

## **Radical Women Testimony to the Charter Revision Commission 2019**

**Bronx May 7, 2019**

Good Evening Commissioners and the public in the audience and the public that is watching this live stream at home. My name is Betty Maloney, and I'm here as a representative of Radical Women. I am also a retired public school guidance counselor and member of American Federation of Teachers for over 40 years and a former rape crisis counselor and advocate trainer.

Radical Women is a national organization of women which has engaged in grassroots activism aimed at eliminating sexism, racism, homophobia, and labor exploitation since its founding in 1967. It was on this basis that we allied with the Campaign for an Elected Civilian Review Board.

I want to draw attention tonight to the stake that women in particular have in the creation of an ECRB and the ways our lives are affected by rampant police misconduct and violence.

I draw upon my personal experience as a rape victim and the first word uttered to me by a police officer after the rape was "are you a prostitute?". In the early 70s', I also worked on the rape crisis line for 5 years and during that time trained over 100 advocates and I saw first hand how police treated women of color. They would arrive 90 minutes to 2 hours after the call was made; they would not gather evidence and they would take a very short statement. Yes all of these experiences were during a time when rape was considered a crime against property. Women were property in state legal codes across this country. Black women know very well from history of slavery in this country that rape was never and never will be just a personal issue but was part of the economic systematic oppression of Black women. Black women under slavery were never people but property.

Let's fast forward to now. Has life changed for women – Yes the legal text book may say crimes against women are no longer listed under the legal codes of property

But during this campaign, I have talked with hundreds of women and surveyed reports that the NYPD is no exception to the wide-spread social reality of women's lives. In COPLAND we are still property. Sexual misconduct by police officers, or public officials, is the second most prevalent form of police crimes as noted by a 2010 annual report conducted by the CATO Institute.

Women—especially women of color, immigrant women and gender- or sex-role non-conforming women—are often seen as targets for sexual harassment. We face extortion to perform sexual acts for cops in order to avoid arrest, or to protect our children from harassment or arrest. Structural racism and sexism inherent in police departments make it impossible for women and especially women of color to report a police officer as their rapist. Immigrant women may fear being deported if they make a report. Worst of all, too many of us have lost our children to police violence.

Much of the massive amount of gendered-based misconduct by police is obscured . But of course women are among those most at risk for excessive force and abuse of authority, as well as discourtesy and offensive language. It is appalling that the CCRB has only in the last few months has begun to investigate allegations of sexual misconduct. Until then, all these complaints were referred to the NYPD Internal Affairs. A 2016 report by al Jazeera America said that NYC police chiefs would turn a blind eye, letting cops off the hook for their exploitation of and crimes against women. The Anna Chambers case makes that clear. Rape charges were dropped by the Brooklyn DA despite the fact she was handcuffed and there was DNA evidence.

The NYPD has demonstrated a complete inability to police itself, a reality only more extreme when dealing with attitudes toward women and the LGBTQ community. We are property to them to be tossed out.

The NYC Department of Investigation issued a report earlier this year that reflected the Police Department's abysmal failure to deal with sexual crimes against women. As a feminist and experienced rape crisis counselor what I take away from that is this --all the sensitivity training and cultural awareness in the world cannot change the essential character of the police and their assigned task. The first duty of the police is to maintain by any means necessary the status quo law and order based on private property. What is too be done about the people who are being brutalized and killed – their faces are on the posters in the audience. We do not need to continue with the powerless sham of the CCRB. We need the Elected Civilian Review Board.

When you were chosen to be on this panel, there was probably in the letter a mention that you were an outstanding citizen. Well in the Me Too era, we are sick and tired of outstanding citizens that uphold the status quo. Your striving for a seat at the table by being "yes" women and men appointed by city officials at the expense of the most vulnerable is not going to create a world without abuse.

Women demand accountability. We demand justice. We demand that the rights of women be protected and written into the legal code. Radical Women believes, as do others participating in this campaign, that only an elected board that has disciplinary power and works in tandem with an independent Special Prosecutor can effectively improve police accountability.

If you fail to act for justice and whether you are a woman or man, you will be known by the ever expanding "MeToo" movement for your failure to act. Nobody is getting a free pass –just ask Joe Biden

For those in the audience and at home, we will continue to fight for the ECRB legislation and we ask you to join us in building a broad based movement so that citizens of NYC can go to the ballot box and pass this legislation.

## Testimony for NYC Charter Revision

Maggie Clarke, Ph.D., [maggie@maggieclarke.com](mailto:maggie@maggieclarke.com), Inwood Preservation, Inwood Legal Action Environment Committee

Rezoning is straining the very limited air and water resources that we have. We cannot continue to pack more and more people into the limited land area that is NYC. We have been in violation of the federal Clean Air Act and Clean Water Acts since the beginning and the rezonings exacerbate this. We are in non-attainment for ozone, but adding thousands of new cars and congestion makes this worse, and adds to asthma rates. The health impacts in the future can't be undone once the buildings are in place and the gridlock is inevitable. Combined sewer overflow (CSO) violations (again since the beginning) caused by the new toilets, showers and sinks will be worsened by climate change and by addition of new population.

