

NEW YORK STATE SENATE LEGISLATIVE TASK FORCE  
ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT

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Public Meeting

RE: New York Senate Redistricting  
MAPPING NEW YORK'S FUTURE

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250 Broadway

New York, New York

December 14, 2010

10:00 a.m.

B E F O R E :

SENATOR MARTIN MILAVE DILAN,

CO-CHAIR

SENATOR RUTH HASSELL-THOMPSON

DR. JOHN FLATEAU, MEMBER,

NYS LATFOR

JEFF WICE, ESQ., Counsel to

Committee

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2     A P P E A R A N C E S :

3     Also Present:

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5     Andres Ladesma, Director of Special Projects

6     Lindsay Godt, Assistant Counsel

7     Matt Jurey, Executive Director

8     Louis Hoppie, New York Assembly Executive Director

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P R O C E E D I N G S

SENATOR DILAN: Hello. I'm State Senator Martin Malave Dilan. And I am the Co-Chair of the Task Force for Reapportionment, New York State Senate.

And we are here this morning for the first of two public meetings for New York State Senate regarding next year's reapportionment.

The purpose of these hearings is just to hear what the public has to say. It sort of sets the criteria that we're looking forward to -- for an open transparent redistricting for New York State, make it as transparent and interactive as possible throughout the State of New York.

I'm going to be very short in general with my comments because I'm going to have my colleague, who is the member of the Task Force, also sort of lay out where we're going with this. So at this time, I'd like to call up Dr. Flateau.

DR. FLATEAU: Thank you, Mr. Chairman, Senator Dilan for your leadership as Co-Chair of the New York State Legislative Task Force on Demographic Research and Reapportionment, also known as LATFOR.

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2                   Your earlier leadership of a  
3   series of roundtable discussions with a wide array  
4   of stakeholders in the redistricting process and  
5   your present convening of upstate and downstate  
6   public meetings on redistricting this early in the  
7   process, it's unprecedented. It demonstrates your  
8   commitment and that of the Senate Majority  
9   Conference to openness, transparency, public access  
10   and input in New York's Congressional and State  
11   Legislative redistricting.

12                   This process will facilitate  
13   political representation of the peoples' voice in  
14   our democracy and public policy making arenas,  
15   which is a fundamental and critical ingredient in  
16   moving us forward in these very challenging times  
17   for the Empire State and for our nation.

18                   I'm serving on my third  
19   redistricting commission, both legislative and  
20   independent, and touching on my sixth redistricting  
21   cycle.

22                   Only in America could a descendent  
23   of Africans in America, slave and free, help bring  
24   successful voting rights lawsuits against New York  
25   City and State redistricting bodies to increase

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2 minority representation. And then later be  
3 appointed to serve on these bodies.

4

5 Senator, you and the majority  
6 conference played a major role. And I served as a  
7 team member to ensure that New Yorkers had an  
8 improved participation rate in the 2010 Census.

9

10 And now the results for  
11 congressional reapportionment, state populations,  
12 the American Community Survey and other important  
13 data are being released to guide the redistricting  
14 process.

15

16 Today we look forward to listening  
17 to the peoples' voice, opinions and expertise on a  
18 number of important questions including:

19

20 1. What should be the proposed  
21 criteria along with the U.S. Voting Rights Act,  
22 federal and state law to be used in redistricting?

23

24 2. What are some of New York's  
25 demographic trends that should be taken into  
account and impact upon redistricting?

26

27 3. How will New York's pioneering  
28 prisoner count law enhance the voting rights of  
29 minorities particularly in the Bronx, Manhattan and  
30 Brooklyn, counties covered by the Voting Rights

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2 Act?

3

4 And we should note here that this  
5 law requires pre-clearance by the U.S. Justice  
6 Department. And --

7

8 4. -- most importantly, what are  
9 key recommendations to reform the redistricting  
10 process?

11

12 Thank you, Mr. Chairman and  
13 members of the public. You who are here who have  
14 taken time out of your busy schedules to  
15 participate in this crucial exercise in our  
16 democracy. Let this important public conversation  
17 begin.

18

19 Thank you.

20

21 SENATOR DILAN: Thank you very  
22 much, Dr. Flateau.

23

24 The only thing that I will be  
25 asking of those that are testifying this morning is  
if you could limit yourself to about five minutes.  
We do want to hear everything that you have to say  
and if you can please cooperate with us, we would  
appreciate that very much because we do have a  
whole host of individuals that will be testifying  
today.

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So we'll try, as much as possible,  
to have a group or panels to come up before us or  
wherever there are individuals testifying, we'll  
have you come up two or three at a time. And if we  
ask you -- if you could be as concise as possible,  
we would appreciate that very much. And let's have  
a good day.

So to start, we'll start with our  
first panel and in that panel we have Dale Ho,  
NAACP. And we have Joan Gibbs, Center for Law and  
Social Justice, Medgar Evers College. We have Evie  
Katz, New York's the League of Women -- where is  
that -- Voters. And we also have, -- Women Voters.  
And we have Barbara Zucker, V.P. Women's City Club  
of New York.

Good morning.

MS. ZUCKER: Good morning.

SENATOR DILAN: Good morning.

And I'll guess we'll start with Dale Hoe and then  
from there you -- you'll decide who will be next to  
speak.

Thank you.

MR. HO: Good morning. My name's  
Dale Ho and I serve as Assistant Counsel with the

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2 NAACP, Legal Defense Fund.

3

Thank you, Senator Dilan.

4

5 this hearing.

6

7 Founded under the direction of  
8 Thurgood Marshall, the Legal Defense Fund is the  
9 oldest civil rights law firm in the country and is  
10 dedicated to the unfettered participation of all  
11 Americans in the democratic process.

12

13 Now we know from experience that,  
14 although the right to vote free from racial  
15 discrimination is a constitutionally protected  
16 right, that right can be rendered meaningless by  
17 redistricting plans that do not fairly reflect the  
18 strength of minority communities.

19

20 Now my testimony today will focus  
21 on the central role of Section 2 of the Voting  
22 Rights Act in the redistricting process and major  
23 legal developments in the application of Section 2  
24 during the past decade.

25

26 As amended, in 1982, Section 2 of  
27 the VRA prohibits not only those voting practices  
28 that are enacted with racially discriminatory  
29 intent, but also under some circumstances those

---



Prison-based gerrymandering is an example of a practice that could be deemed to violate Section 2 and the Senate deserves commendation for ending that practice earlier this year.

In the redistricting context, examples of unlawful vote delusion include packing and cracking of minority communities. The term packing for instance refers to the act of compressing minority communities into a small number of districts.

Cracking, on the other hand, refers to the act of spreading a cohesive group of minority voters across a large number of districts, thus depriving members of that community of the concentrated voting strength necessary to elect candidates of their choice.

And it's worth pausing for a



1  
2 moment to consider what it means for minority  
3 voters to have an equal opportunity to elect  
4 candidates of their choice. Broadly speaking there  
5 are three types of districts that can provide such  
6 an opportunity, what I would call effective  
7 minority opportunity districts.

8 First majority-minority districts  
9 where members of a minority group constitute a  
10 numerical majority in the district.

11 Second, crossover districts where  
12 members of a minority group, though not a majority,  
13 can elect candidates of their choice with support  
14 from a small but reliable group of non-minority  
15 voters.

16 And, third, coalition districts  
17 where no single minority group constitutes 50  
18 percent of the district by itself but where members  
19 of multiple minority groups vote cohesively and  
20 together constitute a majority.

21 Now these effective minority  
22 opportunity districts stand in contrast to another  
23 type of district which we could call an influence  
24 district. One where minority groups -- where  
25 minority voters cannot elect a candidate of their

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1

2 choice, but can have -- but can be described as  
3 having some sort of influence on the political  
4 process.

5

Now although some commentators  
6 have used these terms interchangeably, I would  
7 emphasize that influence districts are not and  
8 cannot be seen as an effective substitute for  
9 effective minority opportunity districts.

10

But even within the universe of  
11 effective minority opportunity districts, there are  
12 important differences. As the Supreme Court made  
13 clear in a decision last year titled, Bartlett vs.  
14 Strickland, which held that Section 2 of the VRA  
15 does not require the creation of crossover  
16 districts.

17

Beyond that immediate holding  
18 however, it is important to recognize several other  
19 aspects of the Bartlett decision.

20

Now first, the Supreme Court  
21 recognized expressly that even after the election  
22 of President Obama, "Racial discrimination and  
23 racially polarized voting are not ancient history."  
24 That observation should guide the Senate as it  
25 approaches the next round of redistricting.

---



1  
2 Now second, a common misconception  
3 is that Bartlett prohibits the creation of  
4 crossover districts. Now to the contrary, although  
5 Bartlett does not require the creation of new  
6 crossover districts, the court made clear that  
7 efforts to dismantle any existing minority  
8 opportunity districts, whether those districts are  
9 majority-minority, crossover or coalition  
10 districts, will be scrutinized and could become  
11 subject to future challenge under the 14th and 15th  
12 Amendments.

13 Now third, Bartlett did not  
14 address the application of Section 2 in the context  
15 of coalition districts, whether, for instance,  
16 African-American and Latino voters could be  
17 entitled to protection under Section 2 when they  
18 vote as a coalition.

19 To be clear, however, the law of  
20 the Second Circuit which governs New York, has held  
21 that coalition districts are, in fact, required by  
22 the Voting Rights Act under some -- under some  
23 circumstances.

24 And, fourth, although Bartlett  
25 held that the creation of crossover districts is

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1  
2 not required by Section 2, the decision expressly  
3 held that State Legislators throughout the country  
4 remain free to create such districts if they so  
5 choose. So the Senate should be mindful of  
6 opportunities to create new minority opportunity  
7 districts where there have been growth in minority  
8 communities, even if a particular minority  
9 community does not reach 50 percent of the  
10 population.

11 And that last point, I think,  
12 bears emphasis in light of a recent bill passed by  
13 the Illinois State Senate which requires the  
14 creation of crossover, coalition and influence  
15 districts under some circumstances.

16 Now, there's nothing in Bartlett  
17 that would prohibit the creation of districts along  
18 those lines but I just, in conclusion, would like  
19 to offer two observations about that legislation  
20 and other reform proposals.

21 Now, first, instead of focusing on  
22 specific numeric targets in terms of minority  
23 percentage, which are not always necessarily  
24 meaningful, it's appropriate to determine whether  
25 districts are effective for minority voters in

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1

2 practice. Now that analysis requires a careful  
3 assessment of registration rates, racially  
4 polarized voting and general voting patterns within  
5 the boundaries of a proposed district.

6

And, second, because the  
7 determination of whether or not a particular  
8 district will be effective is, by necessity, a fact  
9 intensive inquiry that will require an examination  
10 of numerous variables on the ground. The Senate  
11 should be cautious when considering legislation  
12 that would create a new redistricting body or set  
13 forth strict redistricting criteria.

14

The adoption of stringent  
15 statutorily mandated redistricting criteria, for  
16 instance, a stricter standard for population  
17 deviation than is currently required under federal  
18 law, could deprive the State of the flexibility  
19 that it may need to protect minority voting rights.

20

That's not to say that new  
21 commissions or any new particular criteria are  
22 necessarily a bad idea, but experience has shown  
23 that compliance with the Voting Rights Act requires  
24 a degree of flexibility and that a focus on process  
25 without equal attention to fair results is not a

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1

2 panacea.

3

Thank you.

4

MS. KATZ: Do you want to go

5

next?

6

Thank you.

7

Good morning.

8

SENATOR DILAN: Good morning.

9

How are you?

10

Before you continue, I just want

11

to introduce Jeff Wice, who's the counsel to the

12

committee. And we also do have other staff members

13

that are present. We have Andres Ladesma, who's

14

Director of Special Projects here this morning.

15

And we also have Lindsay Godt, our Assistant

16

Counsel and, I imagine, Matt Jurey, who is the

17

Executive Director somewhere -- also with us today.

18

Hi Matt. How are you?

19

And we also have the New York

20

State Assembly Executive Director --

21

MR. HOPPIE: Louis Hoppie.

22

SENATOR DILAN: How are you?

23

Good morning.

24

Okay. You can continue.

25

MS. KATZ: Thank you.



1  
2 My name is Evelyn Katz and I am  
3 speaking today on behalf of the League of Women  
4 Voters of New York City.

5 Thank you for having this hearing  
6 on the 2011-2012 redistricting process and for  
7 allowing us to speak.

8 We believe that this round of  
9 redistricting is an opportunity to fundamentally  
10 change elections in New York State by removing the  
11 process from partisan influences.

12 My comments today will emphasize  
13 our belief that the drawing of district lines for  
14 legislative and congressional districts should be  
15 done by an independent commission, not by  
16 legislators.

17 Barbara Bartoletti, Legislative  
18 Director of the League of Women Voters of New York  
19 State will speak at the hearing in Albany and she  
20 will address appropriate guidelines and criteria  
21 for redistricting as well as this central point.  
22 The current process allows elected officials to  
23 choose their voters before the voters have a chance  
24 to choose them.

25 It is in the self interest of

---



1  
2 legislators and legislative leaders to preserve  
3 both the careers of individual legislators and the  
4 dominance of their political party. The resulting  
5 partisan gerrymandering has significantly reduced  
6 the rights of New Yorkers to be fairly represented  
7 and has resulted in one of the highest rates of  
8 incumbents being reelected in the country.

9                   We believe that an independent  
10 commission to draw the lines for legislative and  
11 congressional districts can operate under existing  
12 state constitutional requirements.

13                   The members of the commission  
14 should be fairly chosen, non-partisan and reflect  
15 the diversity of the State. The lines should be  
16 drawn in a manner that does not favor any incumbent  
17 or political party and under guidelines that  
18 provide for fair and effective representation of  
19 racial and language minorities. The process should  
20 be transparent and open to public input.

21                   Finally, there should be an  
22 effective mechanism for legislative approval of the  
23 commission's plans. We believe that Senator  
24 Valesky's bill S16-14B, accomplishes all these  
25 things and strongly support its passage as soon as

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1

2 possible in order to draw the lines for the next  
3 decade.

4

In addition, I want to emphasize  
5 again our belief that the process should be  
6 transparent in all respects, both through multiple  
7 public hearings throughout the State and the use of  
8 technology to have citizens participate at all  
9 stages of the process. All data on which the  
10 commission relies should be available to the  
11 public, including maps, criteria, software and  
12 proposed plans.

13

In all of its 90 plus years of  
14 history, the League has stood for fair and  
15 equitable representation for the people of our  
16 State. We believe that the overriding concern in  
17 drawing new districts is to ensure that all New  
18 York residents are assured of fair representation  
19 in Congress and the Legislature. To do otherwise,  
20 discourages participation in the political process  
21 and increases voter cynicism.

22

We hope that this series of public  
23 hearings is in fact the beginning of a fair,  
24 transparent and objective redistricting process.

25

Thank you very much.

---



1

2

SENATOR DILAN: Thank you very

3

much.

4

MS. GIBBS: Good morning. My

5

name is Joan Gibbs and I'm the general counsel for

6

the Center for Law and Social Justice at Edgar

7

Ever's College.

8

Founded in 1985, by means of New

9

York State Legislative grant, the mission of the

10

Center is to provide quality legal advocacy

11

training and expert services in a personal manner

12

to people of African descent and the

13

disenfranchised.

14

CLSJ accomplished this mission by

15

conducting research and initiating advocacy

16

projects and litigation on behalf of community

17

organizations and groups that promote human

18

national and international understanding.

19

From its initials days, CLSJ has

20

worked to defend the voting rights of black union

21

workers and other racial minority New Yorkers. As

22

advocates we have led, or co-led, several historic

23

voting advocacy initiatives or litigation in New

24

York City. In the interest of time, I won't recite

25

them here. They are included, however, in our

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1

2 testimony.

3

4 At the top of our list of concerns  
5 with respect to the upcoming redistricting cycling,  
6 are that new districts comply with the one person  
7 one vote rule and with the Voting Rights Act.

7

8 With respect to the one person one  
9 vote rule, although the Supreme Court has adopted a  
10 stricter standard for congressional districts than  
11 for State districts, we believe that the one person  
12 one vote rule requires that State Legislators seek  
13 to achieve population equality among State  
14 Legislative districts.

14

15 With improvements in commuter  
16 technology, as well as the Census, we believe that  
17 population equality among State Legislative  
18 districts is more possible today than it was ten  
19 years ago. And we particularly believe, it is  
20 possible to draw a new State district line,  
21 particularly Senate lines, with an overall range of  
22 three to five percent.

22

23 We would not like to see the  
24 problems we faced ten years ago and that would  
25 challenge the Pataki versus -- the Rodriguez versus  
Pataki litigation repeated. Requirements on the

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1

2 Voting Rights Act must also be adhered to.

3

4 Mr. Ho has given a detailed  
5 presentation of Section 2 and so I will refer only  
6 to it briefly here.

6

7 Section 5 we have discovered  
8 jurisdictions from adopting voter changes,  
9 including redistricting plans with a discriminatory  
10 purpose.

10

11 Three counties in New York are  
12 covered by Section 5, Bronx County, Kings County  
13 and New York County.

13

14 Section 2 of the Voting Rights Act  
15 requires that district plans -- plans not a fairly  
16 dilute minority voting support -- strength. In  
17 other words, districts should not be drawn that  
18 reduce the number of the majority-minority  
19 districts or it reduce the minority population  
20 percentage to a level which makes it more  
21 difficult, if not impossible, for minority voters  
22 to continue to elect candidates of their choice.

22

23 The must end because of the  
24 history of racially polarized voting in New York,  
25 including New York City. We urge that in drawing  
the minority-majority districts, that the minority

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1

2 voting population be at least 55 percent to ensure  
3 that minority voters will elect the candidates of  
4 their choice.

5

We applaud your legislation for  
6 the passage of the -- the Legislator and the  
7 Governor's passage of the Prison Gerrymandering Act  
8 as its implementation will strengthen the minority  
9 voting, particularly in New York City.

10

Further, we're concerned that the  
11 new State district plans preserve existing, as well  
12 as emerging communities of color -- communities of  
13 interest, by not dividing populations in  
14 communities that have common needs and interests.  
15 To this end and drawing the district lines, we urge  
16 that you not only consider census data, but broadly  
17 look at other sources such as demographic studies,  
18 surveys of political information and assessing the  
19 social and economic characteristics of communities.

20

The social and economic  
21 characteristics that should be considered in this  
22 regard include, but are not limited to, income  
23 levels, educational backgrounds, housing patterns,  
24 conditions, cultural and language characteristics  
25 and, of course, employment and economic patterns,

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1

2 health and environmental conditions.

3

4 Finally, with respect to the  
5 proposals for reform, our main concern is that the  
6 redistricting process be transparent and open.  
7 That the voices and concerns of community leaders,  
8 activists and residents are welcome, heard and  
9 listened to. To these ends, we urge that you make  
10 your data, maps and other information public and  
11 available. And that you hold as many public  
12 hearings as possible.

12

13 As for the various proposals to  
14 establish an independent redistricting commission,  
15 while we are not opposed to IRC's in principle, we  
16 are concerned that any such commission fully  
17 respect the rights of minority voters and reflects  
18 the diversity of New York State.

18

19 Some of the current proposals are  
20 modeled on Iowa's independent commission. Iowa is  
21 not New York. Unlike New York, Iowa has a  
22 homogenous population and none of its counties are  
23 covered by the Voting Rights Act.

23

24 As for the consideration to be  
25 given to incumbency, our primary concern is that  
minority voters be able to elect the candidates of

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2 their choice, the incumbent or not.

3

4 Thank you for these hearings and  
the time -- and your time.

5

6 MS. ZUCKER: My name is Barbara  
Zucker. I'm Vice President for Public Policy of  
7 the Women's City Club of New York.

