

NEW YORK STATE  
LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND  
REAPPORTIONMENT

PUBLIC HEARING  
CONGRESSIONAL AND STATE LEGISLATIVE REDISTRICTING

Wednesday, October 5, 2011  
Farmingdale State College  
Little Theater, Roosevelt Hall  
2350 Broadhollow Road  
Farmingdale, 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

DEBRA LEVINE

LEWIS HOPPE

## INDEX

	Page
MR. PHILIP RAMOS ASSEMBLY MEMBER 6TH ASSEMBLY DISTRICT	9
MR. PHILIP BOYLE ASSEMBLY MEMBER 8TH ASSEMBLY DISTRICT	15
MR. AUBREY PHILLIPS EDITOR ELMONT.ORG	17
MS. JOYCE STOWE RESIDENT TOWN OF ELMONT	24
MR. TODD BREITBART	26
MS. SUSAN LERNER EXECUTIVE DIRECTOR COMMON CAUSE, NY	37
MS. PATRICE BENNEWARD PRESIDENT GLENWOOD/GLEN HEAD CIVIC ASSOCIATION	49
MR. TERRY GIPSON RHINEBECK VILLAGE BOARD MEMBER SMALL BUSINESS OWNER PRIVATE CITIZEN CNADIDATE FOR NYS SENATE	52
DR. MADHULIKA KHANDELWAL DIRECTOR ASIAN-AMERICAN CENTER QUEENS COLLEGE	58

## Demographic Research and Reapportionment, 10/5/11

MS. CSARENA DUTCHEV STUDENT ON BEHALF OF PREMILLA NADASEN ASSOCIATE PROFESSOR OF HISTORY QUEENS COLLEGE	68
MS. NANCY MARR MEMBER, SUFFOLK COUNTY REDISTRICTING COMM. LEAGUE OF WOMEN VOTERS, SUFFOLK COUNTY	73
DR. DILCIA GRANVILLA	84
MS. MICHELLE SCHIMEL ASSEMBLY MEMBER 16TH ASSEMBLY DISTRICT	87
MS. JOAN GIBBS, ESQ. GENERAL COUNSEL CENTER FOR LAW AND SOCIAL JUSTICE	90
MR. MIKE REICHERT	97
MS. ELISE HARRIS COUNTERPUBLIC	101
MS. REGINA CALCATERRA	105
MS. H. SCOTTIE COADS CHAIR CIVIC ENGAGEMENT, NAACP NYS CONFERENCE	113
MR. LUCIUS WARE PRESIDENT EASTERN LONG ISLAND NAACP	118
REV. RODERICK A. PEARSON PASTOR AND PRESIDENT ISLIP TOWN NAACP	120
MR. RICARDO MONTANO LEGISLATOR SUFFOLK COUNTY 9TH LEGISLATIVE DISTRICT	124
MR. DAVID STONEHILL, ESQ.	141

MS. LISA PINKARD

152

1 Demographic Research and Reapportionment, 10/5/11

2 (The public hearing commenced at 10:07  
3 a.m.)

4 SENATOR MICHAEL F. NOZZOLIO, CO-CHAIR,  
5 NEW YORK STATE LEGISLATIVE TASKFORCE ON  
6 DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT: - - of  
7 the Taskforce, along with my colleague and good  
8 friend, Assemblyman Jack McEneny. With us today  
9 are members of the Taskforce. Senator Dilan is  
10 not with us at this moment, but he, I understand,  
11 is en route and will be here as soon as he is  
12 able to be. Assemblyman Bob Oaks is a member of  
13 the Taskforce, as is Welquis Ray Lopez, who is  
14 also a citizen participant on the Taskforce.  
15 Roman Hedges, a member of the Taskforce, a  
16 citizen participant on the Taskforce is not with  
17 us today.

18 This is a series of 14 hearings that we  
19 are conducting across New York State to take  
20 input, to hear from our constituents from Long  
21 Island to Buffalo to the North Country, as to  
22 their concerns, their issues, their thoughts,  
23 their proposals regarding the redistricting  
24 process. We are a statutory commission that the

1 Demographic Research and Reapportionment, 10/5/11

2 laws of the State of New York require this  
3 Taskforce to be formed. We have, as members of  
4 the Taskforce, a fiduciary obligation to conduct  
5 these hearings, and we look forward to the  
6 hearing today in Suffolk County. We will be in  
7 Nassau County later this month and our first  
8 round of hearings will conclude with a hearing in  
9 Plattsburg on the 2nd of November. There will be  
10 also another round of hearings after plans are  
11 developed and put forward. I'm very honored to  
12 work on this project and serve on the Taskforce  
13 with Assemblyman Jack McEneny, Assemblyman, good  
14 morning.

15 ASSEMBLY MEMBER JOHN J. MCENENY, CO-  
16 CHAIR, NEW YORK STATE LEGISLATIVE TASKFORCE ON  
17 DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT: Good  
18 morning and we thank the Farmingdale State  
19 College for hosting this public hearing. We have  
20 received both at these hearings and also online  
21 and in the old-fashioned way, through the mail,  
22 we have received input from citizens across the  
23 state, from good government groups, from various  
24 groups throughout the state, proposals to improve

1 Demographic Research and Reapportionment, 10/5/11

2 the redistricting in New York State, improve the  
3 districts. We have the federal government's  
4 legislative body, the House of Representatives;  
5 there is not one Congressional District in the  
6 State of New York that has enough people to stand  
7 legally. We are dropping from 29 down to 27  
8 members of Congress, which means that new  
9 Congressional Districts, instead of being 650 or  
10 660, whatever they were the last time, will be  
11 717,707. So obviously that's a great deal of  
12 change for us, as well as the Senate and the  
13 Assembly, and we want to hear from the people, as  
14 we have been hearing, from several hundred  
15 through public hearings and also through  
16 correspondence with LATFOR with maps and various  
17 proposals. We need to hear what your  
18 recommendations are to improve the present  
19 system, which is stale and not in compliance with  
20 the law, how should the new districts be drawn.

21 SENATOR NOZZOLIO: Assemblyman Bob Oaks.

22 ASSEMBLY MEMBER ROBERT OAKS, NEW YORK

23 STATE LEGISLATIVE TASKFORCE ON DEMOGRAPHIC

24 RESEARCH AND REAPPORTIONMENT: I'd just like to



1 Demographic Research and Reapportionment, 10/5/11

2 welcome everyone today, excuse me, and look  
3 forward to hearing your input, both from  
4 citizens, from some of our colleagues that we see  
5 in the audience, and from anyone that's  
6 attending. Thank you.

7 SENATOR NOZZOLIO: Thank you,  
8 Assemblyman. Each of the testifiers today will  
9 be video-recorded and we're asking that  
10 witnesses, the testifiers, when their name is  
11 called, to come up to the stage and the cameras  
12 will capture their comments. This is part of the  
13 official record of the Taskforce. This record is  
14 available to citizens or anyone who wishes,  
15 across the world, to access the LATFOR website  
16 can do so by going to [www.latfor.state.ny.us](http://www.latfor.state.ny.us) to  
17 access the website where the hearing record is  
18 available. So that we make this official record,  
19 we ask you to suffer the inconvenience of coming  
20 up to the state to hear. We have well over 60  
21 witnesses today and we ask everyone to put their  
22 prepared remarks, submit those to the record and  
23 summarize them for the video. We're going to  
24 hold each speaker to five minutes of prepared

1 Demographic Research and Reapportionment, 10/5/11

2 remarks or oral testimony and then, of course,  
3 they'll be no time limit if any of the members of  
4 the panel have questions. So with that, I know  
5 there are some of our colleagues in the audience.  
6 I see, first and foremost, Assemblyman Phil  
7 Boyle. Assemblyman, thank you very much for your  
8 attendance and your participation in providing  
9 citizen input into this process. Also  
10 Assemblyman Phil Ramos who's here, Assemblyman  
11 Ramos, I thank you for your participation and  
12 thank you very much for being here today. Did  
13 you wish to testify, Assemblyman? With that,  
14 then, you are our first witness. Please come  
15 forward.

16 ASSEMBLY MEMBER PHILIP RAMOS, 6TH  
17 ASSEMBLY DISTRICT: Thank you, on behalf of my  
18 community, for this opportunity to speak on  
19 behalf of the constituents that I represent in  
20 the Town of Islip and in Suffolk County and to  
21 present you with this unique viewpoint when it  
22 comes to this important issue. In 2002 I was  
23 elected representative of the Sixth Assembly  
24 District in the New York State Assembly, which

1 Demographic Research and Reapportionment, 10/5/11

2 encompasses the communities of Brentwood, Central  
3 Islip, Bayshore, North Bayshore, Islip, and  
4 Islandia. The district was created with the  
5 purpose of giving an under-represented and under-  
6 served community a voice in their state  
7 government. A large percentage of the  
8 constituents I represent come from minority  
9 backgrounds, and before the creation of the Sixth  
10 Assembly District, this population, which had a  
11 common heritage and common interest, was split  
12 amongst several Assembly Districts, and it was  
13 diluting their voice and disenfranchising our  
14 community. The creation of this new district  
15 gave them, for the first time, a strong, active  
16 voice in state government. Not only was it the  
17 right thing to do, but it is the law of the land.  
18 The Voting Rights Act of 1965 was passed, partly,  
19 in order to prevent the disenfranchisement of  
20 minority groups through political gerrymandering  
21 and to avoid and prevent political  
22 gerrymandering.

23 As a result minority communities have  
24 been given a voice in their government, and they

1 Demographic Research and Reapportionment, 10/5/11

2           have experienced tremendous results with an  
3           improved quality of life. In my district alone  
4           we have seen a difference in the amount of  
5           government resources that have been directed to  
6           our community. An unprecedented amount of  
7           funding has now come to our schools as a result  
8           of the new district. Over three million dollars  
9           was invested in the Brentwood State Park, as well  
10          as towns that were cleaned up completely of  
11          graffiti. These are resources that in the past  
12          had never been directed to our community because  
13          it was a community perceived as being one of low  
14          wealth and low political power, and as a result  
15          of the division of our district, resources were  
16          not directed in the manner that they are now.  
17          Right now Hispanic voters are the fastest growing  
18          segment of the U.S. population.

19                   At the time of the 2010 Census, the  
20          Hispanic share of Long Island's population has  
21          grown to 15.5 percent. Furthermore the 2010  
22          Census figures released this spring counted more  
23          than 441,594 Hispanics on the Island. This  
24          represents a 56.2 percent jump since the year

1 Demographic Research and Reapportionment, 10/5/11

2           2000. This year, as you well know, we will be  
3 drawing new districts. These districts should  
4 represent the ethnic and cultural diversity of  
5 New York's many communities and should continue  
6 to give the minority groups a voice in their  
7 state government. Any new lines should reflect  
8 the growth of the minority communities on Long  
9 Island. Therefore I would like to see similar  
10 equitable representation amongst minority areas  
11 in Suffolk County, as well as Nassau County. We  
12 have the potential, both in Suffolk and Nassau,  
13 to draw lines that would create minority  
14 districts, and I ask that you consider one thing  
15 with the issue of redrawing lines in a district.  
16 It should not be all or nothing, it should not be  
17 either we have a district that's a majority-  
18 minority or we have the right to divide the  
19 minority community. There are districts that  
20 could be drawn that perhaps would have a 30  
21 percent minority. It wouldn't be a majority, but  
22 30 percent minority. That needs to be kept;  
23 those communities need to be kept together,  
24 because they will have a powerful influence, even

1 Demographic Research and Reapportionment, 10/5/11

2           though they are not a majority of that district.

3                       So I ask that we please move away from  
4           the all or nothing, either it's a majority-  
5           minority district or we don't pay attention to  
6           that issue and we allow communities to be  
7           divided. My district is an example of the  
8           success of the redistricting process.

9           Communities with common interests should be  
10          united and represented by one elected official,  
11          not divided up and silenced, as has been done in  
12          the past. We have come so far in terms of  
13          extending a political voice to under-represented,  
14          under-served minority communities in New York and  
15          across the country. I urge my colleagues to  
16          preserve this measure of fairness and justice  
17          when considering the new district maps in its  
18          upcoming legislative session. Thank you very  
19          much for your time.

20                       SENATOR NOZZOLIO: Thank you very much,  
21          Assemblyman. Any questions? Assemblyman  
22          McEneny.

23                       ASSEMBLY MEMBER MCENENY: It's good to  
24          see you here, Assemblyman. Will you be

1 Demographic Research and Reapportionment, 10/5/11

2 submitting maps or do you have a group submitting  
3 maps that you would endorse those maps for  
4 consideration by LATFOR?

5 ASSEMBLY MEMBER RAMOS: Yes, we've  
6 examined the numbers in both Nassau and Suffolk,  
7 and we have some suggestions that we will be  
8 submitting.

9 ASSEMBLY MEMBER MCENENY: Now this is  
10 like putting the pieces of a puzzle together, so  
11 we would caution against tunnel vision, looking  
12 at just one district. You have to look at the  
13 effect it has on the adjoining districts, as  
14 well, so a comprehensive map of both counties and  
15 Long Island would be very helpful.

16 ASSEMBLY MEMBER RAMOS: Okay, we will do  
17 that, thank you.

18 SENATOR NOZZOLIO: Thank you very much.  
19 We have been joined by New York State Assemblyman  
20 Charles "Chuck" Levine. Thank you, Assemblyman,  
21 for being here today. We appreciate your input  
22 and assistance to the Taskforce. Thank you very  
23 much. Aubrey Phillips.

24 ASSEMBLY MEMBER MCENENY: I'm sorry,

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2 Aubrey, would you mind if we put Phil Boyle on  
3 first? Thank you.

4 SENATOR NOZZOLIO: Did you ask to speak,  
5 Assemblyman? Certainly.

6 ASSEMBLY MEMBER MCENENY: Thank you very  
7 much.

8 ASSEMBLY MEMBER PHILIP BOYLE, 8TH  
9 ASSEMBLY DISTRICT: Thank you and I will be  
10 brief. I just wanted to thank the LATFOR  
11 panelists for coming to Long Island and for the  
12 time and effort you've put into this very big  
13 task. Officially, I'm supporting a non-partisan  
14 commission, but understanding that these new  
15 lines, very important lines, could be done either  
16 way coming in months ahead. I'd like to just  
17 give some input, and I think my comments would  
18 follow on Assemblyman Phil Ramos' because the  
19 districts he was talking about went into my  
20 district, the Eighth Assembly District in New  
21 York.

22 I urge you to look at the Eighth  
23 District, as I refer to myself as the poster boy  
24 for redistricting reform. The last time, ten



1 Demographic Research and Reapportionment, 10/5/11

2           years ago, they brought, they invited communities  
3           of interest in the Islip and Bayshore communities  
4           and took from Central Islip and Brentwood where  
5           Assemblyman Ramos represents and completely  
6           divided the communities in half. It was bad at  
7           the time for the constituents. It was bad for me  
8           personally, because I had to sell my house and  
9           move, but that is really a situation where the  
10          communities of Islip and Bayshore felt that they  
11          were divided and they felt the representation  
12          should have been along the lines of the people in  
13          similar communities along the south shore of Long  
14          Island. It also, obviously, had an effect on the  
15          minority communities of Central Islip, North  
16          Bayshore, and Brentwood, and I urge you to look  
17          at this as a sample case, really. I'm sure there  
18          are other instances across the state, similarly  
19          done, and I wish you the best of luck in creating  
20          these new lines. Thank you so much.

21                   ASSEMBLY MEMBER MCENENY: Thank you.

22                   SENATOR NOZZOLIO: Thank you,  
23           Assemblyman. Aubrey Phillips. Aubrey Phillips.  
24           As Mr. Phillips is coming up, I know he has

1 Demographic Research and Reapportionment, 10/5/11

2 traveled a long way to get here and that as he  
3 arrives on the stage I want to welcome our Senate  
4 Democrat member of the Taskforce, Senate Martin  
5 Dilan. Welcome, Senator Dilan. If you'd suffer  
6 a brief interruption, Mr. Phillips, that Senator  
7 Dilan just informs me that he'll reserve comments  
8 in a few minutes, later time. Thank you very  
9 much.

10 MR. AUBREY PHILLIPS, EDITOR, ELMONT.ORG:  
11 You're welcome. Good morning, as you know my  
12 name is Aubrey Phillips. I hail from Elmont, New  
13 York, and I'd like to just have a few brief  
14 remarks, which I've sort of titled "Lines  
15 Matter". Lines matter. Elmont has not voted as  
16 a community for a single Senator as long as I've  
17 lived on Long Island. We have always had two  
18 Senators. The lines do matter.

19 It was not until ten years ago that the  
20 Elmont community voted as a collective to elect  
21 former Assemblyman Tom Alfano. In fact it was  
22 testimony presented at the hearing like this one,  
23 by members of the Elmont community, led at that  
24 time by the Board of Education of the Elmont

1 Demographic Research and Reapportionment, 10/5/11

2 Union Free School District, that brought to  
3 fruition the unification of the 21st Assembly  
4 District around what was arguably or unarguably  
5 the community's strongest common interest, that  
6 of public education. The lines do matter,  
7 because my community is divided into two Senate  
8 districts. Approximately 85 percent is in the  
9 7th Senate District, the remaining 15 percent in  
10 the 9th, and from about 2007 to 2010, Democrat  
11 Craig Johnson represented the vast majority of  
12 the Elmont community, while minority leader Dean  
13 Skelos represented a narrow strip from Dutch  
14 Broadway South to the southern border of Elmont.  
15 Very few constructive things happened in our  
16 community during those days. Infighting among  
17 Democrats, cross-aisle fighting for control of  
18 the Legislature and the Assembly, appeared to the  
19 community as incompetence. But was it  
20 incompetence or were we simply victims of the  
21 lines? History matters.

22 Todd Breitbart points out that, and I  
23 quote, "Long Island's black and Hispanic  
24 populations have been systematically split in the

1 Demographic Research and Reapportionment, 10/5/11

2 State Senate redistricting plans enacted in 1972,  
3 1982, 1992, and again in 2000." He further  
4 emphasizes that in every redistricting plan put  
5 into effect through legislation, since the U.S.  
6 Supreme Court ruled in 1964 that New York State  
7 Legislative Districts must have approximately  
8 equal populations, that this has been the case in  
9 the state. Breitbart looks forward and concludes  
10 and basically says, "It remains to be seen  
11 whether the New York State Legislature will  
12 choose to extend this pattern through a full  
13 half-century and whether the Governor will sign a  
14 redistricting bill that does so." But the lines  
15 do matter.

16 In reality, Elmont's divide renders the  
17 collective politically impotent. It is argued by  
18 some that lines do not matter because they, their  
19 individual right to vote is un-feathered. I say  
20 no, lines matter. Hyper-individualists are  
21 easily satisfied once it's clear to them that  
22 they are okay, but for me and many in my  
23 community, we are part of a collective. Like the  
24 grains of sand on a beach that bind together to

1 Demographic Research and Reapportionment, 10/5/11

2 protect the shoreline, or the roots beneath the  
3 blades of grass on a hillside that intertwine to  
4 prevent mudslides, we are part of a purposeful  
5 collective. The four-decade long pattern of  
6 dividing minorities is well-established, and I  
7 echo the concerns of Mr. Breitbart. Will New  
8 York State Legislature choose to continue a  
9 pattern of racial and ethnic division for a full  
10 half-century? In part my participation here  
11 today is to say as forcefully as I know how, no.  
12 My fellow Elmont residents will focus on Nassau  
13 County's recent redistricting experience, an  
14 experience they must share with you for context  
15 and an experience that left a dark cloud over our  
16 community. They waited and some are still  
17 waiting for their county legislator to defend  
18 them, but he's silent.

19 In the end it's not legislative  
20 adherence to its own charter and respect for  
21 constituent action that resolves that issue.  
22 Sadly, like in 1964, it was judicial intervention  
23 that preserved the legislative process, and by  
24 extension, voters' rights in my community. I

1 Demographic Research and Reapportionment, 10/5/11

2 would be remiss if I did not take time to say  
3 that both Senator Martin and Senator Skelos,  
4 Elmont's two Senators, are fine gentlemen, and if  
5 I were a hyper-individualist, I may not have come  
6 to testify. I like both of them. However, lines  
7 matter, and Elmont's strength, like the grains of  
8 sand on the beach, the blades of grass on the  
9 hillside, when parsed and picked apart, are  
10 beautiful but fragile and easily overwhelmed.  
11 Together Elmont is a purposeful unit, a growing  
12 minority community that takes pride in its United  
13 Nations-like look and feel.

14 I close by saying consider, as this body  
15 did ten years ago, unifying Elmont's voting voice  
16 wholly into the 7th Senatorial District. Do not  
17 preserve the ignoble distinction of four decades  
18 of repeatedly splitting the minority vote while  
19 overtly suggesting that we as a country, that we  
20 as a state or a county, have overcome race  
21 matters. Lines matter, history matters, and race  
22 matters. Thank you.

23 SENATOR NOZZOLIO: Any questions of Mr.  
24 Phillips? I have one, Mr. Phillips. You're

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2 quoting a Todd Breitbart?