The Environmental Impact Statement process for each rezoning has been a sham and rules need to be changed so that the City Planning Commission and City Council cannot further abrogate the laws. Here are a few of the main issues:

1. Activities that cause the city to contravene federal law (e.g. Clean Air Act, Clean Water Act) are ignored by the City Planning Commission and City Council and approved. Rezoning adds many high rise buildings to low-rise neighborhoods, adding congestion, more ozone to the air that is already out of attainment for ozone, more sewage to the waters that are already out of compliance for combined sewer overflows and which will be getting worse with climate change. EPA requires that NYSDEC and NYCDEP enforce the Clean Air Act and Clean Water Act, but through the repeated rezoning actions of the City, these federal laws are being violated even more. These are illegal and the charter should disallow this from happening from the getgo AND should undo what has already happened. The City has been in violation of the Clean Air Act and Clean Water Act for decades (we can provide chapter and verse if you want) and all the last several years of the City's wonton rezonings fly in the face of and exacerbate this air and water pollution. There are legally mandated limits to growth!
2. Cumulative impacts of the multiple rezonings across the city over the last many years (defined as impacts resulting from interactions of multiple activities and/or the collective impact of many similar activities over time and space) are not taken into account. Yet the City continues to rezone neighborhood after neighborhood, no end in sight. EPA requires that Environmental Impact statements review for cumulative impact. The City's EIS' NEVER DO. All the rezonings Never Do! This is illegal!
3. There is a lack of awareness or urgency of alarming information contained in EIS'. There is no law or charter provision that prevents a disabling of a community by a City action like a rezoning, and apparently nothing that can be done to UNDO such an action. For example, in Inwood at all of 45 intersections studied (some near a hospital) up to 10 minutes of delay was predicted. Most of the intersections become grade letter F where grade letter E is full capacity = gridlock of the neighborhood. This can cause deadly delays in fire and ambulance services. In other neighborhoods, rezonings without needed infrastructure, schools and other public works is done routinely. City actions and EIS' predicting the disabling a neighborhood should be prevented by the City charter.
4. The City's predictions of growth have been way off in the past. The rezoning of Long Island City said there would be 300 new apartments. There were 10,000. No new sewers or schools. Yet, the City steamrollers ahead. Tourism, commuter factors are under-reported, under calculated. A third of Inwood is in a flood plain; half will be within a few decades. 30 story buildings are planned there. Can the charter protect New Yorkers?
5. Citizen proposals and alternative plans need to receive full consideration by city council, city planning commission, city agencies, borough presidents, community boards and anybody else involved with ULURP and CEQR. As it is now, some of these officials and agencies ask citizens and citizen groups to get together and come up with alternative plans, and when they do, their plans are ignored, rejected without consideration. Why then bother to devise alternative plans? Why bother to comment on EIS' and Draft Scopes of Work? Why bother to participate in these endless meetings drawing circles on maps with the City's developers on the other side of the table? Unified Inwood's and Community Board 12's comments were rejected. Uptown United's alternative community plan was totally ignored.

None of these illegalities should be allowed by the City Charter and we hope that the Commission will recommend changes to the charter to disallow the above illegalities to continue. We would be happy to share with you the Uptown United plan, our hundreds of pages of comments on the DEIS and DSOW for Inwood and answer any questions.



## Additional testimony:

This is how you increase democratization of local elections: increase the amount of TIME after petitions are certified and before the primary. Now a newcomer has a matter of a few weeks in the dead of summer to get their name out there & raise money. There's no time for candidate for - the media doesn't cover the primaries at all compared with the ~~the~~ general election. But in NYC the primaries are more important. I am particularly referring to City Council. For example, in Inwood, the unknown challenger who vowed to stop the rezoning had maybe 6 weeks to campaign against the machine. He got half as many votes as the incumbent. Imagine if he had had twice the amount of time? The rezoning would have been stopped. The campaign period coincided with the time we had to review the Draft Scope of work. We couldn't help the campaign because it was such a short time.

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As a generality, can you please consider a charter revision that would ensure that no city government can break laws or cause laws already abrogated to be re-enacted? Fed, state, local laws

## Charter Revision Commission Testimony

May 7<sup>th</sup>, 2019 at Lehman College, 250 Bedford Park Blvd. West in the Bronx

As I've mentioned previously, my admiration for the work that the staff has been able to do in a fairly short amount of time in compiling such a cross section of ideas and proposals from so many different subject areas is remarkably impressive. Because of the incredible work that's been done on this report, I know it might understandably be your instinct to defer to the staff in terms of what proposals you're ultimately putting on the ballot. You are the Commissioners. You were the ones appointed for your expertise, experience and most importantly, your judgement. It's your name that history will record as either changing city history or preserving the status quo, not theirs. There's at least one issue, where I don't think you should defer: democracy vouchers.

