

NEW YORK STATE
LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND
REAPPORTIONMENT

PUBLIC HEARING

CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING

Wednesday, September 21, 2011

Assembly Hearing Room

250 Broadway

Room 1923, 19th Floor

Manhattan, New York

10:00 a.m.

TASK FORCE MEMBERS PRESENT:

SENATOR MICHAEL F. NOZZOLIO, Co-Chair

ASSEMBLY MEMBER JOHN J. MCENENY, Co-Chair

SENATOR MARTIN M. DILAN

ASSEMBLY MEMBER ROBERT OAKS

WELQUIS LOPEZ

ROMAN HEDGES

DEBRA LEVINE

LEWIS HOPPE

INDEX

	Page
ASSEMBLY MEMBER JOHN MCENENY NYS LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT	8
SENATOR MICHAEL NOZZOLIO NYS LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT	11
ASSEMBLY MEMBER ROBERT OAKS NYS LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT	12
SENATOR MARTIN DILAN NYS LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT	14
LIZ KRUGER SENATOR	15
DAN QUART ASSEMBLY MEMBER	23
ED KOCH FORMER MAYOR	27
RICHARD DADEY EXECUTIVE DIRECTOR - CITIZENS' UNION	46
HENRY STERN NEW YORK UPRISING	56
COSTAS PANAGOPOULOS, PhD ASSOCIATE PROFESSOR OF POLITICAL SCIENCE AND DIRECTOR FOR CENTER FOR ELECTORAL POLITICS AND DEMOCRACY	62
RAFAEL ESPINAL ASSEMBLY MEMBER	74
MARGARET FUNG EXECUTIVE DIRECTOR, ASIAN AMERICAN LEGAL DEFENSE AND EDUCATION FUND	78

Demographic Research and Reapportionment, 9-21-2011

ADRIENNE KIVELSON VICE PRESIDENT, LEAGUE OF WOMEN VOTERS-NYC	83
HEATHER ROBERSON BOARD OF DIRECTORS - ACT NOW	88
MATTHEW KATZ PRESIDENT, ROOSEVELT ISLAND RESIDENT ASSOCIATION (RIRA)	94
LINDA HEIMER	98
NANCY CRUICKSHANK ROOSEVELT ISLAND RESIDENT	101
DICK LUTZ PUBLISHER - MAIN STREET WIRE (ROOSEVELT ISLAND COMMUNITY NEWSPAPER)	103
GALE BREWER COUNCIL MEMBER - NYC COUNCIL, DISTRICT 6	106
JAMES HONG SPOKESPERSON - ASIAN AMERICAN COMMUNITY COALITION ON REDISTRICTING AND DEMOCRACY	110
BARBARA ZUCKER BOARD MEMBER, WOMEN'S CITY CLUB OF NEW YORK	116
RON HAYDUK PROFESSOR OF POLITICAL SCIENCE - BOROUGH OF MANHATTAN COMMUNITY COLLEGE, CUNY	119
HENRY CHANG OCA-NY	126
JESSICA VICUNA ACT NOW	133
DANIEL MARKS COHEN STATE COMMITTEE MAN, 69TH AD - NYC DEMOCRATIC COMMITTEE	136
AHMED TIGANI VICE PRESIDENT - MANHATTAN YOUNG DEMOCRATS	142

Demographic Research and Reapportionment, 9-21-2011

MAE LEE EXECUTIVE DIRECTOR - CHINESE PROGRESSIVE ASSOCIATION	146
SEDELLE THOMAS MEMBER, BRONX UNITY DEMOCRATIC CLUB	150
SUSAN LERNER EXECUTIVE DIRECTOR - COMMON CAUSE NY	152
TRUDY L. MASON STATE COMMITTEEWOMAN	160
MICHAEL GRUMET OPERATOR OF THE 47TH STREET BUSINESS IMPROVEMENT DISTRICT AND LITTLE ITALY RESIDENT	165
CAROL RINZLER FOUNDER - 1000 PLUS FRIEND OF NYC PARKS	167
MICHAEL MCKEE TREASURER - TENANTS POLITICAL ACTION COMMITTEE	169
LEIDA SNOW	175
LOU SEPERSKY	178
LOUISE DANKBERG DISTRICT LEADER	184
MARIA TERESA FELICIANO PRESIDENT - DOMINICAN AMERICAN NATIONAL ROUNDTABLE (DANR)	188
PAOLA MARTINEZ	196
YUDELKA TAPIA	198
CARMEN FLORES POSTAL WORKER - NATIONAL ASSOCIATION OF LETTER CARRIERS	201
ANTHONY GRONOWICZ ASSOCIATE PROFESSOR OF HISTORY AND ADVISOR - STUDENT GOVERNMENT ASSOCIATION OF BOROUGH OF MANHATTAN COLLEGE	204

Demographic Research and Reapportionment, 9-21-2011

TODD BREITBART	210
LEONARD KOHEN, ESQ. ELECTION LAW ATTORNEY	226
CARMEN ACOSTA ASOCIACION DE MUJERES PROGRESISTAS	232
WILBUR WEDER	234
MICHAEL LANDAU CHAIRMAN - COUNCIL OF ORTHODOX JEWISH ORGANIZATION OF WEST SIDE	237
BRAD HOYLMAN CHAIR, MANHATTAN COMMUNITY BOARD 2, DEMOCRATIC DISTRICT LEADER 66TH AD PART A	241
ETHEL SHEFFER AICP, MEMBER - MANHATTAN COMMUNITY BOARD 7, FORMER PRESIDENT - NEW YORK METRO CHAPTER OF THE AMERICAN PLANNING ASSOCIATION	245
JULIE MENIN CHAIR, MANHATTAN COMMUNITY BOARD 1	248
CATHERINE MCVAY HUGHES VICE CHAIR - MANHATTAN COMMUNITY BOARD 1; CHAIR - WORLD TRADE CENTER REDEVELOPMENT COMMITTEE	252
STEVE CARBO SENIOR PROGRAM DIRECTOR - DEMOS	257
IBRAHIM KAHN DEPUTY CHIEF OF STAFF - SENATOR ADRIANO ESPAILLAT	263
ALLISON TUPPER (READING JORDAN BUDD'S TESTIMONY (ACT NOW))	268
RUTH HALBERG STATE COMMITTEEWOMAN 65TH AD - MANHATTAN	270
JAMES G. CLYNES	273

Demographic Research and Reapportionment, 9-21-2011

ROBERT E. CORNEGY, JR. DISTRICT LEADER 56TH AD	276
HELEN ROSENTHAL	280
ALTOGRACIA GUZMAN VARGAS	283
KATHLEEN TREAT	289
RUBEN VARGAS	290

Demographic Research and Reapportionment, 9-21-2011

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

4 ASSEMBLY MEMBER JOHN J. MCENENY, CO-
5 CHAIR, NEW YORK STATE LEGISLATIVE TASK FORCE ON
6 DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT: --
7 people who have signed up based on previous
8 hearings. All 84 at least of these people will
9 probably not speak. On the other hand, there
10 will be additional people going on who will
11 arrive during the course of the day.

12 This is, as you know, the LATFOR, which
13 is the New York State Legislative Task Force on
14 Demographic Research and Reapportionment. My
15 name is Jack McEneny. I'm the member of the
16 Assembly who's the co-chair. And the other co-
17 chair to my immediate left is Senator Mike
18 Nozzolio.

19 We have, in addition, two members of the
20 minority of each house. To my right, Bob Oaks
21 and to the left of Senator Nozzolio is Senator
22 Martin Dilan. There are two citizen members. To
23 the right on the Assembly side is Roman Hedges.
24 To my left is Welquis Lopez. And we are also

Demographic Research and Reapportionment, 9-21-2011

2 joined by the executive directors; co-executive
3 directors Debra Levine, for the Senate and Lou
4 Hoppe for the New York State Assembly.

5 We are going to ask, because of the
6 large number of people wishing to testify, to
7 please keep your remarks to five minutes. Now,
8 many of you have nice, single-spaced, well
9 thought out comments. They will be admitted as
10 part of the procedures. They become part of the
11 official record. Try and summarize that in
12 fairness to the other people here. And bear in
13 mind that all of this is being televised, in that
14 we create a record which will go on the LATFOR
15 web page and from the record there will also be a
16 transcript with stenographers taking down your
17 exact words. So whatever you say will live
18 forever in cyberspace.

19 The function of this organization is one
20 that is required by the New York State
21 constitution and the Voting Rights Act of 1965
22 and is an attempt to take the districts that are
23 currently in place for the United States
24 Congress, the New York State Senate and the

2 Assembly and take a look at those districts which
3 are now obsolete because of our shifting
4 population and to change the districts and draw
5 new districts.

6 It's a process which is under a great
7 deal of pressure right now. We started as soon
8 as we could immediately following the session.
9 No alternative method was agreed upon during the
10 session and we are having two sets of hearings.
11 The first 14 hearings, which will end in October-
12 -November now, excuse me; before election though,
13 is more conceptual, more academic. You tell us
14 in general what you'd like to see done, what's
15 wrong with the current districts, what
16 neighborhoods you'd like to keep together, etc.

17 After that, we go and actually draw
18 lines based upon the input that we receive by
19 mail, some of it electronically. There have been
20 a number of maps that have been specifically
21 submitted and that's especially useful. It's
22 alright to look with tunnel vision at what you
23 want for your district, but we have to think what
24 the bumping effect is if you're taking territory

2 from an adjoining district or you have left over
3 territory that has to be put into another
4 district. So those of you that have been giving
5 us maps we very much appreciate.

6 Without further adieu, I'd like to turn
7 it over to my co-chair, Senator Michael Nozzolio.

8 SENATOR MICHAEL F. NOZZOLIO, CO-CHAIR,
9 NEW YORK STATE LEGISLATIVE TASK FOR ON
10 DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT: Thank
11 you, Assemblyman and good morning, ladies and
12 gentlemen. This is the fourth hearing that we're
13 conducting in New York City. The tenth overall
14 and it is very heartening to hear the testimony
15 of hundreds of New Yorkers about the
16 redistricting process. Those of you who may be
17 watching this proceeding on the LATFOR web site,
18 we encourage you if you cannot attend a hearing
19 or do not choose to attend a hearing, your
20 comments are most welcome. You can present those
21 comments in writing to LATFOR and we will include
22 them in the record of the proceedings.

23 We are also emphasizing, as Assemblyman
24 McEneny had indicated, that we are emphasizing

2 the solicitation or the receiving plans, proposed
3 plans that individuals or groups may support and
4 which the LATFOR commission to focus on. So we
5 ask you to use the web site for providing input
6 to make this process as open as we possibly can.

7 Without further adieu, Assemblyman,
8 thank you very much for agreeing to chair this
9 proceeding. Tomorrow we are in Staten Island and
10 that will conclude our round in New York City in
11 every in the city. And later this month, we will
12 be in Suffolk County, in Nassau County and
13 counties in the North Country. So, thank you for
14 your participation and we look forward to a good
15 hearing.

16 ASSEMBLY MEMBER MCENENY: Any other
17 member of the committee like to say something?
18 Assemblyman Oaks?

19 ASSEMBLY MEMBER ROBERT OAKS, NEW YORK
20 STATE LEGISLATIVE TASK FORCE ON DEMOGRAPHIC
21 RESEARCH AND REAPPORTIONMENT: Thank you,
22 chairman. I'd just--I would like to welcome
23 everyone today. I look forward to hearing your
24 input. We're sorry that we can't put everybody

Demographic Research and Reapportionment, 9-21-2011

2 first and it will be that there are a number of
3 people on, but clearly we appreciate all of your
4 attendance and look forward to hearing your
5 comments.

6 ASSEMBLY MEMBER MCENENY: Senator?

7 SENATOR MARTIN M. DILAN, NEW YORK STATE
8 LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH
9 AND REAPPORTIONMENT: Basically, I would just
10 like to say good morning and I look forward to
11 hearing your testimony today.

12 ASSEMBLY MEMBER MCENENY: Thank you.
13 The first name I have on the list is former mayor
14 Ed Koch, Henry Stern and Rudy Washington. And we
15 look forward to their five minutes presentation,
16 collectively.

17 SENATOR NOZZOLIO: And if I may just
18 add, we are asking, because there are over 80
19 people on this list, to limit your formal remarks
20 to five minutes. Any written comments certainly
21 submit and we will ensure that will be part of
22 the official record.

23 ASSEMBLY MEMBER MCENENY: We have as a
24 courtesy also called elected officials, elected

Demographic Research and Reapportionment, 9-21-2011

2 by the people in this jurisdiction, to go first.
3 When I see them I will put them on. And please
4 identify yourself because we don't know you all
5 and we'll get you on as soon as we can.

6 Next I have Jeffrey Eaton, the president
7 of the NAACP, mid-Manhattan branch. Senator
8 Kruger, did you want to speak today?

9 LIZ KRUGER, SENATOR: Morning everyone.
10 Nice to see you down in New York City. I believe
11 you have copies of my testimony. My name is Liz
12 Kruger. I'm the State Senator from the 26th
13 Senate District, which includes the Upper East
14 Side, East Midtown and Midtown in Manhattan.

15 I'm here to testify the importance of a
16 transparent and open process for establishing new
17 legislative districts and for the creation of
18 districts that meet basic standards of equity and
19 ensure representation to the diverse communities
20 that make up our great state.

21 Unfortunately, the failure of the
22 legislature to establish an independent
23 redistricting commission, as I and many of my
24 colleagues have called for, will make it more

2 difficult for the kind of process and results we
3 need. Given both past performance and the clear
4 control of LATFOR by legislative leadership, I am
5 skeptical that this body is prepared to act to
6 establish fair district lines, but I want to keep
7 an open mind that it can be done right.

8 Shortly after I was elected to the
9 Senate in a special election in February, 2002, I
10 saw LATFOR offer a plan that served entrenched
11 political interests by disenfranchising minority
12 communities, creating districts with
13 substantially different numbers of voters,
14 drawing bizarrely shaped districts made up of
15 disparate and unrelated neighborhoods and adding
16 a new surprise 62nd Senate District at the very
17 last minute.

18 Should the past history be repeating in
19 the development of this year's plan, and I hope
20 it's not, I have confidence that Governor Cuomo
21 will keep his promise, veto the plan and I will
22 strenuously urge him to do so. I urge you to
23 break with past practice of your predecessors and
24 take the steps necessary to develop a

2 redistricting plan that passes muster of not
3 serving the narrow interests of majority party
4 leaders and incumbents, but instead serves to
5 maximize the power of the people to choose their
6 own representatives.

7 One issue of great concern to me is the
8 recent reports that LATFOR is considering
9 expanding the size of the Senate by one or more
10 additional seats. This action would repeat past
11 history, replicating the last minute, back-room
12 deal that expanded the Senate from 61 to 62
13 Senate seats in 2002.

14 It would also be a slap in the face of
15 the voters of New York State to expand the Senate
16 at a time when so many other vital programs, from
17 health care to education to social services face
18 cuts. While voters often disagree about what to
19 cut and what to fund, I'm quite sure the vast
20 majority would be outraged if their senators were
21 to tell them that what they really need from the
22 government is more state senators. I know voters
23 in my district would find such a claim outrageous
24 and I'm sure the reaction in more conservative

2 districts would be even stronger.

3 Any expansion of the Senate would also
4 be an attack on Governor Cuomo's effort to create
5 a leaner, more efficient government and therefore
6 I fully expect he would veto such a plan.

7 So what should be the principles that
8 district lines should be drawn upon. By now the
9 standards for independent redistricting are well
10 established. I'm sure you've heard this over and
11 over again in the hearings you've been having
12 around the state. I urge you to adopt a plan
13 that keeps communities of interest together. To
14 the greatest extent possible, districts should be
15 drawn to allow communities of interest, whether
16 they be racial, ethnic or neighborhood based, to
17 elect representatives of their own choosing.

18 LATFOR's history on this issue is
19 unfortunately not encouraging; particularly on
20 Long Island where in 2002 Senate Districts were
21 drawn that split minority communities between
22 multiple districts diluting the voting power of
23 African-American and Latino voters. Should this
24 pattern be repeated, the Governor must veto the

2 redistricting plan.

3 LATFOR should create districts that have
4 the same number of voters. In 2002, LATFOR
5 pushed the limits of district variation, creating
6 much smaller Senate districts upstate than
7 downstate, with a variation as great as near 10%,
8 meaning that some New York City districts had
9 over 27,000 more people than some upstate
10 districts.

11 I have had to explain to voters in New
12 York City that they get less representation than
13 upstate voters because the city Senate districts
14 were intentionally overpopulated in 2002 to allow
15 additional upstate under populated districts. I
16 urge LATFOR to create districts with overall
17 population variation of no more than 2%, as
18 Governor Cuomo has called for.

19 Such a standard would require that
20 districts not go over plus one or under one
21 percent of the average district population, based
22 on the 2010 Census. Since congressional
23 districts are already required to be equal in
24 size, there's no real legitimate argument that

2 state legislative districts should be permitted
3 the larger population variations we have seen in
4 the past, unless required to meet some
5 requirement of the constitution or the Federal
6 Voting Rights Act.

7 LATFOR should create contiguous
8 districts. Districts have not been drawn as they
9 have in the past that pull together distant and
10 unrelated communities for partisan reasons. This
11 strategy has been used to build bizarrely shaped
12 districts, such as the 34th Senate District in
13 the Bronx-West Chester, what we call the lobster
14 claw. Or the 51st Senate District in Central New
15 York, Lincoln riding a lawn mower in his stove
16 top hat. For the sole purpose of protecting
17 incumbents, legislators should not get to choose
18 their voters. Voters should get to choose their
19 legislators.

20 We should count prisoners in the
21 districts where they come from. The standard is
22 now the law of the state and LATFOR should not in
23 any way delay or undermine the implementation of
24 this law. Prisoners do not vote from prison but

2 they will be voters in their neighborhoods when
3 they return and they are part of the community of
4 interest of their permanent home. The new law
5 requires LATFOR to develop a redistricting
6 database in which prisoners in federal and state
7 custody have been subtracted from their place of
8 incarceration, in which prisoners in state
9 custody are to the extent possible reallocated to
10 their prior residential addresses.

11 LATFOR should also provide opportunity
12 for public comment and review of the allocation
13 of prisoners to ensure the districts conform to
14 the new law.

15 ASSEMBLY MEMBER MCENENY: Senator?

16 SENATOR KRUGER: Yes.

17 ASSEMBLY MEMBER MCENENY: Try to wrap it
18 up please.

19 SENATOR KRUGER: Five minutes, okay.

20 ASSEMBLY MEMBER MCENENY: Oh, that went
21 a while ago.

22 [Laughter]

23 SENATOR KRUGER: Oh, then thank you for
24 giving me additional minutes. I am going to

2 close here, leaving you a page left. Again, I'm
3 not telling you anything you have not been
4 hearing around the state. I just want to
5 reemphasize LATFOR can do this right and if it
6 does not do it right, I will be one of the people
7 on the steps urging the Governor to veto and
8 create an independent process. Thank you very
9 much for your time.

10 ASSEMBLY MEMBER MCENENY: Thank you,
11 Senator. I must comment that Lincoln riding a
12 vacuum cleaner or whatever; somebody who's never
13 been to upstate obviously doesn't know what
14 Herkimer County looks like. That stove pipe hat
15 that goes up has the town of Webb attached to it.
16 One of our goals is to try to keep communities of
17 interest together, as you mentioned, which means
18 don't cross the county line unless you're forced
19 to for mathematical or other reasons. So
20 consequently, a number of districts over the
21 years have always had Lincoln's hat in it because
22 that's what Herkimer County has looked like for
23 200 years.

24 And also, under the Voting Rights Act of

2 1965, where we have both a legal and a moral
3 obligation to create districts of opportunity and
4 preferable minority-majority districts; when you
5 link together the enclaves of minority
6 neighborhoods, it doesn't look like it's IOWA
7 with a lot of little squares. Our state doesn't
8 work that way and our people don't live in little
9 squares. So bear in mind, sometimes we do things
10 not because we like to in terms of attractiveness
11 on the map, but we'd like to to preserve voting
12 rights.

13 SENATOR KRUGER: Thank you for that
14 point and I actually have been up to that area of
15 the state. I think my objection with that
16 example is less the stove pipe hat than the
17 design of the vehicle that that hat is riding
18 upon. Thank you.

19 ASSEMBLY MEMBER MCENENY: Thank you very
20 much, Senator. Assembly Member Dan Quart. And
21 I'm not sure whether you're sworn in yet. It
22 might be Assembly Member Elect.

23 DAN QUART, ASSEMBLY MEMBER: I'm
24 official.

2 ASSEMBLY MEMBER MCENENY: Very good.

3 [Applause]

4 ASSEMBLY MEMBER QUART: I want to thank
5 the members of the committee for allowing me the
6 privilege of speaking before your body today. I
7 appreciate your time and I will try and be brief
8 and again, if I go over five minutes, please let
9 me know and I will wrap up as well.

10 My name is Dan Quart and I was recently
11 elected to represent the 73rd Assembly District
12 on Manhattan's Upper East Side and I want to
13 speak in support of many of the comments my
14 colleague, Liz Kruger, just made and one point in
15 particular about keeping communities with a
16 common nature together in a single district. I
17 think that is a critical thing for what I
18 consider a fair process and what has to happen on
19 the East Side.

20 And one of the most important things on
21 the East Side of Manhattan, the district I
22 represent, is in terms of education, school
23 construction in District Two, the District from
24 the Department of Education that covers the East

2 Side of Manhattan.

3 Specifically, East Siders expect their
4 member of Congress or any other member of
5 legislative body to become deeply engaged in
6 issues of school overcrowding, school
7 construction among other things. And the East
8 Side has been left out of school construction
9 budget for years, a residue of a time when young
10 couple left the city once they had children and
11 those that remained tended to send their children
12 to private school.

13 But with the downturn of the economy,
14 those things have changed. There are many
15 members, many of my constituents now who cannot
16 afford to send their children to private school
17 and send their kids to public school. And there
18 is a deep overcrowding, a deep problem of
19 overcrowding in our city schools, specifically in
20 District Two on the Upper East Side.

21 Congresswoman Maloney has led a task
22 force to deal with these issues. She led to the
23 establishment of the Eleanor Roosevelt High
24 School, created to address the concerns of

2 parents who wanted to send their children to a
3 public high school, knew their children would not
4 be admitted to a selective high school like Bronx
5 Science, Stuyvesant or Brooklyn Tech;
6 academically rigorous schools in our city, but
7 not everyone can get in.

8 For more than ten years, parents and
9 local elected officials met with a series of
10 chancellors without success. Each of them
11 assumed that East Side Parents would leave the
12 city or send their children to private school.
13 What successive chancellors failed to understand
14 changes in the East Side and parents are
15 increasingly choosing to send their children to
16 public school and they want good public schools
17 in their community.

18 Someone who might only represent a
19 portion of the East Side, if the East Side were
20 separated or made into distinct neighborhoods of
21 the East Side, would not simply be able to
22 address this concern holistically. That is my
23 main concern; that the East Side not be broken
24 apart and that the communities of the East Side

2 be taken together as a whole, because they are--
3 that is important. And that is the only way
4 myself, Congresswoman Maloney and all the other
5 elected officials that represent the East Side
6 can effectively fight to ensure enough public
7 schools on the East Side so that the overcrowding
8 that we already have does not become more severe
9 in the years ahead. I thank you for your time.

10 ASSEMBLY MEMBER MCENENY: Thank you very
11 much. It would be helpful to us if you submitted
12 a map, bearing in mind the needs of your
13 neighbors. So, it's pretty easy to do in the
14 case of Manhattan; adding the map together till
15 you get up to the East Side, because it would be
16 interesting what you consider the East Side and
17 whether it's possible to accommodate that from a
18 communities of interest and neighborhood point of
19 view.

20 ASSEMBLY MEMBER QUART: Well, I will
21 certainly submit that to the committee. I'll
22 just make one point. We, Manhattan in a very
23 easy way is a grid and what we have between the
24 East and West Side is Central Park, so that is a

Demographic Research and Reapportionment, 9-21-2011

2 good place to begin at what separates the East
3 Side from any and all other areas of the city.
4 But with that, I will submit documentation in
5 support of my testimony.

6 ASSEMBLY MEMBER MCENENY: Thank you very
7 much and congratulations on your election.

8 ASSEMBLY MEMBER QUART: Thank you.

9 ASSEMBLYMAN OAKS: If I just might, I'll
10 just add my welcome too and I look forward to
11 working with you, Assemblyman Quart.

12 ASSEMBLY MEMBER QUART: Thank you,
13 Assembly Member.

14 ASSEMBLY MEMBER MCENENY: Are there any
15 more elected officials; City Council, Assembly,
16 Senate, etc? Mr. Koch is here? Mayor Koch.
17 Will you be speaking separately or? We'll
18 consider Mr. Dadey a separate speaker, but he can
19 come up here and go on right after you. Come
20 over here, Mayor. It's good to see you.

21 EDWARD I. KOCH, FORMER MAYOR: My name
22 is Ed Koch and I'm here on behalf of New York
23 Uprising which was formed back in March of 2010
24 to take on the issue of redistricting and to

2 change what has been in effect the pattern for
3 the last hundred or more years; having a
4 legislature draw lines with each house drawing
5 its own lines so as to protect the incumbents.
6 And it is our hope that legislation which the
7 Governor authored and which was introduced by the
8 speaker; it was our hope that it would become
9 law.

10 The effort of our part; we joined
11 together Dick Dadey and Henry Stern, representing
12 their organizations and myself. We joined
13 together to secure from the people who were
14 running for office in the last election their
15 pledge that they would support the creation of an
16 independent commission to draw the lines.

17 Ultimately, in both houses we secured a
18 majority of pledgees and interestingly, in the
19 Senate, every Republican signed. But that was
20 when they were a minority and when they became a
21 majority, they repudiated their pledges. This is
22 all a matter of history and our alliance now is
23 on the Governor.

24 The Governor has signed a pledge, as did

2 the three Republicans who ran for Governor,
3 saying that they would veto any legislation that
4 was not the result of an independent commission.
5 The Governor has repeated several times that he
6 intends to keep his pledge and I have no doubt
7 that he will.

8 And if he does and if there is the veto,
9 we have pledges from a majority in both houses
10 that they will sustain the veto. So, then it
11 will go into the courts. And if it goes into the
12 courts, no one knows what will happen. It
13 depends on the Master and the Court, whether it's
14 a Federal or a State Court and it's what they
15 call a crap shoot.

16 But we believe it will be better than
17 what you do and that's not intended to offend.
18 What you're doing, at the behest of the State
19 Legislature, in my judgment, you may differ with
20 me, is to draw lines to keep the incumbents there
21 until they die. We oppose that. A substantial
22 majority of the people of New York oppose that.
23 And when the Governor vetoes and the legislation
24 goes to the Federal or State Court, it's our hope

2 that the Courts will oppose that.

3 We don't know that for certain. We're
4 not--you know, there are jurisdictions where they
5 did and jurisdictions where they did not and
6 that's why nobody can be certain and that's why
7 we hope that the State Legislature will come to
8 its senses and say they'd rather be a partner in
9 the process than to be a victim of the process,
10 should it turn out to be other than what they
11 would like by virtue of the Court's decision.

12 So, that's my testimony and I thank you
13 for hearing me.

14 ASSEMBLY MEMBER MCENENY: Mayor, I have
15 to get you on this one. I don't know what you
16 know of my career, starting with the Peace Corps,
17 the war on poverty, City Commissioner under Mayor
18 Corning for a dozen years, Deputy County
19 Executive and County Historian, etc., etc. Why
20 would you consider me an enemy of the people? Do
21 you think that's--

22 MAYOR KOCH: [Interposing] It's easy.

23 ASSEMBLY MEMBER MCENENY: Do you think
24 that's rather extreme language, something like

Demographic Research and Reapportionment, 9-21-2011

2 that we have in the House of Representatives?

3 MAYOR KOCH: No, it's apt. I assume
4 what you're telling me is that you didn't sign
5 the pledge and we--

6 ASSEMBLY MEMBER MCENENY: [Interposing]
7 No, I never sign pledges. I look for legislation
8 before I sign them.

9 MAYOR KOCH: You know, let me make--if I
10 may respond?

11 ASSEMBLY MEMBER MCENENY: Yeah.

12 MAYOR KOCH: That response, which came
13 from several people; "I never sign pledges." So
14 then you can't put together a coalition. I mean,
15 it's ridiculous. That's just a subterfuge for
16 saying, "I don't agree with you," in my humble
17 opinion. There is now way that you can put
18 together a coalition around particular
19 legislation, which we were--unless you get people
20 saying, "I'm committed." It's normal.

21 ASSEMBLY MEMBER MCENENY: And if you
22 don't agree with me, you're an enemy of the
23 people?

24 MAYOR KOCH: Absolutely an enemy of the

2 people.

3 ASSEMBLY MEMBER MCENENY: Do you think
4 that's a little extreme?

5 MAYOR KOCH: Absolutely and a hero and
6 what is so sad is how many people ran as heroes
7 who were enemies ultimately and just used the
8 hero pledge as a shield. They defrauded their
9 constituents. That's the poll. The poll shows
10 that, I think I heard it was like two-thirds,
11 somewhere in there--

12 MALE VOICE: [Interposing] Over.

13 MAYOR KOCH: Over two-thirds; that if
14 you don't do what you pledge to have done, you've
15 insulted your constituency.

16 ASSEMBLY MEMBER MCENENY: Now, you were
17 a chief executive here.

18 MAYOR KOCH: And I was a Congressman and
19 I was a City Councilman.

20 ASSEMBLY MEMBER MCENENY: And you were a
21 Congressman in probably a very nicely drawn
22 district at that.

23 MAYOR KOCH: No, actually it was a
24 Republican district and I was the first Democrat

2 in 31 years to take it.

3 ASSEMBLY MEMBER MCENENY:

4 Congratulations, but--

5 MAYOR KOCH: [Interposing] It was the
6 John Lindsay Silk Stocking district.

7 ASSEMBLY MEMBER MCENENY: But would you
8 recommend that a chief executive veto a bill
9 before he has read it?

10 MAYOR KOCH: Let me just say, whether
11 he's read it or not, if you've described it or in
12 this particular case, we know that it eliminates
13 the process. I mean, what you're--may I first
14 say this. I hope that you don't take any of this
15 personally. [Laughter] I mean--

16 ASSEMBLY MEMBER MCENENY: It shocked me.
17 I've never been called an enemy of the people
18 before.

19 MAYOR KOCH: Well, I mean, it's always a
20 first time. [Laughter] And when I say not to
21 take it personally, what I mean by that is this.

22 I have been in public office actually
23 since 1966 and I have been in 23 elections,
24 sometimes three in one year; a primary, a run-off

Demographic Research and Reapportionment, 9-21-2011

2 or a general and I served as Mayor for 12 years.
3 And I like to think that my public service; that
4 I was devoted to the common cause of creating a
5 better government. You know, you have to take a
6 lot when you're in government. You know that.
7 You don't get paid what you can get paid in the
8 private sector, but it's not important. There's
9 nothing like public service at the highest levels
10 and particularly if you're committed to good
11 government. I mean, it's a constant struggle and
12 people want to stay in office forever. And if
13 you look at the statistics it's like they do. I
14 mean, I think it's legislators in Albany are
15 reelected to the extent that only three percent a
16 year ever lose. I mean, that's pretty good. I
17 don't know where the odds are better. But that's
18 not good for the public. It isn't. What you
19 want is a level playing field. And when you look
20 at me, you're not looking at an - - . I cross
21 party lines. [Laughter] And when I cross them,
22 they're always - - , but do I care? Absolutely
23 not. If I think that what I'm doing is in the
24 best interest of the people of the city and the

2 state of New York.

3 SENATOR NOZZOLIO: Mr. Mayor, the
4 comment you made about repudiating; I think it
5 should be highlighted that the Senate voted to
6 establish an independent commission for
7 redistricting.

8 MAYOR KOCH: It did?

9 SENATOR NOZZOLIO: That independent
10 commission, because of council's advice and not
11 just Senate Council's advice, but reports from
12 the New York City Bar Association requested, and
13 I think even you, in proposing this last year,
14 suggested that the real way to achieve this
15 objective is through a state constitutional
16 amendment.

17 MAYOR KOCH: No, that's for permanence.

18 SENATOR NOZZOLIO: Excuse me, Mr. Mayor.
19 Let me finish my question before you answer.

20 MAYOR KOCH: Of course. I'm sorry.

21 SENATOR NOZZOLIO: What the Senate
22 established was a constitutional amendment to
23 change the process. We were in the minority.
24 While we were in the minority, we did not see the

2 Democrats who controlled the majority change the
3 constitution and they had enough time to do that.
4 I'm sorry, Mr. Mayor, if the constitution's an
5 inconvenient truth on the independent commission
6 and I'm sorry that its timing might not be what's
7 appropriate. I congratulate you on your efforts
8 to focus on this issue and I think to get it to
9 the point where we are at first passage of a
10 constitutional amendment is a tribute to your
11 good work.

12 I should also say though that the
13 measures that you and Mr. Dadey and others are
14 supporting has the deck stacked against
15 Republicans.

16 MAYOR KOCH: How?

17 SENATOR NOZZOLIO: When you have an
18 eight-member selection committee, six of whom are
19 chosen by Democrats; six to two show's it's
20 stacked and that I think that that is a process
21 that gives concern on a political end. But
22 really the focus is on a legal end. To achieve
23 the mathematical deviations that you're
24 recommending, you really need a constitutional

Demographic Research and Reapportionment, 9-21-2011

2 amendment change. And if it's to be permanent,
3 you need a constitutional amendment change. If
4 it is to be truly non-partisan, I believe you
5 need a constitutional amendment change.

6 So I think that's a correction in your
7 comments in that the Senate has passed an
8 independent redistricting bill.

9 MAYOR KOCH: May I respond?

10 SENATOR NOZZOLIO: Of course.

11 MAYOR KOCH: I'm sorry I interrupted
12 you. Firstly, in my first conversation with the
13 majority leader, he said to me what you just
14 said. And I said, "You know, if the legislation
15 is unfair in terms of the numbers and who's
16 represented and so forth, we'll get that
17 changed." And we went back to the two
18 legislators, Gianaris [phonetic] and Volesky, and
19 ask them you change it. And they did; so that
20 there was no increase for the one side over the
21 other.