3 MR. PHILLIPS: Yes.

4 SENATOR NOZZOLIO: Where are you quoting  
5 him from?

6 MR. PHILLIPS: This was a piece that he  
7 had written in, I think it was April.

8 SENATOR NOZZOLIO: April?

9 MR. PHILLIPS: April, I think it was,  
10 that delineated the divisions throughout, sort of  
11 a historical review of what took place in  
12 redistricting over the last 40 years.

13 SENATOR NOZZOLIO: Was this a book--

14 MR. PHILLIPS: [Interposing] I think it  
15 was something I saw on the internet.

16 SENATOR NOZZOLIO: On the internet?

17 MR. PHILLIPS: Yeah.

18 SENATOR NOZZOLIO: Do you know Mr.  
19 Breitbart?

20 MR. PHILLIPS: Not personally, no, but  
21 part of my research led me to that, as I looked  
22 over this.

23 SENATOR NOZZOLIO: And what publication  
24 were you quoting him from?

1 Demographic Research and Reapportionment, 10/5/11

2 MR. PHILLIPS: If you hold one second, I  
3 don't know if I have it. I think I just pulled  
4 it out, but would you like me to send to you  
5 something?

6 SENATOR NOZZOLIO: I was just wondering.  
7 You quoted him twice in your testimony. I  
8 wondered where you were quoting him from.

9 MR. PHILLIPS: Well, like I said, it was  
10 a document that I had, I think, researched, and  
11 it came to me.

12 SENATOR NOZZOLIO: In research.

13 MR. PHILLIPS: Yes.

14 SENATOR NOZZOLIO: Thank you very much.

15 MR. PHILLIPS: You're welcome.

16 SENATOR NOZZOLIO: Scotty Coads. H.  
17 Scotty C-O-A-D-S, Coads. Lucious Wear, Lucious  
18 Wear. Leah Bahm, Leah Bahm. Dennis Jones,  
19 Dennis Jones. Melvin Boone, Melvin Boone. Kevan  
20 Abrahams, Kevan Abrahams. Roderick Pearson,  
21 Roderick Pearson. Councilwoman Dorothy Goosby,  
22 Councilwoman Dorothy Goosby. Eugene Burnette,  
23 Eugene Burnette. Kerrya Solongus [phonetic].  
24 Louis Valenzuela, Louis Valenzuela. Legislator



1 Demographic Research and Reapportionment, 10/5/11

2 Ricardo Montano, Legislator Ricardo Montano.

3 Joyce Stowe. While Ms. Stowe comes before the  
4 panel, Assemblyman, excuse me, Senator Dilan for  
5 an opening statement.

6 SENATOR MARTIN M. DILAN, NEW YORK STATE  
7 LEGISLATIVE TASKFORCE ON DEMOGRAPHIC RESEARCH AND  
8 REAPPORTIONMENT: I would just like to say good  
9 morning to everyone in the audience and thank my  
10 colleagues for hosting this meeting here in  
11 Suffolk County and also to say hello to my  
12 colleagues in the audience. I just look forward  
13 to hearing testimony regarding the special needs  
14 here out in Long Island, and I wish everyone  
15 well. Thank you.

16 SENATOR NOZZOLIO: Thank you very much,  
17 Senator. Good morning, Ms. Stowe.

18 MS. JOYCE STOWE: Good morning, my name  
19 is Joyce Stowe, and I'm speaking this morning on  
20 behalf of the residents of Tudor Manor Civic, one  
21 of several civics in the Elmont community. The  
22 U.S. Census Bureau conducts a population and  
23 housing survey every ten years, as required by  
24 titles 13 and 26 of the United States Code. This

1 Demographic Research and Reapportionment, 10/5/11

2           day the federal, state, and local legislators  
3           have the power to draw or redraw the boundaries  
4           of election districts, as long as they do not  
5           infringe on the principle of one person, one  
6           vote, which most courts view as the primary  
7           standard to produce fair elections. Elmont is a  
8           community on the border of Nassau and Queens,  
9           with an expanding, independent, political voice.  
10          Its population, according to the 2010 Census is  
11          40,507. - - its vote and political power to  
12          affect the entire state. The 3rd Legislative  
13          District, as we know it, will not include areas  
14          east of the Elmont Public Library to Meacham  
15          Avenue and Dutch Broadway. Also removed from the  
16          3rd District is a large area from Landford Drive  
17          and Dutch Broadway all the way east of Meacham  
18          Avenue and areas to the south, to the Southern  
19          State Parkway. That area constitutes the Tudor  
20          Manor Civic area, with over 701 family homes and  
21          which is proposed to be the 19th Minority  
22          District. The people of Elmont over the years  
23          have demonstrated that they vote for the best  
24          interests of the community, not for narrow ethnic

1 Demographic Research and Reapportionment, 10/5/11

2 or party politics.

3 There is a slight temporary reprieve  
4 brought about by the welcome decision of the  
5 State Appellate Court to stay the 3rd District  
6 lines, but the dark cloud of an upcoming battle  
7 still hangs over the Elmont community come 2012.  
8 The Elmont community is aware that lines  
9 governing the 21st Assembly District and the 7th  
10 Senatorial Districts are being considered at this  
11 time. We do not know what these lines are or  
12 will be, but the Elmont community hopes that  
13 there will be effective discussions and  
14 consideration as it pertains to drawing lines  
15 that will not erode our unified voting strength  
16 as a community. We do not want to engage in  
17 protracted legal warfare, as was recently  
18 experienced in the legislative district. The New  
19 York Constitution says imprisonment neither gains  
20 nor loses a resident. With the law passed by the  
21 Justice Department that inmates should be counted  
22 in their hometowns, not where they are locked up,  
23 throws a wrench on upstate towns that uses these  
24 prisoners as numbers to inflate their Census

1 Demographic Research and Reapportionment, 10/5/11

2 count. We hope that this commission will use  
3 that ruling to make a fair case in redistricting  
4 on the state level. Thank you.

5 SENATOR NOZZOLIO: Thank you very much,  
6 Ms. Stowe. Any questions by the panelists?  
7 Carrying on, thank you very much. Todd  
8 Breitbart.

9 MR. TODD BREITBART: My name is Todd  
10 Breitbart. For the record, before I proceed with  
11 the statement I've prepared, I can answer a  
12 question that you asked of Mr. Phillips. I have  
13 distributed as widely as I could, to anyone who I  
14 thought might find it of interest, a fact sheet  
15 and maps similar to the material that I have  
16 entered in the record as my written statement. I  
17 have placed my name on everything that I've  
18 distributed so that my own role should be  
19 perfectly open.

20 SENATOR NOZZOLIO: Do you know Mr.  
21 Phillips?

22 MR. BREITBART: No, I don't.

23 SENATOR NOZZOLIO: You've never met him  
24 before?

1 Demographic Research and Reapportionment, 10/5/11

2 MR. BREITBART: No, I never did.

3 SENATOR NOZZOLIO: What internet article  
4 was he referring to?

5 MR. BREITBART: I'm not, I don't whether  
6 the material was posted, but I've distributed it  
7 to a number of people and organizations who are  
8 concerned with these issues, and he may have  
9 received it in an email. That question I really  
10 can't answer.

11 SENATOR NOZZOLIO: Thank you very much.

12 MR. BREITBART: I've submitted a written  
13 statement with demographic tables and 20 maps  
14 showing that for four decades in a row, Long  
15 Island minority communities have been  
16 systematically split by the State Senate District  
17 boundaries, thereby diluting the voting power of  
18 black and Hispanic voters. All nine Long Island  
19 districts have repeatedly been designed to have  
20 super majorities of non-Hispanic, white voters.  
21 The Legislature and Governor must decide whether  
22 this practice is to be repeated again in 2012,  
23 extending the discriminatory pattern through a  
24 full half-century. This issue involves no

1 Demographic Research and Reapportionment, 10/5/11

2 conflict between the interests of Latino and  
3 African-American communities.

4 In both counties the black and Hispanic  
5 populations are concentrated in the same  
6 incorporated villages and unincorporated hamlets.  
7 Districts that split one group, diluting their  
8 voting power, will split the other group, as  
9 well. Districts that permit one group to  
10 exercise their full voting power will do the same  
11 for the other. A group of voters brought suit to  
12 challenge the 2002 Long Island Senate Districts,  
13 but a three-judge federal court ruled in  
14 Rodriguez v. Pataki, decided in 2004, that they  
15 were not entitled to relief under the Voting  
16 Rights Act of 1965. Whether the court ruled  
17 correctly is not the important question now. The  
18 prospects for challenging a new discriminatory  
19 redistricting plan under the Voting Rights Act  
20 will depend largely on recent demographic trends  
21 and on the statistical analysis of recent voting  
22 patterns. But the decision facing the  
23 Legislature and the Governor is not primarily a  
24 question of law; it is a question of justice.

1 Demographic Research and Reapportionment, 10/5/11

2           The courts set limits, some things the  
3           Legislature and Governor must do, some that they  
4           must not do. Within those limits the Legislature  
5           and the Governor enjoy broad discretion to act  
6           wisely or unwisely, justly or unjustly. If that  
7           were not so, it would not matter much whom we  
8           elect or how the districts are drawn. Suppose  
9           for the sake of argument the systematic splitting  
10          of Long Island minority community by Senate  
11          District boundaries may, as a matter of law, be  
12          extended through a full half-century. That does  
13          not even begin to address the question of what  
14          the Legislature should do or what the Governor  
15          should approve.

16                 At your hearing on October 27th in  
17                 Nassau, I'll address in my oral testimony  
18                 specifically the history of Senate redistricting  
19                 in Nassau County. Now I'll speak about Suffolk  
20                 County. In Suffolk County the 1972 boundary  
21                 between Senate Districts 3 and 4 simply followed  
22                 the Babylon-Islip town line, which is  
23                 unexceptionable. But in 1982, 1992, and 2002,  
24                 the large and growing black and Hispanic

1 Demographic Research and Reapportionment, 10/5/11

2 communities in Babylon were divided by a line  
3 that was nearly identical in each decade,  
4 changing by only a few blocks. The lines runs  
5 southward from the Babylon-Huntington town line  
6 through Wyandanch and West Babylon, then divides  
7 North Lindenhurst, Lindenhurst, Copiague and  
8 Amityville. In 1982 the part of the town  
9 northwest of this boundary was attached to  
10 District 5, which extended north to the sound in  
11 Oyster Bay and Glen Cove. In 1992 and 2002 the  
12 same area was attached to District 8, a  
13 Southshore Nassau district extending to Baldwin  
14 Harbor, but the line dividing the minority  
15 communities remained fixed.

16 Senate Districts 3 and 4 changed  
17 extensively from 1982 to 1992 and again in 2002,  
18 except in one place. The portion of the Senate  
19 District boundary that divides Brentwood, and  
20 thereby splits the Latino and African-American  
21 communities in the Town of Islip, is precisely  
22 identical in the three decades, running from the  
23 town line at Morehead Road in the north to the  
24 intersection of Commack Road and Candlewood Road



1 Demographic Research and Reapportionment, 10/5/11

2 in the south. The consistent pattern suggests  
3 that the portions of the Senate District  
4 boundaries that split minority communities were  
5 established first and that any necessary changes,  
6 such as to equalize district populations in  
7 accordance with the latest Census, were made  
8 around those fixed features. The Co-Chairmen of  
9 the Legislative Taskforce on Reapportionment have  
10 argued that Governor Cuomo should not veto a  
11 redistricting bill, merely because it was  
12 designed by them, not by an independent  
13 commission. They urge the Governor to base his  
14 decision on the bill's substance, not its source.

15 Surely, though, if the racially-  
16 discriminatory Long Island Senate boundaries are  
17 reproduced in 2012, then Governor Cuomo will have  
18 compelling grounds to veto the re-apportionment  
19 bill because of what it does, regardless of who  
20 has done it. If you do propose to continue this  
21 pattern, the potential disruption of the 2012  
22 political calendar will be the least shameful  
23 thing about it.

24 SENATOR NOZZOLIO: Any questions of Mr.

1 Demographic Research and Reapportionment, 10/5/11

2 Breitbart? Senator Dilan.

3 SENATOR DILAN: My question is, you  
4 indicate there is splitting of minority  
5 communities, the concentration - - are we  
6 splitting a community in order to achieve that -  
7 - of minority voting?

8 MR. BREITBART: Yes, if you look at the  
9 maps, you will see that it is, in Suffolk County,  
10 for example, it's not simply that the minority  
11 community in Babylon is in one district and that  
12 in Islip is in another. The minority community  
13 within Babylon has been split. The minority  
14 communities within the Town of Islip have been  
15 split by that line that I described that runs  
16 through Brentwood.

17 If I recall correctly, I don't believe  
18 that Brentwood is an incorporated village, but it  
19 is, generally, has generally recognized  
20 boundaries which have been recognized by the  
21 Census Bureau, which has made Brentwood a Census-  
22 designated place and if someone who lives in  
23 Brentwood says I'm a resident of Brentwood,  
24 everyone in the area will know exactly what they

1 Demographic Research and Reapportionment, 10/5/11

2 need, what they mean. It is a well-recognized  
3 community, and it has been systematically split,  
4 dividing, of course, not only the black and  
5 Hispanic populations in Brentwood, but in the  
6 surrounding villages and hamlets of Islip.  
7 You'll see a similar pattern in Nassau County  
8 where the minority communities primarily within  
9 the Town of Hempstead have been systematically  
10 split, in that case over four decades. The  
11 pattern in Suffolk County runs through three  
12 decades.

13 SENATOR DILAN: The reason I ask the  
14 question is because I know throughout the  
15 hearings we've been talking about not splitting  
16 communities, and in many instances - - that we  
17 would not split communities, so this,  
18 technically, is we're violating our rules just to  
19 split up a particular village or a town.

20 MR. BREITBART: It might not be possible  
21 to use a higher deviation to, within in Long  
22 Island because I believe that the State  
23 Constitution's block on border rule would require  
24 that the adjoining Long Island districts be

1 Demographic Research and Reapportionment, 10/5/11

2           nearly equal in population to one another, but it  
3           is possible, while adhering to that rule, to do a  
4           very much better job of keeping both the  
5           incorporated villages and the generally  
6           recognized unincorporated hamlets intact and also  
7           to keep intact communities that have much in  
8           common with regard to a great deal more than  
9           simply race or ethnicity.

10                   I should point out that Nassau and  
11           Suffolk Counties are the only part of the state  
12           which is almost entirely tiled by Census-  
13           designated places. That is, that the Census  
14           Bureau, I believe, at the behest of Long Island  
15           Regional Planning Board, has designated as Census  
16           places in Nassau and Suffolk Counties, not only  
17           the incorporated units, such as villages and  
18           cities, as they do in the rest of the state, but  
19           all of those unincorporated hamlets that  
20           residents of Long Island regard, would identify  
21           as their places of residence, and it is therefore  
22           possible in Nassau and Suffolk Counties and  
23           advisable for the Taskforce, unlike the rest of  
24           the state, to consult the Census place geography

1 Demographic Research and Reapportionment, 10/5/11

2 in drawing Senate districts to try to avoid  
3 dividing Census places, especially incorporated  
4 villages, although you're not required to avoid  
5 that by the State Constitution and also to keep  
6 together within districts those Census places  
7 either adjoining or near to one another that have  
8 a great deal in common.

9 SENATOR DILAN: And if these communities  
10 were kept whole, would they have the possibility  
11 of electing a candidate of their choice?

12 MR. BREITBART: I'm quite certain that  
13 that, in both counties, certainly, in the  
14 Assembly, as Assemblyman Ramos' presence here  
15 today and the office he holds demonstrates. In  
16 Nassau County, I believe, it would certainly be  
17 not difficult to create a reasonably compact  
18 Senate District that unites populations that have  
19 a great deal in common, not just with regard to  
20 race and ethnicity, but with regard to matters  
21 such as income, employment, education, and so  
22 forth, where black and Hispanic voters would be  
23 able to elect the representative of their choice,  
24 and following the same principle in Suffolk

1 Demographic Research and Reapportionment, 10/5/11

2 County, although it would not be possible to  
3 create a district where black and Hispanic voters  
4 would be in a majority, it would be possible to  
5 create a district in which they would be very  
6 valuable partners in an electoral coalition, and  
7 it is, I believe, a good thing for democracy,  
8 both to encourage and to reward inter-racial  
9 collation-building, rather than splitting  
10 minority communities so that inter-racial  
11 coalition-building is not necessary.

12 SENATOR NOZZOLIO: Thank you, Senator  
13 Dilan. Any other comments, questions of the  
14 panel? Carrying on, thank you, Mr. Breitbart.  
15 Robert Summerville. LaRoy Gadsen. I'd just like  
16 to acknowledge the presence of Assemblyman Al  
17 Graf. Assemblyman, thank you very much for your  
18 participation. Did you wish to make a statement?  
19 Not at this time? But thank you for your  
20 continued input. Sergio Argueta. Wilton  
21 Robinson. Carol Gordon. The Honorable Andrew  
22 Hardwick. Kenneth Cohen. Frederick Brewington.  
23 Roberta Cesar. Julian Jones. Abdul Hakeem. The  
24 Reverend Curtis C. Riley. Leo Fernandez. Jody

1 Demographic Research and Reapportionment, 10/5/11

2 Blair. Ernest Ulysee. Brian Paul. Susan  
3 Lerner.

4 As Ms. Lerner comes to the podium, we'd  
5 like to take this opportunity to say that whether  
6 an individual is present at these hearings or  
7 not, they are welcome to participate by  
8 submitting testimony, be that written testimony,  
9 whether it be an email, whether it be any other  
10 type of communication to the LATFOR website.  
11 It's [www.latfor.state.ny.us](http://www.latfor.state.ny.us). It is always a  
12 pleasure to see Susan. I've lost track of how  
13 many hearings you have attended. I think it's at  
14 least four.

15 MS. SUSAN LERNER, EXECUTIVE DIRECTOR,  
16 COMMON CAUSE NEW YORK: And I had meant to be in  
17 Buffalo, but health reasons kept me from  
18 participating.

19 SENATOR NOZZOLIO: Well, it's very nice  
20 to see you again.

21 MS. LERNER: Well, thank you. As you  
22 know Common Cause is involved in a mapping  
23 project, and we start before every meeting of  
24 LATFOR, at each one of these hearings, we have

1 Demographic Research and Reapportionment, 10/5/11

2 done some basic demographic analysis, which I  
3 hope will be helpful to you when you think of the  
4 testimony that you've heard this morning. A lot  
5 of what we have done in our maps that are  
6 appended to my testimony, I think graphically  
7 illustrates what people have been saying here in  
8 terms of the demographics of Long Island, and I  
9 think what we've learned at Common Cause, this is  
10 our first mapping project, how helpful it is to  
11 actually have the graphic representations,  
12 because you can see on the maps exactly what  
13 people are talking about when they talk about  
14 communities of interest. So, for instance, I'm  
15 just looking arbitrarily at Map #3, which is home  
16 ownership, and you can see how Suffolk County is  
17 primarily suburban, with a high percentage of  
18 home ownership, and yet there are clusters of  
19 places that have low home ownership and, not  
20 surprisingly, you've been hearing a lot about  
21 some of them today. Babylon and Islip, for  
22 instance, are distinct in just about all of the  
23 demographic factors that we've looked at, which  
24 include median income, particular employment



1 Demographic Research and Reapportionment, 10/5/11

2 patterns, percentage of workers employed in blue  
3 collar jobs, and so forth.

4 I'd like to point out Map #16, which I  
5 hope will be helpful to you in considering some  
6 of the testimony this morning where we have  
7 looked at particularly the town of Islip and the  
8 Hispanic community. As you may be aware, the  
9 big change in Suffolk County from the 2000 Census  
10 to the 2010 Census, as in so many regions across  
11 the state, is an expansion in the Latino  
12 community. In Suffolk we're seeing expansion in  
13 both the African-American and the Latino  
14 community, and just to graphically illustrate  
15 some of the comments that were made by earlier  
16 speakers, you can see how the Senate line that's  
17 drawn between Senate District 3 and Senate  
18 District 4 very neatly bisects this growing  
19 Hispanic community and makes it difficult for  
20 them to aggregate their voice and to be  
21 influential in having their communities wishes  
22 regarding representation respected. Seventeen  
23 looks at the black community cracked by current  
24 Senate lines in the Town of Babylon. But just a

1 Demographic Research and Reapportionment, 10/5/11

2 couple of summary points, we go into greater  
3 detail in our written testimony that will help  
4 you understand Long Island.

5 If you look just at our first map, which  
6 is population density, one of the things that's  
7 clear and in talking to local folks comes  
8 through, is that there really are some interests  
9 and some communities here in Long Island,  
10 Northshore, and Southshore, and that they are the  
11 forks on the map. So it's very easy to see why  
12 people talk about the North and the South fork,  
13 are considered pretty much to be distinct  
14 communities, but because we have low population  
15 density, they often end up in the same Senate  
16 District just because of the numbers, but they  
17 are distinct communities and the far end of  
18 Suffolk really is a rural, much more rural, and  
19 beach-oriented area, and the more dense areas  
20 that are close to Nassau.

