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## **PUBLIC NOTICE**

**PLEASE TAKE NOTICE THAT THE  
TEMPORARY DISTRICTING ADVISORY COMMISSION**

**FOR THE**

**THE NASSAU COUNTY LEGISLATURE**

**WILL HOLD A PUBLIC HEARING  
IN PERSON AND REMOTELY**

**ON**

**WEDNESDAY, NOVEMBER 16, 2022**

**6:00 PM UNTIL LAST PUBLIC SPEAKER**

**In Person or Remotely**

**IN**

**THE PETER J. SCHMITT MEMORIAL LEGISLATIVE CHAMBER  
THEODORE ROOSEVELT EXECUTIVE AND LEGISLATIVE BUILDING  
1550 FRANKLIN AVENUE  
MINEOLA, NEW YORK 11501**

**PLEASE CHECK WEBSITE AT LEAST 24 HOURS BEFORE MEETING FOR  
ANY CHANGES, POSTPONEMENTS OR CANCELLATIONS FOR  
UPCOMING MEETINGS. IF A MEETING IS CANCELLED OR POSTPONED A  
NEW PUBLIC NOTICE WILL BE POSTED**

Attendees will be given an opportunity to sign in to address the Legislature. Public comment will be limited to 3 MINUTES. Public comment on any item may also be emailed to the Clerk of the Legislature at [LegPublicComment@nassaucountyny.gov](mailto:LegPublicComment@nassaucountyny.gov) and will be made part of the formal record of this Temporary Districting Advisory Commission meeting.

**FRANCIS X. MORONEY  
CHAIRPERSON**

**DATED: November 9, 2022**

Mineola, NY

The Nassau County Legislature is committed to making its public meetings accessible to individuals with disabilities and every reasonable accommodation will be made so that they can participate. Please contact the Office of the Clerk of the Legislature at 571-4252, or the Nassau County Office for the Physically Challenged at 227-7101 or TDD Telephone No. 227-8989 if any assistance is needed. Every Legislative meeting is streamed live on <http://www.nassaucountyny.gov/agencies/Legis/index.html>

**Majority Appointees**

Peter Bee  
John L. Reinhardt  
Maureen Fitzgerald  
Christopher Devane  
Eric Mallette



**Minority Appointees**

David Mejias  
Jared Kasschau  
Andrena Wyatt  
James Magin, Jr.  
Michael Pernick

**Francis X. Moroney, Chair**  
**Temporary Districting Advisory Commission**

Nassau County Legislature  
1550 Franklin Ave  
Mineola, New York 11501

**Agenda – Wednesday, November 16, 2022 at 6pm**

1. Open meeting – Pledge to the Flag
2. Chairman's Statement
3. Introduction of the Commissioner's
4. Public Comment
5. Other Business

## Albert, Crystal

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**From:** D'Yonce Williamson <deeswills18@gmail.com>  
**Sent:** Tuesday, November 15, 2022 12:52 PM  
**To:** LegPublicComment  
**Subject:** Written Testimony

Attention: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Good Afternoon,

Districts are not to be drawn with intent of denying equal opportunity of racial or language minority groups to participate in the political process. - Gov. Hochul

It is very clear the purpose of this redistricting, specifically in Lakeview, which is a known minority community, is of ill intent.

It is also known that this redistricting is being done to maintain the conservative vote of Nassau county and suppress not only minority voters but also our resources. Lakeview has been in LD2 since the 1990s.

Nassau County came in at #1 for safest places to live in America yet as a black woman I feel endangered any time I leave my own community. Redistricting will only make the segregation of Nassau County worse. The job of politicians is to keep ALL citizens in mind. Not just some.

I openly stand against the redistricting of Nassau County lines. I will not stand for gerrymandering. I will not stand for the perpetuation of structural racism of the black and brown citizens of Nassau county.

D'Yonce S. Williamson

## Albert, Crystal

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**From:** Hector Mendez <hectoremendez@icloud.com>  
**Sent:** Wednesday, November 16, 2022 4:44 PM  
**To:** LegPublicComment  
**Subject:** South Hempstead Redistricting

Attention: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Dear Constituents,

It appears that South Hempstead was redistrict in 3 ways. This is a Hamlet with about 700 homes, the Hamlet organized South Hempstead Civic Association since 1938. As a Hamlet we work together with our Political Leaders in resolving community issues.

What you are proposing is that we become divided as Hamlet and as so we don't have the voice of the entire Hamlet. This can cause issues within our small Hamlet when parties are apposed to working together and we can accomplish anything for the better of the Hamlet.

I understand the issue with large diverse communities. South Hempstead is a Hamlet with 700 homes and everyone knows everyone.

Please reconsider your decision to divide South Hempstead.

Thank you,

Hector E Mendez  
Treasurer  
South Hempstead Civic Association  
1027 Long Beach Road  
South Hempstead, NY 11550  
Mobile - 201-736-2966

Sent from my iPhone

## Albert, Crystal

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**From:** JUDY WILLIAMS <a4you@live.com>  
**Sent:** Tuesday, November 15, 2022 6:16 PM  
**To:** LegPublicComment  
**Subject:** Redistricting proposal

**Attention: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.**

Hi,

I am opposed to the redistricting of Lakeview. I am a current resident and I am happy with our current district.

Thanks  
Judy Williams  
415 Cornell Ave.  
Lakeview, NY 11570

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## Albert, Crystal

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**From:** MW <artfullinc@gmail.com>  
**Sent:** Wednesday, November 16, 2022 1:45 PM  
**To:** LegPublicComment  
**Subject:** Redistricting Hearing

**Attention: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.**

Hello,

My name is Michelle James Wettstein. I am the President of the South Hempstead Civic Association. A recent COVID infection is keeping me from attending tonight's hearing, but I wanted to voice my opinion on how absolutely unacceptable splitting our community into 3 Legislative Districts is, to not only our community but our surrounding communities as well which are also being butchered. South Hempstead is a tight knit community and this proposed map unacceptably destroys any voting power we have as a community. Looking at the Republican proposed map, its very easy to see all the racial implications and again is completely unacceptable for our community and for our neighbors.

Thank you,

Michelle James Wettstein



**Nassau County**

**Testimony of the New York Civil Liberties Union, Nassau County Region**

**before**

**the Nassau County Temporary Districting Advisory Commission**

**regarding**

**Proposed Redistricting Plans for the Nassau County Legislature**

**Wednesday, November 16, 2022**

The New York Civil Liberties Union (“NYCLU”) respectfully submits the following testimony regarding the proposed redistricting maps submitted by the Republican Commissioners of the Nassau County Redistricting Commission. The New York Civil Liberties Union is a non-profit, non-partisan organization with more than 85,000 members and supporters and is the New York State affiliate of the American Civil Liberties Union. The NYCLU is dedicated to the principles of liberty and equality enshrined in the United States and New York State Constitutions. In support of those principles, the NYCLU has repeatedly litigated on behalf of voters in cases involving the right of electoral suffrage under both state and federal law over the course of many decades.

The map identified as “Nassau Plan 5” and proposed by the Commission’s Republican members (the “Republican Map”) shows strong indicia of racial gerrymandering and the dilution of Black, Latinx, and Asian voting strength. In doing so, the Republican Map likely violates some or all of the following: the United States Constitution, the New York State Constitution,<sup>1</sup> Section 2 of the Voting Rights Act of 1965, the Municipal Home Rule Law, and the John R. Lewis Voting Rights Act of New York. The Republican Map and its related data and memoranda were published on November 10, 2022. The public hearing on the Commission’s draft maps is being held on Wednesday, November 16, 2022. That leaves only four business

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<sup>1</sup> The protections against racial discrimination in voting provided by the New York State Constitution are at least co-extensive with the 14th and 15th Amendments to the United States Constitution. Moreover, the New York State Constitution also includes express protections for the right to vote (N.Y. Const. Art. 1 § 1; Art. II § 1) that exceed the protections of the United States Constitution and interact with the state constitutional Equal Protection Clause (N.Y. Const. Art. I, § 11) and the state constitution’s heightened protections for free speech and association (Art. I, § 8) to offer further protections against racial discrimination in voting.



days between the two—hardly enough time for the thorough analysis required to evaluate whether and to what extent a proposed redistricting plan affords fair representation under the law. However, the Republican Map has some fatal flaws that are obvious even within the limited time available to evaluate it. This Commission should reject it and work cooperatively and transparently to draw a map that comports with the law and provides fair representation for Nassau County’s communities of color.

The Republican Map is an impermissible racial gerrymander. The Republican Map increases the number and concentration of Black voters in Legislative District 1 to create a Black-majority district, even though Black voters are already able to elect their candidates of choice in that district as a Black plurality.<sup>2</sup> The Voting Rights Act does not require this packing of Black voters. It is evidence of intentional racial vote dilution in violation of the United States and New York State Constitutions, as well as the Voting Rights Act of 1965. Where a jurisdiction seeks to draw majority-Black districts to comply with the Voting Rights Act, the United States Supreme Court has held that the jurisdiction must show that compliance *necessitates* those districts; it is not sufficient to show “only that the VRA *might* support race-based districting.” *Wisconsin Legislature v. Wisconsin Elections Commission*, 142 S. Ct. 1245, 1249 (2022) (per curiam). To support the development of majority-minority districts, a jurisdiction must determine whether all three preconditions for a finding of racial vote dilution are present. *Id.* at 1248. Court then must consider whether under the totality of circumstances there is inequality of opportunity in the ability of racial minority voters to elect their preferred candidates. The three preconditions are whether (1) the minority group at issue is sufficiently numerous and compact to constitute a majority in a single-member district; (2) the group at issue is politically-cohesive; and (3) a majority group votes sufficiently as a bloc to enable it to usually defeat the minority group’s preferred candidate. *Id.* (citing *Thornburg v. Gingles*, 478 U.S. 30, 50-51 (1986)).

In *Cooper v Harris*, the United States Supreme Court found North Carolina’s congressional plan improperly turned two districts in which Black voters formed the plurality of the districts into majority-Black districts, packing Black voters into those two districts to make the surrounding districts safer for white voters to elect their preferred candidates (i.e., Republican candidates). The Court explained that candidates supported by Black voters were already winning there even without a majority, meaning that a Voting Rights Act challenger could not satisfy the third *Gingles* factor. The Court held the plan was a racial gerrymander because the state lacked “a strong basis in evidence” for believing that the Voting Rights Act required majority-minority districts. 137 S. Ct. 1455, 1464 (2017). In *Wisconsin Legislature*, the U.S. Supreme Court reversed a Wisconsin Supreme Court decision imposing a redistricting plan that created additional majority-Black districts in the state legislative map. In that case, the state had a map that showed the additional districts were possible, but had not done any analysis of

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<sup>2</sup> A file named “NassauCountyRedistrictingReport\_20221110.pdf” was published with the Republican Map. In that report, Skyline Consulting wrote: “Under the existing map, Nassau County has no Voting-Age Non-Hispanic Black (NHB18) majority districts.” According to both that report and the demographic data published with the Republican Map, titled “Nassau\_Plan5\_And\_Existing\_Demographics.pdf,” the existing map has a Non-Hispanic Black Voting Age Population of 46%, which the Republican Map increases to 51%.

whether and to what extent polarized voting necessitated the creation of the additional districts. 142 S. Ct. at 1249.

Here, there is every indication that Black voters are able to elect their candidates of choice in District 1—a district that is currently plurality-Black and super-majority Black-and-Latinx. Certainly, there is no evidence that the preferred candidates of Black voters in District 1 are usually defeated. Packing more Black voters into District 1 to form a majority-Black district is not necessary to remedy a Voting Rights Act violation. The memorandum from the consultants that drew the Republican Map—Skyline Consulting—expressly disclaims: “At this point we have not performed or studied any analysis that indicates whether Section 2 requires that this district be created.” Absent any evidence that the Voting Rights Act requires a Black-majority district, it is clear that the Republican Map uses the Voting Rights Act as a pretext for racial gerrymandering by packing Black and Latinx voters into District 1. This evidence of impermissible racial motivation leaves an enduring stain on this process.

To the extent the proponents of the Republican Map contend that a Black majority district rather than Black-Latinx coalition districts are required to satisfy the Voting Rights Act because Black and Latinx voters are not politically cohesive, there is simply no evidence in the record to support that proposition. Indeed, the statistical evidence of racial voting patterns in the record; public testimony; and official data on housing, education, employment, criminal justice, and social services show that the Black and Latinx populations have numerous indicators of political cohesion. Deliberate indifference to the common needs of the Black and Latinx communities is not a legitimate basis for failing to recognize that they are politically cohesive. Moreover, the statistical evidence of racial voting patterns in interracial contests in the record before this Commission indicates that the preferred candidates of Black and Latinx voters are usually defeated by a cohesive bloc of white voters.<sup>3</sup> In such situations, coalition districts—i.e., where two or more politically-cohesive minority groups form a majority in a single member district—are appropriate to remedy a potential violation of Section 2 of the Voting Rights Act. In the Second Circuit, coalition districts are an available and appropriate remedy where two or more politically cohesive racial minority groups are subject to racial vote dilution.<sup>4</sup> Black and Latinx coalition districts have been performing in the Nassau County Legislature for Black and Latinx

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<sup>3</sup> “[I]nterracial elections are the best indicators of whether the white majority usually defeats the minority candidate,’ because ‘[a] system that works for minorities only in the absence of white opposition is a system that fails to operate in accord with the law.’” *Mo. State Conf. of the NAACP v. Ferguson-Florissant Sch. Dist.*, 201 F.Supp.3d 1006, 1040 (E.D. Mo. 2016) (quoting *Bone Shirt v. Hazeltine*, 461 F.3d 1011, 1020-21 (8th Cir. 2006); *Harvell v. Blytheville Sch. Dist. No. 5*, 71 F.3d 1382, 1389-90 (8th Cir. 1995)).

<sup>4</sup> See *Nat’l Ass’n for Advancement of Colored People, Spring Valley Branch v. E. Ramapo Cent. Sch. Dist.*, 462 F. Supp. 3d 368, 379 (S.D.N.Y. 2020) (“[D]iverse minority groups can be combined to meet VRA litigation requirements,’ provided they are shown to be politically cohesive.”), *aff’d sub nom. Clerveaux v. E. Ramapo Cent. Sch. Dist.*, 984 F.3d 213 (2d Cir. 2021); see also *Pope v. County of Albany*, No. 11-CV-736, 2011 WL 3651114, at \*3 (N.D.N.Y. Aug. 18, 2011), *aff’d*, 687 F.3d 565 (2d Cir. 2012); *Rodriguez v. Pataki*, 308 F. Supp. 2d 346, 374-75 (S.D.N.Y.), *aff’d*, 543 U.S. 997 (2004).

voters. After a decade of growth in the Black and Latinx share of Nassau County and a concomitant reduction in the white share, another coalition district is warranted.

That the Republican Map likely violates the Municipal Home Rule Law should be obvious to anyone who paid even a modicum of attention to the *Harkenrider* case. The requirements of the Municipal Home Rule Law are far stricter than the constitutional standards applied to the Congressional and State Senate maps that were invalidated in the *Harkenrider* case. The Municipal Home Rule Law *requires* county legislatures to take the following principles into account in the following order: (1) equipopulation within a margin of error of five percent; (2) non-dilution and non-retrogression of the voting strength of racial or language-minority groups; (3) contiguity; (4) compactness; (5) no favoring parties or incumbents; (6) *to the extent practicable*, maintaining cores of existing districts and respecting communities of interest, including respect for the boundaries of villages, cities, and towns; and (7) promoting the orderly administration of elections. These criteria are nearly identical to the constitutional criteria applied in *Harkenrider*, but the Municipal Home Rule Law imposes *mandatory* prioritization of these criteria in that rank order. The Republican Map at issue here is no better than the Democratic map at issue in that case, and is likely far worse due to the gratuitous packing of voters of color.

The Republican Map privileges maintaining the cores of existing districts to the exclusion of virtually all other criteria. As demonstrated above, the Republican map flagrantly disregards the non-dilution, non-retrogression criterion of the Municipal Home Rule Law—the law’s second highest ranking criteria behind respect for the one-person, one-vote principle. In addition to gratuitously packing Black voters as noted above, the map ignores the substantial increases in the County’s Black, Latinx, and Asian share of the County’s population since the last map was drawn. This failure is especially egregious in light of the protection for influence districts required by the John R. Lewis Voting Rights Act of New York (NYVRA), Election Law § 17-206[2][b]. In such a district, as Justice O’Connor wrote in *Georgia v. Ashcroft* in 2004, an influence district is one where “minority voters may not be able to elect a candidate of choice but can play a substantial, if not decisive, role in the electoral process.” Indeed, as a federal appeals court wrote over quarter-century ago: “Influence districts, on the other hand, are to be prized as a means of encouraging both voters and candidates to dismantle the barriers that wall off racial groups and replace those barriers with voting coalitions.” *Uno v. City of Holyoke*, 72 F.3d 973, 991 (1st Cir. 1995). Although the NYVRA may be new, the concept of an influence district should be familiar to anyone who has worked in redistricting over the past three decades.

Although marginally more compact than the 2013 map, the proposed Republican map is not compact. The Municipal Home Rule Law clearly ranks compactness as a higher priority than preserving the cores of existing districts. The proposed Republican map simply compounds that the errors of the 2013 map. The Republican map also gratuitously splits the Village of Freeport—the state’s second largest village and a majority-Latino and Black municipality. Moreover, there is no principle that supports privileging the preservation of existing district cores, particularly when the existing map is such a flagrant gerrymander in its own right. Allowing the preservation of existing cores to trump higher ranked priorities is both contrary to the statutory text and would frustrate the purpose of the Municipal Home Rule Law. Nothing in the text or legislative history of the Municipal Home Rule Law indicates an intent to grandfather-in flagrant violations.

## Albert, Crystal

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**From:** Wycinna Spence <wycinna\_spence@yahoo.com>  
**Sent:** Tuesday, November 15, 2022 6:14 PM  
**To:** LegPublicComment  
**Subject:** Lakeview Redistricting

Attention: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Hi,

I am submitting my testimony regarding the proposal for Lakeview redistricting. I am opposed to this proposal. Lakeview has had it's own representation since the 90s and we would like to continue to keep it that way. We want to make sure we are collectively voting on a representative that will have our best interests and not be added to larger towns that may have a different set of interest. Please keep it the same.

I've been a Lakeview resident since 1984.

Current address:  
902 Pinelake Dr.  
Lakeview, NY 11552

Thanks  
Wycinna Spence

Sent from my iPhone

## Albert, Crystal

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**From:** Scott Clodfelter <scottusf@yahoo.com>  
**Sent:** Wednesday, November 16, 2022 6:50 PM  
**To:** LegPublicComment  
**Subject:** Do not re-district South Hempstead

Attention: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

As a resident of the tight knit community of South Hempstead, I am urging you not to re-district this community.

The proposal will split this community into three. The proposed map is completely unacceptable.

Regards,  
Scott Clodfelter  
396 Locust St  
South Hempstead, NY 11550  
516-426-2351

## Albert, Crystal

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**From:** Emily Puccio <emjoe@optonline.net>  
**Sent:** Wednesday, November 16, 2022 6:12 PM  
**To:** LegPublicComment  
**Subject:** New Proposed Nassau County Map Redistricting Hearing

Attention: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Hi my family and I have been living in South Hempstead for 13 years. South Hempstead is a very close knit community and has been for years. My family and I are opposed to the proposed map. It is absolutely unacceptable in our opinion Please do not make any changes and let the South Hempstead Community have our own voice. Thanks for listening and reading this email.

Best regards, The Puccio Family (547 Willow Street  
South Hempstead, NY 11550)

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NASSAU COUNTY  
TEMPORARY DISTRICTING  
ADVISORY COMMISSION

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MEETING X

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FRANCIS X. MORONEY

CHAIR

\*\*\*\*\*

Held at

Nassau County Legislature  
1550 Franklin Avenue  
Mineola, New York

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Wednesday, November 16, 2022

6:21 p.m.

TAKEN BY: KAREN LORENZO, OFFICIAL COURT REPORTER

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A P P E A R A N C E S:

COMMISSIONERS:

FRANCIS X. MORONEY, CHAIRMAN

PETER BEE

JOHN J. REINHARDT

MAUREEN FITZGERALD

CHRISTOPHER DEVANE (absent)

ERIC MALLETT

\*\*\*

DAVID MEJIAS, VICE CHAIR

JARED KASSCHAU

ANDRENA WYATT (6:25 p.m.)

JAMES MAGIN, JR.

MICHAEL PERNICK

\*\*\*

EXECUTIVE DIRECTORS:

ELISABETTA COSCHIGNANO

RACHEL WHITMORE

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BOARD ATTORNEYS:

VINCENT MESSINA, ESQ.