22 And then when the Governor introduced
23 his legislation and put his designation in, he
24 called me. And I said, "Governor," I remember

2 this initially. I said, "Governor, unless you
3 agree to give one of your two appointments to the
4 Republican, they're not going to accept it
5 because we went through this. And he said, "I
6 do." And I personally delivered that message.
7 So that you cannot say the legislation that was
8 offered is unfair or favors one party over the
9 other. That's number one.

10 Two, as it relates to the constitutional
11 amendment. We're all for a constitution
12 amendment, but the pledge is for this election.
13 It's not for an election ten years from now.
14 It's for this election. The constitutional
15 amendment is for the forthcoming elections and
16 every Senate member knew that.

17 When the Senate Majority leader; I
18 called him and I remember the conversation very
19 well. I said, "You gotta be crazy not to sign
20 this pledge. It makes you the Reformed party and
21 I will say so." So he said, "I'll check and see
22 whether or not they changed the legislation," so
23 that the empowerment, or however you want to
24 discuss it, is equal. He came back and he said

Demographic Research and Reapportionment, 9-21-2011

2 to me, "I'm on board. I'm signing. But don't
3 give it to the press yet, because I want to give
4 my caucus notice of what I'm doing." And then an
5 hour later I was called, and he said to me,
6 "Everybody wants to sign."

7 So, I think it was 29; 28 or 29. I
8 mean, and when we made that public, I said at
9 that time, "The Republican Party at this moment,
10 on this matter is the party of Reform." You're
11 aware of that? So, I think I've answered it.

12 SENATOR NOZZOLIO: Thank you for your
13 answer. I don't really believe that the
14 permanency required can be achieved through a
15 wink and a nod and saying that the Governor's
16 willing to put his appointees for Republicans.
17 What happens when Governor Cuomo's not there and
18 it's left to some other Governor to do this? I
19 think you'd want a legacy of permanence and a
20 legacy--

21 MAYOR KOCH: [Interposing] It was for
22 this election.

23 SENATOR NOZZOLIO: --in the statute and
24 in the constitution. But, thank you for your

2 comments.

3 MAYOR KOCH: Thank you, sir.

4 ASSEMBLY MEMBER MCENENY: Senator?

5 SENATOR DILAN: Yes, I just want to
6 correct the record with respect to a comment that
7 you made that you said that you have pledges in
8 both houses to have the Governor override any--

9 MAYOR KOCH: [Interposing] I've got
10 pledges to that affect.

11 SENATOR DILAN: You do?

12 MAYOR KOCH: Yeah.

13 SENATOR DILAN: I don't think so. I
14 think I have a letter in my possession that I got
15 24 members of the Senate to sign to do that. You
16 don't have that in your possession. I did have
17 the assistant--

18 MAYOR KOCH: [Interposing] So, what
19 you're telling me is they lied to me and they
20 lied to you.

21 SENATOR DILAN: Well, not yet because
22 the Governor has not overridden--

23 MAYOR KOCH: [Interposing] No, but he
24 says he will.

2 SENATOR DILAN: --any legislation, but I
3 must say that I did have assistance from Mr.
4 Dadey.

5 MAYOR KOCH: I have no doubt about that.

6 SENATOR DILAN: I just wanted to clarify
7 that. Thank you. And I'm also an enemy of
8 reform.

9 MAYOR KOCH: I'm a little deaf. What
10 did he say?

11 Voice: - - .

12 MAYOR KOCH: Oh, and you say it proudly,
13 right? You're an enemy of reform. Good.

14 ASSEMBLYMAN OAKS: Mr. Mayor, I just
15 wanted to add a couple of comments to some of the
16 things that have been mentioned. First of all, I
17 am not one who signed your pledge, but I am a
18 sponsor of legislation. I often feel that the
19 person who holds the pledge after you've signed
20 it is in power of what the person meant as
21 opposed to the person who signed it, and that's
22 kind of my problem with pledges.

23 But I think--just a couple of comments
24 about the Governor's bill. With all due respect

2 to Senator Nozzolio, I think it doesn't give the
3 Democrats a benefit. It gives the Governor's
4 party or the Governor the benefit. So should
5 next redistricting be a Republican, it would give
6 the Republicans undue power in that some of the
7 other Reform legislation of what I've been a part
8 of would have like a super majority which you
9 would have to have more than half making
10 decisions and so it would require members of both
11 parties to be able to agree to some of that and
12 so I think anything on the Reform side should
13 include that type of provision.

14 And then, just finally for me, obviously
15 we are here as a part of existing law, following
16 where we are. And I take that responsibility
17 very seriously and being a part of that. Should
18 that be something different between now and when
19 redistricting is completed, I guess is still yet
20 to be seen. But I think this process and having
21 input from people around the state is something
22 that we have continued to do and hopefully that
23 is an important part of the process.

24 ASSEMBLY MEMBER MCENENY: Senator Dilan?

2 SENATOR DILAN: Yes, I just need to
3 follow up on the comment of enemy of reform. I
4 should have said that I am still an enemy of
5 reform. I want to clear this up because I had
6 two pieces of legislation to create an
7 independent commission which was never recognized
8 by your group.

9 Currently, my two bills are the ones
10 that the Governor is putting out which all of a
11 sudden you do support. I also met with you, I
12 think it was earlier this year, and you
13 indicated--I was trying to clarify the issue of
14 friend or hero or enemy and you indicated the
15 only way that I could be taken off the list is if
16 I supported the Gianaris bill, which is what you
17 picked. I did that and I'm still an enemy of
18 reform.

19 MAYOR KOCH: Senator, let me just say
20 this--

21 SENATOR DILAN: [Interposing] So,
22 everything is for your convenience, sir. That's
23 all I'm saying.

24 MAYOR KOCH: No, no. Let me just say

2 this. I don't have the details as it relates to
3 your particular--

4 SENATOR DILAN: [Interposing] I've done
5 everything I had to do. You have not.

6 MAYOR KOCH: No, I'm sure that
7 everything you've said is correct. I mean I
8 don't have the details in my head as to these
9 details. I know that you--my recollection is
10 that you came in to tell me that you were with us
11 but you wouldn't sign the pledges. That's my
12 recollection.

13 SENATOR DILAN: That's correct.

14 MAYOR KOCH: And what I said to you is
15 what I said earlier, which is people who give as
16 an excuse, "I won't sign pledges," and therefore
17 they're not restrained and they can do whatever
18 they want to do can't be part of a coalition and
19 no coalition can work that way in my judgment.
20 And I've done a lot in terms of coalitions.

21 But you've got to agree and it in this
22 case, it was by the pledge. So because you
23 wouldn't sign the pledge, we declared you to be
24 an enemy of reform and you still are and you're a

2 proud enemy of reform.

3 SENATOR DILAN: Well, no. You're
4 incorrect because you said, "If you want that
5 label taken off, go on the Gianaris bill." And I
6 did and I'm still an enemy of reform. So the one
7 that has not kept his word here is you, sir.

8 MAYOR KOCH: But you wouldn't sign the
9 pledge, wasn't that it?

10 SENATOR DILAN: I think we're being
11 redundant now, sir. Thank you.

12 MAYOR KOCH: Thank you.

13 SENATOR NOZZOLIO: Thank you very much.

14 ASSEMBLY MEMBER MCENENY: Your honor,
15 it's always a pleasure to spar with you in this
16 matter and in others and I appreciate your long
17 dedicated public service to the people of New
18 York and beyond. I think you're dead wrong, but-
19 -

20 [Laughter]

21 MAYOR KOCH: I understand that.

22 ASSEMBLY MEMBER MCENENY: But it's a
23 pleasure to see you and thank you so much for
24 coming down today. Mr. Dadey, did you want to

2 add since we're on this topic.

3 RICHARD DADEY, EXECUTIVE DIRECTOR -

4 CITIZENS UNION: Sure. Thank you. And I

5 appreciate your flexibility in combining a panel

6 that I was on earlier with former Attorney

7 General Robert Abrams and CNN Columnist John

8 Avlon, both of whom had last minute changes this

9 morning. I'm fortunate to be able to join Mayor

10 Koch's panel here.

11 I extend good morning wishes to all of

12 you and in spite of our disagreements on how to

13 address this issue; I do want to thank you

14 publicly for the service that you're providing to

15 New Yorkers. You've traveled throughout the

16 state over the last number of months and still

17 have a lot to do and I appreciate your holding

18 these hearings and trying to get feedback from

19 New York residents on how best to do this.

20 My name is Dick Dadey obviously and I'm

21 the Executive Director of Citizen's Union and

22 over the past year, as you know, Citizen's Union

23 has spearheaded a campaign, Reshape New York, to

24 reform the redistricting process of which Mayor

2 Koch and Henry Stern have been a part of.

3 This coalition consists of 37 groups,
4 including civic and community organizations,
5 unions and business groups that have called for
6 the legislature this summer to return to Albany
7 this fall to finally end partisan gerrymandering,
8 echoing the growing and continued support among
9 the public for an independent commission.

10 Just yesterday, a Quinnipiac poll showed
11 that the vast majority of voters support removing
12 some or all of the legislature's ability to
13 control the redistricting process. 50% of voters
14 support a fully independent commission with no
15 legislative input and another 27% support an
16 independent commission with some legislative
17 input, which should be noted is the model
18 provided in legislation introduced by Governor
19 Cuomo. Together 77% of voters in this poll
20 believe that the current process of legislators
21 drawing their own lines must end.

22 Further, 48% polled said that they would
23 feel betrayed if LATFOR continued its current
24 process and the lines are drawn the same old way.

2 The public should feel betrayed. 184 of the 212
3 members of the legislature either pledged to the
4 voters during the campaign season to support an
5 independent commission or co-sponsored
6 legislation that would reform the redistricting
7 process this past legislative session, including
8 members of this very body.

9 Assemblyman Oaks, thank you for
10 sponsoring, along with Assemblyman Jeffries,
11 redistricting reform legislation in the Assembly.
12 Thank you, Assemblyman McEneny, for sponsoring
13 legislation that was introduced by Governor
14 Cuomo. Senator Nozzolio, thank you for being the
15 only one on this panel who actually voted for an
16 independent commission this year. Even though we
17 may have disagreements about the timing, you did
18 vote in favor of an independent commission.
19 Senator Dilan, last year you introduced two
20 pieces of legislation and then also co-sponsored
21 Senator Gianaris'. You all have come out in a
22 public way in support of this process. Given
23 that, we should find a common way forward.

24 At hearing after hearing before LATFOR

2 this summer and fall, members of the public have
3 pointed to communities being split apart,
4 minority groups being marginalized and partisan
5 gerrymandering taking place at the expense of
6 representation of voters. Decades of
7 gerrymandering have led to a public that is
8 understandably wary of the maps that will be
9 drawn for 2012. Governor Cuomo has also no
10 confidence that LATFOR can be impartial and draw
11 non-partisan lines and has stated quite clearly
12 that he'll veto lines that are drawn by this
13 body.

14 I think the time has come that enough is
15 enough. The legislature should return to Albany
16 this fall in a special session to finally address
17 this issue. There are promising discussions
18 taking place among the Assembly, the Senate and
19 the Governor's office about how to find an
20 alternative and acceptable resolution to this
21 issue. Citizen's Union believes that we must
22 find the common ground needed to bring
23 independence and integrity to the redistricting
24 process. And it's hopeful, given the commitments

2 made over the past year and by four of you here
3 and the level of support in the legislature that
4 exists for this reform.

5 So today I would like to put publicly on
6 the table the framework for the Governor, the
7 State Senate and the State Assembly to follow in
8 resolving this impasse and implement the needed
9 reform that you all philosophically support and
10 will allow us to move forward.

11 There are two key elements to this.
12 Citizen's Union and others are willing to work
13 with the legislature and the Governor to adopt
14 legislation that creates a less than ideal reform
15 approach for 2012, but one that remains
16 consistent with the principles of the current
17 reform proposals of creating an impartial process
18 by an independent panel, directly appointed by
19 the legislative leader, but on which no
20 legislator would serve.

21 The panel would inherit the good work
22 done today by LATFOR and be guided by established
23 and agreed upon criteria. The criteria would not
24 be as strong as originally proposed in the

2 legislation by Gianaris, Valesky, Jeffies and
3 Governor Cuomo, but sufficiently clear so as not
4 to continue the rigged practice of political
5 manipulation and the drawing of lines for
6 partisan gain. This processing panel would still
7 recommend maps to the legislature which would
8 ultimately have the final say.

9 In accepting this less than ideal
10 approach for 2012, Citizen's Union and members of
11 Reshape New York would insist on seeing that this
12 year's so to speak reform-light legislative
13 approach be tied to the passage of a much needed
14 constitutional amendment that would bring
15 wholesale change to the redistricting process and
16 create a new, impartial and independent permanent
17 process; one promised to the voters during last
18 year's fall campaign.

19 Citizen's Union stands ready and has
20 already been working with the State Senate, State
21 Assembly and the Governor's office in trying to
22 find an alternative way forward that we all can
23 embrace. The time has not run out for this to
24 occur. We can all walk away from this with our

2 heads held high in finding an acceptable solution
3 that does not give partisan gain to one side or
4 the other, but restores the confidence of New
5 Yorkers that the pledges that many of you made
6 and the legislation that you are co-sponsoring
7 can in fact be realized.

8 For CU and members of Reshape New York,
9 comprehensive reform is needed. The creation of
10 an independent commission goes hand in hand with
11 strong criteria. They cannot be separated. We
12 strongly believe that regardless of the criteria,
13 whoever holds the pen in drawing district lines
14 controls the process. It is critical that the
15 conflict of self-interest that exists with
16 legislators drawing their own lines so directly,
17 as is the process through LATFOR, be removed in
18 order for New Yorkers' confidence to be restored.

19 184 legislators made promises last year
20 or co-sponsored legislation this year. New
21 Yorkers are still expecting the legislature to
22 reform this year's process. Don't ask them to
23 wait any longer. Return to Albany, consider this
24 new approach in resolving this impasse and pass

2 the promised redistricting reform that you all
3 have said you support. Thank you.

4 ASSEMBLY MEMBER MCENENY: Thank you very
5 much, Mr. Dadey. The bill that I'm on, which is
6 the Shelly Silver bill, introduced at the request
7 of Governor Cuomo, widely called the Cuomo bill,
8 has some flaws and it needs amendment. It has a
9 1% variance. The constitution does not allow us
10 to split towns. Obviously we have to qualify
11 that in the legislation.

12 It also has some things that are very
13 demeaning to the legislature. A PhD in
14 demographics could not be appointed if they
15 worked in the mailroom for one summer. That's
16 saying that the legislature is so corrupt and
17 tainted that if you had any background associated
18 with it; in the meantime, the Governor's
19 appointees could be major contributors,
20 campaigners; they could have all kinds of
21 perceptions of conflict of interest and nobody
22 asked them to rise to the same standard. So
23 balancing it without the good branch and the bad
24 branch implication I think is important.

2 The term ideal is a subjective deal; is
3 a subjective word. And I think most of us that
4 are on that bill knew that some compromise, some
5 amendment to the bill to make it a more
6 reasonable bill and less demeaning to the
7 legislature and to put in a proper balance would
8 take place. It would be ideal. We waited till
9 the end of session to start these proceedings and
10 now we will have 28 of these public hearings.
11 14, as I mentioned before, conceptual and 14
12 looking at draft lines for people to comment on.

13 The one thing that I do have to mention;
14 are you aware of what happened when the county
15 executive of Erie County vetoed the lines for the
16 county legislature? It went to the courts.

17 MR. DADEY: Yes.

18 ASSEMBLY MEMBER MCENENY: And what did
19 the courts do? They canceled the primary.

20 MR. DADEY: Right.

21 ASSEMBLY MEMBER MCENENY: I think
22 sending it to the courts, which is the great
23 unknown and the great unpredictable, would be
24 irresponsible on the part of the Governor. My

2 hope is that he would spend less time worrying
3 about how and more time worrying about what the
4 end product is. It it's a lousy end product, he
5 should veto it. If it's a good end product, he
6 should respect the process.

7 MR. DADEY: To your point, the two
8 issues you mention are two of maybe a half dozen
9 issues that have been talked about in the last
10 couple months about trying to address and resolve
11 to the satisfaction of all the parties. And
12 there's been significant movement on those very
13 issues you laid out, Assemblyman McEneny. And I
14 think that the Governor is sticking to his guns
15 on the veto threat as a mechanism to get everyone
16 to the table to show that he means business.

17 ASSEMBLY MEMBER MCENENY: That's sort of
18 like the enemy of the people pledge or going to
19 the--I think extreme language is plaguing the
20 American democracy and I hate to see that line in
21 the sand type of thing, the absolutism.

22 MR. DADEY: Which is why I thanked you
23 for your service and for your support from the
24 various pieces of legislation this past year.

Demographic Research and Reapportionment, 9-21-2011

2 SENATOR NOZZOLIO: Thank you for your
3 input.

4 MR. DADEY: Mayor Koch wanted one more
5 thing to say, if you--

6 MAYOR KOCH: [Interposing] And that is
7 former Deputy Mayor Rudy Washington is with us in
8 support of Outrage, of which he's a trustee. I
9 just wanted to note his presence.

10 SENATOR NOZZOLIO: Thank you. Thank you
11 very much, gentleman.

12 ASSEMBLY MEMBER MCENENY: Is that it?

13 VOICE: You're next.

14 ASSEMBLY MEMBER MCENENY: Henry Stern I
15 believe?

16 HENRY STERN - NEW YORK UPRISING: Yes.

17 ASSEMBLY MEMBER MCENENY: Go ahead, Mr.
18 Stern.

19 MR STERN: I'm here as president of New
20 York Civic. I'm a retired city employee.

21 ASSEMBLY MEMBER MCENENY: Talk directly
22 into the microphone.

23 MR. STERN: Here? Like this?

24 ASSEMBLY MEMBER MCENENY: Push it down a

2 little bit and right into it.

3 MR. STERN: This way?

4 ASSEMBLY MEMBER MCENENY: Yes.

5 MR. STERN: Okay. The point of
6 redistricting is fairness. It's not an issue of
7 the left versus the right, or the rich versus the
8 poor or one particular ideology over another.
9 It's simply playing fair the level playing field.
10 That's very important because you can't have a
11 competition in which one side decides the size of
12 the field, chooses the umpires and in effect
13 dominates the proceeding. You really want it to
14 be fair to the people.

15 Now one particular reason why I don't
16 want the legislative leaders doing the
17 districting is not only that it's unfair to
18 challengers and new people trying to break into
19 the system because they protect incumbents as is
20 natural and human and perfectly acceptable. And
21 if they did go after incumbents it might be to
22 purge them, but the fact that they have that
23 power means that all the legislators have to be
24 obedient and compliant to their leaders or

2 they'll lose their districts. So it gives the
3 leaders enormous power over the members of the
4 Assembly and Senate of their own party as well as
5 in the other party. And even the Congress
6 members who aren't so districted have to remain
7 silent. You haven't heard any Congress members
8 speaking on the subject of districting because
9 they're wise enough to keep their mouths shut.
10 Lastly--

11 ASSEMBLY MEMBER MCENENY: [Interposing]
12 Life is full of coincidences.

13 MR. STERN: Yes, yes they are. I just
14 end in that enemies of the people can become
15 friends of the people by doing the right thing
16 now or later. That is not a permanent mark on
17 anyone's forehead on friends who become enemies.

18 Now, the ten year delay is interesting
19 because it's the same thing that was pulled by
20 the New York City Charter Revision Commission.
21 After the--voted for a two-term limit, it went to
22 a Charter Revision Commission to implement it.
23 And the Charter Revision Commission did, but it
24 didn't make it effective until the 2021

2 elections. Now, there was no constitutional
3 barrier or excuse to that. They could have made
4 it effective in 2013. The people thought it
5 would. But they locked in everyone; they
6 grandfathered everyone for a new ten years.
7 That's not right and that's not fair, but that
8 was something that was within their power. And
9 by ten years, they hoped the mood would have
10 changed and people might like three terms.
11 That's not right. That's ridiculous.

12 I hope that you do the right thing and
13 the right thing is achieving fairness. And you
14 can't have people's lives and futures and
15 committee chairs and everything else in the power
16 of other people and expect the elected
17 legislators to act independent. We might call
18 this charter revision or this reform the
19 Legislature Independence Act.

20 ASSEMBLY MEMBER MCENENY: Thank you very
21 much. Senator Dilan.

22 SENATOR DILAN: Yes, with respect to
23 your comments, I think I agree with one comment
24 you made and I disagree with a second.

2 The first one is that there should be
3 fairness and that one side should not be deciding
4 this issue. However, I believe that your side is
5 inflexible because you've taken the position that
6 we have the right approach to this. I've
7 introduced legislation, Assemblyman McEneny has
8 introduced legislation and because it's not the
9 legislation you picked, it's wrong.

10 However, there are different
11 perspectives, different ideas and if we could
12 have sat down and worked with these two
13 legislations, maybe we would have an independent
14 commission. You took a very rigid approach to
15 the way you handled this. So I do agree with you
16 on that, but it should be everyone working
17 together on this.

18 The other thing that I disagree with you
19 on is that there's still chance to be a hero. I
20 don't believe that because I've done everything
21 you asked and I'm still an enemy of reform.

22 SENATOR NOZZOLIO: Thank you. Thank you
23 very much.

24 ASSEMBLY MEMBER MCENENY: One other

2 thing. There's a number around that only 3% of
3 incumbents get reelected. How come we got 26 new
4 members of the Assembly in the last election?
5 That's a phony number. What it should be; of
6 those who choose to run, of those who won their
7 primary, those people then who are incumbents
8 overwhelmingly get reelected. It ignores the
9 fact that there are people defeated in primaries.
10 It only refers to the general election and in the
11 city of New York in particular, the primary is
12 everything in many of our districts because of
13 the enrollment of the people. And also, it does
14 not include people who, career politicians if you
15 will who know perfectly well they're going to
16 lose; guess what they do? They don't run. So
17 that 3% figure is shockingly misleading. It's
18 not--that's not a level playing field of
19 statistics to judge by. Thank you very much. We
20 appreciate all the work that you've done and the
21 motivations, which are pure. Next on the list I
22 have Jeffrey Eaton [phonetic], president of the
23 mid--Manhattan Branch of the NAACP. Those people
24 who for any reason--good to see you again.

Demographic Research and Reapportionment, 9-21-2011

2 MALE VOICE: Good to see you, sir.

3 ASSEMBLY MEMBER MCENENY: - - here and
4 signed up, they will have an opportunity again.
5 Costas Panagopoulos. Costas Panagopoulos. To
6 follow up on those numbers, there have been 331
7 members of 150-member Assembly since 1990.
8 That's pretty heavy turnover.

9 SENATOR NOZZOLIO: Would someone turn on
10 the light switch please? Someone who turned off
11 the light--is that switch, would you check that
12 one? Here we go, that starts us.

13 ASSEMBLY MEMBER MCENENY: Very good.
14 Good morning, sir.

15 COSTAS PANAGOPOULOS, PHD: Good morning.
16 I am pleased to be here this morning to testify
17 before LATFOR as it considers matters related to
18 redistricting in New York. I'm a political
19 science professor at Fordham University where I'm
20 also director of the Center for Electoral
21 Politics and Democracy. In full disclosure, I
22 also note that I direct the 2012 New York
23 Redistricting Project. This initiative based at
24 my center is devoted to raising public awareness

Demographic Research and Reapportionment, 9-21-2011

2 about redistricting in the Empire State and to
3 encouraging greater public input and involvement
4 in the redistricting process partly by exposing
5 New Yorkers to software platforms that enable
6 them to easily design maps at no cost that can be
7 submitted to the State legislature or to LATFOR
8 for adoption consideration. Incidentally, I echo
9 your comments about the fact that it has never
10 been as easy as it is today using these software
11 platforms for ordinary citizens to navigate
12 complicated procedures to produce maps that are a
13 result of applying fair and objective criteria.

14 That said, my testimony today will not
15 focus on this advocacy work but rather on the
16 presentation and discussion of empirical results
17 produced by a recent study I conducted.

18 Let me preface my remarks by stating my
19 firm view that public policy debates can be
20 enhanced by taking into account conclusions based
21 on empirical evidence generated by systematic
22 social scientific inquiry rather than on
23 anecdotal evidence or conjecture.

24 So today I'll report the results of a

2 nationally representative survey and a survey
3 experiment I conducted in fall 2008 that included
4 items related to redistricting in states across
5 the country. The survey was an internet-based
6 panel administered by Polymetrics [phonetic],
7 which includes a main section of common content
8 and additional modules. I focused first on the
9 public's familiarity and satisfaction with
10 redistricting institutions. To gage levels of
11 these, all respondents were asked the following
12 question: Are you satisfied or dissatisfied with
13 the process by which Congressional District lines
14 are drawn in your State? Response options
15 included satisfied or dissatisfied as well as
16 don't know how Congressional lines are drawn in
17 my state option. The results, which I provided
18 to you in an appendix, reveal that the public is
19 generally poorly aware of how redistricting is
20 conducted in their respective states.

21 Overall a majority of respondents, 54%,
22 indicated they were not aware of how
23 Congressional lines are drawn in their states.
24 Additionally, levels of satisfaction and

2 dissatisfaction overall were even at 23% each.
3 The results also reveal some key differences in
4 levels of awareness as well as satisfaction by
5 key demographic traits. Blacks and Hispanics are
6 significantly more likely than Whites. Democrats
7 are significantly more likely than Republicans to
8 know how Congressional boundaries are drawn in
9 their states while older Americans are
10 significantly less likely than younger Americans,
11 men are significantly less likely than women, and
12 more educated citizens are significantly less
13 likely than less educated respondents to know how
14 lines are drawn.

15 Turning next to levels of satisfaction
16 by demographic attributes, I find that younger
17 Americans, those under 30, report being more
18 satisfied than dissatisfied while levels of
19 satisfaction are more evenly distributed for
20 Americans over 30. Men report being less
21 satisfied overall while the reverse is true for
22 women. Whites are evenly split in terms of
23 satisfaction levels, and Blacks and Hispanics
24 appear to be less satisfied with how

2 redistricting is conducted. In terms of
3 partisanship, both Democrats and Republicans are
4 more satisfied than dissatisfied although net
5 levels of satisfaction are greater for
6 Republicans than Democrats. Independents are
7 much less satisfied with redistricting
8 procedures.

9 These data have important implications
10 because awareness is a foundation on which
11 political institutions can be viewed as
12 legitimate, and polls are meaningless unless
13 people know what they are talking about and what
14 they are being asked about. And it appears that
15 they are not so aware.

16 I proceed to focus on the impact of two
17 types of redistricting institutions next, in this
18 case redistricting done by state legislatures,
19 compared to non-partisan independent commissions,
20 one of the popular reform options that as we have
21 heard here today you are considering. I examined
22 confidence that district boundaries will be drawn
23 fairly.

24 To investigate this, I embedded a

2 randomized experiment in my survey. Half of
3 respondents were assigned randomly to be asked
4 the following question: As you may know the next
5 census in the U.S. will be conducted in 2010, and
6 the Congressional district boundaries in your
7 district may be redrawn. How confident are you
8 that either the State legislature or a non-
9 partisan independent commission will redraw
10 district boundaries fairly? So fairness is the
11 key variable of interest here. So half of
12 respondents got the state legislature; half of
13 them got the non-partisan commission. The
14 respondent distributions are also made available
15 to you and suggest that at least half of
16 respondents failed to express confidence that the
17 redistricting process yields boundaries that are
18 fairly drawn regardless of which experimental
19 condition people have been assigned to. Analysis
20 of the results also shows that respondents who
21 were told their congressional boundaries would be
22 drawn by the State legislature were actually more
23 likely than subjects who were told that the lines
24 would be drawn by a non-partisan commission to

2 report greater confidence that lines would be
3 drawn fairly, but this affect was not
4 statistically significant at conventional levels.

5 After subjecting the data to more
6 rigorous empirical analysis to control for
7 imbalance across experimental conditions, the
8 evidence suggests those subjects who were told
9 that their Congressional boundaries would be
10 drawn by a non-partisan commission were no more
11 likely than subjects told their boundaries would
12 be drawn by the state legislature to express
13 confidence that lines would be drawn fairly.
14 These affects do not appear to differ by
15 demographic traits including age, gender,
16 education, race or partisanship.

17 The evidence implies that citizens
18 perceive there to be no difference in terms of
19 how fairly District boundaries are drawn
20 regardless of whether the process is conducted by
21 the State legislature or by a non-partisan
22 commission.

23 I draw the following main conclusions
24 from these findings. First, that the public

2 overall remains very poorly informed about
3 redistricting institutions in their states and
4 that there are important differences in levels of
5 awareness about redistricting by key demographic
6 traits. Two, among citizens who report being
7 informed about the redistricting process, there
8 are key differences in satisfaction levels about
9 the process by key demographic traits. Finally,
10 although my own personal view is that an
11 independent commission may have advantages, the
12 evidence that I presented today suggests that the
13 public's confidence that a non-partisan
14 commission would draw district boundaries more
15 fairly is no different than if the redistricting
16 is done by the State legislature.

17 These results help to shed light on
18 important aspects of public awareness and
19 attitudes about redistricting as well as on the
20 effects of different redistricting institutions
21 on perceptions of fairness. My hope is that
22 these findings based on rigorous and objective
23 scientific research and analysis will inform the
24 public debate as this body contemplates reform

2 options. Thank you.

3 ASSEMBLY MEMBER MCENENY: Thank you. Go
4 ahead, Senator.

5 SENATOR NOZZOLIO: Very eye-opening
6 analysis. Thank you for your presentation today,
7 Doctor. One thing that you are doing that we
8 find very interesting you have a web site for
9 what your institute is about and what your
10 project is about?

11 DR. PANAGOPOULOS: Yes, we do. The web
12 site dedicated to the redistricting project
13 specifically is New York Redistricts.org. We
14 will be launching that project on September 30th
15 at Fordham at our Lincoln Center Campus and
16 inviting the public to participate in a series of
17 workshops we'll be organizing throughout the
18 state of New York to come in, be exposed to the
19 software, be trained and shown how to use it.
20 It's very easy to use and simple, and we hope
21 that many people, ordinary citizens as well as
22 groups and other vested interests will exercise
23 the option of using this software to produce maps
24 and submit them for consideration.

2 SENATOR NOZZOLIO: Would you be so kind
3 as to communicate that web site to members of
4 this committee?

5 DR. PANAGOPOULOS: Yes, I will.

6 SENATOR NOZZOLIO: Would you also be so
7 kind as to put the LATFOR web site link on your
8 web site? I think it's--we're trying to
9 encourage citizen participation through the
10 LATFOR web site establishing this record. You
11 were videoed, and that video will be part of the
12 permanent record. People can view those
13 testimonies. I believe submissions also could be
14 to that link, and if you would put the link to
15 the LATFOR web site on your web site, it would be
16 appreciated.

17 DR. PANAGOPOULOS: I think our interest
18 in helping to stimulate awareness and involvement
19 into the process is the same. I'd be happy to do
20 that. I should also note that another extension
21 of this project in order to generate even more
22 input is a student competition that we're
23 holding. We're encouraging students across New
24 York State to submit as part of teams maps that

2 will be evaluated based on a series of the
3 criteria that we've heard discussed here today
4 and that are well-known to you, and there will be
5 a prize associated with first and second-place
6 winners of that student competition. I hope
7 you'll encourage students in your districts to
8 submit plans.

9 SENATOR NOZZOLIO: That's another reason
10 then to link us in together, and using, I hate to
11 use the word "conventional", but using web sites,
12 using Facebook, social interaction networks might
13 be better to achieve that objection, and
14 communicating with members of the Commission
15 would be I think an important first step to take
16 it beyond just an academic exercise. And to take
17 it beyond an academic exercise, we are in a very
18 tight timeframe, so please understand that, that
19 we are finishing our 14th hearing in about 30
20 days or so, and that then we have to get heavy
21 into the process. So if you would emphasize that
22 in your work it would be appreciated.

23 DR. PANAGOPOULOS: We have already had
24 to bump up our deadlines to meet the realities of

2 the process as it unfolds here, so we're
3 following your developments.

4 SENATOR NOZZOLIO: Thank you very much,
5 Doctor.

6 ASSEMBLY MEMBER MCENENY: Thank you very
7 much, doctor.

8 SENATOR NOZZOLIO: One additional
9 question, what is the software that you are using
10 to do this exercise?

11 DR. PANAGOPOULOS: There are a number of
12 software platforms available. This particular
13 one you may be familiar with. It's been
14 developed by my colleagues Michael McDonald at
15 George Mason University and Micah Altman at
16 Harvard University. It's the public mapping
17 software platform that's freely available that
18 has been updated with the current New York Census
19 data. They have promoted use of this software in
20 states like Virginia and Michigan across the
21 country. We're adding New York to try to engage
22 citizens here for projects specific to New
23 Yorkers. This happens to be the software
24 platform we're most familiar with, and we're

Demographic Research and Reapportionment, 9-21-2011

2 helping people to get to know and navigate, but
3 certainly there's no shortage of available tools
4 so that ordinary citizens can get involved in the
5 process.

6 SENATOR NOZZOLIO: Thank you very much.

7 ASSEMBLY MEMBER MCENENY: Thank you.

8 Assemblyman Rafael Espinal.

9 MR. RAFAEL ESPINAL, ASSEMBLY MEMBER:
10 Greetings. Good morning.

11 ASSEMBLY MEMBER MCENENY: Welcome, and
12 congratulations on your election.

13 ASSEMBLY MEMBER ESPINAL: Thank you very
14 much. I appreciate it.

15 ASSEMBLY MEMBER MCENENY: You too can
16 become an enemy of the people now.

17 ASSEMBLY MEMBER ESPINAL: I look forward
18 to it. Greetings to Co-chairs Nozzolio and
19 McEneny, Assembly Member Oaks, and my esteemed
20 Senator Martin - - Dilan. Assembly Member
21 McEneny, I look forward to being your colleague
22 up in Albany. Hello, my name is Assembly Member
23 Rafael Espinal. Just over a week ago I was
24 elected to represent the people of the 54th

2 Assembly District in a special election. This
3 Brooklyn-based district covers parts of the
4 communities of Bushwick [phonetic], Bed-Stuy
5 [phonetic], Cyprus Hills, Citiline [phonetic] and
6 East New York. In fact, I am the first Dominican
7 American State Rep from Brooklyn.