21 The thing I'd like to add, because  
22 certainly the local people, you know, the  
23 residents here have been very eloquent about how  
24 their communities of interests they feel have

1 Demographic Research and Reapportionment, 10/5/11

2           been better served by the Assembly map than the  
3           previous Senate maps, is one thing that I would  
4           like to point out, because it has been mentioned  
5           in passing, but it really struck us in our  
6           analysis that here in Long Island, not only the  
7           unincorporated villages and the towns are  
8           important, but this is an area of the state where  
9           school districts seem to have tremendous cohesive  
10          power, and what struck us is that for most of  
11          Suffolk, the district lines pretty much adhere to  
12          the school district lines, more or less, not  
13          exactly. But in the areas of Babylon and Islip,  
14          the district lines have been drawn in the Senate  
15          side in such a way that they cut up a large  
16          number of school districts, making it harder for  
17          the residents, again, to gather to identify their  
18          common interests and to make them clear to their  
19          elected representatives, and the figures are  
20          really kind of striking. Let's see if I can find  
21          it in my written testimony. In the lines of  
22          District 4 and District 8 of the Senate in the  
23          Town of Babylon, slice through five school  
24          districts and five villages. That's really quite

1 Demographic Research and Reapportionment, 10/5/11

2 a lot.

3 In the Senate Districts 3 and 4 the line  
4 is drawn, it cuts through six school districts  
5 and seven villages, and that contrasts to the way  
6 in which the lines are drawn in the rest of Long  
7 Island, unfortunately leaving many to conclude  
8 that the lines are drawn in a partisan  
9 gerrymandered fashion and to disadvantage the  
10 minority communities there. I would hope that in  
11 this round of redistricting that we can minimize  
12 and avoid those kind of allegations and that some  
13 attention to what the residents here see as their  
14 important cohesive factors, which are not only  
15 race, but school districts are a very handy  
16 guide, we've found, in thinking through where you  
17 would want to place district lines.

18 SENATOR NOZZOLIO: Assemblyman McEneny.

19 ASSEMBLY MEMBER MCENENY: I'm just  
20 making an observation, particularly in the case  
21 of the Latino minority, that in all fairness, if  
22 these Senate lines were imposed on the year 2000  
23 map, there would not be such a striking division,  
24 that when one group of residents increases by 52

1 Demographic Research and Reapportionment, 10/5/11

2 percent in just ten years, we know that our lines  
3 are obsolete. We know there has to be changes to  
4 comply with the Voting Rights Act and the State  
5 Constitution and federal rulings, as well. So in  
6 all fairness, we're taking this Census and  
7 putting it on old lines and we know that that is  
8 going to be radically different.

9 MS. LERNER: Yeah, that's indeed true,  
10 although I think that the African-American  
11 community has been outlined, historically, does  
12 have some valid concerns about the way in which  
13 it has been treated and certainly there's no  
14 question there have been major demographic shifts  
15 here and we're certainly very pleased to hear  
16 that you're, as you would be, cognizant, and we  
17 hope that they will be properly handled.

18 SENATOR NOZZOLIO: Susan--Assemblyman,  
19 are you finished? I want to echo my colleague's  
20 comments that we found this, and I believe you  
21 were at the Queens hearing, that we saw enormous  
22 growth in the Asian population in particular, and  
23 you can't base the, looking backward, and not  
24 understanding that ten years had gone by, not

1 Demographic Research and Reapportionment, 10/5/11

2 appear as it is. It was not reflective of that  
3 growth, because it was done before the growth  
4 occurred.

5 MS. LERNER: Right, although, you know,  
6 there's an interesting task in terms of trying to  
7 determine in some areas what's trending. I don't  
8 know that anybody would necessarily have  
9 predicted the size of the expansion of the Latino  
10 community, but that's one of the factors, and I'm  
11 not saying that, you know, that population in  
12 particular, but that has been a unit. It is a 50  
13 percent expansion, but it was a unit back then,  
14 as well. It's just larger and more obvious now.

15 SENATOR NOZZOLIO: On your comment of  
16 school districts, I found that very interesting.  
17 I had not heard that raised before at any of our  
18 hearings. I know myself and Assemblyman Oaks,  
19 who represent very much identical territory in  
20 the upstate and central Finger Lakes region, as a  
21 Senator I have close to 26 or 27 all or partial  
22 school districts. I know Assemblyman Oaks has at  
23 least that, in many ways more, because he has  
24 more counties that are split. But it's very

1 Demographic Research and Reapportionment, 10/5/11

2           difficult to, and I think your point's well  
3           taken. It would be nice to have that mirror  
4           image, but it's harder with school districts,  
5           particularly since they, they do cut towns in  
6           upstate and I assume even the Island, where you  
7           have them crossing town borders. Having an  
8           identical match for school districts would be  
9           challenging. It would be interesting but very  
10          challenging to put forward, because they're  
11          developed through, in many cases, no rhyme or  
12          reason in their growth.

13                   MS. LERNER: We're not suggesting a  
14                   mechanical tracing of school districts, we're  
15                   just saying that one of the factors in this  
16                   region, in particular, that may be helpful to you  
17                   in understanding where the communities are is to  
18                   look at school districts and factor that in. I  
19                   know, and we've said this over and over again,  
20                   that the way in which our antiquated constitution  
21                   requires us to deal with counties and villages  
22                   and towns makes it more difficult to be  
23                   responsive to the communities, and I'm looking  
24                   forward to once this process is over, hopefully

1 Demographic Research and Reapportionment, 10/5/11

2 working with all of you on a constitutional  
3 amendment that will make the job easier ten years  
4 from now.

5 SENATOR NOZZOLIO: Assemblyman Oaks and  
6 I have a gentlemen's wager as to whether or not  
7 you're going to make our Plattsburg hearing.

8 MS. LERNER: Well, I'm not going to  
9 tell you gentlemen, unless--

10 SENATOR NOZZOLIO: [Interposing] It's  
11 also great to see you, Susan. Oh, Senator Dilan  
12 has another question.

13 SENATOR DILAN: In going to Map 16 again  
14 and the Hispanic community, in looking forward,  
15 what suggestion, if any, are you making by  
16 referring to this map?

17 MS. LERNER: Well, we feel that it is  
18 definitely feasible, as various folks have  
19 testified earlier, particularly folks from the  
20 communities themselves, to keep these communities  
21 together and that is something that, you know, we  
22 are looking at in terms of our mapping process,  
23 and, as I said, hope to have to you by the end of  
24 the hearings, our statewide suggestions. So we



1 Demographic Research and Reapportionment, 10/5/11

2 do suggest that with the Senate districts, where  
3 you have this kind of really cohesive demographic  
4 factors not only raised, but socioeconomic  
5 factors that those communities could  
6 appropriately be put together and certainly the  
7 idea of a coalition district is a very appealing  
8 one, I think, from a political and a social point  
9 of view.

10 SENATOR DILAN: Thank you.

11 SENATOR NOZZOLIO: Assemblyman McEneny.

12 ASSEMBLY MEMBER MCENENY: I do notice on  
13 this map of Hispanic, it says Hispanic voters?

14 MS. LERNER: Yes, voting age population  
15 is what we're using.

16 ASSEMBLY MEMBER MCENENY: Voting age  
17 population?

18 MS. LERNER: Correct, not the CVAP but  
19 the voting age population.

20 ASSEMBLY MEMBER MCENENY: The population  
21 would be, if anything, a little bit higher  
22 because of younger families, because of non-  
23 voting children and people who are newer that may  
24 not be citizens, they may not be enrolled to

1 Demographic Research and Reapportionment, 10/5/11

2 vote, etc.

3 MS. LERNER: Right and I don't remember  
4 whether on our blog we put up an analysis of  
5 percentage of immigrants as we often do for  
6 regions. You know, as you know, using the CVAP,  
7 the Citizens of Voting Age Population data from  
8 the Census is complicated and controversial, but  
9 it's certainly one of the things we are aware of,  
10 as well, and it makes, my heart goes out to my  
11 friends who are activists in the Latino  
12 community, because as in the Asian community,  
13 that is a complicating factor, often, for their  
14 analysis of their communities.

15 ASSEMBLY MEMBER MCENENY: Thank you.

16 SENATOR NOZZOLIO: Thank you very much.

17 MS. LERNER: Thank you.

18 SENATOR NOZZOLIO: Dr. Maria Teresa  
19 Feliciano. Patrice Benneward.

20 MS. PATRICE BENNEWARD, PRESIDENT,  
21 GLENWOOD/GLEN HEAD CIVIC ASSOCIATION: Good  
22 morning, and thank you for holding this hearing  
23 in Farmingdale. Am I speaking into this right?  
24 Okay. My name is Patrice Benneward; I am the

1 Demographic Research and Reapportionment, 10/5/11

2 president of the Glenwood/Glen Head Civic  
3 Association and the Vice-President of the  
4 Glenwood/Glen Head Civic Council. Glen Head and  
5 Glenwood Landing are two adjacent, unincorporated  
6 hamlets and Census-designated places located in  
7 the northwestern part of Nassau County that share  
8 a common history and identity.

9 We are surrounded by the incorporated  
10 villages of Sea Cliff, Roslyn Harbor, and Old  
11 Brookville. Glen Head is entirely within the  
12 Town of Oyster Bay. Glenwood Landing is bisected  
13 by the Oyster Bay-North Hempstead town line. We  
14 are in New York State Senate Districts 5 and 7,  
15 New York State Assembly Districts 13 and 15, and  
16 Congressional Districts 3 and 5. The Civic  
17 Council is an organization made up of eight civic  
18 associations in Glen Head and Glenwood Landing  
19 that come together to share information and  
20 support common interests. I'm speaking today as  
21 Vice-President of that organization because we  
22 are concerned about how re-apportionment affects  
23 the health of our democracy, the confidence of  
24 citizens in their government, and the ability of

1 Demographic Research and Reapportionment, 10/5/11

2 citizens to exercise their civic  
3 responsibilities. Today we would like to focus  
4 on the importance of community cohesiveness.  
5 Because Glen Head and Glenwood Landing are in a  
6 total of six voting districts that I just  
7 mentioned, we frequently are aligned with far-  
8 flung communities of which we have little  
9 knowledge and with which we have limited rapport,  
10 and we are isolated from our own neighbors and  
11 neighborhoods.

12 In addition, we are truly mystified by  
13 the highly-irregular and creative shapes our  
14 voting districts have assumed over time.  
15 Finally, for us, re-apportionment tends to be  
16 quite disorienting, because the lines that divide  
17 our community seem to shift after each cycle, a  
18 phenomena that is jarring, at best. With these  
19 points in mind, when recommending district lines,  
20 we urge you first and foremost to respect the  
21 historic ties and geographical identities of  
22 communities, specifically for our community, we  
23 request that whenever possible, all of Glen Head  
24 and all of Glenwood Landing be included whole and

1 Demographic Research and Reapportionment, 10/5/11

2 together in the same district, whether State  
3 Senate or State Assembly or U.S. Congress.  
4 Furthermore we request that our natural  
5 connections with surroundings areas also be  
6 respected. We suggest that special district  
7 areas and major thoroughfares can serve as  
8 reasonable guides for where lines are most  
9 logically placed. We have included as an  
10 addendum a list of historically- and  
11 geographically-related communities in our area  
12 and a few other lists that we hope will be  
13 helpful.

14 We are confident that following these  
15 suggestions can produce fair, contiguous,  
16 diverse, competitive, reasonably-configured  
17 voting districts that empower voters and  
18 strengthen our democracy. Finally, going  
19 forward, we think that establishing an  
20 independent, non-partisan redistricting  
21 commission well before the next census is  
22 important to ensure the integrity of the voting  
23 process and the effectiveness of government. We  
24 applaud the work of good government groups such

1 Demographic Research and Reapportionment, 10/5/11

2 as Common Cause, the League of Women Voters, New  
3 York Public Interest Research Group, and  
4 Citizens' Union. We also think that the bill  
5 proposed by the Governor and the Giannaris-  
6 Jeffries bill offer a sound basis for  
7 constructive discussion and much needed reform.  
8 Thank you for the opportunity to comment on this  
9 important and fundamental matter, for your  
10 efforts on behalf of all of us New Yorkers, and  
11 for posting video and transcripts on the LATFOR  
12 website, which I personally have found very  
13 helpful.

14 SENATOR NOZZOLIO: Thank you, and thank  
15 you very much. Any questions of Ms. Benneward?  
16 Thank you.

17 MS. BENNEWARD: Thank you.

18 SENATOR NOZZOLIO: Deborah Massir.  
19 Terry Gipson. Mr. Gipson.

20 MR. TERRY GIPSON, RHINEBECK VILLAGE  
21 BOARD, CANDIDATE FOR NYS SENATE: Hello.

22 SENATOR NOZZOLIO: It's my understanding  
23 you are a village board member of Rhinebeck?

24 MR. GIPSON: That's correct.

1 Demographic Research and Reapportionment, 10/5/11

2 SENATOR NOZZOLIO: Rhinebeck Village?

3 MR. GIPSON: That's correct. Dutchess  
4 County, yes sir. My name's Terry Gipson, and  
5 I've travelled a long distance from my home in  
6 Rhinebeck to address the committee today.

7 SENATOR NOZZOLIO: Put the microphone,  
8 it seems to be not picking up.

9 MR. GIPSON: My name is Terry Gipson,  
10 and I've travelled a long distance from my home  
11 in Rhinebeck to address this committee today, and  
12 I appreciate the opportunity to speak. I've  
13 watched a great deal of testimony from previous  
14 hearings, and it is clear to me that you take  
15 your job very seriously and that you're very  
16 thorough in the process. It's just a shame that  
17 all of this time and energy could not have been  
18 put towards developing a fair and transparent  
19 process during the last legislative session. The  
20 history of this Taskforce has proven that in  
21 spite of your good intentions, the outcome of  
22 this process will be decided by the majority  
23 leaders of both houses behind closed doors. The  
24 very idea that elected officials have the

1 Demographic Research and Reapportionment, 10/5/11

2 opportunity to draw the lines of their own  
3 districts really works against the democratic  
4 principles that you are all elected to uphold.  
5 You must know that no matter how hard you work,  
6 it is inherently impossible that this committee  
7 will be able to draw lines that are non-partisan.  
8 LATFOR is one of the most effective incumbent  
9 protection programs in this country. I would  
10 encourage everyone to visit the Senate and  
11 Assembly websites to see how many officials have  
12 been in Albany since the '70s, '80s, and '90s.

13 I know we like to think that this is a  
14 result of their hard work and diligence, but the  
15 truth, however, is that this more often than not  
16 occurs because district lines are drawn to favor  
17 incumbents, special interests, and the reigning  
18 majority in both houses. This will not change  
19 until you remove the politics from the process  
20 and LATFOR is politics at its most political.  
21 During the last session you could have shown  
22 America that New York is above all the  
23 partisanship that has paralyzed this country.  
24 Instead you let every New Yorker down when you



1 Demographic Research and Reapportionment, 10/5/11

2 refused to enact the timely, effective, and truly  
3 independent redistricting reform you all  
4 promised. It is particularly disturbing that  
5 during the last election cycle, the entire  
6 Republican majority Senate as a block supported  
7 and signed the New York Uprising Pledge to reform  
8 our shameful redistricting process. Yet here you  
9 all sit engaging in business as usual. I, for  
10 one, refuse to stand by for another minute and  
11 let our democracy be held in jeopardy by a  
12 process that routinely allows our state  
13 legislators to select their voters instead of the  
14 voters selecting them.

15 It is exactly this type of behavior that  
16 has inspired me to take on the enormous challenge  
17 of running for the State Senate myself, so that  
18 we might finally end this type of political  
19 gainsmanship. By testifying today, I hope to  
20 influence others like me across the state not to  
21 wait another minute to mount a campaign against  
22 entrenched career politicians at both the state  
23 and federal level. Waiting is exactly what they  
24 hope we will do. In this partisan process is

1 Demographic Research and Reapportionment, 10/5/11

2 just another wall incumbents have created to  
3 protect themselves. There is an important state  
4 and federal election just 13 months ahead. Every  
5 day that goes by without new and fairly drawn  
6 lines increases the weighted chances of an  
7 incumbent's reelection. You all know how  
8 difficult it is to mount a campaign and raise  
9 funds. Now imagine how hard it is to do without  
10 knowing where your district lines are or when  
11 your primary will take place. This Taskforce is  
12 not only engaging in partisan gerrymandering, you  
13 are also discouraging many highly-qualified  
14 candidates from running for office for both  
15 parties.

16 New York deserves to be represented by  
17 the best and the brightest among us. We deserve  
18 a non-partisan process that encourages all  
19 citizens to come out and take part in their  
20 government. Now the best thing that has come of  
21 this process is all the information and  
22 statistics that the public has shared with you  
23 during these hearings. I have no doubt than an  
24 independent redistricting commission could

1 Demographic Research and Reapportionment, 10/5/11

2 benefit greatly from all the information that you  
3 have gathered. My request to you today is to  
4 halt these proceedings immediately and go back to  
5 Albany to pass the independent redistricting  
6 legislation that was promised to the people of  
7 New York last year. Stand up for democracy and  
8 tell your respective leaders that all New Yorkers  
9 already know, we already know, this game is  
10 rigged. Tell them you refuse to take part in  
11 this embarrassing process any longer. Wouldn't  
12 you rather be remembered as one who took part in  
13 an historic moment to make New York a shining  
14 example of democracy? I know that I would, and  
15 for the sake of our great state, I hope that you  
16 will return our state government to its rightful  
17 owners, the people of New York. Thank you again  
18 for your time.

19 SENATOR NOZZOLIO: Thank you, any  
20 questions for Mr. Gipson? I have a comment for  
21 the record, Mr. Gipson, that the New York State  
22 Senate did enact in bi-partisan fashion, an  
23 independent redistricting commission and that the  
24 record has reflected that in prior hearings that

1 Demographic Research and Reapportionment, 10/5/11

2 the legislation was enacted by the State Senate  
3 to establish a constitutional amendment. Thank  
4 you very much for your testimony.

5 MR. GIPSON: I would just like to add to  
6 that that I think the constitutional amendment,  
7 while I understand how it occurred, to the public  
8 it appears just to be another stonewalling  
9 process. Thanks.

10 SENATOR NOZZOLIO: Thank you very much.  
11 Dr. Madhulike Khandelwal, and I would venture an  
12 educated guess that I terribly mispronounced your  
13 name. Doctor, thank you very much. Would you be  
14 so kind as to correctly pronounce your name?

15 DR. MADHULIKA KHANDELWAL, DIRECTOR,  
16 ASIAN-AMERICAN CENTER, QUEENS COLLEGE: Actually,  
17 I applaud your effort to pronounce it correctly.  
18 I, myself, have gone through so many  
19 pronunciations, that I just kind of say okay,  
20 good, as long as I know it's me, it's fine. It's  
21 Professor Khandelwal, and I'm here from Queens  
22 College. I could not testify at the Queens  
23 hearings, so I'm here, but I'm not speaking for  
24 any particular community. I want to share a

1 Demographic Research and Reapportionment, 10/5/11

2           phenomenon and experience that I go through a lot  
3           teaching at Queens College. So my name is  
4           Madhulika Khandelwal, and I'm professor in the  
5           Urban Studies Department and Director of Asian  
6           American Center at Queens College. I teach  
7           courses on the changing demographics of the urban  
8           and suburban communities of New York City area  
9           and my research is on Asian American and  
10          immigrant populations. In my work I see a lot of  
11          students, you can well imagine, but also my work  
12          brings me in very close connection and  
13          communication with the communities, the diverse  
14          communities around Queens College. This is a  
15          larger point I'm trying to make is that these  
16          counties are going through tremendous amount of  
17          demographic transition, as you all know.

18                 In every census, and actually the  
19          American Communities Survey, brings out like, you  
20          know, ongoing changes. I would like to identify  
21          a population in this, which I call the new  
22          American population, and this is signifying the  
23          kind of demographic changes we are seeing. This  
24          is a national phenomenon, we know that, but of

1 Demographic Research and Reapportionment, 10/5/11

2 course it is felt more in the urban areas, like  
3 New York City, metropolitan area, but also in the  
4 surrounding areas itself. By the new American  
5 population I mean primarily two groups.

6 One, of course, there are immigrants  
7 that have come to this country especially after  
8 1960's, post 1965 immigration, from all over the  
9 world, and of course they do represent so many  
10 cultures and races and religions and languages  
11 and so on and so forth, but also there is a group  
12 of younger generation Americans, whether they're  
13 children of immigrants or of long-term residents  
14 who have been here, the families have been here  
15 for a long time, who are growing in this kind of  
16 diversity and in my career, I feel that there is  
17 this need for them to understand what is going on  
18 with our multi-cultured populations and to become  
19 fuller participants in this American democracy.  
20 So both for the immigrant population and this  
21 younger generation, I feel these are the new  
22 Americans who are trying to engage with this new  
23 American, you know, kind of polity and society  
24 that's coming up, and this redistricting process

1 Demographic Research and Reapportionment, 10/5/11

2 is extremely significant for them. I teach,  
3 actually, about redistricting, as well, in my  
4 classes itself. So in the immigrant and this new  
5 American population I feel that we, as  
6 professors, our job is not only to teach about  
7 these things, I encourage my students to know  
8 more about these things, and also to register to  
9 vote if they can, if they are naturalized  
10 citizens or they are citizens, they should  
11 register to vote itself.

