



CLSJ Objects to the NYC Districting Commission's Dilution of

Black Voting Strength by "Subtraction by Addition"

in Southeast Brooklyn and Queens

The Center of Law and Social Justice has conducted an analysis of the latest version of the NYC Council Districting Commission's Plan. There are two major areas that are seriously problematic. These two areas are the Southeast regions of both Brooklyn and Queens. Both have glaring instances of "imbalance" in the way the respective protected classes were assigned to districts. The UNITY MAP that the Center of Law and Social Justice (CLSJ) co-proposed demonstrated that this was not necessary. In addition, it now illustrates that this alternative proposed by the Commission would clearly dilute the voting strength of groups protected by the Voting Rights Act.

Brooklyn

The NYC Districting Commission states that Brooklyn District 46 was drawn as an "Opportunity District." CLSJ asserts that District 46 could have been drawn as an electable district. This so-called "opportunity" has been short-changed because approximately 15,000 more Blacks have been unnecessarily placed in the adjoining District 45. Also, the political strength of District 46 is further diluted by the way its size is set at the high end of the 10% population allowance range. *CLSJ asserts that this is a form of "subtraction by addition" -- subtraction of the opportunity to elect by the unnecessary addition of population.*

Specifically, the Commission has drawn Districts 45 and 46 at the opposite ends of the population range (-4% and +4% respectively). Blacks constitute 65.9% vs. 51.8% of the Voting Age Population in District 45 and 46 (respectively). In the UNITY PLAN, the two districts are 59.5% and 56.7%, respectively, at the Black voting age level. Furthermore, there is less than a 4% difference in their population sizes. There is no apparent legitimate reason for this disparity in Black voting age population strength, and no legitimate reason for the two districts to occupy the opposite extremes of the population range.

Southeast Queens

Similarly in Queens, there is an unnecessary reduction of the number of Black majority districts from three to two. This was accomplished by packing District 28 to almost to the maximum population limit allowed by the City Charter. Again, this is a case of "subtraction (of opportunity to elect) by addition (of population)." The three districts affected (27, 28, and 31) in the Commission's plan are at 76.2%, 45.4%, and 65.7% Black (respectively) on a voting age population level. In addition, District 28 is almost at the maximum population allowed. In the UNITY PLAN, these same three districts maintain their majority Black status at the voting age population level with 71.4%, 58.9%, 64.5% (respectively). In addition, the



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UNITY PLAN also keeps the Asian community (a similarly protected group under the VRA) in Southeast Queens whole.

Correction is Necessary

Clearly, the districts in question should be corrected. Our objections to these configurations are based upon the fact that population in the districts in issue was placed in a manner that decreases Black voting strength in the NY City Council. These two glaring shortcomings will be obvious to the US Justice Department, especially since there is a Justice Department precedent against such practices in NYC. In 1991, the Justice Department issued an objection to the to the NYC Districting Commission's Plan due to the "imbalance" of Latino populations in Districts 34 and 37 in Brooklyn. **The Commission's final plan should be changed to correct the obvious dilution of the voting strength of Black New Yorkers present in the second set of maps.**

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