Before I get to why I think the staff is incorrect in their analysis, let's look at the campaign finance system in this city and in this country and how we got where we are today. Anyone who lived in this city in the 1980s, read the book, "City for Sale" or saw the movie "City Hall," recognizing the significance and the breadth of the shocking public corruption scandal that enveloped our city. Alongside this corruption, were gargantuan, but completely legal campaign contributions, made to New York City officials under state law. This was essentially, a system of **LEGALIZED BRIBERY!** Not surprisingly, this shocked the sensibilities of the public and good government groups alike and the City Council acted swiftly to create a campaign finance system, which included a matching funds program. Commissioner Albanese, having served in the City Council at that time, can no doubt speak to the hopes of the Campaign Finance Act and how it's fallen short. The voters enshrined these changes in the City Charter. At the time, the match was a ONE TO ONE match. It could be argued that we went to a system that was largely ineffective and possibly **insufficient**.

Then, we increased the match to 4-to-1. This 4-to-1 system certainly proved costly. It certainly seemed odd that in the aftermath of financial austerity in this city and slash-and-burn budget costs, which involved raising property taxes on middle class New Yorkers by 18.5%, while at the same time saying we didn't have the money for the lights on our city's bridges, we were also doling out millions of dollars in tax money to politicians, who in some cases were running unopposed. So we went to a system, which may have helped some candidates for certain offices be competitive, but it was **costly**.

That match, then went to 6-to-1, which was simply too much free public money for ambitious politicians to ignore. That's where we saw multiple public officials and campaign workers arrested, indicted and convicted for scheming to exploit or defraud the matching funds system. It was a system that was a **magnet for corruption**.

That wasn't enough. Now we've enhanced this match to make sure it's an 8-to-1 match. That really would level the playing field for insurgent candidates to compete with incumbents or



well-heeled candidates, but for citywide races, as we've heard in testimony from the candidates themselves, the match is still too high for insurgent candidates to reach. So, candidates that already have no problem raising money can collect millions of dollars in taxpayer money to spend on attorneys, consultants, political operatives and accountants, many of whom then lobby those same candidates, once they're elected — ALL PERFECTLY LEGAL. Last year's changes should really have included a name change renaming the Campaign Finance Act, the Political Consultant Protection Act. So, we have a program currently that's **still legalized bribery still insufficient, still costly and now serves to enrich a gang of insiders**, who would probably be doing just fine without the benefit of taxpayer largesse.

There has to be a better way! There is, and Seattle has found it with democracy vouchers! I could go into some details with respect to how democracy vouchers work either in theory or in practice, but I know you're more familiar with the nuts and bolts of how they're implemented than I am. Democracy vouchers have become such a model for actually involving voters in the campaign finance system, instead of just having them rubber stamp the choice of money men and special interests, that even New York's own Senator Kirsten Gillibrand has proposed launching this nationally for federal contests, as part of her presidential campaign. How does it look, that while a New Yorker seeks to export this program nationwide, that we can't even give the voters of our city an opportunity to make this change themselves?

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Why? Let's look at the rationale that's in the preliminary staff report. The staff report says that democracy vouchers didn't satisfy the focus criteria that the Commissioners voted on (criteria, which I happen to think is right on the money). Let's look at which aspect(s) of the focus criteria that the staff believes democracy vouchers fall short in. The staff writes in their reasoning:

*"the City generally can, without a referendum, enact local laws relating to campaign finance. In fact, the City enacted its current campaign finance system through the Campaign Finance Act in 1988 and has since amended its finance system through local laws on numerous occasions.*

That's it! That's all they say. They don't weigh in on the merits or the practicality of implementation, except to allude that Seattle is the only place that has tried this. So, which focus criterion does this run afoul of? It would seem to be that it's the first one (and I would argue the most important. The first criterion reads:

- 1) Focus on ideas and proposals that likely would not be accomplished by local law without a referendum — in other words, changes that would likely require a Charter Revision Commission or referendum to accomplish. (emphasis added)*

The focus area says would **LIKELY** require a referendum. Not would be mandated by referendum. No one questions that the current City Council could do this if it wanted to and it's long been established that Charter Revision Commissions have the ability to weigh in on subjects, which could also be implemented through local law. In fact, New York State's Municipal Home Rule Law, Part 2, Section 36, specifically mentions that you're permitted to delve into areas that can also be done by local law.