8 So what does a rookie assembly member
9 have to say about the redistricting process?
10 First, let me give you a small snapshot of my
11 District. District 54 is diverse in many ways.
12 It has a mix of single and two-family owner
13 occupied homes, public housing developments and
14 rent-controlled small apartment buildings. Its
15 residents are small business owners, public
16 servants, artists, construction workers, service
17 employees, manufacturing workers, and social
18 service providers, and non-profit organizations.
19 Many have been adversely impacted by this down
20 economy and slumping housing market. They have
21 also been affected by real estate market forces
22 that pushed long-time residents away from
23 communities they have called home for decades.
24 My constituents come from all over Latin America,

2 but largely from the Dominican Republic and
3 Puerto Rico. They come from the Caribbean, and
4 many are sons and daughters of the great southern
5 migration that brought many African Americans
6 north to New York City in search of an even
7 playing field. As of late, many have come from
8 all parts of the United States seeking a slice of
9 the American dream. The 54th Assembly District
10 also includes the largest community from
11 Bangladesh in Brooklyn. I am proud to represent
12 every single one of my constituents and look
13 forward to analyzing census data when considering
14 legislative and budget proposals now in the
15 process. The hearing schedule--your work
16 holdings hearings across New York is commendable.
17 However, for the second round of hearings LATFOR
18 should consider holding hearings that commence in
19 the early afternoon to accommodate individuals
20 that work during the day, and maybe we should
21 look at having live streaming. A small
22 investment in live-streaming hearings would go a
23 long way in bringing greater transparency into
24 the process. I'm sure people would be able to

2 see it from home, and people who can't make it
3 would be able to see it at work as well, you
4 know, and my other concern is the GO coding
5 prisoners. I would urge LATFOR to move
6 expeditious in the GO coding state prisoners back
7 to their homes of record. It would make for a
8 redistricting process with more accurate data.

9 Given the size of the Assembly
10 districts, this data set has more significant
11 impact on Assembly districts more than any other
12 legislative district.

13 In conclusion, I look forward to see
14 this process accurately reflect the constantly
15 shifting demographics of our state. As stated
16 previously, your work in hearing often competing
17 viewpoints is commendable. As a new Assembly
18 Member, it is my wish to vote on a redistricting
19 plan for the Assembly, Senate and Congress that
20 respects communities of interest and restores
21 trust in our State government. Thank you.

22 ASSEMBLY MEMBER MCENENY: Thank you very
23 much. Oh, sorry.

24 SENATOR DILAN: I just want to thank you

Demographic Research and Reapportionment, 9-21-2011

2 for your testimony and congratulate you publicly
3 on your tremendous victory last week. And you as
4 my Assemblyman I look forward to working with you
5 in Albany.

6 ASSEMBLY MEMBER ESPINAL: Likewise,
7 Senator. I appreciate it. Glacias [phonetic].

8 ASSEMBLY MEMBER MCENENY: Margaret Fung.

9 SENATOR NOZZOLIO: Good morning.

10 MS. MARGARET FUNG, EXECUTIVE DIRECTOR,
11 ASIAN AMERICAN LEGAL DEFENSE AND EDUCATION FUND:
12 Good morning. My name is Margaret Fung, and I'm
13 Executive Director of the Asian American Legal
14 Defense and Education Fund. AALDEF is a 37-year-
15 old civil rights organization that protects and
16 promotes the civil rights of Asian Americans
17 through litigation, advocacy, community education
18 and organizing. Since 1982 AALDEF has commented
19 on redistricting plans, worked with community
20 groups to develop maps and litigated cases
21 challenging redistricting plans that violate the
22 Voting Rights Act. We were instrumental in
23 passage of Section 203, the Voting Rights
24 Language Assistance Act of 1992, which expanded

2 bilingual ballots and assistance to Asian
3 American voters. Over the past two decades, we
4 have been monitoring elections, and we have also
5 done exit polls of Asian American voters
6 surveying almost 17,000 Asian Americans in the
7 2008 presidential election. As you know, Asian
8 Americans are the fastest-growing racial minority
9 group in New York City. The Asian American
10 population has increased 32% over the past decade
11 and now constitutes 13% of the city's population
12 number over a million. Asian American populations
13 have also increased faster than the overall
14 growth of the boroughs in which they reside. So
15 in Queens, the Asian American population has
16 grown over 300 times faster than the overall rate
17 of the borough, over 25 times faster than
18 Brooklyn's growth, and over 7 times faster than
19 Manhattan's growth, and yet no Asian American has
20 ever been elected in New York to the State Senate
21 or to the U.S. Congress and only two Asian
22 Americans have been elected in Assembly District
23 22 in Queens.

24 Despite the rapid Asian American

2 population growth over the last decade, our
3 political representation has not increased at an
4 equivalent pace. In the last redistricting
5 cycle, when communities of interest were kept
6 together in Assembly District 22 in Queens, Asian
7 Americans were able to elect a candidate of
8 choice in Flushing. However, Senate District's
9 11 and 16 divided Flushing, diluting Asian
10 American voting strength. There are numerous
11 examples in this cycle in Queens and Brooklyn
12 especially where South Asian, Korean, and Chinese
13 American communities with common concerns and
14 interests and similar socioeconomic
15 characteristics have been splintered among
16 several legislative districts, and that ought to
17 be fixed. As you know from the decision in Diaz
18 versus Silver, the Court has already recognized
19 that Manhattan's Chinatown and Brooklyn's Sunset
20 Park are a community of interest. To assist
21 LATFOR in its process, we have prepared two
22 documents. The first, which was Asian American
23 neighborhood boundaries, was submitted at a
24 public hearing in Queens by ALDEFF's staff

2 attorney Jerry Vattamala. It includes detailed
3 maps of five Asian American neighborhoods in New
4 York City as defined by community groups and
5 residents who live and work in these geographic
6 areas. And I'll summarize them very quickly. In
7 Queens, Flushing, Bayside, Elmhurst, Jackson
8 Heights, Woodside, Floral Park with Queens
9 Village, Bellrosen [phonetic] and Glen Oaks,
10 Richmond Hill and South Ozone Park, Ozone Park,
11 Briarwood, and Jamaica Hills. In Brooklyn, we've
12 defined the neighborhoods of Sunset Park,
13 Bensonhurst, Sheepshead Bay, and Kensington. And
14 in Manhattan, Chinatown and the Lower East Side.

15 Today we're submitting a second
16 document. It's called Asian American Communities
17 of Interest Survey. We met with community groups
18 and residents throughout the city especially in
19 the neighborhoods experiencing the largest Asian
20 American population growth. They were asked to
21 draw their neighborhood street boundaries on a
22 map and to describe the most common concerns that
23 they shared in their neighborhoods. Among those
24 concerns cited by the groups that we surveyed are

2 the need for Asian language assistance,
3 immigrants' rights, social services, healthcare,
4 affordable housing, and most importantly worker's
5 rights.

6 Finally, we asked the groups to identify
7 surrounding neighborhoods that were most similar
8 and most different to their neighborhoods. Our
9 survey describes how each of these Asian American
10 communities of interest have currently been
11 divided between two or more Assembly Districts,
12 Senate Districts and Congressional Districts.
13 Given the changing demographics of New York City,
14 Asian Americans continue to be severely under
15 represented in New York State. We urge LATFOR to
16 keep communities of common interest together in
17 drawing new districts and to abide by the Voting
18 Rights Act to ensure that Asian Americans and
19 other communities of color have a full and fair
20 opportunity to elect candidates of choice. Thank
21 you.

22 SENATOR NOZZOLIO: Thank you very much.
23 We spoke with Mr. Vattamala yesterday at our
24 Brooklyn hearing. We appreciate the input from

Demographic Research and Reapportionment, 9-21-2011

2 the Asian American Legal Defense Fund in Queens,
3 and Brooklyn, and now Manhattan. The question
4 that I posed to Mr. Vattamala and will emphasize
5 to you in terms of the submission of suggested
6 mapping for both Congress and the State
7 Legislature. It's my understanding that you
8 intend to submit those maps. Is that correct?

9 MS. FUNG: That's correct. We will be
10 submitting maps for Manhattan, Brooklyn, and
11 Queens.

12 SENATOR NOZZOLIO: The only thing I wish
13 to emphasize is to have those submitted sooner
14 than later.

15 MS. FUNG: We plan to submit them in
16 early October.

17 SENATOR NOZZOLIO: Thank you very much.

18 MS. FUNG: Thank you.

19 SENATOR NOZZOLIO: Councilman Germane
20 Williams. Councilman Germane Williams. Adrienne
21 Kivelson.

22 MS. ADRIENNE KIVELSON, VICE PRESIDENT,
23 LEAGUE OF WOMEN VOTERS-NYC: Good morning. Good
24 morning. My name is Adrienne Kivelson, and I am

2 the vice president of the League of Women Voters
3 of the city of New York. The League is a non-
4 partisan organization, which encourages informed
5 and active participation in government and
6 influences public policy through education and
7 advocacy. We are also members of the state-wide
8 coalition dedicated to reforming New York's
9 redistricting process, Reshape New York, which
10 consists of 35 organizations, including civics
11 groups, issue advocacy groups, unions, and
12 business organizations. As we approach
13 redistricting our state, we are mindful that even
14 though our population has grown, populations in
15 other states increased by far more.
16 Consequently, New York State will lose two
17 Congressional seats. Our concern is that in
18 redrawing the lines for the remaining 27
19 Congressional seats, and all of the state
20 legislative districts, population be equitably
21 and fairly distributed. In addition, we believe
22 that counting prisoners in their home districts
23 and not in locations where they are temporarily
24 incarcerated is now state law and should be

2 followed in this redistricting process.

3 We're also concerned about how the 2010
4 census undercount estimated at 200,000 people in
5 New York City will affect downstate
6 representation and funding. We appreciate this
7 opportunity to share our thoughts on the
8 redistricting process because we want to
9 emphasize our strong belief that the public has
10 spoken loud and clear in favor of independent
11 redistricting and will no longer support a system
12 controlled by a legislature whose district lines
13 it is redrawing. An independent commission
14 drawing impartial district lines would still
15 maintain the legislature's ability for input on
16 the plan and enable it to ultimately pass
17 legislation in accordance with the State
18 Constitution.

19 Another key element in the redistricting
20 process is limiting the allowable population
21 differential between legislative districts. In
22 the past, this practice has resulted in districts
23 of widely varying populations with sparsely
24 populated upstate districts and densely populated

2 downstate districts. After the 2000 census, the
3 New York State Legislature approved a
4 redistricting plan, which allowed a plus or minus
5 5% population differential in Assembly and Senate
6 District. This may seem like a very small
7 disparity, but it resulted in some districts
8 being 10% larger or 10% smaller than other
9 districts.

10 So far the redistricting process has
11 protected incumbents including carving insurgents
12 homes out of districts and has discouraged
13 competition in our electoral system. In the 2010
14 election, New York State had one of the lowest
15 rates of voter participation in the nation coming
16 in at 47th among 50 states. The League has been
17 in the forefront of promoting informed voter
18 participation over 90 years, and we strongly
19 believe that in 2012 the voters should elect the
20 candidates of their choice and not have
21 incumbents or a political party draw the lines in
22 such a way as to protect their own interests and
23 power base.

24 This year the New York City League co-

2 sponsored a redistricting forum with the Brennan
3 Center and the Women's City Club and developed a
4 brochure, "Legislative Redistricting Q&A" in
5 response to requests for information on how the
6 process works. Other local leagues have
7 organized community forums educating the public
8 on the issues surrounding redistricting in over
9 35 localities. Partly as a result of this
10 effort, leagues around the state became active
11 and influential players in local redistricting
12 efforts. Time is of the essence in drawing new
13 district lines as there is a possibility that the
14 2012 primary date may be moved from September to
15 June. Fortunately, the technical tools available
16 to draw lines taking into account natural
17 boundaries and the 2010 census population figures
18 have made it easier to form representative
19 districts. It is important that the state
20 legislature return to Albany for a special
21 legislative session to end partisan
22 gerrymandering and enact redistricting form by
23 endorsing an independent commission to draw truly
24 representative and impartial legislative and

2 Congressional lines. Continuing with the current
3 LATFOR proceedings will result in Governor Cuomo
4 vetoing the very lines it draws. New Yorkers
5 cannot wait until 2021 for meaningful reform.

6 ASSEMBLY MEMBER MCENENY: Thank you very
7 much. We thank the League who has been present
8 for virtually all of our formal sessions here.
9 Thank you.

10 MS. KIVELSON: Thank you.

11 ASSEMBLY MEMBER MCENENY: Leslie Winch
12 [phonetic], Witche [phonetic], Esmerelda Simmons,
13 Esmerelda.

14 FEMALE VOICE: [off mic]

15 ASSEMBLY MEMBER MCENENY: Thank you.
16 Councilman Robert Jackson, is he here yet?
17 Heather Roberson or Roberson.

18 MS. HEATHER ROBERSON, BOARD OF DIRECTORS
19 - ACT NOW: Good morning. My name is Heather
20 Roberson, and I am the chair of the Board of ACT
21 NOW. We are a grassroots political organization
22 dedicated to bringing New Yorkers together to
23 support progressive issues and candidates, and we
24 have been actively involved in the cause of

2 Albany reform for the past several years. I
3 would like to note first that our organization is
4 entirely volunteer and that the people who have
5 appeared before this body from our group are not
6 our paid political staff but are rather members
7 of the community who have chosen to give their
8 time. They are speaking on their own behalf and
9 on behalf of their communities, and I thank you
10 for hearing them just as I thank you for hearing
11 me today.

12 Since the spring of 2011, ACT NOW has
13 been working to end gerrymandering in New York
14 State and to pass non-partisan redistricting. To
15 that end, we have organized rallies, reached out
16 to voters across the state, traveled to Albany to
17 speak with our legislators face to face, called
18 those same legislators, and yes we have testified
19 before LATFOR.

20 Why do we do this? We do this because
21 we have observed the dysfunction in Albany, and
22 we believe this dysfunction can only be remedied
23 by broad-based systemic reform. We do this
24 because we believe that when District lines are

2 drawn by incumbents to protect incumbents our
3 democracy begins to break down.

4 To resolve this conflict of interest, we
5 support legislation along the lines of the
6 Redistricting Reform Act introduced by Governor
7 Cuomo, a proposal that you are no doubt familiar
8 with. This bill would give the legislature and
9 the governor input on nominating candidates for a
10 non-partisan redistricting body and legislative
11 leaders would ultimately choose the candidates.
12 However, there would be restrictions on who could
13 serve. There would be no party officials, no
14 registered lobbyists, and of course no elected
15 officials.

16 In terms of who would serve on the body,
17 who could serve, we would advocate that
18 commission members be drawn from academic
19 settings and from good government groups, both
20 progressive and conservative. More than half of
21 our legislators have already pledged to support
22 legislation to create an independent commission
23 to draw the district lines in time for the 2012
24 elections. Governor Cuomo has also pledged to

2 veto lines that are not drawn in an independent
3 or non-partisan manner. Now, we ask that our
4 legislators honor their commitments, and that
5 means returning to Albany without delay to enact
6 legislation to appoint an independent commission
7 to redraw New York State's legislative district
8 lines.

9 Now, LATFOR members, I thank you very
10 much for your time today, and I want to draw a
11 distinction. I understand that because the
12 legislature has not passed this legislation that
13 I have suggested and that so many have suggested
14 that you are abiding by law and have been
15 mandated to come here and hold these hearings and
16 to go through this process. And I very much
17 appreciate your time. I appreciate you holding
18 these hearings and hearing from the public and
19 for all that you are doing for this process.
20 Thank you.

21 ASSEMBLY MEMBER MCENENY: Thank you very
22 much.

23 SENATOR NOZZOLIO: Thank you very much.

24 ASSEMBLY MEMBER MCENENY: Jean A.

Demographic Research and Reapportionment, 9-21-2011

2 Johnson, Jr., and we also appreciate the number
3 of people from ACT NOW who have shown up at
4 various meetings across the state. Jean A.
5 Johnson. Matthew Katz. Matthew Katz.

6 MR. MATTHEW KATZ, PRESIDENT, ROOSEVELT
7 ISLAND RESIDENT ASSOCIATION (RIRA): Good
8 morning. Mr. Chairman, I am one of four
9 Roosevelt Islanders here today, and we number
10 from number 12, that's me, to number 84, and I'm
11 wondering if you could give us special
12 dispensation to offer our testimony in sequence.
13 Would that be possible?

14 ASSEMBLY MEMBER MCENENY: That would
15 bump three people more.

16 MR. KATZ: That's why it's special.

17 ASSEMBLY MEMBER MCENENY: Are you going
18 to say the same thing four times, or do they have
19 something else to say?

20 MR. KATZ: They do.

21 ASSEMBLY MEMBER MCENENY: All right, try
22 and keep it down though.

23 MR. KATZ: I've got four minutes.

24 ASSEMBLY MEMBER MCENENY: Yeah.

2 MR. KATZ: Thank you very much.

3 ASSEMBLY MEMBER MCENENY: The rest of
4 Roosevelt Island come up. We're not going to let
5 them take 20 minutes. We'll hopefully be able to
6 cut that down to half. Go ahead and start
7 please.

8 MR. KATZ: I'll speak fast. Good
9 morning.

10 SENATOR NOZZOLIO: Don't speak fast. I
11 mean your written testimony will be part of the
12 official record.

13 MR. KATZ: I understand.

14 SENATOR NOZZOLIO: Feel free to deviate
15 from your script and summarize. We will ensure
16 though that your comments will be part of the
17 transcript and your written comments will be part
18 of the official record.

19 MR. KATZ: Thank you. I appreciate
20 that, and I will be brief.

21 ASSEMBLY MEMBER MCENENY: We especially
22 appreciate a summary of what's on that piece of
23 paper.

24 MR. KATZ: That's my intention.

2 ASSEMBLY MEMBER MCENENY: Thank you.

3 MR. KATZ: My name is Matthew Katz, and
4 I'm serving my fourth two-year term as president
5 of the Roosevelt Island Resident's Association,
6 elected by the 12,500 residents of my community.
7 Dating back to a George II land grant Roosevelt
8 Island was created from Welfare Island in the
9 late sixties and has continued to develop as a
10 residential community ever since the first
11 residential complex opened in 1975. Politically,
12 we are part of Manhattan, specifically the Upper
13 East Side. Our police precinct of record is the
14 19th Precinct on East 67th Street although by
15 virtue of our geography our police calls are
16 answered by the 114th Precinct in Queens located
17 within our 14th Congressional District. In fact,
18 all of our emergency services, police, fire and
19 ambulance, are provided through Queens by way of
20 the Roosevelt Island 36th Avenue bridge, this
21 island's only road connection to the rest of the
22 City and also within the 14th Congressional
23 District. The F train and our aerial tramway
24 carry our working population as well as many

2 diplomats and United Nations employees who reside
3 here to their jobs in Manhattan. Our public
4 school is a District 2 Manhattan School, and our
5 public library is a Manhattan branch facility.

6 We are represented through Upper East
7 Side political districts, the Fifth Council - -
8 District, the 65th Assembly District and the 14th
9 Congressional District. Each of these serves the
10 Upper East Side primarily or exclusively. We are
11 a part of Community Board 8 Manhattan, and our
12 crime such as it is, is processed by the
13 Manhattan District Attorney's office. Manhattan
14 Borough presidents beat a path to our door.

15 It is inconceivable that we could lose
16 the 14th Congressional District having spent
17 decades establishing and strengthening our
18 relationships with our United States
19 representatives as well as the other Manhattan
20 public officials who serve us, but that would be
21 the result should the 14th CD be threatened.
22 I've come here today to urge the retention of the
23 14th Congressional District, and the Manhattan-
24 centric political life that we have experienced

2 for 40 years.

3 We are a natural part of Manhattan and
4 also of the Upper East Side. Our state
5 Senatorial District, the 28th SD is an anomaly,
6 and I've come here to discuss this as well. We
7 have been represented ably by all of our local
8 legislators including State Senator Olga Mendez
9 and the incumbent Senator Jose Serrano. However,
10 my issues are not with the public servants
11 holding the seat but with the choice of
12 districts. The 28th Senatorial District serves -
13 - and the South Bronx with Roosevelt Island
14 thrown in as an afterthought. Senator Serrano's
15 district office is on 104th Street, three miles
16 and a river away from this community.

17 He has instituted staff office hours on
18 island. However, this occurs only one afternoon
19 each month. Common sense, an uncommon commodity
20 in any walk of life, would suggest that the 26th
21 Senatorial District located directly across the
22 West Channel of the East River might be the more
23 obvious choice. Its incumbent, Liz Krueger, has
24 shown herself to be conversant with many of our

2 issues, and as I said Roosevelt Island is a part
3 of Manhattan Community Board 8, an Upper East
4 Side Board, and Senator Krueger, unlike Senator
5 Serrano, participates in their activities. It is
6 clear to me that the Upper East Side including
7 the 14th CD and the 26th SD have more issues in
8 common with Roosevelt Island than are found in
9 the 28th SD, in Queens or anywhere else in the
10 City for that matter. We islanders should be
11 represented across the Board by Upper East Side
12 public servants who will surely be more
13 accessible and more finally attuned to the unique
14 needs of this planned community. Thank you for
15 your time.

16 ASSEMBLY MEMBER MCENENY: Thank you.

17 Now, that was not a summary. That was verbatim,
18 so I would ask--

19 MR. KATZ: [interposing] Four minutes.

20 MS. MATHAROO: --well, I would ask the
21 other people from Roosevelt Island to please
22 summarize their remarks. We understand the
23 message. The message is you feel it's far more
24 appropriate that you be attached to the East Side

2 of Manhattan than further north.

3 MR. KATZ: That's it exactly, thank you.

4 ASSEMBLY MEMBER MCENENY: That's the
5 message. We understand it. Please introduce
6 yourself by name.

7 MS. LINDA HEIMER: Yes, good morning.
8 My name is Linda Heimer, and I've been actively
9 involved in the Roosevelt Island community for 19
10 years. I'll try to summarize. I was mugged on
11 the Subway, became very active. I set up a task
12 force. Congresswoman Carolyn - - was my first--
13 was at my first and subsequent meetings and was
14 instrumental in securing funding needed to
15 install closed circuit TV cameras, enunciators
16 and other safety measures in the stations leading
17 to Roosevelt Island.

18 She has served our island well ever
19 since with issues as disparate as tramway
20 service, seawall repair and most recently
21 protesting the proposed closing of the Roosevelt
22 Island Post Office.

23 So I'm here today to ask that you
24 preserve a bit of our--well, this part is

Demographic Research and Reapportionment, 9-21-2011

2 important. I don't want to skip this. In many
3 ways we have been like an orphan because--since
4 the inception as a residential community in the
5 seventies. The land is owned by the City but
6 leased to the State for 99 years. So we have a
7 very strange system of governance, and we have to
8 fight for every bit of attention and progress
9 that we make. I'm part of a group that has been
10 involved in a 14-year to change the state
11 legislation that governs the island. The system
12 in our history is so confusing and complex that
13 it takes a great deal of time and effort to
14 educate our political representatives on our
15 problems and how they might be able to help us.
16 So I'm asking you to at least preserve one bit of
17 consistency here that has worked for us, keeping
18 Congresswoman Carolyn Maloney representing us in
19 particular, and remaining part of the 14th
20 Congressional District in general.

21 I'll skip some of the rest of this.
22 This part is different from what Matthew said.
23 In addition, attached to this statement you will
24 find a sheet that demonstrates that the 2010

2 census severely under-estimated the Roosevelt
3 Island population. I can answer questions that
4 you might have about it now, or you can read it
5 at your leisure, but I think you'll find that the
6 figures speak for themselves. The conclusion
7 reached is that there is at least a 20% under-
8 reporting of population, a figure which if
9 acknowledged by this esteemed body could very
10 possibly make considerations of the redistricting
11 of Roosevelt Island and perhaps redrawing of the
12 14th Congressional District moot. We really want
13 to stay in the 14th Congressional District, and
14 please look at the figures, which I won't go into
15 now, which I intended to.

16 ASSEMBLY MEMBER MCENENY: We have no
17 power for that kind of an adjustment. We have to
18 deal with the census figures that we have. The
19 only adjustment will be the addition of prisoners
20 who are being repatriated back to their home
21 block. If you feel that they've done 80% of
22 account, we can only count the 80%. I know the
23 City of New York has a law suit on that matter.
24 The history of those lawsuits has not been a

2 successful one over the years. We have to take
3 the numbers that we have, and with people pushing
4 for 1%, well, you're in the City anyway. It's
5 block on border. It's pretty exact.

6 MS. HEIMER: Well, I also--thank you. I
7 also reiterate what Matt Katz said that we are
8 much more part of the Upper East Side of
9 Manhattan than we are Queens. Our demographics
10 are much more similar. We are part of Community
11 Board 8, and since our inception we have been
12 part of the Upper East Side, so please keep us in
13 the 14th Congressional District if you can.
14 Thank you.

15 ASSEMBLY MEMBER MCENENY: Thank you very
16 much. Yes, whose next?

17 MS. NANCY CRUICKSHANK: Yes, my name is
18 Nancy Cruickshank.

19 ASSEMBLY MEMBER MCENENY: Talk into the
20 mic, Nancy.

21 MS. CRUICKSHANK: My name is Nancy
22 Cruickshank. I live on Roosevelt Island,
23 obviously, and my remarks are very similar so I
24 will forego reading them. My only comment would

2 be that I believe that in addition to having our
3 connection to the Upper East Side, which we
4 demographically mirror in a strong way that
5 because all of our emergency services come from
6 Queens, Western Queens, the fire trucks, the
7 ambulances, sanitation, that having the 14th
8 District include both Western Queens and
9 Manhattan gives us representation in Western
10 Queens. And our current Congresswoman has been
11 very helpful in keeping our fire station from
12 being closed, and working on postal matters. She
13 is able to represent us in our basic services
14 that if all of our representation came to us from
15 the Upper East Side, they would not have those
16 connections with the Queens Precinct.

17 ASSEMBLY MEMBER MCENENY: Western Queens,
18 is that Astoria that you're referring to?

19 MS. CRUICKSHANK: Astoria, Long Island
20 City, you know, where our services come from.

21 ASSEMBLY MEMBER MCENENY: Thank you.
22 Sir?

23 MR. DICK LUTZ, PUBLISHER - MAIN STREET
24 WIRE (ROOSEVELT ISLAND COMMUNITY NEWSPAPER): My

2 name is Dick Lutz. I'm the editor of the--

3 ASSEMBLY MEMBER MCENENY: [interposing]

4 Excuse me a minute. I didn't hear that. Give me
5 your name again, please.

6 MR. LUTZ: My name is Dick Lutz. I'm the
7 editor of the *Main Street Wire*, which for 32
8 years has been the newspaper of Roosevelt Island.
9 I've been the editor of the newspaper for 15
10 years. I'm from a small town in Western New
11 York, and except for what you hear from us today
12 you might think that Roosevelt Island is much the
13 same as any other political entity in the State
14 of New York, but that's just not the case.

15 SENATOR NOZZOLIO: What town?

16 MR. LUTZ: I'm from Dunkirk, - - County.
17 The fact is that Roosevelt Island is City
18 property that's leased to New York State for
19 development there and it's run by a public
20 benefit corporation, the officials of which are
21 appointed by the governor, and what that means in
22 terms of our political representation is that
23 although we have excellent representation, they
24 can do very little about Roosevelt Island without

2 first having it pass muster with appointed
3 officials, people who have not been elected by us
4 or by anybody else. That means that it is
5 extraordinarily important to us to be part of a
6 community of interest with the upper east side of
7 New York City.

8 I'm going to condense my testimony
9 greatly and jump to three key points.

10 ASSEMBLY MEMBER MCENENY: Are these
11 officials residents of Roosevelt Island?

12 MR. LUTZ: They are not. Some of the
13 members of the RIOC Board, the Roosevelt Island
14 Operating Corporation Board of Directors are
15 members of the community, but in general, the
16 people who are paid to work on Roosevelt Island
17 are not, especially the top officials.

18 The three points that I would make are
19 these: please don't treat us as a piece of a
20 jigsaw puzzle that you can attach to any other
21 District that happens to need another 10,000 to
22 15,000 people to round it out. That's really not
23 the way to treat our people properly, especially
24 given that we don't have normal representation

2 and a normal level of local government.
3 Secondly, please understand that the best
4 democratic representation of Roosevelt Island
5 consists of being included in a geographically
6 contiguous Manhattan District, with which we have
7 great commonality of interest. That's been said
8 before, but it bears repeating.

9 Finally, please be aware that having
10 created this community four decades ago, New York
11 State bears some responsibility for nurturing
12 some form of democracy among the Island's people
13 and in its political structure. That's not easy
14 to do for an Island missing layers of local
15 political power because it's operated by an
16 appointed state agency, but the democratic rights
17 of these citizens must be considered, and they
18 must be respected, and please at long last
19 honored. Your work bears directly on how
20 democracy will work or not for every resident of
21 our community. Thank you very much.

22 ASSEMBLY MEMBER MCENENY: Thank you.

23 [applause]

24 ASSEMBLY MEMBER MCENENY: Nester Montea

2 Senior [phonetic]. Nester Montea Senior. Is
3 that he? Jodie Blare. Council member Gale
4 Brewer.

5 MS. GALE BREWER, COUNCIL MEMBER: Thank
6 you very much. I'll be very quick. I am the
7 City Council representative from the Upper West
8 Side, and I probably have the squarest district,
9 not in terms of philosophy but in terms of
10 geography, and it goes from 54th Street go 96th
11 Street, from Central Park to the River. So it's
12 an absolute rectangle and certainly very
13 contiguous. There are a couple of issues that I
14 think you have probably heard over and over again
15 about why we want to keep our West Side District.
16 Obviously, the issue with the census is something
17 that is in dispute. We all know that there are
18 more people in New York than were counted. Even
19 on the West Side they indicated there are a lot
20 of vacant apartments. I've never seen a vacant
21 apartment on the West side. I think it's more
22 that people have some - - just like Deputy Mayor
23 - - in the paper today. So the issue is that the
24 population discussion has not ended, and I hope

2 of course it will end up with more people. That
3 is a concern. The second issue is since we in
4 NYC grow and I am sure of that, we want to
5 definitely with all due respect to people here
6 from upstate we feel that we as a growing
7 population should not be penalized and have fewer
8 seats. I just want to also state that over the
9 years I have taught at different colleges, public
10 policy. I know some of you have done the same,
11 and I think it's really actually very important
12 to keep as many Congressional districts in the
13 five boroughs for those of us who care
14 desperately about our city. Others may disagree.
15 I say that because when you have a suburban area
16 and an urban area you're always conflicted in
17 terms of some of the issues that you have to
18 represent. And of course as a person who never
19 goes, very seldom north of the Bronx, I know
20 there is a north of the Bronx, but I don't, I
21 feel so strongly about the needs that we have
22 here.

23 I want to talk specifically about our
24 community on the West Side of Manhattan. The

2 issues of course is we don't think that the
3 district lines should break up because we have
4 traditional and cohesive neighborhoods.
5 Neighborhoods in New York as you all know have
6 distinct personalities, and I think they should
7 be represented by elected officials who know them
8 best. I think you understand that better than
9 anyone. So no one who is familiar with the East
10 and West sides of Manhattan could suggest that
11 their constituencies are the same. They are both
12 great, but they are different. And the issues
13 faced by the various neighborhoods are different.
14 Obviously on the West Side we have the parks that
15 we deal with. We have a very distinct community
16 school district 3, which we love, and we have our
17 hospitals, and we have the nuances of the people
18 who live in the district. Any elected official
19 who has been part of that constituency knows how
20 to balance the needs. So to remove or eliminate
21 a district means that there is an irreplaceable
22 loss of local knowledge and effective
23 representation which is what we are all about.
24 So, I strongly urge that the East and West Side

2 Congressional Districts not be consolidated.
3 There was a time when Carolyn Maloney's--I don't
4 know that she loved it, but it came to the West
5 Side, and I think it was hard for her to be able
6 to deal with that small section of West End
7 Avenue 100th to 102nd Street. That's not what we
8 need, and in the case of the West Side, I don't
9 need to tell you but we very much want the
10 district to be represented by the one and only
11 and very able Congressman Gerald Nadler. So I
12 urge this task force to respect the distinct
13 issues the very opinionated West Side and the
14 nature of our neighborhoods and draw distinct
15 lines that respect these boundaries. Thank you
16 very much.

17 ASSEMBLY MEMBER MCENENY: Thank you very
18 much, and we would never call the West Side
19 square.

20 [laughter]

21 COUNCIL MEMBER BREWER: Thank you.

22 ASSEMBLY MEMBER MCENENY: James Hong,
23 and this is your fourth public hearing?

24 MR. JAMES HONG: It is my third.

2 ASSEMBLY MEMBER MCENENY: It is your
3 third?

4 MR. HONG: Good to see you again as
5 well.

6 SENATOR NOZZOLIO: Albany, Queens,
7 Brooklyn, the Bronx.

8 MR. HONG: In Albany I wasn't--

9 ASSEMBLY MEMBER MCENENY: - - group
10 represented though.

11 MR. HONG: Yeah, but it's your 14th, so,
12 you know, your still beating me. So, good
13 morning. My name is James Hong, and I'm speaking
14 on behalf of the Asian American Community
15 Coalition on Redistricting and Democracy, AACCORD
16 for short. AACCORD is a non-partisan coalition
17 of organizations and individuals committed to
18 advancing the opportunity of Asian Pacific
19 Americans and minority communities to
20 meaningfully participate in the political
21 process. AACCORD recognizes that redistricting
22 plays a pivotal and fundamental role in these
23 opportunities, and we support redistricting plans
24 that keep together communities of interest that

2 exist in and around ethnic neighborhoods across
3 New York. AACCORD has 14 members, organizations
4 and individuals including the Asian American
5 Legal Defense and Education Fund, that spoke
6 already, Chinese Progressive Association, who
7 will speak today and OCA New York who will also
8 speak today, and there are other members on the
9 statement. At this time, I'd like to ask some of
10 our members to stand and to come out in the
11 aisles if necessary, and they're just holding
12 messages that we feel that the state needs to
13 hear, that this task force needs to hear and the
14 public needs to know and to recognize. We are
15 here for a third time in these redistricting
16 hearings because of the significant concentration
17 of APA population in the borough of Manhattan and
18 our members' activity and interest in this
19 borough. While the task force has been the
20 audience of our comments before, we believe that
21 the truth about redistricting and its effects on
22 the APA community bears repeating. And we also
23 recognize that these public hearings are sort of
24 a forum for each borough and there is public

2 dialog being shared, so that is why we are here
3 for the third time.