PETER CLINES, ESQ.



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A L S O A P P E A R E D :

DR. MAGLEBY, SUNY BINGHAMTON

PUBLIC COMMENT:

MR. LEWIS

MAYOR CAVALLARO

DEPUTY MAYOR JEFFERSON

MR. BERSE

MR. DOBRIN

MS. WALKER

MS. FLEISCHER

MR. BEHR

MS. BROWN

MS. PROPHET

MS. DAVIS

MR. QUINTANILLA

MS. MANTALBANO

MR. RUIS

MS. EPSTEIN

MS. JOHNSON

MR. BREWINGTON

MR. AMAZON

MS. CHASE

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- MS. LAMBERTI
- MS. JACOBS
- MR. HODGES
- MS. RICHARDSON
- MS. BERRY
- REVEREND SALLEY
- MS. GRIFFITH
- MR. EDMENTON
- MS. LAWRENCE
- MS. RUSSEL
- MS. MCNAIR
- MR. BOITEL
- MS. MAYNARD
- MS. HICKS
- MR. VATTAMALA
- MS. BELL
- MS. COADS
- MR. ALEXANDER
- MS. ORTIZ
- MS. PIERRE JOHNSON
- MS. DEMOSTHEINES
- MS. TERRELOUNGUE
- MS. NICKS (TEAMS)

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AGENDA

1. Open meeting - Pledge of Allegiance
2. Chairman's Statement
3. Introduction of the Commissioner's
4. Public Statement
5. Other Business

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CHAIRMAN MORONEY: Ladies and gentlemen, if I could have your attention. We are going to start off with the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance is recited.)

CHAIRMAN MORONEY: Ladies and gentlemen, we're going to start if you want to sign up. There's a sign up place over here (indicating). We now have over 50 people we're looking to hear. We have the three minute rule, and that means that in three minutes, you'll see the clock up front, we're going to tell you to wrap up what you're saying. We're going to be firm about it and we're not going to spend a lot of time with back talk. There's a lot of people here. Everybody has an opinion. There's a lot of new faces here, which is a good thing to see. A lot of old faces here. And it's always pleasant to see people that you know. So please bear with us. We'll get this going and get it done as fast as we

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can. But please cooperate with the rule.  
All right. Thank you so much.

COMMISSIONER MEJIAS: Was that on  
the three minute rule?

CHAIRMAN MORONEY: Yes.

COMMISSIONER MEJIAS: You know, just  
I just want to make it clear to the  
audience. We did have a discussion  
earlier today, myself and Chairman  
Moroney. So far, we have over 40 people  
that have submitted their names to speak  
before the Commission. We want to make  
sure that the 37, 38, 39th and 40th  
person has their voice heard as well.  
We're going to try and stick to the three  
minute rule as much as possible today.  
If you can think about your comments  
while you're sitting there and be as  
concise as possible, because there are a  
lot of people that are away from their  
families tonight that would love to put  
their kids to bed. But, you know, they're  
going to be the 40th or 45th person  
speaking tonight, late in the evening. We

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want to hear from all of you. And we just want to be respectful of everybody's time.

So I want to thank the chairman for calling me today to make sure that we do move this along and that everybody gets their chance to speak. So thank you.

CHAIRMAN MORONEY: Thank you.

Mr. Clerk, would you take the roll?

CLERK PULITZER: Thank you, Chairman.

We are going to have the roll call of the commissioners. Please signify by saying here or present.

Commissioner Peter Bee.

COMMISSIONER BEE: Here.

CLERK PULITZER: Commissioner John J. Reinhardt.

COMMISSIONER REINHARDT: Here.

CLERK PULITZER: Commissioner Maureen Fitzgerald.

COMMISSIONER FITZGERALD: Here.

CLERK PULITZER: Commissioner Christopher Devane.

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(Whereupon, no response.)

CLERK PULITZER: Commissioner Eric Mallette.

COMMISSIONER MALLETTE: Here.

CLERK PULITZER: Commissioner David Mejias.

COMMISSIONER MEJIAS: Present.

CLERK PULITZER: Commissioner Jared Kasschau.

COMMISSIONER KASSCHAU: Present.

CLERK PULITZER: Commissioner Andrena Wyatt.

(Whereupon, no verbal response.)

COMMISSIONER MEJIAS: She'll be here in a few minutes.

CLERK PULITZER: Commissioner James Magin, Jr.

COMMISSIONER MAGIN: Present.

CLERK PULITZER: Commissioner Michael Pernick.

COMMISSIONER PERNICK: Present.

CLERK PULITZER: Chairman Francis X. Moroney.

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CHAIRMAN MORONEY: Present.

CLERK PULITZER: We have a quorum,  
sir.

CHAIRMAN MORONEY: So now I'm going to start over again. Good evening. First off, welcome to this hearing. This is the 10th hearing that we've had since we started this process back on August 31st. It's good to see a lot of people in here. It's good to see a lot of people who have interest in their communities. There are multiple people who are from different communities who have great opinions about what should be done and what shouldn't be done.

You have in front of you some maps, you are welcome to look at them. This is a hearing on those maps. And there will be questions and answers perhaps back and forth during the course of it. But we still are going to adhere to the three minute rule.

The Commission consists of 11 members with one non voting chairman



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being appointed by the County Executive.

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There are five members appointed by the

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Presiding Officer and five members

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appointed by the Minority Leader. The

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Commission permits but does not require

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public hearings. The prior apportionment

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processes established that tradition with

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permissive hearings and meetings and they

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have been held that way ever since,

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including this one.

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The County Legislature allocated

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\$985,000 to the work of this Commission.

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The allocation is divided equally between

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the commissioners appointed by the

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Presiding Officer and the Minority

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Leader. However, a portion of that money

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is set aside to pay for stenographic

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services, American sign language

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interpreters, non-English speaking

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interpreters and those are shared funds.

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Each delegation of appointees

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divides the balance to the needed mapping

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technology, software and hiring experts,

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counsel and other staff they deem

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necessary for developing the map or maps.

The Commission must comply with both Federal and State law. The proceedings must be fair and transparent to the public. After tonight, the maps will be turned over to the to the Legislature. Likewise, all transcripts and public comment that have been generated will also be sent over.

In addition to all items that are not included in the record, they may also be delivered to the County Legislature to the Clerk for inclusion and to the submission to the County Legislature.

The County Legislature may reject, adopt, revise or amend the redistricting plan or plans recommended by the Temporary Districting Advisory Commission or adopt any other redistricting plan which meets all Constitutional, Federal and State statutory requirements.

In order to achieve transparency, all meetings and hearings are streamed publicly and over the Internet, and the

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Legislative Clerk will be the repository of the documents.

Further, commission will stream the hearings and keep a record until December 1st, 2022. That means by that date, if you have a submission, please send it in to the Clerk's Office and it will be included in the transmission to the Legislature. Nonetheless, if you send something in after the first, it will likewise be transferred over to the Legislature, although it wouldn't be part of the official record.

In preparation for this hearing today, Notice of this meeting and others was sent to the following:

The Office of the County Executive;  
All county legislators; members of the  
Minority Commission Delegation; Members  
of the Majority Commission Delegation;  
Nassau County League of Women Voters;  
City of Glen Cove; The City of Long  
Beach; The Town of Hempstead; The Town of  
North Hempstead; The Town of Oyster Bay;

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2 22 Villages in the town of Hempstead; 30  
3 villages in the town of North Hempstead;  
4 16 villages in the town of Oyster Bay, 55  
5 Libraries, 57 school districts, 67 civic  
6 associations, 50 chambers of commerce,  
7 and 150 news and media outlets that serve  
8 Nassau County.

9 The public may send any written  
10 requests to this Commission at 1550  
11 Franklin Avenue, Mineola, New York, or  
12 the e-mail of the Commission, which is on  
13 the on the Internet today.

14 Mr. Mejias.

15 COMMISSIONER MEJIAS: Thank you, Mr.  
16 Chairman. We do have a PowerPoint. It  
17 should be uploaded if you could see them  
18 on the screens. Slide one.

19 (Whereupon, a PowerPoint  
20 presentation is displayed and  
21 referred to by Mr. Mejias.)

22 COMMISSIONER MEJIAS: Based on  
23 public comment, the Democratic Delegation  
24 has prepared an additional proposed map,  
25 which is extremely similar to the map we

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submitted to the public on November 10th. But with just a few tweaks. We base that on public comment and I'll let Commissioner Pernick explain those tweaks later on this evening.

But before we address that, I have some comments about this process and the illegal Republican map, and I know my colleagues have some introductory remarks as well.

We also have Dr. Magleby here with us today who will speak to the analysis that he performed. Next slide.

Okay. So anyone who has attended any of the hearings is well aware of the grave deficiencies in transparency throughout this process. The lack of transparency and one sidedness by the Republican commissioners has been designed to suppress the public participation and prevent bipartisan negotiation. From day one, the Democratic commissioners have been committed to transparency and a fair process. That's

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why we offered a series of resolutions and motions regarding transparency, and each one of them were rejected.

We offered resolutions on public hearings, having more public hearings on transparency, on how staff was retained, what experts were going to be retained, who our outside counsel would be and other consultants so that we would each disclose them to each other so that we knew who they were.

Our resolution to work collaboratively on scheduling commission meetings was voted down. Also, we submitted a proposal for the prohibition of partisan data to be used in our mapmaking, which is the law, by the way, and that was voted down by the Republican commissioners.

We submitted a resolution regarding posting of relevant redistricting materials on the County website, that was voted down by the Republican commissioners. We asked for timely

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publication of maps. Our maps were introduced to the public November 10th. For the first time. It has been a mere six days since that time. Not nearly enough time for the public to digest the maps and see exactly how they were drawn and how it would affect them. As well, in a vain and desperate attempt to come to some sort of consensus, we asked for at least two weeks to review the draft maps. Commissioner Kasschau requested that the Republican commissioners agree to release the maps at least one week in advance of any commission vote. The best we can do was six days. Next slide.

We have a few final concerns about the transparency and the refusal by the Republicans to engage in a bipartisan manner. There were misleading and deficient hearing notices. Today's hearing was supposed to be a hybrid hearing allowing people to testify in person or remotely. The notice that was circulated even says that the hearing

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will be held in person and remotely. But the link for the remote participation was not posted until this afternoon, and no instructions have been provided to the public as to how to sign up to testify remotely.

Restrictions on public comment: The Republican commissioners are refusing to permit public comment at our final hearing, where we will be voting on whether or not to send these maps to the Legislature. Even though this Commission may develop new proposals over the next few days, the public will have zero opportunity to testify to the Commission about those proposals, and that's just wrong.

Secrecy of outside consultants and experts: The Republican commissioners kept the identity of their demographic consultant a secret until the absolute last minute. We asked them over and over again to disclose who was drawing maps, and they even agreed to provide that



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information, but they never did. We found out that they had hired David Schaefer to draw their maps only last week. It now makes sense why they kept this private. Mr. Schaefer has a long track record of bias and ties to the Republican Party. He was hired by the Republican controlled Town Council. The Republican leadership in Suffolk County hired him to perform redistricting work exclusively for the Republican delegation. The Republican controlled Town of Brookhaven hired him. The state Senate Republicans hired him. The Republican Nassau TDAC Commissioners, the Republican members of this very body hired him in 2013. He also helped develop the legislative map that currently exists. And we also know that Mr. Schaefer's work has been criticized for its partisanship. His work in Sullivan County was characterized as follows: John Conway, the historian for Sullivan County, also shares his disappointment with the process: "I cannot believe the

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2 process used to derive this map, or the  
3 map itself was your best work. I know  
4 you're better than that". Conway went on  
5 to say, "Whatever the motivation was, the  
6 map gives the impression that there was a  
7 clumsy attempt to gerrymander the  
8 districts. It has the appearance of  
9 impropriety".

10 In July 18, 2014 article. The record  
11 online *Times Herald-Record* said, "Redrawn  
12 Sullivan County District lines approve,  
13 but there's a backlash. The people spoke  
14 out".

15 There are gross deficiencies with  
16 the TDAC website. We have been raising  
17 concerns throughout this process of the  
18 gross deficiencies in the TDAC website,  
19 but the latest deficiency is perhaps the  
20 most disturbing. The official TDAC  
21 website fails to give the public the  
22 necessary information about the maps that  
23 are actually being proposed and discussed  
24 today. This is the one opportunity for  
25 members of the public to testify about

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2 the maps. But the Republicans have denied  
3 the public any of the information  
4 necessary to actually offer comment. When  
5 we provided our proposed maps to the  
6 Republican delegation, we provided  
7 multiple image files, including the file  
8 showing streets and communities as well a  
9 block equivalent equivalency file  
10 shapefile and data tables. The  
11 Republicans eventually did send that  
12 similar information to us, but none of it  
13 is on the website. Until this afternoon,  
14 none of the information was ever posted  
15 on the official website. All that was  
16 ever posted on the website are image  
17 files with no detail and no ability to  
18 actually understand the configuration of  
19 the districts.

20 Even now, there are huge gaps in the  
21 information posted. There's no backup  
22 data posted for the Republican map, and  
23 the crucial shapefiles are missing for  
24 the Democratic map. We all know that  
25 their proposal is blatantly illegal, so

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it is unsurprising that they are trying to shield the map from public view and have made it impossible for the public to understand why they are proposing what they are proposing. You cannot go to the County website and look up your block and see what district you live in under either map. That's just wrong. You're sitting here today waiting patiently to speak about a map, not even knowing where your street lies in it.

And what's even worse, before we vote on the map and after we go through and explain to you where there's different streets and blocks, even if we give you the information, you're not going to be allowed to speak at our next meeting. So we could make changes to the map and you can't say anything about it. And that's wrong also.

The Republicans also refused to participate in good faith partisan negotiations in the hopes of reaching a deal that could achieve consensus on the

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Commission. Last week, I reached out to our Chair and Commissioner Bee to invite them to work together to try to reach a bipartisan consensus. And I asked them if they had any specific comments on our map. They refused. Instead, Chairman Moroney, respectfully, without any basis, said that the Republican proposal is legal and ours is not, but didn't tell us why anybody on that side thought our map might not be legal.

I'd like to turn it over to my fellow commissioners to address our concerns with the Republican proposal, and Commissioner Pernick will now take over. But let me just say this. Everybody here has a stake in what happens here today. This is about equity, not necessarily not necessarily equality, but equity. This is about undoing decades of systematic institutional racism and segregation that have occurred here on Long Island.

In Nassau County, America's first

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suburb, all you need to do is look at the restrictive covenants that prohibited black families from owning the first Levitt houses. Clause 25 of the standard lease for the first Levitt houses said, they cannot be used or occupied by any person other than members of the Caucasian race.

The systematic discrimination and racism that has occurred in Long Island has led to Nassau County being the most segregated county in America. There are 126 school districts on Long Island, 80% of African Americans go to 11 of. In those school districts, the population of white kids is less than 3%; 95% of white kids in Nassau County and on Long Island go to school where the population of African Americans is less than 1%.

There are intensely segregated districts as of the 2020 census and those 11 districts out of 126 deserve fair representation. We are here to make sure that people in these communities, people

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of color, who have been segregated and discriminated against all these years have the representation that they deserve in government so that they can undo some of the things that have happened over decades in this county. We cannot ignore the fact. That the severe segregation and discrimination in Nassau County is a result of gerrymandered maps on the county and town level.

When I was a county legislator, there were two majority/minority districts. There are now -- in the last map, there were three. There's one thing that we know, and the data shows: There should be five, and there are only three. You have 3/5 of the representation that you deserve. Does that sound familiar? Is it? Right.

So we're going to go through a few reasons why our map is legal and some issues that we have with the Republican map. And I'm going to turn it over to someone who's far smarter than I am. Mr.

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Pernick.

COMMISSIONER PERNICK: Thank you very much, Commissioner. I think the framing that you offered to the attendees is absolutely right. This is an incredibly high stakes process. For the next ten years, we will all have to live with the map that emerges from this process. And ever since we received the Republican proposal five days ago, the commissioners, Democratic commissioners, we've looked at it closely. We've only had a few days with it. We've worked with expert consultants, some of the top experts, nonpartisan experts in the country to analyze this proposal and take a look at whether it complies with the law. Take a look at whether it comports with the requirements under Federal, State and Local Law, and it is clear that it does not. It fails in many, many ways. And I'm going to walk through those now so that everybody, the public, my fellow commissioners, are on notice and



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understand the severe defects in this plan.

First and most significantly, this plan is racially discriminatory. Full stop. It violates the Federal Voting Rights Act. It violates the John Lewis Voting Rights Act of New York because it unlawfully dilutes black and Latino voters. It violates the Equal Protection Clause of the United States Constitution as an unlawful racial gerrymander because it packs voters of color into District one with no justification. Let me say a little bit more about each of these points. Next slide, please.

So let's take a close look at what the outcomes are in the Republican proposal. Four districts where the black and Latino voting age population exceeds 50%, just four. Zero other districts where black and Latino voters have any opportunity to elect a candidate of their choice. All four of those districts are bizarrely shaped and pack black and

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Latino voters with no justification. And the conclusion when you have a map like this in a county like Nassau, which we know is characterized by racially polarized voting, the conclusion is that you violate the Federal Voting Rights Act and you'll definitely violate the new State Voting Rights Act of New York.

In contrast, the Democratic proposal from November 10th and the second proposal that we released publicly yesterday offers five districts where the black and Latino communities will have an equal opportunity. That's what this is about, opportunity to participate and to elect candidates of their choice. Next slide, please.

We've also become concerned that this map is a racial gerrymander. A little bit of constitutional law for a moment: The equal protection clause of the United States Constitution prohibits racial gerrymandering, prohibits using race for the purpose of drawing district

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boundaries, if not justified by an important state interest like the Voting Rights Act. This was established very clearly in a 2017 Supreme Court opinion, Cooper V Harris. Next slide.

District one has all the hallmarks of racial gerrymander. The Republican proposal jacks up minority population adds more black voters, more Latino voters into this district without any basis. This district was already performing for candidates preferred by voters of color, and now it has been additionally packed even more than it was. This packing is not justified by any state interest. It's certainly not justified by the Voting Rights Act because the district was performing prior to this cycle. Next slide.

The Republican proposal is an extreme partisan gerrymander. It violates new provisions of the Municipal Home Rule Law that make it illegal for jurisdictions to engage in a partisan

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gerrymander, and it will entrench one party control in Nassau County for the next decade. We know this because we have done the analysis. We have done the analysis as required by the Court of Appeals in Harkenrider v Hochul and the political scientist and professor who has done this analysis for us, Dr. Magleby, is here with us tonight, and he will walk through his analysis in a few moments. So I won't say more about that and steal Dr. Mableby's thunder. Next slide, please.

I just said, I won't say more about it. So we can go on to the next slide.

The Republican proposal is characterized by bizarre, contorted districts. I think big poster boards of the maps are in the back. Take a look at them. See if they pass the eyeball test. See if they pass the requirement that districts should be in compact form as practicable. That's the law in New York state, folks. Take a look. Make a judgment. A judgment for yourself. Let's

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look at a few of these districts

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together. Next slide, please.

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District 14. So this is a remarkably

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bizarre district. It starts in Stewart

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Manor and Garden City, it crosses into

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Coral Place and Westbury, then it slices

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through a sliver of Hicksville and

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ultimately connects to Bethpage. It

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covers three different towns, all three

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towns in Nassau County, in one district,

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all three towns. And when I asked the

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Republican demographer why he drew the

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map this way last week, he said, Well, I

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was trying to equalize population and

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respect the cores of the district, but he

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made no effort to draw a district that is

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more compact. Next slide, please.

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If you zoom in on District 14,

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you'll see that District 14 connects the

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Westbury portion to the Hicksville sliver

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only through a tiny bit of the Northern

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State. But there's no entrances or exits

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on this part of the Northern State. So

the only way to drive from the Westbury

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portion of the district to the Hicksville

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portion of the district is to, I don't

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know, get out of your car and cross the

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Northern State. Doesn't seem safe to me.

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You can always drive into other districts

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and then drive back into 14, but that

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defeats the point of contiguity. It

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defeats the point of having districts

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where you can get from one part of the

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district to another without having to

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cross into a different district. Next

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slide.

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District 14 only connects Westbury

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and Garden City with a narrow strip of

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land along old Country Road. Connecting

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different communities with the tiniest of

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slivers, this is a hallmark of mal intent

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and redistricting. Next slide, please.

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Let's turn to District two. This

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district starts in New Castle, crosses

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into Uniondale and East Meadow. It

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extends into Hempstead. It includes parts

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of Garden City South. It includes

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appendages that go out into West

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Hempstead, South Hempstead and Lakeview. It is a bizarre and highly irregular shape. And like 14, this district also crosses into all three towns in Nassau County. Next slide.

