

11           Borough Park, as the neighborhood with  
12 the largest population of Hasidic Jews outside of  
13 Israel, has particular needs. It has a very  
14 large concentration of Holocaust survivors and as  
15 we all know, the next ten years are very crucial  
16 for them, as the last survivors of the  
17 concentration camps are slowly passing away.

18           On the federal level, Borough Park is  
19 currently represented by the Honorable  
20 Congressman Jerry Nadler, who has been active in  
21 advocating for the needs of this community; for  
22 instance, introducing legislation to ensure that  
23 settlements paid to survivors are exempt from

2 federal taxes, supporting and helping Jewish  
3 institutions who deal with survivors and look  
4 after their health; lobbying the governments of  
5 Europe to retain Jewish monuments and cemeteries  
6 and speaking out against anti-Semitism in all its  
7 forms.

8 It is imperative that this special  
9 population have a unified national voice and a  
10 representative with a finger on the pulse to stay  
11 attuned to the needs and to put pressure on world  
12 governments to do their duties. Like other parts  
13 of the 8th District, Borough Park is also home to  
14 many large families, with usually comes along  
15 with poverty and social service needs. The  
16 Manhattan and other Brooklyn parts of the 8th  
17 District share with Borough Park a large Jewish  
18 population with common interests. Being that  
19 Borough Park is a sizable part of Congressman  
20 Nadler's District, he looks our way and stays  
21 attuned to the needs of the community regarding  
22 this particular need. If Borough Park is split  
23 into a few districts, we will lose that voice.

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2           In closing, I would like to urge the  
3 committee to see what happened ten years ago by  
4 the last redistricting, when on the State Senate  
5 level, Borough Park was split in four. Although  
6 all four senators are great public servants and  
7 serve the constituents as needed, Borough Park as  
8 a community has lost its voice in the State  
9 Senate. That's why I respectfully ask the  
10 committee to keep Borough Park united in one  
11 district.

12           On the federal level, Borough Park  
13 should remain in the 8th Congressional District.  
14 And by the state level, in the Assembly we are  
15 currently represented as one voice by our great  
16 representative, the Honorable Assemblyman Dov  
17 Hikind. But by the State Senate, we are  
18 fragmented into four districts. So when you are  
19 working on new maps, please keep this in mind  
20 that we would love and we deserve to have a  
21 unified strong voice on all levels of governments  
22 just as our founding fathers intended.

23           These are my prepared remarks. I just

2 wanted to make an observation that, sitting here  
3 since 10:00 and hearing all the testimony,  
4 probably 90% of all the people that testified are  
5 from minority communities, either through  
6 religious affiliation or ethnicity or racial  
7 backgrounds. And it goes to show you that these  
8 people are passionate about who represents them  
9 and they want all the neighborhoods to stay  
10 intact. So obviously it's a very important  
11 thing.

12 On a lighter note, there was discussion  
13 about the timing; that maybe working people can't  
14 come to the hearings. Maybe it shows that in  
15 some minority communities, the Jewish community  
16 and others, that unemployment is higher than in  
17 other communities. That's why we come to the  
18 hearings.

19 But it does; it shows you that maybe if  
20 our representative would be more attuned to our  
21 neighborhoods, they would do more about the  
22 issues and concerns that need to be done for the  
23 community. Anyway, thank you for your time.

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2 ASSEMBLYMAN MCENENY: Thank you very  
3 much.

4 SENATOR NOZZOLIO: Thank you Mr.  
5 Rosenfield. Rabbi Moshe Wiener. Rabbi.

6 RABBI MOSHE WIENER, EXECUTIVE DIRECTOR -  
7 JEWISH COMMUNITY COUNCIL OF GREATER CONEY ISLAND:  
8 Good afternoon. Thank you for the opportunity to  
9 testify and I certainly join all others in  
10 reiterating our gratitude to the entire task  
11 force for your obvious dedication and  
12 extraordinary efforts on behalf of the  
13 constituents of both our city and our state.

14 My name is Rabbi Moshe Wiener. I serve  
15 as the executive director of the Jewish Community  
16 Council of Greater Coney Island, a community  
17 based social service agency with a city-wide  
18 scope which is proudly based in the 8th  
19 Congressional District, represented with great  
20 distinction by Congressman Jerrold Nadler.

21 As you're concentrating in dealing with  
22 difficult, complex problems of various current  
23 districts which require redistricting and



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2 reconsideration, I'm sure you're very pleased  
3 that as least there's one district, the 8th  
4 Congressional District, which has for many, many  
5 years demonstrated that it is an effective  
6 district that has worked well together, despite  
7 the fact that there are so many diverse  
8 neighborhoods in such a wide geographic area that  
9 are involved in this particular district.

10 One of the many common denominators and  
11 unifying factors of the various communities  
12 served by Congressman Nadler is the large number  
13 of senior citizens in general, and Jewish senior  
14 citizens in particular that reside in the 8th  
15 Congressional District. In fact, the community  
16 district 13, in which the Coney Island and  
17 Seagate communities are located, have the highest  
18 concentration of seniors in the entire city of  
19 New York and many of the other areas,  
20 neighborhoods which are represented in the 8th  
21 Congressional District have unusually large  
22 populations of senior citizens as has been  
23 previously.

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2           Since one of the many areas of focus of  
3 the Jewish Community Council of Greater Coney  
4 Island, besides its educational programs, its  
5 vocational programs, its technical assistance  
6 services citywide, are senior citizen services;  
7 our senior citizen support services. And the  
8 formal affinity between the communities in the  
9 8th Congressional District assume even greater  
10 significance in order to enable us to provide  
11 services in an organized and coordinated manor.

12           The services that we provide, especially  
13 to Holocaust survivors in the area, utilize  
14 collaborative relationships with social service  
15 agencies and other 8th Congressional District  
16 communities, such as Borough Park and  
17 Bensonhurst. We're also very heavily involved in  
18 the adjoining communities such as the Midwood  
19 community, such as the Sheepshead Bay community,  
20 such as the Manhattan Beach community which,  
21 because of this intrinsic relationship, the high  
22 incident of senior citizens and particularly of  
23 Jewish senior citizens and the common needs

2 between these communities, perhaps it would be  
3 worthwhile for there to be consideration of these  
4 additional neighborhoods to be included in the  
5 8th Congressional District as the redistricting  
6 is finalized.

7 The specific needs of all of the  
8 communities are also shared by the Manhattan  
9 neighborhoods that are included in the district,  
10 which are also home to a large number of senior  
11 citizens, of Jewish and Holocaust survivor  
12 residents. In fact, the Jewish Community Council  
13 of Greater Coney Island provides various services  
14 to the homebound Holocaust survivors in the Upper  
15 West Side of Manhattan section of the 8th  
16 Congressional District. This reality underscores  
17 the importance of retaining these neighborhoods  
18 in one congressional district block.

19 During his long, prestigious career  
20 Congressman Nadler has come to know the needs of  
21 the district and has continuously addressed them.  
22 Among other things, he has supported  
23 institutions, such as the Jewish Community

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2 Council of Greater Coney Island, all of the other  
3 social service agencies in the area which  
4 directly outreach to the elderly and to the poor  
5 and other populations that are in need of  
6 assistance. He's advocated on behalf of  
7 Holocaust survivors and organizations that  
8 support services to Holocaust survivors. He's  
9 been a tireless advocate for federal programs  
10 that support the elderly, such as Medicare and  
11 food stamps, which Medicaid and Social Security.  
12 He's fought for federal funding streams that  
13 support the work of organizations, such as the  
14 Jewish Community Council of Greater Coney Island,  
15 including appropriations, the community services  
16 block rent, the community development block rent.  
17 Congressman Nadler's also been a strong supporter  
18 of Israel and of Israel's right to defend itself  
19 and Congressman Nadler has advocated on behalf of  
20 religious freedom and the rights of the observant  
21 to worship freely.

22 So, as mentioned at the beginning that  
23 as the task force is involved in such a daunting

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2 task and such complex responsibilities, hopefully  
3 the success that has been demonstrated by the 8th  
4 Congressional District can be maintained and  
5 serve as a wonderful example for many other  
6 districts that you'll be working on on  
7 redistricting in the future. But retaining this  
8 district is an example for many for many years to  
9 come. Thank you very much for your  
10 consideration.

11 SENATOR NOZZOLIO: Thank you, Rabbi.

12 Gregory Davidzon.

13 GREGORY DAVIDZON, PRESIDENT - DAVIDZON  
14 MEDIA INC.: Good afternoon. My name is Gregory  
15 Davidzon. I'm sorry. Last Tuesday's election, I  
16 lost my voice; my real voice, not my election  
17 voice. I hope to restore it soon.

18 My name is Gregory Davidzon. I am owner  
19 of the Russian Language Video Station and several  
20 Russian newspapers; it's only one citywide daily  
21 Russian newspaper and I represent here certainly  
22 Russian community; a few hundred thousand in the  
23 city.

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2 I think I have full right to express  
3 opinions about my community based on the feedback  
4 from radio listeners and the newspaper readers.  
5 And my main goal to be here today to advocate; be  
6 careful of our community to keep boundaries of  
7 the 8th Congressional District, currently  
8 represented by Congressman Nadler, the same.

9 The Brooklyn part of the 8th  
10 Congressional District contains neighborhoods of  
11 Brighton Beach, Coney Island, Borough Park and  
12 part of the Bensonhurst neighborhood, which one  
13 of the largest group with the largest  
14 concentrations of immigrants from the former  
15 Soviet Union outside the former Soviet Union.