12 So this has, this population has a huge  
13 bearing, I feel, on the redistricting process  
14 itself, how should we redistrict these things.  
15 Very often in my community experience, in my  
16 social experience, I find that this new American  
17 population is either lumped together in a  
18 homogenous kind of groups, they're all aliens or  
19 they're all foreigners, they're not Americans, as  
20 such. That's why I'm using the term new  
21 Americans. Very often I find in my work and in  
22 my social communications or interactions that  
23 this population is seen as not only alien and  
24 foreigner, but they're so diverse, it's like a

1 Demographic Research and Reapportionment, 10/5/11

2 hodge podge, that they are almost non-descript.  
3 Now we don't know who these people are really, so  
4 I would underscore the need to kind of work with  
5 the demographics, with the changing demographics,  
6 and also it'd be wonderful if the commission and  
7 the people who make decisions can work with  
8 scholars and demographers who are seeing these  
9 trends, so that these communities can be  
10 encouraged to participate in American society and  
11 politics a little bit more than usual. I know  
12 the pace of change is tremendous, so it's a huge  
13 challenge we are talking about, but I have full  
14 faith that, you know, people like you will be  
15 looking at these demographic changes more closely  
16 and trying to keep these communities as much as  
17 possible together. Thank you so much.

18 SENATOR NOZZOLIO: Thank you, Doctor,  
19 any questions? Senator Dilan.

20 SENATOR DILAN: Hello, ma'am?

21 SENATOR NOZZOLIO: Doctor, one second.

22 SENATOR DILAN: On Long Island has there  
23 been a significant growth in the Asian community  
24 or can you identify any towns or villages?



1 Demographic Research and Reapportionment, 10/5/11

2 DR. KHANDELWAL: Actually my work is  
3 focused more on Queens itself, but, I mean, you  
4 are all familiar with this that in Queens there  
5 is a very large, very rapid increase in the  
6 Asian-American population. I want to mention  
7 that first before I talk about Long Island. In  
8 Queens, in my work, I have seen not only a growth  
9 in terms of population, but also a new leadership  
10 emerging, and I believe that you saw some of  
11 these people testify in the Queens hearing  
12 itself. I work with them very closely, many of  
13 these organizations, and they're very diverse  
14 within the Asian population. They could be  
15 Chinese, they could be Korean, they could be  
16 South-Asians, different groups of South-Asians  
17 and Filipinos and so on and so forth. So that  
18 Queens population is coming from the  
19 neighborhoods where immigrants are arriving.  
20 These are receiving areas, but once immigrants  
21 settle for some years, they do move out, as well,  
22 right? So we see this spillover of the  
23 population from neighborhoods like Flushing and  
24 Jackson Heights and Richmond Hill and Elmhurst

1 Demographic Research and Reapportionment, 10/5/11

2           into more eastern Queens and then onto suburban  
3           areas of communities of Long Island. So the  
4           Asian population that's moving into Long Island  
5           is economically, socioeconomically, off upper-  
6           middle class and kind of, there are more  
7           homeowners in this, so sometimes - - kind of  
8           spread out. For example my own group, Asian-  
9           Indian population, is really growing a lot over  
10          the last 20-30 years in Nassau and Suffolk, both.  
11          In fact I think it's the largest Asian population  
12          in Nassau, is that of Asian-Indians itself. So  
13          they are not like living in particular towns, as  
14          such, but they're pretty scattered all around,  
15          and I think the areas adjoining Queens in Nassau  
16          would have more populations of Koreans and  
17          Chinese, whereas Indian population would be more  
18          spread out itself.

19                   MR. W. LOPEZ: In Rockville Center  
20                   alone, you can see that there is a lot of  
21                   business that is Asian. You have in Park Avenue  
22                   and Merrick Road a lot of them. When I mean a  
23                   lot, you're talking about maybe 15-20 of them  
24                   right there, and I know that is true because by

1 Demographic Research and Reapportionment, 10/5/11

2 Mineola and the Williston area, Glen Cove, there  
3 is a lot of Asian, of course, Indian, and they're  
4 wealthy, let's put it this way. They are  
5 business people. In Rockville Centre we have  
6 also our Indian individuals that are doctors and  
7 they come to the area meetings and you can see  
8 them there. But like you said they're scattered  
9 all over the place, you're right.

10 DR. KHANDELWAL: But I do want to  
11 mention, even though I'm very conscious about the  
12 Asian populations and my own Asian-Indian  
13 population, I do underscore what has been  
14 testified by the previous presenters here, that I  
15 would like to have the redistricting process  
16 support more multi-racial and multi-ethnic  
17 coalition building possible among different  
18 groups. Very often we see these groups as very  
19 fragmented and we just care about our own  
20 community, and that's why I said I'm not for any  
21 one community here. I am really for the multi-  
22 cultural and the multi-ethnic coalition building,  
23 and hopefully that will be represented in the  
24 people who are elected, as well, so these

1 Demographic Research and Reapportionment, 10/5/11

2 communities are represented, as well. Thank you  
3 so much.

4 SENATOR NOZZOLIO: Doctor, one more  
5 question. Assemblyman?

6 ASSEMBLY MEMBER MCENENY: I just wanted  
7 to make an observation. We were at the Queens  
8 public hearing and we had 40 or more people come  
9 and half of them were Asian of various  
10 ethnicities, and as one who has a background as  
11 an historian, I was amazed knowing the European  
12 American history of groups battling and competing  
13 each other for generation after generation. I  
14 said to myself this very diverse group of people,  
15 Chinese, Korean, South India, Pakistani, etc. I  
16 said there's been some tremendous leadership in  
17 this 21st Century to bring these very diverse  
18 people representing different cultures,  
19 religions, and languages to speak in one voice as  
20 Asians on the political and governmental forum,  
21 and I think I'm not sure who gets all the credit,  
22 but I think it's very admirable to see that some  
23 very real and productive leadership has developed  
24 within this very diverse group that could be

1 Demographic Research and Reapportionment, 10/5/11

2           wasting a lot of time competing with one another  
3           or refusing to identify with one another, and I  
4           think a great deal of progress has been made in  
5           those ten years.

6                   DR. KHANDELWAL: Can I respond just  
7           briefly to this? I appreciate your comments very  
8           much, and people like me are very much part of  
9           this coalition building and, you know, this new  
10          leadership that you have seen. Therefore I want  
11          to say that it's not only immigrants. There are  
12          some immigrants in that, but it's also a younger  
13          generation of leadership, and many of these  
14          younger generation people, especially, are very  
15          conscious about the commonalities that they  
16          share, not only with their own, you know, they  
17          care about their own ethnic group, but they also  
18          care about other Americans, regardless of the  
19          racial and ethnic divisions and the differences.  
20          I have worked personally with many of these  
21          people who testified in the Queens hearing, and  
22          we have a pan-Asian coalition and a network of  
23          these organizations, together with academics, you  
24          know. So Queen College has partnership with

1 Demographic Research and Reapportionment, 10/5/11

2           these organizations, but also what we are seeing  
3           in them is a very heightened awareness, not only  
4           about, as I said, about their own ethnic and  
5           cultural diversity, but really where America is  
6           going forward. I know personally many people,  
7           many leaders, who have come back to these  
8           communities to help these organizations, even  
9           though they were not like living here. Many  
10          people have come back to Flushing. Many people  
11          have come back from, really, all over the  
12          country. They're coming back to Queens to help  
13          these organizations. So there is a kind of like  
14          new movement that we're seeing, a small movement  
15          forward, and I'm hoping that many of these people  
16          will also be working with other communities, as  
17          well, which they are.

18                   ASSEMBLY MEMBER MCENENY: Thank you.

19                   DR. KHANDELWAL: Thank you.

20                   SENATOR NOZZOLIO: Thank you very much.

21           Jerry Vatamala. Premilla Nadasen. Good morning.

22                   MS. CSAREENA DOTCHEV, ON BEHALF OF  
23           PREMILLA NADASEN, ASSOCIATE PROFESSOR OF HISTORY,  
24           QUEENS COLLEGE: Good morning, my name is

1 Demographic Research and Reapportionment, 10/5/11

2 Csareena Dotchev, and I'll be presenting on  
3 behalf of Premilla Nadasen. I'm a student--

4 SENATOR NOZZOLIO: [Interposing] I'm  
5 sorry, could you repeat that, please?

6 MS. DOTCHEV: My name is Csareena  
7 Dotchev, I'm a student at Queens College, and  
8 I'll be reading the testimony on behalf of  
9 Premilla Nadasen.

10 SENATOR NOZZOLIO: Without objection  
11 from the panel, I think that it's appropriate as  
12 a learning experience for this student.

13 MS. DOTCHEV: Thank you.

14 ASSEMBLY MEMBER MCENENY: And could you  
15 spell your name? I didn't catch that.

16 MS. DOTCHEV: Sure, that C-Z-A-R-E-E-N-  
17 A. Last name, D-O-T-C-H-E-V.

18 ASSEMBLY MEMBER MCENENY: Thank you.

19 MS. DOTCHEV: Thank you. My name is  
20 Premilla Nadasen. I'm a professor of History at  
21 Queens College, City University of New York,  
22 where I've been teaching for the past 13 years.  
23 I'm currently doing research on domestic worker  
24 organizing and have published widely on the

1 Demographic Research and Reapportionment, 10/5/11

2 subject.

3 One of my most important research  
4 conclusions deals with a multi-racial and multi-  
5 ethnic character of these organizing efforts.  
6 The vast majority of domestic workers are  
7 immigrants. They come from all parts of the  
8 globe, El Salvador, Jamaica, Nepal, the  
9 Philippines, Nigeria, Sri Lanka, Bangladesh,  
10 Barbados, Brazil, Mexico, and the list goes on.  
11 While much of the literature on immigration  
12 focuses on the tensions and conflicts among  
13 immigrant communities, their competition for  
14 scarce resources or neighborhood territoriality,  
15 my research examines these communities from a  
16 different angle, from their perspective as  
17 workers. Their ethnicity and racial backgrounds  
18 are inextricably bound up with their employment  
19 status. Many of them secured their jobs through  
20 informal neighborhood networks and most who are  
21 working as domestics are able to do so because of  
22 their racial or ethnic background. This is a  
23 racially and class-stratified occupation, where  
24 certain immigrants are deemed most appropriate as



1 Demographic Research and Reapportionment, 10/5/11

2 nannies, cleaners, and caretakers. Nevertheless  
3 these domestic workers were able to overcome the  
4 barriers of race, culture, language, and develop  
5 a multi-racial organizing model that should  
6 prompt us to rethink our standard interpretation  
7 of immigrant conflict. Indeed what my research  
8 shows is that domestic workers, whatever their  
9 background, have a great deal in common in their  
10 status as a marginalized and excluded worker.  
11 These are workers who do not have the right to  
12 collective bargaining, who are often underpaid  
13 and overworked, who are rarely offered social  
14 security or unemployment benefits, who are often  
15 verbally and physically abused.

16 These conditions of the occupation  
17 brought together Latino, African, Asian, and  
18 Middle Eastern workers. They have formed a  
19 multi-racial coalition where they have been able  
20 to find common ground in their interests as  
21 workers. In 2007 at their urging, the New York  
22 City Council passed a New York City law that  
23 requires employment agencies to inform workers  
24 and employers of workers' rights and just last

1 Demographic Research and Reapportionment, 10/5/11

2 year they aided in the passage of the nation's  
3 first ever Domestic Worker Bill of Rights.

4 They are currently working with the U.S.  
5 Department of Labor on national regulations for  
6 domestic work and the International Labor  
7 Organization on Global Standards. These are no  
8 small feats for a group of impoverished,  
9 relatively powerless domestic workers. Their  
10 victories are a testament to the power they have  
11 managed to amass as a multi-racial, multi-ethnic  
12 organization that speaks in a distinctive voice  
13 in the interest of all domestic workers, whatever  
14 their background. It is a testament to  
15 significance of class in shaping the interests  
16 and worldview of individuals. It is a testament  
17 to the ways in which immigrant communities across  
18 the boundaries of ethnicity to embrace others who  
19 they see as their allies. The implication of  
20 this, of course, is that in the redistricting  
21 process, it is important that immigrant  
22 communities not be viewed as a uni-dimensional  
23 but that their class interests and their status  
24 as workers also be considered. Thank you.

1 Demographic Research and Reapportionment, 10/5/11

2 ASSEMBLY MEMBER MCENENY: Thank you very  
3 much. Nancy Marr.

4 MS. NANCY MARR, MEMBER SUFFOLK COUNTY  
5 REDISTRICTING COMMISSION, LEAGUE OF WOMEN VOTERS,  
6 SUFFOLK COUNTY: Good morning, members of LATFOR,  
7 and thank you for coming to Suffolk County. My  
8 name is Nancy Marr. I'm the representative of  
9 the Suffolk County League of Women Voters, and  
10 I'm also a representative of the League of Women  
11 Voters on the Suffolk County Re-Appportionment  
12 Commission. Our League played a significant role  
13 in drafting the legislation for this independent  
14 commission and supported its adoption.

15 ASSEMBLY MEMBER MCENENY: Excuse me, was  
16 it an independent commission, or bi-partisan?

17 MS. MARR: That's an interesting  
18 question. It's non-partisan, and in reality, I  
19 think that's become difficult. We had four  
20 members appointed by the Republican minority  
21 leader, four members appointed by the Democratic  
22 majority leader, and we've just begun to meet,  
23 but I'm seeing that there is an issue with  
24 whether you can be bi-partisan and non-partisan

1 Demographic Research and Reapportionment, 10/5/11

2 and independent. But we're not connected to the  
3 legislature at all.

4 ASSEMBLY MEMBER MCENENY: Then it was  
5 bi-partisan, no legislators on the commission.

6 MS. MARR: Right.

7 ASSEMBLY MEMBER MCENENY: Okay, thank  
8 you.

9 MS. MARR: And at our meeting the  
10 legislators stepped back and the commission  
11 worked on its own, but we're just really getting  
12 started, and I'm grateful to hear all these  
13 complicated things that we're going to be dealing  
14 with.

15 ASSEMBLY MEMBER MCENENY: Thank you.

16 MS. MARR: The League of Women Voters is  
17 a non-partisan organization which encourages  
18 informed and active involvement in government and  
19 influences public policy through education and  
20 advocacy. We are also members of a statewide  
21 coalition dedicated to reforming New York's  
22 redistricting process, Reshape New York, which  
23 consists of 35 organizations, including civic  
24 groups, issue advocacy groups, unions, and

1 Demographic Research and Reapportionment, 10/5/11

2 business organizations. While we appreciate the  
3 opportunity that today's hearing provides to  
4 comment on the redistricting process, we believe  
5 that New Yorkers have already spoken loud and  
6 clear on the drawing of district lines. The  
7 public want an independent commission, not  
8 LATFOR, to draw State Legislative and  
9 Congressional District boundaries according to  
10 fair and objective criteria, while allowing for  
11 public input into the process. An independent  
12 commission drawing impartial district lines would  
13 maintain the legislature's ability to give input  
14 on the plan and ultimately pass legislation in  
15 accordance with the State Constitution. Voters  
16 across all parties believe an independent body  
17 should draw the lines.

18 The Governor has proposed legislation to  
19 form an independent commission. In addition 61  
20 out of 62 Senators, and 123 out of 150 Assembly  
21 Members have either signed on to his legislation  
22 or legislation proposed in their respective  
23 houses or signed pledges and questionnaires from  
24 good government groups in support of reforming

1 Demographic Research and Reapportionment, 10/5/11

2 the redistricting process. A key element of  
3 reforming the redistricting process is limiting  
4 the allowable population difference between  
5 legislative districts that in the past has  
6 created districts that vary widely in population  
7 size, thereby favoring one region over another.  
8 The current redistricting process has also  
9 historically protected incumbents, including  
10 carving incumbents' competitors' homes out of  
11 districts and discourage competition in our  
12 electoral system. In the 2010 election New York  
13 State had one of the lowest of voter  
14 participation in the nation, coming in at 47th  
15 among states. This is no surprise.

16 Why should people vote if they face no  
17 real choice in candidates? Meaningful discussion  
18 of public policy has also taken a back seat to  
19 years of partisan rhetoric and late budgets  
20 because of the political impasse created by  
21 putting partisan interests before the public  
22 interest. Ignoring the public will and  
23 continuing with LATFOR proceedings, the only  
24 legally-mandated process at this time, will end

1 Demographic Research and Reapportionment, 10/5/11

2 in Governor Cuomo vetoing the very lines it  
3 draws, making this entire process a waste of  
4 time. Legislators must honor their words and  
5 keep their commitments. They should return to  
6 Albany during a special legislative session to  
7 end partisan gerrymandering and enact  
8 redistricting reform by handing the power of the  
9 pen to an independent commission to draw  
10 impartial legislative and Congressional lines.  
11 New Yorkers cannot wait another ten years for  
12 reform.

13 SENATOR NOZZOLIO: Any questions of Ms.  
14 Marr from the panel? I have a question.

15 MS. MARR: Yes.

16 SENATOR NOZZOLIO: I think your  
17 testimony would be, not your written testimony,  
18 but the testimony you gave us when you started to  
19 discuss your own experiences with the so-called  
20 independent system that Suffolk is engaged in,  
21 that you said it all there. You believe that the  
22 challenges of creating something that's truly  
23 independent is difficult, nigh impossible.

24 MS. MARR: It may be possible, and I

1 Demographic Research and Reapportionment, 10/5/11

2 must stress that we're at the very beginning of  
3 our process.

4 SENATOR NOZZOLIO: Are there any  
5 limitations on those who can be selected as a  
6 member of the committee?

7 MS. MARR: Yes.

8 SENATOR NOZZOLIO: Are campaign  
9 contributors to the county executive or county  
10 legislature excluded from that process?

11 MS. MARR: That's not part of the  
12 process. I know that we cannot have served or  
13 plan to serve in an elected official position.  
14 Judges have to have retired for ten years. I  
15 think the legislators who selected the members  
16 really worked very hard to find people who would  
17 be fair, and we're charged with doing that.

18 SENATOR NOZZOLIO: I certainly think  
19 that your selection speaks for fairness, although  
20 you may have contributed to a political  
21 candidate. You may have been a member of a  
22 political action committee. You or others on  
23 this committee may have been a member of a union,  
24 political activist group. I think therein lies



1 Demographic Research and Reapportionment, 10/5/11

2 the issue when you're talking about something  
3 that's independent, how is independence defined,  
4 and how is it regulated?

5 MS. MARR: I think we do have a balance,  
6 because it's four judges, either Democrat or  
7 Republican, and four members of good government  
8 groups or minority groups who are not allied with  
9 any political party.

10 SENATOR NOZZOLIO: I'm sorry to  
11 interrupt, but it's such a good, you're bringing  
12 up such important information. Were those judges  
13 elected or appointed?

14 MS. MARR: Had they been, ten years ago?  
15 Probably elected.

16 SENATOR NOZZOLIO: Probably elected, so  
17 I guess it's okay for an elected judge to be out  
18 of commission, but not an elected legislator.

19 MS. MARR: But they have to have been  
20 retired for ten years.

21 SENATOR NOZZOLIO: Oh, retired?

22 MS. MARR: Yes, yes, retired judges.

23 SENATOR NOZZOLIO: It's a fascinating  
24 subject, and thank you very much for your input

1 Demographic Research and Reapportionment, 10/5/11

2 into the commission.

3 MR. LOPEZ: I just want to ask you a  
4 question. You said there are eight members on  
5 the committee?

6 MS. MARR: Yes.

7 MR. LOPEZ: And there is four Democrats  
8 and four Republicans?

9 MS. MARR: No. There were four members  
10 appointed by a Republican and four members  
11 appointed by a Democrat. Those of us who are not  
12 judges are not connected to a party. We were  
13 selected by the Republican or the Democrat, but  
14 none of us are connected to a party.