The only connection between New Castle portion of the district and the Uniondale portion is a tiny three block intrusion into Salisbury. It's otherwise splitting a whole community with this intrusion for no reason other than to connect these two different communities into a single district. Next slide.

Let's talk about District three. This district connects South Floral Park and Elmont, portions of Elmont, portions of North Valley stream down to Inwood, fracturing the five towns. Next slide. This bizarrely shaped district also is not connected by any road. The only way to travel from one part of the district to another is to cross a creek and then across the golf course. So I don't know how you would travel from one part of the

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district to the other. I don't think you can without going into Queens or going into other districts.

COMMISSIONER MEJIAS: Or having a caddy.

COMMISSIONER PERNICK: Or having and a canoe. Next slide.

District nine is another remarkably bizarrely shaped district that slices through Searingtown, Roslyn Heights, to connect communities like Plandome and Munsey Park up in the northern part of the town, down to communities like Williston Park, East Williston and Mineola in the southern part of the town. No justification for these bizarre districts and no effort to draw a more compact shape as required by the municipal home rule law. Next slide.

It's not just the eyeball test. The numbers show this, too. We've looked at these objective measures of compactness and confirm that across multiple measures, if you look at the districts,



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means the least compact, the most compact, the data supports this conclusion that the Republican map is a severely un-compact map that has no business being our method of electing county legislators. Next slide.

The Republican map devastates, devastates communities of interest across our county, and it totally ignores the Municipal Home Rule Law's requirement to consider pre-existing political subdivisions, including cities, villages, towns and communities of interest. Now, I will say there's a requirement under the municipal home rule law that small villages, villages that are less than 40% the population of a district need to be kept whole. And they do that. We do that. But there's also a requirement that you consider other political subdivisions, other communities of interest, and their map totally ignores that. Let's look at a few examples. Next slide.

The Republican proposal cracks Asian

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communities in New Hyde Park and Garden City Park into District nine and places Asian communities in North New Hyde Park, Manhasset Hills and Herricks into District ten, slicing this incredibly important Asian community in North Hempstead right down the middle so that voters in this community have no opportunity to influence the outcome of elections and elect candidates of their choice. Next slide.

COMMISSIONER MEJIAS: I just want to point out that this District nine, which is one of the most bizarrely shaped districts in the Republican map, is where the Presiding Officer lives. Who's going to control the entire redistricting process in the Nassau County Legislature and he's the one that's going to decide what these maps look like. And coincidentally, he's got a very nice district for himself. So if you're wondering if the system is rigged, I'll just leave it up to you to determine

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COMMISSIONER PERNICK: Now we know it's possible to do better because we have done better. And our map, we have what's called an Asian influenced district, a district in which Asian voters are unified and have an opportunity to elect candidates of their choice. This is an incredibly important step and long overdue, especially given the significant rise in Asian population here in Nassau County. And it also may give rise to another violation of law under the New York Voting Rights Act for discrimination against Asian voters and the ability of Asian voters to elect candidates of their choice. Next slide.

The Village of Hempstead, the largest village in the country, an important community, has been cracked in half. Our map unifies it in a single district. Next slide.

The Five Towns. An incredibly important community here in Nassau

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County, has been splintered into four different districts, rendering the Five Towns residents unable to elect any candidates of their choice and splintering that community across four different districts. We know it's possible to do better because we did do better. Our proposal unifies all of the Five Towns into a single district. Responding to significant public testimony in that point. Next slide.

Freeport. I live right next to Freeport. I spend a lot of time in Freeport, an incredibly diverse and important community here in Nassau County that has long been fractured and cracked. The Republican map perpetuates that mistreatment of Freeport, cracking it into four different districts. And cracking it with bizarre shapes that weave in and out of blocks. Our map unifies Freeport in two districts. Next slide.

Lakeview. The Republican proposal

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splits Lakeview into three different districts. We know it's possible to do better. We know it's possible to do better. Our map unifies Lakeview in a single district. The fracturing of Lakeview, which has long been a community that's been mistreated and underserved and neglected. It's long overdue that we do better. It's long overdue that we do better. So we've shown that it's possible to do better. Next slide.

South Hempstead. South Hempstead is a small community, but for some reason it's cracked in the Republican map into three different districts. We've unified it into one Next slide.

Woodbury, Syosset. Important communities that share a school district that share a clear community of interest based on testimony that we received. Both Woodbury and Syosset are sliced down the middle. In the Republican plan, we unify Woodbury and Syosset into a single district. Next slide.

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Plainview, old Bethpage. The Republican proposal splits Plainview, Old Bethpage into three different districts. We can do better. Plainview Old Bethpage is a school district. We know it's a community of interest. We've unified this community of interest into a single district. Next slide.

Westbury and New Castle. Westbury and New Castle, and the Republican proposal has been sliced in half. Westbury in one district, New Castle and another. We think that's unacceptable. And we know that we can do better. Our proposal unifies Westbury and New Castle into a single district. Next slide.

So this is just the tip of the iceberg. We've only had a few days. We've been asking for weeks, months to have these maps be public, to get public input. We've done the best that we can in a few days to highlight some of our concerns with the map, some of the reasons why we believe our map is better.

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This is just the tip of the iceberg. But I am eager to hear comments from you all, and I hope that we can do better than this Republican proposal.

COMMISSIONER MEJIAS: Commissioner Kasschau.

COMMISSIONER KASSCHAU: Thank you, Mr. Chairman. I'll be brief.

So at the top of our meeting this evening, Chairman Moroney mentioned that one of the obligations that we all as commissioners must abide by, is that any map that we introduce must be legal. And that's under the Charter. It's under Section 113, subdivision two of the Charter. And as a former county attorney of this county, it gives me great pause and it should give the same pause and concern to all of you that if we were to pass or adopt a map that's illegal, this county is highly likely to be subject to litigation. That is going to be extremely costly, many millions of dollars. And to the extent that as things typically shake

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out in county in terms of litigation, you could see an instance where not only is the Minority Caucus represented by counsel, but so is the Majority Caucus and so is the County Executive. So the legal bills will be running fast and quick.

Now, here's the most concerning part to me: To the extent that the county loses a lawsuit, the prevailing party would be entitled to attorneys fees. So not only would we be paying for all of those counsels, but we'd also be paying for potentially the plaintiffs counsel's fees as well. So I just want to caution all of us before we propose and vote on any map, that we have a obligation to make sure that the map that we vote on is legal.

Now, we've heard un rebutted expert testimony from two folks who are foremost experts in the field that the map that you're currently proposing is illegal. It's illegal under the Voting Rights Act,



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it's illegal under the John Lewis Act,  
and it's represents an illegal partisan  
gerrymander under the municipal home rule  
law.

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So that being said, I think we all  
need to make sure that we are confident  
that the map that we propose to the  
legislature -- because we don't want to  
put the legislature in a bad position --  
is legal.

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COMMISSIONER MEJIAS: So let me just  
say, our charter requires that this  
Commission submit only legal maps to the  
Legislature. So I want to put my  
Republican colleagues and Republican  
commissioners and the entire Nassau  
County Legislature and County Executive  
Blakeman on very clear notice. You're on  
notice that the fee shifting provisions  
of the Federal and State Voting Rights  
Law, both the Federal Voting Rights Act,  
52 USC Section 10310 Sub E and the New  
York Voting Rights Act, New York Election  
Law Section 17-208 Empower the prevailing

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plaintiffs to collect attorney's fees and costs in voting rights litigation. The County, therefore, you, the Nassau County taxpayers, will be on the hook for potentially millions of dollars in fees and expenses. All because the Republicans acted in a willful disregard of the expressed legal standards in the Federal and State law and denied the voting rights of Nassau County voters. It is grossly irresponsible to expose the County to such risk for no other purpose than partisan advantage.

So we are all on notice here. The Republican maps are illegal. Most likely, from what my understanding is, the Republicans in the Legislature are going to tweak this map and vote on a similar map that will be illegal and the taxpayers are going to be on the hook for millions of dollars. I've asked one of my commissioners, Jim, Megan, to take a closer look at the Republican proposal. And Jim, what did you come up with?

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COMMISSIONER MAGIN: So I took a close look at the Republican proposal and I want to emphasize how severely gerrymandered their map is. In the slide deck, we highlight two of the objective measures used to evaluate how compact the district is, Reoch and Polsby-Popper. These objective mathematical measures of compactness are widely accepted by experts.

The Reoch compactness score is computed by dividing the area of the voting district by the area of the smallest circle that would completely enclose it. Since the circle encloses the district, its area cannot be less than that of the district, so the Reoch compactness score will always be a number between zero and one. And the closer that number is to one, the more compact the district is. It's a better score.

Polsby-Popper compactness score is another way to measure compactness. Polsby-Popper measure is calculated based

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on the ratio of a district's area to its perimeter. Like Reoch, Polsby-Popper scores range from 0 to 1, where zero is the least compact and one is the most compact. Based on one or both of these measures, the least compact districts in Republican proposal are districts two, four, five, seven, nine, 14, 16 and 19. All eight of these districts are less compact than the least compact district in our proposal, based on at least one of these measures.

The bizarre shapes of the Republican proposal fails the eyeball test. And I know that's been mentioned by my other commissioners here. And if you just look at the map, it's plain to the eye. This is an important red flag that the map that was proposed was drawn for bad purposes. It should raise severe concerns for everybody in this room and everybody in this county. And I just wanted to get that on the record. Thank you.

COMMISSIONER MEJIAS: Andrena Wyatt.

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COMMISSIONER WYATT: Thank you,  
Commissioner.

I was sitting here just jotting down my thoughts. And I wonder if anyone in the room, because most of you were here and you were part of the entire process. And from the beginning of this process, every time members of the public spoke or myself or my fellow commissioners and we raised racial justice concerns about the 2013 map, Chairman Moroney and Commissioner Bee have said that we shouldn't be worried because that map will be updated. Anyone recall that who was here?

(Whereupon, audience members  
respond.)

COMMISSIONER WYATT: Exactly. Yet the Republican proposal takes everything that is unjust and racially discriminatory about the current map and tries to lock it in place for the next ten years. Ten years. Even though Nassau County is only 57% white, the Republican

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proposal maintains a white majority in 15 of the 19 legislative districts, that's 79%. It packs most black and Latino voters into just four districts and cracks the remaining black and Latino communities and to other districts.

I think by now that we can all agree that the Republican proposal is offensive and outrageous and should not be accepted.

COMMISSIONER MEJIAS: Thank you, Commissioner. And thank you, everybody, for your time. I know some of this stuff is very technical, but we have to do this analysis and to make sure that it's legal. We've done it on our side and it's been as nonpartisan as possible.

I'm going to now ask Professor Magleby to share an overview of his analysis and findings --

CHAIRMAN MORONEY: One second, please. Are you are you calling on him to testify right now? Did you want to comment on what you said up to now?

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COMMISSIONER MEJIAS: It's up to you.

CHAIRMAN MORONEY: Okay. So just a couple of things. Doctor, you can sit down. You'll have plenty of opportunity and plenty of time.

Sounds terrible what they said, isn't it? It would if it was true. It would if it was true. We're here tonight at this meeting based upon an agreement that they entered into with us. We didn't.

(Whereupon, audience interruption.)

CHAIRMAN MORONEY: It is not a lie. It is not a lie. That's the facts. They signed off on it. They made the motion.

Now, let me tell you something else. Mr. Maher has said that I refuse to settle this matter. I sent him back a note saying, if you want to settle it, send me something. He didn't.

Now, let me just talk about the map that they're putting holding up to you

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right now. That arrived in my office 7:47 p.m. last night. I saw it today for the first time. They ambush you. That's their job. That they're trying to paint a picture that doesn't exist. Let me just say one more thing. One more thing. One more thing. Words like malevolent are uncalled for.

(Whereupon, audience interruption.)

CHAIRMAN MORONEY: Please, please. You're going to get an opportunity to speak just as well.

(Whereupon, audience member, "we don't want to hear you".)

CHAIRMAN MORONEY: Well, it's too damn bad. So. So let me tell you something. Let me tell you something. This process, the furthest open situation that you have. With that, I'm going to turn it over to Mr. Bee.

COMMISSIONER BEE: Thank you, Mr. Chairman. I am going to try to avoid any kind of point by point rebuttal. I'm



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going to try to avoid hyperbole and  
drama.

(Whereupon, audience  
interruption.)

COMMISSIONER BEE: I said I am going  
to try to avoid point by point rebuttal  
and hyperbole and drama, but I would ask  
that I be allowed to speak uninterrupted,  
just as we allowed the Democratic  
delegation to speak uninterrupted. I  
think at least minimal civil courtesy  
should be extended to any speaker.

With that said, unsurprisingly,  
Republicans and Democrats have approached  
this process somewhat differently. From  
our point of view, a Democratically  
controlled assembly, a Democratically  
controlled Senate and a Democratic  
governor enacted a law that said  
redistricting shall be done in a  
particular manner, and they laid out not  
only how to do it, but they laid out the  
criteria and they prioritized the  
criteria. And the number one criteria,

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2 the command that overrides all others is  
3 to provide one person, one vote. That is,  
4 that each legislator should represent  
5 roughly the same number of people. So the  
6 first thing that you are commanded to do  
7 by the State Law and by Federal Law is to  
8 sit down and say, can you draw up  
9 districts in which each legislator  
10 represents approximately the same number  
11 of people? And there is a cap you can't  
12 vary by more than 5%. The map we  
13 proposed, as I recall from our experts  
14 testimony, had a total deviation of 1.8%.  
15 The original map prior to yesterday  
16 proposed by the Democrats had deviation  
17 of 4.4%. I do not know what the current  
18 deviation is of the map we got yesterday,  
19 but the point is that is under State Law,  
20 what you start with: Divide by equal  
21 population. And I think our map has a  
22 smaller deviation in population than does  
23 the democratic map.

24 The State Law also says that you are  
25 not to deny racial or language minority

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groups their participation in politics.  
We do not think that our map has done so.  
Our map.

(Whereupon, audience  
interruption.)

COMMISSIONER BEE: Our map has four  
districts that are referred to as  
majority/minority district. They include  
one district that is majority voting,  
age, black district, and three districts  
that have a so called black Hispanic  
coalition majority. Now, whether or not  
there really is a black Hispanic voting  
coalition has yet to be demonstrated in  
court for Nassau County. But for the  
moment, assuming that such a coalition  
existed, we have a total of four  
districts in which there is a majority of  
minority. The Democrats have proposed a  
higher number, but they have no district  
in their map, which is majority black.  
They have, I believe, six districts that  
have a majority of coalition black,  
Hispanic.

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Now, the same law also requires that districts be continued contiguous and compact, which largely both maps do. But it also says that you are not to favor or disfavor incumbents or any political party and you are to maintain, insofar as practicable, you are commanded to maintain and consider maintenance of the existing cores of existing districts. So the Democratic expert testified that he disregarded that and did not seek to maintain the cores of existing district. Our maps do so.

So those are some of the highlighted distinctions between the two maps. And I think whether or not I've changed anybody's mind, which I didn't expect to do, but I'd like to again be civilly heard and not interrupted and put those points on the record to highlight some of the distinctions between the Republican and Democratic proposed maps. Thank you.

CHAIRMAN MORONEY: John.

COMMISSONER REINHARDT: Thank you,

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Chairman.

After review of the map presented by the Democratic consultant at our last meeting and consultation with our mapping expert, the Republican commissioners offer the following analysis of the proposed plan by the Democratic commissioners:

Based on reports and the data produced by the consultants, we believe the plan is fatally flawed for two fundamental reasons:

One, it intentionally ignores aspects of Municipal Home Rule Law arbitrarily not based on law; and

Two, makes conclusions about the application of the Federal Voting Rights Act based on skewed assumptions.

Dr. Gall begins her proposal and her presentation by saying that her plan did not consider existing boundaries or cores of the districts drawn in 2013. This, on its surface, invalidates that plan. As Municipal Home Rule Law states the

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maintenance of cores of existing districts of preexisting political subdivisions, including cities, villages and towns, and of communities of interest shall be considered when drawing the map.

The Democratic plan also does not include a majority African-American district, even though that population is sufficiently large and geographically compact. This is a clear violation of the Federal Voting Rights Act. Based on these facts, the Democratic plan openly ignores State law, and we find it difficult to analyze further based on its unsound foundation.

The Democratic expert states that the 2013 legislative districts are and were when drawn illegal, therefore, eliminating the requirement to maintain the cores of those districts. This theory that these districts were illegal in 2013 are illegal now, has no basis in statute or case law.

Another Democratic consultant on the

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basis of computer algorithm concludes the map that was in effect since 2013 constitutes a partisan gerrymander. However, this interpretation is not commonly accepted and comes without measurable definition.

The 2013 map was never subject to a challenge in court. In fact, since the adoption of that map, both Republicans and Democrats have unseated incumbent legislators in races.

The Democrat consultant also concludes that African American and Hispanic populations are politically cohesive with each other. They arrive at this conclusion based on analysis of three county wide general elections that were recently held. Even if those three elections show cohesiveness, it does not indicate that race or ethnicity is the primary reason for this cohesiveness. It is possible and even more believable that African American and Hispanic populations tend to vote for their preferred

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candidate on a partisan ground rather than an ethnicity.

Historically, to eliminate the partisan element, primary elections would be used to take the variable out of the equation. Unfortunately, as we all know, there are not a lot of primaries on the Democratic side in these areas that could be used for analysis. Considering this, we find it unlikely that the second jingles precondition that the minority group is politically cohesive could not be proven in court. And even if it could, there still could be a conflict as it is possible to create a majority African-American district as was created in 2013. Thank you.

CHAIRMAN MORONEY: Mr. Pernick, you have something to say?

COMMISSIONER PERNICK: Yeah. Thank you, Mr. Chairman. I just need to correct the record on a few important points in response to my colleagues.

First, my colleague, Commissioner



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Bee, made the point that their map is better and should be taken and accepted over our map because the population deviation in their map is what, 1.9%? And in our November 10th proposal, it's under 4% and our November 15th proposal, it's under 3% and the fact that they are under 2% makes their map better and that is something that we failed to do. It ain't true.

Under Federal law. Under State law, the equal population requirement is very simple. You have a set boundary. If you're within the boundary, you're presumed to comply with the equal population requirement. If you're outside of the boundary, you're presumed in violation. It's classic cases from the United States Supreme Court. Go back to *Reynolds V Sims*, go back to *Baker v Carr*. These are basic cases that you read in your first or second year of law school talking about the right to vote. Talking about our Constitution. And you either

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comply with the equal population

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requirement or you don't. And what's

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worse is you don't get to say, oh, well,

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we're going to comply with the equal

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population requirement a little bit more

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than somebody else, but we're going to

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leave communities of color out to dry.

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We're going to structure a map that's a

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partisan gerrymander. You certainly don't

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get to do that.

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So I take issue, respectfully, with

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the contention that our map is somehow

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invalid because the deviation is about

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3.9%. By the way, that's a smaller

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deviation than the 2013 map that Nassau

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County adopted. A smaller deviation than

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we've had in this county for the last ten

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years. So it's simply not true.

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Second. There's been much ado about

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preserving the cores of the district's.

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Well, the cores of what district's? The

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cores of the illegal 2013 map. If you

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preserve the cores of an illegal map, you

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are infecting your new map with the same

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2           illegality. If a map was drawn with  
3           racially discriminatory effect or intent,  
4           if a map was drawn with a goal of biasing  
5           one party over the other of partisan  
6           bias, and you use that as your starting  
7           point, then your new maps going to be  
8           illegal. So of course, we didn't follow  
9           the cores. Of cores we didn't follow the  
10          course of the current map, because if we  
11          did, we would be doing exactly what your  
12          map does. We would be adopting and  
13          proposing an illegal map.

14                 And what's more, not only do my  
15          Republican colleagues, not only do they  
16          respect the cores, they respect the  
17          course over every other consideration,  
18          including considerations that are  
19          supposed to be a higher priority under  
20          the Municipal Home Rule Law. They  
21          prioritize preserving the core of an  
22          illegal map over racial justice, over  
23          ensuring that communities of color have  
24          an opportunity to elect candidates of  
25          their choice. They prioritize preserving

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the cores over compactness, having

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districts that are not bizarrely shaped.

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They prioritize preserving the cores over

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respecting political subdivisions and

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villages and town boundaries. They

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prioritize preserving the cores over

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respecting communities of interest. None

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of those requirements are less important

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than preserving the cores. Even if

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they're right and we're supposed to

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preserve the cores, which we're not. But

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even if they're right, they prioritize

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everything else as a lower priority than

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preserving the cores of an illegal 2013

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map.