4 Asian Pacific Americans have been like
5 most minorities negatively impacted by the
6 practice of gerrymandering that is the norm in
7 our redistricting cycles. The Asian population
8 in New York has grown 36% since 2000, and the
9 population is now over 1.4 million or 7.3 of the
10 entire state, but only one out of 212 state
11 legislators are Asian American, and she
12 represents a district of less than 130,000
13 people. This extreme incongruity of population
14 to representation reflects redistricting plans
15 that have repeatedly divided communities of Asian
16 Pacific Americans. As a coalition we expect our
17 elected officials to uphold the Voting Rights Act
18 of 1965 and consequently in light of that act
19 support only District maps that keep together the
20 communities of interest that exist in and around
21 ethnic communities across the state. Now,
22 Manhattan's Chinatown is something of a happy
23 exception to many other communities of interest
24 in ethnic neighborhoods with significant APA

2 population.

3 Currently, Manhattan's Chinatown is for
4 the most part kept whole in New York State's
5 Senate and State Assembly Districts unlike its
6 counterparts in Queens and Brooklyn. Our
7 coalition recommends that the task force
8 continues to draw this area into a single
9 district and not to promote any district plan
10 that would divide the APA community in this
11 neighborhood.

12 Our understanding of Manhattan's
13 Chinatown includes the neighborhood bounded on
14 the east by the East River, the South by the
15 Brooklyn Bridge, on the west by Broadway, and on
16 the north by Houston Street. This area contains
17 residents sharing economic, social, political,
18 cultural, linguistic, and educational concerns
19 that deserve to be reflected in the results of
20 the redistricting process. Also, AACCORD
21 reiterates our members' concerns for the
22 communities of interest present in Queens, namely
23 in Elmhurst, Jackson Heights, and Woodside,
24 Flushing and Bayside, Richmond Hill and South

2 Ozone Park, Floral Park, Bellrose and Queens
3 Village, Briarwood and Jamaica Hills, and in
4 Brooklyn in Sunset Park, Bensonhurst and parts of
5 Diker Heights.

6 Finally, AACCORD would like to go on
7 record with just a few comments on the process of
8 the public hearings themselves. The dates and
9 times of the hearings is an obstruction for many
10 potential participants, many of whom are working
11 citizens. Currently, all hearings begin at 10
12 a.m. during the work week. There should be
13 public hearings scheduled for evenings and
14 weekends to ensure that this process is as
15 accessible to the public as possible.

16 We hope that the task force will
17 directly address this issue beginning with the
18 second round of the public hearings. Also,
19 public hearings should accommodate for the
20 diversity of New York and its various language
21 communities. Translators at public hearings
22 including translated materials should be
23 available for the major language groups in New
24 York. We also recommend that resources be

2 allocated towards education and access to mapping
3 tools. Members from LATFOR have often requested
4 maps from the public during their statement.
5 Submission of maps is undoubtedly helpful to the
6 work of the task force, and I'm sure many people
7 would like to submit maps, but it is a rather
8 burdensome request based on an assumption that
9 the general public would already have the
10 knowledge, time and access to the software and
11 hardware required to produce maps. Adequate
12 funding should be allocated to provide access to
13 mapping software along with workshops that train
14 the general public on how to use it.

15 As I mentioned yesterday, this coalition
16 will be submitting maps in the future. We expect
17 that maps ultimately received by LATFOR will
18 almost exclusively be provided by community
19 organizations with the resources to hire a
20 dedicated staff person or consultant with
21 specialized skills in map-making. This is an
22 indication of significant barriers to
23 participating in the redistricting process. We
24 hope that the task force will act to address

2 these issues with expediency that matches the
3 importance of redistricting for the future of New
4 York. Thank you.

5 ASSEMBLY MEMBER MCENENY: Thank you very
6 much. Barbara Zucker.

7 MS. BARBARA ZUCKER, BOARD MEMBER,
8 WOMEN'S CITY CLUB OF NEW YORK: My name is
9 Barbara Zucker. I represent the Women's City
10 Club of New York. We are a non-profit, non-
11 partisan, multi-issue organization dedicated to
12 improving the lives of all New Yorkers. We are
13 also one of the organizations in Reshape New
14 York. According to - - this morning there's 37
15 of us. I thought it was 35, and we are looking
16 for fair and equal representation for all New
17 Yorkers and an end to gerrymandered
18 redistricting.

19 I testified at the LATFOR hearing in
20 December, and we emphasized the need for as much
21 transparency and public participation as possible
22 in the redistricting process. So, thank you for
23 holding this extensive series of public hearings
24 throughout the state and for planning a second

2 series of hearings after you have released the
3 preliminary redistricting plan. We also thank
4 you for making the hearings available on the
5 internet for those unable to come.

6 While we are pleased with your
7 willingness to hear input from all interested
8 parties, we also question whether a task force
9 that includes current office holders can create
10 district lines that encourage competitive
11 elections. Women's City Club continues to urge
12 the legislature to return to Albany for special
13 session to take up a redistricting bill that
14 provides for an independent commission. There is
15 still time to enact and implement redistricting
16 reform. We really don't want to wait another 10
17 years to improve the process, but of course under
18 current law LATFOR is empowered to propose the
19 new district lines. So, as you design the
20 districts to meet the often conflicting goals of
21 compactness, contiguity, comparable size and so
22 forth, we ask you to keep the following points in
23 mind. Equal population--some districts are 5%
24 more than the average, some less, so altogether,

2 there are variances of up to 10% that are
3 permitted between districts, but they seem to
4 flow in the direction of fewer people per
5 district upstate and more people per district
6 downstate. This disparity suggests a violation
7 of the one person per vote standard.

8 Size of the Senate--the 2001/2002
9 redistricting increased the number of State
10 Senators from 61 to 62. An even number can
11 result in tie votes, and it did last year.
12 Please revert to an odd number of senators and
13 avoid a repeat of Senate gridlock. Counting the
14 prison population--all incarcerated persons
15 should now be counted at their last known
16 domicile, not their place of incarceration. For
17 too long some cities and towns received unfair
18 allocations of representation and funds simply
19 because prisons were located there. The 2010 law
20 requires changes in that practice. We strongly
21 support an end to prison-based gerrymandering,
22 and we urge you to implement this legislation.
23 Thank you for the opportunity of testifying. If
24 you have any questions, I'd be happy to respond.

2 ASSEMBLY MEMBER MCENENY: Thank you very
3 much. Ron Hayduk. Oh, I'm sorry. I'm sorry,
4 Senator.

5 SENATOR NOZZOLIO: Not a problem.

6 ASSEMBLY MEMBER MCENENY: Go ahead, Mr.
7 Hayduk.

8 MR. RON HAYDUK, PROFESSOR OF POLITICAL
9 SCIENCE - BOROUGH OF MANHATTAN COMMUNITY COLLEGE,
10 CUNY: Good day. Thank you for holding these
11 hearings. Thank you for having me today. My
12 name is Ron Hayduk. I'm a professor of political
13 science at the Borough of Manhattan Community
14 College, part of the City University of New York.
15 I'm the author of several books and articles
16 about voter participation, representation and
17 governance in New York. Formerly, I was a
18 coordinator of the New York City Voter Assistance
19 Commission. I have served on two New York State
20 task forces convened by the New York State Board
21 of Elections, one concerning motor voter, the
22 other concerning the Help America Vote Act. I am
23 also co-founder of a coalition called the
24 Coalition to Expand Voting Rights, which is

2 dedicated to empowering and restoring immigrant
3 voting in New York City and nationally.

4 In sum, I have a longstanding commitment
5 to increasing voter participation and to
6 improving representation in the political system
7 in New York. I urge the task force to consider
8 immigrant residents as communities with common
9 interests and to keep immigrant neighborhoods
10 intact as you redraw district lines. There are
11 several related points that I would like to make.
12 Immigrants are a large and growing segment of our
13 population and are concentrated in particular
14 neighborhoods. Even though immigrants are
15 counted for districting purposes, too often they
16 are without formal political voice and adequate
17 representation. The majority of immigrants,
18 fortunately, do become citizens. In doing so,
19 immigrants incorporate into New York's social,
20 political, economic, cultural and political life.
21 Political incorporation and acculturation is a
22 long, well-worn path for many generations in New
23 York. Immigrants share many of the same views
24 and concerns of the native born, particularly as

2 they become citizens and the second generation
3 comes of age. Yet, at any given time a sizeable
4 number of immigrants remain non-citizens, many of
5 whom have some distinct circumstances and
6 interests. Immigrant communities constitute a
7 community of interest and should be kept intact
8 in single districts. Currently, New York's
9 political districts do not adequately represent
10 immigrant communities. As you move forward in
11 your deliberations, I encourage you to take the
12 common interests of immigrant communities into
13 account as you redraw districts and keep them
14 intact in political single districts.

15 In communities such as Jackson Heights
16 and Elmhurst where I live, they are split into
17 separate political districts rather than kept
18 intact. This principle should adhere to other
19 predominantly immigrant neighborhoods in New York
20 including Flushing, Richmond Hill, Ozone Park,
21 Floral Park, Bellrose, Queens Village, Monthaven,
22 Park Chester, East Harlem, Washington Heights,
23 Inwood, Sunset Park, Flatbush, Bushwick,
24 Bensonhurst, Brighton Beach and Sheepshead Bay.

2 In my written testimony, I present evidence for
3 my research to support these main points. Let me
4 just present some quick items for you.

5 Immigrants comprise a growing
6 significant segment of the population. In New
7 York State four million people live in New York
8 State that are immigrants, 22%. In New York
9 City, it's three million, 37%. Most have
10 naturalized and become U.S. citizens. However,
11 they remain locked out of being able to exercise
12 formal political voice, partly because of the way
13 districts are drawn. In New York City, there's
14 more than one million residents who are adults
15 who are non-citizens. Since 2000, 6 of 10 babies
16 born in New York City, 67%, have at least one
17 foreign-born parent. Immigrants also account for
18 about half of the city's workforce. Moreover,
19 many naturalized immigrants are fragmented into
20 separate political districts even though they
21 live in common neighborhoods and share common
22 interests.

23 In my written testimony, I present data
24 to support these claims. I want to point out

2 just a couple of other quick things and end up.
3 Even though immigrants are concentrated in
4 particular neighborhoods, few representatives
5 have been elected from immigrants' backgrounds
6 and hold public officer. In previous
7 redistricting efforts immigrants have been
8 disenfranchised because these communities have
9 been divided into unfair legislative districts.
10 This has discouraged many members from immigrant
11 backgrounds of being more politically active as
12 voters and as candidates because they have been
13 historically denied a voice in government. The
14 absence of elected officials from immigrant
15 backgrounds makes it imperative that this task
16 force take seriously its obligation to comply
17 fully with the Voting Rights Act and ensure that
18 ethnic and racial minorities should have a full
19 and fair opportunity to elect candidates of their
20 choice. Immigrants participate politically
21 increasingly at very high levels. In fact,
22 immigrants have swelled the ranks of first-time
23 voters in New York City. They are one of the
24 driving forces behind the City's growing

2 electorate. In 2008, for example, nearly half,
3 41% of all of those who voted for the first time
4 were foreign-born. In the past three
5 presidential elections, three of ten of all
6 foreign-born voters were first-time voters
7 compared with lower rates among the native born.
8 Moreover, the newest New Yorkers make up the
9 largest cohort of foreign-born voters, nearly 18%
10 of foreign-born voters became citizens in the
11 last two years, and an additional 25% were
12 naturalized between 2000 and 2005.

13 ASSEMBLY MEMBER MCENENY: Try to
14 summarize.

15 MR. HAYDUK: Sadly, however, our
16 political parties and campaigns do a poor job of
17 contacting and representing immigrant voters.
18 While immigrant and native-born voters are
19 contacted at similar rates by unions, about 12%,
20 only about 9% of foreign-born voters report being
21 contacted by political parties and only 11% by
22 political campaigns, which is roughly half the
23 rate of native-born populations being contacted
24 at comparable higher rates.

2 Many of the state's Senate and Assembly
3 districts have a population of 20 to 30% of the
4 population that are foreign-born and that remain
5 non-citizens. In some neighborhoods it can rise
6 to 40 to 50%. We do not have a truly functioning
7 democracy when such a sizable portion of the
8 voting-age population can't vote or are not
9 represented by candidates of their choice when
10 they can vote.

11 This is on the order of political
12 exclusion of women and Blacks who historically
13 were citizens, of course, but could not vote.
14 Immigrants are by no means marginal, and
15 fortunately there have been many examples over
16 the last 20 to 30 years where immigrants and
17 other ethnic and racial minorities have formed
18 common cause.

19 The last point about common interest in
20 coalitions is that LATFOR should respect these
21 communities as communities of common interest and
22 draw district lines accordingly. Immigrant
23 rights are the civil rights of today. New York
24 is the home of the Statue of Liberty and Ellis

2 Island, and symbolizes America's past and future
3 as an immigrant nation. I urge you to take
4 immigrant communities of interest into
5 consideration as you draw the state's political
6 and congressional district lines to ensure full
7 and fair representation. Immigrant communities
8 should be kept intact into single political
9 districts as much as possible. The right to vote
10 is fundamental, and we must ensure that this
11 constitutional right is protected for immigrants
12 in New York.

13 The Task Force should abide by the
14 Voting Rights Act and ensure that racial
15 minorities have full and fair opportunity to
16 elect candidates of their choice. Thank you for
17 your time.

18 ASSEMBLY MEMBER MCENENY: Thank you very
19 much. Henry Chang, and this is several meetings
20 now that OCA has been to, right?

21 MR. HENRY CHANG, OCA-NY: That's correct.

22 ASSEMBLY MEMBER MCENENY: Thank you.

23 MR. CHANG: Good morning. My name is
24 Henry Chang, and I am testifying on behalf of

2 OCA-New York. Founded in 1976, OCA-New York
3 formerly known as the Organization for Chinese
4 Americans is a non-profit, non-partisan
5 organization dedicated to protecting and
6 advancing the political, economic, social and
7 cultural rights of Asian Americans. In the
8 interest of time, I'm just going to read from
9 certain sections of my written testimony. OCA-New
10 York represents the five boroughs of New York
11 City. In Manhattan's Chinatown, we have
12 cosponsored candidate's forums for City Council
13 District 1, for the office of Mayor and State
14 Assembly District 64, and we've conducted voter
15 registration on community street corners.
16 Monthly, our OCA-New York board meets in
17 Chinatown, and our annual fundraising gala has
18 been held in restaurants throughout Chinatown.
19 The Museum of Chinese and America was the site of
20 OCA-New York's fifth annual hate crimes
21 prevention art exhibit for the showing of Vincent
22 Who and our general annual membership meeting and
23 press conferences. We march annually in the
24 Lunar New Year Parade and participate in

2 community street fairs.

3 Our community outreach includes hosting
4 a health day, educating Chinatown residents on
5 our shared history with African Americans and
6 sponsoring bone marrow drives and holiday parties
7 for low-income Chinese children. We've partnered
8 with several Chinatown-based organizations on
9 voter empowerment, health education, combatting
10 hate crimes, and immigration. We helped document
11 and interview Chinatown residents and
12 organizations impacted by 9/11 for OCA National's
13 Book titled *Voices of Health Spirit and Unity*
14 *after 9/11*. OCA-New York's work also extends to
15 coalition building and helping Asians living in
16 Manhattan's Lower East Side. Working with - -
17 Louisa Garcia Community Center, - - Incorporated
18 and Grand Street Settlement, OCA-New York held
19 its fourth annual hate crimes prevention project
20 and sports tournament at Seaward [phonetic] Park
21 and the Educational Alliance. We were the lead
22 activate on securing a governor's pardon for King
23 Wu [phonetic] an adult resident of the lower east
24 side facing removal from the U.S. because of a

2 teenage criminal record. The 2010 census
3 revealed Asian Americans how comprise 13% of the
4 City's population. The number of Asian Americans
5 have soared to over a million with at least
6 180,000 in Manhattan alone. Specifically in
7 Chinatown at least 65% of the residents are
8 Asian.

9 I've lived in Chinatown for over 40
10 years. As a novelist specializing in stories set
11 in Chinatown, I've written a trilogy of mystery
12 crime books, *Chinatown Beat*, *Year of the Dog*, and
13 *Red Jade*. The characters in my books are based
14 on people I've known growing up in Chinatown, and
15 though my stories revolve around crime and
16 violence, I also write about low-income people
17 trying to better their lives. At least once an
18 eek I walk the ten minutes from my home to the
19 lower east side towards Houston and the East
20 Village to shop and to eat. I have been involved
21 in many Chinatown issues, such as opposing the
22 Chinatown bid, attending community board meetings
23 to oppose holding the terrorist trials in the
24 federal court house across from Columbus Park and

2 also efforts to stop the city from tearing up
3 Chatham Square without community input.
4 Chinatown is part of State Assembly 64, primarily
5 with Battery Park, Wall Street, South Street Sea
6 Port and Little Italy. We propose that Chinatown
7 be grouped with the Lower East Side because they
8 share similar socioeconomic data, 82 to 92% of
9 Chinatown and the lower East Side residents are
10 renters. Forty to forty-seven percent of
11 Chinatown residents and Lower East Side residents
12 are below the poverty level. Seventy-four
13 percent of Chinese speakers in Chinatown speak
14 English less than very well, comparable to 72% in
15 the Lower East Side. Asians and Latinos make up
16 65 to 74% of the residents in both of these
17 neighborhoods. Gentrification is a major threat.
18 Investors in the Lower East Side have reclaimed
19 vacant buildings and have built high-end bars and
20 cabarets that clearly are not for local
21 residents. There used to be many rent-controlled
22 buildings in Chinatown, but as more apartments
23 become decontrolled, landlords renovate and
24 charge \$4,000 to \$5,000 a month for an apartment

2 that was previously \$300 to \$400 under rent
3 control. Several buildings have burned down and
4 have been replaced by luxury condominiums. Many
5 Chinatown residents publicly express concerns
6 that the rezoning in the Lower East Side would
7 result in high-rise buildings being built in
8 Chinatown. Joining these two neighborhoods would
9 enable them to speak with one voice for
10 affordable housing and critical social services.

11 Chinatown is currently part of State
12 Senate District 25 along with Wall Street,
13 Battery Park, Tribeca, the Lower East Side, part
14 of the East Village and Soho. We would like to
15 emphasize the importance of keeping Chinatown and
16 the Lower East Side together for the reasons
17 stated. Currently, Chinatown is part of
18 Congressional District 12, which includes
19 Brooklyn Heights, Redhook, and parts of Sunset
20 Park and the Lower East Side. OCA-New York
21 supports keeping at a minimal Manhattan,
22 Chinatown, and Sunset Park together in the same
23 district because of shared socioeconomic status.
24 The poverty levels are 48% and 42% respectively.

2 In terms of crimes, many students are targets of
3 physical violence and verbal bullying. Seventy-
4 four percent of Chinese speakers speak English
5 less than very well, similar to 80% in Sunset
6 Park. Because of language barriers, limited
7 access to English instruction and high rents in
8 Manhattan, many people live in Sunset Park but
9 work in Manhattan's Chinatown in low-skilled
10 jobs. There are several independently owned bus
11 shuttles that specifically transport Manhattan
12 residents back and forth. Sunset Park residents
13 use these buses to commute to work and to drop
14 their children off at daycare centers in
15 Manhattan's Chinatown. These transportation
16 lines have become crucial in the past decade
17 since much of Chinatown Manhattan has been
18 designated as no-parking zones. So I hope that
19 LATFOR takes OCA-New York's recommendations into
20 consideration in drawing district lines.
21 Gentlemen, ladies, thank you so much.

22 ASSEMBLY MEMBER MCENENY: Thank you.
23 Let me ask you, Mr. Chang, we appreciate your
24 testimony, when the high-priced high rises, etc.,

2 or higher-priced property is created through
3 renovation or new construction, what percentage
4 of the new occupants are Asian?

5 MR. CHANG: Off the top of my head I
6 would have to say maybe less than 10%.

7 ASSEMBLY MEMBER MCENENY: Okay.

8 MR. CHANG: These are not people from
9 the neighborhood. The housing stock that we have
10 lost is not coming back. It's all going the way
11 of gentrification. Investors are not going to
12 build properties they're not going to make money
13 on, and that is a huge problem. Affordable
14 housing is a huge problem in our projected
15 district.

16 ASSEMBLY MEMBER MCENENY: Thank you very
17 much.

18 MR. CHANG: Thank you for your time.

19 ASSEMBLY MEMBER MCENENY: Jessica
20 Vicuna. Is she here? Again, you've been here
21 before, yes.

22 MS. JESSICA VICUNA, ACT NOW: This is my
23 second testimony, but I will keep this short.
24 Okay, good morning. My name is Jessica Vicuna,

2 and I live in Shelly Silvers district. I am here
3 to discuss a few things that LATFOR can improve
4 on to help the citizens of New York City. I
5 would like to emphasize that a web site is a
6 mirror of any organization. Nowadays, young New
7 York constituents are bloggers and are internet
8 savvy. I do not feel that LATFOR's wet site is
9 up to speed with their content. I would like to
10 know more about, for example, you sir.

11 MR. LOPEZ: Say my name.

12 MS. VICUNA: Welquis R. Lopez.

13 MR. LOPEZ: Welquis.

14 MS. VICUNA: Welquis.

15 MR. LOPEZ: Welquis Lopez.

16 MS. VICUNA: Lopez.

17 MR. LOPEZ: Latino.

18 MS. VICUNA: So am I.

19 MR. LOPEZ: Thank you.

20 MS. VICUNA: Okay, I do not know where
21 you are in the web site except your name, and who
22 are you? Why should I do an extensive background
23 check on you when you should be on the web site?
24 I'm not attacking you by the way?

2 MR. LOPEZ: Please that's - - .

3 MS. VICUNA: I also feel that hearings
4 should be held during a time when citizens can
5 actually attend them. I'm not sure what day or
6 time, but during the day when people have to go
7 to work does not seem fair to me. A written
8 testimony is fine, I suppose, but there is
9 something to actually speaking out publicly that
10 makes a citizen feel counted. For each of the
11 members of LATFOR, tell us, why are you on this
12 panel? There is nothing on the web site that
13 describes your personal sentiments on why you
14 choose to do what you do. I also feel that there
15 should be statements or reasons why and how
16 LATFOR drew their lines on the map. We are
17 living in the technology age right now where
18 information is accessible. There should be no
19 holes, breaks or jumps about what LATFOR does and
20 stands for. If you want the citizens of New York
21 City to stand by you, give us more than what you
22 have on that web site. Thank you for allowing me
23 to speak, and I hope you will take what I have to
24 say into consideration.

2 ASSEMBLY MEMBER MCENENY: Thank you very
3 much. The elected members here have in some
4 cases long biographies of their past careers and
5 interests in the red book, which can be reached
6 through the internet as well.

7 MS. VICUNA: Thank you.

8 SENATOR DILAN: I just want to say to
9 you that I believe that our web site is a bit
10 static, and we could be more dynamic with it, and
11 I hope that we can bring that up to speed.

12 MS. VICUNA: Thank you so much,
13 gentlemen.

14 THE COURT: Thank you.

15 ASSEMBLY MEMBER MCENENY: Zakaya Shakir
16 Ansary [phonetic]. Daniel Marks Cohen, State
17 Committeeman?

18 MR. DANIEL MARKS COHEN, STATE
19 COMMITTEEMAN, 69TH AD - NYC DEMOCRATIC COMMITTEE:
20 Good afternoon, members of the Committee. My
21 name is Daniel Marks Cohen, and I am the New York
22 State Democratic Committeeman representing the
23 69th Assembly District, Part A of Manhattan's
24 Upper West Side in the New York State Democratic

2 Committee. The Assemblyman for the 69th is
3 Daniel O'Donell [phonetic]. I'm a lifelong
4 resident of the Upper West Side. My parents live
5 in the district as well, and my fiance and I live
6 in the District and intend to raise a family
7 there too. The part of the Upper West Side I
8 live in, between 96th Street and 125th Street is
9 the poorest portion of the 69th Assembly
10 District. It is the least served in terms of
11 services and transportation and has more crime.
12 I believe one reason for this consistent and
13 uneven status is the fact that the 69th is cut up
14 into multiple pieces, particularly the northern
15 end of the District where I live, including two
16 Congressional Districts, the 8th represented by
17 Representative Jerry Nadler, and the 15th
18 represented by Charlie Rangle, three State Senate
19 Districts, Tom Dwayne of the 29th, Bill Perkins
20 of the 30th, and Adriano Espaillat the 31st, and
21 four City Council Districts, Gale Brewer of the
22 6th, Robert Jackson of the 7th, Melissa Mark-
23 Viverito of the 8th and Inez Dickens of the 9th,
24 with 10, 10 different elected officials

2 representing one community at three different
3 levels of government, it is no wonder that people
4 get confused about whom to talk to about one
5 issue or another, and it lets elected officials
6 off the hook with matters that are at the fringes
7 of their district or of an uncertain origin in
8 their district or in another overlapping area or
9 overlapping district. What is clear here is that
10 if everyone is responsible, then no one is
11 responsible.

12 Looking more closely at the situation,
13 in Congress we are ably represented by
14 Representatives Nadler and Rangle, and I suppose
15 you have to draw the line somewhere, but at least
16 draw the line closer to the line of the Assembly
17 Districts, perhaps that the 67th District that's
18 fully contained within the Nadler Congressional
19 seat and the 69th District is fully contained
20 within the Rangle Congressional seat, or if this
21 is not possible due to the demographic changes in
22 the borough, move the lines between the Rangle
23 and Nadler districts north so that the 69th
24 Assembly District is not cut in half between the

2 two districts.

3 My parents have lived at 99th Street and
4 Riverside Drive for over 40 years, and just in
5 the past 20 years they have been represented by
6 three different currently serving members of
7 Congress. The changes to the borough and the
8 changes to the City at large have been
9 significant but not so much that such changes in
10 Congressional lines are justified. It is
11 gerrymandering and political shenanigans. This
12 kind of willful disregard for natural
13 neighborhoods and communities cannot lead to
14 quality political leadership or consistent civic
15 participation if there's no continuity from year
16 to year.

17 In the State Senate it is challenging to
18 combine districts to make them more compact while
19 still making them numerically and ethnically
20 balanced, but surely something can be done with
21 portions of the Upper West Side are represented
22 by one State Senator who live sin Washington
23 Heights, another who live sin Harlem and a third
24 who lives in Chelsey, three neighborhoods that

2 are vastly different by any measure and whose
3 elected officials have appropriately different
4 priorities in representing their majority
5 neighborhood constituencies leaving the Upper
6 West Side without an appropriate champion for its
7 needs. This is not to disparage in any way the
8 current elected leadership, just a recognition of
9 the limits of human attention, resources and time
10 which no elected official no matter how talented
11 can overcome. Furthermore, on the West Side, we
12 are inheritors of a long, skinny district, the
13 31st, ably represented by Mr. Espaillat. Two
14 disparate neighborhoods were forced together in
15 an attempt to punish its predecessor Eric
16 Schneiderman and remove a thorn from the side of
17 Albany power brokers, but thankfully he won
18 repeatedly and last year was elected to be the
19 State's attorney. While I am thrilled at Mr.
20 Schneiderman's elevation to higher office, I
21 implore the task force not to leave the 31st
22 unchanged, but redraw it so it is either fully on
23 the West Side or fully in Washington Heights
24 rather than where it is now stretched between the

2 two. Perhaps the most egregious district lines
3 are the ones on the City Council, which I know
4 this task force is not responsible for but
5 nonetheless, this body could set an example, and
6 if it begins to undo some of the messy work
7 enacted over the past two cycles, it might
8 inspire the council to follow suit.

9 Today you can stand on the corner of
10 96th Street and Broadway, and depending on which
11 corner you stand on, you can be on three
12 different districts. Ms. Mark-Viverito
13 represents east of Broadway, north of 9th Street,
14 Ms. Dickens west of Broadway north of 96th street
15 and Gale Brewer who we heard from earlier today
16 is south of 96th Street. Surely one side of
17 Broadway is not so different than the other that
18 it requires the attention of two members of the
19 City Council, let alone three.

20 As I mentioned in my comments regarding
21 the Congressional District lines, you do have to
22 draw the line somewhere, but perhaps they could
23 be drawn to include all of the west side above
24 96th Street in one district or even better all of

2 the west side from 59th to 125th similar to the
3 outlines of the community board.

4 And I will close on this point, just shy
5 of 50 years ago, in 1963, the community board
6 lines were drawn to map out constituencies,
7 neighborhoods and communities with similar needs
8 and demands. While the people within those lines
9 have changed over time, the lines themselves are
10 still true.

11 If the task force is looking for a guide
12 to what districts should look like, I urge them
13 to compare their lines to the lines of the
14 community boards. The closer to those community
15 board lines the election districts are drawn, the
16 happier their constituents will likely be. Thank
17 you for your time and consideration.

18 ASSEMBLY MEMBER MCENENY: Thank you, and
19 we do have those maps of the community boards,
20 and we do take them into consideration.

21 MR. COHEN: Thank you, Mr. Chairman.

22 ASSEMBLY MEMBER MCENENY: Ahmed Tigani.

23 MR. AHMED TIGANI, VICE PRESIDENT,

24 MANHATTAN YOUNG DEMOCRATS: First of all, I'd

Demographic Research and Reapportionment, 9-21-2011

2 like to say good morning and thank you for this
3 opportunity to speak. My name is Ahmed Tigani.
4 I am the vice president for the Manhattan Young
5 Democrats. The Manhattan Young Democrats is an
6 all-volunteer organization, and the official use
7 arm for the Democratic Party in New York County.

8 Our mission is to educate and activate
9 young progressives and empower them to create
10 change that they want to see in their
11 neighborhood, borough, state and country. We
12 appreciate the opportunity to be here today, and
13 for all of you to facilitate these meetings
14 around the state and to accept public input in
15 the drawing of these maps. With our time today,
16 I'd like to speak to you about a topic of
17 enormous importance to our young members and
18 countless New Yorkers who view our State's
19 legislative process in need of reform, especially
20 with regards to how our political boundaries are
21 conceived and finalized. As allies such as - -
22 ACT NOW and New Roosevelt Initiative have
23 previously come to these hearings and made clear,
24 public opinion rests overwhelmingly in support of

2 giving an independent redistricting commission
3 the power to draw our electoral lines. We
4 believe that any maps being considered should be
5 based on principles of fairness like compact and
6 continuous lines. In addition, the lines that
7 are drafted shall respect the established
8 boundaries of communities of interest, including
9 those that have common linkages of race,
10 socioeconomic and cultural history.

11 Our fear is that a system dominated by
12 partisan politics creates too strong a temptation
13 that will entice some members to suggest divvying
14 up communities to preserve political
15 considerations. Personally, as an urban planner
16 in training, I feel strongly that this kind of
17 map making can be disingenuous, and further
18 erodes the bond between the elected officials and
19 the public. New Yorkers can see clearly through
20 a veneer of self-interest, and until we move
21 forward and establish an independent
22 redistricting commission, the public will
23 continue to believe that elected officials are
24 more concerned with protecting their futures than

2 preserving the promise of one man, one vote. In
3 addition to that point, we hope that now with the
4 population data available to identify prisoners
5 to their home districts as you've already said
6 that during this cycle of redistricting we will
7 close the door on prison-based gerrymandering in
8 New York State. With time still available, and I
9 know it's drawing near, we urge the members of
10 the task force to consider heading the public's
11 call for an independent commission as has been
12 done in other states who have begun and ended
13 their own process while we continued to debate
14 the validity of how an impartial partner to a
15 legislative branch can help alleviate the
16 public's concern with this redistricting process.
17 As others have also mentioned prior to this
18 testimony, New York stands at 47th among all 50
19 states with regard to voter participation, and
20 making a move toward increased transparency by
21 our elected officials in Albany may help cure
22 some of the cynical perception embedded in many a
23 registered voter's minds. We also believe that
24 it will help us engaging with other young people

2 to show them that their participation counts.

3 The Manhattan Young Democrats stand with
4 Governor Cuomo who has promised to veto any
5 partisan maps. We stand with our borough, our
6 City and our State to say that we deserve a
7 process that isn't warped by individual ambitions
8 or casting aside of a community's geographical,
9 socioeconomic or cultural integrity to meet
10 electoral probability targets. Redistricting
11 should be about providing fair representation to
12 the people they affect, no more, no less, and
13 once again we thank you for this opportunity to
14 speak, for listening to everyone who has come
15 here and again just thank you.

16 ASSEMBLY MEMBER MCENENY: Thank you very
17 much. Katherine Cline, Katherine Cline from ACT
18 NOW again.

19 FEMALE VOICE: [off mic]

20 ASSEMBLY MEMBER MCENENY: Okay, thank
21 you. Mae Lee.

22 MS. MAE LEE, EXECUTIVE DIRECTOR, CHINESE
23 PROGRESSIVE ASSOCIATION: Good afternoon. My
24 name is Mae Lee. I am the executive director of

2 the Chinese Progressive Association. I'm here to
3 talk about lower Manhattan and Chinatown. I have
4 worked in Chinatown for more than 20 years. About
5 the Chinese Progressive Association, we're
6 located at the eastern end of Canal Street. We
7 primarily serve those who live or work in
8 Manhattan's Chinatown and the Lower East Side.
9 The majority of our constituents are low to
10 moderate income immigrant families. Our work
11 includes teaching English to new immigrants,
12 helping new parents to navigate the public school
13 system, and become more engaged and involved in
14 their children's education, building the
15 leadership of young people. We sponsor a weekly
16 housing clinic, and we work to protect our
17 community's health and environment. We also help
18 our neighborhood to become more civically
19 involved by helping immigrants to become
20 naturalized American citizens, by registering new
21 voters and by getting more residents to be
22 counted in the census.

23 Years ago the people we served and
24 lived--primarily lived in the traditional core of

2 Chinatown and by traditional core I mean, you
3 know, the area by Mulberry, - - Bayard, etcetera,
4 and there was a smaller number of people living
5 in the Lower East Side, south of Houston and east
6 of - - . In the more than 20 years I've worked
7 in the neighborhood, I have seen the Chinese
8 community grow east and northeast of the
9 traditional core. We have seen large numbers of
10 new immigrants from China settle into the Lower
11 East Side area, east of - - to raise families or
12 start small businesses. A growing number of
13 these new comers and some long-time residents
14 have also moved further up the Lower East Side
15 into the areas just north of Houston Street,
16 particularly wherever there is rent-regulated or
17 public housing. Although they have moved, they
18 still visit, shop, work or do business in the
19 neighborhood in Chinatown thereby maintaining
20 their connection to Chinatown. Lower Manhattan
21 is a diverse area of several different
22 neighborhoods. There is Battery Park City,
23 Tribeca, Soho, Little Italy, Chinatown and the
24 Lower East Side, each with its own unique

2 personalities and characteristics.