The question (based on the focus area that you voted on) is ... is it likely? You tell me. Is it likely that politicians who have gotten elected and enjoyed the benefits of current campaign finance system and who are supported by a gaggle of boosters who have mastered how to game the system are going to through that entire system out?? Of course they won't.

So, in my view, the staff has either misunderstood or misrepresented the focus criteria you've adopted and that's why I can't emphasize enough that as tempting as it is to let the staff do all the work, while you simply vote "yes" or "no" on their work product, this mischaracterization of your own criteria demonstrates why that shouldn't happen. Of course, democracy vouchers certainly meets the other four criteria listed as well.

However you feel about the campaign finance system, whether you think it needs some minor adjustments around the margins or needs to be completely blown up, as I do, make a decision on democracy vouchers on the merits of the proposal of itself. If you don't think it works, tell us why. If you don't think it's ripe, then tell us that it requires further study, but please for your own credibility and out of respect for the intelligence of the public, don't decline to put this question before the voters and then claim that you're doing so based on the adopted focus criteria.

I think it says a great deal about the ineffectiveness of the Campaign Finance Act that a man ~~who actually voted to implement it in 1988 is sitting here begging the commission and the public~~ to reform it. Put the question before the voters. We have a right to choose!

If Senator Gillibrand thinks it's good enough for America, it should certainly be good enough for America's greatest city.

Sincerely,

Frank Morano

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## Voter Turnout Democratic Primary Vs Run off

Election	Primary	Run-off Primary	Turnout Drop - Off
2013 Public Advocate	530,089	202,647	61%
2009 Comptroller	371,018	241,206	35%
2009 Public Advocate	366,917	233,206	36%

Run - off elections do cost money which is why I suggest eliminating the "40% or more votes" thresholds

Voter Turnout Drop Off in the run off primary can be attributed to the voters' candidate didn't place in the top 2

2009 Comptroller (top 2 Candidates)	Primary	Run-off Primary	Turnout Drop - Off
John Liu	140,356	135,100	
David Yasskey	114,762	106,106	
<u>Total</u>	<u>255,118</u>	<u>241,206</u>	<u>5%</u>

2009 Public Advocate (top 2 candidates)	Primary	Run-off Primary	Turnout Drop - Off
Bill de Blasio	119,467	145,413	
Mark Green	115,508	87,793	
<u>Total</u>	<u>234,975</u>	<u>233,206</u>	<u>1%</u>

2013 Public Advocate (top 2 candidates)	Primary	Run-off Primary	Turnout Drop - Off
Letitiia James	191,347	119,804	
Daniel Squadron	178,151	83,043	
<u>Total</u>	<u>369,498</u>	<u>202,847</u>	<u>45%</u>

(The Large drop out in 2013 Public Advocate Run-off Primary again demonstrates that people don't want or care about Public Advocate Race.



	Voted	registered Voters	Turnout
<b>2019 Public Advocate Race</b>			
Manhattan County	118,395	1,001,014	12%
Bronx County	49,731	718,302	7%
Kings County	133,973	1,434,091	9%
Queens County	98,342	1,154,262	9%
Richmond County	22,505	289,144	8%
	422,946	4,596,813	9%

Rank Choice Voting doesn't cure lower voter turnout and it won't change the fact that barely 9% of registered voters, and less than that of eligible voters voted for the office of Public Advocate.

Rank Choice Voting assumes that people vote for the person they assume will win instead of the person they want to win despite the odds.

Rank Choice Voting will put those at low income areas at a disadvantage not because low income people are not intelligent but because in areas such as mine, the voter turnouts are lower than the norm. Which means Candidate often canvass and campaign in pocket of high voter turnout. Many of us in our district don't even meet the candidate. For instance, in last year senatorial race, the candidate spends more time canvassing in Riverdale than in my neighborhood which has a low turnout.

With Fusion Voting, which often confuses people since they often select the same candidate in several different parties for the same elected office and have to redo their ballots.

Fusion Voting takes up lots of prime space on our

ballots and with Ranked Choice Voting, we may have 2 pages which will cause delays as it did in November 2018

Advocates for Rank Choice Voting recommend education, yet BOE doesn't even train all their poll workers properly. On Nov 2017, several polls workers didn't not inform the voters to flip their ballot to vote on the constitutional convention

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I see no benefit to RCV, it won't address the low voter turnout and the candidate who wins whether with or without RCV did not win by a majority of registered voters since our turnout is less than 25% of registered voters.

Instead of masking the low turnouts with RCV, let's focus on treating the disease not the symptom. People have lost faith in the system and we need to regain the public trust with real reforms.

Reform such as allowing voters to decide if they want to strengthen the public advocate's office or eliminate it. Let the people have control of how our govt' runs and maybe more will vote.

Roxanne Delgado

Bronx Resident

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