8

9 We're a non-profit, non-partisan,  
multi-issue organization. And every organization  
10 that was founded by a group of suffragists in the  
11 1915, we have always been very interested in  
12 electoral matters.

13

14 We believe that the decennial  
redistricting should be performed by an independent  
15 non-partisan commission. You heard this a couple  
16 of times already this morning and you're going to  
17 hear it again.

18

19 The current process of partisan  
redistricting distorts legislative representation.  
20 Every year bills to establish an independent  
21 redistricting commission are introduced in the  
22 State Legislature but so far any have failed to be  
23 enacted. Let's hope maybe this year will be the  
24 exception. We'll finally have one.

25

But in the absence of a

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2 non-political or less political process, I'm here  
3 today to urge that the 2012 redistricting at least  
4 be performed with as much transparency and public  
5 participation as possible. And these are two  
6 phrases that you're going to hear a lot of today,  
7 I'm sure.

8 Public participation is an  
9 essential part of the democratic process. We all  
10 deplore the low turnout of elections and the  
11 situation is growing worse. New York State was  
12 dead last in voter participation in 2010. We know  
13 New Yorkers decline to vote because the elections  
14 aren't competitive. For instance, there are at  
15 present 18 assembly districts in Queens but 11 of  
16 those districts had only one person on the ballot  
17 in 2010. Clearly those district lines were drawn  
18 to protect the incumbents. And in those districts  
19 there was an election in name only.

20 We urge you to draw lines that  
21 encourage voting, not discourage it. We have to  
22 bring the public into the process as much as  
23 possible. There should be a series of public  
24 meetings throughout the State where citizens can  
25 comment on the redistricting proposals, especially

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with respect to their own communities.

Advances in technology have brought mapping capabilities to many. The Brookings Institution has recommended several steps involving access to data and software systems which could enable communities to create and analyze proposed redistricting plans.

The public should be provided with enough information to understand these proposals and the conflicting regulations that have to be followed. And the Internet should be used to keep the public informed throughout the process. Have all possible information posted on the Internet so that the public can follow this.

We urge you to give more workers the opportunity to participate in this decennial process in a meaningful way.

Thank you.

SENATOR DILAN: Thank you very much.

And to our first panel, I'd like to thank you very much for participating this morning.

MR. WICE: I have a few questions.

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1

2 First is going to be on the Voting Rights Act.

3

4 We have some communities in New  
5 York State, primarily communities of  
6 African-American, of Hispanic populations that are  
7 clustered in geographically compact areas, yet are  
8 divided up into several legislative districts,  
9 maybe perhaps up to four different districts.

9

10 And it was pointed out in the  
11 Rodriguez litigation that districts could be drawn  
12 that, while under 50 percent population are there  
13 without going to race as the major factor to  
14 connect the dots in the communities, I guess, Mr.  
15 Hoe, you had mentioned coalition districts and  
16 crossover districts.

16

17 New York State precedent from the  
18 courts on different kinds of guidance and I'd just  
19 like to get your thoughts on -- on areas now which  
20 -- which could be seen as a coalition or a  
21 crossover district, but don't meet the Section 2,  
22 50 percent bright line requirement that the Supreme  
23 Court, you know, talked about in the Bartlett case.

23

24 MR. HO: Well, I think there are  
25 two situations where you could have a minority -- a  
single minority population that doesn't reach 50

---



1

2 percent, but in a proposed district could elect  
3 candidates of their choice. A crossover situation  
4 or a coalition situation, let me address the latter  
5 first.

6 A coalition situation is where you  
7 have two minority groups, neither of which is 50  
8 percent, but when you put them together does  
9 constitute 50 percent. Well, the Bartlett decision  
10 from the Supreme Court last year expressly stated  
11 that it doesn't address that kind of district.

12 So it's an open question on a  
13 national level. But it's not an open question here  
14 whether or not those districts are required by  
15 Section 2 of the Voting Rights Act because of a  
16 case from the Second Circuit out of Connecticut,  
17 the Bridgeport Coalition for Fair Representation,  
18 the City of Bridgeport, which was a 1994 case and  
19 the Second Circuit reversed on other grounds by the  
20 Supreme Court, which specifically held that when  
21 you have a situation where you can combine multiple  
22 minority groups that reach the 50 percent threshold  
23 that Section 2 will require the creation of that  
24 district.

25 So I think with respect to a

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1

2 coalition -- this situation -- if you had  
3 population growth such that you now have, a  
4 coalition that reaches 50 percent, but you didn't  
5 have that in 2000, the Voting Rights Act is going  
6 to require the creation of a district there, at  
7 least in the Second Circuit.

8

The other situation that you refer  
9 to is a crossover district where minority voters  
10 don't constitute 50 percent but can rely regularly  
11 on support from majority voters to crossover and  
12 support the minority preferred candidate.

13

Bartlett doesn't require the  
14 creation of those districts. If you've had  
15 population growth such that one of those districts  
16 now exists, however, I would say that an attempt to  
17 dismantle that district would be problematic, as  
18 the Bartlett decision points out under both the  
19 14th and 15th Amendments.

20

As to the creation of a new  
21 district, that's certainly something that the  
22 Senate can do. Bartlett says that State  
23 Legislatures have the option to do that. And as  
24 you know, the Illinois Senate has passed the bill.  
25 It hasn't passed the lower house in Illinois yet.

---



1

2 That would require the creation of those kinds of  
3 districts.

4

I just think that that highlights  
5 the need to really pay attention to the facts on  
6 the ground, registration rates, turnout rates,  
7 levels of racially polarized voting in order to  
8 determine whether or not a district really can  
9 afford minority voters with an opportunity to elect  
10 candidates of their choice.

11

And I think it's appropriate in  
12 some circumstances to create a crossover district  
13 where one doesn't currently exist.

14

MR. WICE: On a follow-up of  
15 voting rights to that question, next Tuesday we're  
16 going to find out the State population totals in  
17 the National Congressional Reapportionment. The  
18 State will receive the actual voting district level  
19 data by the end of March next year. And we  
20 anticipate, based on census projections, downstate  
21 New York to have grown, particularly in New York  
22 City along Hispanic, African-American and  
23 Asian-American communities.

24

My question is, under Section 5 of  
25 the Voting Rights Act, for Bronx, New York and

---



1

2 Kings Counties, the Legislature must maintain the  
3 same number of districts as in the current plan in  
4 the next plan. But if the population numbers show  
5 a dramatic increase in minority populations, is the  
6 Legislature under an obligation to create new  
7 minority districts under Section 2 or under Common  
8 Law principles of redistricting?

9 MS. GIBBS: Yes. I would say  
10 yes, that they are.

11 I would note though, that the --  
12 in drawing the lines you should really be sensitive  
13 to the demographic changes that have occurred since  
14 the last census and then are still occurring with  
15 respect to the moving of large numbers of  
16 African-Americans. That this is -- as I -- I don't  
17 know if you see -- have you seen numbers that  
18 suggest otherwise? Because our understanding that  
19 the African-American population has, in particular,  
20 has decreased.

21 MR. WICE: Okay. Thank you very  
22 much.

23 I don't have any other questions.

24 SENATOR DILAN: Thank you very  
25 much.

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And to the panel again, thank  
you.

I'll be calling up the second  
panel and we're going to try in this conversation  
with New York State to really move the panels and  
hear everyone. And we're going to try to limit our  
questions unless we feel that we need some clarity.

Erika Wood, Deputy Director of  
Brennan Center for Justice. We have also Dick  
Dadey, Citizens Union. John Snyder, New York City  
Bar and Steven Carbo from Demos.

We can start with Erika Wood.

MS. WOOD: Good morning. My name  
is Erika Wood. I'm Deputy Director of the  
Democracy Program at the Brennan Center for Justice  
where I also direct a redistricting and  
representation project.

I'd like to thank Senator Dilan,  
Dr. Flateau and Mr. Wice and the Legislative  
Advisory Task Force on Demographic Research for  
holding this hearing today and inviting me to  
testify. And also, good morning to my panel  
members here.

The Brennan Center is a

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1  
2 non-partisan public policy and legal advocacy  
3 organization that focuses on the fundamental issues  
4 of democracy and justice. While I work to  
5 eliminate barriers to effect a voter participation  
6 occurs nationwide, we are based in New York and  
7 have been deeply involved in efforts to improve our  
8 government and elected administration here.

9           The New York redistricting process  
10 remains substantially flawed. To a great extent,  
11 the process remains closed and secret with no  
12 opportunity for public engagement or requirement  
13 that their Task Force explain its decisions or even  
14 present them to the public prior to finalization.

15           There is also no direct -- no  
16 requirement that the Task Force recognize  
17 communities of interest as it draws districts  
18 beyond the protections of the Voting Rights Act  
19 provides for certain minority communities.

20           Today my testimony will focus on a  
21 central theme. By showing that the redistricting  
22 process is open and transparent and that it  
23 recognizes and is accountable to real communities  
24 so that those communities are fairly represented in  
25 our government.

---



1  
2 In August of this year the  
3 Legislature passed, and the Governor signed into  
4 law a new legislation that requires LATFOR to  
5 allocate people in prison to their home communities  
6 rather than where they are incarcerated. We are  
7 very pleased that the problem of prison based  
8 gerrymandering has been addressed and we hope it  
9 will now become part of New York's past.

10 This is an issue the Brennan  
11 Center has worked on for many years. And we  
12 congratulate the Legislature for passing this  
13 important reform. We support the reform and we  
14 encourage its pre-clearance under Section 5 of the  
15 Voting Rights Act.

16 For communities of all kinds to be  
17 fairly represented in our government, the  
18 redistricting process must be accountable to the  
19 communities being represented. This cannot happen  
20 unless the process is open, accountable and allows  
21 for public engagement. To draw district lines that  
22 represent real communities, LATFOR must hear from  
23 those communities and consider community input as  
24 to how do they identify -- how they define the  
25 values they share and how they bind together to

---



1

2 share a voice and be represented in our government.

3

4 To this end, LATFOR should share  
5 draft plans with the public, hear comments, answer  
6 questions and explain its decisions.

6

7 We commend you for holding this  
8 hearing today. It is certainly an important first  
9 step in opening up the redistricting process. But  
10 is only one step. I was heartened to hear Senator  
11 Dilan's call for an open and transparent process in  
12 this round of redistricting.

12

13 Across the country and here in New  
14 York there is broad inconsistent demand to increase  
15 transparency in the redistricting process. In 2002  
16 at least 26 states made demographic or political  
17 data available and accessible and at least 18  
18 provided public access to computers or  
19 redistricting software that might otherwise cost  
20 thousands of dollars. Many states hold public  
21 hearings and some accept potential maps from the  
22 public.

22

23 To increase transparency and  
24 encourage public engagement, we recommend that we  
25 conduct at least ten public hearings. Two hearings  
to occur well before the plans are developed and at

---



1  
2 least two should occur after a proposed plan has  
3 been developed but before it has been submitted to  
4 the Legislature.

5 We recommend that you make sure  
6 you provide adequate notice to the public of these  
7 hearings. That they are given sufficient notice in  
8 advance of any hearing and be offered various  
9 opportunities to participate. That all data used  
10 in the redistricting process for the development of  
11 a proposed map be made available and accessible to  
12 the public.

13 That you consider maps and  
14 comments made by the public. Members of the public  
15 should be encouraged to submit maps and comments  
16 and those maps and comments should be made  
17 available to the public through the Internet.

18 In addition, district lines can  
19 keep people with common interests together or split  
20 them apart. Depending on which people are bundled  
21 together in a district, the district lines can make  
22 it much easier or much harder to elect any given  
23 representative or to elect a representative  
24 responsive to any given community.

25 The Brennan Center believes that

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1  
2 to ensure all New Yorkers are fairly represented in  
3 our government, the redistricting process must  
4 recognize and be accountable to real communities.  
5 These can take on many different forms and be  
6 defined both by description and boundary in myriad  
7 ways. But every community has some shared interest  
8 and it should be the members of that community who  
9 decide what that is, not legislators in the  
10 backroom.

11 Lines should be drawn so that  
12 rural communities are kept together to share common  
13 values and assure that those values are fairly  
14 represented in our government.

15 Nearly half the states around the  
16 country have redistricting criteria which include  
17 consideration of communities of interest for state  
18 legislative districts. In fact, communities of  
19 interest are at the heart of many of the other  
20 traditional redistricting rules, a decision to keep  
21 a city together or to keep a compact group of  
22 voters together is often a proxy for ensuring that  
23 people with common interest are grouped within the  
24 same district.

25 New York's changing racial and

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1  
2 ethnic demographics make it imperative that LATFOR  
3 and legislators pay close attention to newly formed  
4 communities of interest and respect the integrity  
5 of established communities protected by the Voting  
6 Rights Act.

7                   For this we recommend that you  
8 preserve communities of interest. New York should  
9 join many other states and prioritize the  
10 protection of communities of interest among the  
11 criteria it employs.

12                   Engage the public. Encourage them  
13 to testify as to relevant community boundaries and  
14 to ask questions about and submit comments on  
15 proposed maps.

16                   Identify and map local  
17 communities. Communities of interest can be  
18 difficult to identify concretely and we encourage  
19 the Task Force with assistance and input from  
20 various communities to map local communities that  
21 should be kept together within the district.

22                   Obviously, protect minority rights  
23 in communities. The Voting Rights Act, as my  
24 colleague at Legal Defense Fund, Mr. Ho, has  
25 articulately explained, imposing certain

---



1

2 obligations on the states to protect the voting  
3 rights of racial and language minorities. These  
4 obligations must be met.

5

And finally, explain proposed  
6 district boundaries. Explaining why a map was  
7 drawn in a certain way or why one map was chosen  
8 over the alternatives, will both educate the public  
9 as to the tradeoffs required in the redistricting  
10 process and hold line drawers accountable for their  
11 actions.

12

These reform goals reinforce a  
13 truly representative outcome will only come if the  
14 redistricting process is open and transparent  
15 allowing for public engagement.

16

Thank you again for inviting me  
17 today and I'm happy to answer any questions.

18

SENATOR DILAN: Thank you.

19

Who wants to go next?

20

MR. SNYDER: I'll go next.

21

Sure.

22

Hi. I'm John Snyder. I'm the  
23 secretary of the New York City Bar Election Law  
24 Committee.

25

And thank you for holding this

---



1

2 meeting.

3

The Election Law Committee has

4

extensively studied New York's redistricting

5

process. In fact, much of what I'm going to say

6

today is discussed in greater detail in the

7

Election Law Committee's March 2007 report

8

entitled, The Proposed New York State

9

Constitutional Amendment to Emancipate

10

Redistricting from Partisan Gerrymanders, which is

11

available on the City Bar Association's website.

12

It's very good. I commend it to your review if you

13

haven't read it.

14

The Election Law Committee's

15

perspective on current redistricting process, or

16

historical redistricting process is similar to

17

what's been articulated by others in terms of

18

noting the tendency to protect incumbents,

19

electoral self preservation, and I won't be belabor

20

that point. It's set forth in great detail in the

21

report and in my prepared comments.

22

Because you have not sought

23

suggestions at this time for large scale

24

constitutional reform, I'm going to limit my

25

remarks to be responsive to the topics that you



1

2 have sought guidance.

3

4                   However, I would note that the  
5 Election Law Committee's proposal for more  
6 structural reform involving an amendment to the  
7 State Constitution includes a procedure where four  
8 legislative leaders -- the four legislative leaders  
9 would appoint two commissioners to a redistricting  
10 commission in a bi-partisan, not non-partisan  
11 process and would develop a map using a process  
12 that would ultimately force a last best offer  
13 arbitration. And again, we go through that in  
14 detail in our report.

14

15                   In terms of what you've asked for  
16 panelists to comment on today, I'd like to hit on a  
17 couple of those points.

17

18                   First being population equality.  
19 The Election Law Committee has recommended through  
20 study, a thorough study, on the effect that  
21 tightening the permissible difference in population  
22 between the most and least populous Senate or  
23 Assembly districts would have on minority group  
24 representation.

24

25                   Our tentative recommendation,  
assuming further study reveals that it wouldn't

---



1  
2 have negative consequence for minority group  
3 representation, is that the difference not exceed  
4 two percent of the mean population for all  
5 districts.

6                   Although this two percent standard  
7 is more strict than the rule for State legislatures  
8 that the Supreme Court has erected and enforcing  
9 equal protection clause of the 14th Amendment, a  
10 more narrow standard would serve to prevent a  
11 cumulative population deviation, aggregating small  
12 deviations in many districts that skew the  
13 apportionment in favor of one region of the State  
14 over another.

15                   In addition, we've suggested that  
16 there should be study of potentially four to five  
17 percent total deviation to see to what extent that  
18 would enable the -- keeping together the larger  
19 number of counties and county subdivisions.

20                   In terms of contiguous territory,  
21 the Committee recommends maintaining the  
22 requirements set forth in the State Constitution.  
23 The districts consist of contiguous territory. But  
24 that any definition of contiguity employed preclude  
25 districts consisting of parts entirely separated by

---



1

2 territory of another district of the same body,  
3 whether such territory be land or water, populated  
4 or unpopulated.

5

Let's see. In terms of State  
6 Constitutional border requirements, we believe that  
7 preservation of local political subdivisions within  
8 legislative and congressional districts constrains  
9 partisan gerrymandering and provides a basis for  
10 coherent representation of citizens with common  
11 interest.

12

As a general matter, the Committee  
13 has recommended that the preservation of political  
14 subdivisions take precedence over compactness.  
15 Counties, towns, cities and villages, like the  
16 State itself, frequently have irregular shapes.  
17 They also have different populations in an  
18 aggregation of contiguous subdivision with the  
19 appropriate population for district it is likely to  
20 be even more irregular shape than the individual  
21 units.

22

If compactness were given  
23 priority, the rules for keeping local subdivisions  
24 intact would lose all meaning. I'd also note that,  
25 from a broader perspective, we've recommended

---



1

2 constitutional amendments eliminating block on the  
3 border and town on the border rules.

4

I'm going to hit two more points  
5 and then -- and then close.

6

In terms of compactness, the State  
7 Constitution contains a compactness requirement  
8 which the Committee supports. However, the  
9 Committee believes the compactness measures should  
10 be applied comparatively using average numerical  
11 measures to plans as a whole and not to individual  
12 districts. The reason is that the average score  
13 for a whole plan is less likely to be distorted by  
14 anomalous districts than the score for a single  
15 district.

16

We'd also note that in particular  
17 places or less than maximally compact district, and  
18 a further substantive representation goal such as  
19 fair representation for minority groups,  
20 preservation of communities of interest and  
21 convenience of election administration. And this  
22 should be acceptable.

23

Lastly, we've recommended -- and  
24 you asked about the size of the State Senate. We  
25 have recommended that the floating -- the current

---



1

2 floating number of Senate districts is -- it's an  
3 historical artifact. It no longer serves any  
4 purpose. It merely creates ambiguity and  
5 opportunities for manipulation. Accordingly, the  
6 Committee has recommended that the size of the  
7 Senate be finally fixed at its current size of 62  
8 members.

9

And with that, in an effort to  
10 somewhat comply with the five minute rule, I will  
11 close. And if you have any questions, I'm happy to  
12 answer them.

13

Thank you.

14

SENATOR DILAN: Thank you very  
15 much.

16

Just a little bit of housekeeping  
17 before the next person continues.

18

I just want to indicate that this  
19 public hearing is or meeting is on the record. And  
20 it is being webcast today. And also, I have said  
21 if you do have cell phones if you could put them on  
22 vibrate or turn them off.

23

Thank you.

24

MR. DADEY: Is CNN televising  
25 this as well?

---



1

2

(Laughter.)

3

SENATOR DILAN: CNN you said?

4

Just the webcast.

5

MR. DADEY: Okay.

6

SENATOR DILAN: Thank you.

7

MR. CARBO: Good morning. I'd

8

like to thank the Senate Legislative Task Force on

9

Demographic Research and Apportionment for this

10

opportunity to testify about redistricting reform

11

in New York State.