15 MR. LOPEZ: So basically the--

16 MS. MARR: [Interposing] We are non-  
17 partisan.

18 MR. LOPEZ: So you were selected by  
19 whom?

20 MS. MARR: I was selected by the  
21 Democrat.

22 MR. LOPEZ: Okay, thank you.

23 SENATOR NOZZOLIO: Assemblyman McEneny.

24 ASSEMBLY MEMBER MCENENY: I think one

1 Demographic Research and Reapportionment, 10/5/11

2 the, I wish you a lot of luck. It's a difficult  
3 thing to do any kind of a redistricting, and your  
4 motives for drawing a line to the left or the  
5 right are always suspect and some people believe  
6 what they want to believe. I would assume that  
7 your end product will be as good as you can make  
8 it, working with different opinions, different  
9 backgrounds of people, and it will then go to the  
10 County Executive and then the County Executive,  
11 if he feels or she feels, because I know--

12 MS. MARR: [Interposing] Excuse me, it  
13 goes to the Legislature first.

14 ASSEMBLY MEMBER MCENENY: Oh, it goes to  
15 the Legislature first, correct. That happened  
16 with a bi-partisan group, non-legislative, in  
17 Erie County and the Legislature tweaked it a  
18 little bit, the County Executive didn't like it,  
19 he vetoed it, the Legislature would not override  
20 the veto, so it wound up going to the courts.

21 MS. MARR: In our system we have two  
22 chances to make it right and then it goes to the  
23 court.

24 ASSEMBLY MEMBER MCENENY: Right, and in

1 Demographic Research and Reapportionment, 10/5/11

2 the case of Erie County, the courts cancelled the  
3 primary. So if you're on good terms with your  
4 political party, you don't have to worry about a  
5 primary, you just go to the general. That's one  
6 of the worries about throwing things into the  
7 courts, is that it's a very unpredictable world.

8 MS. MARR: We want to avoid that.

9 ASSEMBLY MEMBER MCENENY: So it's a very  
10 serious risk. We'd like to avoid it, too, and  
11 right now we have the worry that regardless, if  
12 we take all of the input that we've been getting  
13 in this first round, and this first round will be  
14 over before the election, and we take a look at  
15 some of the maps, we've received some very good  
16 maps and some good suggestions this morning from  
17 Common Cause, and we do the best we can and we  
18 come out with a product that looks very good, do  
19 you think it's appropriate for a chief executive  
20 to say he's going to veto it before it's even  
21 drawn?

22 MS. MARR: He said he would veto it if  
23 it seemed partisan. I don't think he said he  
24 would just veto in any case.

1 Demographic Research and Reapportionment, 10/5/11

2 ASSEMBLY MEMBER MCENENY: So if it's a  
3 good product, then the Governor should sign it.

4 MS. MARR: He should sign it, yes.

5 ASSEMBLY MEMBER MCENENY: If it's unfair  
6 or blatantly partisan to the disadvantage of the  
7 general populace, then he should veto it. We are  
8 agreement with that. I appreciate, good luck, I  
9 appreciate the hard work that this will take.

10 MS. MARR: Ulster County, by the way,  
11 had very good results with their independent  
12 commission.

13 ASSEMBLY MEMBER MCENENY: It was bi-  
14 partisan. They testified, yes.

15 MS. MARR: I talked with the League  
16 person who was on it and what she said--

17 ASSEMBLY MEMBER MCENENY: [Interposing]  
18 Bi-partisan but no legislators.

19 MS. MARR: Some political people and  
20 some non-political people, and the effort was  
21 good.

22 ASSEMBLY MEMBER MCENENY: Yes.

23 MS. MARR: Thank you.

24 SENATOR NOZZOLIO: Thank you very much,

1 Demographic Research and Reapportionment, 10/5/11

2 Ms. Marr. Larry Silverman. Dr. Dilcia  
3 Granvilla.

4 DR. DILCIA GRANVILLA: Good morning,  
5 everyone.

6 SENATOR NOZZOLIO: Good morning.

7 DR. GRANVILLA: Thank you for giving me  
8 the opportunity to testify. I am Dr. Dilcia  
9 Granvilla, Vice-President of the Dominican-  
10 American National Round Table in Long Island, and  
11 I'm also a resident of Nassau County for the past  
12 22 years. On behalf of the Dominican-American  
13 National Round Table, I would like to thank you  
14 for giving me the opportunity to address you  
15 regarding the redistricting of New York  
16 Legislative and Congress.

17 The Dominican National Round Table is a  
18 national organization founded in 1997 with a  
19 mission of representing and advocating for the  
20 educational, economic, and civil rights of the  
21 two million Dominicans in the United States,  
22 including the large population of Dominicans in  
23 New York and Long Island. We would like you to  
24 consider the following in the performance of your

1 Demographic Research and Reapportionment, 10/5/11

2 duties. According to the 2010 U.S. Census, in  
3 2010 there were 50.5 million Hispanics in the  
4 United States, composing 16 percent of the total  
5 population. Hispanics increased by 15.2 million,  
6 or 43 percent, between 2000 and 2010 Census,  
7 which accounted for over half of the total  
8 population growth that occurred in the U.S. over  
9 the past years. In Long Island alone the growth  
10 was 55 percent, accounting for 441,494. The  
11 Census Bureau released will specifically look at  
12 the population of a state showing dramatic growth  
13 of the Hispanic population.

14 In New York, for example, Hispanics  
15 account for one out of every two individuals  
16 added to the total adult 18+ population in the  
17 state. Hispanics make up 19 percent of the  
18 state's total population and has grown 27 percent  
19 of the New York City population. The Bronx has  
20 256,000 Dominicans alone and Washington Heights  
21 about 126,000. The emergence of the Latinos are  
22 the largest minority in the state as per the 2010  
23 Census requires the creation of majority Latino  
24 district or Latino opportunity district that will

1 Demographic Research and Reapportionment, 10/5/11

2 allow us to elect candidates of our choice in  
3 numbers commensurate with our population. We  
4 propose a majority Latino Congressional District  
5 that will unite the communities of interest of  
6 Long Island, which would include Brentwood,  
7 Bayshore, Central Islip, the community of  
8 Freeport, and all the vicinity that was presented  
9 by the map, previous map. This map affords this  
10 Taskforce the opportunity to add a Congressional  
11 District and an Assembly District that will bring  
12 Latino representation closer to the proportion  
13 our population merits. If this Taskforce intends  
14 to provide fair and accurate representation to  
15 all New Yorkers, it will draw maps that will  
16 afford the Latino population of New York accurate  
17 and fair representation of the legislature. This  
18 special joint committee of redistricting should  
19 consider creating legislative districts in the  
20 area we've highlighted as the Voting Rights Act  
21 provides for keeping together the votes of  
22 minority groups in districts that they may elect  
23 candidates of their choice. Thank you very much.

24 SENATOR NOZZOLIO: Thank you very much,



1 Demographic Research and Reapportionment, 10/5/11

2 Doctor. Any questions of the panel?

3 MR. LOPEZ: Just a question on the  
4 document that you were submitting right now. You  
5 also have, that you were talking about Washington  
6 Heights?

7 DR. GRANVILLA: Well, we talk about,  
8 we've been testifying for in the Washington--

9 MR. LOPEZ: [Interposing] One of my  
10 questions is, are you going to have, are you  
11 going to present the commission with maps?

12 DR. GRANVILLA: We are going to present  
13 the commission a map showing the district that we  
14 are proposing. They are all the districts that  
15 the Latino has proposed, but we have our own map  
16 that we'll be proposing soon.

17 SENATOR NOZZOLIO: Okay, thank you very  
18 much, Doctor. Carmen Julia Pinnerio. We have  
19 been joined by Assemblywoman Michelle Schimel.  
20 Assemblywoman, thank you very much for your  
21 participation. Did you wish to testify?

22 ASSEMBLY MEMBER MCENENY: Please come  
23 forward.

24 SENATOR NOZZOLIO: Good morning,

1 Demographic Research and Reapportionment, 10/5/11

2 Assemblywoman.

3 ASSEMBLY MEMBER MICHELLE SCHIMEL, 16TH  
4 ASSEMBLY DISTRICT: Good morning, thank you and  
5 welcome to Long Island, and I understand you're  
6 going to be also joining us in Old Westbury,  
7 which is my district, so double hit, and that's  
8 very good, because I have to say this is a  
9 wonderful process, and Jack is my seatmate,  
10 actually, in the Assembly, and I know the panel,  
11 and it's a great panel.

12 I actually hadn't planned on speaking,  
13 because I felt as a legislator that this is  
14 really for the public, that I don't have a place  
15 at the table, because, you know, it would appear  
16 self-serving to be here, but I have to tell you,  
17 now that you're on Long Island, I felt compelled  
18 to say just one brief statement. I did read the  
19 bill, there's a program bill, I familiarized  
20 myself with it again last night, and I understand  
21 the tenants of what wants to be accomplished with  
22 this redistricting, to make it independent, to  
23 make it transparent, and I understand that and I  
24 sign on fully. But I do want to say there are

1 Demographic Research and Reapportionment, 10/5/11

2 things that cannot be codified in legislation,  
3 and I want you to keep this in mind, the texture  
4 of a community and what it means. In other words  
5 it's a wonderfully diverse state, but there are  
6 things that are not necessarily understood. I am  
7 a Long Island girl, but I was born and bred in  
8 Brooklyn, and I went to school in Brooklyn, and I  
9 went through the city schools in Brooklyn, and  
10 now I am an ex-pat, I am now on Long Island. The  
11 two shall never meet. You can't take the  
12 Brooklyn girl out of me, but I'm still a Long  
13 Island girl.

14 The government is different, the  
15 sensibilities are different, and you cannot  
16 forget that. One of the things that concerns me,  
17 I am the border, I'm border girl. I am right on  
18 the border of Nassau County and Queens County,  
19 and sometimes my signs, my campaign signs blend  
20 into Queens, and we fight over that. What are  
21 you doing in Queens? But keep in mind that it's  
22 not the same, and there is talk sometimes of  
23 bleeding from Nassau into Queens. It's not the  
24 same political process; it's not the same

1 Demographic Research and Reapportionment, 10/5/11

2 understanding. I have to say Long Island needs  
3 its fair share in terms of representation. I  
4 feel I represent my district fairly well. I'll  
5 know next November. But I have to say, it  
6 changes when you cross over the border. Is it  
7 self-serving? Perhaps, but at the same time it's  
8 self-serving, I am a representative and I have to  
9 tell you, there are concerns if you bleed a  
10 district like Nassau County into Queens County,  
11 everything changes. So I'd like to, you know,  
12 for you to understand that, that there are  
13 unwritten borders and unwritten sensibilities and  
14 textures that communities have. It was touched  
15 upon in the legislation, but I just wanted you to  
16 keep that in mind as you go forward. Thank you  
17 so much.

18 SENATOR NOZZOLIO: Thank you,  
19 Assemblywoman.

20 ASSEMBLY MEMBER MCENENY: Thank you.

21 SENATOR NOZZOLIO: Paul Evans. Joan  
22 Gibbs. Good morning.

23 MS. JOAN GIBBS, GENERAL COUNSEL, CENTER  
24 FOR LAW AND SOCIAL JUSTICE: Good morning. My

1 Demographic Research and Reapportionment, 10/5/11

2 name is Joan Gibbs, and I'm the general counsel  
3 for the Center for Law and Social Justice at  
4 Medger Evans College. Our Executive Director,  
5 Esmerelda Simmons, has already testified twice,  
6 and I'm not going to repeat what she talked  
7 about, but I do want to reiterate briefly four of  
8 our concerns, what our concerns for this  
9 redistrict cycle is. Namely, - - with respect to  
10 one person, one vote rule, the Voting Rights Act,  
11 that you respect and preserve the existing  
12 communities of interest and not divide  
13 populations and communities with common needs and  
14 concerns. We also are concerned, of course, and  
15 you know that, with the implementation with the  
16 new prison gerrymandering law. We believe  
17 strongly that incarcerated persons should be  
18 counted at their home address instead of their  
19 places of incarceration.

20 Yesterday, along with the Asian-American  
21 Legal Defense Fund, Latino Justice Prldef,  
22 National Institute for Latino Policy, we released  
23 a joint draft proposal for the New York State  
24 Senate and Assembly District for New York City,

1 Demographic Research and Reapportionment, 10/5/11

2 and I came today principally to respond to  
3 questions and concerns you might have about our  
4 maps, if you've reviewed them. As long-term  
5 voting rights advocates, we work together using  
6 established redistricting criteria to create  
7 these maps. Our maps adhere to the one person,  
8 one vote requirement of the United States  
9 Constitution by maintaining a nearly uniform  
10 legal level of deviation for all the districts.  
11 The deviations are all under five percent.

12 We have honored the mandates of the  
13 federal Voting Rights Act by respecting the  
14 voting strength of New York City's large racial  
15 minority populations and by avoiding  
16 retrogression, thus we have preserved the number  
17 of black districts in the Assembly and the Senate  
18 while simultaneously expanding the number of  
19 districts in the Latino and Asian communities to  
20 respect their growth in population. The  
21 districts that we have drawn are meaningful for  
22 the black community. They give the black  
23 community ability to elect the candidates of  
24 their choice.

1 Demographic Research and Reapportionment, 10/5/11

2           Further we have drawn lines that seek to  
3           preserve and protect communities of interest that  
4           share common interests, resources, and  
5           institutions of culture. We have also sought to  
6           respect neighborhoods, both traditional and  
7           emerging. In closing I'd just like to say that  
8           the Center, along with the other organizations  
9           that we work with, urge you to consider our  
10          proposed draft maps and join the Senate and  
11          Assembly Districts, and I'd also like to drop a  
12          footnote to say that these maps are proposed  
13          primarily because we didn't have the prison data.

14                 SENATOR NOZZOLIO: Thank you very much.

15                 MS. GIBBS: The maps were submitted to,  
16                 okay. Okay, thank you.

17                 FEMALE VOICE: They will be distributed  
18                 to all the members of the Taskforce, the Justice  
19                 Department, and it's all part of the submission.

20                 MS. GIBBS: Okay, thank you.

21                 SENATOR NOZZOLIO: Again, for the  
22                 record, that each of your submissions will be  
23                 submitted, I was looking for your maps. I guess  
24                 you just submitted one copy?

1 Demographic Research and Reapportionment, 10/5/11

2 MS. GIBBS: They were submitted  
3 electronically.

4 SENATOR NOZZOLIO: Electronically.

5 FEMALE VOICE: They were submitted in  
6 detail. The geography that makes up the  
7 districts, we didn't have time to present them to  
8 you, and I don't think this would have been  
9 enough time for you to analyze and respond. It  
10 was very detailed. I know it was for the five  
11 boroughs of New York City, and people need an  
12 opportunity to digest what you've submitted, and  
13 I assure you we will.

14 SENATOR NOZZOLIO: Let the record  
15 reflect that we will make sure, staff will make  
16 sure, that your submission of mapping will be  
17 submitted in hard copy to each, and electronic  
18 copy, to each member of the Taskforce.

19 MS. GIBBS: And we could do that, as  
20 well, if there's a problem.

21 SENATOR NOZZOLIO: I think that it will  
22 be, it is directed to staff, and they will take  
23 care of it. Thank you very, very much.

24 ASSEMBLY MEMBER OAKS: I just had a



1 Demographic Research and Reapportionment, 10/5/11

2 question related to the maps. Are they Senate,  
3 Assembly, and Congressional?

4 MS. GIBBS: No, they're only Senate and  
5 Assembly. Our Congressional maps will be  
6 available hopefully before the cycle ends. We're  
7 working on them now.

8 SENATOR NOZZOLIO: Time is of the  
9 essence. We were going to be getting another  
10 round of hearings soon, but those can't begin  
11 until there are plans that are submitted, so  
12 thank you for--

13 MS. GIBBS: [Interposing] We're working  
14 on the Congressional maps.

15 SENATOR NOZZOLIO: Senator Dilan.

16 SENATOR DILAN: Yes, I just have several  
17 quick questions. You made the submission, I have  
18 not had the opportunity to see it yet, but I was  
19 just wondering, you indicated that in all cases  
20 the deviation is five percent or less?

21 MS. GIBBS: It's less than five percent.

22 SENATOR DILAN: Less than five percent.  
23 Was there any other criteria or methodology that  
24 you used to come up with these lines? And, you

1 Demographic Research and Reapportionment, 10/5/11

2 know, me not seeing the districts yet--

3 MS. GIBBS: [Interposing] All the  
4 criteria that we use is the criteria I began  
5 with. We used, primarily, we focused on the one  
6 person, one vote principal and we focused on  
7 preserving communities of interest. That was our  
8 main primary focus was communities of interest  
9 and, of course, the Voting Rights Act. So that  
10 was the criteria.

11 SENATOR DILAN: Basically or solely  
12 based on the, just the data from the Census  
13 without any other consideration? Or were you  
14 considering, let's say, if there was already a  
15 Latino representative or an African-American  
16 representative, was that taken into account.

17 MS. GIBBS: Well, let me be honest, I'm  
18 the lawyer in the group. I'm not the person who  
19 draws the maps. But I will tell you from what I  
20 know, the discussions with those people that they  
21 considered, there were a lot of discussions about  
22 at the community level about communities. We met  
23 with groups--

24 SENATOR DILAN: [Interposing] So you

1 Demographic Research and Reapportionment, 10/5/11

2 held your own type of hearings or meetings.

3 MS. GIBBS: Well not hearings, we had  
4 meetings, like the Latino community, that work  
5 was principally done by Latino Justice. They met  
6 with a lot of people including incumbents. They  
7 probably met with people who might be thinking  
8 about running for office. So they met with a lot  
9 of people.

10 SENATOR NOZZOLIO: Thank you very much.

11 SENATOR DILAN: Thank you.

12 SENATOR NOZZOLIO: David Stonehill.

13 Naville Walter. Paul Maloy. Mike Reichert.

14 Good morning. It's good afternoon, good  
15 afternoon, 12:01. Are you Mike or Paul.

16 MR. MIKE REICHERT: I'm Mike Reichert.

17 SENATOR NOZZOLIO: Could you state your  
18 name and address and organization, if there is  
19 any, for the record.

20 MR. REICHERT: I'm Mike Reichert, 6  
21 Atlantic Avenue, East Moriches, New York. My  
22 affiliation is that I am independent, non-  
23 partisan. I embrace that because it offers me a  
24 certain credibility with people when I speak with

1 Demographic Research and Reapportionment, 10/5/11

2           them. My issues tend to be, come down more on  
3           faith than on partisanship. I am, however,  
4           aligned and do act in a public forum through  
5           various independent groups as the issues arise.  
6           On this particular issue, New York Uprising is  
7           one that's caught my attention. Former Mayor Ed  
8           Koch, I'd like to thank him for his efforts and  
9           his work as a good, has been very motivating for  
10          me to be involved in this, as well. I'd like to  
11          address, also, the cynicism of the electorate in  
12          some of the partisan process.

13                   I know that living in a partisan world,  
14                   as you do, it's difficult to be removed from  
15                   that, and you have my sympathy in that regard.  
16                   The effect of partisanship in our process has led  
17                   to the polarization of the electorate. The way  
18                   the maps are currently drawn, the districts are  
19                   currently drawn, means that incumbents have to  
20                   appeal to the most partisan, often the most  
21                   radical, members of the party in power in that  
22                   district. That's led to turn-off to the middle  
23                   independents. We've lost the middle in our  
24                   political discussion on a local, state, and

1 Demographic Research and Reapportionment, 10/5/11

2 national level. This is a process that began  
3 years ago and was addressed by, very eloquently,  
4 by Senator Moynahan at that time, a Senator who,  
5 by the way, served under five different  
6 presidents of both parties. But this  
7 partisanship has led to the polarization of the  
8 Assembly and the Senate. It's led, also, to  
9 representatives and politicians who are not  
10 practiced in appealing to the middle, and that's  
11 spilled over into our discussions in the public  
12 forum. The movement of independents is quite  
13 striking. Today, as we speak, Moveon.org has  
14 over 850 people joining the Occupy Wall Street  
15 movement in New York City. A lot of these  
16 independents follow social media and yet our  
17 traditional media still serves a very good place.

18 I call attention to former Mayor Koch's  
19 op-ed on Sunday in Crain's New York, and he  
20 discusses a little bit about this process, as  
21 well. And, yes, we are aware that there was  
22 legislation in regard to redistricting. However,  
23 that legislation doesn't go into effect until  
24 2022. The pledge that was given by people for,

1 Demographic Research and Reapportionment, 10/5/11

2 to New York Uprising on having a fair process was  
3 for this year's process. School districts are  
4 where the rubber hits the road for constituents.  
5 William Floyd School District is one in which I  
6 am an alumni of and it's represented at this time  
7 by about three State Senators, possibly four.  
8 One example of a pledge and an accountability is  
9 that Senator Foley made a pledge to our alumni  
10 association of Veteran's Memorial. On that basis  
11 we spent money and that money was never  
12 forthcoming. Senator Foley is no longer a  
13 Senator and Governor Patterson, who is also seen  
14 as having reneged on that, is also no longer  
15 Governor. However, it is my mission that neither  
16 of the three remaining State Senators will not  
17 share accountability evenly, but will be held a  
18 hundred percent accountable each, because there's  
19 not a Senator Foley issue, nor a Democratic  
20 issue, it is the State Senate issue. In fact  
21 it's the State Government's issue. I will draw  
22 attention to the Quinnipiac College poll, it says  
23 three to one people are in favor of independent  
24 redistricting. The argument that school

1 Demographic Research and Reapportionment, 10/5/11

2 districts are drawn poorly is not an excuse to  
3 fit a square peg into a round hole to accommodate  
4 a faulted system with even more faulted district  
5 lines. If the school district lines are a  
6 problem, they should be fixed, but the districts  
7 for the representation should lead the way.  
8 There must be balance between upstate and  
9 downstate district. Currently the downstate  
10 district is currently under-represented. What  
11 remains is as the Albany Times Union editorial of  
12 August 10th suggested, whether this will be a  
13 process to serve incumbent partisans or will it  
14 serve its constituents. These serpentine  
15 districts have to be discarded. Will this panel  
16 serve the best interest of the state and our  
17 Republic or partisan incumbency? I hope that  
18 you'll take the leadership in New York and let  
19 New York lead the nation in this process and  
20 bring pride to the state, that the lines be drawn  
21 where people live and not based upon partisan  
22 politics. Thank you very much.