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Now, the final point I need to

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correct is this contention that there

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shouldn't be five majority/minority

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districts, because as I understand their

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argument, black and Latino voters prefer

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different candidates. There's no cohesion

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between black and Latino voters. That's

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their argument. And as a result, they

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argue, because black and Latino voters,

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they argue, prefer different candidates, then they shouldn't be entitled to be combined for the purpose of drawing majority/minority districts. That's their argument. There's no evidence that they've proposed to support that argument. Zero. Nada. None.

We did the analysis and we put it in our report. We did the analysis looking at elections, looking at which candidates were supported by black voters, which candidates were supported by Latino voters. We've actually also received testimony from the public on this point. So we know that there is cohesion because we've demonstrated that there's a record before the Commission of Cohesion. There is no evidence, no analysis that shows otherwise. And it's disappointing that my Republican colleagues are willfully blind or disregarding the un refuted evidence before this commission.

So with that, I hope that we can turn to Dr. Magleby at this point,

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because I am eager to hear what he has to say.

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CHAIRMAN MORONEY: Certainly, Dr. Magleby.

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DR. MAGLEBY: Good evening. My name is Daniel Magleby. I'm an associate professor of political science at SUNY Binghamton, where I also hold an appointment in the Department of Economics. I have a PhD in Political Science and advanced degrees in Applied Math and Mathematical Methods in the Social Sciences.

I'm very pleased to be here to talk to you tonight about analysis that I conducted of the 2013 map, as well as the November 10th Republican proposal.

COMMISSIONER MEJIAS: Just real quick, can everybody hear Dr. Magleby? I'm sorry, the way that this is set up here, he's going to have to have his back to you. So I apologize in advance to everybody for that.

DR. MAGLEBY: I do have to say that

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as a professor who teaches classes on civics, I'm encouraged by the number of people who are here to speak up and discuss these important issues.

There's very little that we do in a democratic society that's more important than figuring out how to appropriately represent our citizens and our representative bodies.

Now, I want to talk briefly, just very briefly, and then allow you to ask me some questions about the analysis I did, if you have any. But first, I want to start by defining what a gerrymander is. And I don't frequently do this, but I'm going to turn to a Supreme Court decision authored by Antonin Scalia, where he lays out a very clear definition of what a gerrymander is. He says, he quotes from Black's Law dictionary: "The term political gerrymander has been defined as the practice of dividing geographical area into electoral districts, often of highly irregular

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shape, to give one political party an unfair advantage by diluting the opposition's voting strength".

The definition of a political partisan gerrymander is that it dilutes the votes of one party, one party's voters or another party's voters. It does it through two mechanisms. The first is called cracking. Cracking is the practice of dividing voters from a minority group across multiple districts in such a way that they are denied the opportunity to select a candidate of their choosing.

This is a spoiler alert, but both the 2013 map and the Republican proposal from November 10th cracks Democratic voters across multiple districts in such a way that it denies voters an opportunity to elect a representative of their choosing.

The second variety of gerrymander is a packing gerrymander, and it accomplishes its purpose of diluting votes by over concentrating voters of a



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2 particular type in such a way that their  
3 votes are not weighted equally to their  
4 counterparts in another party. Again, the  
5 2013 map and the Republican proposal of  
6 November 10th accomplishes these purposes  
7 through packing as well. Both maps are  
8 examples of partisan gerrymanders.

9 Let me tell you how I figured this  
10 out. This is not new methodology. This  
11 methodology has been widely accepted both  
12 by courts across the country. In North  
13 Carolina, where I served as an expert  
14 witness in a case that a partisan  
15 gerrymander was thrown out by the state  
16 Supreme Court, but also here in the state  
17 of New York, where our Court of Appeals,  
18 at the request of Republican plaintiffs,  
19 threw out a map that they said had been  
20 gerrymandered for partisan purposes to  
21 favor Democratic candidates. This is not  
22 a new methodology. It is not unusual.  
23 This is not strange to ask this question.  
24 What I did is called an ensemble  
25 analysis. I use a computer algorithm to

1  
2 draw many randomly drawn maps that follow  
3 the criteria laid out in the Municipal  
4 Home Rule Law. I then compare the  
5 characteristics of those simulated maps  
6 to the maps drawn by the Legislature, the  
7 County Legislature here in 2013, and by  
8 your demographer in the November 10th  
9 Republican proposal. In both instances,  
10 in both instances, the maps show patterns  
11 that are more extreme than most of the  
12 maps, the overwhelming majority of the  
13 maps in the simulations carried out by  
14 the algorithm.

15 It may be an inconvenient fact that  
16 these maps, the 2013 map in particular,  
17 is one that would violate the municipal  
18 home rule law and would not survive a  
19 challenge if it was brought under the  
20 Harkenrider precedent that the state  
21 Supreme Court has handed down. But it is  
22 a fact, it is measurable, and I've  
23 demonstrated it. I've sent memos that I  
24 believe the Democratic commissioners have  
25 shared with the Republican commissioners

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and have been discussed in open hearings. And I'm sorry to say that the map that has been used for the last ten years here is one that has favored Republicans to an unfair and inappropriate degree under New York law. With that, I'll stop. And I would be happy to answer questions about my analysis and the conclusions that I to which I arrived.

CHAIRMAN MORONEY: Certainly. I'll start.

First thing I'm going to do is I'm going to tell you something simple. The truism that all districting is subject to geography, population and context and the state and federal law. Correct? We're right about that, right?

DR. MAGLEBY: Yes.

CHAIRMAN MORONEY: The report that you have provided -- I know we got a two page summary. I don't know that it's the whole report. But what we were provided with, Dr. Magleby, is long on speculation, short on context, and is,

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otherwise, invalid. It's not concerned with communities of interest or reasons why the lines are drawn.

Commissioner Pernick read portions of the of your analysis in 2013 and we appreciated that he spent the time to go through it with us. For the record, there have been no successful challenges to all the maps created by the County Legislature's creation. Now, at the end of the presentation of Magleby's conclusion, Commissioner Pernick said that the 2013 map is so flawed that the TDAC must start from scratch, making it clear that the Democratic delegation will undo the 2013 map and replace it with another map. There have been five legislative elections since the map was since this map was approved and accepted by both Democrats and Republicans. Since the adoption of 2013 map. Both Democrats and Republicans, as we pointed out earlier, have unseated incumbents. Your evaluation and the commissioners cannot

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be taken seriously with respect to the conclusions.

Let me give you a little history. Dr. Luther Blake was retained as the lead demographer by the Commission on Government Revision in 1994. He was a demographic consultant. His first task was to determine if any minority/majority district or districts could be created, Bearing in mind that race was not the only criteria. Dr. Blake undertook to draw four plans to see which number of districts could be drawn for a legislature to meet all the criteria under law and provide minorities with an optimum opportunity to select a representative. After drawing maps for 15 members, 19 members, 23 members and 25 members, he concluded that 19 was the appropriate number. The Commission on Government Revision adopted that district model. In doing so, Dr. Blake, Dr. Blake set about to identify the geography and population that became Districts one and

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District two as a minority majority district.

(Whereupon, public interruption.)

CHAIRMAN MORONEY: In doing so, he likewise set aside making sure that the district were in compliance with the Voting Rights Act. He identified District three as an emerging minority district. Roll the tape forward, the Democratic supervisor May Newburger, who now deceased and Lou Yevoli, who's not, made certain changes to the map and as a result, Federal District Court Judge Spatt approved the map with 19 districts. To start from scratch as recommended by you and by Mr. Pernick would erase those three majority/minority districts and include the barrier island. That scorched earth approach would also erase District ten. The district that was drawn to keep Great Neck Peninsula one district. Why is that important? It's important because they came to this chamber and testified,

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the mayors and residents of Great Neck,

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that they wanted and lobbied for that

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piece of that map to be the way it is

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because of the two school districts, a

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park district, a library, district, fire

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district and the like. Now, you, and I

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guess Mr. Pernick want to erase that?

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Now. Did you did you look at any of those

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in any of those items? Did you seek any

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of that information for context purposes?

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DR. MAGLEBY: Mr. Chairman, you

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covered a lot of ground in that question.

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CHAIRMAN MORONEY: The next the next

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one will be a little shorter.

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DR. MAGLEBY: I'm not sure exactly

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what you're asking. I consulted

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demographic data, that is population data

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for each of the areas, the geographic

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units as counted by the US Census Bureau.

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Those formed the basis of my analysis.

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I don't think that I have said

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anything in particular about an expert

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that was retained by this commission in

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1996 with whom I'm not familiar. I'm not

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2 sure that that person, for whom you  
3 reference, is a person who has written or  
4 published any work about partisan  
5 gerrymandering, at least work with which  
6 I'm familiar. And this is an area in  
7 which I've published extensively over my  
8 career as a professor. I would need you  
9 to be a little more precise, if you don't  
10 mind, so that I can be --

11 CHAIRMAN MORONEY: Okay. The exact  
12 question is, did you look at any data,  
13 hard data of the of how this map was  
14 created in the first instance?

15 DR. MAGLEBY: I'm not sure what you  
16 mean by hard data. I have the shapefiles  
17 for the map. I know where the boundaries  
18 are, and I know what the demographic  
19 composition and I, after conducting an  
20 ensemble analysis in which I did not  
21 consider any partisan data, I then  
22 calculated the partisanship and the  
23 partisan composition of 10,000 simulated  
24 legal alternatives to the 2013 map and  
25 found that the 2013 map is an extreme



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2 partisan gerrymander. It's an outlier  
3 relative to the ensemble of maps that  
4 incorporate all of the legal criteria  
5 laid out in the Municipal Home Rule Law  
6 and conducting an analysis that is  
7 prompted by the Harkenrider decision of  
8 earlier this year.

9 CHAIRMAN MORONEY: As I understand  
10 it, you're saying that the map was that  
11 was created in 2013 was illegal. So I'm  
12 not so sure the application of current  
13 standards to that is relevant.

14 That that said, are you aware that  
15 District 11, which represents part of  
16 Port Washington and Glen Cove was brought  
17 together by a 1986 coalition known as the  
18 Coalition to Save Hempstead Harbor? In  
19 other words, there was a community of  
20 interest that caused that particular  
21 piece of geography to be drawn.

22 DR. MAGLEBY: There's a joke that  
23 folks that study gerrymandering like to  
24 say when they talk about communities of  
25 interest, that once someone gerrymanders

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a map, a community of interest is like the meaning of Christmas. It's whatever you want it to be. And I'm not sure about that particular community of interest, sir. I'm not. But I do know that we complied with the Municipal Home Rule Law in the order in which it was laid out. In the law, as your colleague suggested, drawing maps that are legal, drawing maps that are consistent with what the State Court of Appeals suggested in the Harkenrider decision.

CHAIRMAN MORONEY: Now, have you been involved in any other municipalities where you have drawn the conclusion that they should start from scratch?

DR. MAGLEBY: I was involved in as an expert witness in North Carolina.

CHAIRMAN MORONEY: No, I'm talking about New York State.

DR. MAGLEBY: In New York State. No, sir.

CHAIRMAN MORONEY: Okay. So this is the first time that you have opined that

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a map that was that was addressed -- this isn't funny.

DR. MAGLEBY: No. No, sir. So. Well, but, you know. This is the first time I've had the privilege. And it is a privilege, sir. I want to be clear. To be here, to speak to you. You are making critical decisions for all of the people who are standing behind me. And I do apologize that my back is to you. These are critical. This is a privilege. And I am grateful that I have this opportunity. I smile -- I apologize for smiling. I mean no disrespect. I have drawn literally millions of maps of jurisdictions throughout New York State and every state in the United States and some foreign countries. I am not new to this analysis. I have written and published extensively on this topic, and while I am not sure about Hempstead Harbor, I would like to learn more about it. I can't say that I've done this before. I'm grateful that I'm here. I

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genuinely and this is I said this at the outset of my comments. This is an incredibly important moment in any community where we decide the manner by which the people will be represented.

You said last week, sir, you said last week -- I've logged on and watched this because I've taken a keen interest in the ways that this would unfold. You said that you would like votes to be counted equally. I'm paraphrasing, but I heard you say it emphatically.

The problem with the 2013 map -- and you didn't have the right expert to tell you this -- but the problem with the 2013 map is it does not count votes equally. It underweights Democratic votes systematically. Moreover, it excludes Democratic voters from an opportunity to elect a candidate of their choosing in a set of districts that are critical for determining which party will control the County Legislature.

This is not my first rodeo. Forgive

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me. I'm not. I'm a New Yorker by choice. I'm from Utah originally, we think, in terms of rodeos there. I have done this before. This is a textbook example of what a packing gerrymander looks like. I teach classes -- most of my students -- I have a great deal of affection for the people of Nassau County and Long Island because I teach at SUNY Binghamton. We're like the State University of Long Island in upstate New York. I have lots and lots of students there. I look for examples of how I can show them the mechanics and the ways that gerrymanders distort representation, and the 2013 map is a textbook example of the way that district lines will distort representation in ways that will systematically underweight the influence of particular groups.

CHAIRMAN MORONEY: Well, can I draw you back to the answer that you gave and reiterated, if possible? You have you have not come across any other situation in New York State where you saw sought to

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have something declared retroactively  
illegal?

DR. MAGLEBY: Declared retroactively  
illegal?

CHAIRMAN MORONEY: Yes. It was drawn  
in 2013.

DR. MAGLEBY: I'm sorry. I'm not  
sure what you mean by having it declared  
retroactively illegal. Things are either  
legal or they are illegal. And the  
question here about whether it was  
challenged using the tools endorsed by  
attorneys representing Republican voters  
in the Harkenrider decision is a matter  
that's up for -- we could find out. But  
it is a violation of the standards laid  
out in the Municipal Home Rule Law. It  
does not follow the criteria that the  
legislature passed that are the law of  
this state. It also is illegal in using  
exactly the same kind of analysis that  
was done in the Harkenrider litigation.

So, sir, I don't know what to tell  
you. I'm not a judge. I have taken great

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pains in my life to avoid being a lawyer.  
But I do know how this law works, and I know the proper way of analyzing these maps to establish whether there is an undue, an inappropriate partisan bias. Both maps the 2013 map and the November 10th Republican proposal show patterns of systematic bias against Democratic voters in ways that underweights their influence on elections in this county.

CHAIRMAN MORONEY: Now, a couple a couple of more questions, please.

Have you drawn any conclusions as to the outcome of elections other than the ones that you were looking at? . The six that are mentioned in your in your report?

DR. MAGLEBY: So for the analysis of the November 10th map, there were eight elections held in 2017, 2019, 2021. I also -- there was a miscommunication with between me and the Democratic commissioners regarding the election for Clark in 2017 and 2021. I've now

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conducted that analysis and the patterns in that analysis are broadly consistent with what is in the report that they shared with you. I'm happy to share those data, those results, with you at some point in the future. Those are the elections I use to analyze the map.

CHAIRMAN MORONEY: I believe that it was said earlier that those elections were countywide, correct?

DR. MAGLEBY: That's right.

CHAIRMAN MORONEY: And did you look into whether or not any of those countywide elections, what issues were between the different parties in those in those elections?

DR. MAGLEBY: Sir, that's an excellent question. I'm glad that you raise it. It's one of the reasons why we consider multiple elections rather than focus on one election or cherry pick one of the elections, because I would expect that there would be a variety of issues at play in elections for the county



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executive in 2017 that would be different from the county executive race in 2021. Likewise, the DA race in 2019 and the DA race in 2019 (sic) might be about different issues. I did not look at the specific issues, but by incorporating analysis of each of those elections, the idiosyncrasies or particular strategies that might be different from one election to the next, or encompassed in the analysis that I conducted.

CHAIRMAN MORONEY: The issues just for the sake of the record that I'm talking about, the outcomes of elections are driven by the issues like bail reform, flawed tax assessment, tax increases, raising taxes actually ended two --

(Whereupon, public interruption.)

CHAIRMAN MORONEY: Could I have the courtesy of asking the question?

(Whereupon, public interruption.)

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COMMISSIONER MEJIAS: Can we please just ask to allow Chairman Moroney to ask his question, please?

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CHAIRMAN MORONEY: Outcomes of elections are driven by issues like bail reform, flawed assessment, tax increases and the like. Raising taxes, Raising taxes cost. County Executive Gulotta his seat, and it also hurt Tom Suozzi. Bail reform and other legislation championed by Senator Todd Kaminsky led to his dramatic defeat last year to a Republican. Bad policy decisions cause voters to ignore political parties.

(Whereupon, public

interruption continues. Court reporter states inability to hear. Chairman admonishes public.)

CHAIRMAN MORONEY: That's all.

COMMISSIONER BEE: Doctor, I really just have one question. When the map drawer retained by the Republican delegation was presenting his map and

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explaining what he did and how went about it, some of the questions from Democratic side of the table focused on whether he had only worked for Republicans or only worked for Democrats. And he responded that he had worked for both sides. But it raised the issue of whether or not someone drawing maps or drawing conclusions or analyzing these situations may have some conscious or even unconscious bias. So if you choose to respond and you're not required to, but are you enrolled in a political party?

DR. MAGLEBY: I'm a registered Democrat.

COMMISSIONER BEE: Thank you.

(Whereupon, public interruption continues.)

COMMISSIONER MEJIAS: Professor Magleby -- one second, everybody. I just want to point out in the list of issues that Chairman Moroney pointed out, you forgot corruption. That's a big one. That drives elections also. And our point here

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is this process is corrupted.

Professor Magleby, as to the last issue, do you work for partisan or do you work for Democrats and partisan organizations?

DR. MAGLEBY: I do not. I'm a professor. That is my day job that occupies my time. The great thing about being a professor, maybe the best thing about being a professor, besides teaching students from places like Long Island is that I'm on the side of truth. I get to report. I analyze the truth. My work is subjected to peer review. The analysis here is based on peer reviewed research that has been published in the leading journals in political science.

COMMISSIONER MEJIAS: Now, we had heard the Democratic Delegation has said that the 2013 map and, in fact, the current Republican map violates the Municipal Home Rule Law and violates the precedent set in Harkenrider v Hochul. Now, my Republican colleagues are quick

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to point out that the 2013 map there's never been a lawsuit brought against it to 2013, so it must be okay. But isn't it a fact that the Municipal Home Rule Law just took effect last year?

DR. MAGLEBY: I think that's right.

COMMISSIONER MEJIAS: And isn't it a fact that Harkenrider v Hochul and the precedents in the law set forth in that case just happened this year?

DR. MAGLEBY: I think that's right.

COMMISSIONER MEJIAS: Well, maybe that's why a lawsuit has been brought yet.

CHAIRMAN MORONEY: Okay, we're going to move to the reason we're here. And that's to hear from you.

DR. MAGLEBY: I appreciate your time tonight.

CHAIRMAN MORONEY: Thank you, sir.

COMMISSIONER MEJIAS: Thank you, Dr. Magleby.

CHAIRMAN MORONEY: Gregory Lewis.

MR. LEWIS: Good afternoon,

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commissioners.

First of all, I'll try not to cover too much of what has already been covered. I think the Democratic commissioners did a very good job of summarizing the illegality of the proposed map of the Republicans.

But, you know, I've got to follow up on what happened on September the ninth, when my wife, Cathy Middleton, who was appeared here, who was also an attorney. There was colloquy between her and Commissioner Moroney that specifically addressed her concerns about ruminations that Westbury would be taken from LD 2, and I'm going to read the transcript because it's very important.

"My wife: My understanding, is Westbury New Castle may be removed from LD two.

Chairman Moroney: How did you come by that?

My wife: I heard information from other members of my community that this

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was something that was possibly going to happen, and it very much concerns me.

Chairman Moroney: Are you or any of you -- referring to the commissioners -- aware of any of that, referencing the board.

Whereupon all the board members said no.

Chairman Moroney: I hope the information you have is wrong.

My wife: Okay. Could you tell me what your plan is?

Chairman Moroney: There are no plans to discuss.

My wife: The possibility exists that you're redistricting. You're drawing maps that are going to change the legislative district. As it appears today, the possibility exists that Westbury New Castle and the new proposed new map may be no longer a part of LD2. Isn't that correct?

Mr. Moroney: No, not that I'm aware of."

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He goes on to say, as far as I know, to separate out the Westbury portion of LD2, there's never been anything as far as he knows.

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Now, that was in on September the ninth. Now, we're here November the 10th. And now we see a map by the Republicans that want to remove Westbury from LD2.

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Now, it is incredible to me. It's disingenuous to me, Chairman, any of you other Republican members, that this was not under consideration before. It insults the intelligence of all of us. And there is no question that removing Westbury from the district will, in fact, violate Municipal Home Rule 34.