16 The Russian speaking community in the  
17 United States is overwhelmingly Jewish which  
18 means there is common interest with other Jewish  
19 communities in the 8th Congressional District,  
20 such as Borough Park and Manhattan. A  
21 significant percentage of the Russian speaking  
22 community in this district is elderly people. So  
23 is the rest of the district in both Manhattan and

2 Brooklyn has the very common needs. This group  
3 as a block should not be split up. There's a lot  
4 of talking today about keeping communities  
5 together and I think it's the right direction to  
6 go.

7 I can talk about Congressman Nadler for  
8 a long, long time and with a big respect to many  
9 official elected, I can tell he's not one of the  
10 best; he's just the best for the Russian  
11 community. So much he is doing and I hope will  
12 continue to do for Russian community.

13 I think it's very, very important issue  
14 he's working right now; it's to restore the  
15 pensions from government of the former Soviet  
16 Union because people worked for years, years,  
17 years and didn't receive anything from the  
18 governments. It's absolutely unfair and  
19 Congressman Nadler works very closely with the US  
20 government to restore the pensions.

21 Another very important thing is probably  
22 nobody better than people know which office to go  
23 to get the help. And the fact that Congressman

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2 Nadler's office, it's always full of the people  
3 and many, many of them are Russians shows itself  
4 what it means that the real people can get help  
5 there. It's very, very important.

6 It's like already told, Congressman  
7 Nadler has been a strong and committed advocate  
8 for the Russian speaking community for a long,  
9 long time and should continue to represent their  
10 neighborhoods. He, like nobody else I believe,  
11 has the ability to understand the needs of our  
12 community and seniority to get things done. And  
13 he has been extra supporter of the Russian-  
14 American organization and strong supporter of  
15 Israel and he has fought for social services and  
16 the needs of the elderly and middle class.

17 I urge no change should be done in lines  
18 of this district. Our Russian community  
19 certainly has some interests in other districts  
20 and we're going to very soon to submit the map to  
21 make sure that our opinion will be counted and I  
22 hope we will get other districts another  
23 representative the same good as Congressman



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2 Nadler. Thank you very much.

3 ASSEMBLYMAN MCENENY: Thank you.

4 SENATOR NOZZOLIO: Thank you, Mr.

5 Davidzon. Sheila Boyd. Good afternoon, Ms.

6 Boyd.

7 SHEILA BOYD, PRESIDENT - OCEAN TOWERS

8 TENANTS ASSOCIATION: Good afternoon. Hello, my

9 name is Sheila Boyd and I'm the president of the

10 Tenants Association for Ocean Towers in Coney

11 Island.

12 Coney Island has many buildings like

13 Ocean Towers; high rise rental building where

14 tenants frequently call on their elected official

15 for advocacy on their behalf. Representative

16 Nadler has been there to look out for the

17 tenants' interests and has frequently been

18 involved in our negotiations with the landlord

19 and the management company. He fought with us

20 and continues to fight to keep the building

21 affordable and to fight for the retention of

22 affordable housing in Coney Island and throughout

23 his district.

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2 Both Coney Island and the Manhattan  
3 portion of the 8th Congressional District are  
4 similar in that the residents have similar  
5 concerns; tenants' right and social service among  
6 them. Both contain a large concentration of low  
7 and middle income people who live in high rises,  
8 including - - , - - and market rate apartments.  
9 This is a community of interest and they need a  
10 representative who supports tenants' rights and  
11 the interests of low and middle income people.

12 Congressman Nadler understands these  
13 needs and has used his senior position in the  
14 House of Representatives to continually fight for  
15 affordable housing and the needs of the  
16 community. Among other things, he has  
17 continually pushed for getting Section 8 funding  
18 and fought for funding for programs such as food  
19 stamps, Medicare, WIC and Social Security.

20 We need someone who'll fight for all  
21 these things for us. I believe that Coney Island  
22 should remain within the 8th Congressional  
23 District. Thank you.

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2 SENATOR NOZZOLIO: Thank you. Latrice  
3 Monique Walker. Good afternoon, Ms. Walker.

4 LATRICE MONIQUE WALKER, OCEANHILL  
5 BROWNSVILLE COALITION OF YOUNG PROFESSIONALS

6 MEMBER: Good afternoon. Thank you. To the  
7 members of the New York State Legislative Task  
8 Force in Demographic Research and  
9 Reapportionment, good afternoon. I thank you for  
10 allowing me this opportunity to testify and  
11 express my support for and to submit for your  
12 consideration the proposed 11th Congressional  
13 District which was originally presented to you on  
14 August 4th, 2011 by Congresswoman Yvette D.  
15 Clarke.

16 My name is Latrice Monique Walker. I'm  
17 a member of the Ocean Hill-Brownsville Coalition  
18 of Young Professionals and also a young attorney  
19 from Ocean Hill-Brownsville.

20 I would like to start off by stating  
21 that the new law that counts prisoners at their  
22 home of record for purposes of redistricting must  
23 be fully and timely implemented. This will help

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2 correct an imbalance in political representation  
3 that has disadvantaged many urban communities.

4 The proposed 11th Congressional District  
5 adheres to all constitutional and Voting Rights  
6 Act redistricting guidelines. In drafting the  
7 attached map, the following criteria were adhered  
8 to: equal population, protecting communities of  
9 interest, respecting political subdivisions,  
10 compactness and contiguity and preserving the  
11 core of the prior district.

12 The proposed district substantially  
13 maintains the same geographic and demographic  
14 configuration as the current district with the  
15 exception of it having been increased in size by  
16 approximately 85,219 persons, changing slightly  
17 to achieve population equality with the other  
18 districts in New York State.

19 The present district is a majority-  
20 minority district where racial and language  
21 minorities form a majority. According to PL94-  
22 171, the proposed district is comprised of a  
23 total voting age population of 55% black, 28%

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2 while, 12% Hispanic and 5% Asian; thus the  
3 proposed district would remain a majority-  
4 minority district.

5 The current district is the third most  
6 compact district in the nation. The proposed  
7 district adheres largely to its present  
8 boundaries and still maintains its highly compact  
9 nature. An example of the overlay of the  
10 proposed district and the present district is  
11 attached for your reference.

12 If you could turn to the map, you'd see  
13 that the most significant area of change is its  
14 south east border. In 2002, LATFOR drew the 11th  
15 Congressional District with 654,361 persons.  
16 According to the 2010 Census results, the  
17 Congressional District has now 632,488 persons  
18 which is a loss of approximately 22,000 people.  
19 Thus, in order to meet the 2010 Census population  
20 requirement of 717,707, the proposed 11th  
21 Congressional District must be expanded by those  
22 85,219 people as indicated previously. The  
23 expansion into south central Brooklyn

neighborhoods in the proposed district increases the population to meet this new requirement.

The proposed district further unites the common interests of its largely Caribbean, South American, African, Asian, Pakistani, Bangladeshi, Latino and African-American ethnic communities.

The proposed district is defined by shared interests, such as social, economic, cultural, linguistic and other factors that indicate communities of interest. Some common links between these groups include the following: a shared educational system, shared business and shopping corridors, shared community parks and recreational centers, common utilization of modes of public transportation.

According to the 2005, 2009 American Communities Survey, the present district is comprised of 56% females over the age of 18. Some issues that are specific to women are reproductive freedoms - - child health care.

39% of the people living in the 11th Congressional District are foreign born and 30%

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2 of that population primarily speaks a language  
3 other than English. 25% of the population,  
4 totaling 167,518 people claim West Indian  
5 ancestry. For these groups, immigration issues  
6 are paramount.

7 Likewise, 31% of the constituent base is  
8 employed in either the educational services,  
9 health care or social assistance industry. Their  
10 work force and labor related issues are a  
11 unifying quality.

12 The current district includes many  
13 sections of the historic 12th Congressional  
14 District, which was originally represented by the  
15 Honorable Shirley Chisholm. The historic 12th  
16 Congressional District was created after the  
17 landmark cases of Cooper vs. Power and Wells vs.  
18 Rockefeller when districts were gerrymandered to  
19 fracture black neighborhoods of central Brooklyn.  
20 These communities were compact, contiguous and  
21 politically and economically homogenous areas and  
22 were populated by minority groups that were  
23 deprived of their political effectiveness in

2 securing Congressional representation. They were  
3 concerned with the interests and needs of their  
4 population, including property, jobs,  
5 unemployment, housing, medical services and anti-  
6 poverty programs.

7 The proposed district adheres to the  
8 requirements for compliance with Section Two of  
9 the Voting Rights Acts as outlined in the  
10 landmark case of Thornburg vs. Gingles and  
11 presents an excellent example of a Congressional  
12 District that ensures minority voters an equal  
13 opportunity to elect a candidate of choice.

14 The proposed district encompasses a  
15 minority group sufficiently large and  
16 geographically concentrated to comprise a  
17 majority in a single-member district. The  
18 minority groups are also politically cohesive.

19 The proposed district is also covered by  
20 Section Five of the Voting Rights Acts. In this  
21 regard, the proposed district does not have the  
22 purpose, nor will it have the effect of denying  
23 or abridging the right to vote on the account of



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2 race or color. Nor will that change lead to a  
3 racially, discriminatory retrogression in the  
4 position of racial minorities with respect to  
5 their effective exercise of the electoral  
6 franchise.