3 Chinatown leaders always strive to work
4 cooperatively with leaders of the neighboring
5 communities, but when determining communities of
6 common interest, we must look to the social and
7 economic characteristics. These characteristics
8 we itemize as income levels and economic status,
9 race and ethnicity, English language proficiency,
10 immigrant and citizenship status and educational
11 levels so that the greater number of these
12 characteristics that are shared, the more solid
13 the common interest. So out of all of its lower
14 Manhattan neighbors, Chinatown shares the
15 greatest number of these characteristics with the
16 Lower East Side.

17 These common interests shared are a need
18 for affordable housing for low to moderate income
19 families, better jobs, schools that will prepare
20 our kids for college and meaningful careers, and
21 programs that will increase opportunities for the
22 newest New Yorkers.

23 So I looked at your web site and it says
24 that the redistricting process will determine how

2 every citizen and community will be represented
3 at the state and federal levels of government for
4 the next ten years, so as this task force
5 continues through the process of proposing
6 districts that will be with us for the next
7 decade, we urge that you keep the communities of
8 common interest together. Thank you.

9 ASSEMBLY MEMBER MCENENY: Thank you very
10 much. Bright Lim [phonetic]. Bright Lim.
11 Sedelle Thomas. Welcome.

12 MS. SEDELLE THOMAS, MEMBER, BRONX UNITY
13 DEMOCRATIC CLUB: Thank you. Good afternoon.
14 My name is Sedelle Thomas. I reside on the U.S.
15 mainland in the City of the Bronx, New York. I
16 am a constituent of the 20th ED, the 77th AD, and
17 my Congressional District is 16. We are located
18 in the West Bronx across from the 181st Street
19 Bridge. I live in Morris Heights, and the people
20 in the Bronx call that bridge the Washington
21 Bridge, which is its name. I have an issue with
22 what I saw last week. I went to Bronx Community
23 College, and I was there before the hearings
24 began, and I stayed in my seat until the fire

2 bells rang. And because I worked in New York
3 City public schools I knew to get up out of my
4 seat and get ready to leave. It turned out to be
5 a false alarm. I'm glad of that, but what
6 concerned me and what urged me to come today was
7 that most of the speakers in the Bronx hearing
8 were from Manhattan across the 181st Street
9 Bridge from Washington Heights, and most of them
10 wanted Washington Heights to be redistricted or
11 annexed to the West Bronx. Now, we are across
12 the pond that I call, well, I call it a pond, but
13 it's called the Harlem River, and we are sort of
14 intact over there on the Harlem River. And I
15 think we should remain intact on the West Side or
16 the East Side of the Harlem River, and the people
17 in the Washington Heights area should find other
18 ways of annexing a group of people so that they
19 can be represented. The point was that they
20 wanted to have their own Hispanic representative
21 in Congress, and the thing about it is my
22 district is represented by a Hispanic. I have
23 carried petitions for him since he was in the
24 Senate, and I've been carrying petitions for him

2 since he was in Congress, and I will continue to
3 do the same thing.

4 Please keep the lines so that the West
5 Bronx is on the east side or the east bank of the
6 Harlem River, and Washington Heights is on the
7 west bank of the Harlem River. Thank you for
8 letting me speak.

9 ASSEMBLY MEMBER MCENENY: Thank you very
10 much. Susan Lerner. Welcome back.

11 MS. SUSAN LERNER, EXECUTIVE DIRECTOR -
12 COMMON CAUSE NY: Thank you. Thank you very
13 much. It's always nice to see you with some
14 continuity. We have again created some maps
15 dealing with demographic changes here in
16 Manhattan. I'm not going to read my entire thank
17 you. Again our full discussion is up on our
18 redistricting blog, www.citizensredistrictNY.org,
19 and I do have extra copies of the maps for people
20 in the audience who would like to see them on
21 paper.

22 I'd like to point out a couple of
23 things, and then I'd like to switch topics.
24 Again, we have provided you with a map of the

2 neighborhoods. The thing that struck us in our
3 initial analysis of the demographics of Manhattan
4 was actually surprising to us, and we have really
5 encapsulated this in the map that we have labeled
6 as number two. Manhattan is actually more
7 uniform demographically than we were expecting.
8 When you compare it to Queens and the Bronx,
9 while we have a lot of different vibrant
10 neighborhoods, if you look at the actual
11 demographics reported in the census, what we are
12 seeing is that Manhattan seems to arrange itself
13 as three Manhattans, the are we're calling the
14 core, which is kind of Central Manhattan, the
15 East and the West side, Chinatown in the Lower
16 East Side forms a distinct demographic unit, and
17 then Northern Manhattan forms a third distinct
18 demographic unit, and the maps we've provided
19 regarding median income, education level,
20 employment data, all have caused us to conclude
21 that there is great uniformity in the core even
22 though Councilwoman Brewer points out that there
23 are distinct neighborhoods and they have
24 different character, the demographics were

2 surprisingly uniform to us. We wanted to also
3 point out a couple of areas of concern. We agree
4 with the Upper West side residents who have
5 testified about the division of that
6 neighborhood, that they have a hard time being
7 split up the way they are particularly in the
8 state senate, and we are taking a look at the
9 arrangement regarding the Congressional
10 districts, which I think the Manhattan
11 Congressional districts are probably the hardest,
12 most challenging drawing that may have to take
13 place perhaps throughout the state. But I'd like
14 to switch topic to an issue that really has come
15 up in response to the questions we received in
16 each of our appearances about are we drawing
17 maps, and when are we going to have maps that we
18 would be able to submit? I'd like to basically
19 ask the task force for assistance and guidance
20 because there are two issues that are really in
21 your hands that are impeding our ability to I
22 think move forward as quickly as we would like,
23 and the first is the issue of the size of the
24 Senate. We would like to provide maps that are

2 helpful, that are not an academic exercise, and
3 as I think I testified in Albany, the first
4 hearing the first appearance, we as good
5 government groups like the idea of an odd number,
6 but our interpretation of the state Constitution
7 is that it requires 62 Senate districts
8 currently, yet we are reading persistent press
9 reports that say there are ongoing discussions
10 regarding the size. We would ask for your help
11 and your guidance. How many Senate districts
12 should we include in a suggested map that
13 encapsulates our suggestions for fair
14 redistricting? You know, that is something which
15 it is in your and the legislature's hands, and
16 for us to be helpful and effective in this
17 process, quite frankly we need some guidance.

18 The second area is one that has been
19 discussed, and that is the entire issue of how we
20 in drawing suggested maps will handle the re-
21 enumeration of incarcerated people. Clearly
22 with the Senate, I'm sorry with the census data,
23 it's perfectly possible to remove the prison
24 blocks from our calculus in drawing suggested

2 maps, but we do not have access to the data that
3 the Department of Corrections has provided.
4 There are, I know, privacy concerns, but we have
5 heard that the task force has done the important
6 and credible work of the GEO coding to the
7 maximum extent possible. We know that there are
8 issues of approximately a third of the addresses
9 aren't good, that more work needs to be done, but
10 we are desirous of the public release of the re-
11 enumeration for the two-thirds of the
12 incarcerated population, which has been done and
13 would facilitate our drawing maps, which we would
14 hope would be useful to you rather than an
15 academic exercise. So, my second question in our
16 request for help is when LATFOR will be releasing
17 the Geo coding for the re-enumeration so that we
18 can hopefully draw useful maps.

19 ASSEMBLY MEMBER MCENENY: The first
20 question, the size of the Senate, is a matter,
21 which has been testified to across the state,
22 that's the purpose of these hearings, and we have
23 heard a number of people say do what you want but
24 make it an odd number, either 61 or 63. We have

2 other people come and say it's 62 and that can't
3 change. That's the constitutionally correct
4 number, and we have been listening to the people
5 os that decision has not been made. I know it's
6 frustrating. It's frustrating in-house, and it's
7 certainly frustrating to the public. This round
8 of public hearings is at a different level than
9 the next round will be at, and hopefully we'll
10 have an answer for that soon. Our last public
11 hearing is before the election, and as you'll
12 recall, we have extended things about a month
13 because of the request of Senator Dilan and
14 Assembly Member Oaks saying please give a
15 separate interview for Nassau or a separate
16 hearing and also don't leave the north country
17 out, so that will probably be up in Plattsburg.

18 MS. LERNER: Right.

19 ASSEMBLY MEMBER MCENENY: As far as the
20 prisoner count and re-patriating them if you will
21 back to their numbers, we only have a preliminary
22 number and we're still working on that. It would
23 also be helpful if the Court would come and make
24 a decision, but Courts tend to have their own

2 time pieces. Senator Dilan?

3 SENATOR DILAN: Yes. As you may recall,
4 I believe I asked these very same questions at
5 our first hearing, and I think I repeated these
6 questions maybe during the second, third and
7 fourth hearings, and I also believe that I sent
8 an initial letter to the co-chairs with respect
9 to some of these. I'm still waiting for a
10 response myself, and currently I am drafting
11 another letter asking the very same questions
12 with respect to the size of the Senate, with
13 respect to what date will we be seeing a database
14 regarding the prisoners so the public will know
15 what size the Senate will be and the actual data
16 so they could have accurate replications of
17 districts that you may submit to us. Also, both
18 co-chairs have said that we're waiting for--we're
19 listening to you with respect to the size of the
20 Senate, you know what, the way it works is by the
21 Constitution of the State of New York. I think I
22 heard a professor testify yesterday that that is
23 in Article 3, Section 4, and if you take that
24 formula, the Senate will be size 62. I know that

2 many want it odd number, but we cannot justify
3 going to 63. We could perhaps justify going to
4 61. Thank you.

5 ASSEMBLY MEMBER MCENENY: Do you have a
6 number that Common Cause is ready to recommend?

7 MS. LERNER: Well, you know, our
8 position is that the computation we've done
9 indicates 62, and as I said, we hope in a future
10 change of the Constitution regarding
11 redistricting that that is something that can be
12 adjusted, but right now we're stuck with the
13 current 1894 version of what reality should be.

14 ASSEMBLY MEMBER MCENENY: I'm not a
15 great fan of the 1894 customer, which butchers
16 City neighborhoods.

17 MS. LERNER: Yeah, it makes all of our
18 work more difficult.

19 ASSEMBLY MEMBER MCENENY: Well, we
20 appreciate your coming and are well aware of your
21 questions. When we have an answer, we'll get it
22 out just as soon as we can.

23 MS. LERNER: Thank you.

24 ASSEMBLY MEMBER MCENENY: Thank you very

2 much. Trudy Mason.

3 MS. TRUDY L MASON, COMMITTEEWOMAN: My
4 name is Trudy L. Mason. I am the state
5 committeewoman for the East side of Manhattan,
6 but I am wearing another hat today. I am not
7 going to talk as the other speakers have about
8 politics, about ethnic districts or anything
9 else. I am going to speak about transportation
10 and infrastructure and why your decisions will
11 have a direct bearing on what happens in the City
12 of New York to our transportation system. I am
13 the Manhattan representative to the permanent
14 citizens advisory committee, the MTA, the New
15 York City Transit Rider's Council. It's a long
16 title, and I formerly was the director of public
17 affairs and government community relations for
18 the MTA. I've got all of these titles out of the
19 way, but I'm giving you my bona fide so you will
20 understand that I think I know a little bit about
21 whence I speak. Right now in the 14th
22 Congressional District on the East Side of
23 Manhattan and in Western Queens are the two
24 largest public transportation projects in the

2 country, namely the Second Avenue Subway and what
3 is called East Side Access or the East side Long
4 Island Railroad connector. Congresswoman Carolyn
5 Maloney has been responsible for getting the
6 money from the feds, working with a lot of her
7 colleagues, many of whom come from New York, but
8 she has taken the lead in getting the funding for
9 this. But the Second Avenue Subway, while it is
10 on the East Side, will affect transportation all
11 over the City of New York and going further out
12 because it will relieve crowding not only on the
13 East Side, which right now the Lexington Avenue
14 Subway is the most crowded public transportation
15 facility in the country, in the United States,
16 but it will also relieve crowding on the Queens
17 lines and when it is finished, right now we are
18 just building a small part of it, which we
19 internally call the stubway. That's S-T-U-B-W-A-
20 Y, but when it is finished, it will go through
21 four Congressional districts, and all four
22 representatives have been very helpful to
23 Congresswoman Maloney in helping to secure the
24 funds, but you always need one person to take the

2 lead.

3 If her district is moved away from the
4 Second Avenue Subway, what we call the full-build
5 Second Avenue Subway, she will no longer have the
6 standing among her colleagues to get us the
7 needed money to complete this most important
8 public transportation project, which is also
9 providing us more jobs, and that's another buzz
10 word that we use now, to the City of New York and
11 the State of New York than almost any other
12 public infrastructure, public transportation
13 project. We need to keep the 14th Congressional
14 District intact. We also need to keep the
15 Western Queens portion of that district connected
16 to it because if Western Queens is severed from
17 the East Side of Manhattan, then what is called
18 the Long Island connector, the East Side access,
19 which will for the first time allow riders from
20 Long Island who work in the City and work on the
21 East Side not to just have to go into Penn
22 Station and then take a bus, or a cab, or a
23 subway to get across town adding a lot of time
24 and inconvenience, but it will bring the Long

2 Island Railroad directly into Grand Central
3 Terminal. That again is because of the work of
4 having one member of Congress represent the whole
5 area that is affected, again working with her
6 colleagues from Long Island and from other parts
7 of the city, and part of this and I don't want to
8 get into too many technicalities, but there is a
9 complete rehabilitation of the Sunny Side Yards,
10 which is also Sunny Side is also part of the 14th
11 Congressional District. By having all those two
12 largest public works infrastructure, job-
13 producing projects in the District of one member
14 of Congress, it heightens the impact and it
15 heightens what that member of Congress can do.
16 So it is imperative. Forget about the political
17 considerations of who represents who or who or
18 what, but it is important for these projects to
19 go to their fulfillment and serve all the people
20 of not only the City of New York but Long Island,
21 and I won't even begin to talk about how this
22 impacts on what is going on in Westchester as
23 probably most of you know because some of you
24 represent these areas, the MTA catchment area is

2 14 counties, including Rockland County,
3 Westchester County, I always forget one, Orange
4 County going to the North as well as Nassau and
5 Suffolk, and so it is imperative and the people
6 that I work with and again I am not speaking on
7 behalf of any of the organizations that I spoke
8 to--spoke about. This is on my own, but I work
9 with all of these people, and I know and I do a
10 lot of work - - go back and forth to Washington,
11 I'll use a dirty word, lobbying on behalf of all
12 of these projects, but that it is important that
13 one person from one Congressional District speak
14 on behalf of all of these vital, vital projects
15 to the City of New York. I thank you very, very
16 much.

17 ASSEMBLY MEMBER MCENENY: Thank you very
18 much. It's good to hear a totally different
19 perspective, and we'll certainly take that into
20 account.

21 COMMITTEEWOMAN MASON: Thank you very
22 much.

23 ASSEMBLY MEMBER MCENENY: I am also
24 remiss. I meant to introduce Councilman Mark

Demographic Research and Reapportionment, 9-21-2011

2 Wepburn [phonetic] former member of the Assembly
3 who was with us earlier but didn't want to
4 testify right now. We appreciate his interest.

5 COMMITTEEWOMAN MASON: Thank you.

6 ASSEMBLY MEMBER MCENENY: Thank you.

7 Michael Grumet.

8 MR. MICHAEL GRUMET, OPERATOR OF THE 47TH
9 STREET BUSINESS IMPROVEMENT DISTRICT AND LITTLE
10 ITALY RESIDENT: Hello. Hi, I'm Michael Grumet,
11 and like Trudy, I'm not going to talk about
12 ethnic groups. I'm going to talk about economic
13 impact. I'm Michael Grumet. I'm the Executive
14 Director of the 47th Street Business Improvement
15 District, which is the Diamond District, and
16 we're centered on 47th Street between 5th and 6th
17 Avenues. The diamond industry is based in
18 offices between 46th and 48th Street between 5th
19 and 6th Avenues. The diamond district is the
20 world's largest shopping district for all sizes
21 and shapes of diamonds and fine jewelry and we
22 are really a very essential industry to New York
23 City and New York State. We're the world's
24 largest consumer market for diamonds and fine

2 jewelry. Over 95% of all the diamonds that enter
3 this country go through New York City and most of
4 them through the Diamond District. And once
5 again we're in 47th between 5th and 6th, but we
6 work as one industry along with the more famous
7 jewelry stores that are along 5th Avenue,
8 Cartier's, Tiffany's, DeBier's, Harry Winstead,
9 Fred Leighton, and it's really important for us
10 that we're represented by one member of Congress
11 because she understands our industry, and to give
12 you an idea about the importance of this industry
13 to New York State, we're a \$24 billion a year
14 industry and to put that in perspective, that
15 means that we--the economic impact of our
16 industry is exactly the same in terms of sales as
17 McDonald's worldwide. Congresswoman Maloney has
18 represented us, represented us very well in
19 Congress. She understands our issues. She's
20 helped us get federal funds for security cameras.
21 We're working with her on tax legislation that's
22 important to the jewelry industry, and I just
23 wanted to emphasize one more time that it's
24 really important that all of the major jewelers

Demographic Research and Reapportionment, 9-21-2011

2 in New York City remain in one Congressional
3 District with one person who really understands
4 the industry and we think that person is
5 Congresswoman Maloney. Thank you very much.

6 ASSEMBLY MEMBER MCENENY: Would you give
7 me that boundary to the Diamond District as you
8 see it?

9 MR. GRUMET: The official boundary of
10 the bid is 47th Street between 5th and 6th
11 Avenues, but there are a number of jewelers on
12 6th Avenue, on 46th Street, on 47th Street, on
13 48th Street, numbers on 5th Avenue.

14 ASSEMBLY MEMBER MCENENY: Does this
15 relate to a community board on the map?

16 MR. GRUMET: It's Community Board 5.

17 ASSEMBLY MEMBER MCENENY: All of it?

18 MR. GRUMET: All of it is Community
19 Board 5. Thank you very much.

20 ASSEMBLY MEMBER MCENENY: Carol Rinzler.

21 [break in audio]

22 MS. CAORL RINZLER, FOUNDER - 1000 PLUS

23 FRIEND OF NYC PARKS: --it is about to perhaps
24 take a step forward is the East Side Esplanade

2 [phonetic] which will complete the or at least
3 help to complete the Esplanade around Manhattan.
4 Congresswoman Maloney has been extremely
5 important in this in helping to give us access to
6 the East River. In addition, Long Island City,
7 across from us is being transformed from an
8 industrial area into a residential area, and that
9 waterfront is being developed. In all of these
10 areas we are getting new parks, new walkways, new
11 activities on the water and on the water side,
12 and it is very important that we keep the same
13 Congresswoman representing all of us so that we
14 continue to get this kind of funding. Carolyn
15 has been extraordinary in helping us with our
16 parks in these areas, and we would like to keep
17 all of us together so that we can use similar
18 techniques and similar stratagems in expanding
19 what we have here. That takes care of parks,
20 which are very important to New York because as
21 many of you may not know we don't have that many
22 of them on the east side. We treasure them. I
23 have a very personal interest, however, in
24 keeping the 14th Congressional District where it

2 is.

3 This piece of paper is my grandfather's
4 application for naturalization in 1903. My
5 grandfather married my grandmother who lived on
6 Essex Street, corner of Rivington, which you may
7 not know, but everybody back there does. Many
8 years later they were living in one part of
9 Carolyn's District on Central Park South on the
10 Essex House. It's a journey of perhaps four
11 miles, and it is the quintessential American
12 journey and it occurred in Carolyn Maloney's
13 District, and I am getting goose bumps telling
14 you about it. But it is precisely what makes
15 this District so extraordinary, the mixture of
16 people, the mixture of communities, and the
17 mixture of environment is unusual and should not
18 be separated. And I thank you, and I was short.

19 ASSEMBLY MEMBER MCENENY: Thank you very
20 much. Michael McKee.

21 MR. MICHAEL MCKEE, TREASURER - TENANTS
22 POLITICAL ACTION COMMITTEE: Good afternoon. My
23 name is Michael McKee, and I'm the treasurer of
24 the Tenants Political Action Committee.

2 Historically the process by which New York State
3 redraws legislative and Congressional districts
4 every ten years is a prime reason why the public
5 is more and more cynical about the state
6 legislature. This process is controlled by the
7 leaders of the majority party in each house, and
8 in the 30 years that I have observed it, the
9 lines have been drawn to protect incumbent
10 legislators and occasionally to punish other
11 incumbents. During the last go around, Lorraine
12 Coil Cappell [phonetic] was gerrymandered out of
13 the 34th State Senate District, and now Assembly
14 Member Hachime Jeffries [phonetic] was removed
15 from the 57th State Assembly District for overtly
16 partisan purposes. LATFOR jiggered the lines to
17 remove their homes from those two districts as a
18 favor to then Senator Guy Vallela [phonetic] and
19 then Assembly Member Roger Green. These are only
20 two examples of a process that has been
21 fundamentally tainted. There is an old saying.
22 The true business of Albany is incumbency
23 protection. But the preferences of incumbent
24 legislators should be removed from this process.

2 If there is to be any integrity in the new
3 districts, they should ignore the residences of
4 sitting legislators. The lines should be drawn
5 in a rational, fair way as if there were no
6 incumbents, and as if the districts were being
7 established for the first time. A larger issue
8 is the historical use of reapportionment by the
9 majority parties in each house to draw lines to
10 dilute the opposition and thus keep the majority
11 in the case of the State Senate or expand the
12 majority in the case of the State Assembly.
13 There is little doubt that if the majority
14 parties believe they can get away with it one
15 more time, that kind of stacking of the deck is
16 exactly where this process and this task force
17 are headed again.

18 Recent articles about the possible
19 creation of a 63rd Senate District in order to
20 preserve the narrow Republican majority and the
21 possible protection by Majority Leader Dean
22 Skelos [phonetic] of the - - who belong to the
23 so-called independent democratic caucus are no
24 doubt only tips of the iceberg of what is already

2 going down behind closed doors. The Assembly is
3 not blame free. Witness the gerrymandering of
4 Bay Ridge, one of the few neighborhoods in New
5 York City where a Republican candidate could be
6 elected. Instead Bay Ridge is divided up into
7 separate Assembly districts each one represented
8 by a Democrat. This is similar to the usual
9 treatment of upstate cities in the Senate where
10 municipal and county lines are disregarded in
11 order to prevent the election of Democrats.
12 Protection of incumbents, protection of majority
13 control, two things that should be disregarded
14 but which the leaders and you will no doubt try
15 to pull off. But things are different this time.
16 First, in large part thanks to the spotlight that
17 Governor Cuomo has trained on this process the
18 public is more aware than in the past of the
19 games that the majority parties will once again
20 try to play. As you go forward, the public will
21 be watching. Second, Governor Cuomo has pledged
22 to veto lines drawn for partisan purposes. We
23 are grateful to the governor for this principled
24 stand.

2 While we favor establishment of an
3 independent non-partisan commission to handle
4 reapportionment, we are more concerned about the
5 lines themselves than who draws them. After all,
6 an independent commission so-called might quietly
7 carry out the wishes of the majority parties
8 while providing a veneer of integrity. It would
9 not be the first time a reform ribbon was wrapped
10 around the same old package. We support the
11 principles promoted by common cause and others.
12 Districts must be contiguous and compact. Lines
13 must respect municipal and county borders.
14 Districts and cities should respect traditional
15 neighborhoods. Communities of interest should be
16 kept together defined by racial, ethnic and
17 socioeconomic data. Party registration and
18 voting patterns should be eliminated from
19 consideration. Districts should not vary from
20 the average by more than 1% unless a slightly
21 higher variation is necessary to keep communities
22 of interest together, and the location of
23 residences of incumbent legislators should not be
24 considered. We will be watching your work with

2 close attention in the next few months, and we
3 will be adding our voices to the call for honest,
4 fair reapportionment. Thank you very much.

5 ASSEMBLY MEMBER MCENENY: Thank you. As
6 far as those upstate cities, the City of Albany,
7 for example is split because of the Voting Rights
8 Act of 1965. It was found that if you put
9 downtown Albany and downtown Troy together you
10 have a better opportunity for minorities. That's
11 why it was done. A lot of people aren't happy
12 with it because there is a distance involved in
13 it. The other thing is the three districts that
14 I come from vary by one person because the State
15 Constitution butchers urban neighborhoods with a
16 block on border rule that if the math comes out,
17 it doesn't matter if the block is on the other
18 side of an eight-lane highway, the Assembly line
19 will wrap around that isolated block.

20 Sometimes the 1% variance, which by the
21 way is unconstitutional because of the necessity
22 to keep towns together, the same 1894 anti-urban
23 Constitution. You know, a lot of these things
24 happen for other the reasons that we would like

2 to think.

3 MR. MCKEE: Yes, Assembly Member, I am
4 very much aware of and you are correct, but other
5 cities up state were divided for other reasons
6 for basically partisan reasons.

7 ASSEMBLY MEMBER MCENENY: Thank you very
8 much for your testimony.

9 MR. MCKEE: Thank you.

10 ASSEMBLY MEMBER MCENENY: Leida Snow.

11 MS. LEIDA SNOW: Good afternoon, and
12 thank you for the opportunity. My name is Leida
13 Snow. I live in the southern area of Manhattan
14 bordering on Beakman and Turtle Bay. For some 13
15 years I was theater critic for WINS AM. I'm also
16 former president of the Drama Desk, and a
17 lyricist whose songs have been recorded by well-
18 known artists, and I'm currently a member of a
19 chorus that presents concerts at Carnegie Hall.
20 As a native New Yorker, I have long prized the
21 multitude of cultural offerings in the city
22 including the many world-class museums.
23 Currently, New York's 14th Congressional District
24 incorporates many of the City's premiere cultural

2 institutions, including the fine museums that
3 constitute Fifth Avenue's Museum Mile, Carnegie
4 Hall, the 92nd Street Y, Jazz at Lincoln Center,
5 Three Broadway Theaters, the American Ballet
6 Theater's Headquarters, and the new museums in
7 Western Queens. It includes the Asia Society and
8 the Municipal Art Society, the French and China
9 Institutes and - - Italiano, part of the great
10 Hunter College complex. Additionally, it
11 includes the many smaller organizations that
12 provide anchors for our neighborhoods and bring
13 visitors to the community, like the neighborhood
14 playhouse, the Vineyard Theater, and the Turtle
15 Bay Music School, where my chorus rehearses for
16 its Carnegie Hall Concerts. It is my strong
17 belief that it serves the community to have a
18 Congressional District that encompasses both
19 large and small arts and cultural organizations.
20 Constituents who value these institutions then
21 have representation that recognizes the
22 importance of these organizations to the economic
23 vitality of our city and state and the cultural
24 strength of our country.

2 Museum Mile is the area from 82nd to
3 104th Streets. It includes the Metropolitan and
4 the Jewish Museum, a - - , the Museum of the City
5 of New York, the Guggenheim, the Cooper-Hewitt.
6 In addition, the District includes the Whitney,
7 the Frick, the Museum of Modern Art in Manhattan
8 and MoMA PS1, the Noguchi Sculpture Garden and
9 the Museum of the Moving Image in Queens.
10 According to a recent report issued by the
11 Alliance for the Arts, New York's cultural
12 institutions generate some \$3.8 billion in earned
13 and contributed income annually employing over
14 100,000 people on a full-time, part-time or
15 consultant basis. That's the equivalent of just
16 under 34,000 full-time employees. Nearly 99
17 million people attend performances, exhibitions,
18 classes and workshops every year. A significant
19 amount of the revenue generated by New York's
20 cultural institutions is in the 14th
21 Congressional District, and I get great music for
22 it. [laughter]

23 According to the report, roughly 45% of
24 the arts' jobs are located in the District. The

Demographic Research and Reapportionment, 9-21-2011

2 report does not look specifically at the number
3 of people who work in museums, but I believe if
4 it did, a significant majority of them would be
5 in the 14th Congressional District. Our area
6 benefits from having a member of Congress like
7 Carolyn Maloney who represents a multitude of
8 museums and other arts organizations, who works
9 with a large local and the large small cultural,
10 the small and the large cultural institutions and
11 fights to ensure that they receive their fair
12 share of federal dollars. I believe it is vital
13 to have a member of Congress who is familiar with
14 the economic importance to our city of these
15 local arts organizations. Accordingly, I urge
16 you to keep the East Side and Western Queens
17 together as one Congressional District to
18 maximize the impact of this segment of the
19 economy. Thank you.

20 ASSEMBLY MEMBER MCENENY: Thank you.

21 Lou Sepersky.

22 MR. LOU SEPERSKY: I'd like to thank the
23 members of the panel for taking the time to hear
24 my testimony. I've--one of the--Mr. Assemblyman,

2 you said you were the historian, the town
3 historian?

4 ASSEMBLY MEMBER MCENENY: No, I was the
5 county historian for Albany County, chairman of
6 the historic sites commission. I'm also the
7 historian of the Assembly, etcetera, and I wrote
8 the book on Albany. So, I'm very sympathetic to
9 historic testimony.

10 MR. SEPERSKY: I'm the historian for the
11 6th Community District of Manhattan, one of the
12 12 Districts in the county each of which has its
13 own historian. So I share that with you.
14 Albritch Figari [phonetic] would be shocked to
15 hear some of the testimony of what goes on today
16 in terms of apportionment. My name is Lou
17 Sepersky, and I live in the Sutton community, the
18 sack [phonetic] community, which borders on the
19 Turtle Bay neighborhood of Manhattan. I'm active
20 in a number of local and community organizations,
21 and chaired the Citizen Transportation
22 Initiatives for the benefit of the community and
23 I've chaired citizens advisory committees for a
24 number of studies for the MTA over the years.

2 Additionally, I have served as the transportation
3 committee chair of Manhattan Community Board 6.
4 I was an early proponent of the 2nd Avenue
5 Subway, and I have championed the idea of re-
6 using the East River caissons, and I'll explain
7 that in a minute as supports for a pedestrian and
8 bikeway esplanade.

9 The caissons were initially installed as
10 over-the-river supports for a detour roadway in
11 the reconstruction of the Franklin Roosevelt
12 Drive. The State engineers determined that it
13 would be less expensive and less disruptive to
14 the neighborhood to actually build a short bridge
15 over the drive rather than re-routing traffic
16 through the community and through the city
17 streets. When the work was done, we began an
18 effort to retain the caissons not for vehicular
19 use but for pedestrian and bike use and
20 recreational use. The existence of the caissons
21 would save an enormous amount of money for the
22 completion of the East River Greenway, which has
23 been alluded to by others testifying. Both of
24 the projects, the 2nd Avenue Subway and the

2 Caisson Conversion are actively moving along
3 thanks to the support of our member of Congress,
4 Representative Maloney in the 14th Congressional
5 District. Currently, phase one of the 2nd Avenue
6 Subway is being built, and I understand that the
7 tunneling work will be formally completed
8 tomorrow. But we will never reach phase two
9 through four without the support and advocacy of
10 our member of Congress. It is to our advantage
11 and to the advantage of I think to the City to
12 have a representative who has the whole project,
13 the whole Manhattan side of the project in one
14 Congressional District because it ties all the
15 various aspects and all the elements of the
16 construction together and provides one champion
17 for the totality of the project.

18 The MTA initially proposed building a
19 small portion of the subway from 96th to 63rd
20 Street. We now refer to that just as phase one,
21 but Representative Maloney listened to our
22 concerns and fought to make sure that the
23 environmental impact statement covered the full
24 route of the subway. That way we would not have

2 to halt construction when the first portion is
3 finished. The MTA can move seamlessly into
4 completing or working on the next phases, and
5 that possibility would not exist if our
6 representative had not seen the context of the
7 entire East Side.

8 Similarly, East Manhattan is the only
9 area without waterfront recreational facilities.
10 Our member of Congress has seen the totality of
11 the East Side and is so interested in completing
12 the green way, that link of the green way, she
13 held the first meetings in support of preserving
14 the caissons, which I've mentioned and has
15 secured commitments from the City and the State
16 Department of Environmental Conservation to keep
17 the needed caissons in place. She has secured
18 federal funding for the project, which is now
19 being used to complete a feasibility study and
20 she has been steadfast in support, and it's
21 somebody whose deeply familiar with the needs of
22 the community and the neighborhood who makes this
23 possible to divide and sub-divide like the
24 offices in small sections makes it very much

2 harder to build support. Her interest in the
3 waterfront has been true for both sides of the
4 East River. She represents Western Queens, and
5 on the Queens side she is working to ensure that
6 the seawall along Astoria Park just north of the
7 59th Street Queensboro Bridge is repaired, and
8 some of the mitigations obligations for the
9 Franklin G. Roosevelt Drives will make it
10 possible for the pedestrian way to be completed
11 because the requirements of keeping the river
12 uncovered and by uncovering water on the eastern
13 side of the river, it will make it possible to
14 build the esplanade on the west side of the
15 river. It's the kind of stuff that gets into
16 agencies and their responsibilities, but finding
17 somebody who can help harmonize those matters who
18 is valuable not only to the community but to the
19 City as a whole. I urge you to keep all of the
20 East Side of Manhattan and Western Queens in the
21 same Congressional District because the benefits
22 to the City in the long term and both communities
23 are very great and very much necessary. Thank
24 you.

2 ASSEMBLY MEMBER MCENENY: Thank you very
3 much. Louise Dankberg.

4 MS. LOUISE DANKBERG, DISTRICT LEADER:
5 Good afternoon. I'm Louise Dankberg. I
6 apologize for the musical interlude, but the
7 timing was perfect if it had to happen. Although
8 I am an elected Democratic District Leader in the
9 74th Assembly District and a proud member of
10 Community Planning Board Number 6, I come to you
11 today as the chairperson of the Bellevue Hospital
12 Center Community Advisory Board located at 462
13 First Avenue and 27th Street. Bellevue is
14 America's oldest public hospital, incidentally
15 celebrating 275 years this year, and it continues
16 to set the standard of care in many areas
17 including psychiatry, emergency medicine,
18 neurology, microsurgical replantation of hands,
19 limbs and fingers. One of the reasons for its
20 excellent quality of care is that Bellevue serves
21 as a teaching hospital for NYU School of Medicine
22 along with NYU Langone Medical Center and the VA
23 Hospital located at 23rd Street. All three
24 hospitals are located in the same Congressional

2 District. Bellevue is one of five World Trade
3 Center Centers of Excellence along with Mt. Sinai
4 Hospital on the Upper East Side, Gouverneur
5 Healthcare Services on the Lower East Side.
6 These centers of excellence are being funded
7 through the James Zidroga 9/11 Health and
8 Compensation Act authored by our Congresswoman
9 Carolyn Maloney, who represents all three
10 hospitals. She saw that many of the first
11 responders in our area and many of her
12 constituents were becoming sick as a result of
13 their exposure on 9/11 and she worked to pass
14 legislation to ensure that they would receive
15 proper treatment. This legislation is providing
16 billions of dollars to our hospitals, and is
17 ensuring treatment for sick responders and others
18 exposed to the toxins released when the towers
19 fell.