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So I just asked that all of you take into consideration that all of the voters here know what is going on. It is been a pattern of the Republican Party to use voter suppression tactics, as shown in all of the laws that were enacted after the 2020 election in which they proposed over 400 laws limiting voting. In 19



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states they passed laws restricting voting. And now you are following in that proud tradition. So we are not fooled. Thank you very much.

CHAIRMAN MORONEY: Peter Cavallaro and his village board.

COMMISSIONER KASSCHAU: Mr. Lewis, just to follow up on your comment.

Had you been here at the last session, their expert actually expressly admitted that he did not take any public comment into consideration when he drew his map.

MR. LEWIS: Thank you. It's par for the course, right?

CHAIRMAN MORONEY: Peter Cavallaro, in your village, you have any village board members with you? It says here. Yes.

MAYOR CAVALLARO: Good evening, everybody.

CHAIRMAN MORONEY: I'm reminded that it's a three minute presentation.

MAYOR CAVALLARO: Good evening,

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everybody. You've got a lot of stuff going on here, a lot of partisan stuff going on here. The beauty of being a village mayor is we don't deal with partisanship and we basically do what we think is right for the community on a nonpartisan basis. I have members of my board here, Democrats and Republicans, Beaumont Jefferson, Steve Corte and Bill Wise.

I'm just going to talk about how the maps affect the village of Westbury. I'm not going to talk about all the other things that you guys have to deal with and all the other things that have been raised tonight.

But I think first I'd like to say, you all know, I think that Westbury is one of the most diverse communities, Westbury Village, on Long Island, and I think we've been pretty successful in that. And but I think that both sets of maps have the effect of diluting the impact of the voters of Westbury and in

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particularly the minority voters of Westbury because of the way they've been constructed. And that's the Democratic map and it's also the Republican map. So I think and that's reflected really in the fact that it lumps both of our two incumbent legislators, current legislators, into the same district.

And so Siela Bynoe, who is a Democrat and a member of a minority community, you know, she would have a tougher time being elected, I think, under both of the maps that have been proposed and she does under her current district. And I think that that's improper. And I also think it's just not appropriate, and Section 34 kind of makes it inappropriate to disadvantage incumbent elected officials, as well as people who are looking to be elected to office.

So I think that both sets of maps are flawed, maybe one more than the other. I'm not going to make a judgment

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on that, but both of them, I think, have the impact of diluting the impact of Westbury voters, including and maybe especially the minority voters in Westbury.

You know, Westbury has always been split since the inception of legislature down Post Avenue into east and west. And, you know, there are reasons for that. There are communities of interest that are different. And I think the past maps have reflected that. Neither of these maps do that, and I think they're flawed in that way as well. And Westbury, frankly, has been the beneficiary of having multiple representatives on the County Legislature from its inception, whether it was Rich Nicolello, originally, and now Laura Schaefer on one half. And then it was Robert Troiano and now legislative Siela Bynoe on the other half.

So, you know, our position as a village is that the current lines and the

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current division and the current respecting of the communities of interest that are in Westbury are appropriate. And whatever maps you adopt in the future should be should be respected.

I'm just going to ask Trustee Jefferson to make a couple of additional prospective comments for from the Village's perspective.

DEPUTY MAYOR JEFFERSON Thank you. Beaumont Jefferson. Second Deputy Mayor.

I would just like to say Westbury has a long history of diversity and it has been recognized in both our village government as being very diverse and at the Legislature, and that's since the inception of the Legislature. We've had a very diverse representation within the village of Beaumont.

CHAIRMAN MORONEY: Can wrap up your comments. That's all. We're at the three minutes.

DEPUTY MAYOR JEFFERSON: Thank you. So the law states a presumption or a

1  
2 preference that villages should not be  
3 divided, but in the case of Westbury,  
4 we've always had two legislators  
5 represent us. And that has worked well  
6 for the village of Westbury. And we  
7 enjoyed having two representatives within  
8 our district. The law provides that a  
9 weight at least equal to the concept for  
10 preserving village lines also given to  
11 preserving existing legislative district  
12 cores and identifiable communities of  
13 interest.

14 So as a village, we're currently in  
15 District two. We enjoyed the  
16 representation of both Siela Bynoe and  
17 Legislator Schaefer. We've worked well  
18 together with them, and I would just like  
19 to say as a representative of the  
20 Village, I would not like to see the  
21 voters in my community, the minority  
22 voters, their votes diluted. Thank you.

23 COMMISSIONER MEJIAS: Thank you very  
24 much.

25 If I may, Mayor, the Municipal Home

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Rule Law, you brought up Section 34 is very clear that no village having more than 40% of a full ratio for each district shall be divided. So under the Municipal Home Rule Law, we required to keep Westbury together.

MAYOR CAVALLARO: No, you're not. It's prescriptive. It says if it's practicable and when there is a overriding interest, which is separate communities of interest, it's not a mandate. And I think you should read the law more closely than you have.

COMMISSIONER MEJIAS: And I think and I think what you're saying is there are separate communities of interest in Westbury. So you want to keep the West Side, Westbury west of the Post Avenue, that's the mostly white side, right? You want them to have Laura Schaefer who a white legislator representing them, and the part that's east of Post Avenue, which is the minority part of Westbury, would be represented by a minority

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legislator. Now, that's exactly what we're trying to eliminate here, but it's also what the New York State Legislature is trying to eliminate.

And to the extent, as you cite the law, that it's to the extent practicable, we have proved with our map that it is practicable and it's actually required under the law to have Westbury undivided.

MAYOR CAVALLARO: It's not required.

COMMISSIONER MEJIAS: But you're your premises is wrong because you're relying on a portion of the law that says to the extent practicable, which means if it's not possible, we're not going to hold you to it. But our map complies with the population, with contiguity, with compactness.

MAYOR CAVALLARO: So as it was pointed out earlier, there is a progression in the law as to prioritization of those criteria. And that's the second to the last criteria on the list, the preceding ones that talk



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about maintaining communities of interest, which most of the people in this room would identify with the fact that Westbury, even though it's a diverse and wonderful community, has various communities of interest that should be respected. And that's the point that I'm trying to make, and that's the point that both maps, quite frankly, ignore, that there are communities of interest. And the other factor being, as I indicated, both maps would will dilute the minority voter ability to elect candidates of their choice because the districts are less favorable to the minority voters in the district than the current map is. So that's all.

COMMISSIONER PERNICK: Mr. Mayor, One last question for you. So you've been opining that it's important to split Westbury because not doing so would somehow undermine the electability of the minority preferred candidate. Am I understanding properly?

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MAYOR CAVALLARO: Yeah, I think if you look at both of the maps that have been drafted, including the Democratic map, it reduces the Democratic proportionality of the voters, which would therefore make it harder for Legislator Bynoe or any other Democrat to be elected or any other any other candidate of color to be elected. Her district is probably now a 75:25 district. I think your map is probably more like a 60:40 district. The Republican map is probably something like a 70:30 district. These are rough numbers.

My point is the districts that have been crafted have less voting influence by those voters in those districts than they currently have under the current maps.

COMMISSIONER PERNICK: So I appreciate that clarification. So for your information, because we haven't had an opportunity to meet this or first time

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2 speaking, the process that we used to  
3 develop that district and all of the  
4 majority/minority districts, we did what  
5 was called a racially polarized voting  
6 analysis, where we have a PhD, academics,  
7 who look at voting patterns and  
8 understand whether there's polarization  
9 in political preferences and use the  
10 outcome of that analysis to determine  
11 whether a particular district would  
12 perform for the candidate preferred by  
13 voters of color. And we've confirmed that  
14 all five of the majority/minority  
15 districts in our map would absolutely  
16 perform for the minority preferred  
17 candidate with no question, with zero  
18 question And we know that because it's  
19 math --

20 MAYOR CAVALLARO: Then what are  
21 elections for?

22 COMMISSIONER PERNICK: Well, excuse  
23 me. We know this because --

24 (Whereupon, crosstalk.)

25 MAYOR CAVALLARO: -- your district

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as well as a Republican district, have lesser proportionality of Democratic voters and minority voters than the current district does.

COMMISSIONER PERNICK: Mr. Mayor, I'm explaining the law. The law requires us to conduct a racially polarized voting analysis, evaluate whether it's possible to give communities of color an opportunity to elect candidates of their choice. We've confirmed that it is in five districts and we've drawn five districts. If we were to split Westbury to pack black and Latino voters into a particular district, that risks a racial gerrymandering claim. It exposes the county to potential litigation for violating the Municipal Home Rule Law.

So that's our rationale in keeping Westbury whole. It's quite clear in the Municipal Home Rule Law that we need to, so long as it's practicable. And by the way, all of the maps that have been proposed prove that it's practicable. So

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that obligates us to do it. So I appreciate your testimony.

I think it's helpful context, but I just want you to understand how we arrived. We're trying to follow the law precisely. We're trying to follow the requirements set out by Federal and State courts. Precisely. And that's and that's what we've done from the beginning.

MAYOR CAVALLARO: Understood. But what I will still say is that Westbury has been better served by having the dual representation that it's had in the past than it will under the maps that have been proposed by both sides. And I still maintain that both maps are flawed. If you follow the fact that each of them fail the different criteria in different respects, and again, you have to look at the prioritization that the State Law puts in effect. And some of the most important ones are the ones that get to the heart of the comments that I have, and that is to maintain communities of

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interest and their voting power. And both sets of maps dilute that from what currently exists. So thank you for your clarifications.

CHAIRMAN MORONEY: Joel Berse.

MR. BERSE: Thank you, Mr. Chairman. Good evening, committee members. My name is Joel Berse, and I am the immediate past president of the Northwest Civic Association of Hicksville.

I changed my whole narrative of what I was going to say because of what I've heard here tonight. I want to speak to you about two districts that were brought up in the conversation as part of the top three that have a problem the way they've been districted. We are majority in the 14th district, but we are ridiculously served by three legislators from this 2013, where I believe it was controlled by the Democratic legislature that redistricted us and chopped up our civic association. Our civic association's boundaries are incorporated with New York

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State since 1951. We are the oldest organization active in Hicksville. The northern boundary is where Jericho meets Hicksville. The western boundary is through the Town of Oyster Bay Line, which goes down Cantiague Lane between the Town of North Hempstead and the Town of Oyster Bay. Our southern boundary is the train station, and our eastern boundary is the center divider of Broadway Route 107. We have Laura Schaefer in the 14th, and we have a cockamamie zigzag thing that I can't figure out what you've either done to change or left in a ridiculous manner where people on a very tiny street that has eight houses have a different legislator across the street from each other.

Okay. And also years ago when it was being redistricted, they wanted to get the triangle that's known as Jericho Gardens, which is between Cantiague Rock Road and Cantiague Lane and is in our

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established boundaries with the state to be brought into the same district, to have one full district in our community.

Now if you look at Jericho Gardens as the other problem that we're discussing, the little triangle and the most northeastern portion of the district to and you can see the line that goes between North Hempstead and Oyster Bay bisecting that little triangle. They have Westbury Post Office, but they are Hicksville schools, Hicksville, water, Hicksville, fire. So they are our Hicksville neighbors. Many of them are in our Civic. And three of the people that live in that community are on our board. So we need to get this corrected that we have one legislator and not having people across the street from each other confused by representation when they go to the polls or the other ones that share the services of Hicksville and Oyster Bay being segregated from us for whatever reason of boundaries, it's ridiculous and



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it hasn't been corrected.

And the other complaint is I was looking to find out if my argument holds water, but there's nothing that shows what streets are the jagged line. You can't tell to be able to talk about this intelligently. And I'm upset that I couldn't speak better knowing what the streets are, where the zigzag lines are.

CHAIRMAN MORONEY: Thank you for coming.

COMMISSIONER MEJIAS: Just one correction. The 2013 map was approved in and made by the Republican majority in the legislature. And it was the Democratic commissioners who wanted all of the shapefiles and block files to be uploaded to the County website so that you could see what block you live on and what district you're going to be in. And when we asked for that to be done, we were denied.

CHAIRMAN MORONEY: That's absolutely not true. It's up already. It was put up

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by Peter. Peter Clines's from your office. He sent him over to the Clerk yesterday or today.

COMMISSIONER MEJIAS: There's no shapefiles or block equivalency files on the County website.

CHAIRMAN MORONEY: Everything we gave you is there. Now let's move on your map.

COMMISSIONER MEJIAS: The block equivalency files and the shapefile of your map are not up.

CHAIRMAN MORONEY: I'm not responsible for your maps.

COMMISSIONER MEJIAS: I'm talking about your map.

CHAIRMAN MORONEY: Everything we gave you is up.

Arthur Dobrin.

MR. DOBRIN: Arthur Dobrin. I'm as a resident of Westbury. I live on the corner of Rush Hollow Road and Dartmouth Street, which is the juncture of Westbury and New Castle. So I really want to talk

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2 about trying to ensure that New Castle  
3 and Westbury remain together in the same  
4 legislative district. I say this because  
5 historically, emotionally,  
6 psychologically, these two communities  
7 have been joined together -- I sort of  
8 think of them as conjoined twins -- in  
9 every way, historically for sure, but  
10 certainly in terms of the school district  
11 and other districts such as the water  
12 district, the fire district, the post  
13 office, the library district, all of that  
14 encompasses New Castle and Westbury  
15 together. So it seems to me that if New  
16 Castle and Westbury were to be separated  
17 under whichever map you ultimately draw,  
18 this is really would be a disservice to  
19 both communities. Because  
20 psychologically, emotionally, in every  
21 other way, I think that most residents in  
22 both of those communities think of  
23 themselves as having a joint interest and  
24 being in the same community.

25 I certainly do. The people who are

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my neighbors do. My friends do. My children grew up in Westbury and have many friends. Westbury, New Castle.

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New Castle, I think is often thought of as more of a neighborhood in Westbury, although it's not within the village borders. So all of us are in favor of having strong communities. I think to divide Westbury from New Castle, New Castle from Westbury would be a disservice in that regards. It already is a strong community. It ought to be kept as a strong community. And any map which divides the legislative districts into separate communities, would be to undermine what I think is an absolutely wonderful and unique community in Nassau County. Thank you.

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CHAIRMAN MORONEY: Thank you very much.

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We're going to take a few minute break here.

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COMMISSIONER MEJIAS: The Republican commissioner and I agreed on something

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that 8:15 we would take a 15 minute break  
until at 830.

(Whereupon, a brief recess  
is taken, 8:07 to 8:30 p.m.)

CHAIRMAN MORONEY: Our next speaker  
is Rosemarie Walker.

COMMISSIONER MEJIAS: I just I just  
want to remind everybody there, we do  
have a lot of slips and we want to make  
sure we get to everybody. I apologize in  
advance if we do have to stick to the  
three minute rule. But I do want to just  
make sure that everybody that's staying  
here late gets their chance to speak as  
well. So that's why the three minute  
rule. So I apologize in advance if some  
people get cut off by the chairman. We've  
talked about this, but I wanted to make  
sure that we everybody gets heard and we  
don't end this just at a certain hour  
arbitrarily. Thank you. And I thank the  
chairman for his indulgence also.

CHAIRMAN MORONEY: That's okay.

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There you go. How are you?

MS. WALKER: I appreciate you all being here and I appreciate being here. And thank you for giving me the opportunity.

My name is Rose Marie Walker. I'm a of villager of Westbury. I'm here primarily to listen and to hear and to understand what's going on. And I appreciate being able to hear both sides and to understand the different perspectives.

My primary reason for standing here is to beg and that we stand united and that together -- I'm looking at the line of you and I'm saying, can't we come together in terms of looking at who are people are? Do you know who your neighbors are? Do we know who they are and not just look at the 26 years ago, but what is relevant today? Who are the people today and what is relevant? And to hear and to honor and respect what folks are saying.

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I heard my mayor talk about the village of Westbury. I don't necessarily agree with everything he says either. All right. And I'm so thankful for the ability to have my own voice and to be able to say that. What I'm asking, respectfully, is that you truly in drawing these lines look at these communities. Instead of continuing on the avenue that we are currently in -- And we are on a dangerous path, folks, let's be clear about that. We are on a dangerous path. All right? And that path is being led by people full of hate and intolerance. Let us be the ones who say this is not all right.

This is not the America that I signed up for. Because I signed up to be a citizen of America and have been a citizen for more than 40 years. And I'm proud of that. I'm proud of my children who serve in America's military. I'm proud of my child who teaches in our school and what I want, and the young

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people whose mother came up to me and asked me to speak with them to help me understand, is for you all to understand who the constituents are out here and to speak to them so that they understand what's going on, and so that your voter who is going to come up two years from now, the young lady is 16 years old. She wants to understand, what are we talking about here? Are we able to make a difference? Do I actually have a voice?

I think that if we are modeling a different behavior in terms of how we speak with each other and how we respect each other, then she is more likely to vote, more likely to speak to her friends about voting and taking part in this system that we have been a part of and I am proud to be a part of. Except that when it gets unruly and disrespectful (buzzer)-- and I'm closing up -- when we are not able to listen to each other and hear each other respectfully, it does not help our young people.



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And basically that is all I want to say and that we just really be mindful that there are young people here listening, watching, paying attention and want to see an example of how they should be part of governing in the future.

CHAIRMAN MORONEY: Thank you, Rosemary. Thank you.

Arlo Fleisher.

MS. FLEISCHER: Good evening. My name is Arlo Fleischer. I'm an organizer for the Nassau County New York Civil Liberties Union. As we're all here to do tonight, I'm here to comment on the proposed redistricting maps, but I'd also like to comment on the process first.

It has been very clear from the start that the Republican side of this Commission is not interested in transparency. They have refused to put the census and other important information up on the County website to the point where the Democratic commissioners had to create their own

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Google Drive and get the word out on social media to share information with the public. The original schedule only allowed for three hours between map proposals and the adoption until the public outcry became so loud that they had to make a change. And finally, their map maker has admitted that public comment was not incorporated into their proposed map. And when asked if he planned on incorporating public comment, the Republican chair ordered the map maker not to answer the question.

That all having been said onto the map. The Republican expert who drew this map stated that he did not take into account any community input. We heard at the numerous meetings that were held, held throughout the county over these last two months. He did say that this map proposed on November 10th was just a first draft. And although the Republican commissioners stated that this was a working session, the door was shut when

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Democratic commissioners proposed changes. The map maker also said he did not consider the John Lewis Voting Rights Act when drawing up this map. And in fact, Democratic commissioners pointed out that this map as drawn was run against a possible 10,000 simulated maps using the gold standards method known as ensemble. It was found to be more extremely gerrymandered in favor of Republicans than all of the maps run. Ensemble is a methodology recognized by the courts. The mapmaker then attempted to debunk the methodology by saying that it doesn't take public comment into consideration, but neither do his maps.

When asked if he believes the map would comply with the John Lewis Voting Rights Act, he said, I don't have to apply the law to this map.

Now let's look at the actual communities. Uniondale is cut into three different districts. Freeport is cut into four. Lakeview straddles at least two

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districts. Hicksville is cut into five different districts. Hempstead is cut into at least two. District 14 cuts across all three Nassau County towns. East Meadow is cut into three districts, and Roslyn and East Hills is cut into five districts, and the five towns are cut into four districts. When asked if he did anything to try and preserve any of these towns, his answer was no.

The chair of the Commissioners Commission continued to want to share the history of community input that created some of the existing lines on the old maps that informs this new map, yet he is not interested in incorporating community input for this new map.

The New York Civil Liberties Union urges the Commission against the adoption of the Nassau Plan Five map. And the level of arrogance and contempt shown by this Commission has been absolutely stunning.

CHAIRMAN MORONEY: Thank you.

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Kathleen Spatz.

(Whereupon, no verbal  
response.)

CHAIRMAN MORONEY: Jared Behr.

MR. BEHR: Good evening,  
Commissioner.

Thank you, Commissioners, for this  
opportunity. My name is Jared Baer. I  
live in plain view with my wife and my  
two young children. I'm here tonight to  
speak out in support of the Democratic  
proposed map for the redistricting and to  
comment on this once in a decade  
opportunity and the importance of getting  
it right, both legally and ethically.

While reviewing the proposed maps  
and trying to educate myself on  
redistricting laws. I came across a  
Barrack Obama quote that really kind of  
struck me. President Obama said, "fair  
districts could not be more important to  
a functioning democracy. It's the best  
hope for us to honestly confront the many  
challenges that we face".

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And as we all know, everybody in this room, Nassau County, faces many challenges and will continue to face those challenges over the next decade. In order to meet those challenges, the redrawn districts must reflect Nassau changing demographics and keep communities whole. Looking at the two proposed maps, it's clear that only the Democratic proposed map complies with both the New York State Voting Rights Act, applicable Federal Laws and keeps communities whole.