23 SENATOR NOZZOLIO: Thank you. Lenny  
24 Levy. Elise Harris. Good afternoon.

1 Demographic Research and Reapportionment, 10/5/11

2 MS. ELISE HARRIS, COUNTERPUBLIC: Good  
3 afternoon, members of LATFOR, my name is Elise  
4 Harris. I'm a member of Counterpublic NYC. It  
5 is a community-based organization. We do public  
6 education for LGBT of color and allies. We  
7 organize trainings, workshops, and lectures at no  
8 cost to the public and we did one about  
9 redistricting this year. I applaud the  
10 legislature's commitment to examining the issue  
11 of redistricting and to holding public hearings  
12 to receive testimony from the public. I'm  
13 pleased to testify today to share some insights  
14 and concerns. My first is that I want to argue  
15 that communities of interest in Babylon and Islip  
16 should not be cracked by State Senate District  
17 lines. A majority of black and Hispanic  
18 residents of Suffolk County live in Babylon and  
19 Islip. Unfortunately the line that divides the  
20 State Senate District 3 from State Senate  
21 District 4 directly splits Islip's Hispanic  
22 community into two parts. The line dividing  
23 State Senate Districts 4 and 8 directly splits  
24 Babylon's black community into two parts.



1 Demographic Research and Reapportionment, 10/5/11

2                   These district lines also split  
3                   majority-minority school districts, whereas in  
4                   other non-minority parts of Suffolk County, State  
5                   Senate lines don't split school districts. The  
6                   Babylon and Islip district lines split  
7                   communities of interest much as district lines  
8                   split Hempstead in Nassau County. Babylon and  
9                   Islip's minority communities share important  
10                  socioeconomic concerns. Over the last decade  
11                  there has been significant and ongoing political  
12                  organization on Long Island around issues like  
13                  wage theft in supermarkets, public transit  
14                  problems, sub-prime mortgage related  
15                  foreclosures, violence against immigrants, and  
16                  the lack of affordable housing. Groups like Long  
17                  Island Jobs for Justice, New York Communities for  
18                  Change, and the Long Island Immigrant Alliance  
19                  organize across racial lines on Long Island  
20                  including on Suffolk County. Shared  
21                  socioeconomic concerns create a joint community  
22                  of interest among black and Hispanic residents of  
23                  Long Island and I would argue with people of  
24                  shared socioeconomic background, both within the

1 Demographic Research and Reapportionment, 10/5/11

2           Babylon-Islip cluster and in Hempstead, up and  
3           down--I respectfully request that LATFOR take  
4           note of these Voting Rights Act violations  
5           triggered by these district lines.

6                   My second point is that there's been  
7           significant population shifts that alter the  
8           nature of city and suburb, and both Nassau and  
9           Suffolk Counties have experienced significant  
10          demographic change over the last ten years.  
11          White, non-Hispanic residents have declined in  
12          number, while the number of Hispanic residents  
13          has increased. Suffolk County is now 22 percent  
14          black and Hispanic, up from 16 percent a decade  
15          ago. Nassau's Hispanic population has increased  
16          by 20 percent since 2000. Many residents in the  
17          counties controlled by Section 5 of the Voting  
18          Rights Act have been displaced by economic  
19          gentrification, particularly in Kings County and  
20          New York County, Manhattan. Also Queens might be  
21          a little more complicated picture.

22                   So I think that a lot of the increased  
23          minority population in Nassau and Suffolk really  
24          calls for attention from LATFOR, given that

1 Demographic Research and Reapportionment, 10/5/11

2 historically Voting Rights Act controlled  
3 populations are no longer where they once lived  
4 and some of these populations are instead  
5 increasing on Long Island and I think call very  
6 much for Voting Rights Act attention from you,  
7 and I also added some maps that have to do with  
8 Hispanic populations on the Southshore on the  
9 south side of both Nassau and Suffolk County.  
10 Thank you very much for your time. Good  
11 afternoon.

12 SENATOR NOZZOLIO: Any questions of Ms.  
13 Harris? Thank you very much. Regina Calcaterra.

14 MS. REGINA CALCATERRA: Hi, Mr. Chairman  
15 and members of the Taskforce, good afternoon, and  
16 thank you for having me here today. My name is  
17 Regina Calcaterra, and I'm a resident of New  
18 Suffolk in the Town of Southold in the County of  
19 Suffolk, the county where I was born and raised.  
20 I'm a partner in the law firm Barrick, Rodez, and  
21 Basine [phonetic] where I litigate against  
22 egregious and complex corporate fraud, actually  
23 bringing back billions of dollar to our public  
24 pension funds, including those here in New York

1 Demographic Research and Reapportionment, 10/5/11

2 and for wronged investors, as well. I'm  
3 testifying on my own behalf today in this  
4 hearing, because I believe the process of re-  
5 apportionment must be non-partisan and for the  
6 people of eastern Suffolk County, focus on three  
7 primary criteria.

8 First, the maps for new legislative  
9 districts must make geographic sense. Second,  
10 the critical industries to eastern Suffolk  
11 County's economy must be protected from political  
12 gerrymandering and not split and weakened so that  
13 they continue to be heard with a clear voice in  
14 Albany. And third, special attention must be  
15 paid to leaving communities intact. According to  
16 the Census, the districts that significantly  
17 represent eastern Suffolk County, such as the 1st  
18 Congressional District, the 1st Senatorial  
19 District, and the 1st Assembly District, were all  
20 among the fastest growing districts in all of New  
21 York State. In fact the Town of Riverhead has  
22 been the fastest growing town in all of Long  
23 Island. Demographically the Hispanic community  
24 has been a leader in growth, as we've heard many

1 Demographic Research and Reapportionment, 10/5/11

2 times today, and I'm sure you've heard many times  
3 throughout the hearing process, and economically,  
4 eastern Suffolk County's agricultural community  
5 has remained a leading industry and employer.

6 The 1st Senatorial District, from a  
7 geographic and practical perspective, presents a  
8 unique situation for this panel. This is one of  
9 the most populated in New York State and has  
10 experienced some of its fastest growth. Yet from  
11 a geographic perspective it remains among the  
12 largest in terms of square miles. A State Senate  
13 District of this size, with this geography, is  
14 challenged to meet the needs of its people as  
15 effectively as it should compared to the size of  
16 other Senate Districts. As of now, more than  
17 20,000 of its residents must be placed into a new  
18 district to bring population parity to the 1st  
19 Senatorial District, and you cannot - - the lines  
20 must be moved from west to east. This must be  
21 done with care and respect for voting rights, as  
22 outlined in the U.S. Constitution, and this must  
23 be done with geographic sensibility. And  
24 importantly it must be done with respect to the

1 Demographic Research and Reapportionment, 10/5/11

2 taxpayer.

3 Last year Gannett News Service reported  
4 that the State Senator for the 1st Senate  
5 District led all 212 legislators in spending on  
6 constituent amount, more than \$350,000 in just a  
7 short period of time, and with the excuse that  
8 there were so many households in the 1st  
9 Senatorial District that he actually found it  
10 necessary. In fact the 1st Senatorial District  
11 experienced the highest population increase  
12 within its borders than all other State Senate  
13 Districts, thus bringing it to the present  
14 population of over 341,000, which is now the  
15 third most populous district in the state, I  
16 believe following Senator Carlucci's and Senator  
17 Dilan's and followed by 16 Senate Districts that  
18 have between 320,000-336,000. The remaining 45  
19 districts trail behind with 14 of them actually  
20 having less than 300,000 within their district,  
21 and this disparity between the less than 300,000  
22 in many of the districts in the over 340 in the  
23 1st Senate District is a disparity of much more  
24 than ten percent, which definitely needs to be

1 Demographic Research and Reapportionment, 10/5/11

2 addressed this cycle. To the extent that the 1st  
3 Senatorial District must lose population to  
4 achieve parity with other districts throughout  
5 New York, it should be reduced in size  
6 geographically by moving vertical lines from west  
7 to east. At the same time communities should be  
8 left intact where possible. Those who live  
9 within the same school districts and towns and  
10 neighborhoods and hamlets, where possible, should  
11 not be split.

12 Currently, for example, part of Selden  
13 is situated in the 1st Senatorial District and  
14 part in the 2nd Senatorial District, which is  
15 Middle Country School District, which was  
16 previously mentioned. There are times when this  
17 may not be avoided as far as dividing  
18 communities, but frankly I ask that you just  
19 simply try harder to keep communities together.  
20 Eastern Suffolk County is also unique from an  
21 economic perspective. The heart of this region  
22 is the most active agricultural community in all  
23 of New York State. There are hundreds of farms  
24 in Suffolk County and most of them are in the 1st

1 Demographic Research and Reapportionment, 10/5/11

2            Senatorial District where I reside, and I have an  
3            amendment to my testimony, because in my  
4            testimony I wrote that our agricultural community  
5            on the eastern end of Long Island is responsible  
6            for more than 200 million annually coming back to  
7            that area. The new number from the Long Island  
8            Farm Bureau and Ag Markets is actually 300  
9            million dollars in revenue that it generates. So  
10           in addition to bringing back 300 million dollars  
11           in local commerce, it also includes tourism from  
12           the North Forks renowned wine industry. With our  
13           farms taking up more than 35,000 acres in Suffolk  
14           County's east end, dividing those farms between  
15           Senate Districts would weaken our agricultural  
16           communities political voice in Albany at the very  
17           time our economy demands their voice be heard  
18           loud and clear. These, I believe, are the most  
19           important considerations one should take when  
20           conducting re-apportionment for eastern Suffolk  
21           County.

22                            As a resident of this part of the state,  
23           I hope the commission will pay close attention to  
24           the important economic and representational



1 Demographic Research and Reapportionment, 10/5/11

2 topics I've discussed. Now, as a resident of New  
3 York State, there are more general re-  
4 apportionment topics about which I wish to  
5 testify. Most alarmingly, we're now hearing that  
6 the Republican Senate majority is considering the  
7 addition of a 63rd Senate seat and recently, it  
8 has come to my attention, and has been part of  
9 the media fodder, that the additions of a 64th  
10 and 65th Senate seat have also been floated as  
11 ideas. Members of this Taskforce, we have public  
12 sector workers who are facing layoffs of about  
13 3500.

14 We have a state economy that is still  
15 staggering with every single school district in  
16 the 1st Senatorial District experienced cuts in  
17 state aid this year, and the idea of adding even  
18 one additional seat to the State Senate is  
19 profoundly disrespectful to all state taxpayers.  
20 I ask that you take this off the table as an  
21 option immediately. And in fact, based upon the  
22 recent Census data, where New York lost over one  
23 and a half million residents, if we calculate  
24 every Senate District to be about 320,000 voters

1 Demographic Research and Reapportionment, 10/5/11

2 each, we could probably stand to eliminate a few  
3 Senate seats, as opposed to adding one. Because  
4 of this reality, any attempt to add more Senators  
5 could only be seen as an act of political  
6 expediency rather than a legal, democratic  
7 reform. There is also a lawsuit pending in the  
8 State Supreme Court on the issue of whether  
9 districts upstate in which prisons are located  
10 should include prisoners from various parts of  
11 the state, including Suffolk County, as residents  
12 of those counties. What strikes me as noteworthy  
13 about that lawsuit is the plaintiff's  
14 classification of Senate Districts as Republican  
15 Districts or Democratic Districts. I mean, first  
16 of all, this completely regards the tens of  
17 thousands of voters who are out there who are  
18 third parties or non-affiliated with any party,  
19 and second of all, political parties do not own  
20 legislative districts, the people do.

21 Finally, with all due respect to this  
22 commission, as a voter and a taxpayer, the best  
23 solution for re-apportionment is to take it out  
24 of the hands of elected politicians and create an

1 Demographic Research and Reapportionment, 10/5/11

2 independent redistricting commission now, not ten  
3 years from now, but now. Legislative leaders  
4 have the power to call a special session right  
5 now, today, and place such a bill before the  
6 legislature for a vote with the requirements that  
7 an independent commission complete its work in 30  
8 days. We could have new legislative lines drawn  
9 independently by Thanksgiving. With the course  
10 you're on now you're risking a veto by the  
11 Governor and having district lines determined by  
12 the courts and again will be adding to the  
13 public's perception of a corrupt Albany. This  
14 does not help democracy, and it does not help the  
15 perception of Albany. To close I want to take  
16 this opportunity to echo those who say voters  
17 should select their legislators and legislators  
18 should not pick their voters. Thank you for your  
19 time.

20 SENATOR NOZZOLIO: Thank you very much.

21 MS. CALCATERRA: No questions?

22 SENATOR NOZZOLIO: We have gone through  
23 the list. Any questions from the members of the  
24 panel? No, thank you very much. We've gone

1 Demographic Research and Reapportionment, 10/5/11

2 through the list as presented. I will now call,  
3 as our custom, everyone who was called earlier,  
4 but did not testify. H. Scottie Coads. Did I  
5 pronounce your last name correctly?

6 MS. H. SCOTTIE COADS, CHAIR, CIVIC  
7 ENGAGEMENT NAACP NEW YORK STATE: Good afternoon.  
8 My sheet said good morning, so I should have been  
9 here earlier.

10 SENATOR NOZZOLIO: Definitely.

11 MS. COADS: Good afternoon, Mr. Chairman  
12 and members of the LATFOR Committee. My name is  
13 Hazel Scottie Coads. I'm the Civic Engagement  
14 Chair of the New York State NAACP. The National  
15 Association for the Advancement of Colored  
16 People, found in 1909, and the oldest Civil  
17 Rights organization in our country, has seen its  
18 share of disappointments, disenfranchisements,  
19 and, yes, downright racism. We continue to stay  
20 in the struggle, fighting and supporting causes  
21 that will benefit all disenfranchised people,  
22 especially minorities. Today our fight is on  
23 behalf of the minority communities in Nassau and  
24 Suffolk Counties. We have been disenfranchised

1 Demographic Research and Reapportionment, 10/5/11

2 since the beginning of these counties' existence,  
3 as well as throughout the State of New York.  
4 Through the redistricting process each of you  
5 have been appointed the legislative  
6 responsibility to administer, hopefully, fair and  
7 good government to the communities throughout New  
8 York. The NAACP is quite disappointed, though,  
9 that this legislative body does not have an  
10 African-American representative as part of the  
11 LATFOR Taskforce. Each of you should be proud to  
12 serve on this committee, but should be equally  
13 concerned that of the 3.1 million African-  
14 Americans in the State of New York, not one sits  
15 on the LATFOR committee.

16 I am sure some of you possibly have  
17 African-Americans living in your districts. I am  
18 sure some of you possibly have African-Americans,  
19 the absence of African-Americans on the committee  
20 is a blatant disregard for the minority  
21 communities. Because of this importance of  
22 fairness and good government in the decisions you  
23 make regarding redistricting, it is a real  
24 concern to us. Let me make my points of concern.

1 Demographic Research and Reapportionment, 10/5/11

2 It has been four decades, forty years, since  
3 LATFOR has come to Nassau County. Forgive me, I  
4 prefer to say 40 years because it resonates  
5 better when the people of Nassau County begin to  
6 take notice of how long it took us to have our  
7 voices heard on how lines are drawn. It makes  
8 African-Americans and Latinos realize how  
9 disenfranchised and marginalized we have been for  
10 all these years. The NAACP commends you for  
11 holding 12 hearings throughout the state but must  
12 add it was not nearly enough. Working citizens  
13 of these counties are not able to attend meetings  
14 held 10:00 in the morning. Redistricting to New  
15 York and Nassau County, the residents of Nassau  
16 County experience redistricting, gerrymandering  
17 at its worse this year, 2011. Due to insults,  
18 total disregard for individuals expressing  
19 concerns to have good government representation,  
20 we were ashamed to claim Nassau County as home.  
21 Our ability to be a part of the redistricting  
22 process was challenged in unbelievable ways at  
23 the Nassau County Legislature. The NAACP will  
24 not stand idly by and tolerate the mistreatment

1 Demographic Research and Reapportionment, 10/5/11

2 of minorities being disenfranchised nor accept  
3 the blatant disregard of elected officials who  
4 trample on and ignore what the Voting Rights Act  
5 of 1965 represents. The most sacred and precious  
6 part of democracy is the right to vote and/or the  
7 right of people to choose who's going to govern  
8 them. For 102 years the NAACP has recognized the  
9 power of the vote and has always valued and  
10 fought for the right to vote. Then came finally  
11 the passing of the Voting Rights Act of 1965,  
12 prohibiting attempts to dilute African-Americans'  
13 voting strength, authorizing federal officials to  
14 ensure fair voting practices. The African-  
15 American communities experienced and witnessed  
16 lots of tragedies prior to 1965 and many since  
17 then. We have seen it all. We have been through  
18 a lot. Disenfranchisement at the polls is not a  
19 tragedy that the NAACP will tolerate. On  
20 election day attempts to weaken and dilute our  
21 voting strength, broken machines, and now  
22 mandated governmental photo i.d.'s in 34 states  
23 in order to vote. The report of the U.S. Census  
24 over 40 years always indicated voting age

1 Demographic Research and Reapportionment, 10/5/11

2 population growth in Nassau and Suffolk Counties,  
3 just as the growth indicates for 2010, yet we  
4 still are left without representation in all  
5 areas of government.

6 We have nine Senators, we never got  
7 anybody before, and I'm not sure this is the time  
8 for it either. The redistricting and the  
9 gerrymandering of New York State, cutting up the  
10 election districts downstate and strengthening  
11 districts upstate must stop. The NAACP  
12 challenges you to do the following, a few of the  
13 following, there are many more things. Draw  
14 legislative districts that will not dilute the  
15 ability of minority groups, voters, that is.  
16 Elect the representatives of their choice, not to  
17 influence electoral results. Count and configure  
18 every district with the same population ratio.  
19 Recognize the passing of the prison  
20 gerrymandering law in New York State. Not  
21 continue splitting of black and Latino  
22 communities on Long Island and not split  
23 counties, towns, and villages. Thank you for the  
24 opportunity to speak on behalf of the NAACP New



1 Demographic Research and Reapportionment, 10/5/11

2 York State. I thank you.

3 SENATOR NOZZOLIO: Thank you very much.

4 Any questions, members of the panel? Carrying  
5 on, we appreciate very much your testimony.

6 MS. COADS: Thank you.

7 SENATOR NOZZOLIO: Lucius Ware.

8 MR. LUCIUS WARE, PRESIDENT, EASTERN LONG  
9 ISLAND NAACP: Good afternoon, everyone, and  
10 welcome to Long Island, and the Island is long.  
11 I come from the far eastern portion of the  
12 Island, where it gets saltier and saltier.

13 SENATOR NOZZOLIO: It's windy out there,  
14 too, and I guess what I'd like you to do is make  
15 sure that we can hear you. So if you'd put that  
16 microphone as close to you as possible.

17 MR. WARE: Absolutely.

18 SENATOR NOZZOLIO: Thank you.

19 MR. WARE: October 5th, 2011, testimony  
20 of Lucius Ware of the New York State NAACP on  
21 Legislative Redistricting at SUNY Farmingdale.  
22 To all that are concerned with redistricting, we  
23 of the National Association for the Advancement  
24 of Colored People raise our voices loud and clear

1 Demographic Research and Reapportionment, 10/5/11

2 to let it be clearly known that the State of New  
3 York must draw its legislative districts in a  
4 manner that permits minority communities to  
5 exercise their full voting strength and not drawn  
6 in a manner to dilute the voting power of  
7 minority voters. The splitting of communities  
8 for voting must cease.

9 We urge the New York State Legislature  
10 and the Governor to act wisely, respectfully, and  
11 justly in upcoming matters concerning re-  
12 apportionment and redistricting. As a student of  
13 political science and history, the gerrymandering  
14 is a part of that particular curriculum. There  
15 have been times when gerrymandering can be  
16 typified by things and actions in New York State,  
17 and if we're not careful, we're about to enter  
18 that again. We, as citizens, certainly do not  
19 want our state to be recognized in that manner.  
20 I cannot emphasize enough how the splitting of  
21 communities destroys democracy and the hope for  
22 safe and productive communities. Sincerely  
23 submitted, Lucius Ware, President of the Eastern  
24 Long Island NAACP, especially the five eastern

1 Demographic Research and Reapportionment, 10/5/11

2 towns of Suffolk. Thank you.