7 The present map was not adopted with a  
8 discriminatory intent, nor does it have a  
9 discriminatory effect. The proposed district is  
10 not, nor does it intend to dilute racial and  
11 language minority votes. In fact, its express  
12 purpose is inclusion.

13 Thank you for allowing me to address  
14 this body today. As you deliberate, I urge that  
15 you give your utmost consideration to the  
16 proposed map for the 11th Congressional District  
17 of New York. If there are any questions or  
18 comments concerning my testimony, please feel  
19 free to contact me at [latricemwalkeresq@gmail.com](mailto:latricemwalkeresq@gmail.com)  
20 or via telephone at 347-470-8813. Thank you for  
21 your time this afternoon.

22 SENATOR NOZZOLIO: Thank you very much.

23 ASSEMBLYMAN MCENENY: Thank you, Ms.

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2 Walker.

3 SENATOR NOZZOLIO: Walter Mosely.

4 Walter Mosely. Kevin Carrol. Kevin Carrol.

5 Ekow Yankah. Ekow Yankah. Thank you, Mr.

6 Yankah.

7 EKOW YANKAH, PROFESSOR OF LAW - CARDOZO

8 LAW SCHOOL: My pleasure. Thank you for having

9 me. My name is Ekow Yankah. I'm a law professor

10 at Cardozo Law School.

11 SENATOR NOZZOLIO: Would you be so kind,

12 professor, to get as close to the microphone as

13 you can?

14 MR. YANKAH: Sure. So again, my name is

15 Ekow Yankah. I'm a law professor at Cardozo Law

16 School. I've been dedicated to election

17 protection, equal rights and equality in

18 political philosophy, both academically and in my

19 personal life. As well, I'm a member of various

20 churches, civic organizations and I've written

21 op-eds and other pieces on election protection

22 and redistricting.

23 So, I'm very pleased to see, despite the

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2 long wait, how many people are passionate and  
3 have come out for these hearings. I know that we  
4 all spend much of our time listening to a very  
5 cynical and very jaded public which speaks about  
6 the inability of our political organizations,  
7 leaders and communities to make any real progress  
8 and it's been encouraging to see that that  
9 cynicism hasn't become so steep that people no  
10 longer participate.

11 Part of the reason I think for the  
12 cynicism we can all agree is the very quiet way  
13 in which redistricting takes people away from  
14 incentives to actually organize and work together  
15 politically and rather entrenched people in  
16 political groups that have no interest in  
17 anything but protecting their small landscape.  
18 And so there's no question that the reason people  
19 are passionate about being here today is because  
20 they see the connection between redistricting and  
21 political progress, whatever side they may  
22 advocate.

23 I've also been heartened to hear

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2 repeatedly the members of LATFORS speak to their  
3 commitment to following the laws of New York,  
4 whatever they may be, despite agreements one way  
5 or the other, including the prison gerrymandering  
6 laws and the New York State constitution.

7 And that's why I want to speak very  
8 briefly on one particular aspect that I haven't  
9 yet heard addressed, which is the number of  
10 Senate Districts that LATFOR intends to support  
11 in the Senate redistricting. There have been  
12 tremors in various news organizations that the  
13 number of Senate Districts may be increased to 63  
14 rather than 62. So I come here both to ask and  
15 to advocate that LATFOR resist any such impulse.

16 As you well know, the number and  
17 division of the New York State Senate Districts  
18 is governed by Article Three, Section Four of the  
19 New York State Constitution. I won't bore you  
20 with the details. I'm sure you know them very  
21 well. But there it sets out a very precise  
22 formula in how these districts have to be put  
23 together.

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2           This was changed once in 1914 mostly due  
3 to the separation of Nassau County and the Bronx  
4 and the subject of much litigation up to 1972.  
5 In 1972, again without getting into gruesome  
6 details, the New York State Court of Appeals  
7 agreed on a certain formula that was going to be  
8 used in order to determine the number of Senate  
9 Districts. That formula was used again in 1982  
10 and 1992 without any real disagreement.

11           In 2002, the Senate majority decided to  
12 use the position that was rejected by the New  
13 York Court of Appeals. Though it wasn't a matter  
14 of any practical importance, the formula resulted  
15 in the same under either formulation. Both of  
16 these indicated that there should be 62 Senate  
17 Districts and thus, any current formulation now  
18 indicates that New York Senate Districts should  
19 be 62.

20           Now there's been some conversation about  
21 whether or not there ought to be 63 districts.  
22 Indeed, this is most worrying because the way in  
23 which this conversation has been held. So in the

2 lawsuit of Rodriguez v. Pataki, the discovery  
3 showed that the reasons that some people are  
4 tempted to have there be a 63rd Senate District  
5 rather than 62 was nothing more than cynical,  
6 political partisanship. The conversations  
7 revealed in memos in discovery was flatly  
8 political wrangling; questions about how to draw  
9 districts as to avoid and scrutiny by the Justice  
10 Department and ways in which the districts could  
11 be drawn to allow one party or another to capture  
12 yet another district.

13 Indeed, the memos were very clear that  
14 there was no other reason to do so and that to do  
15 so was going to be quite difficult given the  
16 likeness of upstate districts that have already  
17 been drawn. That is to say that despite real  
18 reasons not to it and a constitutional mandate  
19 prohibiting us from doing so, the question was  
20 whether or not this could be done anyway.

21 So in any case, without getting into  
22 again the political wranglings, my deepest worry  
23 is that regardless of whichever way one might

2 want partisan wrangling to go, the sort of  
3 actions which allow anybody to decide as against  
4 an already spelled out constitutional formula to  
5 try to encapture or ensnare a political advantage  
6 by drawing Senate Districts reflects the very  
7 worst of cynical partisanship and the worst that  
8 causes citizens to turn a jaundiced eye onto  
9 these processes.

10 So I come here to ask whether or not  
11 LATFOR has a particular position; whether or not  
12 it will declare itself now, as you've said over  
13 and over quite happily to observe the New York  
14 State constitution and its formula for the Senate  
15 Districts. And if not; if LATFOR does have the  
16 impression that a new unprecedented reading of  
17 the constitution should allow 63, that it say so  
18 as early as possible to allow public scrutiny  
19 rather than a sort of surprise at the end, which  
20 would be most disappointing given the openness  
21 with which you've so far conducted these  
22 hearings.

23 SENATOR NOZZOLIO: Thank you, professor.

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2 Before you leave, I appreciate your testimony.  
3 It will be part of the official record of the  
4 proceedings. I note I don't believe you  
5 submitted any written testimony.

6 MR. YANKAH: No, I'll be happy to submit  
7 it by the end of the week.

8 SENATOR NOZZOLIO: Would you?

9 MR. YANKAH: Absolutely.

10 SENATOR NOZZOLIO: I think we'd welcome  
11 your written comment and please feel free to do  
12 so.

13 MR. YANKAH: Absolutely.

14 SENATOR NOZZOLIO: Thank you.

15 MR. YANKAH: Did LATFOR have a position  
16 that you would be willing to go on the record  
17 for?

18 SENATOR NOZZOLIO: The committee has  
19 taken no position on the size of the Senate. We  
20 believe it's a role--an issue to be discussed; a  
21 role that we should listen to those that are  
22 concerned with the issue. There have been  
23 individuals who have testified in favor of



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2 increasing the size of the Senate. There have -  
3 - those like yourself who have testified against  
4 increasing the size of the Senate. So we have no  
5 position other than to listen to the public at  
6 this time.

7 ASSEMBLYMAN MCENENY: We also have a  
8 third opinion of people who say, "Whatever you  
9 do, make it an odd number. Either drop one or  
10 add one, but put in an add number."

11 MR. YANKAH: So of course I understand--  
12 just as a quick response, I understand this  
13 impulse. There are reasons why otherwise one  
14 might. It does disturb me though that--I mean,  
15 just to put it bluntly that when the constitution  
16 mandates something that we oughtn't to disregard  
17 it because we find it inconvenient or at the  
18 moment that it would have some advantage or  
19 another.

20 ASSEMBLYMAN MCENENY: Well, that's why I  
21 think we'd like to see your opinion in writing.  
22 You're making a judgment as a professor and both  
23 teacher and student of law that the constitution

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2 will not allow it and I think for the record, we  
3 like to see you spell that out.

4 MR. YANKAH: And I'd be happy to provide  
5 that.

6 ASSEMBLYMAN MCENENY: We have made no  
7 judgment on it and we still have four more  
8 hearings to go.

9 MR. YANKAH: I'll be happy to provide  
10 that as I mentioned.

11 SENATOR NOZZOLIO: Thank you very much.

12 ASSEMBLYMAN MCENENY: Or is it five?  
13 Maybe it's five.

14 SENATOR NOZZOLIO: We've lost track.  
15 Nahida Uddin. Would you please pronounce your  
16 last name for me?

17 NAHIDA UDDIN, CHHAYA: Well the first  
18 name is Nahida and the last name is Uddin.

19 SENATOR NOZZOLIO: Uddin. Very nice to  
20 see you today and thank you for coming.

21 MS. UDDIN: Thank you. So, I've come  
22 here simply to testify on behalf of the--

23 SENATOR NOZZOLIO: [interposing] Could I

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2 just ask you just to pull that microphone close  
3 to you?

4 MS. UDDIN: I'm come here simply to  
5 testify on behalf of the Bangladeshi community in  
6 Kensington. I came here when I was three and I  
7 have lived on the same block since then. I  
8 witnessed the growth of the Bangladeshi community  
9 in my neighborhood.

