



CENTER FOR LAW AND SOCIAL JUSTICE

"Staying on Freedom and Justice"

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TESTIMONY OF
THE CENTER FOR LAW AND SOCIAL JUSTICE
BEFORE
THE NEW YORK CITY DISTRICTING COMMISSION

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at

Schomburg Center for Research in Black Culture
Harlem, New York



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My name is Esmeralda Simmons and I am the Executive Director of the Center for Law and Social Justice. The Center for Law and Social Justice (CLSJ) is a unit of Medgar Evers College of The City University of New York. Founded in 1985, the mission of CLSJ is to promote civil and human rights, and national and international understanding by providing quality advocacy, research, and advocacy training services to people of African descent, especially those in Central Brooklyn and New York City, and New Yorkers who have been marginalized or disenfranchised. CLSJ works with community organizations and groups of people of African descent and disenfranchised New Yorkers. Because of its unique combination of advocacy services from a community-based perspective, CLSJ is a focal point for progressive activity.

CENTER FOR LAW AND SOCIAL JUSTICE – A Major NYC Voting Rights Advocate

From its initial days, CLSJ has worked to defend the voting rights of Black New Yorkers and other New Yorkers of color who are protected by the federal Voting Rights Act. To this end, CLSJ has led or co-led the following historic voting rights advocacy initiatives in New York City: the **New Majority for Charter Change** (1987-1989) which successfully advocated for voting rights provisions and other equitable initiatives to be included in the new NYC Charter; the **Majority Coalition for Fair Redistricting** (1991-1992) which worked to ensure fair redistricting for people of color in NYC. CLSJ is also a founding member of the **New York Voting Rights Consortium** (1993-present) a coalition of leading local and national voting rights organizations advocating for the protection of voters of color in the New York metropolitan area. The voting rights litigation that CLSJ has been involved in include: *Ashe v. Board of Elections*; *Chin v. Bd. of Election*; *Reid v. Bruno*; *Rodriquez v. Pataki*; *Hayden v. Pataki*. Recently, CLSJ successfully represented petitioners-interveners in the *Little v. LATFOR and the NYS*

Dept. of Corrections case; and, currently, we represent petitioners-interveners in the *Favors v. Cuomo* case -- the ongoing federal litigation challenging the 2012 New York State Senate and Assembly redistricting plans.

Through our current “Racial Justice Redistricting Project,” CLSJ has conducted a series of community trainings on the use of the census data during the redistricting process. In addition, we have spearheaded a coalition, **Black New Yorkers for Fair Redistricting** that seeks to protect the voting rights of Black New Yorkers during the New York redistricting process. CLSJ has also been a very active member of the **Unity Map Group** that produced the **City Council UNITY MAP** that has been submitted to the Commission. The Unity Map Coalition also produced the heralded **UNITY Maps** during the state redistricting process. The federal court, when charged with creating a Congressional plan for New York State, relied heavily on the Unity Plan in its creation on the new congressional districts. Clearly, the Unity Maps demonstrated how the voting rights of all VRA protected groups in NYC can simultaneously be respected and protected.

The Center for Law and Social Justice is closely following the Districting Commission’s activities. At this point we urge the Commission to do the following:

- **Adopt the Unity Map as its final plan.** The Commission has a historic accomplishment before it for consideration at this time: the UNITY MAP for the NY City Council. This map which lays out an entire 51 member City Council districting plan and thereby provides clear direction on how the Commission can handle the its two major tasks and priorities:
 1. Create equally sized districts within 10% deviation in compliance with the “One Person - One Vote” requirement of the US Constitution;

2. Protect the voting rights of the three protected groups in NYC: Blacks, Hispanics and Asians, in compliance with Section 5 and Section 2 of the federal Voting Rights Act.
- Further, the Commission should complete its task within a **timeframe that allows for public comment TO THE COMMISSION on its Final Plan** before it is submitted to the City Council. Anything less would be making a mockery of the Commission's pledge to have an open and transparent process which allows for real public comment. The Final Plan is the most important document that the Commission will be releasing during its tenure save for any Amended Final Plan. The Final Plan is the document that the public is waiting for and seeks to comment on. The Commission's current plan is to fail to provide for public comment of the Draft Final Plan. That is simply unacceptable, notwithstanding the tightness of your quite arduous schedule.