This commission is not an opportunity to create, quote, safe districts that divide communities and limit majority/minority districts. Any attempt to do so must be stopped. Just look specifically at my community in Plainview. As pointed out by the professor -- unlike him, I was unable to avoid becoming a lawyer, if that's not clear to everybody in the room -- It cuts Plainview and old Bethpage right in half.

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As spoken to, we really are one community. It's one school district.

Similarly, it divides Syosset and Woodbury again, one community of interest, one school district. The Democratic map already has pointed out several times, creates five majority/minority districts as opposed to the four created in the Republican proposed map.

As also stated numerous times, the Republican map is based off an illegal redistricting in 2013 that violates the law and, frankly, does not make common sense and does not pass the eye test.

I am absolutely not a redistricting expert and I do not hold myself out to be one. I will not pretend to be one tonight. But what I am standing before you, besides a personal injury lawyer, is a concerned resident of Nassau County who wants our legislative districts to reflect Nassau changing demographics and keep the communities together. I urge the

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Republican commissioners to resist the temptation to do the politically convenient and expected thing and to create safe districts that will allow those people in power to remain in power and alienate those communities that have been alienated for decades in Nassau. Instead, follow the charge of your commission. Do the courageous thing, the right thing, and work with the Democratic commissioners to create a fair redistricting for all of Nassau County. We're depending on you. Thank you.

CHAIRMAN MORONEY: Thank you.

Tracie Brown, you're up. To be followed by son, Sonja Prophet. Go ahead. I'm sorry.

MS. BROWN: Yes. Good evening, everyone. It's a real appreciation to be here tonight. I'm just here to say that I must admit that both maps, I'm rejecting them because I feel that they're unfair to Uniondale. The Republican map doesn't even list us as being a community, and



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Uniondale is a vital community with an excellent tax base.

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As part of our community, we've always been slaughtered. They tried to call us East Garden City. They divided us. You have people that live in Uniondale and haven't realized that the first zoning they did in 2013 divided a community. Uniondale has two districts and most people don't even know that live here, unfortunately. And now we have no idea where we stand, especially with the Republican and even with the Democratic mapping.

This meeting, obviously enough people haven't been told because it should be so crowded we can't even find seats in this place. So how are you going to make a decision like that by the first of the first of the year, January. More people haven't gotten the information because I'm sure if they did, it would be more people here. This is affecting taxes. This is affecting school district.

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This is affecting young people who 25, 30 years ago could buy a home and can't afford a home in Long Island. This would be a suburb of nobody if you keep going the way you're going.

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We have to consider people. People are disabled. People incomes are limited, but yet our taxes go up every year and sometimes people don't get a raise for eight, ten years. It has to stop. This is abuse. This is abuse.

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And I'm sorry to say that I'm not convinced anybody cares enough for the people. I don't care what party you of. People are starving, homeless and you're talking about taking people rights.

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Their towns are what they invested in. I invested 31 years of my life in Uniondale. I could have live somewhere else, but I like the town I lived in. Love it. It's not perfect. No town is perfect. But to just come here and make decisions about our town like we're pieces of paper when human beings are

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living here is not correct, sir. Or anybody else who agrees. Ma'am, whatever. I'm sorry, but it's not correct. People live in Uniondale and all the other towns. We're not pieces of paper. That's all I have to say. Thank you.

COMMISSIONER PERNICK: Ms. Brown, very briefly. Ms. Brown, I just want you to be aware that when the Democratic commissioners, when we were working on our map, we made sure to unify Uniondale in one district. We do. And it's right over there in the map.

The Republican map splits the Uniondale into three districts. So that was unacceptable to us, and that's why we made sure to unify Uniondale in one district. But we really appreciate your testimony. Thank you for being with us tonight.

CHAIRMAN MORONEY: Thank you. Mr. Pernick.

Sonja. Behind you, I have Leslie, Leslie Davis.

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MS. PROPHET: My family has been in the west end of Rockville Centre for over 85 years. My grandmother moved here when she was ten. So I know about Lakeview, the West End, which is labeled so because it's a community of color.

Now, in 1993, my father wrote a budget analysis on the minority communities investment in Nassau County, which basically found that we weren't receiving the services we should have been receiving, the benefits we should have been receiving in income from the taxes that we had invested in our community. So that being said, Nassau County was found unconstitutional.

So I'm wondering if this map now is a new strategy of rerouting those funds. Are you trying to take money from us? Where is the money going? Who's deciding who gets the money and where it goes?

My street that I live on is Main Avenue and it's down the block from the Science and Technology Center. Every

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Halloween, my block is bombarded with strangers. And now I have signs outside of my house that give you a historical event of what has happened here in the swamplands of Tanglewood. Okay. And now we have these home. Like how? How do I say this? It's The Handmaid's Tale with these lights that line the street with gates that weren't there. We have a sidewalk that we didn't have for 30 years. We get plowed. When we didn't have anything done for 30 years that I'm aware of because I'm almost 40 years old. But now all these changes are miraculously happening because it's almost like the decision that you have made has been made in a certain way and it's rolling out and we're just bystanders that have to accept the changes that you have projected onto us. This is not what we ask for. We didn't even know about it. I just found out this morning when I looked at my e-mail.

So that being said, why is this

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happening? Is this a new technique? Is this a restrategizing of how to take our money? Because that's how we feel. Thank you.

CHAIRMAN MORONEY: Sonja, one quick question. Do you know who your legislator is?

MS. PROPHET: Bynoe.

CHAIRMAN MORONEY: Next is Lisa (sic) Davis. And behind her is Pedro Quintanilla. That's what I said. Yeah.

MS. DAVIS: Good evening. Good evening. My name is Leslie Davis. I'm a lifelong resident of Westbury New Castle Community. A former trustee of the Westbury School Board of Education and the current president of the Westbury New Castle NAACP. I am joined tonight by other members of our executive board, my vice president and members of our branch. This is the second time I'm appearing before the Commission. The first time was at the hearing held in Manhasset on September 8th. I am disappointed to have

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to again make an appearance before you. I am disappointed because at the time I joined with other residents of the Westbury to ask the Commission not to remove the predominantly minority portions of the village of Westbury from the Legislative District 2 where it has been since the lines were first formed more than 25 years ago. We spoke about the commonalities this section of Westbury has with other residents of the Legislative District 2 such as New Castle, Hempstead and Lakeview. Commonalities such as familiar bonds, socioeconomic backgrounds, places of worship, social values and cultural interests.

We noted that cracking off this portion of the village of Westbury would be a disservice to its residents, diluting the ability of this predominantly black and brown community to elect the representative of their choice. We also noted it would be a

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violation of the Voting Rights Act. We indicated that we were acting preemptively to ensure that the Commission was aware of our wishes. It was our hope that the Commission would have this input and take into consideration when drawing the map.

Some of us were heartened by the comments made by the Commission Chair and the following exchange with Cathy Middleton. Her husband already stated the exchange earlier. Basically what it was is she asked why. He said he wasn't aware that it was going to happen and everybody went along with it. As I said, many of us in the Westbury community were encouraged by that exchange between Ms. Middleton and the chairperson of your Commission. You can imagine our surprise when we saw that the map submitted by the Republican commissioner does exactly what we asked you not to do.

The map submitted cracks the portion of the village of Westbury we expressed



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concern about and places it in a district

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which Stewart Manor, Garden City and

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Bethpage Communities. It has no

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commonalities.

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Mr. Moroney, what happened between

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September 8th when you incredulously

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asked why were you concerned about

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cracking this community and stated that

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you hoped it wouldn't and it would not

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happen. So November 10th, when you

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submitted the map, that's exactly what

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you did.

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In close, I just want to ask just

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one question. How could you draw a map

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like this that doesn't address our

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concerns when we clearly spoke to you?

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You speak about transparency. How

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transparent are you? Really? Thank you.

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CHAIRMAN MORONEY: You're welcome.

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Pedro Quintanilla to be followed by Susan

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Gottehrer. I think I got it right that

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time. Pedro, come on up.

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MR. QUINTANILLA: Good evening to

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the commission and to this community.

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I just want to second what has been restated over and over again by the Westbury Community. I have lived in Westbury most of my life, right next door to Carl Place in the village. And a lot of friends on both sides of Carl Place, Westbury and New Castle. But the majority of my friends are in New Castle. Why? Because I'm Hispanic.

I am in favor of keeping Westbury and New Castle in District 2. Why is that? Because we have commonality. The majority of the community attends the Westbury School District, which is part of Westbury village as well, keeping the community together.

So what I ask is that two things. One is that the Republican map is evaluated. And Frank, you and I live a few blocks away from each other. New Castle is not far from where you are, but by breaking it off, you're going to put it in a different world. And I don't know if you know this, but a large percentage

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of the Hispanic community of New Castle treks over to the village for religious services whether it's Catholic or the services.

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And so these things need to be taken into consideration. And I think it's critical if. Either party, Democrats or Republicans, are going to earn the respect, earn the trust of the citizenship in these tumultuous times that we're in, is that you start doing that by addressing and looking at the needs of those communities and keeping them together.

I understand that each party has an interest in shaping the map to suit their political needs. But I think, you know, if you're going to be honest with each other, it is very clear which map is not doing the right thing by minority communities.

And I just want to add, one fact that I have been seeing is, is that not only is the minority community,

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predominantly African and Hispanic, but combined as a community, it is growing tremendously and it makes a significant percentage of Nassau County now, I think about a third. You know, and I think maybe one out of five are Hispanic descent, and plus the Asian community. Right. So I think it's only right and just. Right. And just, you know, to put the communities alike together.

I implore you to revisit that map and look at that, because at the end of the day, our community as a whole Nassau County, as a whole will benefit from that. Thank you.

CHAIRMAN MORONEY: Thank you, Pedro. Susan. And behind you is Karen Montalbano.

MS. GOTTEHRER: Hi. Good evening. Before I start, if I could just ask you about the bottom of the Republican map. Has a Copyright 2021 caliper on the bottom of it. I'm just asking if you could address that at some point.

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My name is Susan Gottehrer. I'm the director of the Nassau County New York Civil Liberties Union. I'm here to comment tonight on the proposed Republican map. I'll be reading excerpts from written testimony that was submitted to all of you from the New York Civil Liberties Union.

The map, identified as Nassau Plan Five, shows strong indicia of racial gerrymandering and the dilution of the black Latinx and Asian voting strength. In doing so, the Republican map likely violates some or all of the following:

The United States Constitution. The New York Constitution. Section two of the Voting Rights Act of 1965, the Municipal Home Rule Law and the John Lewis Voting Rights Act of New York.

This map has some fatal flaws that are obvious even within the limited time given for evaluation. The Commission should reject it. For example, it increases the number and concentration of

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black voters in Legislative District 1 to create a black majority district, even though black voters are already able to elect their candidates. This attempt to do so, in layman's terms seems to be for the purpose of creating adjacent majority white districts. This is all very technical and legal, and it's all in the four page memo that we've submitted to you.

In Cooper versus Harris, the US Supreme Court found improper packing of black voters into two districts in North Carolina in order to make the surrounding districts more predominantly white. So that is an example of what we're seeing here.

Importantly, referring to District one, the memorandum for the consultant that drew this map issues the following disclaimer:

"At this point, we have not performed or studied any analysis that indicates whether Section two of the

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Voting Rights Act required that this district be created".

So there's disclaimer inside your own consultants report on this. Absent any evidence that the VRA requires a black majority district here, it is clear that the map uses the VRA as a pretext for racial gerrymandering in District one.

Additionally, to the extent that the proponents of this map contend that Black and Latinx voters are not politically cohesive, not only are there indicators to prove otherwise, but they also improperly divide Latinx voters into subgroups as stated by their mapmaker on November 10th. Racial voting patterns, public testimony, housing, data, education, employment, criminal justice and social services show numerous indicators of political cohesion among Black and Latinx populations, and the statistical evidence of racial voting patterns in interracial contests in the

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record before this Commission indicates that the preferred candidates of black and black and Latinx voters are usually defeated by a cohesive block of white voters.

Finally, the Republican map privileges maintaining the cores of existing districts (buzzer). The proposed map compounds the errors of the 2013 map, which just became which just because it wasn't taken to court, doesn't mean that it's legal. Nothing in the Municipal Home Rule Law indicates an intent to grandfather in flagrant violations.

Your map maker said this was a draft. Your map maker admitted to not including anything subjective like public comment into his configuration. This map is not acceptable and we look forward to seeing the changes you will implement after this public comment.

I would also like to just add, Mr. Chairman, that the other night you said it doesn't matter how people make their



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money, who's working on maps or on the commission. It does matter how people make their money -- who's working on a map. That's exactly the reason why we're doing this work right now. So when somebody asked about his political consulting background, you said it doesn't matter how he makes his money, it does matter how he makes his money. And it matters how all of you make your money from this county as well.

CHAIRMAN MORONEY: Thank you. Thank you, Susan.

Susan, you asked a question about the 2021 caliper at the bottom. It's at the bottom of all of the maps, both Democratic and Republican. My best guess is that that deals with Maptitude which is the company that we all ordered our map making paraphernalia from.

MS. GOTTEHRER: Thank you. I appreciate.

CHAIRMAN MORONEY: Karen Mantalbano to be followed by Cesar Ruiz.

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MS. MANTALBANO: Good evening. My name is Karen Montalbano. I am the government liaison for the Baldwin Civic Association and the past President.

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Last time I spoke to this body, I asked you to redistrict by the interest of the people, not party. It seems that that has gone by the wayside. I look at the Baldwin map. It has a suspicious jog on the east side coming in and along the top. But then I was just informed that one house on the south west corner is in District seven, one house.

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There seems to be a real problem with Baldwin. You can't seem to keep us in just one thing. You are dividing communities. You're diluting a community's representation and our ability to get anything done for our community.

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I look at when I talk to our neighbor over in South Hempstead. They're even smaller than us and they are in three parts. That's crazy.

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How you divide it up. Freeport. Oh, my gosh, Crazy. I know firsthand the difficulty of trying to get something done when you are divided up this way with several different legislatures.

Remember, you know, you talk about all of the stuff about 1986, 1996, 2013. Well, here we are in 2022. We should be looking at what the concerns are of the people of 2022.

Remember, you're supposed to be representing the people and what the people need, not the parties. Thank you.

CHAIRMAN MORONEY: Thank you.

Cesar. And behind his Barbara Epstein.

MR.RUIZ: Greetings, Commissioners of the Nassau County Redistricting Commission. My name is Cesar Ruiz. I'm an attorney at Latino Justice PRLDEF and a member of its New York Voting Rights and Redistricting Project.

Latino Justice is a Latinx civil rights organization that for the past 50

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years has protected the civil rights of  
Latinos across the nation.

Redistricting is a critical  
component of our democracy, one that will  
determine the political representation of  
Nassau County residents for the next ten  
years. As we know, historically, members  
of marginalized communities all  
represented in this room, have been  
excluded and disenfranchised by that  
process, often by political and partisan  
interest.

Our participation and that of our  
communities is crucial. So I want to  
begin with a few points. The first is  
that the Commission has a duty to adopt a  
map that does not dilute the voting power  
of black, Latino and Asian community  
members. That's under the Federal and  
State Law.

My second point really focuses on  
maps and is really a little bit more  
pointed. The majority proposed map  
abdicates the Commission's duty to avoid

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diluting the voting power of communities of color in defiance of State and Federal law. The Majority proposed map has prioritized protecting cores of districts, village boundaries and equal populations. However, these priorities are in conflict with the Legislature's duty to prevent the dilution of the vote of minority community members. An analysis of the Majority proposed map makes clear that the new district lines have cracked and packed Latino, black and Asian populations unjustifiably splintering communities of interest and defiance of public testimony and proper redistricting principles.

A number of examples which I'll go through: District one of the majority map splits the Village of Hempstead in half on the basis of equal population. But public testimony has sought for this to be unified. In contrast, the minority proposed map in District three unifies that, so it shows that it's possible.

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District one also raises concerns of Cooper V Harris of a racial gerrymandering claim and unnecessarily packs Latino and black community members raising concerns of racial gerrymandering, which was found to be illegal in Cooper v Harris. If adopted, that district would be vulnerable to legal challenges under the Equal Protection Clause of the 14th Amendment.

In the Majority proposed planned Uniondale is split. We've already heard testimony about that. The Minority map, by contrast, unifies that. So it shows again that it's possible and it avoids cracking communities of interest and Latino and black communities.

The Majority plan also splits Freeport into four districts. The minority plan, by contrast, does not and maintains the core of it, while only splitting it within two districts, thus showing again that you can unify black and Latino community members who share

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similar economic, social, and political interests.

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There are a number of other examples that I want to hit: Westbury, New Castle, another split in the Majority plan where we showed that it could be unified. And I'll go through a little bit quickly because I see there's time. In District three Elmont Valley Stream and are unnecessarily connected to Inwood. Plan that packs and cracks minority voters in the neighboring seats.

Lastly, I'll just end in conclusion that this is unjust. It's unfair to pack and crack communities for political interests (buzzer), and really the focus of this process should be driven by members of the community. And I didn't get through all of my comments, but I'll be happy to submit in writing and answer any questions that the commissioners may have.

COMMISSIONER PERNICK: Mr. Ruiz, thank you for your testimony. This is

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extremely helpful and thank you for your work, generally. I know that you're a seasoned voting rights litigator. You've done work across the country, and I appreciate your involvement in this effort.

One quick question for you: Do you believe that Nassau County will violate Section two of the Voting Rights Act and the New York Voting Rights Act if we fail to draw five majority/minority black Latino districts that perform for candidates preferred by voters of color?

MR.RUIZ: Plainly, yes. There are sufficient population under the Gingles analysis that there's majority population. Anecdotally and historically, communities of color, Latino and black communities have tended to vote cohesively. This would have to be done through more thorough analysis, driven by an expert, which I see the Democrats have provided. I haven't seen any data provided to the contrary. With that



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basis, there's at least a good faith argument that could be made that you would meet Gingles too.

And then the last two to form the injury would be whether a white majority block, which tends to be the easiest part to prove where the injury occurs, and it's likely that it could be met. I reserve observation or making a conclusive answer around the two and third, but anecdotally and with what is given, it's definitely likely and it's certainly an obligation of the Commission to draw that.

COMMISSIONER PERNICK: Thank you.

CHAIRMAN MORONEY: Barbara Epstein. Barbara Epstein to be followed by Cynthia Johnson.

MS. EPSTEIN: Good evening, ladies and gentlemen. My name is Barbara Epstein, a member of the Nassau County League of Women Voters Redistricting Committee. The league is a nonprofit, nonpartisan organization that encourages

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informed and active participation in government, works to increase understanding of major public policy issues and influence public policy to education and advocacy.

Last week, we were presented with two maps: One from the Republican side and one from the Democratic side. Mr. Moroney, you have continually said the process would be transparent and follow all the applicable laws and rules. Yet your guidance to the Republican mapmaker was to use the current map to create a new one. There have been multiple hearings throughout the county with many suggestions from the public. When the Republican map maker was asked if he considered any of them, he said no.

The map splits multiple communities such as the five towns, Hicksville, etc. The new municipal law says to use generally accepted practices for redistricting districts that are as nearly equal in population as is

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2 practical. This was done. Districts were  
3 drawn with the intent of resulting  
4 result, or denying equal opportunity or  
5 racial or language minority groups to the  
6 participant in the political process.

7 The minority population in Nassau  
8 has increased from 32.6% to 41.65% since  
9 the 2010 census. The call for five  
10 minority/majority district is realistic.

11 Districts consent of contiguous  
12 territory. The Republican map does not  
13 really do this. It unjustly divides  
14 communities of interests. This year's  
15 process reminds me of what happened ten  
16 years ago. Same process. It was wrong  
17 then. It is wrong now. Go back to the  
18 drawing board. Come back with a map that  
19 reflects Nassau County.

20 Even your consultant said that the  
21 Republican map should not be the final  
22 plan and to be used as a starting point  
23 by the Commission. We also suggest not  
24 only new maps but additional hearings on  
25 the maps do not have the November 21st

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vote, but to present other maps. There is time to do it right. Thank you.

CHAIRMAN MORONEY: Cynthia Johnson. Cynthia.

MS. JOHNSON: Good evening, representatives. My name is Cynthia Johnson. I live at 185 Rhododendron Drive in Westbury.