3 SENATOR NOZZOLIO: Thank you, Mr. Ware.  
4 Any members have a question for Mr. Ware? Thank  
5 you very much for your testimony. Leah Bahm.  
6 Dennis Jones. Melvin Boone. Kevan Abrahams.  
7 Roderick Pearson.

8 MR. RODERICK PEARSON, PASTOR, PRESIDENT  
9 ISLIP TOWN NAACP: Good afternoon, Mr. Chairman  
10 and members of the LATFOR Taskforce. My name is  
11 Roderick A. Pearson, I am a pastor in Suffolk  
12 County in the Town of Islip, as well as President  
13 of the Islip town NAACP. First I'd like to thank  
14 the Co-Chairmen and the other members of the  
15 Taskforce for this opportunity to address and  
16 some concerns which are echoing in the black and  
17 minority communities throughout Suffolk County  
18 and Long Island. We're very aware and have  
19 educated ourselves and are educating ourselves  
20 further of this process of re-apportionment and  
21 the impact that these newly redrawn districts  
22 will have on our communities.

23 My goal today is to hopefully convince  
24 you to change the course of history and that you

1 Demographic Research and Reapportionment, 10/5/11

2 make recommendations that will actually give fair  
3 representation to all New York citizens and not  
4 continue the practice of gerrymandering, but make  
5 recommendations which are fair and equitable to  
6 all races and all communities. The efforts to  
7 dilute and disenfranchise black voters needs to  
8 cease, and I'm asking that change begin in each  
9 one of you. There has been a tremendous increase  
10 in the minority population throughout Long Island  
11 and particularly places like Brentwood and  
12 Babylon. Let the lines that have been repeatedly  
13 drawn to diminish the inclusion and equitable  
14 distribution of power, specifically in Islip and  
15 Babylon, lines deliberately drawn to split the  
16 minority communities, thus minimizing the  
17 significance of minority voters in determining  
18 elections outcomes. The large and growing  
19 African-American and Latino communities in Nassau  
20 and Suffolk Counties are concentrated in the same  
21 villages and hamlets. District boundaries that  
22 divide one group, diluting its voting power,  
23 divide both. The African-American and Latino  
24 communities have been systematically split each

1 Demographic Research and Reapportionment, 10/5/11

2 time the Senate District boundaries have been  
3 redrawn after the Census. This pattern can be  
4 seen in 1972, 1982, 1992, and 2002 in Nassau  
5 County and in 1982, 1992, 2002, in Suffolk  
6 County.

7 Thank God for the Voters' Rights Act,  
8 which over the years have changed the political  
9 climate, particularly in the segregated South in  
10 places like Alabama and Georgia and Louisiana.  
11 Because of the Voting Rights Act there's a  
12 greater proportion of blacks and Latinos in every  
13 level of government, even now in the highest  
14 office of the land, affords the opportunity for  
15 the United States of America to elect its first  
16 African-American president, Barack Obama. The  
17 goal of Section 2 of the Voters' Rights Act is to  
18 eliminate discriminatory election practices and  
19 procedures, including the drawing of districts to  
20 minimize the significance of minority voters and  
21 thus take away their right to elect persons who  
22 support their best interests and concerns and  
23 who'll be the voice for all people. I'm asking  
24 you, the members of this Taskforce, to follow and

1 Demographic Research and Reapportionment, 10/5/11

2           respect the Voters' Rights Act. We're asking you  
3           to respect communities of interests, respect  
4           where people live and don't cut and dice and  
5           slice our communities. Set rules in advance  
6           about how communities should be defined and stick  
7           to those rules. Respect black, Hispanic, and  
8           Asian-American communities and not cut them up  
9           for political reasons. Even if the communities  
10          cannot make up the majority in a single district,  
11          draw the lines where the communities are and  
12          where the people live.

13                    Make your redistricting decisions out in  
14                    the open, be transparent, and don't find  
15                    yourselves in the position of passing another  
16                    tired political gerrymander, which Governor Cuomo  
17                    has already put you on notice that he will reject  
18                    a political plan drawn by politicians for  
19                    themselves. Give African-Americans, Hispanics,  
20                    Asians, and other minorities equal and fair  
21                    representation. Let the segregated North of  
22                    Suffolk County begin to look like the reformed  
23                    segregated South and let's build a stronger New  
24                    York. Thank you for giving me this opportunity

1 Demographic Research and Reapportionment, 10/5/11

2 to testify.

3 SENATOR NOZZOLIO: Thank you very much,  
4 Mr. Pearson. Any members of the panel wish to  
5 question Mr. Pearson? I'd just like to say  
6 before you leave, sir, that every member of this  
7 panel, every member of the Taskforce is fully  
8 committed to complying with the letter in spirit  
9 of the Voting Rights Act and every other law,  
10 statute, constitutional provision that is before  
11 us and that certainly your comments are well-  
12 taken and that you have our full agreement that  
13 we will do all efforts to comply with those,  
14 letter and spirit, of those acts.

15 MR. PEARSON: Great, thank you. We'll  
16 be watching.

17 SENATOR NOZZOLIO: Councilwoman Dorothy  
18 Goseby. Eugene Burnette. Carey Solongis. Lewis  
19 Valenzuela. Ricardo Montano. Good afternoon.

20 MR. RICARDO MONTANO, LEGISLATOR, SUFFOLK  
21 COUNTY 8TH LEGISLATIVE DISTRICT: Okay, good  
22 afternoon and thank you for giving me this  
23 opportunity to come before you. I'm Legislator  
24 Richardo Montano. I represent the 9th

1 Demographic Research and Reapportionment, 10/5/11

2 Legislative District in the Suffolk County  
3 Legislature. I am also Chairman of the Ways and  
4 Means Committee in the Legislature. The reason  
5 that I am here late today is that we actually had  
6 our committee meeting earlier. I believe that  
7 you are in Suffolk County and I want to welcome  
8 you to Suffolk County on behalf of the community  
9 and the legislature. For those of you, and I  
10 want to give a special welcome to my colleague  
11 from Nassau, Welquis Lopez, who I know for 30  
12 years and Senator Martin Dilan, who I know for  
13 many, many years, and who I believe has a, knew  
14 my dad when he was in the Assembly representing  
15 the Bronx. I want to welcome you and  
16 particularly all of you. For those of you that  
17 are not from Suffolk County, just let me say,  
18 number one, I won't repeat what was said by my  
19 colleagues and friends from the NAACP. I endorse  
20 fully their comments, and I won't burden you with  
21 re-hearing them, but it is exactly what I would  
22 say and was going to say, but I'll switch that a  
23 little bit. Suffolk County, if you close your  
24 eyes, what you see in Suffolk County is a county



1 Demographic Research and Reapportionment, 10/5/11

2 that not too long ago, the Southern Poverty Law  
3 Center issued a report called "Climate of Fear"  
4 in which they called the County Executive the  
5 chief enabler of laws and policies that were  
6 directly directed against members of the Hispanic  
7 community.

8 It is the county where not long ago a  
9 young Ecuadoran immigrant was assaulted by a gang  
10 of young, white teenagers who made a practice for  
11 one year before the police were even on notice to  
12 go out every weekend to engage in what was called  
13 "Beaner Jumping". Beaner Jumping is a term that  
14 generally means going out and beating up  
15 Mexicans. The difference was that they couldn't  
16 tell the difference between a Mexican and a  
17 Ecuadoran or another Hispanic, and they actually  
18 killed Marcello needlessly in Patchogue. Welcome  
19 to what is today the seventh most segregated area  
20 in America, not in the North and the South, in  
21 all of America. We used to be number two. We  
22 went down to number three, now we're down to  
23 number seven, but I don't consider that making  
24 progress. So this is the climate in which

1 Demographic Research and Reapportionment, 10/5/11

2 Suffolk County has engaged in with respect to the  
3 Hispanic and minority communities, and it's  
4 something that needs to end. I got elected eight  
5 years ago to the Suffolk Legislature, but before  
6 I got elected my then 24 year-old daughter, along  
7 with Assemblyman Ramos and three other community  
8 residents, filed a Voting Rights violation  
9 against the County of Suffolk, the County  
10 Legislature to mandate redistricting, to mandate  
11 the creation of a new 9th Legislative District  
12 that would have a majority-minority population.  
13 Once that was done I ran, I got elected, and now  
14 I've been serving in the Legislature for the past  
15 eight years. I'm running for re-election this  
16 year and I'm proud to say that it's the fourth  
17 time that I'm running unopposed. I don't think  
18 anyone else has achieved that in Suffolk County.  
19 My district is, at the time that it was created,  
20 45 percent Latino, many immigrants, 20 percent  
21 black, and about 30 percent white. So we, I  
22 represent a truly integrated district. Suffolk  
23 County is also the county where about three  
24 months after I was elected, a proposal was

1 Demographic Research and Reapportionment, 10/5/11

2 introduced into the Legislature to deputize  
3 Suffolk County police officers so that they can  
4 arbitrarily and discriminatorily stop Hispanics  
5 on the street, detain them, and inquire as to  
6 their immigrant status for purposes of sending  
7 them to deportation. If it were not, and I say  
8 this in all modesty, if it were not for the  
9 efforts of myself and the Legislature,  
10 Assemblyman Ramos, Legislator Valerian Vilorio  
11 Fisher and others, that would be the policy that  
12 we have here in Suffolk County today.

13 I, myself, as a legislator took the  
14 unprecedented action several years ago of suing  
15 the Suffolk County Legislature and getting a  
16 Supreme Court Justice to issue an injunction  
17 against the Legislature itself because they  
18 passed an immigration law, anti-immigration law  
19 improperly. The case went to the Appellate  
20 Division twice. As a result of these actions and  
21 others, we have been able to stem the atmosphere  
22 as a result of Marcello Sero's murder. Things  
23 have changed for the better. We've come a long  
24 way, I think, but we're not there yet. Why I'm

1 Demographic Research and Reapportionment, 10/5/11

2 here is to give you this environment of where we  
3 stand and where we need to go. I honestly  
4 believe that if it were not for the creation of  
5 the new 9th Legislative District and the creation  
6 of the Assembly District the year before in 2002  
7 that Assemblyman Ramos represents, we would be a  
8 much different county. Since 2000 the population  
9 of Suffolk County, minority population, has  
10 increased, particularly with regard to the  
11 Hispanic community, and I believe that if you  
12 look at the numbers, and I have an article here  
13 from Newsday that talks about Long Island's great  
14 divide and the way that our communities are  
15 segregated, but the minority population on Long  
16 Island is closely resembling approximately 30  
17 percent when you combine the black, African-  
18 American, Hispanic, and Asian, non-white  
19 community, we're about 30 percent. With all due  
20 respect to our Senate delegation, if you look at  
21 our Senate delegation, you would never know that.  
22 My district, I have 44 election districts in the  
23 areas that I represent, 0Brentwood, Central  
24 Islip, Islandia. Forty-one of those districts

1 Demographic Research and Reapportionment, 10/5/11

2 are located in the 3rd Assembly District. Where  
3 I live, if I cross the street, if I go two blocks  
4 and cross the street to buy an empanada or to  
5 have a nice plate of rice and beans, I cross a  
6 Senate District. I don't represent all of  
7 Brentwood.

8 There is a line that has existed for, I  
9 think, 30 years in the legislature, which I won't  
10 mention the legislator's name, but we call it  
11 that person's line, because that divides my  
12 district from the western part of Brentwood and  
13 North Bayshore, which is part of the Brentwood  
14 School District. That is the street where the  
15 Hispanic, it used to be the Puerto Rican Day  
16 Parade, now it's the Hispanic Day Parade, and the  
17 other day was the Central American Independence  
18 Day Parade, as we marched down that street, which  
19 is the center of the community, we split one  
20 district from another. This has to stop. You've  
21 made a commitment, sir, to follow the spirit and  
22 the intent of the Voting Rights Act. We are  
23 going to hold you to that commitment. We're glad  
24 that you made that statement.

1 Demographic Research and Reapportionment, 10/5/11

2                   SENATOR NOZZOLIO: Thank you very much,  
3 and as you have exceeded the time period that we  
4 put on by well over 70 percent, I just wanted to  
5 stop you there to ask you questions.

6                   MR. MONTANO: Go ahead.

7                   SENATOR NOZZOLIO: The first question  
8 that I have is tell us where your district is.  
9 Tell us what, as you said, the 9th in Suffolk?

10                  MR. MONTANO: Yes.

11                  SENATOR NOZZOLIO: What is the  
12 geographic boundaries of your--

13                  MR. MONTANO: [Interposing] The 9th  
14 District is the most compact district in Suffolk  
15 County. It looks like a rectangle. The areas  
16 that I represent are part of Islandia and it's in  
17 western Suffolk. It covers from the Long Island  
18 Expressway on the northern side, a little bit  
19 beyond Vets' Highway, if you know Suffolk County,  
20 going into Islandia, but not all of Islandia.  
21 It's a part of Islandia which is an incorporated  
22 village. It's that part that includes the  
23 Central Islip School District. It travels east  
24 to Fifth Avenue, which is the line that I was

1 Demographic Research and Reapportionment, 10/5/11

2 talking about, and it travels south to the  
3 Southern State, and then it cuts down Candlewood  
4 Road, dividing North Bayshore from Brentwood. So  
5 I do not represent West Brentwood, which is in  
6 the 4th Senate District, and I do not represent  
7 that part south, which is in the Brentwood School  
8 District. So it is a very compact district. You  
9 couldn't find a more compact district, I think,  
10 anywhere you looked.

11 SENATOR NOZZOLIO: And it, you mentioned  
12 your record of being unopposed. How many times  
13 did you stand for election and re-election?

14 MR. MONTANO: I ran the first time, I  
15 got elected, and then I've been unopposed four  
16 times after that. This is my fourth time.

17 SENATOR NOZZOLIO: Four times unopposed,  
18 and I think that there are certainly legislators  
19 at the local level, at the state level, who have  
20 worked very hard and have run unopposed from time  
21 to time that I think the essence of what the  
22 lovely representative of the League of Women  
23 Voters of Suffolk County testified earlier today  
24 was that she wanted to see, and the League of

1 Demographic Research and Reapportionment, 10/5/11

2 Women Voters wanted to see, more competitive  
3 elections.

4 MR. MONTANO: I agree with you, by the  
5 way.

6 SENATOR NOZZOLIO: How do you, I'm  
7 interested in hearing how, your reaction to that.  
8 I don't look at it as trying to trip you up,  
9 because I think it's a question we've heard  
10 across the state. Is it a great thing that all  
11 incumbents lose every two years or four years,  
12 depending on their length of district, or is it  
13 when you work hard and represent your  
14 constituents, they have a choice in electing you  
15 or not. Tell us what you think of what the  
16 League of Women Voters in Suffolk County said  
17 earlier this morning.

18 MR. MONTANO: First of all I didn't hear  
19 what they say, but I know what their position is  
20 and I wholeheartedly agree with them. Let me  
21 make a distinction between my situation and other  
22 elected officials that have run unopposed.  
23 Suffolk County has a practice of cross-  
24 endorsement. I think New York State is one of



1 Demographic Research and Reapportionment, 10/5/11

2 the few states that allows cross-endorsement. So  
3 Suffolk County, for the most part, the  
4 politicians that run unopposed run opposed  
5 because they're cross-endorsed by the major  
6 parties.

7 For instance when the County Executive  
8 ran four years ago unopposed, he had the  
9 Republican, the Conservative, the Independents,  
10 the Democratic line, and I believe he also had  
11 the Working Families Party line. He had all five  
12 lines. There were two minor candidates who ran  
13 independent lines, and the County Executive got  
14 96 percent of the vote. I, on the other hand,  
15 have never accepted, I've been offered, but have  
16 not accepted cross-endorsement from either the  
17 Republican or the Conservative Party. So I have  
18 maintained myself in terms of I have accepted the  
19 Independents' line, the Working Families' line,  
20 and the Democratic line. The fact that no one  
21 from the Republican Party chose to run against me  
22 or the Conservative Party is not something of my  
23 doing, and I made no deals in order to run  
24 unopposed, and I tell people very clearly. I

1 Demographic Research and Reapportionment, 10/5/11

2 believe that the reason I run unopposed, number  
3 one, is that we work hard, and I have, I believe,  
4 one of the best staffs in Suffolk County who are  
5 here today, my Chief of Staff, my legislative  
6 aid, and I blame them for working so hard to make  
7 us look so good, to allow me to run unopposed.  
8 But if there were a candidate--

9 SENATOR NOZZOLIO: [Interposing] But how  
10 do you, and I understand that, but how do you  
11 reconcile what the League is saying, and I'm not,  
12 again, I'm looking for a person that's in the  
13 field that's working hard, what do you say to the  
14 League of Women Voters who testified earlier this  
15 morning that she wants more competitive  
16 elections? As she serves as a member of the  
17 independent panel that's going to be looking to  
18 redraw your district, I assume.

19 MR. MONTANO: I say to her, bring it on.  
20 Get a candidate to run against me, and I'll tell  
21 you why I believe that I run unopposed, and this  
22 is a criticism, I would say, of both parties, and  
23 one of the reasons that I believe that I run  
24 unopposed is that because of the increase in the

1 Demographic Research and Reapportionment, 10/5/11

2 Hispanic population, we are so-called a sleeping  
3 giant. To the extent that I don't have an  
4 opponent, it makes it very difficult to get  
5 members of my community enthused about coming out  
6 to vote in an election, because I tell them,  
7 listen, Jose, I need your vote. You're a citizen  
8 now. Oh, but Rick, you don't have an opponent.  
9 Why should I come out? I welcome, and I would  
10 welcome an opponent, because I think that that  
11 will stimulate interest, stimulate debate, it  
12 will set the lines of demarcation between my  
13 philosophy and the philosophy of my opponents.  
14 So I tell her, get your candidate, bring your  
15 candidate on, we're ready to do battle any time.  
16 I don't run unopposed because I'm lazy or because  
17 I want to avoid an election. Actually I enjoy  
18 elections. I enjoy campaigning. It's a way for  
19 me to reach the community and we work hard  
20 whether we have an opponent or not. But I can't  
21 tell you why the Republicans or why the Democrats  
22 got together and said no, we don't want to, you  
23 know, have an opponent against Montano.

24 SENATOR NOZZOLIO: I wasn't interested

1 Demographic Research and Reapportionment, 10/5/11

2 in that. I was interested in what the League was  
3 saying.

4 MR. MONTANO: No, she has an obligation  
5 to go out and say Legislator Montano should not  
6 run unopposed. He should run opposed, and I  
7 think that will be a benefit to not only the  
8 Hispanic and the African-American community, but  
9 even the white community. I looked at the  
10 numbers. I get elected not because of the  
11 Hispanic community, I get elected blacks, whites,  
12 and Hispanics. She's right.

13 SENATOR NOZZOLIO: Thank you very much.  
14 Welquis Lopez.

15 MR. MONTANO: Go ahead, Welquis.

16 MR. LOPEZ: You do a good job in the  
17 area, how people basically love you, because of  
18 the job that you do, so that's why you run  
19 unopposed. If you were not doing your job, I  
20 guarantee you'd have a lot of people out there  
21 run against you. So that's wonderful.

22 MR. MONTANO: I don't want to be loved.  
23 I want them to vote for me.

24 MR. LOPEZ: It's the same. They vote

1 Demographic Research and Reapportionment, 10/5/11

2 for you.

3 SENATOR NOZZOLIO: Senator Dilan.

4 SENATOR DILAN: Good afternoon, how are  
5 you?

6 MR. MONTANO: Good afternoon, how are  
7 you?

8 SENATOR DILAN: Okay, I would like for  
9 you to comment with respect to the gains of the  
10 Hispanic community here in Suffolk County. Are  
11 you suggesting or do you believe that there's an  
12 opportunity for, let's say, a Latino State Senate  
13 District or an opportunity for the Latinos to  
14 perhaps elect a candidate of their choice or is  
15 there an opportunity for coalition politics?

16 MR. MONTANO: I have looked at the  
17 numbers and let me say this. We brought suit, as  
18 I indicated, in 2003. Do not take this in any  
19 negative way--

20 SENATOR DILAN: [Interposing] And I said  
21 State Senate, but I also mean the State Senate -  
22 - Latino in the Assembly already, is there a  
23 possibility for a second district in the  
24 Assembly?

1 Demographic Research and Reapportionment, 10/5/11

2 MR. MONTANO: In the Assembly.

3 SENATOR DILAN: In the Senate and  
4 Assembly.

5 MR. MONTANO: Well, I believe that there  
6 is definitely a possibility to create, not only  
7 the possibility, there is the realistic  
8 expectation that a Senate District can be created  
9 and should be created that will not only allow a  
10 Latino to get elected, but that might even, along  
11 with the African-American community, and  
12 remember, we are segregated as a community, so  
13 you cannot disenfranchise the black community and  
14 the Hispanic community, because we live together,  
15 we're in the same community. The short answer is  
16 yes, we would anticipate that is the lines were  
17 drawn in conformity with the spirit and the  
18 intent of the Voting Rights Act, that a district  
19 where a Latino could be elected or an African-  
20 American could be elected exists. And by the  
21 way, I don't only represent Latinos and African-  
22 Americans.