10 The families on my block and the  
11 surrounding blocks are predominantly Bangladeshi.  
12 The businesses and stores cater to Bangladeshis.  
13 The restaurants cater to Bangladeshis. The  
14 places of worship cater to Bangladeshis. But the  
15 live realities of the intersection of Church  
16 Avenue and McDonald Avenue and its surrounding  
17 areas are not reflected electorally. The  
18 immigration patterns of this area are reflected  
19 in commerce, cuisine and street life and yet they  
20 are absent in electoral politics and  
21 representation.

22 Asian-Americans and immigrants are  
23 underrepresented and South Asians, particular

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2 Bangladeshis, are invisible in electoral politics  
3 and the creation of Congressional lines. This is  
4 not true to the new waves of immigration of the  
5 realities of Brooklyn. And I simply ask that  
6 these communities be taken into consideration.  
7 Thank you.

8 ASSEMBLYMAN MCENENY: Thank you.

9 SENATOR NOZZOLIO: Thank you very much.  
10 Gail Montrose. Gail Montrose. Mr. Chung, we've  
11 got your name listed here again. You submitted  
12 testimony. We have you on the list twice I  
13 believe. Steven Chung; is that you, Mr. Chung.  
14 No, you don't have to testify again. We just  
15 wanted to make sure we covered those that wanted  
16 to. Carl Cohen. Carl Cohen. Joyce Henry.  
17 Joyce Henry. Kapel Spence. Kapel Spence. Melba  
18 Brown. Melba Brown. Cybill Nelson. Cybill  
19 Nelson. Bishop Eric Garns. Bishop Eric Garns.  
20 Judith Villarel. Judith Villarel. Jorge  
21 DeSilvia. Jorge DeSilvia. Todd Pemberton. Todd  
22 Pemberton. Mohamed Razvi. Mohamed Razvi.  
23 Chowdry. C-H-O-W-D-R-Y. Aaron Hinton. Aaron

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2 Hinton. Dr. Tim Law. Good afternoon, Dr. Law.

3 DR. TIM LAW: Good afternoon, sir.

4 Thank you for giving me a chance to talk. My

5 name is Dr. Law.

6 ASSEMBLYMAN MCENENY: Dr. Law, would you

7 please pull the microphone as close to you as

8 possible?

9 DR. LAW: Okay. Thank you. I work for

10 New York City for education 35 years. Now I'm

11 retiree. That's why I come here. I have more

12 time now.

13 The first one I strongly believe 47th

14 and--

15 SENATOR NOZZOLIO: [Interposing] Dr.

16 Law, please excuse me. We want to make sure that

17 your comments are on the video so they can hear.

18 DR. LAW: I strongly believe the 47 and

19 49th State Assembly, a new Senate 22 District

20 should include Brooklyn, Heights. Bensonhurst,

21 Grayson and Sunset Park. Why? Because between

22 2000 and 2010 the Asian population increased 57%

23 and 19,749 people, more people identified

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2 themselves as Asian. - - based on CUNY Center  
3 for Urban Research. That's the number one  
4 reason.

5 Two. Because based on their cultural  
6 and language background, those Asian community  
7 members; very, very easy to communicate with each  
8 other and then they share their feelings. And  
9 then they could talk about their problems. They  
10 share their information about government  
11 benefits, entitlement and - - .

12 And number three. The population; the  
13 Asian committee members all settled down along  
14 the subway line; N train and F train. Why?  
15 Because they're easy to travel. Bad from  
16 Manhattan, bad to Brooklyn. It's very, very  
17 easy, very convenient for them because they share  
18 their language. They share their culture. They  
19 can go their supermarket in their neighborhood.

20 And number four. The Asian population;  
21 mostly chose in - - Heights, Graysen, Sunset  
22 Park, Bensonhurst. Why? Because it was an area  
23 they have very good school. They chose the

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2 community school district 20, 21 and 22 because  
3 those schools provide them very, very good school  
4 program; ESL, bi-lingual, music, - - the program.  
5 That's why they all settled down in this area.

6 That's why, based on these four reasons,  
7 I strongly suggest that our 47th and 49th AD and  
8 the new Senate District 22 should be just  
9 including this Dyker Heights, Bensonhurst, - -  
10 and Sunset Park. Thank you very much, sir.

11 SENATOR NOZZOLIO: Dr. Law, thank you  
12 very much. Jennifer Joseph. Jennifer Joseph.  
13 Hasiba Rashid. Good afternoon.

14 HASIBA RASHID: Good afternoon. It's  
15 actually Hasiba Rashid.

16 SENATOR NOZZOLIO: Please for the  
17 record--

18 MS. RASHID: [Interposing] Hasiba  
19 Rashid.

20 SENATOR NOZZOLIO: Thank you.

21 MS. RASHID: My co-worker as well,  
22 Mohamed Rasvi, couldn't be here. We're from the  
23 same organization; the Council of Peoples'

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2 Organization and we would both like the support  
3 the proposed map by Congressman Yvette Clarke for  
4 the 11th Congressional District.

5 I've also provided you with a copy of  
6 the same map that she had provided and many  
7 others have provided as well.

8 Just as a side note, I actually am a  
9 political science major with a history minor, so  
10 I get what you're saying.

11 We believe that keeping the communities  
12 compact, especially the immigrant communities;  
13 you need to continue providing them with  
14 representation. You've seen today many people  
15 from the Jewish community. You've seen many  
16 people from the Asian community. You did not see  
17 many people from either the South Asian  
18 Pakistani, Bengali community. You also haven't  
19 seen anyone from the Arab community, which is  
20 where I come from, although I do work for the  
21 South Asian community.

22 I myself have lived both in Sunset Park,  
23 in Bay Ridge and now currently in Bensonhurst. I



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2           come from Venezuela. Both my parents are Arabic,  
3           so the fact that I am such a diverse person, I  
4           like working with different immigrant communities  
5           because that's the way I see myself. And for me  
6           to be in New York and be able to receive an  
7           education, receive social services, not just for  
8           myself, but for my family, I believe we need to  
9           have more representation where elected officials  
10          will be able to provide these services and  
11          guidance for where they need to go to.

12                   Also unfortunately the committee is, it  
13                   seems very one dimensional. Unfortunately, like  
14                   may people have said, there aren't any Hispanic,  
15                   Asian--

16                   ASSEMBLYMAN MCENENY: It's one-third  
17                   Hispanic.

18                   MS. RASHID: There's Asian, African-  
19                   American. There's also from what I've seen, not  
20                   a big diversity of visually religious people who  
21                   are on the committee. Whether you're Jewish or  
22                   Muslim or whatever you come from, we believe that  
23                   it should be more diversified, especially for New

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2 York. Brooklyn is such a huge place where it's  
3 not just one group of people. There's thousands  
4 of different ethnicities and cultures. So we  
5 believe that maintaining that integrity and  
6 maintaining those services for the different  
7 immigrant families is very important and we urge  
8 that you take that in the utmost consideration  
9 and hopefully continue to do your honorable work.  
10 And I thank you for all the work that you've done  
11 so far and for being here, even though it's  
12 almost 2:00 now. So thank you and that's all.

13 ASSEMBLYMAN MCENENY: Thank you. You  
14 would be more heartened to see the turnout at  
15 Queens. We had forty people and we had  
16 Bangladeshis and we had Pakistanis and we had a  
17 number of South Asian people along with Chinese,  
18 Koreans and so on. So it was a very heavy,  
19 almost disproportionate turnout of Asians and I  
20 think they were very well organized in working  
21 together very closely.

22 MS. RASHID: Queens has a very large  
23 South Asian population, but here in Brooklyn

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2 because of either the timing as well as the  
3 cultural differences between the female  
4 population, a lot of these South Asian and Arab  
5 communities; they're not able to come in. And  
6 I'm lucky enough where I am representative of the  
7 diversity among the Muslims, Arabs and just  
8 immigrant communities here that I'm able to be  
9 here and I'm able to advocate and voice my  
10 opinion that so many people have not had the  
11 opportunities to do so.

12 ASSEMBLYMAN MCENENY: You're from  
13 Venezuela originally?

14 MS. RASHID: I was born in Venezuela. I  
15 came here when I was about two years old, so my  
16 majority education is here, but both me parents  
17 are Palestinian and I maintain all three of my  
18 backgrounds; American, Arab, Muslim, Hispanic,  
19 you name it all. I am just--

20 ASSEMBLYMAN MCENENY: [Interposing]  
21 Probably western, right next to the Guajira in  
22 Columbia. I used to live in Columbia.

23 MS. RASHID: Si. We're neighbors. So

2 thank you again.

3 SENATOR NOZZOLIO: Thank you very much.  
4 Joanne Simon. Joanne Simon. Fanya Vasilevsky.  
5 Thank you very much. I know you were here from  
6 the beginning, which was four and a half hours  
7 ago, so thank you for coming and we look forward  
8 to your testimony.

9 FANYA VASILEVSKY, CITIZEN: Good  
10 afternoon and thank you for the opportunity to  
11 speak. My name is Fanya Vasilevsky and I am in  
12 this country more than thirty years. I lived in  
13 different part of the United States and I'm here  
14 to tell you a personal story and how it is affect  
15 and how the redistricting and gerrymandering  
16 affected me personally.