I came to the Manhasset Conference meeting on September 8th and voiced concern about the redistricting process. Many people at that meeting voiced similar concerns. The redistricting committee released a map on Thursday that strips portion of the village of Westbury that is the east of Post Avenue out of Legislative District 2, the district it has been in since it was formed in the 1990s. New Castle in Westbury will no longer be in the same legislative district. The undoing of the bond between New Castle and Westbury by putting us in separate districts is a radical departure from the history and from precedent. We

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have been bound together for generations. Even as the mayor told you, our District of Westbury works well because of the bond that we have. The undoing of this bond between New Castle and Westbury is putting us in a difficult position. We are in one school district, one water district, the library district, the town of North Hempstead. All until now.

Many people were at the hearing and many spoke out about this as a problem under the law. You should consider that I was surprised as a resident of a minority community, that my plan and my voice was diminished because of this redistricting plan. This would combine Stewart Manor, Garden City and Bethpage with Westbury. There is no commonality of interest with these cities. As a result, my vote has been severely diminished because of this. I encourage you to reconsider this map and rejoin the community that I live in with other communities of Legislative District 2. Under the law, you are

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required to consider this move and keep communities of color together as required by the Voting Rights Act.

I pray that my voice can be heard and District 2 remains unchanged as it has been for the past 30 years. I hope I am not whistling in the wind as I did on September 8th and nothing was changed. Thank you for your attention.

CHAIRMAN MORONEY: Thank you for your testimony.

We have one more presentation, which I'm told is to be 10 minutes long. So I'm going to call up Fred Brewington and ask him to come up and make that presentation.

MR. BREWINGTON: Thank you so much, Mr. Moroney.

First of all, good evening, Commissioners, and good evening to all the people that have gathered here, particularly the people from the communities that have been oftentimes derogatorily related to as the corridor.

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But we accept that. We accept that designation because the corridor means that we are the core.

And what I come to you to talk to you about this evening, as we have a PowerPoint that may be up on the screen and I'll roll through it in a second, is to come to you to say that what I have seen with regard to the map that has been proposed as the primary map being discussed now, that being the Republican map, fails on all three legs.

It's important for people to understand that with regard to the issues of voting rights, that there are multiple levels of importance. And so if we were to take voting rights and make it as though we were a table. And then place on that table three legs, a three legged table. We've seen those, right? And if you took the three legged table and it was standing on strongly three legged tables, that would be the rights of citizens and voting rights of

1  
2 particularly communities who have been  
3 underrepresented standing on three legs.

4 (Whereupon, PowerPoint  
5 presentation is displayed and  
6 referred to during Mr.  
7 Brewington's presentation.)

8 MR. BREWINGTON: The first leg. What  
9 I've placed up here is the New York Home  
10 Rule 34 4E. And the reason we've been  
11 talking about it, you've heard it  
12 referenced, but I thought it was  
13 important to see the language because the  
14 language from 34 4E says, "the districts  
15 shall not be drawn to discourage  
16 competition or the for the purpose of  
17 favoring or disfavoring incumbents or  
18 other particular candidates or political  
19 parties".

20 Leg one as you have created your  
21 map, is broken because you have created a  
22 map that is a partisan gerrymander. And  
23 I'll just tell you that when you look at  
24 the Harkenrider case and evaluate that it  
25 was a mistake made by the Democrats



1  
2 statewide. What makes you think you're  
3 going to get away with that in Nassau  
4 County when it was the Republicans that  
5 challenged it? That's a concern. And I  
6 think that as you go through this process  
7 and you look at this three legged table,  
8 the first leg being kicked out means that  
9 the table is tottering.

10 Then if we go on and look at what  
11 Reynolds v Sims, and my colleague, Mr.  
12 Pernick, referenced, Reynolds v Sims  
13 Supreme Court case that really just talks  
14 about what the right to vote is. And it  
15 says that the right to vote freely for a  
16 candidate of one's choice is of the  
17 essence of a democratic society. And  
18 that's what we claim to be. We claim to  
19 be a democratic society. We claim to be  
20 a society that respects the rights of  
21 individuals, majority/minority and those  
22 who have been underrepresented. But when  
23 you go after the very right, that makes  
24 us a democracy that separates us from  
25 what's going on in Ukraine right now, you

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create a concern that we must fight back. We have to. And don't expect us to be quiet about that.

So when we look at the right to vote and the right to pick a candidate of choice, when you strike at the heart of that right, you create a concern that all the courts in the United States, not just places where Democrats rule, where Republicans rule, have said, you can't do that. Because that's anti-American. I know none of you want to be labeled with being anti-American. I know that you wear flags on your lapels. By doing what you're doing, you are labeling yourself with a label you don't want to carry.

And this is an opportunity to educate everybody, including yourself, because forewarned is forearmed. And it's important that you understand that you don't want to get into that scenario that Brother Mejias was talking about, where you're paying lawyers after lawyers after lawyers, because there are people just

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waiting for you to do the silly thing that's happening. I may be one of them. But I say that because it is my obligation as a civil rights lawyer to not let the nonsense that's taking place go on.

So if we go on, we look at the Voting Rights Act of 1965. That's leg number two. The table now is starting to tilt because the Voting Rights Act of 1965 says that you have a responsibility to abide by what the Supreme Court of the United States has allowed to exist, that being Section two. And what people died for. I'm not talking about just standing up and arguing at a podium. People stood in front of hoses, got bit by dogs, were whipped, were burned and lynched because they wanted to make sure that they had a right to stand in a hall of justice like this and say, treat me right.

Do not shame those ancestors. And I do cite them regularly because if it weren't for them, a little black boy from

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Lakeview wouldn't have gone to come back and come back home to raise hell. And I'm raising it because that is the importance of what we all stand for as a community. Because when we don't respect each other and we don't respect the rights that you have, and the rights that you have, the rights that you have, and the rights that everybody here has, we do damage to that table.

Let's talk about the next. Because I can go through the Voting Rights Act and I don't think I need to do the whole thing. And these are the preconditions of the voting rights requirements under Thornburg v Gingles -- and my friend from Latino Justice was so appropriate in talking about how wrong this is. I don't need to recite all that. But let's just take a look at what's taking place. I wanted to make sure that we all heard the terms. But what are they? What are they? Cracking, stacking, packing. Sounds like triplets, doesn't it? But those triplets

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are amazingly dangerous to that table. Because it's now standing on one leg in the wind blowing, because we've dealt with Home Rule, we've dealt with the Voting Rights Act. And as we look at what cracking, stacking, and packing are, we define them so that everybody knows because you're doing it in your map. Cracking fragments, the minority populations, and disperses them among other districts to ensure that all districts are majority white.

So when we look at I'm going to name them: Westbury, New Castle, Lakeview, Freeport, Hempstead, Uniondale, Elmont, and South Floral Park; all of them. You're creating a problem by cracking.

And then what you do as we go forward, we look at the next phenomenon. Which is stacking. And what are you doing? You're combining large minority populations like Lakeview with a greater number of white voters so that their ability -- and Lakeview's historic,

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dealt with Malvern. Right. So what you're doing is you're stabbing the historical components of Lakeview right in the back. And so you're stacking them in a community where the savor of their vote will be lost.

Packing. It is happening when you create a district that's 90% minority and then make sure that the 40 or the 30% that could influence and or create another district is not joined to the other part of another district so you get a fifth district. This is this is not hocus pocus. And it's very important for you to understand that the reason why so many people are here, there is no hope that you're going to do the right thing. But there is hope that we can take this to a place where they will say that you did them wrong. And as a result, we make the record for you so that you can't say you weren't warned.

So this packing that's taking place that concentrates minority voters as many

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as possible in as few districts as possible to minimize the strength. And the savor of that vote is what's happening.

And I'm getting to the end. Let's go to Lake three on that table. God rest his soul. He stood marched with Dr. King and stood along with everybody that made it possible for us to be in this place tonight. Because Nassau County even had its own problems dealing with voting rights and dealing with poll taxes and literacy tests even into the sixties. It's important to know your history. And when we deal with that. I've got to just hearken back because one of the speakers said you seem to be joining in to those voices that are doing voter suppression in other places that we commonly think they would happen, you know, the Mississippi and Alabama and Florida. Well, we're down south up north. And what you're doing right now is joining in to that rhythm. That doesn't even keep time.

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Because the time is 2022. Don't go backwards and don't take us backwards.

So the John Lewis Voting Rights Act of New York is the third leg. And it deals with voter dilution. It deals with voter suppression. It deals with voter intimidation, deception, and obstruction. It deals with expanding language access and preclearance, which was the old Section five that was undergirded by Section four of the Voting Rights Act of 1965, and you're running right into a buzz saw because as you kick that leg out and violate that leg, the only thing that's going to come down on your head are the rights of all the people that have warned you. And as a result of that, you will be in violation of not one law or two laws or three laws, but you'll be in violation of constitutional violations because you intentionally did it. This is not a mistake or an error in map drawing. You know that you are doing this and refuse to change your hearts. I'm not



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worried about your minds.

So I'm going to end up here. With this. You talked about the percentages of deviations within sections from different maps, right? You said, oh, the proposed map from the Dems, you've got a higher deviation in terms of the numbers in the districts. As long as you're within the accepted deviation, you're good by all genres of law, all areas of law. But what you're not dealing with. And we're not just dealing with equality. We're dealing with equity. Be fair. Be just. Be appropriate. Because what you are doing right now is not only unfair, but this explains what equity is. And you've seen this picture before, but people have not. And a lot of people just don't know that term. So we got to talk with each other.

Equity. Puts me on the same plane as you, Mr. Moroney. After 450 years of subjugation, after 400 years of being underfoot, under 400 years of abuse, you can't expect that a society that saw me

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as a piece of furniture to think that everything is okey dokey. It's not. So equity means that you take the extra steps to make sure that the standing and the ability to see everything, to have access to everything, to be involved in everything, places everybody on the same plane. Your map does not do that. What your map does is turn people who stood in Nassau County and challenged the old Board of Supervisors; People that challenge the Board of Elections -- NAACP v Board of Elections. That stood and challenged a number of things on its ear so that the rights of those individuals and all the individuals here are just not considered. And when you take a look at your own map. Please, everybody, look at it in the mirror. Look at yourself. And evaluate whether or not am I as a human being with authority and power going to hand this map over to the Legislature so that they can do their dirty work. And if that's your vote. Shame on you. But God

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bless you.

CHAIRMAN MORONEY: Thank you.

COMMISSIONER MEJIAS: Thank you.

Thank you, Mr. Brewington.

And for the record, Chairman Moroney and I had a conversation earlier today, and Chairman Moroney agreed that Mr. Brewington can make his presentation without any time constraints. So thank you, Chairman Moroney, for making that exception for Mr. Brewington.

MR. BREWINGTON: Thank you for that courtesy as well.

CHAIRMAN MORONEY: That's okay. Marvin Amazon.

MR. AMAZON I just want to start off by saying thank you for having me up here. Although it took like three hours to get up here, I finally made it. But I've come to the conclusion that Republican commissioners really don't care about what I say. And I know that because they created their maps without giving any public comment to their map

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creator, which kind of defeats the purpose of why we're here.

Now, it's interesting to me because you, the commissioner I'm sorry, the chairperson of the commission, you asked the doctor that was here earlier if when he was running his maps, if he actually added any of the concerns of the people. And that's just weird to me because you didn't add any of the concerns of the people to the map that you created. So you're just kind of throwing things out there and hoping that it would stick. But it's not because we're aware and we're paying attention.

So, I mean, I guess since you guys don't care, I guess someone talked to the rest of you guys all today. You don't have you don't really care about what I have to say anyway. No, not y'all. They don't really care about what I have to say, so I'm gonna turn to you guys and just talk to you all.

I want to let you know that the

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Commission proposed the maps, right? And after it gets proposed, it goes to the Legislature Rules Committee, and after that, it goes to the Full Legislature. So the legislature has an opportunity to do the right thing. Right? They can actually go out and draw a map that represents us all, but we know what's going to happen. And if that does happen, it's going to get very expensive for us. All right. And regardless of what happens, we should not be discouraged. We should not turn our backs. We should not turn our heads. We should go harder. We should come harder. Right? We need to make sure that we are doing our job in our civics, getting our kids out here. My young son, he's only nine months now, but getting him out here, getting everybody out here to make them understand and make them know that what we're doing here right now is very important and so that they can continue this fight once we have all left. Right. Because that's what it's about, to

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continue this fight so that things like this don't continue to happen, although it seems like it will be.

I'm sorry about that. But I do want to thank you all for coming out here. Because you are what's going to stop this from happening, hopefully. Right. Taking your time out, especially after the three hours or two hours that we had to wait before we have to come up here and actually speak. And we still have a lot more people to speak. And I'm hoping that you guys are not going to close this up at like 10:00 saying that you have to go home to your family. I would love to go home to my son as well. And I didn't get the opportunity to do that. And he's about to go to sleep in like 10 minutes. So I hope I get the opportunity to do so. But again, I do thank you all. I'm not going to take any more of your time? Because like I said, I do want to get home to my son. So thank you again for coming out.

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And I hope that the maps that you guys propose do the right thing. Because we're going to have to deal with it. Not you all. You don't care. We do. We're the ones being affected by your decisions today. So hopefully you guys make the right decision. Thank you.

CHAIRMAN MORONEY: Stephanie Chase and Michele Lambert. You're on deck.

MS. CHASE: Good evening, commissioners. My name is Stephanie Chase. I am a member of the NAACP. I'm a civic engagement chair, and I am also a member of the mighty Lakeview Civic Association, which was formed pretty much because things weren't happening in our community.

We're not happy with these maps. I've been to every -- well, every meeting but one. I spoke, I asked for transparency, fairness, and I must have been just spitting in the wind. Not happy. I've missed Bible study every Wednesday to come here. And I just can't

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believe what you did to Lakeview.  
Lakeview is a small community and it's  
divided.

It's bad enough that the Rockville  
Centre part can't even get a commuter  
ticket for parking at the train station  
and the West Hempstead side can't either.  
So we're in a middle of nowhere. We just  
have ourselves and we do a good job.

I'm really, really, really annoyed.  
I'm trying to be cool, but if you think  
that I'm going to pay all these taxes and  
you're going to dilute my voice. Got  
another thing coming.

Oh, boy. I'm calling for -- this is  
just me, not my organizations I'm from.  
I'm calling for all of us -- we have to  
do something. Because you obviously think  
that we're joking. And I'm calling that  
maybe we have a day of absence or two  
days of absence. So you'll see sometimes  
if you get hit in your pocket, you'll  
think twice about what you're doing. I  
don't see how you could sit there -- I'm



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talking about the Republicans -- and just try to cancel out a whole race, races the people to benefit.

I really don't know what else to say. You're taking away our rights and you don't seem to care. You don't seem to care about us at all. Thank you.

CHAIRMAN MORONEY: Thank you, Mikayla (sic). And behind Mikayla, we have Laura Mallay.

MS. CHASE: And I just hope we can get together for this day of absence. All these communities to do something or get our heads together. Show them we're not playing.

MS. LAMBERTI: Good evening, Commissioners. My name is Michelle Lamberti. I live in Port Washington. I'm a member of the Nassau County League of Women Voters Redistricting Committee.

As Barbara mentioned, the league is a nonprofit, nonpartisan organization that encourages active and informed participation in government.

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Our earnest hope was that the parties would work together to prepare one map for consideration evidencing compromise and saving county residents the cost of two sets of experts, staff and mappers. As that did not happen, we've reviewed the Republican and Democratic Delegation districts and proposals.

We cannot support the map proposed by the Republican delegation. As the Republican map consultant conceded, this proposal was based principally, if not solely, on maintaining cores of existing Nassau County legislative districts. This intention is not the principle nor the highest goal of the newly amended Municipal Home Rule Law. As mentioned before, Municipal Home rule law, Section 34-4 notes that districting plans shall comply with the following standards which shall have priority in the order here and set forth. The maintenance of existing cores is one of the last in the list of

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2 possible criteria. Well, after equal  
3 population, the equal opportunity of  
4 racial or language minority groups to  
5 participate in the political process and  
6 to elect representatives of their choice  
7 after continuity, after compactness, and  
8 after not favoring nor disfavoring  
9 political parties or incumbents. Having  
10 not considered this criteria, the  
11 Republican delegation's map violates New  
12 York's Home Rule Law.

13 The existing legislative district  
14 lines do not comply with all applicable  
15 Constitutional, State and Federal  
16 requirements and cannot form the basis of  
17 a constitutional redistricting plan.

18 Additionally, we have concerns that  
19 the map proposed by the Republican  
20 delegation may be in violation of the  
21 Voting Rights Act, as well as New York's  
22 John Lewis Voting Rights Act. No racially  
23 polarized voting analysis was undertaken,  
24 nor are the Gingles factors adequately  
25 considered.

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More than 42% of Nassau County residents are members of racial or language minority groups. The Republican Delegation plan does not reflect the demographic reality of our county and maintains 15 non-Hispanic white majority districts. Well, there was a decline of nearly 100,000 non-Hispanic white residents over the last decade. This cannot stand.

Additionally, the admitted lack of analysis of whether VRA Section 2 requires the creation of districts for black, Latino or Asian communities in our county is unacceptable and could expose our county to well deserved litigation at substantial cost. And I recognize cost both financially, but more importantly to the fabric of our community.

The Republican Delegation's plan also ignored public comments and divided communities. I see my time short, so switch to the next.

The district plan presented by the

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Democratic Delegation, while preferable, has a few issues as well. Growth of communities of color drove growth in Nassau County. We applaud the Democratic delegation proposal for creating an additional minority/majority district as well as an Asian opportunity district (buzzer). However, we do question whether an analysis was conducted to determine whether a Latino majority district could be created. Latinos comprise almost 18% of our county residents. Yet there has not been an elected Latino on the Nassau County Legislature, I believe, since 2007. An effort should be made, where practicable, to create a Latino majority district.

While I appreciate the analysis conducted by Dr. Gall, I would like it to consider New York State Assembly, Senate and Nassau County legislative races and primaries.

Thank you for the opportunity to provide public comment for the Commission

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and we will hope you will take community comment and applicable law seriously as you consider how to move forward.

CHAIRMAN MORONEY: Laura Mallay, you're up and behind you is. Pearl Jacobs. Laura? Laura?

(Whereupon, no verbal response.)

CHAIRMAN MORONEY: Pearl Jacobs.

MS. JACOBS: Good evening. My name is Pearl Jacobs. I'm president of the Nostrand Gardens Civic Association in Uniondale. I have with me Mary Ellen Cray. She's a long time leader in Uniondale, Uniondale Community Council. And I have my son here who's supporting me tonight.

I remember taking an introduction to art class, and the first thing that the instructor said was a picture is worth a thousand words. Draw what you feel and it will tell your story.

This Republican redistricting map certainly tells the story of how the

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architects of this map feels about Uniondale. The story that I discern when I look at this map is a story of discrimination, gerrymandering, marginalization and encroachment. You have named everything around Uniondale and left us unnamed on this map. You have rendered Uniondale invisible on this map, invisible as if Uniondale doesn't exist and is not an essential part of Nassau County.

Besides the issue of rendering Uniondale nameless on this map, I see issues of encroachment upon our boundaries, addition of another legislative representative that would increase our county representatives to three, and other indications of nefarious tactics.

In addition to a gerrymandering, Perhaps this map was also designed for developers to intrude further upon Universal's undeveloped land space. I am certain that the fact that Uniondale sits

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90 feet above sea level makes Uniondale an attractive location for more developers. Whatever the reasons are, this map is a picture of everything wrong.

In reference to the Democratic redistricting map. Uniondale, its name, was included, and it appears that Uniondale will remain hold and represented under one legislator. And that is good. Having one legislator is favorable. Currently, Uniondale has two legislators, and as a civic president, I find that there are often communication breakdowns between representatives, making it extremely difficult to get anything done at all. Keep Uniondale whole.

CHAIRMAN MORONEY: Thank you.

James Hodge, followed by Corinne Richards. Here we go.

(Whereupon, Mr. Hodges approaches while singing.)

MR. HODGES: T Mr. Chairman and



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commission. You can hear me, right? I  
want to make sure you can.

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Chairman, I want to say early that  
the way you started this meeting off was  
very disrespectful. It seemed like  
whenever there's a group of a lot of  
black people or minorities, there's extra  
police officers. You feel the need that  
you got to tell us you don't want no talk  
back. Who are you talking to? Did you say  
that in the other majority white areas I  
don't want talk back. Then we have cops  
and detectives or maybe something was  
going on and I didn't know about.

Chairman, I keep questioning when  
you told me you received this Martin  
Luther King Award. I keep wondering why,  
when it just seems like these things keep  
happening over and over and over. The  
disrespect for the people, especially the  
minority districts.

I'm asking you when we talk about  
fairness, silence is a form of betrayal.  
So I'm asking all of you, and I'm going

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to keep coming to you, Pastor, because I

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love you and I care about you. But

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silence. There's no need for silence.