20 New York City is the leader in medical
21 care in the United States. Manhattan's East Side
22 is at the epicenter of the New York medical
23 establishment whose world class excellence
24 attracts doctors and patients from New York City,

2 the country and the world. The 14th
3 Congressional District incorporates many of New
4 York City's Hospitals including Mt. Sinai
5 Hospital Center in Manhattan, Mt. Sinai Hospital
6 in Queens, Beth Israel North, formerly doctor's
7 hospital, New York Hospital, Lennox Hill,
8 Memorial Sloan Kettering Hospital, NYU Cornell
9 While, the VA Hospital, Beth Israel, Gouverneur,
10 specialty hospitals such as Manhattan Eye and
11 Ear, the Hospital for Special Surgery and the
12 Hospital for Joint Diseases, and Coler-Goldwater
13 Hospitals on Roosevelt Island. Three of these
14 hospitals are public hospitals, and it should not
15 be considered a coincidence that the Health and
16 Hospitals Corporation has grouped these three,
17 Bellevue, Gouverneur, and Coler-Goldwater in the
18 Southern Manhattan Healthcare Network. Just as
19 HHC has placed them together, they belong
20 together in the same Congressional District.
21 It's no accident that so many excellent hospitals
22 are located in a small area. They are able to
23 share talent, ideas, and perspectives. It is
24 natural that so many medical institutions located

2 near one another should have one member of
3 Congress who can become intimately familiar with
4 their concerns.

5 Because of the concentration of
6 hospitals, the East Side of Manhattan has also a
7 dense concentration of doctors who work and
8 reside on the East Side. Doctors are often
9 affiliated with several hospitals. New Yorkers
10 who work in the hospital industry have shared
11 interests and shared concerns particularly when
12 it comes to the federal programs that fund or
13 regulate the medical industry. It helps to have
14 one representative who truly understands those
15 interests. Our hospitals remain the best because
16 of the extraordinary research they do. They
17 attract truly talented doctors and scientists who
18 are able to make great strides in medical
19 research. It helps to have a member of Congress
20 who understands the importance of increasing the
21 amount of federal research dollars available.
22 Many members of Congress have an industry that
23 dominates their community. For some it's
24 agriculture, for others defense, for others it's

2 the auto industry. Those members of Congress are
3 necessarily well-informed about the issues that
4 affect that industry. An informed member is a
5 better partner. The 14th Congressional District
6 has many important industries as well, but the
7 concentration of hospitals, doctors, and medical
8 researchers in our area insures that medicine is
9 a primary concern of the representative of this
10 District.

11 Virtually all of the hospitals in the
12 14th Congressional District are teaching
13 hospitals. Teaching hospitals really rely on
14 funding available for graduate medical education.
15 We need a member of Congress who understands the
16 importance of funding formulas that protect the
17 extraordinary education provided by hospitals. I
18 urge you to please keep all of the hospitals on
19 Manhattan's East Side, Roosevelt Island, and
20 Western Queens in the same Congressional
21 District. Thank you very much.

22 ASSEMBLY MEMBER MCENENY: Thank you.

23 Maria Teresa, Maria Teresa Feliciano. Welcome

24 DR. MARIA TERESA FELICIANO, PRESIDENT -

2 DOMINICAN AMERICAN NATIONAL ROUNDTABLE (DANR):
3 Good afternoon and thank you. If it pleases the
4 task force, there are three other individuals who
5 will be testifying the same line with me if they
6 could come in. They are just a few of the people
7 down the line.

8 ASSEMBLY MEMBER MCENENY: If they can
9 keep it--

10 DR. FELICIANO: [interposing] To under
11 one minute each?

12 ASSEMBLY MEMBER MCENENY: Sure.

13 DR. FELICIANO: I will be the longest.

14 ASSEMBLY MEMBER MCENENY: Bring them in,
15 and you will introduce each other in sequence.

16 DR. FELICIANO: Certainly.

17 ASSEMBLY MEMBER MCENENY: Please
18 proceed.

19 DR. FELICIANO: I'm Dr. Maria Teresa
20 Feliciano, president of the Dominican American
21 National Roundtable. Good afternoon again to the
22 task force, and thank you for allowing us to
23 address you on these very important issues. We
24 will be speaking on behalf of the Dominican

2 American National Roundtable, a national
3 organization advocating for the rights and
4 interests of over two million Dominicans in the
5 United States including the large population of
6 Dominicans in New York. We understand the task
7 at hand is New York's constitutional process of
8 adjusting the lines of its legislature and
9 Congress to comply with the one person, one vote
10 requirements for fair representation in any
11 legislative body across the country.

12 Back in 1965, President Lyndon Johnson
13 went before an extraordinary joint session of
14 Congress to urge speedy passage of an effective
15 Voting Rights Bill. "I speak tonight for the
16 dignity of men and the destiny of democracy,"
17 Johnson began. "I urge every member of both
18 parties, Americans of all religions, and of all
19 colors, from every section of this country to
20 join me in that cause. Their cause must be our
21 cause too," Johnson said. Subsequently, on
22 August 6th, Johnson signed the Voting Rights Act
23 into law. In a democracy, the principle of one
24 person, one vote is a sacred concept. If the

2 principle is to apply in New York insuring a
3 greater voice for Latinos in the halls of power
4 is the greatest test facing this task force
5 today.

6 In carrying out your mission, we would
7 like you to consider the following: According to
8 the 2010 U.S. Census there are 50.5 million
9 Latinos in the United States composing 16% of the
10 total population. Latinos increased by 15.2
11 million or 43% between 2000 and 2010, which
12 accounted for over half of the total population
13 growth that occurred in the United States over
14 the past ten years. The Census Bureau release
15 specifically looked at the populations of Rhode
16 Island, South Carolina, West Virginia, Michigan,
17 Massachusetts, New Hampshire, New York, Maine and
18 the District of Columbia, all of which showed
19 explosive demographic growth of Latino. In New
20 York, for example, Latinos accounted for one out
21 of every two individuals added to the total adult
22 population in the state. Latinos make up 19.2%
23 of the state's total population and has grown to
24 approximately 30% of the New York City

2 population. The emergence of Latinos as the
3 largest minority in the state as per the 2010
4 census requires the creation of majority Latino
5 districts or Latino opportunity districts that
6 would allow us to elect candidates of our choice
7 in numbers commensurate with our population. The
8 new New York Legislative map must reflect the
9 state's changing demographics. There is an
10 undisputed lack of Latino representation in the
11 New York Legislature. There are less than a
12 dozen Latino Assembly Persons out of 150, 4
13 Senators out of 62 and 2 Congress members out of
14 29. Ideally this task force will be creating
15 approximately 20 Assembly Seats, 6 - - and 3
16 Congressional seats where Latinos can elect
17 candidates of their choice. We propose a Latino
18 congressional district that will unite the
19 communities of interest, of Elvario [phonetic],
20 Washington Heights, and West Bronx. A district
21 that will have 60% Latinos and will be comprised
22 of communities that share places of work, places
23 of worship, shopping centers, socioeconomic and
24 educational interests as well as challenges. The

2 lives and residences of most New Yorkers
3 circulate not inside of City boundaries but
4 around commercial districts, service institutions
5 such as hospitals, community agencies, houses of
6 prayers, routes of transportation, etcetera.
7 This map affords this Task Force the opportunity
8 to add one of the needed five Latino
9 Congressional Districts and uphold the spirit of
10 the Voting Rights Act. Should the Legislative
11 Task Force on Demographic Research and
12 Apportionment fail to provide districts where
13 growing demographic groups could elect candidates
14 of our choice, the judicial courts triggered by a
15 Section 2 claim of the Voting Rights Act could
16 order the State of New York to create such
17 districts? It's either the Task Force or the
18 Courts, Voting Rights Act or status quo. We will
19 be looking forward to working with this Task
20 Force to contribute to your efforts to make sure
21 that New York achieves a fair and constitutional
22 redistricting. We will be watching.

23 ASSEMBLY MEMBER MCENENY: Could I ask
24 you to repeat the current status of Senators,

2 Assemblymen, and members of Congress?

3 DR. FELICIANO: I have under one dozen
4 Assembly persons out of 150, 4 Latino senators
5 out of 62, and 2 Congress--

6 SENATOR OAKS: [interposing] How many
7 Assembly Members?

8 DR. FELICIANO: I have 11 or 13 Latinos.

9 ASSEMBLY MEMBER MCENENY: All right, so
10 we'll say 12 for discussion purposes. How many
11 Senators?

12 DR. FELICIANO: We have four Latino
13 senators.

14 SENATOR MARTIN DILAN: There are six.

15 ASSEMBLY MEMBER MCENENY: There are six.

16 DR. FELICIANO: There are six out of 62.

17 ASSEMBLY MEMBER MCENENY: Which is your
18 goal?

19 SENATOR DILAN: There are six.

20 ASSEMBLY MEMBER MCENENY: So the Senate
21 has already met your goal now?

22 DR. FELICIANO: Now you have to create
23 because there were six additional. Now it's only
24 four because - - .

2 ASSEMBLY MEMBER MCENENY: He's the
3 Senator. He can name them.

4 DR. FELICIANO: Six, no I understand
5 that.

6 SENATOR DILAN: There are six Senators,
7 and you're trying to say that we should create
8 how many more then?

9 DR. FELICIANO: That we should have had
10 10 out of 62 to be the 19% representative.

11 SENATOR DILAN: So there are six, so you
12 are saying there should be an opportunity to
13 elect four more.

14 DR. FELICIANO: Right.

15 ASSEMBLY MEMBER MCENENY: Okay, all
16 right, and you have two members of Congress and
17 you feel it should be three?

18 DR. FELICIANO: It should be five.

19 ASSEMBLY MEMBER MCENENY: It should be
20 five. It would be--right, out of 29 Congress
21 members, 19% is roughly five.

22 MR. LOPEZ: Is your organization going
23 to submit a plan?

24 DR. FELICIANO: Yes, we are submitting

2 maps on-line as you are indicating.

3 MR. LOPEZ: Okay.

4 DR. FELICIANO: Our position is
5 basically and this we can take in general
6 roughly, 19, almost 20% of the population should
7 have as close a percentage of representation at
8 all levels of government in the legislature.

9 ASSEMBLY MEMBER MCENENY: Could we hear
10 from another member of the group now?

11 MS. PAOLA MARTINEZ: Sure, thank you.

12 ASSEMBLY MEMBER MCENENY: Introduce
13 yourself, please.

14 MS. MARTINEZ: Thank you, my name is
15 Paola Martinez. I have an exam like in 15
16 minutes, but still I took my time because I think
17 this is very important that we as Latinos come to
18 these hearings and speak out for ourselves.
19 Thank you again for hearing me. Basically, our
20 request is that in drawing the new legislative
21 districts in the State of New York, you consider
22 the rapid growth of the Latino population given
23 the fact that our Constitution says that, "We the
24 people of the United States." I believe that as

2 Latinos we have earned this right. We have
3 contributed to the economy of this country no
4 matter where we are. I don't think a Subway is
5 more important than our people is--this is what
6 our Constitution says. You should give us that
7 opportunity by giving us a super-majority Latino
8 District. I think that we deserve this. Also, I
9 want to say that until the early 1980s Hispanic
10 representation in Congress lingered in the single
11 digits. The gains in Hispanic office holding
12 during the 1980s and 1990s can be attributed in
13 part to the passage and implementation of the
14 Voting Rights Act. Now we have another
15 opportunity to give more seats in Congress for
16 Hispanics. That way as a population we will feel
17 that we are better represented and that we have
18 people who can speak for our issues in Congress
19 as well as in the Senate. Justice O'Connor
20 defended this radical change in Section 5 by
21 citing five sociological studies that she claimed
22 suggested that the most effective way to maximize
23 minority voting strength may be to create more
24 influence or - - districts. As it was mentioned

Demographic Research and Reapportionment, 9-21-2011

2 I would say an hour ago in this room, New York
3 State is lagging behind. People is not voting.
4 Perhaps this is because people don't feel they
5 are well represented. Please give us that
6 opportunity, give the Latino community in the
7 United States, specifically New York an
8 opportunity to address their issues and to have
9 more representation by giving us a map that
10 joining the Latino population of Washington
11 Heights in the Bronx provide us with the
12 opportunity of electing a Congress member of our
13 choice. Thank you.

14 ASSEMBLY MEMBER MCENENY: Thank you.

15 MS. YUDELKA TAPIA: Good afternoon, and
16 thank you to the members of the task force for
17 allowing us to present to you our thoughts. My
18 name is Yudelka Tapia, and I'm an elected - - for
19 the Assembly District 86 in the Bronx. But most
20 importantly I am a community advocate for Latino
21 fair representation. We understand that your job
22 is to adjust the lines in the New York State
23 legislature as well as the Congress to comply
24 with the one person one vote requirement for fair

2 representation in all legislative bodies. It is
3 evident based on the census figures that the
4 biggest task facing this task force is to attempt
5 to provide fair and accurate representation to
6 all New Yorkers, is the drawing of a number of
7 Congressional and Senatorial - - Latino districts
8 that will reflect the explosion of the Latino
9 population in New York.

10 You have the challenge to ensure that
11 Latinos are accurately and fairly reflected in
12 the legislature. Drawing legislative maps with
13 majority Latino population should be simple. One
14 only has to look at the map to see where Latinos
15 are concentrated. One Congressional District
16 including the population of Washington Heights
17 and the Bronx stands out. I request that this
18 task force gives us such a district that would
19 bring together these communities of interest who
20 share places of worship, shopping malls, places
21 for social and work economic interest and allow
22 us to elect a candidate of our choice. Thank you
23 very much.

24 ASSEMBLY MEMBER MCENENY: Thank you.

2 MS. DELCIA GRANVILLE: My name I Delcia
3 Granville [phonetic], and I'm also an advocate
4 for the Latino community. I thank you for the
5 opportunity to address you regarding the current
6 redistricting process. I understand that this
7 process involves adjusting the lines of the New
8 York State Legislature as well as the Congress to
9 comply with the one person, one vote requirements
10 for fair representation of communities across the
11 country. I understand that one of your
12 objectives is that New York State is properly
13 represented. I am requesting that you take into
14 consideration the following when drawing the new
15 maps. The Latino populations have grown
16 significantly in New York in the past decade
17 particularly in Manhattan and the Bronx. This
18 dramatic growth requires adjusting legislative
19 maps to reflect a change in population. This
20 should result in at least one additional
21 Congressional map with a majority Latino
22 population in Manhattan and in the Bronx. I must
23 note that even with one additional Congressional
24 map, the Latino community of New York would still

2 be under represented, and I thank you for your
3 time.

4 ASSEMBLY MEMBER MCENENY: Thank you for
5 your time. Pedro Luna [phonetic]. Carlos Seirra
6 [phonetic]. Bridgette Eres [phonetic].
7 Valentine Silvario [phonetic]. Wilson Terraro
8 [phonetic]. Edelsa Mendez [phonetic]. Rafaela
9 Zapatta [phonetic]. A number of people who came
10 with other people who spoke. If the groups
11 responsible or have these people in their
12 membership, if you send us something in writing
13 that they were here as part of the group, it will
14 explain why they aren't here now. Jose Cruz
15 [phonetic]. Maritza Deltora [phonetic]. Eduardo
16 Hopelman [phonetic]. Suzie Losado [phonetic].
17 Louis Fecundo [phonetic]. Maurissa Estraea
18 [phonetic]. Fecundo Knight [phonetic]. Caren
19 Flores. Welcome.

20 MS. CARMEN FLORES, POSTAL WORKER -
21 NATIONAL ASSOCIATION OF LETTER CARRIERS: Good
22 afternoon. Yes, thank you, finally. Yes, my
23 name is Carmen Flores, and I am a resident of
24 first houses and also the recording secretary of

2 the tenant association. First Houses is located
3 on 3rd Street between First Avenue and Avenue 80
4 and has the proud distinction of being the first
5 public housing development built in the United
6 States in 1935. We are truly a New York original
7 and also as a landmark. First Houses is located
8 in the East Village, and when it comes to issues
9 affecting our neighborhood we share the same
10 concerns as our neighbors on the East Side of
11 Manhattan. We care about access to
12 transportation, increasing the amount of green
13 space and the safety of our community. And we
14 would like to remain in the same district as
15 other portions of the east side of Manhattan.
16 The East Village has limited Subway service, and
17 while we are looking forward to having the Second
18 Avenue Subway reach our community, we value the
19 select bus service that the MTA has created and
20 that Congresswomen Carolyn Maloney supported.
21 Because it links us with our neighbors on the
22 Upper East Side and the Lower East Side, we
23 strongly support the construction of the Second
24 Avenue Subway, which would be a huge benefit for

2 the East Village and for the residents of First
3 Houses. We need a representative in Congress who
4 will strongly support building the entire line
5 from East Harlem through the Upper East Side and
6 East Village all the way downtown. It is helpful
7 to have all of these areas in one district to
8 ensure that the Congressional representative will
9 advocate for the completion of the Subway.

10 Someone who only represents a portion of the East
11 Side will lack the incentive to work to bring the
12 Subway down to us. Many of our children attend
13 PS20, and when there was a proposal to give a
14 portion of the school to a charter school, we
15 benefitted from having a member of Congress who
16 has been dealing with over-crowding issues
17 elsewhere on the East Side. Given our ties to
18 the rest of the neighborhood, I would urge you to
19 keep First Houses and the streets surrounding our
20 developing in the same Congressional District as
21 our neighbors on the East Side. Thank you.

22 ASSEMBLY MEMBER MCENENY: Thank you.

23 Anthony Gronowicz.

24 MR. ANTHONY GRONOWICZ, ASSOCIATE

2 PROFESSOR OF HISTORY AND ADVISOR - STUDENT
3 GOVERNMENT ASSOCIATION OF BOROUGH OF MANHATTAN
4 COLLEGE: I currently teach at the City
5 University of New York where I am one of two
6 elected by the students faculty advisors to the
7 25,000 student borough of Manhattan Community
8 College, just across Chambers Street from here.
9 I also teach U.S. economic and social policy as
10 part of the public administrator major for the
11 School of Professional Studies. I've written a
12 critically well-received book about race and
13 class politics in New York City as well as the
14 entries in New York City Encyclopedia in the
15 Upper East Side in Yorkville. I've also
16 completed a mammoth U.S. history that explains
17 how it got into the current economic and social
18 economic that is the worst crisis that we have
19 faced since the 19th century.

20 Given my expertise, a little history
21 about gerrymandering is in order because it is
22 always relevant to consider past practice as I
23 did in my doctoral dissertation on New York City
24 political history at Philadelphia's University of

2 Pennsylvania. The most democratic political
3 units in the City were the old wards, outgrowths
4 of neighborhoods that arose organically with the
5 first settlements in the early 1600s. Over 200
6 years later, in the 1850s they were eliminated by
7 the plutocracy and replaced by Assembly Districts
8 to reduce the growing power of labor in politics.
9 Labor's energies were then nationalized through
10 our bloodiest war to date in terms of U.S.
11 casualties, the Civil War that produced the
12 bloodiest insurrection so far in New York City
13 history. The 1863 draft riots that protested the
14 fact that the poor were drafted while the rich
15 were allowed to buy a substitute for \$300, a
16 king's ransom in those days. That's how Philip
17 Armor, Andrew Carnegie, Marshall Field, Jay
18 Gould, Collis B. Huntington, J.P. Morgan and John
19 D. Rockefeller the richest man who ever lived got
20 out of military service and made a lot of money
21 through war. The Confederate upper class did the
22 same thing by the way. They provided role models
23 for Vice President Dick Cheney deferred five
24 times during the Vietnam War because he had in

2 his own words "more important things to do," as
3 did his running mate who took Texas National
4 Guard Service so lightly that his record reflects
5 long, unexplained absences and who had received
6 this coveted weekend warrior appointment thanks
7 to his CIA boss dad.

8 If the wards were the most politically
9 democratic institutions in the world in the
10 1840s, their dismantling in the 1850s represented
11 a step backward in the evolution of political
12 democracy, a trend that has only continued.
13 Unlike the charter revisions of 1849, 1853, the
14 1857 charter was not submitted to the people for
15 approval.

16 The *New York Times* relished this anti-
17 democratic trend. A May 7th, 1857 editorial
18 read, "Most of the objects of the City
19 administration are far better carried out by a
20 vigorous and arbitrary police system than by a
21 representative assembly." The reforms of the
22 1850s weakened democracy by reducing the power of
23 the wards that has most closely reflected
24 neighborhood and the public interest than any

2 other unit of political administration at the
3 time. The political party became a machine to
4 give jobs to those obedient to the boss. Gone
5 were the ward committees, which for all of their
6 procedural faults had actively engaged the
7 energies of men who believed in some day owning
8 the land or small shop that would guarantee
9 individual autonomy. The old ward politics were
10 no longer suited to the dynamic needs of
11 industrial capitalism that accounted for New York
12 City's growth from the Civil War to the 1950s but
13 which ignored community control. Those heady
14 economic days are long gone thanks to the
15 computer revolution and the inevitable social
16 crisis postponed by being the nation that
17 suffered the least and made the most in the two
18 world wars.

19 Now that the U.S. has permanently
20 surrendered its number one industrial production
21 status to China and the economy is on a permanent
22 slide due to privately owned corporate downsizing
23 and outsourcing of jobs, a deficit-busting
24 military budget larger than the rest of the world

2 combined and the most unequal tax system in the
3 industrialized world, the politicians in both
4 corporate parties are scrambling to consolidate
5 their personal fiefdoms through unethical
6 redistricting practices that have been amply
7 documented by other speakers. That's one reason
8 I ran on the Green Party in 2005 against the
9 richest mayor in history who had the Democratic
10 City Council support his anti-Democratic bid for
11 a third term despite an overwhelming majority of
12 the citizenry voicing their disapproval. I am
13 confident an uprising will happen. The Wisconsin
14 protest this past winter was just a foretaste of
15 things to come.

16 What shape the much larger uprising will
17 take is hard to predict, but as we have seen from
18 the New York City racist school to prison
19 pipeline and this week's Wall Street protests,
20 the current two-party political system has failed
21 its youth. Thank you for listening to my
22 professional perspective.

23 ASSEMBLY MEMBER MCENENY: Now, tell us
24 what you really mean.

2 MR. GRONOWICZ: The Assembly Districts
3 should pay more attention to the class issues. I
4 mean we have in the Bronx--the Bronx is the
5 poorest urban county in the nation of 6,500 urban
6 counties, okay. Upper East Side is the richest.
7 Zip code 10021 is the richest district in the
8 country. I guess Beverly Hills also is up there,
9 but this is totally unjust and it's never been
10 more unequal. The Fiscal Policy Institute my
11 Bible in terms of the statistics that one can
12 provide points out that New York State and New
13 York City is the most unequal city of the 25
14 largest cities in the nation. And the
15 differences, the amount of poverty here is
16 absolutely appalling, shocking. A third of the
17 Bronx is on food stamps. I'm the 7th
18 Congressional District, Joe Crowley's District.
19 I ran against him, you know, just to give people
20 a choice last election. Of course I don't want
21 to see the Bronx, the coffee spill, the
22 gerrymandering demographics apply here. The
23 Bronx needs a representative who is going to
24 represent it certainly. Crowley is not

2 representing the Bronx. He never shows up there.
3 He represents Western Queens where I did a lot of
4 campaigning, but I'm doing that because it's my
5 civic duty as Ralph Nadir did what he did out of
6 civic duty, not because we're under any
7 illusions. We raise the issues. We want to do
8 this peacefully. We don't want it to end badly,
9 but it's headed in that direction, so that's why
10 I'm--what I'm speaking to here.

11 ASSEMBLY MEMBER MCENENY: Thank you very
12 much.

13 MR. GRONOWICZ: You're very welcome.

14 ASSEMBLY MEMBER MCENENY: Todd
15 Breitbart. Welcome.

16 MR. TODD BREITBART: Thank you. My name
17 is Todd Breitbart. I directed the staff work on
18 redistricting for the Democratic leaders of the
19 Senate from 1980 through my retirement at the end
20 of 2005. I do not know work for or represent the
21 minority leader. The opinions I express are
22 solely my own. I have submitted a detailed
23 written statement with demographic tables, a map
24 and other exhibits showing how the apportionment

2 of Senate Districts was skewed in 2002 by over
3 populating all districts in New York City,
4 Rockland and most of Westchester while under
5 populating all upstate districts. The thematic
6 map shows the stark pattern favoring one region
7 over the other showing in shades of red how the
8 populations of the upstate districts fell below
9 the average and showing the over population of
10 the downstate districts in shades of green. The
11 deviations were skewed to prevent the
12 reapportionment of one Senate District from
13 upstate to downstate in accordance with
14 population trends revealed in the census.
15 Internal memos exchanged by the drafters of the
16 2002 Senate plan and made public during the
17 subsequent litigation show that this was the
18 express and sole purpose of accumulating all of
19 the positive deviations in one region and all the
20 negative deviations in another. This
21 malapportionment also discriminated against
22 minority groups. The 29 over populated downstate
23 districts contained 75% of the Black population,
24 80% of the Asian American population, and 81% of

2 the Hispanic population of New York State, but
3 only 30% of the non-Hispanic White population.
4 The 24 under-populated upstate districts
5 contained 17% of the Black population, 11% of the
6 Asian American population and 9% of the Hispanic
7 population of the State. When the regionally
8 skewed Senate apportionment of 2002 was
9 challenged as violating the equal protection
10 clause of the 14th Amendment, the three-judge
11 federal court rejected the plaintiff's argument.
12 In the same year, however, a three-judge federal
13 court in Georgia, found a similar regionally
14 discriminatory redistricting plan favoring
15 Atlanta and rural areas to the disadvantage of
16 suburbs to be unconstitutional, and the
17 principles followed by the Georgia Court will
18 probably prevail in the end.

19 But the foremost question facing the
20 legislature and the governor when the
21 redistricting bill reaches his desk is not what
22 the Courts say they must or must not do but how
23 to choose wisely and justly among the many
24 choices that lie between must and must not. Some

2 advocates of reform propose to prevent such
3 regional discrimination by limiting the range
4 between the most and least populace districts to
5 2%. But it is possible to use a larger deviation
6 for the constitutionally required purpose of
7 keeping counties and town intact while
8 apportioning districts fairly among the regions
9 of the state if the governor refuses to sign any
10 redistricting bill that fails to honor both
11 principles. A 2% rule, however, will provide an
12 excuse to ignore entirely the constitutional
13 requirement to keep counties and towns intact,
14 which is itself an important constraint on
15 gerrymandering. If in addition to being given
16 license for the promiscuous division of counties,
17 the Senate majority is also allowed to ignore
18 Constitutional precedence, which on the basis of
19 the 2010 census count would dictate the creation
20 of 62 Senate Districts and to create any number
21 of districts they choose, then they will be amply
22 compensated for the loss of malapportionment as a
23 gerrymandering tool. The July 20th, 2001,
24 internal senate majority memo about the size of

2 the Senate says, "the only reason to go to 63 is
3 to strengthen the Long Island delegation by
4 combining politically undesirable areas in the
5 extra district." The next paragraph makes it
6 clear that the politically undesirable areas are
7 those with large Black and Latino populations and
8 specifically mentions Elmont as one such area to
9 be considered for "carving out" so as to
10 "strengthen all nine members." The Nassau County
11 Legislature was recently prevented by the Court
12 of Appeals from going ahead with a redistricting
13 plan that was designed to neutralize politically
14 undesirable Elmont.

15 In the context of the constitutionally
16 required 62 districts, each of 9 Long Island
17 districts would have a population about 1% above
18 the average, and there would be no excuse to draw
19 a Nassau Queens District, but with a larger
20 senate and a 2% total deviation rule that is not
21 required by the federal or the State
22 Constitution, it will be easy to attach
23 politically undesirable Elmont and its environs
24 to Queens Village and Cambria Heights. For four

2 decades, the Black and Latino communities in
3 Nassau County have been systematically split by
4 Senate District boundaries. That pattern should
5 not be perpetuated for a full half century with
6 the excuse that a reformed process requires it.
7 What you should do is clear. Apportion the
8 districts fairly in proportion to population.
9 Use reasonable population deviations for the
10 Constitutionally required purpose of keeping
11 counties and towns intact, not to repeat the
12 rationally discriminatory malapportionment of
13 2002, create 62 Senate Districts as
14 Constitutional precedent requires given the 2010
15 census counts, and do not continue through a half
16 half-century the systematic splitting of Black
17 and Latino communities of Long Island.

18 SENATOR OAKS: Actually, I have a
19 question, Mr. Breitbart. Did you do any similar
20 analysis of the 2002 Assembly Districts?

21 MR. BREITBART: Yes, in fact, I did
22 because I was a consultant not as meticulously
23 because of course I was professionally involved
24 with the Senate redistricting in 2002 and had all

2 I could do every hour I could manage to deal with
3 that, but I was a consultant to the Election Law
4 Committee of the Bar Association of the City of
5 New York in the drafting of their report in 2007,
6 a report on the reform of the redistricting
7 process. I was the principle drafter of the text
8 of that report, but before I go further in
9 referring to it, I should make it clear that I
10 never was and I am not now a spokesman for that
11 Committee or the Association. And I am not in
12 fact a lawyer. Appendix D of the report suggests
13 a numerical formula that could be used to
14 determine whether a total deviation even up to
15 10% is being used for the legitimate purposes of
16 keeping counties and towns intact or whether it
17 is being used in a way that produces a regional
18 malapportionment. And in fact that formula could
19 be applied, and I hope it will be applied by the
20 governor consistently with the existing
21 Constitution, and in that appendix, which I
22 drafted and I should explain by the way that the
23 Election Law Committee of the Bar Association did
24 not choose to include that formula in their

2 proposed amendment. I don't think I will be
3 violating any confidence to say that at least one
4 of their reasons was that I had devised it. And
5 having a lawyerly disinclination to embrace any
6 idea for which a precedent or authority cannot be
7 cited, they decided not to incorporate it in
8 their proposal, but they were open-minded enough
9 to permit it to be placed as an appendix in the
10 report for discussion.

11 And in that report I used that formula,
12 I explained how that formula would apply to
13 Senate and Assembly districts. The formula
14 clearly shows that the upstate versus downstate
15 apportionment of Senate Districts was
16 inappropriate. When applied to the Assembly
17 Districts, it showed no real difficulty with the
18 apportionment between upstate and downstate. And
19 in fact if you were to produce a map like this of
20 the Assembly District of upstate you would see a
21 patchwork of over and under populated districts,
22 which indicates that the deviation was being used
23 there for the legitimate purpose of keeping
24 counties and towns intact.

2 I haven't examined that Assembly plan
3 closely enough to be able to tell you whether the
4 best possible job was done within the total
5 deviation, but it was obviously being used in
6 that purpose, and the formula that I had
7 suggested in Appendix D of that Bar Association
8 report did not indicate a problem between the
9 upstate and downstate apportionment of Senate
10 Districts.

11 If you are looking for a fault in those
12 terms in the Assembly Plan of 2002, you should
13 look to Long Island because the two counties,
14 Nassau and Suffolk together, had almost exactly
15 the same proportion, percentage of the state's
16 population in the 1990 census as in the 2000
17 census. In one year it was 14.50%. In the other
18 decade it was 14.51%, I forget which was which.

19 In 1992 on that basis Nassau and Suffolk
20 Counties together were apportioned 22 Assembly
21 Districts. In 2002 they were apportioned 21
22 Assembly Districts. Twenty-two Assembly
23 Districts would be more nearly--would more nearly
24 fit the proportion of the State's population, and

2 the same formula that is suggested in Appendix D
3 of the Bar Association Report that showed the
4 fault in the apportionment upstate versus
5 downstate of Senate Districts would also have
6 indicated that the apportionment of districts to-
7 -Assembly Districts to Long Island was less than
8 it ought to have been. I might add that 22 would
9 again be the appropriate apportionment of
10 Assembly Districts to Long Island. It is very
11 likely from the data that I have been able to
12 develop and that I have seen, this is an
13 estimate, and we'll know in a few weeks, but it's
14 very likely that when you finish subtracting the
15 prisoners from their places of incarceration and
16 reallocating them to their places of residence,
17 the percentage of the state's population for Long
18 Island, which has grown in the last decade
19 although not very much, will be something like
20 14.67%. 14.67% of 150 Assembly Districts would
21 be exactly 22 although I should also mention in
22 this connection that since the Senate and
23 Assembly Districts are enacted in the same bill,
24 every Democratic member of the Assembly and some

2 Republicans voted for the Senate plan that has
3 the defects that I've described. And every
4 Republican member of the Senate and unfortunately
5 some Democrats including all nine of the Long
6 Island State Senators in 2002 voted for the plan
7 that deprived their constituents of fair
8 representation in the Assembly. And I should
9 comment the fact that the two--well, as I think
10 everyone is aware in the era of the divided
11 legislature, reapportionment in New York State
12 has not been a matter really of Democrats versus
13 Republicans. It's been a conflict of Bolsheviks
14 [phonetic] versus Mensheviks [phonetic] the
15 combined majorities versus the combined
16 minorities, and when the combined majorities make
17 a deal that says, well, you do whatever you want
18 in your house, and we'll do whatever we want in
19 our house, and we'll accept whatever you do and
20 you accept whatever we do, that doesn't excuse
21 you from responsibility from the decisions you've
22 jointly made and from the districts that you've
23 passed.

24 SENATOR OAKS: If I could, sir. I know

2 you've done a great job of your explanation. We
3 have 30 or so behind you. I will just say you
4 kind of excused your map of regionally of being
5 whole that one may have been more under
6 represented and the other one, you know,
7 imbalanced on the Senate side. You held up the
8 map. I would suggest that if you took upstate as
9 a whole even though it may have had some higher,
10 some lower, and compared it to NYC, divided it by
11 the number of districts you would suggest that
12 there was under counting or too fewer districts
13 could have been, too more could have been upstate
14 too few were in the city if you looked at
15 strictly by the numbers. That's only my point.
16 You can look at the figures, but I think we need
17 to go on.

