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

August 13, 2012

at

Brooklyn Borough Hall
Brooklyn, New York

MEDGAR EVERS COLLEGE
The City University of 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 by means of a New York State legislative grant, the mission of CLSJ is to provide quality advocacy, conduct research, and advocacy training services to. CLSJ seeks to accomplish its mission by conducting research, and initiating public policy advocacy projects and litigation on behalf of community organizations and groups of people of African descent and the disenfranchised that promote civil and human rights, and national and international understanding. 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 New York State 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 heralded **UNITY Maps** during the state redistricting process. The Unity Maps clearly demonstrated how the voting rights of all VRA protected groups in NYC can simultaneously be respected and protected. **CLSJ intends to co-produce a "City Council Unity Map," which we hope will be seriously considered by the Commission.**

The Center for Law and Social Justice strongly urges the NYC Districting Commission to take all steps necessary to complete the redistricting process in a timely manner:

- Immediately implement the law that ended "Prison Gerrymandering;"
- Make the adjusted VTD data downloadable and available to the public online;
- Chart out your comprehensive timetable for completing City Council redistricting and release such to the public, including when the NYC Districting Commission's maps will be ready for review;
- Give notice of the second and third set of public hearings. We applaud the evening hearing hours as they allow for greater public input.

PROTECTION OF THE VOTING RIGTS 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). Black voters and Black communities are protected against retrogression during redistricting processes.

Black folks make up 25.5% of New York City's population, over 2 million people. Notwithstanding that fact, **for the first time in three decades, there is not have a single Black senior staff member serving at the Commission!** Such blatant disregard for diversity at the Commission does not indicate the level of respect needed in a redistricting process that must be sensitive to cultural diversity. 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 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.

PUBLIC ACCESS PROCEDURES

As a New Yorker, and as the Vice Chair of the1991 NYC Districting Commission, I am proud of the Commission's history of providing extremely broad public access to its redistricting process. Like voting, redistricting is a foundational process in a democracy. The Commission should be continue to lead or at least keep pace with the public access processes that occurred in

Florida and California. This redistricting cycle, the Florida public had online access to the state's data and mapping and drawing software. There was a coordinated electronic access system whereby the Florida public was able to draw districts and submit plans online to the redistricting commission for its study and use. Likewise, the newly created Californian Citizens Redistricting Commission allowed easy access and conducted an extremely open process. Further, the California Commission has been very receptive to public input.

To its credit, as early as 1991, the NYC Commission had public access terminals and an available staff to assist the public in drawing lines and reviewing data. The NYC Districting Commission must immediately set up a 21st century public access system:

- Give the public access to the City's full redistricting data base, including neighborhood, "community of interest" and socio-economic data, and election results;
- Establish dedicated user-friendly, interactive, multi-language online mapping system software linked to the Commission where the public can submit maps electronically and review and alter Commission produced maps;
- Make the drawing criteria public and explain such in plain language easily understood by laypersons;
- Have online assistance and a live Help Line.

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. I will happy to answer any questions.