17 Ten years ago--I used to work all my  
18 life, in the United States, I worked for the  
19 federal government and if you're aware of the  
20 Hedge Act, I was not allowed by this act to be  
21 politically involved. Right now I'm retired and  
22 I'm free to use my constitutional rights. But  
23 ten years ago, from my federal government I got a

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2 promotion to - - New York City. And a friend of  
3 mine, my colleague pulled me aside and he said,  
4 "Fanya, do you realize where you are going?  
5 There is the United States and there is New York  
6 City." So, I did not know what he meant, but I  
7 am ten years later, I am still learning.

8 One of my lessons were when I--I am very  
9 active in my congregation on Ocean Parkway and I  
10 have a lot of friends where we come for the  
11 services and other social--religious services and  
12 other social services. And my friends live  
13 walking distance and I live walking distance from  
14 this temple. And when we want to do some  
15 projects, we learned and get involved our elected  
16 officials. We learned that first of all we're  
17 split between two or even three Congressional  
18 Districts.

19 Secondly, on the local level we are  
20 split on many election districts so it is very  
21 difficult for us to complete any project or even  
22 to start any projects that involved our elected  
23 representatives. Perhaps the most spectacular

1  
2 example of my problems with redistricting or with  
3 districting right now was shown when I  
4 experienced on the 13th of September. Last  
5 elections, when we had primaries and we had  
6 special elections and I was working as  
7 coordinator in one of the largest election polls  
8 in Shore Point when we had 11 election districts  
9 then I think. And as the poll opened, people,  
10 mostly elderly, 70, 80 years old walking in with  
11 walkers and wanted to vote in special elections.  
12 And they were turned away only because our  
13 congressional district was split.

14 I invite you to see the map actually.  
15 Here is the map where all the Russian speaking  
16 community lives, starting from Seagate to  
17 Manhattan Beach. And I live in Brighton Beach.  
18 It's heavily populated with Russian speakers'  
19 community. Now, people did not understand why a  
20 person who lives on 6 Brighton Beach cannot vote  
21 and his neighbor, who lives on 11 Brighton Beach,  
22 which is a very short time of walking distance,  
23 can vote. They felt that they were denied their

2 constitutional right.

3 Members of distinguished body, we lived  
4 in Brighton Beach and surrounding areas. We have  
5 people mostly, 90% coming from the former Soviet  
6 Union. We have the same background, we have the  
7 same issues that worries us, we have the same  
8 culture and we would like to be together to  
9 express in the same strong or not strong voice,  
10 but with the same voice and we would like to have  
11 one representative that speaks to our concerns.

12 And I just want to finish with one of  
13 the Rabbis said and ask you; when you're going to  
14 redraw the lines, please make sure that you  
15 redraw culturally sensitive districting. Thank  
16 you so much.

17 SENATOR NOZZOLIO: Thank you very, very  
18 much. Senator Velmanette Montgomery.

19 VELMANETTE MONTGOMERY, SENATOR: Good  
20 afternoon.

21 SENATOR NOZZOLIO: Good afternoon.

22 SENATOR MONTGOMERY: And I want to have  
23 a special welcome to the great county of Kings.

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2 You are in the house of former Senator Markowitz,  
3 now our borough president. So, welcome Senator  
4 Nozzolio and to all of you, thank you for  
5 allowing me to come and speak. And I'll try to  
6 be brief and specific as much as possible.

7 And as you know, there is no shortage of  
8 issues that I raised, both in our legislative  
9 house as well as here at home. My district is  
10 the 18th Senate District and it's comprised of a  
11 number of neighborhoods as well as a number of  
12 Assembly Districts and parts of six Council  
13 Districts. My neighborhoods are from the  
14 farthest east of my district, Brownsville,  
15 Bedford Stuyvesant, Clinton Hill, Fort Green,  
16 Boerum Hill, Park Slope, parts of Prospect  
17 Heights, Red Hook and Sunset Park.

18 The Assembly Districts that I represent  
19 are a small part of the 44th, a large part of the  
20 50th, the 51st; a large part, if not most of the  
21 51st, a large part of the 52nd, which is the Park  
22 Slope area, the 54th Assembly District, the 56th  
23 Assembly District, the 55th Assembly District and



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the 57th Assembly District.

I have been very, very honored and proud to represent the people in my district and to some extent I have been able to make some difference in the quality of the lives of the people that I represent; especially young people.

We have a strong tradition of activism and a history of what I consider to be, up until recently, organic growth that has played a critical role in the revitalization of our neighborhoods. From Brownstone blocks I have what I consider to be the Brownstone belt or at least a good part of it, to almost 30 public housing developments. My constituents have a large number of very divergent and urgent needs and interests.

However, the common thread that knits all of my people, my constituents and the communities together is that they are activist citizens who have very similar interests in improving the quality of their lives and their neighborhoods.

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2           Therefore, one of the critical issues  
3 that I raise as it relates to when we look at  
4 drawing new districts is that neighborhoods are  
5 important. And we hope that there would not be a  
6 need to split a community based on any political  
7 reason. The community based organizations, the  
8 civic organizations, the not-for-profit  
9 organizations, block associations, neighborhood  
10 housing groups, NICHA organizations; all of them  
11 at one point or other work collaboratively to  
12 make sure that our communities are sensitive to  
13 the needs of the people of all incomes, all  
14 ethnicities as well as all ages. For the elderly  
15 residents who have spearheaded the revitalization  
16 efforts, it is important that we maintain a  
17 continuity of communities and services for them.

18           So I reiterate the fabric of our  
19 neighborhoods hopefully would not, should not be  
20 altered vis-à-vis political district interest.

21           In addition, it is very important for  
22 public housing developments not to be divided.  
23 Unfortunately, one of the public housing

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2 developments in my district is split absolutely  
3 in half. So half the time people don't know who  
4 represents them, even though they may live in a  
5 building across the way from another building.  
6 It's been very frustrating trying to work with  
7 people to make sure they participate even though  
8 they've been frustrated by this process.

9 Additionally, I have a list of all of  
10 the State Senators who will lose and/or receive  
11 people who are returning from prison. One, if  
12 not the person, with the highest number; largest  
13 number of people who will be redefined as part of  
14 my district based on the new law to count them  
15 from where they originally emanated is my  
16 district, 18. That's my, my name is he longest  
17 and my numbers are the largest. That doesn't  
18 count the people who were not counted in the last  
19 Census because we were part of a large number of  
20 undercounted people. That does not count the  
21 people who are already home from have spent a  
22 large number of years incarcerated. This number  
23 is just the people who are incarcerated.

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2           Now, they are temporarily residing to a  
3 large extent in Senator Little's district, to a  
4 large extent in Senator Larkin's district, to a  
5 large extent in Senator Ball's district, to a  
6 large extent in Senator Carlucci's district and  
7 so forth and so on. And certainly we do know  
8 that Senator Nozzolio has a large number also.  
9 So, Senator Nozzolio, I want my people back home.  
10 That's all I have.

11           SENATOR NOZZOLIO: What number, for the  
12 record, since this is all televised and will be  
13 turned into transcript?

14           SENATOR MONTGOMERY: Do you want to  
15 know--I cannot tell you because I don't have  
16 specifically the numbers that come to me from  
17 each of the districts, but from my district I  
18 will be--in the new count, where the people who  
19 came from my district, lived in my district, even  
20 though they are incarcerated elsewhere in the  
21 state; almost 2,000 people come to district 18  
22 alone. 1,400 come to Senator Dilan. So between  
23 the two of us, it's almost 4,000 people.

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2           So we, in addition to the fact that we  
3 now have more people living in our districts; we  
4 will be receiving the numbers and eventually the  
5 people from those places in that large number.  
6 So we really are--obviously we're pleased that  
7 they'll be counted, but we also want to make sure  
8 that in that count, there is consideration for  
9 the fact that that is an additional burden on  
10 those of us who serve those people, represent  
11 them.

12           My constituents were undercounted in the  
13 2010 Census and face a further loss of  
14 representation based on the substantial deviation  
15 not accounted for in my district and throughout  
16 the city. The increase in population in our  
17 state has primarily come to the city.

18           The numbers of migration from one part  
19 of the state to the other have come to a large  
20 extent to the Albany, the capital region, and to  
21 New York City. And for the last ten or dozen  
22 years, those of us who represent districts in the  
23 city, have districts that are larger, have a

2 higher deviation to the districts in upstate, any  
3 district upstate.

4 So we have had the burden of having to  
5 represent people who return from having been  
6 incarcerated in large numbers in our district,  
7 people who were undercounted, as well as having  
8 more people who were initially assigned to the  
9 districts in the city.

10 So there is a very big question as it  
11 relates to the federal Voting Rights Act; the  
12 fact that we do not have the same level of  
13 representation as citizens have in upstate New  
14 York. And so it's unconscionable that we should  
15 have--I should have a district with the highest  
16 need population versus an upstate district  
17 without the same level of needs, in terms of  
18 students, in terms of senior citizens, the  
19 elderly, people who have--you know, I have a  
20 very, very high number of people with HIV aids  
21 infection and so forth and so on.

22 So there's a lot of needs and we're  
23 constantly putting out the fires based on that

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2 and we're sorely underrepresented. So I'm  
3 hopeful that as we look at the map this time, we  
4 consider one: the issue of keeping neighborhoods  
5 whole and keeping--and I'm not talking only  
6 ethnicity. I'm talking about neighborhoods where  
7 people have grown to accept and work together  
8 across the board, no matter income, age,  
9 ethnicity, all of that. These are neighborhoods  
10 and public housing communities that have to work  
11 together; that we consider all of those issues  
12 when the new lines are drawn.