18 MR. BREITBART: The precise numerical
19 calculation is to be found in Appendix D of the
20 Bar Association Report, and you will find that
21 what you have with regard to the Assembly
22 Districts, upstate and downstate is not correct.
23 But if you want to find a fault like that, do
24 look at Long Island.

2 SENATOR OAKS: I think maybe my
3 calculator and yours--

4 SENATOR DILAN: [interposing] I have a
5 question. You cited the Long Island District, so
6 I would like to know your opinion of the 2002
7 Senate Districts that were drawn. Soon we will
8 be having a hearing in Nassau County, so again
9 the districts for Nassau County in 2002 and what
10 can be done to draw fair districts there now?

11 MR. BREITBART: Well, it's not only
12 2002. In 1972, 1982, 1992, and 2002 the
13 principle concentrations of Black and Hispanic
14 populations in Nassau County were systematically
15 divided in the drawing of the Senate Districts.
16 The same thing happened in Suffolk County not
17 only in 1972, but also 1982, 1992, and 2002. And
18 in fact the line that divides the principle and
19 growing Hispanic population in Suffolk County in
20 and around Brentwood followed exactly the same
21 streets in 1982, 1992 and 2002 even as the Senate
22 Districts were redrawn around that fixed point to
23 accommodate changes in the census. So there has
24 been a consistent pattern throughout four decades

2 of systematic, of drawing Senate Districts that
3 systematically split the minority communities in
4 both Nassau and Suffolk Counties. It is possible
5 to draw districts that are as compact as the
6 Districts that have been created together that
7 keep communities of interest intact when you look
8 at a wide range of socioeconomic not principally
9 at race and linguistic background that keep
10 communities intact in the sense of preserving the
11 towns and the unincorporated, I beg your pardon,
12 the villages and the unincorporated hamlets that
13 residents of Long Island regard as their places
14 of residence, and avoid splitting the minority
15 communities in Nassau and Suffolk. It is to be
16 hoped that that pattern will not be continued for
17 a full half-century and that a plan that does
18 continue that pattern for a full half-century
19 will be vetoed by the governor, and I expect to
20 address this subject at greater length at the
21 Long Island hearings.

22 SENATOR DILAN: One more question, with
23 respect to the size of the Senate what criteria
24 would you say dictates the number that will

2 finally be used?

3 MR. BREITBART: There is some ambiguity
4 in the interpretation of the Constitutional
5 formula because it depends on comparing counties
6 with their populations in 1894 and there have
7 been some changes in county boundaries. Queens
8 County was created for the first time in--I beg
9 your pardon, Nassau County was created in 1899.
10 Bronx County was created out of parts of New York
11 and Westchester County in 1914. And for reasons
12 that I don't think you want me to take the time
13 to explain now in 1894 Staten Island and Suffolk
14 County were a single Senate District and for the
15 purposes of applying this formula according to
16 the rulings by the Court of Appeals have to be
17 considered as a unit.

18 So there is some question about how they
19 should be combined. There have been only two
20 interpretations that have been used. The one
21 that was applied in the 1972 redistricting,
22 upheld by the Court of Appeals in the case of
23 Schneider v. Rockefeller in 1972 applied without
24 question in 1982 and 1992, not only by the

2 legislature but also by the special master who
3 was appointed in 1982 by the three-judge federal
4 court in the case of Flato [phonetic] v.
5 Anderson. There is another formula that was
6 substituted in 2002 in order to justify
7 increasing the size of the Senate to 62, which
8 happens to be exactly the same formula that was
9 propounded by the unsuccessful plaintiffs in
10 Schneider v. Rockefeller in 1972. Both of these
11 formulas, both of these interpretations if
12 applied to the 2010 census data would yield a
13 Senate of 62 districts, and so when--I'm sorry
14 he's not here at the moment so that I can address
15 him about this directly but when Senator Nozzolio
16 says that the decision has not yet been made as
17 to what the number of Senate Districts means what
18 that really means is the decision has not yet
19 been made to comply with Constitutional precedent
20 or to find some pretext for drawing what seems to
21 be a more convenient number.

22 ASSEMBLY MEMBER MCENENY: Thank you very
23 much. Kellia Jamoramo [phonetic]. Kellia
24 Jamoramo. Phillipe Feblez [phonetic]. Phillipe

Demographic Research and Reapportionment, 9-21-2011

2 Feblez. Rosa Ayalla [phonetic]. Rosa Ayalla.

3 Leonard Kohen. Afternoon.

4 MR. LENOARD KOHEN, ESQ., ELECTION LAW
5 ATTORNEY: Hi, good afternoon. I have something
6 that I'm going to refer to that I brought in
7 multiple copies. I could hand it up now or
8 after.

9 ASSEMBLY MEMBER MCENENY: How many
10 multiple copies do you have?

11 [crosstalk]

12 MR. KOHEN: Sure.

13 ASSEMBLY MEMBER MCENENY: We and the
14 staff have been receipted testimony.

15 MR. KOHEN: Actually, what I submitted
16 is not testimony. I'm going to submit that when
17 I've put this a little bit more together and
18 polished, but that's something I'm going to be
19 referring to and you'll see as I speak what that
20 is.

21 So, members of LATFOR, good afternoon.
22 I'm Leonard Kohen. I am a practicing attorney in
23 Manhattan experienced in election law. I have
24 served as counsel in litigating major election

2 law topics such as public campaign finance and
3 redistricting, which is today's topic. More
4 importantly I'm a life-long New Yorker, raised in
5 Queens, gone to college in Manhattan and law
6 school in Brooklyn. My family owned a house in
7 Sullivan County where I grew up spending summers
8 and winter vacations. Thank you to the members
9 of LATFOR for convening this hearing. The series
10 of hearings statewide is important toward
11 insuring that we do our best to keep our system
12 honest. The hearings and the inclusion of public
13 participation and witness testimony help inspire
14 confidence in the end result. Discussion is
15 particularly important where the end result that
16 is to be achieved will be comprehensive and
17 factor in many variables. However, there is one
18 distinct issue that I want to raise that is
19 already settled by our State Constitution, and
20 which require no debate or further discussion.

21 It is this issue that I want to call to
22 my attention in my remarks. The issue that I'm
23 referring to is the number of seats in the State
24 Senate. It currently is 62. It should be fixed

2 at this current number, and whether or not we
3 like this number is not the issue. The New York
4 State Constitution does not give the legislature
5 discretion to adjust the number of Assembly or
6 Senate Districts period. We can debate including
7 based on policy grounds how those fixed number of
8 districts are to be drawn and which criteria are
9 to be most emphasized, but the legislature has no
10 more discretion to vary the number of Senate
11 Districts on the supposed basis of what the
12 public allegedly wants or particular policy
13 questions than to create some number other than
14 say 150 Assembly Districts. New York State
15 Constitution Article 3, Section 4, Paragraph 3
16 contains a rule, which must be followed for
17 determining the number of senate districts on the
18 basis of the growth of certain county populations
19 since 1894 relative to the state as a whole and
20 on no other factors whatsoever.

21 The formula that follows a Constitution
22 was upheld by the New York Court of Appeals in
23 1972, Schneider v. Rockefeller. It was this
24 formula that was then followed in 1972. It was

2 this formula that was again followed without
3 question in 1982 and 1992. That formula produced
4 60 districts in 1972, 61 Senate districts in 1982
5 and 1992. If the same formula had been applied
6 in 2002 there would again have been 61 Senate
7 districts. However, the State Senate Majority
8 the last time around in 2002 did not go down that
9 path but instead it took an unfortunate turn.
10 The Senator majority in 2002 acted to add a new
11 district, and it was sad to say motivated by not
12 the right things. Motivated by optimizing the
13 political strength of their party. This is
14 documented by their party's own memoranda that
15 they produced in the law suite Patacki v.
16 Rodriguez [phonetic] and it's that that I had
17 circulated just prior.

18 When the Senate majority decided that
19 their political calculations would be best served
20 by creating 62 districts in 2002, the Senate
21 Majority's outside counsel then produced an
22 opinion justifying the new formula. Now, this
23 was a case of making a political decision and
24 then devising an after the thought legal

2 justification rather than the other way around.
3 But it happens that given the state and county
4 populations totals of the 2010 census, both
5 formulas, the one that goes back to 1972 in
6 Schneider vs. Rockefeller and that was used in
7 the three censuses subsequent and the one that the
8 Senate Majority outside counsel took and used to
9 justify the last decade's adding a new seat.
10 Under both of those formulas 62 Districts in 2012
11 would be produced.

12 Now, any number other than 62 would mean
13 a departure from all Constitutional preferences,
14 and, yes, again that includes repudiating the
15 legal opinion produced by the Senate Majority's
16 outside counsel back in 2002. It would obviously
17 be a repeat of the partisan, what was a
18 manipulation of 2002 with new political
19 calculations for the new decade. Again, I say
20 the practice of devising a politically optimal
21 results and then devising after the thought,
22 after the fact legal justifications is not
23 tenable, and the governor has laudably already
24 threatened to veto this type of nakedly

2 opportunistic and politically motivated
3 redistricting plan. I think I made my point.
4 The addition of any more senate seats is illegal.
5 No reading of the State Constitution would allow
6 a new seat to be created. I want to just say
7 that it is a dangerous road to go down when
8 politicians between introducing what is really
9 external and extra out of the constitutional
10 required items into what is a pre-set formula
11 that is mandated by the State Constitution
12 designed to specifically exclude partisanship.
13 Thank you.

14 ASSEMBLY MEMBER MCENENY: Thank you very
15 much. Carmen Acosta. Carmen Acosta.

16 MALE VOICE: They went to get her.

17 ASSEMBLY MEMBER MCENENY: Did somebody
18 go to get her? All right, Wilbur Weder if Carmen
19 comes in the room, we'll put her on next. Good
20 afternoon. I'm sorry, Carmen. Mr. Weder, would
21 you mind if we took Carmen Acosta? She was out
22 in the hall.

23 MR. WEDER: You're welcome. Thank you.

24 MS. CARMEN ACOSTA, ASOCIACION DE MUJERES

2 PROGRESISTAS: You'll get your chance.

3 MR. WEDER: It's all right.

4 MS. ACOSTA: Thank you. I have copies--
5 I don't have--I'm sorry, I do not have copies of
6 today's statement, but I did send it on the e-
7 mail and I will have it for you--it will be
8 coming.

9 ASSEMBLY MEMBER MCENENY: Thank you.

10 MS. ACOSTA: I began by saying good
11 morning, but it's actually afternoon. But it's
12 great to be here anyway. My name is Carmen
13 Acosta, and I am the secretary for the Asociacion
14 de Mujeres Progresistas. It is a community-based
15 organization serving Washington Heights, Hamilton
16 Heights and Inwood. I'm also a resident of the
17 area for 45 years who recently crossed over to
18 the Bronx. For the record, I did previously
19 submit the testimony before you, but today if you
20 would indulge me, I would like to make a few
21 remarks, sort of an addendum if you will to the
22 testimony before you. The statements that I make
23 today like I said before have been sent via e-
24 mail to the task force. The right of one person,

2 one vote is the reason why I'm here today.
3 Asociacion de Mujeres Progresistas supports the
4 map redrawn and previously submitted to the task
5 force by the Northern Manhattan and West Bronx
6 Coalition for Fair representation, but today I
7 have a bone to pick with the task force. It's a
8 good one, on a good note. When I gave testimony
9 at Bronx Community College there were ramblings
10 and rumblings regarding the legitimacy of the
11 committee to be completely neutral and have no
12 self-interest in the heart. So today it would
13 behoove me not to return to the hearings, and say
14 the following. I am invoking the spirit of the
15 Voting Rights of 1965 and the Women's Suffrage
16 Movement for the right to vote of the early part
17 of last century. Just recently even Texas was
18 found by the U.S. Department that the
19 redistricting map that they did didn't comply
20 with the Voting Rights minimum standards. It
21 found that the Congressional and State house
22 districts failed to maintain or increase the
23 ability of minorities to elect their candidates
24 of choice. This is a travesty and the

Demographic Research and Reapportionment, 9-21-2011

2 possibility that it might be duplicated in the
3 State of New York is scary. I am confident
4 though that this task force will do the right
5 thing for all New Yorkers. Whatever the outcomes
6 of the hearings whether the looming vote
7 announced by--veto vote announced by Governor
8 Cuomo comes to a head or the citizen union does
9 create an uprising the committee needs to remain
10 focused on the process. If the situation does
11 happen that this committee might be disbanded or
12 altered in any way, I would like to say, I would
13 like to be the first to say on behalf of the
14 members of Asociacion de Mujeres Progresistas
15 that the task force itself on the basis of our
16 presentation does not reflect the spirit of one
17 person, one vote for many communities in New York
18 State. Women happen to hold a slight majority of
19 the populace, 10.9 million and the task force has
20 absolutely not one neither from the state
21 legislature or public sector seated right here
22 except for Ms. Debra Levine and that's a good
23 thing. It's a good start. In some obscure
24 fashion, I don't know, I'm not privy to that

2 information, a team of state representatives was
3 created and women were either not asked to
4 participate or not even for their input or they
5 were simply ignored by the powers that be.

6 The census 2010 data shows that women
7 are a dash over 50% of New York State for the
8 voting age population it's close to 80%. I ask
9 you today why do I not see more women on this
10 table. Please consider what might be an
11 oversight and do not commit the same injustice
12 moving forward. Thank you.

13 ASSEMBLY MEMBER MCENENY: Thank you very
14 much. Wilbur--oh who is the fellow we just--
15 yeah, Wilbur Weder. Thank you for your patience.

16 MR. WILBUR WEDER: Thank you. I'm more
17 than happy to defer to the women. [laughter]
18 I'm going to with your permission, first I'm
19 going to thank you for allowing me to testify but
20 I'm going to just summarize my remarks a little
21 bit. They are short in what I wrote, but a lot
22 of what I have to say I think has been said
23 already so let me start. My name is Wilbur
24 Weder, and I live at 222 East 24th Street in

2 Manhattan. I'm not a native New Yorker. I moved
3 to New York City in 1996 and moved to where I
4 live now in 1997. But I've been a community
5 activist and been active in the community for all
6 of the years I've been here. I was on Community
7 Board 2 in Manhattan for 9 years. I'm a current
8 member of Community Board 6 and chair of their
9 health, seniors and disabilities issues
10 committee. I also served on the community
11 advisory at Bellevue Hospital for nine years and
12 was chair of that for four years. I was there
13 when we got the approval for what is now called
14 the Alexandria Life Sciences Building and to
15 bring that economic development in the biotech
16 area to the east side. But I'm here to testify
17 as an individual with regard to the redistricting
18 and to urge you to keep the Congressional
19 District number 14 intact. - - said it earlier
20 is that there is a lot of reasons for the way we
21 redistrict, population being the dominant one,
22 but I think these issues that have come up with
23 regard to community of interest are more relevant
24 in this one than in the past. Basically, as you

Demographic Research and Reapportionment, 9-21-2011

2 have heard in the 14th Congressional District,
3 the common interests are around transportation,
4 around healthcare complexes that we have in the
5 district and around other social and cultural
6 issues that we have. And I think that given the
7 diversity that is there in the various
8 communities of interest we do work very well
9 together to bring all of these issues into focus,
10 and that is why we need to keep the 14th
11 Congressional District intact as it now exists,
12 including Western Queens and the East Side of
13 Manhattan. I hope you will do so, and I urge
14 you, please take that into consideration when you
15 draw the district lines. Thank you.

16 ASSEMBLY MEMBER MCENENY: Thank you.

17 SENATOR NOZZOLIO: Thank you.

18 ASSEMBLY MEMBER MCENENY: Adam Silvera
19 [phonetic]. Adam Silvera. Michael Landau.

20 MR. MICHAEL LANDAU, CHAIRMAN - COUNCIL
21 OF ORTHODOX JEWISH ORGANIZATION OF WEST SIDE:
22 Good afternoon, members of the Task Force. My
23 name is Michael Landau, and I'm the chairman of
24 the Council of Orthodox Jewish Organizations of

2 the West Side, also known as the West Side COJO.
3 We are an umbrella organization representing the
4 interests of over 20 local schools, synagogues
5 and social service groups. Amongst its various
6 activities, the West Side Cojo represents the
7 interests of our members with regards to issues
8 that relate to the many administrative,
9 legislative, and executive agencies that affect
10 the wellbeing of our constituents. The
11 overwhelming majority of our members are located
12 between the upper 60s and the low 100s from
13 Central Park West to Riverside Drive. The West
14 Side COJO is very unique in that we have been
15 able to create and maintain a coalition of almost
16 all of the Orthodox Jews in our neighborhood
17 ranging from the Hasidim [phonetic] and ultra
18 Orthodox to the very modern Orthodox. One of the
19 reasons for our success is the very nature and
20 historical social fabric that has given the West
21 Side such a venerable and envied reputation as
22 one of the most desirable places to live in New
23 York. I believe that one of the key ingredients
24 that has created and sustained such a cohesive

2 community has been the consistent and clear
3 political representation that has always defined
4 our neighborhood. In this generation the
5 honorable Jerry Nadler has clearly been the West
6 Side's most eloquent and forceful leader who has
7 demonstrated that he clearly understands the
8 intricacies and subtleties that affect our
9 district. The Congressman has demonstrated time
10 and again his local knowledge and community
11 skills by re-establishing equilibrium when heated
12 issues are raging. This ability would clearly be
13 lost if our community was represented by a
14 politician who was not as versed in the history
15 and nuances of the make-up of the Upper West
16 Side. Our community has managed to maintain a
17 political and social stability and a connection
18 to orthodox communities beyond the Upper West
19 Side such as those in the Orthodox Community in
20 Brooklyn's Borough Park and the shore front. The
21 ability for any community to continue to grow and
22 flourish is undoubtedly a function of its
23 leadership. The Upper West Side's unique,
24 complicated and sometimes fragile social and

2 economic fabric requires the dedicated attention
3 of people whose past, present, and future are as
4 intertwined and evolved as that of the people who
5 reside within.

6 In conclusion, I would like the
7 committee to understand that we would recommend
8 that the Upper West Side and the 8th
9 Congressional District remain unified under the
10 congressional representation of Congressman Jerry
11 Nadler. If changes do need to be made, then I
12 would recommend that those parts of our community
13 that have been split off from the rest, the area
14 north of 89th Street into the 100s be reallocated
15 to the natural West Side Legislator Congressman
16 Jerry Nadler. Thank you very, very much.

17 ASSEMBLY MEMBER MCENENY: Thank you very
18 much. While we appreciate the testimony for
19 Member of Congress Maloney and Nadler, obviously
20 there's no guarantee and certainly not many years
21 from now and these are ten-year districts that
22 those individuals will be there. We assume that
23 when you advocate to keep neighborhoods together
24 as one Congressional District, our assumption is

2 that you're saying those communities below
3 together regardless of who is elected to do that.
4 I see Assembly Woman Linda Rosenthal here. Did
5 you wish to speak? Thank you for coming. We
6 appreciate it. Brad Hoylman, also in a
7 redistricting year in Congress it doesn't matter,
8 you can live anywhere in the State, but for the
9 Senate and Assembly in a redistricting year you
10 don't have to live in the Senate or Assembly
11 District that you choose to run in.

12 MR. BRAD HOYLMAN, CHAIR MANHATTAN
13 COMMUNITY BOARD 2, DEMOCRATIC DISTRICT LEADER
14 66TH AD PART ATTORNEY: Good afternoon, Assembly
15 Member and members of the Legislative Task Force.
16 I greatly appreciate the opportunity to testify
17 to you today about how the new Congressional and
18 state legislative districts should be configured,
19 and specifically the boundaries of the 8th
20 Congressional District. My name is Brad Hoylman.
21 I am the chairperson of Community Boards 2, which
22 is a community planning board in the Greenwich
23 Village, Soho area of Manhattan. As you already
24 know about the 8th Congressional district. It

2 includes areas in Brooklyn, but most importantly
3 to you as I alluded to it includes the Manhattan
4 neighborhoods of Chelsey, Hell's Kitchen and
5 Greenwich Village where Community Board 2 is
6 mostly situated. Greenwich Village or as we call
7 it here the village is a community that has a
8 strong affinity with the rest of the West side of
9 Manhattan that also resides in the 8th
10 Congressional District, so it's extremely
11 important to the residents of the village that we
12 remain as part of this district. I can say that
13 from my 10+ years as a community board member,
14 community organizer and Democratic district
15 leader representing the 66th Assembly District
16 there are a number of factors that I have
17 observed, which illustrates the strong affinity
18 among West Siders. Like the rest of the West
19 Side the Village has a long history of having
20 involved activist residents. After all, this is
21 the community that joined forces along the entire
22 West Side of Manhattan to defeat the Robert Moses
23 Highway through Washington Square Park, the Lower
24 Manhattan Expressway through Soho and the West

2 Way Proposal. Greenwich Village shares important
3 services with the rest of the West Side of
4 Manhattan including the parks along the river
5 from Battery Park to Hudson River Park to
6 Riverside Park as well as healthcare services. I
7 should point out that currently the entire West
8 Side of Manhattan including our community boards
9 local elected officials and community groups is
10 united in trying to solve a major healthcare
11 crisis after the closing of St. Vincent's
12 Hospital, which is a level one trauma center,
13 which served the West Side of Manhattan for over
14 150 years. It's been vital to our neighborhoods
15 to have one representative in Congress for our
16 area who understands the linkages, our issues in
17 the area. And as you point out, Assembly Member,
18 no matter who he or she is.

19 Finally, the Village has historically
20 been the home of the largest LGBT community in
21 the world, lesbian, gay, bisexual, and
22 transgender. The Stonewall Riots that launched
23 the modern gay and lesbian rights movement
24 occurred in the early morning hours of June 18th,

2 1969, at 51 Christopher Street in the heart of
3 Greenwich Village. The Village is part of a
4 wider, seamless LGBT community that runs
5 alongside the west side of Manhattan and includes
6 the adjacent neighborhoods of Chelsea, Hell's
7 Kitchen and some surrounding areas.

8 These neighborhoods are the national
9 indeed I would say global epicenter of gay and
10 lesbian life, families and culture, and it's
11 crucial to have them linked. It's also of
12 paramount importance to have these communities
13 represented by someone like Congressman Nadler
14 who has been the leading champion in the U.S.
15 Congress in the fight for LGBT equality on
16 virtually every issue of importance to our
17 community, including fighting the discriminatory
18 policy of don't ask, don't tell, which thanks in
19 part to Congressman Nadler's efforts was ended
20 just this week by the U.S. military.

21 Importantly, Congressman Nadler
22 possesses the seniority in Congress to advance
23 LGBT rights whether his party is in the minority
24 or majority. Again, members thank you so much

2 for the opportunity to testify today.

3 ASSEMBLY MEMBER MCENENY: Thank you.

4 Ethel SHEFFER.

5 MS. ETHEL SHEFFER, AICP, MEMBER -
6 MANHATTAN COMMUNITY BOARD 7, FORMER PRESIDENT -
7 NEW YORK METRO CHAPTER OF THE AMERICAN PLANNING
8 ASSOCIATION: Thank you, Mr. Chair and members of
9 the Task Force. My name is Ethel SHEFFER. I
10 live at 194 Riverside Drive at 92nd Street, which
11 is at the Southern Tip of the 15th Congressional
12 District and just above the 8th Congressional
13 District. The 15th District as you know, extends
14 north to the tip of Manhattan and east. The 8th
15 Congressional District, however, extends south,
16 through the Upper West Side, down the middle and
17 Lower West Sides, the communities of my colleague
18 Brad Hoylman who just spoke to the tip of
19 Manhattan and after a significant geographical
20 gap in Brooklyn continues on to Coney Island.
21 I'm here today to request that you consider a
22 redrawing a of the District lines to reflect more
23 accurately they dense population and unifying
24 characteristics of the West Side by extending the

2 northern boundaries of the 8th Congressional
3 District. I won't take your time to tell you
4 about my long residents and activity on the Upper
5 West Side. And the fact that I'm an urban
6 planner and so on. I'll let you read that, but
7 get to the major point, which does not have to do
8 with personalities and the people now occupying
9 the two seats even though I respect them
10 enormously. It's clear that the Upper West Side
11 is a cohesive, identifiable community with its
12 estimated 214,000 people extending just north of
13 Columbus Circle to West 110th Street, the
14 boundaries of Community District 7, the Upper
15 West Side's community district. It is an
16 anomaly, members of the task force to split the
17 Upper West Side at 90th Street when in all its
18 demographic diversity and in its physical
19 character the people of the West Side perceive
20 that they are part of one community extending to
21 West 110th Street. Just last night at a very
22 active community meeting a vociferous group of
23 residents from all over the Upper West Side
24 repeatedly asserted that they are one community

2 from 59th Street to 110th Street, and that they
3 share the same interests now and in the future.
4 This isn't about personalities or incumbents. It
5 really is about electoral districts that reflect
6 communities of interest, have identifiable
7 geographical boundaries and above all are compact
8 and contiguous. If we look at the map of the 8th
9 District, it is very hard to see that it is
10 compacted, contiguous. Here is Manhattan, the
11 gap in Brooklyn, and then the piece here to Coney
12 Island. What I am urging, clearly the 8th
13 Congressional District is neither compact nor
14 contiguous. My neighborhood should be part of a
15 political electoral district that represents all
16 of the West Side. We hope you can make this
17 happen by extending the boundaries of the 8th
18 District North and making its southern boundaries
19 more compact and contiguous so that we may enjoy
20 fair and effective representation in the next 10
21 years. The people in those blocks will be very
22 grateful, and I thank you very much.

23 ASSEMBLY MEMBER MCENENY: Thank you.

24 Julie Menin.

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

MS. JULIE MENIN, CHAIR, MANHATTAN

COMMUNITY BOARD 1: Good afternoon, I'm July Menin, chairperson of Community Board 1, and let me just thank you for the opportunity to testify this afternoon. Lower Manhattan is a community that has been shaped in recent years by the extraordinary events of 9/11, which clearly was a time of tremendous tragedy and loss and our subsequent effort to rebuild our neighborhood. On 9/11, our community was devastated. Over 3,000 lives were lost, tens of thousands of jobs vanished and residents and businesses fled. Pundits predicted at the time that no one would ever want to live downtown again or work downtown again and experts forecast its demise as a major business district.

The neighborhoods that make up Community Board 1, which are the financial district, Battery Park City, Tribeca and the Seaport Civic Center area have been fused together through the difficulties of 9/11 and our common efforts to recover, heal and rebuild. With minor exceptions, all of our neighborhoods are

2 represented by the same elected officials, and we
3 have developed very close relationships with
4 those officials. While these elected officials
5 have all worked side by side, Representative
6 Gerald Nadler was particularly tireless in his
7 efforts to get to the truth and investigate
8 reports and indications that our air was toxic
9 and unsafe to breathe. As evidence accumulated
10 of serious risk to the health of first responders
11 and community residents, Representative Nadler
12 was at the forefront of efforts to enact the
13 James Zadroga [phonetic] Health and Compensation
14 Act, which was finally passed and signed into law
15 by President Obama on January 2nd of this year.
16 Given the scale of damage and destruction
17 following 9/11 federal assistance was essential
18 for our recovery. Representative Nadler always
19 used his deep knowledge of our neighborhoods in
20 connection with its leaders to make sure that our
21 urgent needs were met. He'd work with our U.S.
22 Senators, with FEMA, with the EPA, with HUDD and
23 other federal agencies to secure needed
24 resources. Only through these efforts were we

2 able to retain our residential population and our
3 commercial retail and service businesses. We
4 have survived and are recovering from an almost
5 unimaginable crisis in which our elected
6 officials supported us every step of the way.

7 We have relied on Representative Nadler
8 for the extensive federal assistance that has
9 been required, and it's extremely important that
10 Representative Nadler who has developed expertise
11 in these matters continue to advocate in
12 Washington for the community of survivors,
13 residents, students, area workers who were so
14 deeply affected by 9/11.

15 Lower Manhattan is once again thriving
16 and has in fact strengthened its place in the
17 fabric of the city. As a residential and
18 commercial interests of our neighborhood have
19 diversified and grown in the wake of 9/11, we've
20 also experienced increasingly common needs with
21 the neighborhoods that border us along the Hudson
22 River. In fact, in many ways, the development
23 and expansion of our waterfront parks, residences
24 and retail has helped to create one continuous

2 community of interest along the West Side. In
3 addition to our shared experiences after 9/11, we
4 have many other issues and concerns in common
5 with neighboring communities to the north, which
6 are also represented by Congressman Nadler. We
7 share the Hudson River water front where the
8 Hudson River Park Trust has created a continuous
9 esplanade that links us with Hudson Square,
10 Greenwich Village, Chelsey, Clinton and the Upper
11 West Side. In addition, we are facing together
12 with our other West Side neighborhoods the
13 challenge of how to meet our healthcare needs in
14 the wake of the collapse of St. Vincent's
15 Hospital, which until April 2010 was a critical
16 part of the health infrastructure on the West
17 Side of Manhattan. We work closely with our
18 neighbors on maintaining all of these services
19 and infrastructure and having one Congressional
20 representative allows us to develop and maintain
21 a comprehensive plan for our community's needs.
22 Keeping these interests together under one member
23 of Congress will afford us the continuity and a
24 knowledgeable, strong voice for our community

2 with a proven record of independence and
3 effectiveness. Thank you so much for the
4 opportunity to testify today.

5 ASSEMBLY MEMBER MCENENY: Thank you.
6 Catherine McVay Hughes.

7 MS. CATHERINE MCVAY HUGHES, VICE CHAIR -
8 MANHATTAN COMMUNITY BOARD 1, CHAIR - WORLD TRADE
9 CENTER REDEVELOPMENT COMMITTEE: Thank you for
10 allowing me to testify before you on
11 redistricting in Manhattan. For affiliation
12 purposes, I'm the vice chair of Manhattan
13 Community Board 1 and chair of Community Board
14 1's World Trade Center Redevelopment Committee
15 for over five years, but I've been on the
16 community Board for over 12 years. Our family of
17 four has lived one block east of the World Trade
18 Center site for over 20 years. We chose to stay
19 in lower Manhattan to be part of the rebuilding
20 process for the past decade, and one of the key
21 reasons has been because of our U.S. Congressman
22 Nadler and his staff. They immediately were
23 there day in and day out for the residents,
24 workers and children on September 11th, recovery

2 issues. Lower Manhattan is a community that was
3 brought together by the terrorist attacks of
4 September 11th, 2001. Although we have
5 experienced great tragedy and loss, we have
6 struggled to heal and we have rebuilt in a large
7 part as a community to address the needs of the
8 21st century as a 24/7 community with a booming
9 residential and thriving business district. The
10 energy here reflects the energy of the leaders,
11 and Congressman Nadler has been one of the few
12 positive constants for us in this dynamic time.
13 He understands the intricacies from the World
14 Trade Center environmental health issues such as
15 fighting for a proper test and clean-up program
16 for funding for monitoring and medical care for
17 sick responders and survivors to the safe
18 demolition of World Trade Center contaminated
19 buildings such as 130 Liberty Street. In
20 addition, Congressman Nadler understands the
21 importance of key infrastructure investments such
22 as redeveloping the World Trade Center to the
23 Fulton Street Transportation Station. Both of
24 these projects have had positive ripple effects

2 in our neighborhood now that both are on track
3 because of his constant vigilance. Over the
4 years our children have participated in many
5 downtown activities including playing downtown
6 soccer. In fact, my husband even coached our
7 son's teams for years, where the ball fields were
8 located on the West Side of Manhattan in Battery
9 Park City and at Pier 40 and on the East River.
10 In addition, we have enjoyed the lovely green
11 parks, bike ride and walks along the Hudson
12 River, up through Tribeca to the Village. These
13 parks link lower Manhattan with the rest of the
14 West Side and the rest of Congressman Nadler's
15 Manhattan district. It continues to be critical
16 to have one representative for the entire area
17 from Battery Park City up through the West
18 Village where great numbers of community leaders
19 were so deeply affected to coordinate their
20 continued recovery and revival both locally and
21 in Washington. The community needs were great
22 after September 11th, and the community still has
23 strong needs related to that day. It has been
24 especially important to have a member of Congress

2 who represented such a large segment of the
3 community survivors, including the residents, the
4 students, area workers who were so deeply
5 affected because it was a battle to keep up and
6 keep federal support for this community. This
7 includes both the loan and grant programs for
8 residents and small businesses, and the
9 healthcare coverage under the - - Act for the
10 next five years. It's only five years. Keeping
11 those interests together under one member of
12 Congress under the steady leadership of
13 Congressman Nadler who has been a strong voice
14 for the entire effected community has worked.
15 Congressman Nadler has made sure that our
16 community got the services and support that we
17 needed especially in our time of need. We need
18 to have a member of Congress who understands the
19 history of our area and the battles we've been
20 through together is critical, and that one person
21 is Congressman Nadler.

22 To understand the importance of the 8th
23 District in the post-9/11 recovery of lower
24 Manhattan I would like you to consider three

2 critical facts. First, government action and
3 government leadership was absolutely essential to
4 the recovery. Lower Manhattan would be a dead
5 zone today, a wasteland, had it not been for
6 concerted, sustained and effective government
7 action. This was most definitely not a story of
8 government getting out of the way. The private
9 sector for perfectly good and understandable
10 reasons abandoned lower Manhattan immediately
11 after 9/11 except for a few and only returned
12 after government action had restored essential
13 services and rebuilt business confidence. This
14 was and still is a story of government action
15 leading to a successful recovery.

16 Second, lower Manhattan is an enormously
17 complex mosaic of overlapping government
18 jurisdictions. There are layers of state
19 government, the City Counsel, the Borough
20 President, the Mayor's office and the community
21 board, and of course the absolutely critical
22 presence of the Port Authority, a bi-state
23 agency. The organization of government is
24 incredibly tangled and we have close and critical

Demographic Research and Reapportionment, 9-21-2011

2 relationships with surrounding areas especially
3 with the rest of Congressman Nadler's West Side
4 Manhattan District.

5 Thirdly, the 8th District under
6 Congressman Nadler's leadership has been uniquely
7 effective in representing lower Manhattan and
8 advocating in a sustained and successful way for
9 the government action necessary to assure the
10 return of downtown as a viable city district.
11 Threading through this tangle of jurisdictions to
12 bring about the recovery--because the District
13 covers lower Manhattan and connects it to other
14 NYC neighborhoods the resources of the district
15 office and its ability to influence government
16 policy through legislation have been and continue
17 to be the lynchpin of the recovery efforts.