12

My testimony this morning

13

regarding prison based gerrymandering is offered

14

jointly by Demos and the Prison Policy Initiative.

15

Our two organizations have worked very closely

16

together over the last several years on prison

17

based gerrymandering work at the State level and

18

nationally.

19

This -- my subsequent remarks on

20

redistricting commissions is submitted today solely

21

by Demos.

22

THE STENOGRAPHER: State your

23

name.

24

MR. CARBO: My name is Steven

25

Carbo.



Demos and PPI congratulate the New York Senate and the Assembly for passage earlier this year of landmark legislation that ends prison based gerrymandering in the State.

New York joined Maryland and Delaware in no longer miscounting incarcerated individuals as residents of their prison localities. The prior practice violated the New York Constitution which clearly states that no person shall be deemed to have gained or lost the residence by virtue of his or her presence or absence while confined in any public prison.

New York's prison based gerrymander also violated the one person one vote principle of our represented democracy. Using prison populations to pad the population counts of districts that contain prisons allowed New York to draw prison districts with fewer actual residents. The voting strength of each resident was then greater than that of citizens in districts without prisons.

The previous practice also deluded the voting strength of urban communities of color in New York. Three-quarters of our 58,000

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1  
2 prisoners are African-American or Latino. Nearly  
3 50 percent come from New York City. But the  
4 prisons in which they are detained, they're  
5 concentrated in predominately rural white counties.

6 Prison based gerrymandering  
7 diminished the voting strength of the  
8 African-American and Latino communities from which  
9 prisoners were drawn by excluding these tens of  
10 thousands of its legal residents from their  
11 population counts while enhancing the voting  
12 strength of disproportionately white communities  
13 that contain prisons. New York's new policy  
14 remedies this vote delusion.

15 With the end of prison based  
16 gerrymandering, incarcerated individuals will be  
17 properly counted as residents of the communities  
18 from which they were drawn and will return after  
19 their period of confinement. The proper voting  
20 strength of New York's urban communities of color  
21 will be restored.

22 I should note that the negative  
23 impact the prison based gerrymandering was not  
24 restricted to urban or color communities. The  
25 voting strength of residents in any legislative

---



1  
2 district that did not include a large prison was  
3 diminished when other areas could use prison  
4 population to artificially swell their populations.

5           As to redistricting by commission,  
6 Demos has not taken a position on the redistricting  
7 commission legislation it recently proposed in the  
8 New York State Senate, nor do we call today for the  
9 establishment of an apportionment commission in New  
10 York.

11           However, we do suggest that any  
12 apportionment commission under consideration be  
13 guided by five clear public interest goals in  
14 drawing district boundaries. Such as the  
15 following:

16           First, every citizen has a right  
17 to fair and adequate representation with particular  
18 attention to communities historically under  
19 represented in the political process and to defined  
20 communities of interest.

21           2. Those who redistrict should be  
22 guided by a properly balanced set of apportionment  
23 criteria that promote fairness and advance the  
24 public interest.

25           3. Apportionment should be

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1  
2 undertaken in a manner that elicits full public  
3 confidence in the fairness and openness of the  
4 process where transparency and the proceedings of  
5 the decision makers, strong provisions for  
6 solicitation and receipt of public input, open  
7 meetings, the publication of data and documentation  
8 and accessible public hearings throughout the  
9 State.

10 4. Apportionment should proceed  
11 through a neutral unbiased process that aims to  
12 ensure that neither major party would benefit  
13 unduly under an adopted redistricting plan.

14 And last, apportionment should  
15 result in optimal voter choice in candidates and  
16 the ability of the electorate to hold the  
17 government accountable.

18 I will share a few brief comments  
19 on some of the legislation that has been introduced  
20 such as that by the Chairman. The opportunity to  
21 let candidates of choice and achieve fair  
22 representation in government is a critical  
23 component of full participation in our democracy.

24 That ideal has not been achieved  
25 in New York. Racial and ethnic minorities have

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historically been under represented in Albany.

Demos therefore recommends that any apportionment proposal adopt the protection of minority voting strength as a State policy priority alongside that of federal voting rights protections, which of course are subject to change over time on the basis of legislative action or court decision.

Chairman Dilan's bill prohibits the establishment of Senate, Assembly or Congressional districts that result in a denial to members of racial and linguistic minority groups and equal opportunity to participate in the political process and to elect the representatives of their choice.

That provision also provides that the maintenance of county and village borders, compactness, avoidance of packing multiple incumbents in one district and other redistricting criteria be applied in ways that afford fair representation of racial and linguistic minority groups. Similar language is included in S16-14, offered by Senator Valesky.

I would add that one obvious means

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1  
2 of safeguarding minority interests during the  
3 deliberations of any proposed redistricting  
4 commission is racial and ethnic diversity among  
5 commission members. S16-14, Senator Valesky's bill  
6 does require such diversity.

7 One apportionment criteria of  
8 particular importance is the preservation of  
9 neighborhoods and communities with distinct racial,  
10 ethnic, economic, historic and other interest when  
11 district lines are drawn, as proposed in S16-14B.

12 Uniting communities of interest is  
13 integral to achieving fair representation. It is  
14 also a fundamental element in closing the  
15 representation gap among New York's racial, ethnic  
16 and language minorities.

17 The subordination of this  
18 apportionment criteria on S78-82A and S78-81A  
19 diminishes its potential impact.

20 And lastly, as to public  
21 confidence, Demos finds as commendable the very  
22 specific requirements of numerous and  
23 geographically dispersed public forums set out in  
24 S16-14B. Notice of such public hearings should  
25 include efforts to reach language minority

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1

2 communities, using languages beyond English,  
3 non-English language media and outreach to  
4 community organizations and resources.

5

Schedule hearings at accessible  
6 locations and at convenient times for working  
7 adults can further promote meaningful public  
8 participation.

9

Provisions regarding public access  
10 to apportion plans and other relevant information  
11 are also superior in S16-14B. It requires that all  
12 apportionment plans, relevant data and information  
13 and map making software be made available to the  
14 public in both printed form and on the Internet  
15 using the best available technology.

16

I would add that complete or  
17 partial plans crafted by the public should also be  
18 posted on the Internet for discussion at public  
19 hearings.

20

Thank you again for this  
21 opportunity to share our views.

22

SENATOR DILAN: Thank you, sir.

23

MR. DADEY: Good morning. My  
24 name is Dick Dadey. I'm the Executive Director of  
25 Citizens Union.

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And I thank Senator and Co-Chair

Dilan for holding this hearing and your interest  
very much in this issue of redistricting.

And hello to Mr. Flateau and Mr.  
Wice. Nice to see both of you.

I come here this morning to  
comment not only on the criteria that you have  
charged this public hearing to consider, but also  
to speak to the need for an independent  
redistricting commission.

But before I get into that, I just  
want to congratulate and commend the Senate  
Majority for having ended partisan -- prison-based  
gerrymandering. This heinous law that allowed for  
prisoners to be counted unfairly in the prisons  
where they resided was something that needed to be  
ended and I was glad to see it finally, after many  
of years of trying, the Senate Majority achieved an  
important redistricting reform this past year and I  
commend you for bringing that about. Citizens  
Union was glad to be supportive of that and  
advocated its passage.

The Citizens Union firmly believes  
that we cannot truly have fair redistricting unless

---



1  
2 we remove the inherent self-interested conflict of  
3 legislators drawing their own district lines. The  
4 partisan practice of gerrymandering, of where  
5 legislators draw districts, essentially choosing  
6 their voters before the voters choose them, must  
7 end.

8                   The results of this partisan  
9 control has been the splitting of communities,  
10 challengers being drawn out of districts and  
11 districts sprawling across too many communities and  
12 too many counties making it difficult for some  
13 legislators to properly serve their constituents.

14                   Partisan gerrymandering has also  
15 been used to undercut minority representation, as  
16 we've seen in many instances throughout the State.  
17 Creating an independent redistricting commission to  
18 draw the lines, will ensure that the broader public  
19 interest will be served and not partisan  
20 gerrymandering -- excuse me, and not partisan  
21 legislative interests.

22                   The public has been clamoring for  
23 this kind of reform. And I'm glad that we have  
24 arrived at this moment where such reform may in  
25 fact be possible.

---



Legislative support has increased tremendously for this in both houses. Here in the State Senate, a total of 19 members of the current majority have made such a pledge as have five additional Senate Democrats who are newly coming into office.

A clear majority, an overwhelming majority of the State Senate and a clear majority of the current State Senate Democrats now support the creation of an independent redistricting commission, including leader John Sampson, who this fall announced his support for an independent redistricting commission when he sent a letter to former Mayor Ed Koch in the New York Uprising.

I'd like to talk a little bit about the criteria that is represented in Senator Valesky's bill and the process by which we got there.

Citizens Union, in working with other good government groups and civil rights groups and voting rights groups over the last couple of years, came up with a number of criteria. And the criteria that was developed came about as a result of meeting with then Governor Spitzer. Many

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1

2 of us met for many months trying to find common  
3 ground and a consensus around the criteria.

4

5 It was this criteria that was  
6 included in the constitutional amendment that was  
7 proposed in 2007. That 2007 constitutional  
8 amendment, as we know, did not go anywhere. But we  
9 lifted much of that criteria that existed within  
10 that constructional amendment and added it to the  
11 Gianaris and Valesky bill and we're thrilled that  
12 Assemblyman Gianaris who was the leading instigator  
13 within the State Legislature for redistricting  
14 reform has now entered, or is about to enter the  
15 State Senate as a reformer in this area.

15

16 But under S16-14B, there are four  
17 main requirements that must be included in the  
18 drawing of the lines which Citizens Union strongly  
19 supports.

19

20 That all congressional districts  
21 shall be as nearly equal in population as is  
22 practicable.

22

23 Each district shall consist of  
24 continuous territory. No district shall consist of  
25 parts entirely separated by the territory of  
another district of the same body, whether such

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1

2 territory be land or water, populated or  
3 unpopulated.

4

A populated census block shall not  
5 be divided by a district boundary, unless it can be  
6 determined that the populated part of such block is  
7 within a single district.

8

The third component is that  
9 Senate, Assembly or Congressional districts shall  
10 not be established that are intended to or result  
11 in a denial or abridgement of minority voting  
12 rights, including the opportunity of minority  
13 voters to participate in the political process and  
14 to elect candidates of their choice.

15

I should add that the language  
16 that we all developed at that time, three years  
17 ago, is stronger than the federal requirements  
18 under the Voting Rights Act.

19

And in the fourth component, is  
20 the Senate, Assembly or Congressional districts  
21 shall not be drawn with an intent to favor or  
22 oppose any political party, any incumbent, federal  
23 or state legislator, or any previous or presumed  
24 candidate for office.

25

In addition to these four

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1

2 principles which I just articulated, I will go  
3 through the things that should be followed and are  
4 ensconced in the legislation that creates this --  
5 creates the Assembly -- excuse me creates the  
6 Senate, Assembly and Congressional districts under  
7 this legislation.

8

For these criteria, principally  
9 the lower the number shall have precedence over a  
10 principle with a higher number. It is important to  
11 emphasize that the criteria is prioritized, meaning  
12 that the overarching principles are the first four  
13 that I just mentioned would be of foremost  
14 importance over the ones that now follow.

15

For example, in order to meet the  
16 requirements of C, relative to the Voting Rights  
17 Act, a district may not necessarily be as compact  
18 as -- as No. 5 below. So these are that the most  
19 -- that most of these popular Senate districts  
20 shall not exceed or be lower than the mean  
21 population of all Senate districts by more than one  
22 percent. And the most and least populous Assembly  
23 districts shall not be -- shall not exceed or be  
24 lower than the mean population of the Assembly  
25 districts as well, by one percent.

---



1  
2 In no event shall the commission  
3 advantage any region of the State over any other by  
4 creating multiple districts, therein exceeding or  
5 lower than the mean population by more than one  
6 percent, which is unfortunately presently the case  
7 both with the Senate and the Assembly districts.

8 Counties shall not be divided.

9 And this is No. 2. Counties shall not be divided  
10 in the formation of districts except to create  
11 districts wholly within a county. Where such  
12 division of counties is unavoidable, more populous  
13 counties shall be divided in preference to the  
14 division of less populous counties.

15 3. County subdivisions shall not  
16 be divided in the formation of districts except to  
17 create districts wholly or within a county  
18 subdivision. For the purposes of this article in  
19 this bill, a county subdivision shall be a city,  
20 except of the City of New York, a town or an Indian  
21 reservation whose territory is exclusive of the  
22 territory of any city or town. Incorporated  
23 villages also shall not be divided in the formation  
24 of districts.

25 And in the Senate, Assembly and

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1

2 Congressional districts shall be as compact in form  
3 as possible.

4

And then lastly, a Senate,  
5 Assembly or Congressional district shall unite  
6 communities to find by actual shared interest,  
7 taking account of geographical, social, economic  
8 and other factors that indicate commonality of  
9 interest and districts shall be formed so as to  
10 promote the orderly and efficient administration of  
11 elections.

12

Regarding public input and then  
13 the size of the State Senate, which are my last two  
14 matters that I'd like to address.

15

The commission should submit the  
16 first apportionment plan to the Legislature after  
17 holding required public hearings throughout the  
18 State and it's defined in the legislation, Albany,  
19 Buffalo, Syracuse, Rochester, Glen Cove, White  
20 Plains, and Bronx, Kings, New York, Queens and  
21 Richmond Counties.

22

The public should also have access  
23 from the commission's website to all the  
24 apportionment plans that are being presented. All  
25 the relevant data and map-making software used to

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1

2 prepare plans and other relevant information.

3

4 Regarding the size of the State  
5 Senate, the variability of the number of State  
6 Senate seats is determined, as we know, by the  
7 State Constitution and court precedent. And  
8 therefore, any changes to this formula would need  
9 to be made via constitutional amendments.

9

10 We believe that the increase in  
11 the size from -- in 2002 to 62 seats was the result  
12 of political maneuvering and believe that this  
13 discretion should be removed. However, we don't  
14 have a position today on whether the size should be  
15 fixed, in general we believe that even numbered  
16 bodies are prone to gridlock as we know all too  
17 well over the last two years.

17

18 We thank you for this opportunity  
19 to present Citizens Union's perspective and look  
20 forward to taking any questions should you have  
21 any.

21

22 SENATOR DILAN: Thank you very  
23 much.

23

24 Dr. Flateau.

24

25 DR. FLATEAU: I have a question  
of the other panelist. Could you comment if you

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1

2 have any position or thoughts on size of the  
3 Senate?

4

MR. SNYDER: I don't have a  
5 particular position.

6

And Election Law Committee's  
7 position is it should be fixed at 62.

8

SENATOR DILAN: Jeff Wice.

9

MR. WICE: Just a question on  
10 scheduling, moving the process forward, I don't  
11 have a crystal ball to know whether the legislature  
12 will come back again this year or what the schedule  
13 will look like next year given that a number of  
14 members of both chambers and members elect have  
15 supported a commission, whether it happens next  
16 year or not, we don't know yet. We won't have the  
17 census data itself until mid March.

18

Would anything with the calendar  
19 at this point preclude a commission, and should a  
20 commission not be created, what are the first  
21 things that the legislature should do without it?

22

Any comment, Mr. Dadey?

23

MR. DADEY: I think given the  
24 level of support that exists within the State  
25 Senate, a majority of Republicans and a majority of

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1

2 the Democrats, I would be surprised that given the  
3 commitments that legislators made during the most  
4 recent campaign season, that they would not act  
5 quickly to enact the creation of an independent  
6 redistricting commission, since this was a key  
7 reform and a key part of the discussion during our  
8 most recent completed sessions -- political season.

9

So I fully expect that the Senate  
10 will enact an independent redistricting commission  
11 given the broad base of support that exists among  
12 the Senators. So I think to hypothesize about the  
13 possibility of them not doing, given the public  
14 support that they have given to this, is not  
15 something I wish to comment on.

16

MR. WICE: So it's still on your  
17 agenda for next year's action if it doesn't happen  
18 --

19

MR. DADEY: Sure. I think if --  
20 it needs to be done by June in order for this to  
21 work. But I think that, given the -- again, the  
22 expectation of the public, the discussion of this  
23 issue and the record level of support that exists  
24 within the State Senate, that the Senate and the  
25 Assembly will, in fact, move quickly.

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1  
2 And given the support of Governor  
3 Cuomo and his public pledge to veto any lines drawn  
4 directly by the legislature under the current  
5 process, will ensure that we will see the creation  
6 of an independent redistricting commission.

7 MR. WICE: Any other comments on  
8 that question?

9 (No response.)

10 MR. WICE: If I could ask one  
11 related -- yesterday, a major report came out  
12 urging that competitive -- that there be more  
13 competition in the legislature. None of the  
14 criteria that we're looking at in the bills before  
15 the legislature really address competitiveness.  
16 I'm wondering with the other criteria, especially  
17 the non-partisan aspects, the lower population  
18 deviation, Would that by itself lend to  
19 competitiveness?

20 MR. DADEY: I'd be happy to take  
21 the first shot at that, if you don't mind.

22 I mean this process should be  
23 designed with the ideal -- with the idea of  
24 creating competitiveness. You cannot pass  
25 legislation or create criteria to ensure

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competitiveness nor should you try.

                  However, we know that partisan gerrymandering has been used to discourage competitiveness by drawing challengers out of lines, splitting communities. And so I think that this criteria has the honorable goal of setting up a process that will not discourage competitiveness. We just simply cannot, nor would Citizens Union support a system that would try to falsely create competitiveness.

MR. WICE: Thank you.

SENATOR DILAN: To the panel, thank you very much for participation here this morning.

MR. DADEY: Thank you.

MR. CARBO: Thank you.

SENATOR DILAN: Okay. So our next panel we have Christopher Kim, Asian Americans for Equality. And we also have Susan Lerner, Common Cause New York.

Okay. You can start.

MR. KIM: Senator, my name is Christopher Kim, Executive Director of Asian Americans for Equality.

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1  
2 I just -- on behalf of the  
3 organization I want to thank you for holding this  
4 hearing.

5 Asian Americans for Equality, AAFE  
6 is a 36-year old organization committed to  
7 community service and empowerment serving  
8 immigrants, low income families and minorities  
9 throughout New York City.

10 AAFE's foundation was built on a  
11 dedication for civil rights and equal opportunities  
12 and has since continued to advocate for the  
13 Asian-American and low income families.

14 AAFE was a coalition builder  
15 during the major revisions to the City Charter in  
16 1989 and helped develop a redistricting proposals  
17 that would provide fair and effective political  
18 representation.

19 Two decades later we now see the  
20 results of this effort through the election of  
21 Asian-Americans to the New York City Council and  
22 New York State Assembly.

23 Asian-Americans currently  
24 represent some -- more than 12 percent of the City  
25 population or about close to a million people.

---



1

2 There are more Asian-Americans in New York City  
3 than there are people in the entire city of Boston.  
4 Yet Asian-Americans remain the least, I would say  
5 the least again, represented in the Legislature.

6

The Asian-American community has  
7 been growing substantially in the past decade,  
8 particularly in immigrant gateway communities.  
9 According to the Census 2000 and an American Survey  
10 dated 2009 in Jackson Heights where Asian-Americans  
11 constitute 17.7 percent of the population, there  
12 was a 40 percent growth in Asian-American  
13 population.

14

Brooklyn, Chinatown, which  
15 straddles three -- straddles the three communities  
16 of Sunset Park, Bay Ridge and Bensonhurst.  
17 Asian-Americans represent 26 percent, 18 percent  
18 and then 33 percent of the districts respectively.  
19 This was a growth of 26 percent, 66.3 and then 95  
20 percent in the last decade.

