



BY ELECTRONIC MAIL ONLY

May 18, 2022

Hon. Patrick McAllister
Acting Supreme Court Justice
4 East Pulteney
Square Bath, NY 14810

Dr. Jonathan Cervas
Carnegie Mellon University
Posner Hall 388
5000 Forbes Avenue
Pittsburgh, PA 15213

Re: Objections on Proposed Congressional and State Senate Maps Index # E2022 - 0116CV

We, the Unity Map Coalition, submit the following objections to the New York State proposed Senate and Congressional maps submitted by Dr. Jonathan Cervas on May 16, 2022. The Unity Map Coalition ("Coalition"), is a coalition of the leading legal voting rights advocacy organizations representing people of color in New York City. The Unity Map Coalition is composed of the Asian American Legal Defense and Education Fund; the Center for Law and Social Justice at Medgar Evers College; and LatinoJustice PRLDEF. As detailed below, the proposed maps disregard hard-fought efforts to preserve and enhance electoral power among historically disenfranchised communities.

The currently proposed redistricting plans create electoral districts without much, if any, regard to existing neighborhoods and communities of interest. Preserving communities of interest is essential to protecting the voting rights and electoral power of New York City's Black, Latino and Asian communities. While the Court's order emphasized the need for non-partisan maps, it is equally important for these maps to preserve communities of interest, as required by New York State's Constitution. In fact, as demonstrated by our Unity Maps, it is possible to draw equitable maps that (a) adhere to the U.S. Constitution's principles of "one person, one vote"; (b) comply with the Voting Rights Act; (c) protect communities of interest as required by the New York State Constitution; and (d) preserve traditional and emerging neighborhoods. Special Master Cervas' maps fall short of meeting all of these requirements: they unnecessarily split

communities and neighborhoods without regard to the impact on voters of color or the protections of the federal Voting Rights Act.

Objections to Proposed Senate Plan

Across New York City, the proposed Senate map fails to account for the need to ensure historically disenfranchised communities do not suffer from further vote dilution. For example, Special Master Cervas' plan fails to remedy decades of disenfranchisement of Latino voters in Upper Manhattan and the Bronx. We oppose combining current Senate Districts 31 and 33, both of which have high concentrations of Latino voters. Instead, we recommend keeping these dense hubs separate and have demonstrated how to do so while keeping communities of interest intact.

While the Special Master continues the unnecessary racial gerrymander of white voters by cutting through the Bronx and combining parts of the Bronx with Westchester in District 34, we propose minimizing the impact on neighboring districts 32 and 33. As a note, we originally proposed only one Bronx district should stretch into Westchester, District 36. Our original Unity Senate plans demonstrate the feasibility of limiting the number of districts that combine the Bronx and Westchester to just that one, District 36.

Nevertheless, to further minimize the cracking of communities of interest, we propose making District 32 more compact by avoiding the division of several communities stretching into the Western portions of the Bronx. The Special Master's proposed District 32 crosses both the Bronx River & Hutchinson Parkway, creating a Senatorial district that would disenfranchise the electorate by creating a truly impossible district to service with their proposed 57% Latino population. Once again, the Unity Plan can create an additional Latino majority seat that is compact and follows neighborhood boundaries. An empowered electorate cannot exist where maps simply pack Latino voters into districts without regard to how communities are structured and organized.

Similarly, the plan ignores attempts at preserving electoral power among Asian communities. Multiple plans (Unity Map, legislature and both IRC plans) drew a new senate district in Brooklyn which united the Asian American communities of interest of Sunset Park and Bensonhurst. This court should likewise correct for last cycle's radical malapportionment and preserve the Asian American plurality senate district in Brooklyn which was adopted in *all* of the plans mentioned above. The Unity Map was able to draw a Senate District as a majority Asian district. But while the Special Master Plan substantially maintains SD 17 and keeps most of Bensonhurst whole within the district, it divides Sunset Park between SD 26 and SD 17. We propose including more of Sunset Park with Bensonhurst, which are similar communities of interest, and including more of Bay Ridge in SD 26. Our plan is better at keeping that community more whole.

We also note that SD 11 and SD 16 in Queens divide several Asian American communities of interest, mainly Oakland Gardens, Bayside/Auburndale, Briarwood and Jamaica Hills. Briarwood and Jamaica Hills are part of the "Hillside Avenue Corridor" that includes Briarwood, Jamaica Hills and continues along Hillside Avenue to include Queens Village/Bellerose/Floral Park/Glen Oaks. We propose keeping these communities of interest together in SD 11 and including more of Oakland Gardens and Auburndale/Bayside in SD 16.

The northwest portion of SD 11 does not share much commonality with the rest of the district and should be placed in another district, if possible. The Asian American growth in Queens was 29% between 2010 and 2020, the largest of any racial group, and the new lines should reflect this growth, and not decrease the Asian American percentage in this district.

The Special Master's plan keeps most of Ozone Park whole and includes a portion of Richmond Hill/South Ozone Park in SD 15. We propose increasing more of Richmond Hill/South Ozone Park in SD 15, and adding more of Kew Gardens into SD 14. The enclosed Exhibit A further highlights Asian communities of interest as superimposed over the Special Master's Senate map.

Objections to Proposed Congressional Plan

Similar to the proposed Senate plans, the proposed Congressional map needlessly cuts through neighborhoods without acknowledging where communities of interest exist and must be preserved. For example, proposed Congressional District 7 removes the Lower East Side ("LES") and now includes it with Manhattan's Chinatown in a district with Dumbo, Gowanus, Park Slope and Borough Park, Brooklyn neighborhoods. The LES has historically been combined in a district with Chinatown, but removing Williamsburg, Bushwick, Red Hook, Sunset Park from its Congressional district and substituting Park Slope and Borough Park does not create a coherent community of interest and appears inexplicable.