13 And as I said, I've been very, very  
14 pleased and proud to represent my district. I  
15 think it is--it is a challenge, but we can do it  
16 as long as people have a sense of unity and  
17 unified purpose. And again, I thank you for your  
18 attention to the issues that I raise.

19 SENATOR NOZZOLIO: Thank you, Senator  
20 Montgomery. Ira Cure. Ira Cure. Julianne  
21 Hirsch.

22 JULIANNE HIRSCH: Could I ask that  
23 Richard Silverman to come with me please?

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2 SENATOR NOZZOLIO: Yes.

3 MS. HIRSCH: - - ,

4 SENATOR NOZZOLIO: It's Julianne Hirsch  
5 and Richard Silverman. Is that correct, sir?

6 RICHARD SILVERMAN (SMRA): Yes. Thank  
7 you.

8 SENATOR NOZZOLIO: And are you coming to  
9 the podium?

10 ASSEMBLYMAN MCENENY: Well, no. We'll  
11 talk you next, Julianne.

12 MR. SILVERMAN: Good afternoon. My name  
13 is Richard Silverman. I am president of the  
14 South Midwood Residents' Association, a civic  
15 organization founded in 1901.

16 Our community is a late Victorian,  
17 suburban development that's in the southeast  
18 corner of Victorian Flatbush. The latter is  
19 actually a collection of ten contiguous  
20 developments built between 1900 and 1910. We are  
21 currently served by one community board, but we  
22 are divided very unevenly between two City  
23 Council Districts. Eight communities are in City



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2 Council District 40, two are in District 45 and  
3 we are one of the two.

4 I would just like to--

5 ASSEMBLYMAN MCENENY: [Interposing]  
6 Can't help you there. We don't do City Council.

7 MR. SILVERMAN: You don't do City  
8 Council.

9 ASSEMBLYMAN MCENENY: No. We just do  
10 Senate, Assembly and the United State House of  
11 Representatives.

12 MR. SILVERMAN: Well then, we were  
13 misinformed and we came to talk about City  
14 Council District. Thank you.

15 MS. HIRSCH: Who takes care of City  
16 Council?

17 ASSEMBLYMAN MCENENY: The city.

18 MS. HIRSCH: The City Council itself?

19 ASSEMBLYMAN MCENENY: The City Council.

20 MR. SILVERMAN: Okay. Well, thank you.

21 MS. HIRSCH: We've been here since the  
22 beginning.

23 ASSEMBLYMAN MCENENY: Oh dear.

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2 SENATOR NOZZOLIO: Thank you very much.

3 MS. HIRSCH: May I suggest that, first  
4 of all, I admire all of you for sitting here for  
5 so long. I don't know why your eyes aren't  
6 glazed over by now. Can I make a suggestion that  
7 if you have a five-minute limit that you have a  
8 person with a time card and hold up one minute so  
9 people know when to--

10 [laughter]

11 SENATOR NOZZOLIO: Thank you very much.  
12 That's a great suggestion. We should follow that  
13 in our future hearings. Melba Brown. Melba  
14 Brown. Theodore Monell. Good afternoon, sir.

15 THEODORE MONELL, CENTRAL BROOKLYN  
16 INDEPENDENT DEMOCRATS: Good afternoon to you.  
17 Theodore Monell, Park Slope section of Brooklyn  
18 for many years.

19 ASSEMBLYMAN MCENENY: Where on Park  
20 Slope?

21 MR. MONELL: Carroll Street between 8th  
22 Avenue and Park.

23 ASSEMBLYMAN MCENENY: Thank you.

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2 MR. MONELL: Probably the closest  
3 speaker to myself that you had so far was the  
4 Italian fellow with whom you had some  
5 disagreement. Let me--

6 SENATOR NOZZOLIO: [Interposing] Mr.  
7 Monell, could you do us a big favor and pull the  
8 microphone close to you so we can make sure we  
9 get your words?

10 MR. MONELL: Basically several years  
11 ago, the Brennan Center of NYU Law School  
12 publicized an opinion to the effect that the New  
13 York Legislature was the most dysfunctional in  
14 the country. And that startled me because I  
15 didn't think we were in that neighborhood.

16 SENATOR NOZZOLIO: I think somebody  
17 wasn't very well traveled.

18 MR. MONELL: Well, the New York Times  
19 just before the last state legislative election  
20 recommended voting against all incumbents. I  
21 said to myself, "My God, there must be someone up  
22 there who deserves to be re-elected." And even  
23 making allowance for the fact that they got

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2 carried away in the heat of the moment, given who  
3 they are and the resources that are available to  
4 them, the fact that they could make such a  
5 statement is not something that we can take  
6 lightly.

7 As the previous speaker said, until the  
8 Democrats achieve the majority in the Senate--the  
9 term before the present term, the Republicans had  
10 held the majority in the State Senate for 40  
11 years continuously. What he didn't say was that  
12 in the same 40 year period, the Democrats held  
13 the majority continuously in the Assembly, with  
14 the exception of one term I believe.

15 ASSEMBLYMAN MCENENY: The math is a  
16 little bit off there. Actually, the Senate had  
17 it a lot longer Republican with the exception of  
18 one year, whereas the Assembly switched in what  
19 '74, the election of '74.

20 MR. MONELL: Yes, but the switch was  
21 temporary in the case of the Assembly.

22 ASSEMBLYMAN MCENENY: No, no, no. The  
23 Assembly's been Democrat since January 1st of '75

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2 and the Senate has been Republican since I think  
3 1937 which the exception of the last term, the  
4 one before this and there was a brief interlude  
5 in the middle of the '60s, which also hit the  
6 Assembly. But in general, in most of our memory,  
7 it's been a split legislature, Republican in the  
8 Senate and Democrat in the Assembly.

9 MR. MONELL: And basically, the reason  
10 for that stability has nothing to do with the  
11 size of the districts, although that's a minor  
12 consideration. The major determinate of that  
13 outcome, in other words overwhelming Republican  
14 dominance in the Senate and overwhelming  
15 Democratic dominance in the Assembly was  
16 determined by the party that was able to draw the  
17 lines. In other words, that outcome essentially  
18 reflects the power of creating redistricting.

19 So basically, if a particular party has  
20 a majority and they want to entrench their  
21 position and they have an opportunity to  
22 redistrict, what they try to do is to make as  
23 many districts safe for their own party as they

2 can and to make the districts that they concede  
3 to the other party as close to 100% enemy as  
4 possible.

5 In other words, you try not to waste  
6 your own votes. You don't want to give yourself  
7 a district with 70% majority because you're  
8 wasting 20%. So if you have the opportunity to  
9 draw the lines, you give yourself districts where  
10 you have 55 or 60%, but not more because you want  
11 to give yourself a safe majority that will  
12 overcome most election swings, but not so much  
13 that you're going to be wasting your own voters.  
14 In other words, you want to waste the other guy's  
15 voters but not your voters.

16 And basically it's this kind of--  
17 basically these lines will be drawn by the staff  
18 people of the majority leaders in both houses.  
19 So it's a technical--what I'm trying to say is  
20 that both parties are doing it and the  
21 disadvantage which comes from the maximum use of  
22 the advantage given by the power to redistrict,  
23 to draw your own lines, has resulted in

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2 overwhelmingly Republican control in the Senate  
3 and overwhelmingly Democratic control in the  
4 Assembly, whereas from the public interest point  
5 of view, you'd look for good government means  
6 swing districts.

7 More swing districts means better  
8 quality government because you have a change to  
9 get rid of the guy if you don't like him.  
10 Whereas, if you're a Democrat in the middle of  
11 Brooklyn, you live with the guy until he dies or  
12 is arrested. And I'm sure there are Republican  
13 areas in the upstate where it works the other  
14 way. Obviously there are or they wouldn't be  
15 able to produce majorities in the State Senate so  
16 consistently.

17 So, basically I was personally very  
18 happy to see that the Governor threatened to use  
19 his veto, which is something that no governor of  
20 either party has threatened to do. In fact, a  
21 lot of my politically astute friends didn't even  
22 know that the Governor could veto the lines  
23 because the power had never been used because in

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2 the past, the legislature, both houses of  
3 legislature have jealously guarded the power to  
4 draw their own lines above all other powers  
5 because they only get to exercise it once a year.

6 SENATOR NOZZOLIO: Mr. Monell, we're  
7 going on to ten minutes. Could you please  
8 summarize your remarks and conclude?

9 MR. MONELL: Well, I feel a little bit  
10 embarrassed to come here because I've been  
11 talking with the people at Citizen's Union and I  
12 was criticizing them for not giving up on the  
13 legislature because the Governor's  
14 reapportionment bill is not going to be passed  
15 and the Jeffrey's Bill in the Assembly, the other  
16 Democratic alternative is not going to be passed,  
17 so you're the only game in town. So if the  
18 Governor--and we don't know what you're going to  
19 produce. But what we can be sure of is that when  
20 the Senate draws their own lines, the outcome is  
21 going to be Republican majority in the Senate and  
22 when the Assembly draws its own lines, the  
23 outcome is going to be a Democratic majority in



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2 the Assembly. So, only the Governor, through his  
3 veto has the power by threatening of a more bi-  
4 partisan arrangement to force the two houses of  
5 legislature to do something which they do not  
6 want to do.