21

Queens neighborhood of Richmond  
22 Hill, Ozone Park and South Ozone Park have also  
23 seen a dramatic increase of Asian-American, yet the  
24 only Asian-American legislator -- legislative  
25 representatives are two City council member and one

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1

2 Assembly member, with none representing the State  
3 Senate or Congress.

4

Redistricting has much importance  
5 for community -- immigrant communities. How  
6 closely legislative districts align with the fabric  
7 of our communities is crucial to ensuring that  
8 minority groups are equally represented in the  
9 City, State and federal legislature.

10

The redistricting committee needs  
11 to serve districts in the City, State and federal  
12 legislature to not only maintain Asian-American  
13 incumbents but to create districts that will  
14 increase the number of Asian-American legislators  
15 and ensure that Asian-American of interest. It's  
16 not gerrymandering or continue to be  
17 gerrymandering. And that the voting strength of  
18 the Asian-American community is not diluted.

19

Therefore, Asian-Americans for  
20 Equality, AAFE, recommends that the district lines  
21 be drawn so that Asian-American communities will  
22 have a better opportunity to elect more -- to elect  
23 more representatives to the City Council, the State  
24 Assembly, State Senate and Congress that represents  
25 the communities' interest.

---



AAFE also again recommends that district lines not be gerrymandered in order to preserve the vote. So then to preserve the voting strength of the Asian-American communities throughout New York City.

Thank you.

MR. FLATEAU: Thank you.

MS. LERNER: Thank you.

I'm Susan Lerner, I'm the Executive Director of Common Cause New York. And I want to thank you for the opportunity to talk with you today about the redistricting process.

I'm mindful of the specific topic of the hearing which is to talk about the goals of legislative redistricting before turning to that though, I'd like to point out that Common Cause is a national organization with a presence in 36 states.

And in all of those states we are working for non-partisan fair redistricting processes. Often that means supporting an independent commission taking the redistricting process out of the hands of the legislature.

We were one of the strong

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2 supporters to help pass the Voter's First Act, an  
3 initiative which passed California in November of  
4 2008 that set up a citizen's redistricting  
5 commission there, and also supported the expansion  
6 of that commission's purview to include  
7 congressional races which passed in the November  
8 2010 general election in California.

9

10 So we're engaged in this work  
11 throughout the country and anything that I say  
12 today shouldn't be interpreted as anything less  
13 than a full commitment to an independent  
14 redistricting process here in New York.

15

16 But that said, I'd like to focus  
17 on what I believe are separate from the goal of  
18 creating a redistricting process independent of the  
19 legislature, the remaining goals and criteria which  
20 I think are really essential to a fair process.

21

22 First we believe that the  
23 essential goals for redistricting are to establish  
24 a process that first and foremost eliminates  
25 partisan bias. Results and maps drawn to create  
26 districts of relatively equal size that provide  
27 fair representation for all and secondly, we think  
28 it's absolutely crucial to open up the

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2     redistricting process for full public  
3     participation.

4

5                     So that even with a legislative  
6     redistricting process, while it's not our first  
7     choice, we think that the resulting maps can  
8     satisfy the necessary criteria. And we think that  
9     there are three criteria which are of paramount  
10    importance.

11

12                    The first is that minority power  
13     not be diluted.

14

15                    The second is to ensure that  
16     incumbency protection and residency are not  
17     considered as factors and that political party or  
18     candidate advantage is similarly disallowed as a  
19     factor.

20

21                    And thirdly, we think it's  
22     important to ensure that districts for the same  
23     office have reasonably equivalent populations  
24     except where the deviation is required by the  
25     Voting Rights Act. And to us, we think that the  
26     right deviation would be something in the one to  
27     two percent range.

28

29                    The other criteria that are  
30     generally used we're, of course, in support of.

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2 But we think that these three will make the most  
3 significant difference. And then the map drawers  
4 can turn to additional criteria such as contiguity,  
5 compactness, respecting political and geographic  
6 boundaries and protecting communities of interest.

7 As far as opening up the process  
8 is concerned, we're very much aware of how the  
9 technology has changed in the last decade and the  
10 fact that all of the software which is available  
11 for the legislature to draw the maps, the mapping  
12 software has become quite sophisticated and all of  
13 it will generate information, maps and background  
14 information in a form that can be of -- placed on  
15 the Internet and to allow the public to have access  
16 to the actual tools and data which the legislature  
17 itself is considering.

18 I know that there are states  
19 around the country which are considering how to  
20 involve the public through the Internet and I would  
21 recommend to the Senate that you take the excellent  
22 tool, which is the open Senate website that you  
23 have and expand it substantially to include the  
24 mapping software and the actual data that the  
25 legislature is going to be considering in the

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1

2 mapping process.

3

4 I think it's essential for the  
5 public's sense of fairness and any kind of  
6 confidence in the process to feel that they've had  
7 an opportunity to be heard. The hearing process  
8 is, of course, important, but I think a more  
9 sophisticated and open use of the Internet with an  
10 interactive ability of citizens to make comments,  
11 to suggest and perhaps to even submit maps will go  
12 a long way to helping the public feel that they  
13 have a true investment in it and that the process  
14 is fair.

15

16 Lastly, we would recommend in  
17 terms of openness, that whatever map is drawn be  
18 accompanied by a full explanation and report by the  
19 legislature. What were the criteria? What were  
20 the decisions that were made, some of the tradeoffs  
21 that the legislature had to face in order to draw a  
22 boundary in a particular place as opposed to  
23 another, particularly in situations if there are  
24 for boundary lines which split political units or  
25 seem to divide communities of interest, some  
26 explanation for the decision making process will  
27 help the public understand and have more faith in

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1

2     their elected representatives.

3

4                     And lastly, something which I did  
5     not include in the written testimony, but which I  
6     meant to, and that is the entire question of the  
7     size of the Senate in particular. We agree with  
8     Citizens Union. We think that it's time to  
9     eliminate the variability and without a doubt I  
10    think it is important for New York to have an odd  
11    number of Senators so that we don't have the  
12    gridlock situation that we had in the past.

12

SENATOR DILAN:     Mr. Wice.

13

MR. WICE:     I have a question of  
14    whether you consider the kind of criteria that Ms.  
15    Lerner has in her testimony on political data or  
16    the other kinds of criteria, have you given thought  
17    to that at all?

18

MR. KIM:     I think, you know, from  
19    -- for the Asian-American community, I think that,  
20    you know, we're looking at like in the whole  
21    process that one is being transparent and, you  
22    know, really looking at what is like the committee  
23    or the commission to really look at how to draw  
24    lines that could really increase the opportunity  
25    for the Asian-American community to elect its own

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1

2 representative.

3

4 I think we had a very good start  
5 in the past two decades. But then if you look at  
6 the proportion of number of elected official of  
7 Asian descent versus the population that, you know,  
8 they're still not there yet. I mean, so if you  
9 look at, for example, on the State Senate, we only  
10 have -- we have no Asian-American of descent.

11

12 In the Assembly we only have one.  
13 And in Congress, for example, there's none. So  
14 then that's where we really want to kind of like  
15 work with you to -- to looking at different data or  
16 like, you know, a different process, how we can  
17 really create districts that -- that could give  
18 that kind of best opportunity and so we're here to  
19 work with you -- so.

20

21 MR. WICE: And one followup  
22 question for Ms. Lerner. In looking at different  
23 kinds of commissions, are there examples, for  
24 instance, what California has gone through or  
25 Arizona's experience that would lend itself to a  
better process in New York?

26

27 MS. LERNER: Well, both of those  
28 commissions -- well, the California example is time

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1  
2 limited at this point, I think. There what we have  
3 is a truly citizens based commission. The  
4 extraordinary figure that I -- that I think springs  
5 to mind is that there was a public application  
6 process and over 30,000 Californians took the first  
7 step and said they had an interest in perhaps  
8 applying for the commission. That was quite an  
9 extraordinary thing and it took over six months to  
10 narrow down the pool and now they do have their  
11 final commission in place.

12 But I think that we see the  
13 examples there. I think we see the example in Iowa  
14 that shows that a commission can function and that  
15 the criteria being correctly laid out allows the  
16 commission to address the challenge of  
17 redistricting perfectly adequately. So there are a  
18 lot of different models and I think it's really a  
19 question of New York needs to engage in the process  
20 and get it underway quickly.

21 MR. WICE: Okay. Thank you.

22 SENATOR DILAN: Thank you very  
23 much.

24 MS. LERNER: Thank you.

25 MR. DILAN: Our next panel, I want

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include Todd Breitbart, former New York State  
redistricting staff, Ben Samuels, New York  
Roosevelt Initiative, and Jackson Chin, Latino  
Justice, P-e-r-l -- Perldef. Okay. And he's a  
senior counsel.

Mr. Chin, we'll start with you.

Okay.

MR. CHIN: Good morning, members  
of the State Senate LATFOR Conference.

My name is Jackson Chin, I am  
Senior Counsel of Latino Justice Prldef. Latino  
Justice Prldef is a national not-for-profit,  
non-partisan organization that has conducted legal  
education advocacy and impact litigation. Our  
former name was, some of you know, Puerto Rican  
Legal Defense and Education Fund.

Since 1972 we have promoted  
leadership and civic engagement in the pan Latino  
community. And we have defended the civil and  
constitutional rights of Latinos in the areas of  
first amendment, voting rights, fair housing and  
employment, access to education, language access  
and immigrant rights.

Our office approaches its fourth

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1  
2 decade of redistricting work and voting rights  
3 work. We will be working in promoting community  
4 participation and monitoring compliance with the  
5 federal Voting Rights Act throughout the  
6 legislative and congressional redistricting process  
7 here in New York as well as in a number of other  
8 states.

9                   Redistricting and reapportionment  
10 are driven by the demographics of population  
11 change. How will New York's changing demographics  
12 impact the redistricting process? In New York  
13 State Hispanics helped fuel New York's population  
14 growth this decade. From 2000 to 2008, Latinos  
15 comprised approximately 72 percent of that growth.

16                   Latinos continue to comprise a  
17 significant proportion of the total population of  
18 New York State. In this last decade, according to  
19 the 2009 Americans Community Survey data, the  
20 number of Latinos made up an estimated 16.8 percent  
21 of the State's total population.

22                   The current legislature consists  
23 now of a total of 62 Senate districts, of which  
24 only six Senate districts have an effective  
25 majority of Hispanics. And out of the 150 State

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Assembly districts, only 12 such Assembly districts have Latino effective majorities.

So now in this next upcoming cycle of redistricting, based on the new demographics of Census 2010, which will be released in a few weeks, we believe that those responsible for drawing these district lines must recognize the obligations for providing fair electoral opportunity for New York's Latino communities.

Proportionality is a very important and key factor in redistricting, as I'm sure some of you know. As the U.S. Supreme Court has stated, proportionality quote, "links the number of majority-minority voting districts to minority members share of the relevant population." Johnson v. DeGrande in 1994.

If given the proper proportionate number of districts in the next round of State redistricting, we expect to see the drawing of more Latino majority-minority districts in both State Senate and State Assembly plans.

In the final analysis we urge that the State Legislature redistricting maps be drawn with the understanding that a proportionate percent

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2 of the total districts be drawn for  
3 majority-minority Latino districts. This set of  
4 districts would bear a proportionate relationship  
5 to the number of Latinos that live in our State.

6 Another point that Latino Justice  
7 has -- we'd like to make at this point is that we  
8 urge again and again, the adoption of the  
9 fundamental principle of transparency and that is  
10 transparency must be infused throughout the State's  
11 redistricting process. Transparency will help  
12 ensure that fairness and participatory equality are  
13 incorporated into New York's redistricting process.

14 A transparent process will provide  
15 accessibility and cultivate the type of trust among  
16 the electorate that we need in this vary complex  
17 process. Similarly transparency and participation  
18 will help diminish the excesses of partisan  
19 gerrymandering and eliminate barriers to fair  
20 districting.

21 We urge that a number of steps be  
22 taken whose objectives are to encourage full and  
23 meaningful public access to the redistricting  
24 process. The public must be given the opportunity  
25 to testify and provide comment and input to LATFOR

---



1

2 and State officials before they undertake to draft  
3 maps.

4

One concrete step is to guarantee  
5 public inclusiveness in the pre-mapping phase  
6 through encouraging public input and testimony in  
7 order to inform LATFOR about how communities desire  
8 to have districting lines drawn.

9

These rounds of public hearings  
10 must be conducted throughout the regions of our  
11 State. Bilingual interpretation and transportation  
12 of materials must be afforded in those communities  
13 with significant language barriers who are  
14 protected under the Voting Rights Act.

15

And although this has not been  
16 done in the past cycles of redistricting, we really  
17 believe that a second round of public participation  
18 and hearings once you've released your maps, would  
19 engage the public again for its review and comment  
20 regarding the maps.

21

LATFOR's draft maps should be  
22 circulated to the public with a reasonable period  
23 of time in advance for public review and comment.  
24 And so the second round of public hearings, I  
25 think, would be very valuable for inclusion and

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2 full transparency.

3

4 The State's proposed maps can also  
5 benefit from the submission of alternative  
6 districting maps as offered from the public. And  
7 during this phase, public hearings can provide  
8 support or suggestions on how district lines will  
9 best preserve communities of interest and comply  
10 under the Voting Rights Act to avoid voter dilution  
11 challenges and also abide by traditional  
12 redistricting principles of compactness, contiguity  
13 and de minus deviation from the equal population  
14 requirement.

15

16 So I just want to conclude my  
17 comments, Latino Justice looks forward to working  
18 with the State officials and the members of LATFOR  
19 and all their staff to promote community  
20 participation in a politically inclusive process  
21 which will yield fair maps for all of our  
22 communities.

23

24 Thank you.

25

MR. WICE: Thank you.

26

27 Before we continue, I just have a  
28 quick question with reference to your comment with  
29 regard to Latino minority districts and the

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1  
2 creation of such. I note that you only referred to  
3 Assembly and Senate districts. Any comments with  
4 respect to congressional districts?

5 MR. CHIN: In fact, that is in  
6 fact a very noticeable omission. That is something  
7 that should be included and we agree that there  
8 will be certainly an opportunity we think for yet  
9 another congressional district for Latino  
10 majorities.

11 Thank you.

12 MR. WICE: Thank you.

13 Dr. Flateau?

14 DR. FLATEAU: Comments -- if you  
15 could address the question of whether or not you  
16 have a position on independent redistricting  
17 commissions or any of the pending legislation to  
18 reform the redistricting process, we would  
19 appreciate it if you could address that during the  
20 course of your remarks.

21 MR. CHIN: As you know, our  
22 office also has submitted a support letter for the  
23 Section 5 Pre-clearance of the Prison  
24 Gerrymandering Remedial legislation. So we are on  
25 record as supporting that legislation and we hope

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2     that that will help to address some of the  
3     gerrymandering that would have occurred under the  
4     previous system.

5

6                     As to the issue of an independent  
7     redistricting commission, we at this point, take no  
8     position. We know that it's a rather controversial  
9     matter and -- so we are looking at, I believe, a  
10    number of proposed bills that are in the State  
11    Legislature, but we at this point have no official  
12    position.

12

Thank you.

13

SENATOR DILAN:     Thank you.

14

Mr. Samuel.

15

16                     MR. SAMUEL:     Thank you, Senator  
17     Dilan and Dr. Flateau and Mr. Wice.

17

18                     First of all, I want to say why is  
19     this such an important issue. We have to start  
20     with the answer. We want the best Legislature in  
21     the United States. We want the word politician to  
22     be a respected word. And we want young people,  
23     like some of you on the panel, who entered public  
24     service at a young age and decide this is a great  
25     way to serve my community and to serve my life.

25

Redistricting is a first important

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1

2 step because if we have good people, we pay  
3 legislators better and there's transparency and  
4 voters can throw them out if they really are  
5 unhappy. We will end up with a vibrant economy and  
6 good jobs.

7 So while I applaud this hearing  
8 and I applaud many of you that have spent your  
9 career in public service and finally, Senator  
10 Dilan, I want to thank you for your interest in the  
11 long term solution, which is a constitutional  
12 amendment, which we know is not short term how this  
13 will be approached, but many of us appreciate your  
14 intellectual interest in how that can be achieved  
15 long term.

16 Now having said that,  
17 redistricting for me is not a new issue. I don't  
18 claim to be an expert, but in 2002, with then  
19 minority leader Paterson, I was one of the founders  
20 in the Bronx of the Rodriguez v. Pataki case. And  
21 since then have been very active and I'm not going  
22 to go through what we've done in 2010, but I'll  
23 give you the conclusion. I am very disappointed.

24 I met with Paterson personally and  
25 suggested to him that his great legacy would be to

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1  
2 call a special session which included  
3 redistricting, campaign finance reform. While we  
4 had a Democratic majority and finally with all the  
5 momentum that we have, get things passed. He  
6 didn't do it. He's a good friend. I'm very  
7 disappointed in him. We Democrats missed a major  
8 opportunity and I was finance chair to retake the  
9 State Senate in 2008 and certainly that was my  
10 expectation of what the Senate majority would do.

11 Do I expect Skelos and Silver now  
12 to, in fact, really pass an independent  
13 redistricting commission? Yes, I think they may  
14 pass something. but I got to tell you, unless, and  
15 this is my main point today, Silver, Skelos and  
16 Sampson commit to whatever bill they pass, whether  
17 it be Valesky, the Velasky bill or something like  
18 it, that ahead of time they state we will approve  
19 the plan.

20 We all know there's a major  
21 constitutional problem. Whether it be the Velasky  
22 bill and others, where after independent  
23 commissions submit plans, the Legislature, whether  
24 it be Silver in the Assembly or Skelos, can just  
25 say now and after two nos on the Velasky bill it

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2 goes right back to where it was. We can't let that  
3 happen.

4

5 So I state that unless Silver,  
6 Skelos and others that signed the Koch pledge, say  
7 not only will they pass some type of redistricting  
8 independent commission but they commit that  
9 whatever that commission comes up with, they will  
10 approve. End story or else. They have not met the  
11 demands of the people, the demands of the electoral  
12 boards and their own pledges. And we can't let  
13 them off the hook, otherwise we'll be right back to  
14 where we have been historically.

15

16 Will Cuomo stand up if they end up  
17 using the constitutional loophole? I think he wants  
18 to. But if you're governor and you have 15  
19 priorities in front of you, of which redistricting  
20 is an important one, but it's not 1 to 10. And  
21 you've got Skelos and Silver on the other side  
22 where redistricting for the next decade is very  
23 high up, it's going to be very hard for Cuomo to  
24 stand up. I think he will, but his father didn't.  
25 And if you read the quotes from Mario, he said it's  
clear to me that something's wrong here. But he  
felt the courts or the Justice Department would

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1

2 take care of it.

3

4 Not only -- not only did they not  
5 take care of it, in the Fair case in 1990, they  
6 upheld almost entirely the Democratic  
7 gerrymandering plan that basically had been put in  
8 place in 1982 in the deal between Fink and  
9 Anderson. When Fink and Anderson made that deal in  
10 1982, previously there was only 1.7 percent  
11 deviation between districts. A goal that we're not  
12 even close to today.

12

13 After that '82 deal that basically  
14 took power from the Governor and trenched the  
15 Republicans in the State Senate and the Democrats  
16 and the Assembly, it moved to over -- over 90  
17 percent when the Republicans in the State Senate,  
18 9.78 gerrymandered the Senate.

18

19 We have not seen the courts stand  
20 up. In the 2000, 2002 legal cases, the shocking  
21 thing in the Rodriguez case, which clearly was a  
22 white gerrymandered district, the court basically  
23 said partisan gerrymandering is okay. We don't get  
24 involved in politics.

24

25 So I'm telling you, we must today  
force Skelos to live up to his pledge by agreeing,

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2 not just to pass a bill, because he could just do  
3 that and be off the hook. But state he will  
4 absolutely live by whatever that commission comes  
5 up to.