18 Thank you very much.

19 ASSEMBLY MEMBER MCENENY: Thank you.

20 Anita Altman [phonetic]. Anita Altman. Reverend
21 James A. Kilgore [phonetic]. Steve Carbo. Good
22 afternoon.

23 MR. STEVE CARBO, SENIOR PROGRAM DIRECTOR

24 - DEMOS: Good afternoon. Thank you for this

2 opportunity to share my remarks today. I am here
3 testifying on behalf of DEMOS, which is a
4 national non-profit, non-partisan, public policy,
5 research and advocacy organization committed to
6 building an America where democracy is robust and
7 inclusive with high levels of electoral
8 participation and civic engagement. Over the
9 past several years, DEMOS has been working to
10 highlight and put an end to the inequalities of
11 so-called prison-based gerrymandering. The
12 practice of miscounting incarcerated individuals
13 as residents of their places of confinement
14 rather than their home communities.

15 We actively supported the landmark
16 prison-based gerrymandering legislation enacted
17 by New York in 2010. Attorneys in DEMOS are now
18 co-counsel for the intervener, defendants in - -
19 , the lawsuit filed in Albany County to block
20 implementation of New York's prison-based
21 gerrymandering statute. I'll address my remarks
22 today to the new law. With New York's enactment
23 of legislation last year to end prison-based
24 gerrymandering, the state placed itself at the

2 forefront of a growing trend to correct an
3 undemocratic practice that has distorted the one
4 person one vote principle upon which our republic
5 was founded. Maryland and Delaware adopted
6 similar legislation last year. The California
7 legislature is awaiting the governor's signature
8 on a prison gerrymandering bill and legislative
9 proposals are being actively considered in
10 several other states. Simply put, part 20 of
11 Chapter 57 of the laws of 2010 is now the law and
12 must be filed by LATFOR. Moreover the public
13 policies that drove the state to change its prior
14 practice are as compelling today as they were
15 when New York's prison-based gerrymandering
16 legislation was first being considered.

17 First, the prior miscount of
18 incarcerated individuals conflicted with Article
19 2, Section 4 of the New York Constitution, which
20 clearly states that a prison cell is not a
21 residence. Second, the statute corrected a gross
22 distortion of the fundamental one person, one
23 vote principle upon which are democracy is based.
24 Before the law was changed, legislative districts

2 drawn to include incarcerated individuals gave
3 enhanced representation to those localities that
4 contain prisons by inclusion of those non-
5 resident persons. Such padding of the local head
6 count created under populated districts where the
7 relative voting strength of each legal resident
8 was greater than it would and should otherwise
9 have been. The reapportionment plan adopted
10 after the 2010 decennial census illustrates the
11 point. A 62-seat State Senate required that
12 districts be drawn with 306,000 constituents each
13 on average, but inclusion of incarcerated persons
14 in local districts resulted in substantial
15 malapportionment. So, for example, inclusion of
16 persons confined at the Clinton Correctional
17 Facility and other prisons led to an upstate
18 Senate District 47 containing only 285,000 legal
19 non-incarcerated persons, while the adjacent
20 Senate District 43 where no prison was drawn with
21 302 constituents, 302,000 constituents. The
22 prison gerrymander unfairly diminished the voting
23 strength of each resident in Senate's district 43
24 and all other districts without prisons. In all

2 seven Senate districts, only met minimum
3 population requirements by misclaiming
4 individuals, incarcerated individuals as local
5 residents. The new law restores the one person,
6 one vote rule.

7 Third, it's important to note that
8 incarcerated individuals remain connected to and
9 part of their home communities to which most
10 return. They are only temporarily away.
11 Conversely, incarcerated persons typically have
12 no ties or interests in common with the location
13 where they happen to be incarcerated.

14 They cannot be described as constituents
15 of those places in any meaningful sense of the
16 word.

17 Fourth, New York's decision to end
18 prison-based gerrymandering was consistent with
19 local practice. Thirteen counties with large
20 prisons had already removed the prison population
21 for local residential accounts when drawing local
22 legislative districts. They recognized that
23 incarcerated individuals could not reasonably be
24 considered local residents and that including

2 them when reapportioning locally would have led
3 to undemocratic and at times absurd results. By
4 way of example, I'll note the Rome common
5 Counsel, the local counsel in the City of Rome,
6 which does not remove the incarcerated
7 individuals from its local population base.
8 There is a district in that City council were 49%
9 of the constituents are incarcerated persons.
10 That's the kind of absurdity that the correction
11 in the law will prevent going forward.

12 Fifth, refusing to follow the law and
13 counting continuing prison-based gerrymandering
14 in the current round of reapportionment would
15 deny New York's communities of color the great
16 victory they secured with enactment of the
17 prison-based gerrymandering legislation.
18 Districts with higher rates of incarceration that
19 are not properly credited for all its residents
20 suffer higher rates of voting strength
21 diminution. That diminution is most pronounced
22 in the State's African American and Latino
23 communities from which most of New York's prison
24 population is sadly drawn.

2 New York's new policy remedies this
3 problem, restoring the proper voting strength of
4 New York's urban communities of color.

5 I'll close this afternoon by noting that
6 the new law can be implemented without
7 complication as was reported in your September
8 7th meeting in Queens, Assembly Staff was able to
9 use information provided by the Department of
10 Correctional Services and the U.S. Census Bureau
11 to determine the proper home addresses of most
12 incarcerated persons in the first pass of
13 implementing the law. We are now urged as Senate
14 Majority to work cooperatively with Assembly
15 colleagues to closely review all available data,
16 call upon experts in the field for assistance as
17 necessary and make maximal efforts to determine
18 and apply the home addresses of incarcerated
19 persons in the current round of reapportionment.
20 Thank you.

21 ASSEMBLY MEMBER MCENENY: Thank you.
22 Ibrahim Kahn.

23 MR. IBRAHIM KAHN, DEPUTY CHIEF OF STAFF
24 - SENATOR ADRIANO ESPAILLAT: Good afternoon. My

2 name is Ibrahim Kahn. I'm here to read testimony
3 submitted by State Senator Adriano Espaillat, who
4 represents Northern Manhattan, the Upper West
5 Side and Riverdale in the State Senate. We must
6 fundamentally reform old ways of drawing
7 districts that are deeply flawed. They result in
8 district lines that promote partisan advantages,
9 disenfranchised minority communities, protect
10 incumbents, lack geographic contiguousness, and
11 divide communities of common interest. Prior to
12 the last election, an overwhelming majority of
13 New York State legislators including members of
14 LATFOR pledged to support fully independent
15 redistricting. We must keep our word and not
16 turn our backs on what our constituents demand,
17 fair and transparent redistricting that enhances
18 not undermines our democracy. Districts across
19 New York State must be of equal population size.
20 A 2% overall deviation, either 1% over or 1%
21 under the average population, gives us ample
22 cushion to draw district lines that meet the
23 legal criteria. This will ensure that every New
24 York State resident has equal say regardless of

2 where they happen to live. Following a widely
3 accepted 2% deviation system becomes even more
4 significant in light of the fact that population
5 has continued to shift away from upstate and
6 western New York regions in disproportionately
7 high numbers. If there are more people in
8 downstate New York, then downstate must have more
9 seats than upstate and visa versa. It is simply
10 a matter of fairness and equality. All prisoners
11 must be counted as residents of their home
12 communities, not the communities where they are
13 temporarily incarcerated. This is a legal
14 requirement in our state and not up to LATFOR's
15 discretion. This is a particularly important
16 issue to me as there are 606 individuals from my
17 district who have been disenfranchised as a
18 result of prison gerrymandering. All necessary
19 research and data basing must be compiled in time
20 for the 2012 redistricting process and made
21 available to the public. I was heartened by
22 public remarks from LATFOR chairs promising to
23 implement the law and count prisons as residents
24 of their home communities. I urge you to follow

2 through on that pledge. Minority communities
3 must be adequately represented in the 2012
4 redistricting process.

5 In the past legislators have notoriously
6 used techniques like cracking and packing to
7 dilute the voiding power of minority communities.
8 This must come to an end with the latest round of
9 redistricting. New York State's redistricting
10 process must be fully compliant with the letter
11 it the spirit of the Voting Rights Act.
12 Currently, it is not uncommon for a New Yorker to
13 be represented by a different member of the
14 Assembly, Senate or Congress than his or her
15 neighbor across the street. That is partly
16 because past redistricting practices have not
17 sufficiently considered making districts
18 contiguous and compact.

19 Our constituents should not have to be
20 map-reading experts to figure out who represents
21 them in Albany or Washington, DC. District lines
22 must be compact and contiguous. LATFOR must
23 respect communities of common interest, and not
24 split them up to reach partisan or incumbency

2 driven agendas. With the new census figures
3 available, it has become increasingly clear that
4 some Senate Districts including the 31st will
5 have to be expanded in order to meet minimum
6 number of constituents. In light of earlier
7 recommendations including factors such as
8 communities of common interest, representation of
9 minority communities and geographic
10 contiguousness, I am recommending that a larger
11 portion of Hamilton Heights and the southern
12 portion of Washington Heights be included in the
13 31st Senatorial District.

14 Lastly, any efforts to create an
15 additional Senate District must immediately
16 cease. The last time the Senate increased its
17 size, it did so without any public input or
18 regard for justice. The end result was a
19 partisan advantage for the Senate majority and a
20 cherry-picked constituency in an area with a
21 fast-growing Latino population. New York State's
22 constitution sets up a formula that would
23 prohibit a 63rd Senate District. If LATFOR is to
24 proceed with drawing lines, it must do so with

2 the aforementioned principles in mind. If we do
3 not do so, we would have robbed New York State
4 residents of their constitutionally guaranteed
5 democratic process and set our state back another
6 ten years. Thank you.

7 ASSEMBLY MEMBER MCENENY: Thank you.
8 Jordan Budd [phonetic] of ACT NOW. Ruth Halberg?

9 ALLISON TUPPER: Excuse me, I'm going
10 to--

11 ASSEMBLY MEMBER MCENENY: [interposing]
12 Oh, I'm sorry, I didn't see you.

13 MS. TUPPER: I'm sorry.

14 ASSEMBLY MEMBER MCENENY: What is your
15 name?

16 MS. TUPPER: My name is Allison Tupper.
17 I want to say a word for myself, and I have
18 agreed to read Jordan Budd's testimony, which I
19 will summarize because he isn't able to come. I
20 want to say a word about keeping the West Side of
21 Manhattan together in one district. The
22 communities of interest in Manhattan are more
23 vertical than they are horizontal, and we have
24 much in common in Hell's Kitchen or Clinton with

2 the Upper West Side and Chelsea and the West
3 Village much more than with the East Side. And
4 now I'm going to summarize Jordan Budd's
5 testimony who isn't able to be here but thanks
6 you for allowing his statement to be read. "Used
7 by both parties in every state for decades,
8 partisan redistricting has been a terrible blight
9 on our political landscape. Recent action in New
10 York, such as the legalization of gay marriage
11 hash given me hope that our state in particular
12 is different and that we can come together and do
13 the right thing when it comes to redistricting.
14 It shouldn't, of course, be up to the politicians
15 to draw their own districts. As a registered
16 Democrat, I urge you to listen to the people of
17 this state and put our concerns first, not the
18 concerns of any party or platform. I urge you to
19 consider a fair redistricting proposal such as
20 the one recently passed in Florida by the voters
21 by themselves. And should a fair districting
22 proposal be adopted, I also urge Governor Cuomo
23 to support it, not avoid it as Florida's Governor
24 Scott has done. Thank you for your time. I have

2 faith that you will make the right decision."

3 ASSEMBLY MEMBER MCENENY: Is that Jordan
4 Budd's statement?

5 MS. TUPPER: Yes.

6 ASSEMBLY MEMBER MCENENY: And your
7 statement to keep it separate was on the West
8 Side?

9 MS. TUPPER: My statement is about the
10 West Side. His is about Florida and New York.

11 ASSEMBLY MEMBER MCENENY: Thank you.
12 Okay, Ruth Halberg.

13 RUTH HALBERG, STATE COMMITTEEWOMAN 65TH
14 AD - MANHATTAN: Good afternoon. My name is Ruth
15 Halberg and for reasons of identification, I'm
16 the Democratic State Committee Woman in the
17 Yorkville area of the Upper East Side and also a
18 member of the Executive Committee representing
19 the First Judicial District and have been a
20 member of Community Board 8 since 1996.

21 I'm a long time resident of the East
22 Side of Manhattan and this is the 14th
23 Congressional District represented by Carolyn
24 Maloney and I know that a lot of this has been

2 touched on. I'll try to make it brief, but I
3 hope to bring another issue that would convince
4 you to keep the 14th Congressional District of
5 West Queens, East Side of Manhattan and Roosevelt
6 Island together as it has been.

7 We have a lot in common; East Manhattan
8 and Western Queens, in that we live in a high
9 density, urban area that relies on mass transit.
10 We have some of the world's best museums; the
11 Metropolitan Museum of Art, the Frick, the
12 Whitney, the Guggenheim, Mama, PS-1, the Museum
13 of the Moving Image. We have East Side excess
14 construction and we have some of the best
15 restaurants in the world. And we have some of
16 the highest cancer rates in the country.

17 The New York State Department of Health
18 publishes a breast cancer chart by zip code.
19 Residents of many of the zip codes on the Upper
20 East Side demonstrate incidents of breast cancer
21 that are 15 to 49% above what is expected,
22 including 10128, 10021, 10017. Men living in the
23 East Side at 10022 zip code have unusually high
24 incidents of prostate cancer. Women in Astoria,

2 11102 zip code, show unusually high rates of
3 colorectal cancer. And men in Sunnyside, 20004
4 zip code, have unusually high rates of lung and
5 bronchial cancer.

6 Some people suggest that the high
7 incidents of certain cancers on the East Side is
8 a result of the large number of old, heavy,
9 polluting power plants along the East River in
10 Western Queens. Furthermore, proximity to a
11 super fund site has been linked to higher
12 incidents of respiratory disease, cancer, asthma,
13 birth and early infancy complications.

14 There are several super fund sites in
15 Long Island City. One of them is New Town Creek,
16 the site of the nation's largest spill. It was
17 three times the size of the Exxon Valdez. I note
18 that our member of Congress, Carolyn Maloney,
19 advocated replacing the older plants with newer
20 ones that use better pollution controls. And I'm
21 pleased to note that in recent years, some of the
22 worst plants have been replaced with newer
23 facilities. We have yet to see whether these
24 improvements are having an effect on the health

2 of the East Siders, but there is some reason to
3 hope that these upgrades, plus the clean-up of
4 Newton Creek will have an impact.

5 I urge you to recognize that some of the
6 environmental issues that affect Western Queens
7 also effect the East Side of Manhattan and vice
8 versa. Addressing environmental concerns on one
9 side of the river could improve the health of the
10 residents on the other side. We need a member of
11 Congress who can be aware of the environmental
12 issues on both sides of the river. Thank you
13 very much.

14 ASSEMBLYMAN MCENENY: Thank you. Kevin
15 Carol. Kevin Carol. Christine Berthet.

16 FEMALE VOICE: - - but she has submitted
17 testimony.

18 ASSEMBLYMAN MCENENY: Thank you.
19 Caroline Mellow. James G. Clynes.

20 MR. JAMES G. CLYNES: Good afternoon,
21 ladies and gentleman. Thank you for allowing me
22 to testify. My name is Jim Clynes, and I reside
23 at 226 East 75th Street.

24 In my view, there are many similarities

2 in population between the East Side of Manhattan,
3 Roosevelt Island and Western Queens and they
4 belong in a district together. In drawing this
5 conclusion, I've looked at Census data and also
6 at the maps prepared by Citizen's Union and
7 available on their web site.

8 The 14th Congressional District as
9 currently drawn is one of the most compact and
10 contiguous in New York. While some districts may
11 meander many miles and cut through broadly
12 disparate and geographically remote areas, this
13 district is as close together geographically and
14 as compact as possible. It does not break up
15 communities, nor does it cut neighborhoods apart.

16 In studying the maps it is clear that
17 Western Queens, Roosevelt Island and the East
18 Side of Manhattan are similar in terms of
19 density, percentage of home ownership and
20 proximity to subway service. These are areas of
21 high density, low home-ownership, meaning a large
22 number of renters, and close proximity to subway
23 service. People in these areas are more likely
24 to use mass transit than to travel by car.

2 Long Island City, the southern portion
3 of Western Queens, is similar in educational
4 attainment, median household income and workers
5 with management and professional jobs to the East
6 Side of Manhattan and Roosevelt Island.

7 While many areas of Queens have lost
8 white population, Western Queens has gained
9 substantially, in some areas by more than 1,000
10 people. Similarly, over the last 10 years, many
11 areas of the East Side below 14th Street have
12 lost Hispanic population and gained white
13 population. The percentage of the population
14 that is black and Asian is virtually identical in
15 Western Queens and the East Side of Manhattan.
16 Furthermore, while much of Queens is gaining
17 Hispanic population, most of Western Queens is
18 losing Hispanic population, in some areas by 100
19 to 500 people.

20 Western Queens is growing increasingly
21 more dense with industrial areas being rezoned
22 for mixed use residential development. The
23 Queens West Development has brought apartment
24 towers to Western Queens and a population that

2 mirrors the East Side of Manhattan. And while
3 you cannot project, I would note that the new
4 Hunter's Point South Development currently under
5 construction is expected to attract a population
6 similar to that of Queens West.

7 It would be nice if I could ask you to
8 simply keep the district together, but because of
9 the need to increase population districts, this
10 district will have to grow in population by about
11 10%. I would urge you to maintain the
12 compactness of the district and add population
13 around the edges. Filling in areas of the Lower
14 East Side and in Western Queens. Thank you very
15 much, ladies and gentleman.

16 ASSEMBLYMAN MCENENY: Thank you. Robert
17 Carnegie. Robert. Thank you. With the pillars,
18 I can't always see you when you stand up. Not
19 with the pillar in front of you.

20 MR. ROBERT E. CORNEGY, JR., DISTRICT
21 LEADER, 56TH ASSEMBLY DISTRICT: Good afternoon.
22 Nice to see you again.

23 ASSEMBLYMAN MCENENY: Good afternoon.

24 MR. CORNEGY: So, although I testified

2 yesterday as a District Leader for the 56th
3 Assembly District, today I'm testifying on behalf
4 of one of my constituents who had to leave early.
5 So, thank you for your indulgence. So, obviously
6 I'm going to have to change the wording a little
7 bit. Or I could read it verbatim and you could
8 just accept that as what it is.

9 So, good afternoon to the distinguished
10 members of the Task Force and good afternoon all.
11 My name is Carolyn Archer. I'm with the Black
12 New Yorkers For Fair Redistricting and aside from
13 the organization I am an affiliated member of the
14 Antioch Baptist Church, located at 828 Green
15 Avenue in Brooklyn, New York; Bedford-Stuyvesant.

16 I'm an African-American woman living in
17 Brooklyn's historic Bedford-Stuyvesant community,
18 residing in the confines of Community Board
19 Three, the 56th Assembly District and the 36th
20 Council Maddock District.

21 Fulton Street is a primary business
22 corridor in my community. The community's
23 population is more than 90% black, including but
24 not limited to African-Americans, Caribbeans and

2 continental Africans. We are neighbors sharing
3 in places of worship, business, recreation,
4 restaurants, schools and child care.

5 My testimony of concern is on the
6 following four points. The prison count.
7 LATFOR's co-chairs announced in August that the
8 Task Force would now implement the new law and
9 reallocate prisoners to prior homes of record or
10 remove them from the redistricting database if
11 now homes of record are available. LATFOR should
12 make that amended redistricting database,
13 including all mandatory subtractions and
14 reallocations, available to the public as the
15 basis for legislative redistricting proposals to
16 be submitted.

17 Genuine public participation in the
18 redistricting process will be impossible without
19 the amended database being completed and made
20 available in a timely manner.

21 Senate size. The New York State
22 Senate's constitution formula mandates a 62
23 Senate seat based on the 2010 Census, not 63
24 seats as the Senate majority would increase it to

2 if given its way. The constitution provides a
3 precise formula for increasing Senate seats and
4 should not be manipulated for the convenience of
5 the majority.

6 Number three; drawing compact and
7 contiguous districts. Don't draw lines that cut
8 and hack up neighborhoods in the same way
9 districts were drawn ten, twenty years ago. Make
10 it easy to get around a district. Don't make us
11 go outside of a district to get back inside of
12 it. Respect communities where people live.
13 Don't cut, dice and slice our communities.
14 Respect black, Hispanic and Asian-American
15 communities and not cut them up for political
16 reasons. Set rules in advance about how
17 communities should be defined and stick to these
18 rules. Follow and respect the Voter Rights Act.
19 Don't draw lines that favor one part of the state
20 over another.

21 Four; public exclusion and lack of
22 diversity. LATFOR's practice of scheduling
23 hearing in the mornings creates a tremendous
24 hardship for the general public. LATFOR should

2 accommodate all who wish to testify, not only
3 those professionally involved in the subject or
4 those with special interest, but the general
5 public as well. Many persons who might wish to
6 testify have jobs and are unable to attend
7 meetings during the day. For a more inclusive
8 process, I suggest that LATFOR schedule hearings
9 for late afternoon, beginning at 3:00 or 4:00
10 p.m., and concluding at 8:00.

11 Finally, there are more than three
12 million African-Americans, 1.5 million Asian-
13 Americans and the state is 52% women. LATFOR
14 needs more diversity. Thank you for your time
15 and I look forward to a fair and equitable
16 process. Carolyn Archer.

17 ASSEMBLYMAN MCENENY: I would point out,
18 we can start at 3:00 or 4:00, but you wouldn't be
19 out by 8:00. We can't have it both ways.

20 MR. CARNEGIE: Understood.

21 ASSEMBLYMAN MCENENY: Erica Sais. S-A-
22 I-S. Erica Sais. Helen Rosenthal.

23 MS. HELEN ROSENTHAL: Am I the last
24 person to testify?

2 ASSEMBLYMAN MCENENY: No.

3 MS. ROSENTHAL: I thought it was me
4 holding you--

5 ASSEMBLYMAN MCENENY: [Interposing] No,
6 no. There's seven more listed and if someone
7 walks in the door in the next five minutes, they
8 get listed as well.

9 MS. ROSENTHAL: Oh, very good. I--

10 ASSEMBLYMAN MCENENY: [Interposing] We
11 stay as long as people come.

12 MS. ROSENTHAL: Right. So it's 3:15 and
13 I've been here since the beginning. I just want
14 you to know I got a call from my daughter who
15 needs her Allegra. So I'm really glad--

16 ASSEMBLYMAN MCENENY: [Interposing] Oh,
17 good.

18 MS. ROSENTHAL: --that you called on me
19 because now I can run home and do my job.

20 But I'm here as--my name is Helen
21 Rosenthal and I'm here as a citizen and as a
22 voter. And I want to thank you Mr. Chairman and
23 all the members of the Task Force for sitting
24 here all day because I'm sure your children need

2 Allegra too; for having this hearing and for
3 holding hearings like this throughout the state.

4 I've served on my local Community Board
5 for over ten years. I was chair of the board
6 twice and our meetings do often go into the wee
7 hours of the night because we hold them after
8 work. But I completely respect your listening to
9 everyone today and I've heard the dialog that
10 you've had with the members, with representatives
11 of organizations and you clearly all have thought
12 about this very hard.

13 But you can imagine the cynicism that I
14 hear at Community Board meetings about democracy,
15 despite our best efforts to have open and
16 transparent meetings. And I just think that you
17 have a unique opportunity today and now to bring
18 back the enthusiasm of citizens to participate in
19 democracy. I think that you have an opportunity
20 to increase voter participation; something that
21 hasn't happened for a long time. And I
22 understand that the devil is in the details. But
23 I do support the hard work of Senator Liz Kruger,
24 New York Civic, Act Now and Citizens' Union.

2 I'm an optimist and I believe in
3 democracy. So as a voter, I'm here to echo
4 Senator Liz Kruger's rallying cry. Legislators
5 should not get to choose their voters. The
6 voters should get to choose their legislators.
7 Thank you very much for doing this.

8 ASSEMBLYMAN MCENENY: Thank you very
9 much. Joshua Tyburg. Joshua Tyburg. William
10 Allen. William Allen. Al Beneghoff. Altogracia
11 Guzman Vargas. You are number 50.

12 MR. ALTOGRACIA GUZMAN VARGAS: Good
13 afternoon everybody. All my respect for every
14 one of you. My name is Altogracia Guzman Vargas.
15 I come from the community Lexington Hights and
16 Marble Hill, part of the - - , up to Manhattan.
17 I've been grandma there for many years. I come
18 to United States in 1956. When I came to New
19 York, I was a girl. See that? - - . I been in
20 the states, I been discriminated - - I been in
21 New York.

22 Anyway, I don't come here for complaint.
23 We've got beautiful schools. Mr. David Dinkin
24 [phonetic] produce beautiful parks. I come in

2 here today because we need somebody to care about
3 Spanish speakers. We're so many. The city is -
4 - . The city is - - of us. You take a hundred
5 buses; you don't find one American because they
6 run away from us. Now they come back. The buses
7 are crowded from us. When I came to the United
8 States, it was ten cents for a token. Today it's
9 \$2.50 whatever.

10 Anyway, I don't come here to say too
11 much because I know you don't want to get my
12 story because it's very bad.

13 And my proposal is the Spanish people,
14 especially the Dominicans that we be in the area.
15 We got somebody to care about us, but I come
16 really to ask you for Congressional Districts.
17 Let's see whether they do for us. You see? We
18 need maybe Mr. Obama will listen to grandma too.
19 Maybe Mr. - - listen to all people. We need
20 support.

21 Manhattan is just--my neighbors are all
22 Spanish, especially Dominican, and we need
23 Congressional District. Maybe we'll get a better
24 action from them. We are producing the new

2 generation and I'm just not talking about me.

3 Look at me. I went to apply for
4 Medicaid. At my age, who's going to - - me.
5 Nobody. Who's going to give me a job? Nobody.
6 How can I do without those? Without whatever, I
7 don't know how to say good things because my
8 English is learned on the streets. I've been
9 three months here eating salami sandwiches
10 please, salami sandwiches please because I don't
11 know how to say the words. It's not in Spanish
12 in the menus. But anyway, I was a strong young
13 lady and I'm still a strong old lady. And I pray
14 to you to pay attention to grandma please.

15 We need somebody going to help us up to
16 Manhattan. We're divided from the Bronx. One -
17 - you cross the bridge, we'll be in the Bronx.
18 Marble Hill, Manhattan, down to Manhattan. I
19 don't talk about schools. The schools have
20 beautiful programs. So many kids, especially
21 Dominicans. The school is good. I tell them.
22 They can produce beautiful parks. Used to see
23 all the Spanish. I don't like because at my age
24 I cannot do that. One of you have got to listen

2 to grandma and try to make a Congressional
3 District.

4 Maybe we'd have a better job; we'd have
5 a better everything. You should see the schools,
6 everything. The - - hospital; he never refused
7 us. We go there, - - and I, they care about us,
8 but then who's going pay. The - - , thousands
9 and thousands of dollars. I went to my dentist;
10 \$5,000. I can I make it? Anybody going to give
11 me \$20 for - - . I'm an old lady already. We
12 need support. Please listen to grandma. Do
13 something for the community. We're all Spanish.
14 We need support. Whatever they can do.

15 They've got beautiful beauty parlors,
16 very good grocery stores. Whatever, they cannot
17 be a lawyer, they cannot be whatever. They got
18 supermarkets. They make a living one way or
19 another. We make a living one way or another.

20 I've been in the government - - working
21 for 42 long years and I begin at one dollar and
22 hour. Later on, they gave me a chance. They
23 gave me a chance to work - - , for the big - -
24 Marco - - . I speak Italian because - - [foreign

2 language]. Please, we have to get somebody for
3 the help for us. Give it to the Manhattan,
4 upstate and whatever, I forgot. Congressional
5 Districts. We got better support.

6 I love everyone and thank you for
7 listening to grandma. I still have more
8 complaints but I cannot make people sick. Thank
9 you very much and God bless America. God bless
10 America and every one of you for putting - - for
11 the community. For the poor people; we need
12 support.

13 Excuse me, Mr. Bloomberg and Mr. Mario
14 Cuomo. One day we went to Albany. They want to
15 take it off every little support; they give it to
16 us, especially to me. My rent is controlled,
17 thank God. And they want to put, they said,
18 "Who's going to pay the rest of the rent?" And
19 then I'll be on the street. I believe that I
20 don't want to belong to the street because I've
21 worked hard. I did my job already and my kids
22 are Americans; five of them. Where are we going?

23 I believe it in the 50 states; we are 50
24 million Spanish speakers, no matter where they

2 come from. I'll be like Americans. I like
3 America. I respect every one of you. But we
4 deserve respect. Please try to give it to
5 grandma before I go and say goodbye.
6 Congressional District.

7 I don't want to live forever, but my
8 kids are still here. Where are we going after 52
9 years? I live in New York 56 long years. Where
10 am I going? I came from a small town to DR,
11 where I be in the horse with coal. They've got
12 everything now and thank God. I live in America.
13 God bless America and I love everybody.

14 Thank you very much to listen to
15 Grandma, but please think about the Spanish.
16 Think about us. We did a good job. I'm talking
17 about me. I can't do any better. I worked in
18 the government center. I came here where they
19 discriminated on me. I kept on. That's the way
20 I'm here and thank God I did my job. Now, what
21 do think I've got in the social security? A
22 million dollars a month? Nothing, because we
23 don't make--the more that I got - - when I was
24 young; \$185.

2 I laugh at myself but thank God. I'm
3 still working. I'm volunteering - - hospital.
4 Seniors helping seniors. I'm still alive but how
5 can I make it anymore? Please give it to the
6 community; Congressional District to help us.
7 I'd appreciate it a lot.

8 And - - [foreign language] because I
9 believe what my daddy and my mother say. Respect
10 is love and without love nobody can live.

11 And look at my tooth. I need Medicaid.
12 Tell Mr. Obama. Tell Mr. Anybody, Mr. Somebody.
13 We can talk to God but you people can say to
14 them; to somebody. Give us support. Give us
15 good to pass away in peace. I love New York.

16 ASSEMBLYMAN MCENENY: Thank you.

17 MR. WELQUIS: Gracias. [foreign
18 language].

19 ASSEMBLYMAN MCENENY: Jose M.L. Santana.
20 Jose Santana. Kathleen Treat. Tough act to
21 follow, Kathleen.

22 KATHLEEN TREAT: Hi, I'm Kathleen Treat.
23 I'm chair of the Hell's Kitchen, the venerable
24 Hell's Kitchen Neighborhood Association. I'm

2 also a fan of William Kennedy's Albany books.

3 Hell's Kitchen is in Congressional
4 District Eight. We are Community Board Four. We
5 are also contingent on Community Boards Two and
6 Five.

7 While Hell's Kitchen is extremely fond
8 of all its elected officials and proud to
9 remember that Senator Dan Pat Moynahan was born
10 here, we hope that you will return for a special
11 session and then turn your vital work over to a
12 commission independent of politicians. The
13 commission needs to be and needs to be seen as
14 purely, totally non-partisan. New Yorkers need
15 to come back to the polls, which will require
16 cleanliness in all you do. Objectivity is the
17 key to good government and to better government.
18 Thank you.

19 ASSEMBLYMAN MCENENY: Thank you. Ruben
20 Vargas.

21 VOICE: - - .

22 ASSEMBLYMAN MCENENY: Thank you. Thank
23 you very much. Ruben Vargas. Okay.

24 RUBEN VARGAS: Good evening, everyone.

2 My name is Ruben Vargas. I'm a resident of the
3 Upper West Side in Manhattan. I'd like to start
4 my testimony by quoting Justice Benjamin Cardozo
5 [phonetic]. Justice Benjamin Cardozo once said,
6 "The final cause of the law is the welfare of
7 society," which is a great statement and I
8 believe it is the fundamental, or should be, must
9 be fundamental of every person at a moment of
10 deciding and voting for a law and proposing a
11 law. It cannot be, it will not be the welfare of
12 the society if districts are not designed fairly
13 and according to the need of each community. We
14 cannot put together a billionaire and a homeless
15 in the same district; homeless, meaning a person
16 that nowadays a person who's paying a high rent
17 is soon to be homeless; high rent and not a job.
18 Those things.

19 The main thing that I wanted to bring up
20 here is please, it is very important that you
21 guys take into consideration when putting the
22 district together, look at the needs of each
23 community, of neighborhoods. Look at the
24 cultures also, because sometimes the culture

2 creates needs in communities. And referring to
3 grandma; she was referring to the Congressional
4 Districts. What she wanted to say that she
5 didn't say is that it is time for a member of her
6 community, the Dominican community, to be in
7 Washington and everyone, everyone of you,
8 everyone here has a person of the other
9 descendent, from Ireland, Mexico, Cuba, anywhere.
10 You can name it all and they're all in
11 Washington, but of the Dominican descendant. And
12 it is time for that. And for that it is
13 important to take into consideration--that
14 community, Upper Manhattan, above 135th Street to
15 225th Street and East of Manhattan because West
16 would be New Jersey. - - . Those are very
17 important and they are areas that are not
18 jumping. They are one next to another. You
19 don't have to take an airplane to walk the
20 district, which is supposed to do elected
21 official.

22 Thank you for listening. That is all I
23 wanted to say and I hope everything that, when
24 making decisions, you remember Justice Benjamin

2 Cardozo, "The final cause of the law is the
3 welfare of society." It cannot be fairness or
4 welfare of society if we create districts with
5 people, with a community or a neighborhood with
6 totally and completely different needs. Thank
7 you.

8 ASSEMBLYMAN MCENENY: Thank you. That
9 expression of Judge Cardozo used to be on the
10 walls of the New York State Capital in the
11 Assembly Chamber. We moved it someplace else
12 because we broke through a walled up door and I
13 used to know it in Latin but I've forgotten the
14 Latin.

15 Is there anyone else in this room who
16 wishes to testify and has not done so already? I
17 assume that many of the people whose names are
18 here who did not show have sent in testimony or
19 have previously testified. Once again, is there
20 anyone who wishes to come forward?

21 We thank you all for your time. We
22 thank you for your advice, and I declare this
23 session closed.

24 (The public hearing concluded.)

Demographic Research and Reapportionment, 9-21-2011

C E R T I F I C A T E

I, Trisha Ruckart, do hereby certify that the foregoing typewritten transcription, consisting of pages number 1 to 295, inclusive, is a true record prepared by me and completed from materials provided to me.



Trisha Ruckart, Transcriptionist

_____ 10-11-11 _____ Date