7 SENATOR NOZZOLIO: Thank you, sir, for  
8 your testimony.

9 ASSEMBLYMAN MCENENY: Let me make one  
10 question, and I do appreciate your analysis which  
11 I'm not going to say is wrong and certainly has  
12 been true many times in the past in many states.  
13 But you heard person after person here saying,  
14 "Keep the community of interest together. Keep  
15 our neighborhood together." Well, sometimes that  
16 neighborhood is going to be predominantly one  
17 party or another. And the safeguard in our  
18 system since about 1912 has been the Democratic  
19 or the Republican primary. So that how you get  
20 rid--there's a number--my father always used to  
21 say, "The half-truth is the most despicable form  
22 of a lie." There's a number out there that 96%  
23 of all incumbents get re-elected. I'm not sure

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2 whether it's that or not, but if I thought I was  
3 going to lose--

4 MR. MONELL: [Interposing] - - that  
5 neighborhood, it's high.

6 ASSEMBLYMAN MCENENY: If I thought I was  
7 going to lose, do you think I'd waste time  
8 running. So, there's a lot of people who retire  
9 and step down or see a bad election coming and  
10 step down. They're never put into the number of  
11 the people who lost their election as an  
12 incumbent.

13 The other thing is the primary system.  
14 When you have a heavily Democratic or heavily  
15 Republican district; if you have a real turkey in  
16 there representing you, sooner or later it  
17 catches up and if they don't go in the general,  
18 they'll go in the primary election. And people  
19 forget that two. I was elected in a primary a  
20 couple of times and I've had primaries against  
21 me. So the competition that's needed is often  
22 there but overlooked because it doesn't fit  
23 somebody's neat little formula.

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2 MR. MONELL: Then why are there so few  
3 contested primaries in overwhelmingly Democratic  
4 Brooklyn?

5 ASSEMBLYMAN MCENENY: Well, we have them  
6 pretty regularly where I come from. It seems to  
7 me the city of New York has them more than  
8 anybody else because it's so dominated by one  
9 party, the natural competition tends to show up  
10 in the primary.

11 MR. MONELL: Term limits created most of  
12 those vacancies where you have contested  
13 primaries.

14 ASSEMBLYMAN MCENENY: I'm not going to--  
15 I don't have those numbers to dispute it.

16 SENATOR NOZZOLIO: Thank you very much.

17 MR. MONELL: Okay, thank you.

18 SENATOR NOZZOLIO: Dr. Meir Wikler.  
19 Good afternoon, Dr. Wikler.

20 DR. MEIR WIKLER: Good afternoon. It's  
21 Wikler by the way. As a New York State licensed  
22 clinical social worker, I applaud the listening  
23 skills of the panel this morning. I don't envy

2 your jobs, listening to so many people saying the  
3 same thing in different words, but unfortunately  
4 I'm going to be echoing a lot of the sentiments  
5 that were aired today.

6 Mr. Chairman and members of the  
7 committee, approximately 20 years ago the  
8 Orthodox Jewish community in Brooklyn had one of  
9 its best friends in Congress; Representative  
10 Stephen Solarz. He understood the importance of  
11 our yeshivas and we worked to assist them. In  
12 addition, Congressman Solarz not only supported  
13 the state of Israel, but he was in a unique  
14 position to really be able to help because he was  
15 the chairman of the House Foreign Relations  
16 Committee. Furthermore, he was a close personal  
17 friend of the late Rabbi Moshe Sherer, a blessed  
18 memory; the universally accepted and much beloved  
19 leader of the American Orthodox Jury.

20 Finally, most pundits at the time  
21 considered Stephen Solarz to be the most likely  
22 candidate to become the first Jewish occupant of  
23 the White House. In spite of Congressman

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2 Solarz's enormous popularity in the Orthodox  
3 Jewish community as well as the general Jewish  
4 community, he was voted out of office. My  
5 neighbors and I were shocked at the outcome of  
6 that election. How could such a popular  
7 politician with so much to offer our community  
8 not get re-elected? I was determined to find  
9 out.

10 After numerous conversations with anyone  
11 who was willing to talk to me about the subject,  
12 I eventually learned that the outcome of that  
13 election was determined by a political mechanism  
14 called redistricting.

15 Congressman Solarz's political career,  
16 however, was not the only casualty. As a result  
17 of redistricting, the Orthodox Jewish community  
18 in Brooklyn became disenfranchised in Washington.  
19 Now, today I feel we have a voice in Albany and  
20 we have a voice in City Hall, but our voice has  
21 been silenced in Washington as a result of  
22 redistricting.

23 Please let me be perfectly clear with

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2 you this afternoon. This is not about having an  
3 Orthodox Jewish congressman. My neighbors and I  
4 do not believe as some people do; that only one  
5 of us can represent us. We don't feel that way.  
6 We do believe, however, that only elected  
7 officials who share our values, our priorities  
8 and our agenda can faithfully represent our  
9 interests in the halls of government.

10 The way the current congressional  
11 district lines are drawn, our community is  
12 fragmented and divided among no less than five  
13 congressional districts, virtually silencing our  
14 voice in Washington. I've taken the time from my  
15 clinical practice today to raise my voice against  
16 this injustice and I've come to make the case for  
17 redrawing the district lines to take into account  
18 the facts on the ground of neighborhood changes  
19 and demographic shifts in the last few years in  
20 order to restore the electoral contiguity of our  
21 community.

22 In short, we are seeking the creation of  
23 a congressional district which would include at

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2 least a majority of the Orthodox Jewish community  
3 in Brooklyn so that our voice can once again be  
4 heard in Washington. I thank you very much for  
5 giving me the opportunity to participate this  
6 actively in the democratic process today. Thank  
7 you for your attention.

8 SENATOR NOZZOLIO: Dr. Wikler, will you  
9 or your friends and neighbors be submitting  
10 suggested proposal where that objective could be  
11 realized on a map?

12 DR. WIKLER: I believe that has already  
13 been done through Agudath Israel of America.

14 SENATOR NOZZOLIO: Would you make sure  
15 that's the case. We encourage that submission to  
16 take place.

17 DR. WIKLER: I will make sure that has  
18 been--

19 ASSEMBLYMAN MCENENY: [Interposing] We  
20 did hear a number of members of the Orthodox  
21 community talk about the district that's there  
22 now. I believe it's the 8th that they felt they  
23 were well served. I mean, there's been several

2 mentions of Congressman Nadler.

3 DR. WIKLER: Look, I'm not addressing  
4 any particular individual this afternoon. I'm  
5 addressing the district lines that cut off our  
6 community, which is a contiguous community, by  
7 the way. It's been mentioned by others before  
8 this afternoon. The Orthodox Jewish community is  
9 a contiguous community but it's been chopped up  
10 into five different districts in New York and  
11 we're looking to have a greater representation in  
12 at least one district, if possible.

13 ASSEMBLYMAN MCENENY: Thank you.

14 DR. WIKLER: Thank you.

15 SENATOR NOZZOLIO: And we encourage that  
16 submission if it has not taken place already.

17 DR. WIKLER: Excuse me?

18 SENATOR NOZZOLIO: The submission of the  
19 suggested map where the community needs to be  
20 focused.

21 DR. WIKLER: Yes, I think that has been  
22 done but I'll double check.

23 SENATOR NOZZOLIO: Thank you. Josh



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2 Pierre. Good afternoon, Mr. Pierre.

3 JOSH PIERRE, THE FLATBUSH FAIR

4 REDISTRICTING COMMITTEE: Good afternoon.

5 SENATOR NOZZOLIO: We called you first  
6 this morning and I apologize that unfortunately  
7 you weren't in the room at the time. Thank you  
8 for waiting and thank you for presenting your  
9 testimony.

10 MR. PIERRE: Thank you. I'd first like  
11 to thank you gentlemen; ladies and gentlemen, I  
12 assume, for the opportunity to speak before you.  
13 My name is Josh Pierre and I represent the  
14 Flatbush-Midwood Fair Redistricting Committee.

15 I'm here this morning to discuss the  
16 42nd Assembly District which represents the areas  
17 of Flatbush, Midwood, South Midwood, parts of - -  
18 Park and some of the outer lying areas. Let me  
19 start by saying that that community is actually a  
20 microcosm of Yvette Clarke's Congressional  
21 District and so on behalf of that committee I  
22 would like to express our support for the  
23 proposal that she had brought here earlier and

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2 that we believe such a congressional district  
3 would serve the purposes of our community.

4 Our goal with regards to redistricting  
5 the 42nd Assembly District is as follows. We  
6 want to maintain the contiguous and compact  
7 nature of the district, uphold the federal Voting  
8 Right Act and most importantly to us, protect the  
9 ethnic identity of the district and prevent  
10 dilution of our votes.

11 The district, as you know, is 86% black,  
12 of which the overwhelming majority is from the  
13 Caribbean; such islands as Jamaica, Haiti,  
14 Trinidad, Guyana and other islands that have  
15 basically come to form what we know as our  
16 Caribbean-American melting pot within the larger  
17 New York melting pot. We are a community with  
18 common interests and concerns that are distinct  
19 from many of the other districts within the  
20 state.

21 Over the last decades our community has  
22 made great strides to integrate itself into the  
23 state's democratic process. We have done this by

1  
2 registering more voters, followed by exercising  
3 our right to vote and then lobbying and  
4 advocating on behalf of issues that we consider  
5 important to our community.

6 As we have become more integrated within  
7 the process, we have identified ways to push for  
8 our causes and we've also identified things that  
9 we consider to be roadblocks to our community's  
10 progress.