6

With Silver, he has a last great  
7 opportunity for his legacy. This is the time that  
8 we need to see leadership on our Democratic side.  
9 And I'm hopeful that the Assembly will stand up.  
10 But I'm telling you right now, those of us that  
11 have been involved for decades are not optimistic.

12

Therefore, the end story is:

13

1. We have to put together a  
14 coalition of opposites. And we have to go county  
15 by county in 2011. Speak in everybody's district  
16 on these complex issues and put pressure on our  
17 legislative leaders to get it done.

18

And finally, come to 2012, groups  
19 like ours that ousted Pedro Espada will align with  
20 other groups and if it's not done, I think the  
21 public is going to finally tell our legislature  
22 we've had it. It didn't happen this year. There  
23 was not a strong movement for change but it's  
24 building.

25

And I am very optimistic on our

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2 Democratic side that we've learned our lesson. Now  
3 we have to prove it. But, I believe, now that  
4 we're in the minority, you'll see a growing  
5 maturity and a commitment to reform.

6

But all of us need to look at each  
7 other and say now is the time and if you don't do  
8 it now, then it's time for a constitutional  
9 convention or some other type of major change  
10 because we want our Legislature to be the absolute  
11 best in the country. And we want a lot of our  
12 current public servants who work full time are not,  
13 in my judgment, fully compensated to be in a  
14 position where they are truly respected and proud  
15 of their work.

16

Thank you.

17

SENATOR DILAN: Thank you very  
18 much.

19

At this time, I'd like to welcome  
20 and acknowledge my colleague in the New York State  
21 Senate, Senator Ruth Hassell Thompson from Bronx  
22 and Westchester Counties.

23

Good morning.

24

SENATOR HASSELL-THOMPSON: Thank  
25 you.

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Good morning. I don't want to stop the flow. I appreciate the fact that I was able to get here in time, Mr. Samuels, to hear your presentation and I hope to -- I hope I haven't missed Mr. Breitbart.

MR. BREITBART: No.

SENATOR HASSELL-THOMPSON: Good. Primarily because we worked together when I first came to the Senate. My very first year was the year that I really understood the dynamics, all of the dynamics of what it meant to do -- to be a part of redistricting. I thought we did some good work then. I had hoped we were going to do better work this time.

I look forward, however, to -- I'm not an optimist either in terms of the goodwill of men when it comes to power. It just does not happen. They're not -- they don't co-exist.

But I would like to believe that if -- if people believe that the public has spoken, then I think that the public needs to know this, at this time, make its voice heard in terms of not tolerating some of the behaviors that we have experienced in the past.

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I've only been in the Senate for ten years but I can tell you that we are long since passed the point -- and everyone will tell you that knows me, I'm not a reformer, but I am a transformer. And I think that we're really at the point where we need to do more transformation about how we serve and how we recreate our districts that allow us to do that in the best way possible.

And I also want to congratulate my colleague for an extensive body of work that he has done along with our staff in getting us to this point. They have spent countless hours trying to figure out the -- the policies of what is in the best interests of the people of New York State and tried to stay away from the politics.

And I appreciate you, Senator Dilan, for the hard work and the commitment that you've made these two years in getting us where we are today. And I, obviously, have a great appreciation for our staff who have been acting as true good advisors and who have become pretty expert themselves in all of the nonsense and the nuances of what redistricting is really about and worked hard with us on the census to ensure that we

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had some real numbers that we could use if we have  
to go into court.

So the groundwork has been done  
and now we're just ready, I hope, to go forward.

SENATOR DILAN: Thank you very  
much, Senator.

Mr. Breitbart.

MR. BREITBART: Yes. Senator  
Dilan, Senator Hassell-Thompson, Dr. Flateau and  
Mr. Wice, my name is name is Todd Breitbart.

From 1980 until my retirement in  
2005, I directed the staff work and redistricting  
for the Democratic Conference in the New York State  
Senate. I was the principal consultant to the  
Committee on Election Law of the New York City Bar  
Association in developing the March 2007 report  
that was discussed here previously by the  
Association's representative.

The possibility of my returning to  
your staff for the coming redistricting ground is  
under discussion, but we've not reached a decision.  
And the opinions that I will express today are  
solely my own.

I want to urge that the cause of

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2 reform should focus at this time on specific  
3 standards for redistricting legislation, and not on  
4 procedural reforms which it is now too late, or  
5 which would give the mere appearance of reform  
6 while making the actual process even less  
7 transparent than in the past.

8

There's much to be said for a  
9 constitutional amendment vesting redistricting  
10 authority in a bi-partisan commission structure to  
11 produce a last best offer arbitration as proposed  
12 by the Bar Association in 2007. But the last  
13 opportunity to begin the constitutional amendment  
14 process in time for a reform process to proceed in  
15 an orderly way in the coming redistricting round,  
16 passed on Election Day 2008.

17

Most advocates of redistricting  
18 reform now call for redistricting by some sort of  
19 independent non-partisan commission to be  
20 established by statute. The New York State  
21 Constitution Article 3, Sections 4 and 5 provides,  
22 however, that the legislative district shall be  
23 altered by the enactment of a law. And that both  
24 Senate and Assembly districts shall be established  
25 by the same law.

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2

Article 3, Section 13 provides

3

that no law shall be enacted except by a bill. And

4

Article 3, Section 14 states, nor shall any bill be

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passed or become a law except by the assent of the

6

majority of the members elected to each branch of

7

the Legislature.

8

The Legislature may delegate many

9

of the powers invested in it by Constitution but it

10

may not delegate the authority to enact the laws.

11

Removing the authority over redistricting

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legislation would require a constitutional

13

amendment.

14

The Legislature could, of course,

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create an advisory commission that is quite unlike

16

the existing legislative Task Force, fully

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independent of the Legislature. But the likely

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result would be a redistricting process even less

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transparent than the one we have now.

20

The loss of transparency would

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occur in two phases. First, if the commission's

22

recommendation seems politically inconvenient for

23

the legislative majorities, they would have full

24

authority to set aside and enact what districts

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they like regardless of any procedures and rules

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2 established in the law created by the commission.  
3 They would not even have to follow a procedure  
4 established by the law requiring them to give the  
5 commissions recommendations consideration once,  
6 much less do it three times.

7 Any redistricting law enacted  
8 pursuant to Article 3, Section 4 to 5, with the  
9 usual boilerplate language, any other provision of  
10 law notwithstanding, would quite supercede the law  
11 establishing the advisory commission. The  
12 commission process would then prove to have been a  
13 mere diversion for the public, having little or no  
14 connection with the actual drafting of the  
15 redistricting law which would take place in  
16 legislative offices and entirely out of public  
17 view.

18 We were asked to believe that  
19 facing the prospect of losing their offices and  
20 having the constitutional authority to solve the  
21 problem, the leaders and members of the legislative  
22 majorities would be more reluctant to use that  
23 power than, let us say, the Mayor of the City of  
24 New York or the members of the City Council.

25 Thirty years of experience in

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2 legislative staff, of which I'm quite proud, leaves  
3 me with no reason to expect this.

4

5 The loss of transparency would  
6 then continue through any subsequent litigation  
7 challenging the law. In Rodriguez v. Pataki the  
8 challenge to the State Senate districts adopted in  
9 2002, the Senate majority, the defendants, made a  
10 broad assertion of legislative privilege and  
11 opposition to the plaintiff's recovery request --  
12 discovery request, excuse me. In opposition to the  
13 plaintiff's discovery request.

14

15 And the District Court upheld that  
16 claim or privilege with regard to all documents  
17 internal to the Legislature. The court held,  
18 however, that since the legislative Task Force had  
19 two non-legislator members, documents exchanged  
20 between staff and members of the Task Force were  
21 subject to discovery. This resulted in the  
22 disgorgement of many revealing documents.

23

24 If the public commission process  
25 is divorced from the internal legislative process  
of drafting the eventual law, the discovery phase  
of any subsequent litigation will not reach the  
actual legislative process and will be limited to

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1

2     irrelevancies.

3

4                     Far from using his budgetary power  
5     and veto, as has been suggested, to compel the  
6     Legislature to replace the Task Force with an  
7     independent commission, it is to be held that the  
8     Governor would use those powers to prevent any  
9     departure from the current Task Force structure.

9

10                    I say this as a highly partisan  
11     Democrat concerned principally with the Senate  
12     redistricting and fully aware that the new Senate  
13     is likely to have -- very likely to have a  
14     Republican majority. And that there is hope that  
15     the Governor would use his veto to compel the  
16     Legislature to enact the commission's proposal. He  
17     can also establish specific standards for the  
18     substance of any redistricting bill that he would  
19     be willing to sign.

19

20                    I urge the other proponents of  
21     reform, including those who have testified  
22     eloquently here today, to consider that their  
23     efforts may be much fruitful if they concentrate on  
24     advocating such standards.

24

25                    With regard to the question of  
   population deviations, the most popular proposal

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1  
2 for limiting deviations and for limiting regional  
3 mal-apportionment of legislative districts, such as  
4 we saw in the Senate plan of 2002, the one that is  
5 currently in effect, is to enforce a two percent  
6 total deviation.

7                   This would serve its specific  
8 purpose, but the proposal should be rejected  
9 because first it may interfere with providing  
10 appropriate minority representation. Second, it is  
11 unconstitutional. And third, it would be much  
12 better to avoid mal-apportionment while permitting  
13 more flexibility for keeping local government units  
14 intact.

15                   When the Bar Association proposed  
16 amending the Constitution to establish a two  
17 percent rule, they added the caution that no  
18 proposal should be adopted until and unless a  
19 careful study by a qualified expert demonstrated  
20 that such a rule would not interfere with providing  
21 appropriate representation to minority groups.  
22 The sort of study proposed in the Bar Association  
23 report has never been conducted.

24                   Second, New York State  
25 Constitution, Article 3, Sections 4 to 5, requires

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2 that the integrity of counties and most towns in  
3 effect for Senate plans, all but the Towns of  
4 Hempstead and Brookhaven, and arguably Islip, be  
5 preserved absolutely.

6

This absolute rule has to yield to  
7 the population deviation restrictions arising under  
8 the protection clause of the 14th amendment, but  
9 legislative plans would still keep counties and  
10 towns intact insofar as that could be done within  
11 an acceptable total deviation.

12

If a plan with a two percent total  
13 deviation divides more counties and towns than  
14 would have to be divided, if the total deviation  
15 were larger, up to ten percent and arguably, as a  
16 constitutional matter, somewhat higher then it is  
17 unconstitutional under the New York State  
18 Constitution to the extent that those provisions  
19 survive under the current 14th amendment doctrine.

20

That the Court of Appeals might  
21 let the Legislature get away with this as it did in  
22 *Schneider v. Rockefeller* in 1972 is irrelevant.  
23 The members of the Legislature and the Governor  
24 have a sworn duty to uphold the Constitution, not  
25 merely to refrain from doing what the courts won't

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let them get away with.

And there is something odd about a good government proposal that depends on the court's willingness to let the Legislature ignore the Constitution. Early respect for the Constitution is among the first principles of good government.

Finally, keeping counties and towns and county subdivisions intact is desirable. using a ten percent deviation of up to ten percent to achieve that goal is reasonable provided the county and town integrity is not merely cited as a pretext and there's another rule that can be applied to prevent the deviations from being manipulated to produce the sort of regional mal-apportionment seen in the 2002 Senate plan.

Senator Dilan's bill, S7881A, in its Section 3A, states such a rule which is drawn from Appendix D of the Bar Association report, "For any contiguous group of Senate or Assembly districts, the percentage of the total number of such districts contained within such group and the percentage of the total population of the State contained within such group, both expressed as two

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1  
2 digit numbers followed by two digit decimals, shall  
3 not differ by an amount greater than 0.50."

4                   The rule is really very simple and  
5 easy to apply as explained in Appendix of the Bar  
6 Association report. Assuming a Senate of 62  
7 districts, it would require the examination of any  
8 -- it would not require the examination of any  
9 contiguous cluster fewer than seven Senate  
10 districts or 15 Assembly districts.

11                   It is stated in the same terms  
12 originally used by the U.S. Supreme Court to  
13 describe an unacceptable amount mal-apportionment,  
14 as in its description in the case of WMCA Inc. v.  
15 Lomenzo, of the mal-apportionment of the -- of the  
16 New York State Senate and Assembly districts.

17                   Such a rule has several advantages  
18 that over two percent -- over two percent total  
19 deviation rule. First, it would prevent an  
20 apportionment that discriminates in favor of one  
21 region of the State at the expense of another. If  
22 relatively large deviations are being used in good  
23 faith to keep counties intact, the upstate  
24 districts will display a patchwork pattern, mixing  
25 positive and negative deviations. A plan with such

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a pattern cannot run afoul of the rule.

Second, it poses no threat to minority representation.

Third, it permits counties and towns to be kept intact to the greatest possible degree within a ten percent total deviation. That is desirable in itself and also conforms to the requirements of Article 3, Sections 4 to 5 to the extent that those requirements survive federal equal population standards.

I should -- I would like to add also to what has been said here already about minority representation that it should certainly be demanded that the four decade law pattern of splitting the black and Hispanic communities in Nassau and Suffolk counties in the Senate plans, must not be continued for a fifth decade.

If you look at the maps going back to 1972, District 6 and 8 in Nassau County changed extensively during the course of that four-decade period. The one thing that remains virtually unchanged is the line that divides in half the large contiguous black and Hispanic communities in the town of -- in the Town of Hempstead.

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1  
2                   When the splitting of the Long  
3   Island minority -- and the same pattern can be  
4   shown in Suffolk County in the splitting of the  
5   minority communities in the Towns of Babylon and  
6   Islip.   When the splitting of the Long Island  
7   minority communities was alleged in the Rodriguez  
8   to be a violation of Section 2 of the Voting Rights  
9   Act, the plaintiffs failed because in the judgment  
10   of the District Court, they could not satisfy the  
11   threshold test proving that it would be possible to  
12   create a Senate district in which minority group  
13   voters would enjoy an effective voting majority.

14                   But the political organs of State  
15   government, the legislator and the Legislature and  
16   the Governor are not bound by any such threshold  
17   test in considering questions of fairness, justice  
18   and sound public policy.

19                   SENATOR DILAN:    If you can start  
20   to please sum up so we can honor the five minute  
21   rule.

22                   MR. BREITBART:    Okay.   Well, the  
23   -- I have a -- written statement that I've  
24   submitted of which parts of available.

25                   SENATOR DILAN:    It will be part

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of the record.

MR. BREITBART: Of which copies  
are available.

I would like to support Mr.  
Dadey's remark that we should distinguish between  
making competitiveness a criterion for districting  
and preventing the use of devices that are designed  
to -- to limit competitiveness and some specific  
elaboration on that is provided in my written  
statement.

SENATOR DILAN: Thank you very  
much.

Any questions front he panel?

DR. FLATEAU: I wasn't quite  
clear, Mr. Breitbart, were you making a specific  
recommendation around deviation standards? At one  
point you mentioned two percent and then you were  
discussing ten percent.

MR. BREITBART: No. I -- I was  
suggesting that the -- the idea of a two percent  
total deviation standard to prevent the kind of  
manipulation that we saw in the 2002 Senate plan,  
would be inappropriate. It would be inappropriate  
because we -- no study has been made of what its

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2 effect might be on minority representation.

3

But, also because it would be

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unconstitutional under the New York State

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Constitution. We are required to keep counties and

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towns intact to the extent that we can do so within

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the population equality standard that's been

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established under the 14th Amendment.

9

And that means that if we had a

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plan that had a two percent total deviation, that

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divided more counties and towns than would have to

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be divided, under a plan that had a total deviation

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of up to ten percent, then that would violate the

14

surviving provisions of the New York State

15

Constitution.

16

There is an alternative that can

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be applied that would prevent the kind of -- that

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if applied, would prevent the kind of manipulation

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that we saw in 2002, but it would be

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constitutional. It would involve no threat to

21

minority representation and it would serve the

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desirable purpose of keeping more counties and

23

towns intact.

24

And that is to say that for any

25

group of Senate districts, you calculate the -- the

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percentage of the total number of Senate districts, for any group of Senate or Assembly districts, a contiguous group of districts, you calculate the percentage of the total number of districts that are contained in that group to two decimal places.

You calculate the percentage of the total population of the State that is comprised by that cluster of Senate or Assembly districts and you insist that the difference between those two percentages not be greater than 0.50. It's a very simple rule to apply. There's a more extensive discussion of it in Appendix D of the Bar Association report.

MR. WICE: One followup question. Mr. Samuels put down the challenge for the coming redistricting. Mr. Breitbart gave us some of the proof in the pudding of the last go around, so question for Mr. Samuels, Mr. Chin, any comments on Mr. Breitbart's testimony, having given us a litany of some of the meat of the current lions and the reasons we're here today to look for changes?

MR. SAMUEL: I only have one comment. If I was sitting on the panel, I'd probably hire him because I learned a tremendous

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2 amount from the -- and I'm going to read his  
3 testimony. But I don't have any comments on the  
4 specificity of what he said.

5

MR. BREITBART: Thank you.

6

MR. CHIN: Mr. Breitbart was a  
7 very impressive colleague in the last round of  
8 redistricting where our office also participated in  
9 the Rodriguez v. Pataki litigation, but I think  
10 what you raise is very serious issues and the  
11 studies that I'm not familiar with are certainly  
12 important to look at.

13

And we are, indeed, very concerned  
14 about the splitting up of Latino and black  
15 districting potential districts in Nassau County,  
16 Suffolk County and any other place. Because we see  
17 that in the last decade that again, there are  
18 possible forces that find that that would be  
19 opportunistic and convenient to do so.

20

But I think from a civil rights  
21 point of view, from a Voting Rights Act point of  
22 view, that is clearly illegal and should be  
23 prohibited and we will be watching for that. And I  
24 hope that this commission also is aware that this  
25 can yet again happen at the -- at these, you know,

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1

2 taking advantage of those minority populations.

3

MR. WICE: Thank you.

4

MR. BREITBART: If I may add one  
5 other thing. If New York City were given its  
6 proper apportionment of Senate districts, then  
7 creating an additional Senate district within New  
8 York City with an effective Latino voting majority  
9 would be a simple problem both technically and  
10 politically.

11

MR. WICE: Just thank you.

12

So everybody knows, there are  
13 copies of testimony at the side of the room by the  
14 table, including Mr. Breitbart's. If there's  
15 anything missing, please let our staff know. We  
16 can get you a copy later.

17

SENATOR DILAN: Thank you very  
18 much.

19

Our next panel we will have Vishnu  
20 Mahadeo, of President Richmond Hill EDC, Frank  
21 Singh, President of Intercommunity Civic and John  
22 Albert, Taking our seat. And we're also going to  
23 add Albert Baldeo.

24

Can all the panelists please come  
25 forward so we can continue.

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I'd just like to inform everyone  
that after this panel we're going to take a  
five-minute break.

All right. The first person could  
start.

MR. SINGH: Good morning,  
Senator.

SENATOR DILAN: Good morning.

MR. SINGH: Thank you for taking  
the time out.

Senator Hassell, as well, I  
appreciate what you said because it's not about --  
it's about reforming and I like that statement you  
said and make changes.

So I want to say with that said,  
and Dr. John, thank you for taking the time to  
listen to our concerns to our local community.

My name is Frank Singh. I'm the  
president of the Intercommunity Civic Association,  
which is a civic organization in Richmond Hill.

I'm also a retired sergeant from  
the United States Marine Corps. and back in the  
community for the last 20 something years now.  
I've also been the treasurer of the Indo-Caribbean

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1  
2 Federation, which is an organization that has been  
3 established over 25 plus years.

4 Today here, I testify before the  
5 committee because it is my opinion that the  
6 citizens of Richmond Hill community does not have  
7 the proper political representation that they need  
8 to have.