23 It would be probably a crossover  
24 candidate who speaks to all the issues, but we

1 Demographic Research and Reapportionment, 10/5/11

2 certainly feel like the numbers are there for us  
3 to have a district where the community has a  
4 stake in coming out and voting and, you know, as  
5 I said, we don't only get minority votes. Yes,  
6 create a district, let us have an opportunity to  
7 present our candidate. Let us have an  
8 opportunity to represent the people in our  
9 community the way they should be represented.  
10 You know, Brentwood School District, C.I. School  
11 Districts are lower-performing school districts,  
12 they need someone to speak out for them, and that  
13 would, your job is to ensure that we have that  
14 opportunity.

15 SENATOR DILAN: Okay, thank you.

16 MR. MONTANO: Any other questions?

17 SENATOR NOZZOLIO: Thank you very, very  
18 much.

19 MR. MONTANO: Thank you, I appreciate  
20 your opportunity that you've given me to present  
21 this.

22 SENATOR NOZZOLIO: I appreciate your  
23 testimony. Robert Summerville. LeRoy Gadsen.  
24 Sergio Arguetta. Wilton Robinson. Carol Gordon.

1 Demographic Research and Reapportionment, 10/5/11

2 The Honorable Andrew Hardwick. Kenneth Cohen.  
3 Frederick Brewington. Roberta Cesar. Julian  
4 Jones. Abdul Hakeem. Reverend Curtis C. Riley.  
5 Leo Fernandez. Jody Blair. Ernst Ulysee. Brian  
6 Paul. I believe Dr. Feliciano testified. I  
7 think so, but I'm going to call again. Dr. Maria  
8 Teresa Feliciano. Deborah Massur. Jerry  
9 Vatamala. Larry Silverman. Carmen Julia Pinero.  
10 Paul Evans. David Stonehill. Welcome, good  
11 afternoon.

12 MR. DAVID STONEHILL, ESQ.: Thank you  
13 very much. Good afternoon, my name is David  
14 Stonehill. I'm an attorney with an office in  
15 Merrick, New York. Beside my law practice I'm  
16 active in a number of community activities and  
17 organizations. This involvement includes  
18 election law. My election law experience dates  
19 from 2000. I have participated in numerous  
20 political campaigns based on Long Island, New  
21 York City, and New Jersey. Today I wanted to  
22 discuss briefly some policy perspectives  
23 regarding how the redistricting process,  
24 scheduled for 2012, should be handled.



1 Demographic Research and Reapportionment, 10/5/11

2                   Generally, redistricting in New York  
3 State has been handled on a bi-partisan basis.  
4 However, both the two major parties have to  
5 recognize that a change in legislative and  
6 Congressional District lines should occur in such  
7 a way as to benefit all citizens of this state.  
8 Line drawing should not be blatantly political in  
9 scope, but should be viewed as a way to encourage  
10 political participation by citizens and not as a  
11 way to suppress it through a cynical manipulation  
12 of voters. Currently the State Senate is a 62  
13 person chamber. Proposals have been aired about  
14 increasing this number to 63. However, this  
15 concept does not reflect New York's State  
16 Constitutional mandates, but simple political  
17 expediencies. No doubt other speakers have gone  
18 into detailed descriptions of the 1894 rule  
19 regarding how to calculate the number of Senate  
20 Districts.

21                   Suffice it to say that had that rule  
22 been strictly followed the last time  
23 redistricting was instituted in 2002, the State  
24 Senate would have had 61 members today. Instead,

1 Demographic Research and Reapportionment, 10/5/11

2 cynical political motivations led to an extra-  
3 constitutional increase. Ironically simply  
4 following the 1894 rule and utilizing the 2010  
5 Census results would now give us a 62 seat  
6 chamber for the next decade. Whether the upper  
7 chamber of the New York State Legislature should  
8 have an even or odd number of seats makes for a  
9 fascinating philosophical debate. Were I to  
10 draft a new New York State Constitution, I might  
11 well be tempted to require an odd number of seats  
12 in each legislative chamber. After all, an odd  
13 number of seats does ensure that on any given  
14 vote, there will be a majority expressed. Or  
15 does it? Members can still be absent and may  
16 simply choose not to vote on a particular bill.  
17 Political parties may have internal disagreements  
18 leading to factions voting different ways.  
19 Philosophically speaking, an odd number of votes  
20 does not guarantee that a legislative impasse  
21 will not take place.

22 However the redistricting process in  
23 this state should be following our State  
24 Constitution's provisions. Could they or should

1 Demographic Research and Reapportionment, 10/5/11

2           they be changed? Probably, in my view. But  
3           since the provisions are not unconstitutional  
4           under either federal or state law, they need to  
5           be followed when the Senate District lines are  
6           drawn. Otherwise, the redistricting process  
7           becomes arbitrary and capricious and nobody wants  
8           that. Another area I briefly want to address  
9           concerns the needs of minority areas and the  
10          redistricting process. It is an axiom that  
11          minority areas will have a smaller impact on  
12          local and state governmental operations than will  
13          more affluent communities.

14                   As a result of this, and keeping in mind  
15          the requirement to satisfy the doctrines of equal  
16          protection and due process, minority communities  
17          should be kept together as much as possible when  
18          State Senate lines are drawn. This is especially  
19          true on Long Island where we have a good number  
20          of minority areas which have little or no  
21          influence on the State Senate. A community in  
22          Suffolk County, such as Amityville, shares many  
23          issues, concerns, and values with communities  
24          such as Wyandanch and Wheatley Heights. They all

1 Demographic Research and Reapportionment, 10/5/11

2 should be contained within a single Senate  
3 District.

4 Under the current scheme of things the  
5 minority vote in Suffolk and Nassau is diluted.  
6 Under the current system minority constituents'  
7 needs are ignored or given a low priority. A  
8 political party which reflects the needs of  
9 minorities has a more difficult time getting its  
10 candidates elected because of the poor and the  
11 wealthy often have different priorities regarding  
12 government. Being part of a minority, then, can  
13 create a feeling of political hopelessness and  
14 despair. If a person feels that he's being  
15 ignored by his elected officials, he may very  
16 well withdraw from the political process  
17 completely. Why bother to vote at all? Nothing  
18 changes, the person may ask or think. It is true  
19 that minority communities do suffer lower turnout  
20 in more elections than do affluent communities.  
21 This is the most insidious form of vote  
22 suppression, indeed, because it is done  
23 internally by the voter. The voter stops himself  
24 from voting. This is really unacceptable in a

1 Demographic Research and Reapportionment, 10/5/11

2 modern democracy. A high level of political  
3 participation should be encouraged for all of our  
4 elections, whether in a presidential year or not.  
5 We must encourage all of our citizens to vote and  
6 to become engaged with their government in a  
7 meaningful way. This means showing leadership by  
8 giving people a reason to vote. A reason begins  
9 through the preservation of minority communities  
10 within a single Senate District for both Nassau  
11 and Suffolk Counties, respectively. I want to  
12 thank this committee for allowing me the  
13 opportunity to testify today. This is an  
14 important mission, and I wish you well. Thank  
15 you.

16 SENATOR NOZZOLIO: Thank you, Mr.  
17 Stonehill. Any members, questions of the panel?  
18 Senator Dilan.

19 SENATOR DILAN: Thank you very much for  
20 testifying. You cited the New York State  
21 Constitution as it relates to the size of the  
22 Senate.

23 MR. STONEHILL: Yes.

24 SENATOR DILAN: Based on perhaps your

1 Demographic Research and Reapportionment, 10/5/11

2 knowledge of the Constitution and the 2010  
3 Census, would you be able to determine what the  
4 accurate number of the Senate should be in this  
5 current cycle of redistricting?

6 MR. STONEHILL: From what I've read in  
7 terms of memos on the issue, it seems that right  
8 now, well not counting 2010, counting 2000, 61  
9 would be the correct number for the State Senate.  
10 Looking at the 2010 Census there is an increase  
11 in population and what it comes out to be is 62  
12 seats. Again, you know, 62 sounds kind of odd,  
13 but then we have 150 in the Assembly, and, you  
14 know, we manage and, you know, we do have  
15 provisions in case there is a tie vote, you know,  
16 in bringing in the Lieutenant Governor on certain  
17 procedural aspects, etc. etc.

18 SENATOR DILAN: So if we strictly  
19 followed the existing formula in the New York  
20 State Constitution, you're testifying that that  
21 number should be 62?

22 MR. STONEHILL: Correct.

23 SENATOR DILAN: All right, thank you.

24 SENATOR NOZZOLIO: Mr. Stonehill, before

1 Demographic Research and Reapportionment, 10/5/11

2           you leave I have a question. Thank you for your  
3           testimony. I want to focus on your analysis of  
4           the size of the Senate and your understanding of  
5           the New York State Constitution that establishes  
6           the formula for that size. What analysis did you  
7           undergo to indicate, which was a pretty strident  
8           statement that said the rule was not strictly  
9           followed. What about the procedure, in your  
10          estimation, was not, was the rule not complied  
11          with? And the Court which made this, you're an  
12          attorney, the Court that, did you read the  
13          opinion that was presented by the Court in  
14          deciding that the 2002 redistricting was under  
15          the formula growing the Senate from 61 seats to  
16          62 seats was an accurate compliance with the  
17          formula of the State Constitution. Did you read  
18          the judicial opinion that put forward that  
19          analysis?

20                   MR. STONEHILL: I did look at it.

21                   SENATOR NOZZOLIO: What part of that  
22          opinion did you disagree with?

23                   MR. STONEHILL: Essentially what I'm  
24          saying is that I believe that it should have

1 Demographic Research and Reapportionment, 10/5/11

2           been, remained at 61, that the increase to 62 was  
3           not done following the State Constitutional  
4           mandate, and that was more done in terms of, I  
5           guess you would say, a policy, a feeling by the  
6           majority at the time that a larger number would  
7           be more beneficial.

8                        SENATOR NOZZOLIO: How did, how was that  
9           formula not complied with? What part of the  
10          formula, in your mind, did the Court err in  
11          analyzing the formula, and was it in population  
12          non-compliance? What type of non-compliance to  
13          that formula do you contend existed in 2002 when  
14          the Senate was first increased to 62 seats?

15                      MR. STONEHILL: Essentially in my view,  
16          in terms of, you know, following the population  
17          trends.

18                      SENATOR NOZZOLIO: To what degree did  
19          your analysis show that the population trend was  
20          contrary to the State Constitution provision  
21          allowing the Senate to go to adding an additional  
22          seat? What was the deficiency in your analysis  
23          of population that would lead to your conclusion  
24          that the Court erred in this circumstance?



1 Demographic Research and Reapportionment, 10/5/11

2 MR. STONEHILL: I feel a little  
3 unprepared in this regard. I wasn't, as I said,  
4 I was here to basically discuss from a more  
5 general perspective in terms of how I felt--

6 SENATOR NOZZOLIO: [Interposing] But  
7 your situation, let me not let you off the hook  
8 with that statement, Counselor. You said very  
9 pointedly that the rule was not complied with by  
10 the Court in 2002. You're an attorney, you're  
11 making a representation as an attorney. I would  
12 like to know what analysis led you to that  
13 conclusion.

14 MR. STONEHILL: In terms of reading  
15 analysis of the, basically, of the Court  
16 decision, as well as how the Senate conducted its  
17 deliberations and how it was increased.

18 SENATOR NOZZOLIO: But you can't tell us  
19 what, even though you made the conclusion, you  
20 cannot tell us what steps had you taken to  
21 analyze whether the Courts logic was correct and  
22 incorrect. Yet you've made this conclusion that  
23 the Court's analysis was incorrect. I think,  
24 frankly, I question whether you made an analysis

1 Demographic Research and Reapportionment, 10/5/11

2 or whether the analysis had any substantive merit  
3 to it based on your comments to my answering of  
4 my questions.

5 MR. STONEHILL: I understand, I would be  
6 certainly be happy to submit more detailed  
7 analysis and also I have, I believe that the  
8 Taskforce has set up another meeting, I believe,  
9 October 27th in Nassau, which I intended to  
10 participate and testify, so if you want more, you  
11 know, information, I'd be more than happy to  
12 address that.

13 SENATOR NOZZOLIO: Well, thank you, Mr.  
14 Stonehill, for your participations. Senator  
15 Dilan has a question.

16 SENATOR DILAN: I just want to make a  
17 comment because I'm informed that in the 2002  
18 case of Pataki or Rodriguez v. Pataki, the Court  
19 just merely dismissed the issue and never really  
20 dealt with the formula. Is that, to your  
21 knowledge, correct?

22 MR. STONEHILL: That I would have to  
23 research. I'm not certain. I'd rather not say  
24 anything off the cuff.

1 Demographic Research and Reapportionment, 10/5/11

2                   SENATOR DILAN: That's what I'm informed  
3 of and if you do have any detailed information  
4 that you could provide with respect to your  
5 testimony, that would be appreciated.

6                   MR. STONEHILL: Okay, that's fine.

7                   SENATOR NOZZOLIO: Thank you, Mr.  
8 Stonehill.

9                   MR. STONEHILL: Thank you.

10                  ASSEMBLY MEMBER MCENENY: You're always  
11 welcome at the Plattsburg hearing, too.

12                  MR. STONEHILL: I do travel, and I'd be  
13 happy to. Thank you very much.

14                  SENATOR NOZZOLIO: Are there any other  
15 citizens wishing to testify? Yes. Good  
16 afternoon. Thank you very much. Would you  
17 please, for the record, indicate your name and  
18 where you're from.

19                  MS. LISA PINKARD: Yes I will. My name  
20 is Lisa Pinkard.

21                  SENATOR NOZZOLIO: I'm sorry.

22                  MS. PINKARD: I'm very soft-spoken, so  
23 I'm going to try to speak up for you. My name is  
24 Lisa Pinkard and I'm a resident of Central Islip.

1 Demographic Research and Reapportionment, 10/5/11

2 Lisa Pinkard, Central Islip, and I contemplated  
3 whether or not I would share something with you  
4 all as a panel today, but I just thought it was  
5 fitting, because I want you to get more of a  
6 picture of our flavor of what is represented here  
7 in this particular county, Suffolk County. I am  
8 a resident of Central Islip. My family has been  
9 a resident of Central Islip for 20 years, I'd  
10 say, and I've worked as a community organizer  
11 here, and I just want to express to you the  
12 challenges as a community organizer, as community  
13 organizers, that we face. We have a majority-  
14 minority population here, as you're fully aware  
15 of. Latinos, African-Americans, Haitians in  
16 Central Islip and Brentwood make up the majority  
17 of the population. So our job was to try to  
18 bring that diverse community together.

19 So personally I was so impacted by the  
20 project that I worked on that I have still  
21 continued to serve my community, you know, not  
22 even for money, but just as a personal  
23 obligation. When you look in the faces of the  
24 youth here and you ask them to come, you know,

1 Demographic Research and Reapportionment, 10/5/11

2           come be a part of what we're doing, you know,  
3           come out and make sure you vote, tell your  
4           parents to vote. The youth don't understand  
5           fundamentally like what is a Congressman, what  
6           does your Senator do, what are your local  
7           officials. That's hurtful, especially because  
8           the majority of people that are telling you this  
9           are minorities, and if you go a few miles to the  
10          left or to the right, those children there will  
11          have a better understanding of what the whole  
12          civic engagement process is all about. So  
13          recently in the local newspapers some children  
14          had walked out of the school, because they were  
15          fighting for the layoffs and their teachers and  
16          all that. So what we did is we promoted  
17          minorities to run for School Board, and we saw so  
18          much excitement when we started these workshops  
19          and these seminars. Parents showed up, kids  
20          showed up, for the first time in Central Islip,  
21          it's equal now in terms of who's on the Board.  
22          There is three African-American, there's three  
23          Caucasian, and there's also a Spanish  
24          representative.

1 Demographic Research and Reapportionment, 10/5/11

2           So we're seeing that once they can  
3 identify with a preferred candidate, there will  
4 be some action behind it, and so that, as a  
5 community organizer, is very, very fulfilling. I  
6 just challenge you all to please, you know, keep  
7 Central Islip and Brentwood in mind in terms of  
8 their diversity and their need to be together.  
9 If you take Central Islip and West Islip, if you  
10 take the youth, my passion is for the youth, if  
11 you take the youth of those communities and put  
12 them side by side, they will have very little in  
13 common with one another. Where if you take a  
14 youth from Central Islip and Brentwood, they will  
15 share similar interests, they will both be able  
16 to tell you our schools are not that great, you  
17 know, we have similar interests in sports, our  
18 education is about the same.

19           Both the school districts are in serious  
20 trouble in terms of they're failing. They've  
21 been failing. They don't have a lot of  
22 recreation here. There's not too many parks,  
23 there's not too many fun things for the kids to  
24 do. This has been an ongoing problem with

1 Demographic Research and Reapportionment, 10/5/11

2 Central Islip and Brentwood. I'm just telling  
3 you that if you strip these communities, they'll  
4 kind of just get lost in the shuffle and  
5 primarily the youth. The youth need to be able  
6 to see something that they can set their eyes on.  
7 I'm teaching the youth now how to sit on boards  
8 like the ones that you're sitting on today. I  
9 want them to see that there's some steps that  
10 they can take to eventually get there, and so to  
11 tear apart those communities would be  
12 detrimental. That's all I have for you today.

13 SENATOR NOZZOLIO: Thank you very much.  
14 Any members of the panel wishing to ask  
15 questions? Hearing none, we appreciate your  
16 testimony. We ask for the last time, the final  
17 time, are there any other members of the public  
18 that wish to testify at our Suffolk hearing.  
19 Hearing none, we'd like to conclude that portion  
20 of the hearing, thanking everyone for your  
21 participation, for your input, that there is  
22 another hearing that was mentioned a few times.  
23 It will be held on Long Island coming up on the  
24 27th, I believe, of October. It will be held at

1 Demographic Research and Reapportionment, 10/5/11

2 the Old Westbury Campus of SUNY, SUNY Old  
3 Westbury, and we appreciate the input we received  
4 today. Thanking each member of the panel, Co-  
5 Chair, Assemblyman McEneny, thank you for, as  
6 always, your great work.

7 ASSEMBLY MEMBER MCENENY: I would just  
8 like to remind people who are watching this on  
9 home computers and elsewhere that all of the  
10 verbal testimony is eventually turned into a  
11 transcript, which will be part of the Court case,  
12 if one develops, and also as we see a number of  
13 groups here and individuals who speak, they often  
14 speak in giving us the thoughts of people where  
15 they've had some of the elected officials, Sandy  
16 Gala [phonetic], for example, had town meetings  
17 on this issue. When somebody comes in from the  
18 NAACP or some of the good government groups, we  
19 know that they've had evening meetings and  
20 weekend meetings and seminars and roundtables and  
21 we know as they speak, they speak for those  
22 groups, as well.

23 So directly there are hundreds of people  
24 who have come in to testify. There are hundreds



1 Demographic Research and Reapportionment, 10/5/11

2 more who communicate in writing, either  
3 electronically or the old-fashioned ways, and  
4 also there are individuals, groups, and elected  
5 officials who have had evening and weekend  
6 meetings on this subject, so there's a great deal  
7 of input from our citizenry here in New York  
8 State. We continue to solicit it, and we look  
9 forward to this phase of the public hearings will  
10 end before the election. At that point we will  
11 be drawing up, based on testimony and maps,  
12 drawing up actual maps and proposed legislation,  
13 and then another 14 public hearings will be held  
14 across the state, and we commend those people who  
15 have been having community town meetings and  
16 roundtables for their groups or their  
17 constituencies and bring their thoughts forward  
18 to us.

19 SENATOR NOZZOLIO: Thank all the members  
20 of the Taskforce, Senator Dilan.

21 SENATOR DILAN: Yes, I just want to  
22 mention to the panel that actually I thought we  
23 were going to meet today on some issues, however  
24 I understand that there's one member that's

1 Demographic Research and Reapportionment, 10/5/11

2 missing that's very vital to the discussion with  
3 respect to the prisoner law, and I would just  
4 like to emphasize that we should move quickly as  
5 possible to get the data base in the hands of the  
6 public and so we have the appropriate data and  
7 the public also has the appropriate data, so the  
8 public can then properly make submissions to this  
9 panel, and I think it's very urgent that we do  
10 that as quickly as possible. So I just wanted to  
11 go on the record of that, but I do understand the  
12 situation that we currently have.

13 SENATOR NOZZOLIO: Thank you, Senator,  
14 and with that this meeting is adjourned.

15 (The public hearing concluded at 1:25  
16 p.m.)

C E R T I F I C A T E

I, Trisha Ruckart, do hereby certify that the foregoing typewritten transcription, consisting of pages number 1 to 162, inclusive, is a true record prepared by me and completed from materials provided to me.



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Trisha Ruckart, Transcriptionist

October 18, 2011