Comments on the First Draft Plan Released by the Commission

The Center for Law and Social Justice had anxiously awaited the release of the Commission's Draft Plan in September. We congratulate the Commission on its timely production, but, the Center was quite disappointed in the product, specifically, because the Draft Plan failed to recognize numerous communities of interest, nor did there appear to be a major effort to protect the voting rights of the VRA protected groups within NYC.

For example, in Brooklyn the Unity Map created a new District 46 which took into account the major migration of Caribbean families into the Canarsie area over the past decade. That area is now one of the most densely populated geographic communities of Caribbean families within New York City. The Commission, in contrast, failed to recognize the potential to draw a district which would protect the voting rights of this emerging community. Instead it cracked Canarsie,

thereby dispersing its electoral potential. To emphasize this missed opportunity, CLSJ has conducted a preliminary Racial Block Voting Analysis on the Districting Commission's District 46 using the three citywide elections involving Ferrer, Thompson, and Lui.

The Commission's District 46 is 45.6% NHWhite, 41.2% NHBlack, 6.5% Hispanic, and 5% NHAsian on a VAP level.

District 46 Racial Block Voting Estimates

	White	Black
Bloomberg	80.8% - 82.8%	55.8% - 57.1%
Ferrer	14.7% - 15.8%	41.4% - 43.0%
Bloomberg	70.3% - 74.1%	21.1% - 25.2%
Thompson	22.0% - 25.1%	73.5% - 78.2%
Yassky	66.1% - 73.9%	31.0% - 31.5%
Lui	26.1% - 33.7%	68.3% - 69.0%

Below is a comparison of Election Results for the NYC Districting Commission District 46 to the UNITY Plan's District 46

District 46 Results	
<i>NYC Districting Commission</i>	
FERRERO	BLOOMBERG
26.3%	<u>71.1%</u>

District 46 Results	
<i>UNITY Plan</i>	
FERRERO	BLOOMBERG
32.5%	<u>65.6%</u>

THOMPSON	BLOOMBERG
45.2%	<u>51.9%</u>

THOMPSON	BLOOMBERG
<u>57.0%</u>	40.9%

LIU	YASSKY
48.8%	<u>51.2%</u>

LIU	YASSKY
<u>55.7%</u>	44.3%

Obviously, based on these preliminary results, the Unity Plan's District 46 provides a better opportunity for that community of interest to elect that candidate of its choice.

Similarly, in Harlem, the Commission's Draft District 9 splits Central Harlem from West Harlem from East Harlem. Further, it removes East Harlem, including El Barrio, from a Manhattan district, and makes it as an appendage to the South Bronx.

PROTECTION OF THE VOTING RIGHTS OF BLACK NEW YORKERS

As the Commission is well aware, the federal Voting Rights Act specifically protects the voting rights of Black New Yorkers, as well as Hispanic and Asian New Yorkers and some language minorities. Due to New York City's long history of voting discrimination, three counties in New York City: Kings, The Bronx, and Manhattan are "covered counties" under Section 5 of the Rights Act (VRA).

We call on the NYC Districting Commission to undertake its duties with a heightened respect for Black communities throughout the city and the voting rights of Black New Yorkers. The Center for Law and Social Justice will continue to be actively engaged in the City Council redistricting process. Needless to say, we and our colleagues will serve as watchdogs during the process on behalf of Black New Yorkers.

In closing, I thank you for the opportunity to appear before you today. The Center for Law and Social Justice looks forward to a cooperative relationship with the Commission and most importantly to a Final Plan that will show respect for the voting rights of Black, Asians and Hispanic New Yorkers.