9 During the Census 2010 count,  
10 there are many issues that were raised and not  
11 addressed properly. There were amounts, and I'll  
12 mention a few. There were approximately 1,800 plus  
13 employees that were hired by the Census officials  
14 to go out and knock on doors and canvass the  
15 neighborhood. Amongst those there were probably  
16 less than 50 Indo-Caribbean were hired. There were  
17 several who took the test. Hundreds who took the  
18 test and passed these tests, but yet they were not  
19 hired.

20 And the reason why, as we also  
21 know in Census it is mandated that you get someone  
22 of the culture to understand each other so when you  
23 knock on the door they can communicate with you.

24 According to our recent numbers,  
25 it's about 71 percent of the occupants in that

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1

2 neighborhood of Richmond Hill happens to be  
3 Indo-Caribbean from Guyana, Trinidad, Surinam, and  
4 many other parts of the Caribbean. Yet only 50 of  
5 1,800 people plus were hired.

6

The count aside, Marine Funding  
7 Office, which is my office, was one of the offices  
8 that were allocated for counseling as well as  
9 question and answer. There were folks that were  
10 assigned there who could have hardly communicate  
11 with this community. And when I called the  
12 officials it was like a cat and mouse game. It was  
13 like who is who. I can't speak to this one. I  
14 can't speak to that one.

15

I finally got down to the knuckle  
16 and brass. I was able to speak to Artie Salters  
17 and he said, well, this is the way things are done,  
18 you know, talk to me. So I said, well, if it's not  
19 been done, you have people sitting around here all  
20 day collecting a salary and it's not talking to  
21 anyone. I was finally able to bring that  
22 individual out to the front on the street to speak  
23 people because all they were doing was collecting a  
24 salary.

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I want to continue to say is that

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there was also funding that was set aside from the Census for media coverage in many minority communities from Polish to Latinos, to all different ethnicities, yet none was set aside in the Indo-Caribbean community. So this make it a lot harder to contact the local citizens to register for the Census.

Now this community have over 100,000 Indo-Caribbean individuals, yet there is no political representation. It has been proven over the last 20 years that all the political representatives that encompass this area from the Senate all the way down to the Assembly office, the City Council, the discretionary funds is little or nothing has been given to this community.

The subways are dilapidated. The schools, based on the 2000 Census, today they should be having 1,500 people. In the meantime, we have overcrowded and trailers and we have over 4,000 students going to these schools and being overcrowded. This is causing a havoc as well in terms of children being more educated. There is a big fail out -- fallout in terms of students there.

Census personnel of the

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2 Indo-Caribbean ethnicity took the examination, as I  
3 mentioned -- sorry about that.

4 The Census personnel that was  
5 hired in 2000 did a lousy and sloppy job in  
6 counting the residents of Richmond Hill. I say  
7 these words so loosely because it is how bad it was  
8 done. The count was so -- so low that we are  
9 suffering financial -- we cannot get any financial  
10 discretion funds from different political offices,  
11 as well as, because of the low count, the federal  
12 government cannot designate funds to this  
13 community.

14 More so that millions of people  
15 -- millions of dollars were supposed to come to  
16 Richmond Hill but yet could not come because of the  
17 low count.

18 Homeowners in Richmond Hill pay  
19 more taxes in Richmond Hill than on the other side  
20 of the Ozone Park or Howard Beach or Maspeth, yet  
21 receive little or nothing for discretionary  
22 services. This is unfair.

23 Presently as a result of being  
24 undocumented -- no, under count, millions of  
25 dollars are not allocated from the federal

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government to this community.

There are no escalators, no elevators in these areas where the subways run which are overhead subways which seniors are falling down from time to time, I'm hearing this.

In 2000 the district was chopped up and redrawn to accommodate the persons that were running, specifically the political officials, so there was no way that if there's any Indo-Caribbean was to run for the public office, they will not win because of the system is set up to fail. This is why I think it's very important for the Richmond Hill, Ozone Park district to be redrawn.

Thank you.

SENATOR DILAN: Thank you.

MR. MAHADEO: Good afternoon to this august panel that we have here. And it's good to see Dr. John Flateau on the other side of the counter. We have worked in the trenches before.

Again, this is a great opportunity from - - from us here, from the Richmond Hill community to come forward.

My name is Vish Mahadeo. I'm the President of the Richmond Hill Economic Development

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1  
2 Council, Richmond Hill EDC, which is a de facto  
3 Indo-Caribbean Chamber of Commerce and social  
4 umbrella.

5                   The Richmond Hill EDC is a  
6 not-for-profit organization of merchants, business  
7 people, service providers, elected officials and  
8 other community members working together to advance  
9 business, culture, social, educational and civic  
10 welfare of the southeast neighborhood of Queens,  
11 Richmond Hill, Ozone Park and South Ozone Park.

12                   The question is asked who is an  
13 Indo-Caribbean? An Indo-Caribbean --  
14 Indo-Caribbeans are a community of about half a  
15 million people in the U.S., and I have an  
16 attachment on the presentation to justify my  
17 numbers, who came from India to the Caribbean since  
18 1938 -- since 1838 and made a second migration to  
19 the United States starting about 50 years ago.

20                   Although we come and leave from  
21 Guyana, Trinidad and Tobago and Surinam, we have a  
22 distinct mixture of Indian and Caribbean culture  
23 and heritage with a distinct and pronounced Indian  
24 influence. There are more than 250,000 in Queens  
25 alone, and approximately 100,000 in the Richmond

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Hill, South Ozone Park, Ozone Park area.

Despite these numbers, there's no Indo-Caribbean in the City Council, the State Assembly, the State Senate, Congress and we can keep on. The reason is simple. Gerrymandering.

The Indo-Caribbean people have been split into two congressional districts, CD 6 and CD 9. The New York Senate districts, State Senate 10 and 15. Five New York State Assembly districts 80, 23, 25, 31, 32 and 38. And four City Council districts, Council 28, 29, 30, and 32.

This is diluting the Indo-Caribbean vote and it is preventing any Indo-Caribbean candidate from winning a seat. This willful splitting of communities of common interest have created a system of disenfranchisement of the Indo-Caribbean community as their votes are less effective or ineffective.

Gerrymandering for the purpose of ensuring minority representation has been upheld by the United States Supreme Court. The present form of gerrymandering is a violation of the U.S. Supreme Court ruling and it is depriving a minority from representation.

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Due to our lack of any political power, we are a community paying among the highest per square foot taxes in Queens. We have the worst high schools in Queens. Richmond Hill High School and John Adams High School, not on behavior issues, but on poor academic performance due its overcrowding and that is its major contribution towards it being of a poor performer.

We are also significant contributors to all local political leaders, yet a small or negligible fraction of discretionary fund comes to the Indo-Caribbean community.

As my other colleague said just now, there is not a single elevator or escalator in our community or the communities where there's a concentration of Indo-Caribbean living. At present both City, State and the federal government are in violation of the Voters Act as the Indo-Caribbean community has been purposely deprived of any representation.

I call upon this august body to correct this injustice or we will be forced to take this matter up to the courts.

Our recommendation, I'm calling on

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2     this Senate legislative Task Force to use the  
3     boundaries, east on the Van Wyck, west on Woodhaven  
4     Boulevard, south on the Belt Parkway, north --  
5     Jamaica Avenue, Hillside Avenues. This will allow  
6     a community a true voice in the New York State  
7     Senate and the Assembly.

8

                  I thank you again for this  
9     opportunity to present to the Senate legislative  
10    Task Force on behalf of the Indo-Caribbean  
11    community and I will be happy to answer any of your  
12    questions.

13

                  Thank you.

14

SENATOR DILAN:     Thank you.

15

                  Next.

16

                  MR. BALDEO:     Good day, Senators  
17    and the panel.

18

                  I'm the elected Democratic  
19    District leader of the 30th Assembly District, Part  
20    B, delegated to the Judicial Convention, County  
21    committeeman, a community advocate, and attorney at  
22    law.

23

                  I'm also the President of United  
24    Communities Alliance, an organization that seeks to  
25    empower and improve the quality of life of all

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2 residents regardless of race, religion or natural  
3 origin living in Queens. The place that best  
4 defines us as a nation of immigrants.

5

Our goals are to consolidate  
6 residents of the districts and to active  
7 participation for the betterment of the districts,  
8 to fight for fair redistricting, to develop  
9 coalitions of neighborhood organizations and groups  
10 that foster civics -- a greater civic voice for the  
11 community and to solve issues and problems  
12 confronting our neighborhoods of Richmond Hill,  
13 Ozone Park, South Ozone Park and Woodhaven.

14

My district comprises of a large  
15 portion of this area, which is popularly referred  
16 to as Little Guyana. Many of my constituents are  
17 South Asian, Western and Indo-Caribbeans. South  
18 Asians, Western Indo-Caribbeans, I'll refer to them  
19 hereinafter as SOWICS who want their voices to be  
20 heard.

21

They do not want to be left behind  
22 and continue to be treated like orphans. Like  
23 everyone else, they are proud to be Americans.  
24 Many have died fighting to preserve America's  
25 freedom and have collectively shed their blood,

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1  
2 sweat and tears for a great country. And so they  
3 ask you, why are we being relegated to second class  
4 citizens when we want to work with you and be part  
5 of the political process and reflect that diversity  
6 in our government in New York State?

7 All of the deportation and  
8 building inspector phobia have caused a grave  
9 undercurrent. We advocate for at least 300,000  
10 SOWICS in this area called Little Guyana alone.  
11 Yet because of this pattern of injustice and  
12 exclusion, there's no SOWIC elected to office in  
13 City, State or federal government.

14 Gerrymandering -- gerrymandering  
15 is the route of all evil. It has produced the same  
16 social, political and economic injustices and  
17 subclasses of slavery and must be seen as its vile  
18 twin. They are therefore petitioning as  
19 abolitionists and the fervent hope and belief that  
20 you will show the leadership and sense of justice  
21 and fair play to reform this putrid system.

22 The record of the last transcript  
23 of these hearings held ten years ago confirm that  
24 nothing was done to alleviate this shameful state  
25 of affairs. And I submit it as Exhibit A.

---



1  
2                   We need to remind ourselves that  
3    taxation without representation is un-American.  
4    And that constitutes a sin against humanity.  
5    Discrimination and racism strangled every existence  
6    of SOWICS to the status of second class citizens.  
7    Police harassment and profiling, tickets and  
8    revenue fines, closure of hospitals, medical  
9    centers and schools, kids subject to the filthy of  
10   a crowded trailer park for classrooms, home  
11   foreclosures, harassment from the City's building  
12   inspectors and sanitation, spiraling unemployment  
13   and increased taxes and the cost of living, have  
14   marginalized them from government services and  
15   funding and has underscored their need for  
16   representation at all levels of government.

17                   Their plight is best understood  
18   with the closings of our area hospitals, Mary  
19   Immaculate and St. Johns, the threatened closures  
20   of John Adams and Richmond High Schools, ten  
21   percent rate of unemployment, high home  
22   foreclosures and small business closures in our  
23   district.

24                   We do not even have a health  
25   clinic, a community center, day care center,

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1  
2 non-denominational senior center, social services  
3 center, even a job training center, and as we said,  
4 even escalators at our subways or elevators.

5               No other community comes close to  
6 this paradigm of utter despair. All across  
7 American SOWICS have been elected to be governors,  
8 as was Bobby Jendell and Nicky Haley in Louisiana  
9 and South Carolina in 2007 and 2010 respectively.

10              And in other states such as in  
11 California, to other offices where Dalip Singh  
12 Saud, a Democrat naturalized American citizen,  
13 served in the house from 1957 to 1963. In fact,  
14 2010 marked the most number of candidates of Indian  
15 origin running for political offices in the United  
16 States.

17              Yet, in New York State, the  
18 gateway for immigrants, and the most diverse  
19 capital of the world, we remain ostracized and  
20 marginalized from governmental inclusion. It is a  
21 crying shame. Right-thinking Americans like  
22 Abraham Lincoln and Milasarous (phonetic) and  
23 others are surely turning in their graves.

24              I have never run for office as a  
25 SOWIC per se, but as a proud American of

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1  
2 Indo-Caribbean heritage, championing on mainstream  
3 issues that affect all constituents regardless of  
4 color, creed or class, as you can see from our  
5 website as Exhibit B, [www.albertbaldeo.com](http://www.albertbaldeo.com)

6 In 2006, I almost won a State  
7 Senate seat when I came within one percent of  
8 defeating a 20-year incumbent, Senator Seraphin  
9 Maltese. I repeat, in 2006 I almost won a State  
10 Senate seat when I came within one percent of  
11 defeating a 20-year incumbent that was a Chairman  
12 of the Queens Republican Party, Senator Seraphin  
13 Maltese.

14 In fact, if the elections was  
15 governed by the rules that applied to other states,  
16 Maltese could not have combined a third party votes  
17 from the Conservative and the Independent lines  
18 through the Republican votes he got. And as the  
19 Daily News, New York Times, Times Ledger just put  
20 it, to squeak past me and I submit it as Exhibit C.

21 That election established that  
22 SOWICS have the numbers and support to win a State  
23 Senate seat. It is part of the public record. In  
24 fact, SOWICS are one of the largest growing groups  
25 in Queens County and have earned a right to

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1  
2 representation at State Assembly and Senate,  
3 Congress and in the City Council as well,  
4 encompassing the neighborhood communities of  
5 Richmond Hill, Ozone Park, South Ozone Park,  
6 Woodhaven, Briarwood, Hollis, Bellerose, Floral  
7 Park, Queens Village, Jamaica, Jackson Heights and  
8 other neighborhoods as well be presented by  
9 colleague, Mr. John Albert and others.

10 Speaking for my district  
11 specifically, SOWICS are divided and gerrymandered.  
12 In the City Council districts 28, 30 and 32, Senate  
13 districts 10 and 15 and Assembly districts 25, 23,  
14 31, 32 and 38 - - constitute the majority in any of  
15 these districts, consequently it's very difficult  
16 and almost impossible for a SOWIC candidate to win  
17 a seat at a City, State or federal level.

18 After my groundbreaking run in  
19 2006, I was persuaded by the Democratic leadership,  
20 to put it mildly, to join forces with its favored  
21 candidate, Councilman George Abbott, Jr., with the  
22 understanding, and I quote, "The Democratic party  
23 is a big tent and your community will get its own  
24 district as soon as we secure the majority."

25 Not only did we save the DSSC

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2 hundreds of thousands of dollars in avoiding a  
3 costly primary, but we gave tremendous assistance,  
4 resources and strategy to Democrats to win back the  
5 State Senate, as is documented in my website and in  
6 the press.

7

8 The road to this historic State  
9 Senate majority did pass through Richmond Hill and  
10 Ozone Park but we were then dumped under the bus.  
11 Yes, we were pivotal to Democrats securing the  
12 State Senate majority since 1965 and ensuring that  
13 State Senator Malcolm Smith make history as the  
14 first Afro-American to hold that exalted position.  
15 But alas, our community received nothing and that  
16 debt is still owed.

16

17 I'm informed that he received  
18 employment benefits, member items and funding but  
19 that was a personal gain to him and did not benefit  
20 the wider community.

20

21 Dr. Martin Luther King's guidance  
22 is instructive when he said that you should not  
23 make others exiles in their own land and that you  
24 should judge each person by their content and  
25 character.

25

Our Constitution speaks to us

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When Councilman Tom White, who severely neglected our community and treated the Van Wyck exitway as a truncated board of his district, died early this year, we sought the seat. Naturally because the community has been divided into several political districts, we could not carry over, consolidate that huge block of vote as secured in my adjoining district leader's race into this City Council race because the district lines prohibited that.

Historically, constituents west of



1  
2 the Van Wyck Expressway feel exiled from district  
3 28 and belong more naturally to City Council  
4 district 32.

5 The illogical divisions of this  
6 community is a common interest that duplicated  
7 Assembly districts where we are also segregated in  
8 the five Assembly districts -- five Assembly  
9 districts. Even the most cynical amongst you will  
10 agree, that if we have the numbers to support our  
11 own seat, when you aggregate the fact that Dr. Thad  
12 Trachoma (phonetic), another SOWIC, is a district  
13 leader in the adjoining 31st Assembly district.

14 Since the district leadership  
15 constitutes one-half of an Assembly district, then  
16 surely our two-half can make a whole.

17 The Supreme Court has recognized  
18 the following factors be used in the drawing of  
19 district lines.

20 One, compactness and contiguity,  
21 respecting political subdivisions, preserving  
22 communities of interest and race, meeting political  
23 goals.

24 Federal courts have recognized  
25 culture by ground, economic status, common media

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1  
2 markets, shared community services and  
3 organizations, including health and public  
4 transportation in work places, voting patterns,  
5 common language and dialects, and common country of  
6 origin as factors in shared community concerns in  
7 drawing district lines.

8                   Here we are not asking you to cut  
9 a district into two counties or three, as was done  
10 in Congressional 7 and 12 respectively. The courts  
11 have upheld the community of interest doctrine as  
12 legal and have kept these communities together  
13 across different county lines of Queens and the  
14 Bronx and Queens, Manhattan and Brooklyn  
15 respectively.

16                   In Diaz and Silver, the citations  
17 in my submission -- in a constitutional challenge  
18 to New York's 12 Congressional district, it was  
19 successfully argued that Asian-Americans in  
20 Manhattan's Chinatown and Brooklyn Sunset Park  
21 neighborhoods constituted a community of interest  
22 that should be kept together within a single  
23 district, hence the threat of the lawsuit to make  
24 this right.

25                   It therefore behooves you to draw

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1  
2 an Assembly district with the Van Wyck Expressway  
3 to the east, Cross Bay Boulevard or Woodhaven  
4 Boulevard to the west, Hillside Avenue to the north  
5 and the South Conduit or Belt Parkway to the south.  
6 And I submit that as Exhibit E. And I drew the map  
7 for you so they'd be no -- nothing left to ponder  
8 about.

9 That is where the critical mass is  
10 in my district. Other sides of the districts can  
11 also be drawn in Queens County, but I do not have  
12 the data on those and my friend, John Albert, will  
13 supply you with those.

14 A painful reality is that many  
15 elected officials take SOWICS' money but forget  
16 that we even exist after taking office, including  
17 former Governor Spitzer.

18 Sadly, we do not need to be  
19 reminded of where that money went. Some State  
20 Senators and Assemblymembers told SOWICS that they  
21 have to be enslaved before they can be elected to  
22 anything. And they become very dismissive when  
23 reminded that SOWIC forefathers actually were and  
24 that they were practicing racism against smaller  
25 minority groups.

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Some do not even take calls from SOWICS about issues that it should be confronting in our community. SOWICS simply don't exist in their eyes. I was actually told that in the last election that I was the most qualified candidate by the media, the labor unions and other organizations who interviewed all candidates for endorsements, but that they could not endorse me because --

SENATOR DILAN: Could you sum up please.

MR. BALDEO: -- they were not sure I could win the splinter district.

The needs of all Americans, including SOWICS, must be met in terms of education, housing, health, social, economic and human services, as well as representation of the Legislature. The legislative districts must be compact, contiguous and concise and reflect the community characteristics embodied in local neighborhoods. A fundamental requirement that was obviously breached in the 2000 redistricting.

And I submit that the numbers are there. I have drawn the -- we have drawn the map. They are part of my exhibits. The rest of my --

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2 we've been denied jobs at Kennedy Airport, not for  
3 lack of development, because of lack of  
4 representation. And the time has come because of  
5 the taxes we pay and because of the indelible  
6 impression we have made in this community and in  
7 America that the time has come when you must not  
8 precipitate this American tragedy any longer.

9

We, therefore, urge you to redraw  
10 boundaries that will preserve their community of  
11 interest, their traditions and their common history  
12 and we ask you to do without further delay.

13

Thank you.

14

SENATOR DILAN: Thank you very  
15 much, sir.

16

Yes.

17

MR. ALBERT: I stand between you  
18 and a break and so I will not read my testimony.