11 In the previous redistricting process  
12 which took place in 2001, we saw a westward shift  
13 of the lines for the district towards a community  
14 that is less minority; basically a non-minority  
15 community. I want to convey to you what the view  
16 is from the ground from the residents of my  
17 community. We work to basically gain parity in  
18 the voting booth and when there's a small shift  
19 as much as 10% within the demographics, what you  
20 have is a rise in the non-minority community and  
21 a decrease in the minority voting block. On top  
22 of that, there is a tendency to be a higher  
23 turnout rate for the non-minority community. So

2 the effect as we see it is very much exponential  
3 and that might translate to as much as a 10 to  
4 30% swing in a direction that we might be opposed  
5 to. And we would really like for you, the panel,  
6 to take that into consideration.

7 Having said that, all we're asking for  
8 is actually for the panel to follow through with  
9 its, for the State Assembly and the State Senate,  
10 to follow through with its mission, which is to  
11 give us all the protections that have been  
12 mentioned before. And we feel the best way to do  
13 this is basically not to move the lines too much  
14 and to keep our Assembly District as much as it  
15 is now.

16 We have submitted a map for you as part  
17 of our testimony and should you feel the need,  
18 given the decrease according to the Census, for  
19 you to make shifts, we would much prefer that you  
20 take a look at this map and look at the areas to  
21 the north, east, and southeast of the district  
22 versus shifting any further west. Thank you for  
23 your time.

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2 SENATOR NOZZOLIO: Thank you very much,  
3 Mr. Pierre. Gloria Dilan Wilson.

4 ASSEMBLYMAN MCENENY: You are number 47.

5 GLORIA DILAN WILSON: Good afternoon.

6 SENATOR NOZZOLIO: Good afternoon.

7 MS. WILSON: I'm Gloria Dulan Wilson.

8 I'm a New Yorker by choice. I've been here  
9 almost 47 years, so that's a pretty good number.  
10 First of all I, like the gentleman who just  
11 preceded me, I'm supportive of Congresswoman  
12 Yvette Clarke's redistricting plan with the map  
13 as drawn.

14 But I also had another concern as I was  
15 reading the questionnaire and unfortunately I  
16 made some notes on my little statement here and  
17 it's my handwriting and my handwriting is  
18 atrocious. So I'll just tell you what I said.

19  
20 The big concern is that we've had a  
21 population shift overall in the state of New York  
22 and there's some concern as to where we--what do  
23 we do now about our congressional representation

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2 in terms of where we move our congress people  
3 from if we're to lose two congress people. And  
4 that's a frightening situation, particularly for  
5 those of us in the down state area because we  
6 tend to have the preponderance of the population.

7 So if you start pulling--it's like when  
8 you pull teeth and you pull one out and  
9 everything shifts in the wrong way and it becomes  
10 lopsided and you're not able to chew properly and  
11 everything. If we look to pull anybody from this  
12 area, from the down state area, it's going to  
13 really I think impact the state as a whole; not  
14 just down state but in terms of what we're able  
15 to leverage and what they're able to do for New  
16 York as a whole.

17 And so I wanted to offer a suggestion  
18 that if it's going to be that we need to lose,  
19 and that's an in quote, congress people that  
20 maybe we can look to consolidate some of the  
21 smaller communities upstate New York in terms of  
22 being able to strengthen maybe the other congress  
23 people who are remaining so that it doesn't

2 impact us in such a heavy manner.

3 The other thing that I'm concerned  
4 about, even with the fact that we're talking  
5 about contiguous and compact communities, is that  
6 we don't go so far in terms of the balkanization  
7 of New York. We are a very diverse state and  
8 that's what makes us great in that we have cross-  
9 cultural ties. And so if everybody is in their  
10 own little pocket it may also mean that that kind  
11 of diversity that we enjoy here and the  
12 communication that we have here as a people and  
13 the sharing that we have of the different cultural  
14 imperatives might get lost.

15 So we have to be careful how we do  
16 redraw the lines when we do it, so that yes, we  
17 keep our neighborhoods intact; we don't become so  
18 intact that nobody knows who anybody is anymore.  
19 That's all I have to say.

20 SENATOR NOZZOLIO: Thank you very much,  
21 Ms. Wilson. Jerry Vattamala. It's my  
22 understanding that you're speaking on behalf of  
23 someone else?

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2 JERRY VATTAMALA (READING PROFESSOR TARRY  
3 HUM'S TESTIMONY): Yes, good afternoon. I'm  
4 speaking on behalf of Professor Tarry Hum. She  
5 couldn't make it here today. I submitted  
6 testimony to you--

7 SENATOR NOZZOLIO: [Interposing] You  
8 were--we saw you in Queens.

9 MR. VATTAMALA: Yes, that's right. I'll  
10 introduce myself again, Jerry Vattamala, staff  
11 attorney with the Asian-American Legal Defense  
12 and Education Fund.

13 I'm going to be reading the testimony  
14 submitted by Professor Tarry Hum. She's an  
15 Associate Professor of Urban Studies at City  
16 University of New York's Queen's College and  
17 Graduate Center. She's also an urban planner and  
18 received a Master's Degree in City Planning from  
19 the Massachusetts Institute of Technology and a  
20 PhD in Urban Planning from UCLA's School of  
21 Public Policy and Social Research.

22 SENATOR NOZZOLIO: And Mr. Vattamala,  
23 rather than reading her testimony if you would be



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2 so kind, if you would submit it so that we can  
3 include it in the record and if you would be kind  
4 enough to summarize it for the committee?

5 MR. VATTAMALA: Sure, absolutely.

6 Basically, Professor Hum grew up in Sunset Park  
7 and as you've heard today from numerous  
8 organizations and individuals testifying on  
9 behalf of the Asian-American community in  
10 Brooklyn, Sunset Park is basically the Chinatown  
11 of Brooklyn. There are a large number of Asian-  
12 Americans, immigrants, many below the poverty  
13 line, which share many commonalities with the  
14 Asian-American community in Bensonhurst. My  
15 colleague Bethany Lee had testified earlier today  
16 detailing all the similarities between  
17 Bensonhurst and Sunset Park. Basically the  
18 communities in Brooklyn that we're very concerned  
19 about are Sunset Park and Bensonhurst and we urge  
20 this committee to keep those two communities  
21 together. We're in the process of drawing our  
22 maps. As was alluded to earlier, there is much  
23 potential in Brooklyn between these two

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2 communities to draw Assembly Districts and Senate  
3 Districts as well as Congressional Districts.

4 So we're hopeful that LATFOR will take  
5 our comments and review the testimony that's  
6 submitted. As I said before, my colleague  
7 Bethany Lee had a lot of data in her testimony on  
8 our surveys and other work that we do in both of  
9 these communities, as well as in Chinatown in the  
10 lower east side, detailing the commonalities  
11 between the Asian-American community in  
12 Bensonhurst and Sunset Park.

13 SENATOR NOZZOLIO: Mr. Vattamala, we  
14 discussed this in Queens briefly, but I need to  
15 ask you again, is the organization you're  
16 representing going to be submitting lines,  
17 appropriate suggested district lines and maps to  
18 the commission?

19 MR. VATTAMALA: Absolutely and I should  
20 clarify AALDEF is the Asian-American Legal  
21 Defense and Education Fund. We've been working  
22 with Asian-American community organizations  
23 throughout New York City for months. We've been

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2 involved in redistricting for over 30 years, but  
3 in this round we've been working with community  
4 groups to determine boundaries and come up with  
5 proposed legislative districts for State  
6 Assembly, State Senate and Congressional lines.

7 We're also a member of ACCORD. You  
8 heard James Hong speak before. We're working  
9 with that organization as well as--we're with  
10 that coalition as well as other organizations  
11 that are not part of ACCORD; Asian-American  
12 organizations.

13 On top of that, we're working with a  
14 Latino Justice PRLDEF, CLSJ; Center for Law and  
15 Social Justice and the NAACP Legal Defense fund  
16 to come up with a unity map which we hope to  
17 submit to LATFOR before the end of the first  
18 round of hearing. So we're working aggressively  
19 to get you that map and you will know that that  
20 map is going to be a comprehensive map with input  
21 from all those groups I just mentioned.

22 SENATOR NOZZOLIO: In the interest of  
23 scheduling, our hearings, which we added the two

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2 today as you may have heard earlier; that will  
3 extend the hearing process into November. We are  
4 under very tight time frames and we're going to  
5 welcome your input. We welcome it sooner than  
6 later in terms of being able to communicate. So  
7 if you could focus on getting that material  
8 together and submitting it as soon as possible,  
9 it would be appreciated.

10 MR. VATTAMALA: Absolutely and I should  
11 clarify. When I say the end of the first round,  
12 that was the original end of the first round, a  
13 date that you had originally scheduled.

14 SENATOR NOZZOLIO: Thank you, Mr.  
15 Vattamala. Any questions of the panel? Hearing  
16 none, thank you very much for your testimony.

17 Anyone else wishes to testify that has  
18 not had the opportunity before? Hearing none,  
19 the Borough of Brooklyn LATFOR hearing is now  
20 adjourned.

21 (The public hearing concluded at 3:27  
22 p.m.)

C E R T I F I C A T E

I, Trisha Ruckart, do hereby certify that the foregoing typewritten transcription, consisting of pages number 1 to 273, inclusive, is a true record prepared by me and completed from materials provided to me.



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Trisha Ruckart, Transcriptionist

October 7, 2011