The Lower East Side shares the Williamsburg crossing with the neighborhood of Williamsburg, both historically traditional Puerto Rican neighborhoods that have been gentrified through the years. Nevertheless this entry point also allows the adjoining of Red Hook Houses, where their shared issues of waterfront resiliency, gentrification and NYCHA facilities ensures the communities of the Lower East Side, Williamsburg and Red Hook have the ability to elect a candidate that will address their concerns. Further, the Bushwick community is well known for its strong Williamsburg connection. Every single level of government currently combines these areas, as does the plan of the Special Master. The problem lies when adding the neighborhood of Glendale in Queens while removing Lower East Side, Red Hook and Sunset Park. Glendale is a much more residential community, similar to that of Ridgewood, but much less so demographically and economically. Ridgewood has historically been included in Congressional District 7 in the last few decades thanks to the gentrification of Williamsburg and Bushwick and the migration shift into the Queens boundary area of Ridgewood. We propose adding Lower East Side to the Special Master's proposal for CD 7 to ensure at a minimum that the communities of LES, Williamsburg and Bushwick are able to coalesce with the new included neighborhood of Sunnyside and more of Woodhaven.

The Special Master's plan splits Manhattan's Chinatown and Sunset Park, Brooklyn. We refer you to federal court decision in Diaz v. Silver, 978 F. Supp. 96 (E.D.N.Y.) (per curiam), aff'd, 522 U.S. 801 (1997), which recognized that Asian Americans in Manhattan's Chinatown and Brooklyn's Sunset Park were a community of interest that should be kept together within the 12th Congressional District. This judicial precedent has been followed in the last two redistricting cycles, including in the plan that was drawn by the independent Special Master in Favors v. Cuomo, 881 F. Supp. 2d 356 (E.D.N.Y. 2012), in the last redistricting cycle.

The court in Diaz specifically recognized the following factors and shared community concerns:

- Cultural background
- Economic status
- Common media markets
- Shared community services and organizations, including health clinics, stores, public transportation and workplaces
- Voting patterns
- Common languages and dialects
- Common country of origin

We propose restoring the Asian American communities in Chinatown and Sunset Park in CD 10, and including portions of Bensonhurst and Borough Park in CD 11. Bensonhurst is divided into multiple districts in the Special Master plan. The Unity Map configuration for these communities illustrates how these communities could best be configured.

The community of interest of Queens Village/Bellerose/Floral Park/Glen Oaks is mostly whole in CD 3. The portion of this community of interest that is in CD 6 should be kept together in CD 3, which would allow for more of Bayside/Auburndale to be returned to CD 6, which shares much more commonality with other communities of interest in CD 6. The enclosed Exhibit B highlights Asian communities of interest as superimposed over the Special Master's Congressional map.

As noted *supra*, one key principle of preserving communities of interest includes ensuring that traditional and emerging communities are kept whole. That principle was violated in several of the Special Master's congressional districts in communities with voters of African descent. As drawn in the Special Master map for CD 8, the historic neighborhood of Bedford Stuyvesant was cracked so severely that more than a quarter of its core district was removed. In the Special Master's map for CD 9, the historic community of Crown Heights was similarly cracked. The Crown Heights community contains a significant part of the community of interest of people of African descent that has comprised that district since its inception. The Brownsville section of Congressional District 9 was also removed and placed in CD 8. The Brownsville community is also a key community of interest of people of African descent within District 9.

We propose that the Special Master conduct equal population swaps of 106,867 between CDs 8 and 9, as noted in our map submission accompanying this letter. With this remedy, the communities of interest in each of these districts would be kept whole, and Black voters would not see their voting strength diluted.

As constituted in the Special Master's map, in CD 16, the historically recognized community of interest of people of African descent which includes Mount Vernon, Coop City

and Wakefield, is now split between three congressional districts. This proposal not only cracks these communities, but also decreases the Black voting age population and effectively decreases the voting strength of people of African Descent in the Northern Bronx.

As a solution, we propose that the Special Master conduct equal population swaps of 45,125 individuals between CDs 14 and 16 as reflected in our map submission. Co-op City was placed in CD 14 which is a significant community in the northern Bronx section and shares a community of interest with the Baychester area of the Bronx. This has been a COI in that district for decades. This area is one of the largest voting blocs in the country and removing it would significantly dilute CD 16's Black voting power.

In CD 17, the Special Master's map uproots the economic, social, and cultural life of the Westchester, Rivertown, Hudson, and Rockland County area. The lines for this district similarly cracks this area's community of interest of people of African descent, dilutes their voting strength, and disregards their common transportation and communications systems. Instead, we suggest keeping the Westchester Rivertowns together which would follow the Bipartisan Solution for Congressional District 17. Our suggestion includes keeping Dutchess and Greenburgh counties whole and within CD 17, as well as keeping White Plains whole and within CD 17.

We stress the importance of ensuring neighborhoods and communities of interest remain intact, especially when the cost of doing otherwise means the disenfranchisement of multiple communities and voters of color.

Conclusion

Black, Latino and Asian Americans are protected racial groups under the Voting Rights Act. These communities simply seek to be given equal opportunities as other communities to elect candidates of their choice. We urge this court to comply with New York State's constitutional requirements, to keep communities of interest together, and to ensure that racial minorities have a full and fair opportunity to elect candidates of their choice, as also required by the Voting Rights Act. Wherever possible, the Unity Map coalition respectfully offers its assistance in this redistricting process and encourages you to adopt the Unity Map for all legislative district levels. Thank you.

Respectfully Submitted,

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