19

And just to clarify, my name is  
20 John Albert. And with an organization called  
21 Taking Our Seat. We're a Queens-based  
22 non-partisan, non-profit organization organized  
23 to empower the South Asian-American community  
24 within the electoral process.

25

SENATOR DILAN: I just want to

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1

2 say, although I announced that there will be a five  
3 minute break, I understand that there is one more  
4 panel that we officially have. So we'll continue  
5 and then if there is anyone from the public that  
6 wants to testify, we'll take a five minute break  
7 prior to that and then continue with the public.

8

MR. ALBERT: Again, well, I'll  
9 still be brief.

10

Again, my name is John Albert.

11

Taking Our Seat is the name of the organization.

12

We seek to empower South Asian-Americans within the  
13 electoral process and we're focusing primarily on  
14 redistricting.

15

The testimony that's come before  
16 has focused on the Indo-Caribbean community in  
17 South Ozone Park and Richmond Hill. And we support  
18 based on the demographics the need for those  
19 communities to -- to find life within  
20 redistricting.

21

Taking Our Seat is focused on a  
22 larger umbrella of the South Asian community. So  
23 just as a definition, in addition to Indo-Caribbean  
24 and SOWICS, is that right? SOWICS -- we're  
25 focusing on people that, you know, you would --

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1

2 from the Indian subcontinent, Pakistan, Bangladesh,  
3 Sri Lanka, India, folks who have participated in  
4 the South Asian Diaspora to Africa and to the  
5 Indo-Caribbean. And so we -- our work covers all  
6 of those folks.

7

As has been previously mentioned,  
8 there isn't a single South Asian American in the  
9 State Senate, State Assembly or in -- from New York  
10 in Congress, or in the City Council. And so we  
11 hope to address that through the redistricting  
12 process.

13

A couple of things, I think, that  
14 what we found particularly about analysis of the  
15 South Asian demographics is that we've identified  
16 30 highest density South Asian-American census  
17 tracks in New York City. All of them happen to be  
18 in Queens. And so that makes your job a lot  
19 easier.

20

What we've done is, we've taken  
21 those 30 highest concentrations of South  
22 Asian-American census tracks and we've coupled them  
23 together with the next level of high density census  
24 tracks. And we've identified where neighborhoods  
25 are. And we've identified the following

---



1

2 neighborhoods as having vibrant, you know, obvious  
3 on the ground, South Asian-American neighborhoods  
4 that include, Astoria, Bellerose, Briarwood,  
5 Corona, Elmhurst, Floral Park, Flushing, Forest  
6 Hills, Hillcrest, Jackson Heights, Jamaica, Queens  
7 Village, Richmond Hill, South Ozone Park, Woodhaven  
8 and Woodside.

9                   Obviously, that's a lot of work to  
10 do to draw distinct districts in all those  
11 neighborhoods, but that's not we're asking for.  
12 What we're asking for as our overall goal is  
13 wherever South Asians live naturally, and have  
14 chose to settle, will you keep them together within  
15 the redistricting process.

16                   It's actually a pretty simple  
17 process and I'll talk about it in just one second.  
18 So in -- there are multiple opportunities to give  
19 voice to the South Asian-American in Queens. You  
20 can draw us in together into -- into where we live  
21 now into -- into districts and not dilute the vote.

22                   A great example is actually  
23 Richmond Hill, which I know has been talked about  
24 extensively, but what we found in an analysis of  
25 the 31st Assembly district is that the 31st

---



1

2 Assembly district has two of the highest  
3 concentrations of South Asian census tracks within  
4 its borders. But four South -- highest  
5 concentration of South Asian census tracks are just  
6 blocks away.

7 It doesn't take a whole lot to  
8 just add those four census tracks into the 31st  
9 district. And we use that as just one example.  
10 This can be replicated all over the City. Just  
11 grabbing a few extra census tracks to empower the  
12 South Asian-American community.

13 A great example is, even those  
14 four that are outside of the 31st are split amongst  
15 four Assembly districts themselves. So you can  
16 imagine how much further the South Asian-American  
17 vote is diluted.

18 You can do this work very easily.  
19 In the 31st all we did was move the border six  
20 blocks north. I know that folks had, you know,  
21 other plans, but I'm not, you know, challenging  
22 those plans. What I'm saying is you can do it by  
23 very small increments. Six blocks north in the  
24 31st, grabbing 11 square blocks would give you the  
25 vast majority of South Asian-American voters.

---



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2

You can do this in Bellerose. You

3

can do this all along what we call the Hillside

4

Avenue corridor.

5

One of the things that I want to

6

point out is, historic demarcations between race in

7

Queens have been obliterated by the patterns in

8

which South Asian-Americans have chosen to live.

9

Historically, Hillside Avenue was

10

-- was a barrier. Anglo-Americans lived on one

11

side, African-Americans lived on the other side.

12

where South Asian-Americans have chosen to live

13

right down Hillside Avenue on both sides, I think,

14

force us to reconsider these, you know,

15

preconceived notions and to redraw these lines to

16

capture where South Asian-Americans are.

17

The name of the organization is

18

Taking our Seat. I promised to be brief and not

19

read my testimony. I hope you do take a look at it

20

and thank you for your time.

21

SENATOR DILAN: Thank you very

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much.

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And we'll make sure that anyone

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who had to cut their testimony short that it will

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be in the record in its entirety.

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Any questions?

DR. FLATEAU: Yes. I have a question.

Have you looked at any other counties throughout New York State where Indo-Caribbean and South Asian-Americans communities might reside in concentrations? I think I've only heard Queens County mentioned across all of your testimony.

MR. ALBERT: Right. I can answer that. So in our analysis there are high density Pakistanis in the Sunset Park neighborhoods of Brooklyn, in other parts of Brooklyn. The -- and we urge that they are kept together as well.

Our focus has been on the 30 highest. They, you know, they might, you know, I don't have it on the top head, they might be number 35 or 36. But they are these other concentrations.

And also in the Bronx there's a large Bangladeshi population in parts of the Bronx. And there's a large Indo-Caribbean population also in the Bronx. And so our formulation can apply anywhere. So the process of keeping us together, I think, would empower us. And we're not asking for,

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2     you know, a majority-minority district. We would  
3     naturally, you know, get involved in the electoral  
4     process once we're together and have that critical  
5     mass of folks and voters.

6

                  MR. WICE:     Yeah. Just to follow  
7     up on that question. The numbers we heard about a  
8     quarter-of-a-million in Queens, 100,000 in Richmond  
9     Hill, Ozone Park alone. Are these -- how much  
10    growth has there been since 2000? Are these  
11    numbers 2000 Census numbers or are these other  
12    estimates?

13

                  MR. MAHADEO:     No. Actually,  
14    these numbers are derived from taking the  
15    immigration data.

16

                  MR. WICE:     Um-hum.

17

                  MR. MAHADEO:     Immigration data  
18    starting from 1990 and that paper that I have is an  
19    attachment to my presentation, denotes it clearly.

20

                  And then in addition to that, we  
21    also did is that we factor in some level of illegal  
22    immigration and that is where the Census data will  
23    be able to capture if it did a proper job capturing  
24    people of that background.

25

                  MR. WICE:     As I -- yes.

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MR. SINGH: To add to that there

was an article in the newspaper, I think it was New York Times, where the answer increase and 30 years ago the population count was 115,000 --

MR. WICE: 115?

MR. SINGH: 115. And that now is coupled into be 239,000. And this was part of the attachment, by the way.

MR. WICE: Okay. I'll take a look.

MR. SINGH: So there was a significant growth.

MR. MAHADEO: Basically a doubling of every ten years of the communities' process of natural immigration and also of the now generation adding to the numbers. And systematically we have seen that since 1990, the Indo-Caribbean communities have actually doubled its count systematically every ten years.

MR. WICE: So it will be important for you to look at the Census data when we receive it next spring.

MR. MAHADEO: Oh, we are eagerly awaiting its release.

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2

MR. SINGH: And that is where

3

the problem is, counselor, is because the last 2000

4

Census the individuals, as I mentioned in my

5

statement before, they were the same ones that were

6

hired again who did not push the community to

7

register.

8

So as it is, you probably only got

9

a half of a count of Indo-Caribbean because unless

10

there are people like myself or him and, you know,

11

quite a few others that actually went out and did

12

our own leg work, we wouldn't even got what we got

13

this time around because people were also giving

14

misinformation as well about what sort of

15

documentation they should have or not.

16

So, again, your count that you

17

even get this year, I guarantee that you're still

18

15 -- at least about probably 40 percent under

19

counts.

20

MR. WICE: Just one last

21

question.

22

Most of the communities you talked

23

about are within New York City. Is there growth in

24

this community in Nassau, Suffolk, Westchester or

25

elsewhere?



1

2

MR. SINGH: there is small - -

3

like Mr. Albert said, in the Bronx we have some

4

concentration. In Brooklyn there's some

5

concentration. But while you hear Richmond Hill,

6

because it's a predominant, and as the other

7

counselor said, it's called Little Guyana --

8

MR. WICE: Right.

9

MR. SINGH: -- and because there's

10

so many and it composes the Punjabis, Bangladesh,

11

Pakistanis, you know, almost every portion from the

12

subcontinents of Indian background is living in

13

that general area.

14

MR. BALDEO: I think that it is

15

vital that we look at the numbers and the

16

concentration there is that Ozone Park and South

17

Ozone Park, Richmond Hill, Woodhaven. I think, if

18

we can make a start, and we'd appreciate a start,

19

because there's nothing that we have on the table.

20

I think that is where we can start.

21

And we have to remember that there

22

are actually two counts in the Caribbean population

23

and the wider South Asian, folks of South Asian

24

heritage, which would actually number like 300,000.

25

And like I said, when I ran for the State Senate in



1

2 2006 as a proud American of Indo-Caribbean  
3 heritage, I secured quite a lot of votes and that's  
4 a seat that has at least 300,000 constituents.

5 So the numbers are there. We  
6 don't need to, you know, speculate --

7 SENATOR DILAN: Thank you very  
8 much.

9 MR. BALDEO: -- it's in the  
10 record and you have to seriously look at it.

11 SENATOR DILAN: I think you've  
12 made your point there, yes.

13 DR. FLATEAU: If I could,  
14 Senator, just a point of information actually to  
15 everyone in the audience. As we're sitting here  
16 conducting this hearing, public meeting, the U.S.  
17 Census Bureau just released the American Community  
18 Survey Data today, five-year estimates, 2005 to  
19 2009. And one of the primary data sources that  
20 redistricting works with is Census data.

21 So just a word to the wise, you  
22 should look at that set of information that has  
23 just been released by the Census Bureau until they  
24 come out with another release somewhere around  
25 April 1 of next year called the Public Law 94-171

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2 Data, which is another major data set which  
3 redistricters use.

4

5 So you should look at that data  
6 and see whether it reflects your perception of what  
7 kind of count you should have. That -- we're going  
8 to need official data. Anecdotes are great but  
9 you're going to have some official sources of data  
10 and information to bring to the table when we talk  
11 about, you know, population, ethnicity, those types  
12 of things.

12

13 MR. ALBERT: Just a point of  
14 clarification. So our analysis is based on 2008  
15 American Community Survey data and there are South  
16 Asians outside of New York City obviously, and I  
17 can forward those census tracks to you.

17

18 SENATOR DILAN: Thank you very  
19 much.

19

20 SENATOR HASSELL-THOMPSON: One  
21 comment.

21

22 SENATOR DILAN: Yes, Senator.

22

23 SENATOR HASSELL-THOMPSON: No.  
24 Just an overall comment. Please don't think that  
25 those of here on this panel are satisfied with the  
26 Census any more than you are.

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1  
2 Many of us, including my office,  
3 agreed not only to be a partner, but also to be an  
4 assistance center primarily because of the walk-in  
5 traffic that my office appreciates every day.

6 We thought that it would be a safe  
7 and a good environment with -- particularly because  
8 of the diversity of my community, there's Nigerian,  
9 you know, we don't have a large -- we have a small  
10 Guyanese population, but we have a very large  
11 Guinean population within that district. Also who  
12 have some of the same issues that you raise in  
13 terms of their populations in this country and  
14 particularly in this state.

15 So that -- and they turned us  
16 down. I mean -- we -- and it wasn't though we were  
17 not prepared. It was not as though our office was  
18 not convenient. There were a lot of arbitrary --  
19 continued to be a lot of arbitrary, in my opinion,  
20 decisions that are made by the Census Bureau. And  
21 it -- and I think particularly because we started  
22 out very early and worked very, very hard to make  
23 sure that we looked at all of those districts that  
24 were low counts in the 2000.

25 And looking at some of the same

---



1

2 statistical concerns that you're raising to make  
3 sure that we pinpointed those districts that were  
4 undercounted before, had significant growth that we  
5 knew about. I mean it's not possible to walk up  
6 and down your neighborhoods and not see the changes  
7 as they are occurring. And so we needed to be sure  
8 that the Census data reflected that.

9

So you need to know that while I  
10 was in Atlanta two weeks ago, I made it a point of  
11 expressing some very clear and decisive concerns to  
12 the Census Bureau. They have yet to get back to me  
13 and respond, and as well to the Justice Department  
14 so that the concerns that you raise don't go un --  
15 you know, they don't go unheard.

16

MR. SINGH: Senator, at least you  
17 took the initiative. That's what the politicians  
18 who are there are supposed to do, but they have not  
19 done that.

20

SENATOR HASSELL-THOMPSON: Okay.

21

SENATOR DILAN: Thank you very  
22 much, the panel.

23

Thank you, Senator.

24

Okay. I have one more panel  
25 remaining and that is James Hong, a civic

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1

2 participation coordinator and he will state who  
3 he's affiliated with.

4

5 We also have Harpreet Singh Toor  
6 and Frank Lewis. And after this panel, like I  
7 indicated, we'll take a five minute break and then  
8 if there's anyone front the public, we'll allow  
9 them at that time to speak.

10

11 You may begin.

12

13 MR. HONG: All right. Good  
14 morning. My name is James Hong and I'm the Civic  
15 Participation Coordinator at Mink One Center for  
16 Community Action.

17

18 Mink One is a 26-year old  
19 non-partisan organization that pursues the  
20 empowerment of the Korean-American, Asian-American  
21 and immigrant communities through bilingual and --  
22 through bilingual legal and social services,  
23 community organizing and voter empowerment efforts.

24

25 I'm here today because we believe  
26 that justice is at stake in the redistricting  
27 process. This process determines whether  
28 communities of color and other marginalized groups  
29 will be aided in their progress towards true  
30 representation in a true democracy or whether this

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critical step of redistricting will continue to be the political magic trick that subjugates communities of interest to the players in power by neutralizing their influence all behind the illusion of a representative democracy.

I'm also here today because I believe in New York State and I believe we can aspire to be better. You may be aware that eastern Queens is home of one of the largest and most concentrated Asian populations in the United States, which I'm from -- five minutes ago, I'm sure you're very aware of.

But despite this tremendous presence, we can still count the number of Asian elected officials on one hand. And in fact, all Asian officials exist at only the City and State Assembly levels. There are 20 -- there are 26 Senate districts, State Senate districts in New York City and in the City, 12 percent of the population is Asian and Pacific Islander. So more than one in ten people are Asian-Pacific American. However, there are zero State Senators to represent those people.

New York State Senate district 11

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2 and 16 comprise much of eastern Queens. I don't  
3 know if you've had a chance to look over there.

4 I'm sure you familiar with the map, but 11 and 16.  
5 These districts in no stretch of the imagination  
6 conform to the most, even the most basic of  
7 redistricting principles. They are not contiguous  
8 and not compact at all.

9 And currently the community's  
10 voting power, which in this case is the East Asian  
11 community, their voting power is diluted to great  
12 effect in these districts.

13 While the Shaw v. Reno ruling  
14 reigned in the degree to which race can be  
15 considered a factor in redistricting, it would be a  
16 serious mistake to pretend that race does not play  
17 an integral part in the calculus of Queens  
18 politics.

19 Even current senators agree that  
20 -- that their own districts are severely  
21 gerrymandered. At a candidate forum this fall, the  
22 senator, the longstanding senator of the 16th  
23 district, Tobian Stavisky, despite her tenure in  
24 that office, called the shape of her own district  
25 the quote "shame of the party" that drew it back in

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2 2002.

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And while speaking in favor of independent redistricting commissions, then candidate and now Senator-elect Tony Avila, said quote, "The 11th senatorial district is one of the worst gerrymandered districts in the State." End quote. This was said during a New York One debate.

And so with that I just urge this commission to reconsider the district lines in eastern Queens for the purpose of creating a true, true communities of common interest.

Thank you.

SENATOR HASSELL-THOMPSON: Mr. Hong.

MR. HONG: Yes.

SENATOR HASSELL-THOMPSON: I think the word is consider, not reconsider.

MR. HONG: You're right. Consider.

SENATOR DILAN: Thank you.

Yes, sir.

MR. SINGH: Thanks. My name is Harp Singh (phonetic). I had actually had no intention of testifying, but I saw a couple of

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2 questions and including the gentleman who were here  
3 before who spoke about Queens and the question came  
4 up about are there any places where there are  
5 minorities living in the rest of the part of New  
6 York.

7

Nassau County happens to be  
8 another one, especially Hicksville. There is a  
9 tremendous increase -- by the way, I'm from Indian  
10 origin. I'm from India. I was in the Census. I  
11 was team leader so I begged to differ with some of  
12 the people who said that the count was not done  
13 properly, because in south Queens, he can vouch for  
14 that the count went up under my leadership. But  
15 then that's a different topic.

16

So the thing is, I -- when I ran  
17 for -- I also ran for City Council seat for Leigh  
18 Ton White (phonetic). What actually disturbed me  
19 was in one of the debates, I was told that you are  
20 not one of us, which means when the lines are  
21 redrawn, redistrict takes place, please make sure  
22 that communities be left together because  
23 ultimately that makes a difference that how the  
24 people look at you, how the people listen to you,  
25 including the elected officials. They will listen,

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1

2 I'm sorry to say, if they know that there's a big  
3 chunk of voting block, they listen to it.

4

And we have been taking care of  
5 some of the things, even though I'm active in the  
6 community for the last 25 years, I can name a lot  
7 of people, you know, who know me by name and  
8 otherwise, but there was one thing which I always  
9 was within -- in our community we have been trying  
10 to go out and vote and this is something that  
11 begins which we have been working on with the John  
12 Albert who was here before, Frank Vishnow, Albert  
13 Baldeo, who also ran for the district 28 and along  
14 with other organizations from South Asia.

15

The bottom line is, coming to two  
16 issues -- two questions which I would like to  
17 answer here. One is in Bronx there is a lot of  
18 Bangladeshi community. I can provide the sheet  
19 for that also. I can get it now.

20

In Niagara Falls there is a huge  
21 growing South Asian Indian community, in Niagara  
22 Falls itself.

23

Syracuse there is a huge  
24 community. Upstate mid Hudson, a lot of South  
25 Asians they are working with an IBM and they are

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located there.

So those are the locations where the communities they are divided and subdivided and sub-subdivided and that is the concern that if the communities are left together, their voice can't be heard and probably nobody will apparently tell me that you don't belong here.

So that's the purpose and why Richmond Hill is being brought up again and again, because in Richmond Hill -- I moved into Richmond Hill 1983. It was rundown. Now the houses go up to a million dollar in Richmond Hill -- in Richmond Hill.

So that's the concern. Yet, Indo-Caribbeans are there, South Asian Punjabis are a majority, especially Sikh Punjabis. They are in majority in Richmond Hill also, north and south. Both parts of Richmond Hill, Floral Park is another area which needs to be looked at because in Floral Park there is a movement of the people who their families are there, migrating there moving up.

And yes, the Census data which it will come up as of 31st of December and the districts will be redrawn based on that -- that

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2 plays a major role, but at the same time, the  
3 elected officials they also play a role in how the  
4 lines are drawn.

5

And please make sure that the  
6 lines are drawn where the communities are left  
7 together, whether they are Bangledeshis, they are  
8 African-Americans, they are Indo-Caribbeans, all  
9 the - - from Asian Chinese or even in Convey Island  
10 area there is a growing population of Russian Jews  
11 and those are the populations that need to be left  
12 together so that they can -- their voice can be  
13 heard at the electoral level also.

14

Thank you. Thank you very much.

15

SENATOR DILAN: Mr. Lewis.

16

MR. LEWIS: Good morning. My  
17 name is Frank Lewis and I'm an instructor in  
18 statistics at NYU.

19

I feel like old school football  
20 player coming in here this morning because I've  
21 previously worked on all possible teams within the  
22 redistricting arena.

23

In the past I worked on the staffs  
24 of the Assembly and the Senate majority and  
25 minority, and I've also worked on the staff of the

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1  
2 -- of an independent commission, City Council of  
3 New York City back in 1990. And I've also worked  
4 for public advocacy groups, specifically the Center  
5 of Law and Social Justice at Edgar Evers.

6 This morning what I'd like to do  
7 is address the, not all, but some of the criteria  
8 that the -- the panel has detailed out in the memo  
9 that was distributed. Okay, as far as criteria to  
10 consider for redistricting.

11 And I'd like to start off by  
12 mentioning that I think that the ten percent range  
13 rule should be taken advantage of in terms of  
14 addressing some of the other issues that have been  
15 mentioned earlier today. Specifically in regard to  
16 the fact that some regions tend to historically be  
17 more undercounted than other regions.

18 Now I know there's been a more  
19 concerted effort to deal with the undercount  
20 problem in this go around but it's, in my opinion,  
21 it's still an unknown factor with the Census  
22 numbers that are coming out in a couple of months.  
23 Primarily because we're in a very unique recession  
24 and previous studies have shown that, you know,  
25 there is correlation between the state of the

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2 economy and the -- how great an undercount is in  
3 terms of taking surveys, okay.

4

5 But I think that the ten percent  
6 range can be used to -- to account for that. Now,  
7 as far as the criteria for fair representation of  
8 minority groups goes, I think that given the fact  
9 that New York City is now growing in diversity in  
10 terms of ethnic groups as well as racial groups,  
11 you should be conscious of the possibilities of  
12 cohesive coalitions potentially being formed as  
13 basis for districts of -- particularly in ethnic  
14 groups within the protected classes.

15

16 Going down the list the criteria  
17 for compactness -- in my opinion, I think the  
18 compactness criteria there's a lot of concern and  
19 focus addressed on it, but I think, to put it  
20 bluntly, I think it's a bit overrated. I say that  
21 because, you know, one has to be aware of the  
22 tradeoff you make with other criteria in terms of  
23 compactness.

24

25 The more of an effort, for  
26 example, that you try to make in terms of making  
27 the districts equal population, the less likely  
28 districts are going to be compact and nicely

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shaped. Okay. And that is because you're making more of an effort to try to find the census tracks and blocks that will add up to specific population size. Okay.

In terms of the measures of compactness, I just want to advise the panel that in the literature there are at least half-a-dozen measures of compactness of districts and quite often they will result in conflicting information. In other words, if you have two districts, one measure may indicate that district A is more compact than District B. Another measurement may actually reveal the reverse. And so just be cognizant of the fact that compactness measures is not exactly an exact science.

Going down the list of criteria No. 8, the size of the State Senate. Now I'm going to read just a short paragraph of an essay I wrote in an online blog last year. It was titled, "Maximizing Immunity From Legislative Gridlock." And basically I'm making the argument that I -- against setting the State Senate size to an even number. Okay.

From 1966 to 2008, there were 38

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2 instances of a party representation tie in either a  
3 State house or Senate in the United States due to  
4 an even number being set as a body size. Most of  
5 these ties, 23 out of 38, occurred in even size by  
6 bicameral legislatures. The remaining 15 occurred  
7 in bicameral legislatures with one even size body.

8                   These 23 ties occurred in 60  
9 percent of the even size bicameral legislatures. In  
10 other words, on even size bicameral legislature was  
11 more likely than not to experience a tie in the  
12 past 40 years.

13                   Interestingly, most of these ties  
14 occurred in the Senate. The smaller and even sized  
15 legislative body, the greater the likelihood of a  
16 tie.

17                   For State Legislatures, the Senate  
18 is much smaller than the house, usually by less  
19 than half. And State Senates produce 15 out of the  
20 23 ties in even size Legislatures since 1966.  
21 Okay. So that's part of my argument for either  
22 returning to the previous Senate size of 61 or at  
23 least going to an odd number size again. Okay.

24                   Now, criteria No. 9, public  
25 access, transparency, outreach and hearing. Now,

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2 in 1990 I was on the City Council districting  
3 commission staff and we did quite a few pioneering  
4 things in terms of -- of going the public access  
5 route.

6 And I'd just like to reiterate a  
7 couple of suggestions from back then. And one of  
8 the suggestions is that to hold the hearings for  
9 redistricting in the evening hours when it's most  
10 accessible from the public. Okay.

11 The other -- another suggestion is  
12 the establishment of a public access terminal  
13 program where people can come in and sit down with  
14 any of the technical staff in LATFOR and draw their  
15 proposed districts, or have the proposed LATFOR  
16 staff draw a proposed district for them.

17 Now, I know there's been a lot of  
18 progress in the technology of GIS to the point  
19 where many of the public advocacy groups have  
20 become self-sufficient in this regard. But there  
21 are other advocacy groups that don't have that  
22 technology available and this would be quite  
23 useful.

24 Now, the public access program  
25 should not be under valued as just a gesture

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One other thing I want to mention



1  
2 as well is, that there was a technique I developed  
3 back then that I found very useful in terms of like  
4 looking at the broad picture of several proposals  
5 and that is called a conflict reduction matrix  
6 where I would construct a matrix where the specific  
7 proposals, partial and full plans would be  
8 represented on rows and columns and you would see  
9 which plans would conflict with out plans and which  
10 plans would not conflict with other plans.

11 And I found that to be very  
12 helpful because, as a staff person, I had -- I was  
13 assigned the task of drawing the lines for Brooklyn  
14 and that year there were 40 plans that were  
15 submitted for the County of Queens -- of Kings.

16 The criteria 10, prison county  
17 count law. I'm very pleased to see that that  
18 legislation was passed in this past session. And  
19 the only thing I'd like to say about that is that I  
20 have a concern and actually I have a question for  
21 the panel, and that is has the Department of  
22 Corrections submitted the prisoner database. Okay.  
23 The database of prison data to the Census  
24 Department for the purposes of address matching.

25 And I know that sometimes in

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2 government one agency doesn't always talk to the  
3 other, particularly if it's on different levels of  
4 federal and state. So that's a concern I have.  
5 Okay.

6

The last criteria I want to talk  
7 to is --

8

SENATOR HASSELL-THOMPSON: Excuse  
9 me, one second Mr. Lewis. As the chair of the  
10 Committee on Crime Corrections -- I -- I don't  
11 think I can answer that question at this time, but  
12 I have made myself a note to followup and know by  
13 the end of today.

14

MR. LEWIS: Okay.

15

SENATOR DILAN: I just want to  
16 instruct once again. Usually we will not engage  
17 where you would ask us a question.

18

MR. LEWIS: Oh, I'm sorry. My  
19 apologies.

20

SENATOR DILAN: But we are talking  
21 about transparency and involving the public so I  
22 will allow the counsel to answer that question.

23

MR. WICE: And just as a point of  
24 information, so everyone knows, the New York State  
25 Legislature passed and Governor Paterson signed a

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2 law in August which would reallocate incarcerated  
3 persons in the State from their prison address to  
4 their home of record or residence before they were  
5 incarcerated.

6

And to do that, the State  
7 Department of Corrections has provided the  
8 Legislature, LATFOR, with that kind of a database  
9 where the matching is undergoing and the goal is to  
10 have this in place prior to the beginning of the  
11 line drawing process. So the answer to your  
12 question in one word is yes.

13

MR. LEWIS: Oh, great. I'm glad  
14 to hear that.

15

Will that -- can I be allowed to  
16 ask a question of Mr. Wice, just a very short  
17 question?

18

Just, will that data be available  
19 to the public?

20

MR. WICE: Ask us next year.  
21 We're not at that point yet of finishing the first  
22 part of the project.

23

MR. LEWIS: Okay. All right.

24

MR. WICE: But the data will be  
25 made available. It's just that we're not there

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yet.

SENATOR DILAN: If you could also  
start to conclude, please. Because we have --

MR. LEWIS: Yes. That's what I'm  
going to do. I just have one criteria, just a  
brief mention.

SENATOR DILAN: Thank you.

MR. LEWIS: And that is actually  
the -- the 11th, one of redistrict reform in regard  
to independent commission. The only thing I'd like  
to mention on that is that my experience with the  
City Council was the fact that -- having a body as  
diversified as possible makes the process that much  
stronger by ensuring that a diversity of viewpoints  
is involved in the process.

And I'm -- that's it.

SENATOR DILAN: I want to say  
thank you very much to this panel.

At this time, if there are any  
questions from here to the panel?

(No response.)

SENATOR DILAN: Thank you very  
much for your testimony and participation this  
afternoon.

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2                   At this point we're going to take  
3 a five minute break. Anyone that's present in the  
4 room who has not testified and wants to make any  
5 comments, can you please see our staff and sign one  
6 of the cards and when we return in five minutes,  
7 we'll continue and then conclude.

8                   Thank you.

9                   (Brief recess.)

10                  SENATOR DILAN: All right.  
11 Ladies and gentlemen, we have -- we are reconvening  
12 this public meeting and as before the recess I  
13 indicated anyone who wanted to testify can do so by  
14 filling out one of these cards.

15                  This is the last call for anyone  
16 else who's present to do so. Since that time,  
17 we've only had two individuals to sign up so I  
18 expect that if no one else is going sign up at  
19 this time, that once these two individuals finish  
20 their testimony, we will be concluding this meeting  
21 today. Okay.

22                  Thank you very much.

23                  At this time, Doctor, if you could  
24 do the honors for me.

25                  DR. FLATEAU: Pritha Singh and

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Dilip Naft, New American Voters Association and  
Roger Mari Cultural Center.

You can start.

MS. SINGH: I'd like to thank you  
for having us and having this forum for us to have  
our voices heard.

My name is Pritha Singh. I am the  
founder and Executive Director of the Aquarium  
Cultural Center, which operates in Richmond Hill.  
And we were registered in the State of New York in  
1966 with 5013C status.

And I would like to talk about the  
redistricting issue about the fracturing of  
Richmond Hill. When one looks at the New York  
district map of Richmond Hill, it appears like the  
shards of a mirror shattered. This reflects a  
deliberate intention by the State Assembly to  
splinter a unique and thriving community of U.S.  
citizens who are over 500,000 strong, not including  
permanent residents and undocumented immigrants,  
and to disempower Indo-Caribbeans socially and  
politically.

There seems to be no interest or  
effort to understand the millennia of human

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2 experience and wisdom that created the  
3 Indo-Caribbean society and ways of life. Who are  
4 the Indo-Caribbeans? The Assembly needs to  
5 understand who we are demographically, culturally,  
6 ethnically, so please indulge.

7

After the abolition of African  
8 slavery in 1836, East Indians were brought to work  
9 as indentured laborers in European colonial sugar  
10 plantations in the Caribbean Islands, such as  
11 Trinidad and Jamaica and South American mainland  
12 countries like Guyana and Surinam. Their  
13 descendents called Indo-Caribbean in the United  
14 States make up the ethnic majority in Guyana,  
15 Surinam, and Trinidad.

16

Migration, political turmoil and  
17 marginalization have deeply scarred the  
18 Indo-Caribbean experience in ways of life. Since  
19 the 1960's, on a second wave of migration, East  
20 Indian people fled to the United States, settling  
21 in Richmond Hill, Queens, now known as Little  
22 Guyana.

23

Today we are the ethnic and  
24 cultural majority in Richmond Hill. But  
25 recognition of this demographic and our

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contribution to City, State and nation is denied.

Richmond Hill is the center of Indo-Caribbean life in North America. Richmond Hill is the heart of Indo-Caribbean social, cultural and commercial life sustained by large and growing communities extending to Ozone Park, Jamaica, Queens Village, Rockaway and Queens. Cypress Hills in Brooklyn, with large pockets in the Bronx, Long Island and the tri-state area.

Richmond Hill is the center of Indo-Caribbean life in North America. Visitors come from all parts of the continental USA and Canada to participate in the rich varieties of social, cultural, academic, religious and culinary life and activities.

Tourism.

Indo-Caribbeans of Richmond Hill offer a rich cultural heritage and way of life rooted in an agrarian life -- life cycle milestones as birth, planting, harvest, marriage, child birth, coming of age, death -- that connect and reconnect families, friends and communities across oceans and across continents.

Phagwa Festival and parades in

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2 spring celebrate the rebirth of earth and the  
3 planting season after a long winter. Tens of  
4 thousands gather annually at Smokey Oval Park at  
5 Richmond Hill to participate in an Indo-Caribbean  
6 slice of life with powders, dyes of fragrances to  
7 usher in the growing season.

8

The Diwali Festival and parades  
9 celebrate the harvest in fall, ushers in a new  
10 cycle of darkness by lighting diyas, little earthen  
11 bowls with a live flame to warm our winters and  
12 celebrate new beginnings.

13

Religions.

14

Our Indo-Caribbeans in Richmond  
15 Hills are mainly Hindu, Muslim and Christian.  
16 Austere observances as Navaratri, Eid, Phagwa and  
17 Diwali are marked by the lunar cycle calendar, very  
18 similar to the Jewish religion.

19

There are over 250 Hindu temples  
20 in South Queens. On Liberty Avenue, which is the  
21 main hub of Indo-Caribbean commerce, the Shri Maha  
22 Lakshmi Mandir, which is Hindu and the Masjid  
23 Al-Abidin Muslim stand tall together as beacons  
24 that call Indo-Caribbeans from the four corners of  
25 Richmond Hill to gather, not only for prayer, but

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1

2 to participate in cultural arts and education,  
3 social and civic events, collaboration planning and  
4 community building.

5

The new generations of  
6 Indo-Caribbean Americans, while absorbing diverse  
7 non-Indian influences, the social and cultural  
8 matrix of the Caribbean in America, the  
9 Indo-Caribbean people continue to cherish and  
10 nurture expression of their ancestral ways. And  
11 with the growing awareness of global value in our  
12 cultural ways, it has created a more nourishing  
13 environment for Indo-Caribbeans to preserve and  
14 share their traditions.

15

How are we paving the way to  
16 ensure our children stay and grow Richmond Hill, to  
17 build momentum, buy in and claim ownership if they  
18 feel they're marginalized? The Rajkumari Cultural  
19 Center stimulates original and artistic creativity,  
20 especially among the next generation born in  
21 America.

22

The Center's work revolves around  
23 cultural initiatives that organize and mentor  
24 community members to produce sustainable art  
25 programs in undeserved neighborhoods.

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2                   The Center fosters and supports  
3 groups inspired by young Indo-Caribbeans  
4 professional and movement building that empowers  
5 communities through arts and education,  
6 reproduction and social justice. We formed a new  
7 organization which is a collaboration between  
8 Indo-Caribbean organizations, not-for-profit, and  
9 South Asian organization doing business in Richmond  
10 Hill, called Grow Richmond Hill. Grow stands for  
11 generating resources of worth.

12                   The Jahajee Sisters, the  
13 Indo-Caribbean Alliance, Richmond Hill Economic  
14 Development Council, South Asian Youth Action,  
15 South Asian Gay and Lesbian Alliance -- the  
16 Assembly needs to step forward and meet our leaders  
17 and our new generations born here who are taking  
18 their places in the cultural and civic life of  
19 Richmond Hill.

20                   The Indo-Caribbean people have  
21 worked hard to build little Guyana in Richmond  
22 Hill. We deserve a district and representatives  
23 who understand and reflect who we are as  
24 Indo-Caribbeans so we can be better served and  
25 supported.

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Thank you.

SENATOR DILAN: Thank you.

MR. NATH: Distinguished panel members, my name is Dilip Nath and the President of the New York American Voters Association, NAVA. NAVA is a non-partisan organization that was established two years ago to advance political awareness and voter's education of new immigrant communities throughout New York City.

We are dedicated to increasing voter turnout in local, state and federal elections. In the previous election we have found the American Community's voter turn out to be a challenge, particularly the South Asian community.

The community is divided depending on whose side of the street they are located. A single community such as ours, is represented by different legislator. For example, District 25 is divided in the middle of a concentrated community in Jamaica. There are at least three Assembly member representing this group of people, Assemblyman Rory Lancman, Assemblyman David Weprin and Bill Scarborough.

We all understand the need of

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1  
2 keeping our community together so that people can  
3 find their own voice and inspire other new citizens  
4 to find their voice in their adopted country of the  
5 United States of America.

6 The U.S. Supreme Court also  
7 recognized race as one of the factor that should be  
8 considered when drawing the district line.

9 Unfortunately, we found that when the district was  
10 redrawn back in 2000, race was not put into  
11 consideration.

12 Our community is divided in such a  
13 way where it's nearly impossible to reflect the  
14 South Asian community like it appears. As of  
15 today, we do not have a single South Asian  
16 representative in New York State or in New York  
17 City Council.

18 Based on the American Community  
19 Survey, over 300,000 South Asian living in New York  
20 City. Queens is the home of 70 percent of the  
21 South Asian and a large number of these people have  
22 been living in an area of Jamaica, Jamaica Hills,  
23 Hollis, Briarwood. It's important that we redraw  
24 the district lines the following factors are  
25 considered in keeping our community together.

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Culture background, economic status, common media markets, shared community service and organization, including worship places and stores, common language and dialect and common country of origin.

We urge this Task Force to take a closer look at the Assembly district 25 and other Assembly districts throughout the New York City so that we can keep our community together for a greater voice among South Asian and finally, the right to vote is the fundamental and we must make sure this constitutional right protected for all South Asian and all New Yorkers

Thank you.

SENATOR DILAN: Thank you very much.

Any questions?

(No response.)

SENATOR DILAN: Thank you very much for your testimony here and your participation. We appreciate it.

Okay. Thank you.

I just want to mention that there were other individuals who had previously called in

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1  
2 to get their names placed on the list. Some of  
3 them have not arrived for whatever reason, so what  
4 I am going to do to accommodate them since this  
5 public meeting is finishing a little earlier than  
6 we expected, is that I will allow those individuals  
7 that had previously called in and are on the list  
8 to submit their testimony to my staff here at 250  
9 Broadway. And they will make sure that those that  
10 were previously on the list, that their testimony  
11 will be included in this record.

12                   Anyone else who does want to  
13 submit comments or -- or would like to testify,  
14 will have an opportunity to do that, this Thursday,  
15 December 16th, Albany, New York, starting at 12:00  
16 noon. And we will continue that public meeting  
17 until everyone has been heard. And anyone who  
18 submits or requests time to testify at that  
19 meeting, if for any reason they cannot make it, we  
20 we'll allow them to submit their testimony.

21                   So at this time, I'd really like  
22 to thank all those individuals who participated in  
23 the roundtables and to get to this point today to  
24 begin this conversation with all those citizens of  
25 New York State. And all those that have been

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listening on the webcast today, I'd like to thank  
all of you for your participation.

I'd like to thank the staff who  
helped put this together. I'd like to thank Senate  
Media Services and our stenographer for all that  
you have done to make sure that the voices of New  
York Staters get heard. And hope that this process  
will bring about a fair process next year. And I'd  
like to thank everyone.

Thank you.

(Applause.)

(At 1:12 p.m., the proceedings  
were concluded.)

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