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When Mr. Brewington said people bled

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and died -- I talked to the late. Great.

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Congressman John Lewis, and he said keep

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getting in good trouble. He was beat on

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his head for believing in civil rights

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and justice for people. And when you had

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your expert on the line and he said he

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didn't even take into consideration what

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people have been saying for weeks and

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months, it is disgusting and

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disrespectful to even having these

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meetings.

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I say to you that for you not to

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even take into consideration all of the

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things that these people have been

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saying, and then you said something about

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you don't give something when one of the

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ladies was saying -- I'm telling you,

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Chairman, I'm a black man and I'm not

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going to stand in no meetings and let

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anybody disrespect kings and queens.

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One of the most disrespected people in this country is black women. And I'm telling you how we address them, we must respect them in how we present.

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So again, how do you implement, let's say, systematic racism and institutional racism in your policies like we're seeing today? They're voted on. They agreed upon. This map is totally -- from what we heard, it's totally illegal. I am asking. From all of the statistical data that you had, you have a civil rights, one of the greatest in our country right here. You're an attorney. Do you agree with me? He's one of the best attorneys in the country.

CHAIRMAN MORONEY: I think the best lawyer, an attorney sitting right next to me. Peter Bee.

COMMISSIONER MEJIAS: I thought you were talking to me for a second there.

CHAIRMAN MORONEY: Problem is this six lawyers on this thing.

MR. HODGES: Well, okay, well,

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that's your opinion, but I think that Mr. Brewington is one of the best in the world. All right.

And so in my conclusion, I'll say this, that it is unfair. You said it's five against five. I believe it's six against five. And I believe that it's fair against wrong. Okay. Because again, the community keeps voicing and voicing and voicing their opinion. And for the expert to say he has not even took he's not even taken any of this into consideration, it's really disrespectful and a disregard to the people that are fighting for justice.

So again, I end with saying, as I always say, no matter what happened, I do give this pastor great respect, but I believe that I hold pastors and leaders of organizations and churches to a higher level than anybody else because they have sheep that follow them. So again, Chairman, I say to you that no matter what you do, God is watching you and he

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has the last say with you and all of your commissioners. Everyone here, please hear the voice of God like you would hear your parents if they're calling, even if they're calling from heaven. I'm asking you to hear the voice of God and do what is right by the people. Amen.

CHAIRMAN MORONEY: Thank you.

Corinne Richardson. And behind her is Lee Senior.

MS. RICHARDSON: Good afternoon. I'm Corrine Richardson. I am representing Uniondale. I live in Uniondale for a long time. I grow all of my children there. One worked for Nassau County, he's a bus driver for 31 years. One is a New York City police officer for New York City. Plus, I have two daughters served in the United States Army. Plus, I had a brother -- I'm a Gold Star family -- got killed in Vietnam. And now I am waiting for his results to come to us of the family so we could be able to unite with things that he have done.

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I moved from Brooklyn. Over here when my son was a baby in my arms, who's serving New York City now. I seen this place go downhill. Jobs was here when I came here. Now you have to spend money in order to keep a decent home and a job that go so far out. Jobs don't come in our neighborhood.

When you draw that map, what that map tells me, we have to spend money, go someplace else. And we are taking other people's neighborhoods and making a good wealth of it when ours are going down. And I think it's very unfair. Give us back our opportunities to have too.

When you take money from me, you making me poor. I'm a retired young lady. Eighty years old. Young, eighty years old. And I work all my life for every dime I got. And I cannot stand to see me not have and for -- if everybody think that this town, Uniondale, is very (buzzer) wealthy too.

Our tax dollars are going someplace

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else. Do you know our highway, our streets is getting paint, is getting tarred like it should be because I went down to Hempstead and fought back. Big holes. Tires coming off the car when you ride down the street. Then you go someplace else. Other neighborhoods look better than mine. I'm tired of spending my money and going out the window. Not helping me. Helping Others. I want to see my money come back to me too. I want to see my money come and help my children.

I have a son right now. He's getting ready. If he retired from the New York City Police Department, gonna sell his home. He said, Mama has two expensive. Our Tax are ridiculous in Uniondale. Every year our school taxes are high. It's not fair. Please tell me how our people gonna live if we don't fight, fussing and carry on and make sure that I will have something too.

I don't want to look like a rag lady. I don't want to walk around like I

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don't have nothing when I work hard all my life.

I could not vote in the South. I'm from South Carolina. I could not vote in South Carolina until I came to this state in 1963. In 1965, and Lyndon B. Johnson passed that civil rights bill, I was able to vote.

CHAIRMAN MORONEY: Mrs. Richardson, if you could just wrap it up, please. We have a three minute limit. You're well over it, but just wrap it up in your own words.

MS. RICHARDSON: Excuse me?

CHAIRMAN MORONEY: Can you wrap up your presentation?

MS. RICHARDSON: I'm going to say one more word, then I'm going.

It's not fair to us that don't have. If we don't straighten our act now, after a while -- where I live, across the street now, they're building up they're building condominium costs \$2000, \$3000. My children can't get in there. Thank



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you.

CHAIRMAN MORONEY: Aida Berry.

MS. BERRY: Good evening, everybody.

So many of us have come here and voiced our displeasure with the map presented by the Republicans. We have talked about the lack of transparency, but we understand why that's a pipe dream. Not listening to constituents, not making things public in a timely manner has been the procedure for getting things passed underneath our noses and then told it's too late to do anything.

Arlo, the attorney, Cesar, Mr. Brewington and so many others here tonight have so eloquently voiced how wrong this Republican map is. It reminds me of Nassau's reputation as the most segregated county in America. But let's pay attention to the fastest growing group in America.

(Whereupon, Ms. Berry speaks Spanish.)

MS. BERRY: They sound and they look

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like me.

You mentioned one legislator, one vote. Why did you have to go across the county to get the necessary numbers? You mention you were trying not to deny minority voice, but that's exactly what you're doing to communities like Lakeview by splitting them into three districts. We're not even that big.

We have heard so many speak tonight about how this map is an obvious example of political gerrymandering. It's time to start thinking about those you represent rather than keeping a minority party ruling the majority.

I came here to listen and learn. I have more questions now than what I came in with. But one question I would like answered is: What can we do to prevent this travesty? And yes, I do know my legislator.

CHAIRMAN MORONEY: Sanjeev Jindal with Reverend Tristan Salley behind.

(Whereupon no response from

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Mr. Jindal.)

CHAIRMAN MORONEY: Okay. Reverend Tristan Salley. And we have Trustee Noah Burrows from the Village of Hempstead behind.

REVEREND SALLEY: To the Chair and commissioners and to all Nassau County residents. I stand before you tonight as a clergy person, resident, and concerned citizen of the roughly one square mile hamlet of Lakeview, a proud and a passionate community comprised of just roughly around 7000 residents. According to the 2020 Census.

As a senior pastor of St Paul AME Church, African Methodist Episcopal Church, a congregation which is preparing to celebrate its centennial year of Ministry and Community Building in the Greater Lakeview Command Community, and a church that is the oldest, predominantly African American Christian denomination in the United States and perhaps the world that was birth out of the Free

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African Society after Richard Allen, who personally endured racial inequality after being pulled off of his knees by white parishioners at the St George's Episcopal Church in Philadelphia, Pennsylvania, started a movement for a liberating gospel that is inclusive of a social and racial justice ministry for all people.

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I stand before you tonight shoulder to shoulder, not just on behalf of the 175 members of my congregation and the 500 individuals who visit our food pantry on a monthly basis, but alongside other communities, organizations and residents to speak truth to power about the atrocity that this proposed redistricting process has been and the complete absurdity of the proposed maps that call for the ultimate disenfranchisement of my beloved, our beloved community. Not only not only does splitting this small, predominantly minority community along the proposed lines not ethnically make

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sense, it is also a travesty that will have economic and other detrimental ramifications upon the quality of life for Lakeview residents and businesses.

Mr. Chair, outside of our current legislature, historically, Lakeview has been widely underserved by our elected officials, all the while having to be left to fight for the basic needs of our community, such as the maintaining of public spaces, access to clean drinking water and economic opportunities such as employment. And by splitting us according to one of these proposed plans would again provide hardships for all of our residents by minimizing our voice and leaving our residents to rely on a system that has systematically and systemically ignored the concerns of our taxpaying citizens (buzzer).

Additionally, the suggestion of this redistricting is offensive in its obvious attempt to devalue Lakeview residents as well as their civic and historic

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contributions.

Tonight, I ask you, Chair and Commissioners, not to subject the community of Lakeview or Nassau County to deal with the consequences of a decision based solely upon political affiliations, nor to come to a hasty decision for the sake of party expediency. But instead, I request of you to have a compassionate heart such as Christ did, as he cared for the well-being of all of those he encountered. Honestly, the matter that is before us. Honestly, it's not about you. And it's not about me, but it's about our children, my son, who is soon to be born and generations of Long Islanders and Nassau County(ites) for futures to come.

CHAIRMAN MORONEY: Reverend, could you wrap up?

REVEREND SALLEY: I'm going to wrap it up. But tonight, I urge you in the words of the Reverend Dr. Martin Luther King Jr., "The ultimate measure of a man is not where they stand in times or

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moments of convenience and comfort, but where they stand at times of challenge and controversy".

Mr. Chair, we are watching and praying and demanding you do the right thing.

CHAIRMAN MORONEY: Thank you. Trustee Noah Burrows. And behind the trustee is Stephen Edmenton.

MS. GRIFFITH: Good evening, everyone. I'm not a Trustee Noah Burrough, but I am Trustee Cloriona Griffith of the Village of Hempstead and we're one village, so we're one trustee tonight.

So me and Mr. Borrough have been to numerous meeting and we spoke to you guys and we spoke to everybody about what's taking place. I'd just like to mention that Hempstead is in the house. And I also want you to know that Hempstead is one of the largest village in the United States. And what you're trying to do today is clearly something that is going

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to go into the book. Divide and conquer.

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That's what you're trying to do. Divide

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us.

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You want to crack us up by dividing

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us. Then you want to turn around and you

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want to stack the votes in your favor.

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And then you want to pack everybody in to

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make sure that you get our votes. Because

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oftentimes when you won our votes in

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Hempstead, that's when you all show up to

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take out demographic. But it's not going

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to happen.

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You might divide us on the map, but

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you will not divide us as the people

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because we're here tonight and we're

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going to continue to show up, like I said

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before. So please reconsider. Think about

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this, because just because you divided

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this map does not mean you're dividing

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the people. We're going to continue to

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speak up and let you know that we're not

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standing for what's happening.

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I might not be able to see all of

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the -- matter of fact, it wasn't even



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written there. The streets you know, the

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streets weren't written down. And the

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reason why it wasn't written down is

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because there's no transparency. The

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people can't see. They won't understand

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the maps. The maps that I brought that

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day was even clearer than the maps that

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you're presenting today. Good night,

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everyone. Thank you.

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CHAIRMAN MORONEY: Stephen Edmenton

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and Regis Thompson Lawrence to follow up.

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MR. EDMENTON: Hello, Peter Bee.

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Hello, Jared. And I think Jared is right.

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I think we're going to have a big

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lawsuit. Considering I know Jared when he

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was counsel for Oceanside sanitation. And

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this pile over here is not going in order

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because I was one of the first persons

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here. Yes. So that's another problem.

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But we have three county legislators

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in Oceanside. I mean, we got Howard

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Kopel. I mean, when he shows up half the

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time, he's in Florida. I mean, and they

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put him down in Bay Park and then they

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put Denise Ford down in Bay Park after the sewage treatment plant backed up. So, so much for the maps. And I mean, we got three county legislators.

And your friend Kevin McKenna just got locked up in the room over here. I think that was the Democrats to lock them up. So they can't blame the Republicans on that one.

But you're going to have a lawsuit. I can see it coming. I mean, you have NIFA, because they didn't do the right thing and then you're going to have another lawsuit.

I mean, I had Fred Brewington represent me when I had to sue the county. It took me eight years because they fired me for being dyslexic as a park ranger. So I know what's going on in this county. Have a good night.

CHAIRMAN MORONEY: Thank you. Regis Thompson-Lawrence and Viviana Russel following up.

MS. LAWRENCE: Good evening,

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everyone.

I said I wasn't going to speak because I remember the last time standing at the podium the police came, so I was a little nervous about speaking.

So but when I look at with attorney Brewington has said about the John Lewis Voting Rights Act, I'm concerned about all of you who sit on this panel. And if you're really thinking about your family, not just my family, but all the families that live in the Village of Hempstead, how you have robbed and steal from the people. I think now is the time to take a closer look at who you are as individuals.

I'm a human being. I have rights and I feel right now my rights have been taken away from me. But I'm not going to let that happen any longer because Sharon, she didn't leave already. And Attorney Brewington, he knows me. I'm trying to remain calm because I'm hurting. And I think there needs to be a

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lawsuit about my human rights and how mentally I have suffered. Looking at a map that I can't even explain to the people that live with me, what does this map mean, whether it's a Democratic map or a Republican map, I don't know what street I'm on.

So I think it's time for you to be honest and sincere with how you view the people in the Village of Hempstead, as well as all the people that are in Nassau County. It doesn't matter if they look like me. Just tell the truth. Be honest with who you are within yourself.

And Mr. Brewington, if you would like to say a few words to the people, please say a few more words because, you know I'm hurting right now. I feel the pain. What's going to happen to the grandchildren? What's going to happen to your children if you keep lying and not telling the truth? You have to tell the story. Look what happened to my great grandmother. She probably raised some of

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your family members that you don't want to talk about. So my time is up. I said, enough. I just want to say, look at your history. God bless you. Have a good night.

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CHAIRMAN MORONEY: God bless you, too. Viviana Russel and Henry Boitel backing up.

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MS. RUSSEL: Good evening, everyone. If I could just ask the committee to please oblige me. We have a young person here that would like to speak, and I would like to allow her some of my time to speak because she does have to get home because she has school tomorrow. So if you can allow her to speak now and then I can speak after her.

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CHAIRMAN MORONEY: Sure.

MS.MCNAIR: Good evening. Actually, it's past 10:00. My name is Chelsea McNair, and I go to Holy Trinity High School in Hicksville. And I'll be brief because it's past my bedtime.

I'm only 16 years old, so I'm not

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registered to vote. But I can read and I can listen. And I like to be informed. And I did a little research while sitting here and listening to everyone speak.

The population in Nassau County is 1.3 million people. Now the white population has dropped from 73% to 58%. That's a little scary. Maybe for some of you. The Asian population has increased by 60% in the Latino population has increased by 30%. Again, some scary numbers.

To be brief. Honestly, this is about there's less funding, there's less opportunity, and there's less power to the people with this map, less power to my people, our people. And it's just bogus. I mean, the map doesn't even make sense. Like, hold on. What was I'm sorry. I had the number of the funding for the committee and I've lost it. But with this amount of funding, you tell me you can't put streets names of streets on a map?

Okay. People of color are being

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moved around and shuffled around like cattle on a map to benefit both sides honestly for our votes and it's tiring and it sets a precedent for the next generation, my generation and the generation that will come after me. And we're tired. We're tired. And you have to do better. And good night.

COMMISSIONER MEJIAS: Thank you for coming.

MS. RUSSEL: Good evening again, Mr. Moroney, and members of the entire committee. My name is Viviana Russel. I am a black Hispanic American. I'm a resident of New Castle and I'm the immediate former council person for the town of North Hempstead. They used to represent District one, which includes the hamlets of Westbury, New Castle, Carle Place and the villages of Westbury and Old Westbury.

The proposed map identified turns over Nassau County on its head and it's not a fair map. It's not a map that does

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justice to the communities of Nassau County, in particular, to the village of Westbury and the hamlet of New Castle.

Twenty years ago, Federal District Court Judge Arthur Spatt's first requirement was to create two effective minority districts in the original county legislative plan. The judge decided. Jackson v Supervisors held that Nassau County is weighted Board of supervisors voting system violated the US Constitution's one person one vote equal protection guarantee.

Judge Spatt ordered the County to come up with a new form of government. The County Legislator was one of the results of that effort. Judge Spatt also held that Nassau County was required by Federal Voting Rights Act to create at least two effective minority districts. The first county legislature subsequently elected two African Americans to represent District 1 and District 2.

Almost 20 years ago, these districts



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were kept intact in the spirit of Judge Spatt's order in the legislative plan.

In 2013, I stood in this very room at this podium and testified on the same principles to uphold the interests of the residents of Nassau County. While the Legislative District 2 was left intact, it was illegal. This year you're proposing radical changes to District 2 that makes us wonder what's behind this map. The Voting Rights Act applied then, and it still applies today.

In addition, the Municipal Home Rule Law provides that weight at least equal to the concept of preserving village lines also be given to preserving existing legislative districts, also known as cores, and identifiable communities of interest a look at the hierarchy of how the cores impacted is warranted as so not to disenfranchise the New Castle Westbury community as was done recently in the congressional redistricting.

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While the law was already has already been quoted, I feel it's necessary to restate it in context to my statements. Section 34-4 of the Municipal Home rule law reads any plan of districting or redistricting for the purpose of apportionment or reapportionment of members of its local legislative body shall be subject to Federal and State constitutional requirements and shall comply with the following standards, which shall have priority in the order herein set forth to the extent applicable.

First in order of priority, Section 34-4a states that districts must be relatively equal in population within 5% of each other.

Second in order of priority, Section 34-4b states that the Voting Rights Act of minority racial and language groups must be respected.

Third, Section 34-4c states that districts must be contiguous.

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Fourth in priority, Section 34-4d states the districts must be drawn compactly.

Then comes the language of Section 34-4e, fifth in order of legal priority, which makes the case for why New Castle and the eastern portion of the village of Westbury should not be split. Districts should not be drawn to discourage competition or for the purpose of favoring or disfavoring incumbents or other particular candidates or political parties. The maintenance of cores of existing districts or preexisting political subdivisions, including cities, villages and towns and of communities of interest shall also be considered. To the extent practicable no villages, cities or towns except those having more than 40% of a full ratio of each district shall be divided.

New Castle, in the eastern portion of the village of Westbury, communities have been served well by the unity of

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interests that was created by being included in one legislative district. The unincorporated areas of Westbury or New Castle, which in some instances are across the street from the village of Westbury residents and Central Westbury section, with whom they share many social, cultural and socioeconomic characteristics, will have to go to different legislators to discuss issues that are common concern to both of them.

While I have a great admiration for the competencies of both Legislator Bynoe and Legislator Schaefer, this is bigger than both of them. This matter lies in the letter and the spirit of the law, which was established to maintain, to maintain unity of our interests, not politics of either party.

Section 34 E 5 further states, districts shall not be drawn to discourage competition for the purpose of favoring or disfavoring incumbents or other particular candidates.

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As a community advocate, activist, a black Cuban American, former member of a town board for 12 years, I know a little something about these communities. Through partnerships with both legislators, we have worked to help residents work together to accomplish community goals.

The redistricting plan being proposed takes us a step backwards, many steps backwards. The map should be a Nassau County map. Not a Republican map. Not a Democrat map. Please go back to the table and work to develop a plan Nassau County can be proud of.

CHAIRMAN MORONEY: Viviana, could you wrap it up? You had three minutes. Three minutes are up.

MS. RUSSEL: You have very little time. But I want to believe I truly want to believe that you will do the right thing in good faith with the privilege that you have been given as a part of this committee to serve the people in a

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way that communities deserve and the law requires. Thank you.

CHAIRMAN MORONEY: Henry Boitel and with Janine Maynard behind.

MR. BOITEL: Henry Boitel, Rockville Centre.

I think I'm about to do the unheard of and congratulate both branches of the Commission on doing at least one thing, right. If I read the maps correctly and it's difficult just from looking at the map to be certain about this, the village of Rockville Centre is now going to be in one distinct district; is that correct?

CHAIRMAN MORONEY: Yes.

COMMISSIONER PERNICK: We're required to by the new municipal home rule law, Mr. Boitel. We're required to.

MR. BOITEL: Both of you?

CHAIRMAN MORONEY: Yes.

COMMISSIONER PERNICK: Yes.

MR. BOITEL: And I really appreciate that.

Now, having said that. I'd like to

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say I'm an attorney. I've appeared at every level of the state and federal system arguing. And I heard Mr. Brewington's presentation tonight. I heard all the presentations, of course, and I agree with a lot of them, but I want to say that I agree 100% with the legal argument that was made by Mr. Brewington tonight. And I think you should pay very close attention to what it is he had to say. If you do so, you will not only save this community a lot of grief, you will save the community a lot of money.

In any event, thank you.

CHAIRMAN MORONEY: Thank you. Janine Maynard with Doris Hicks following.

MS. MAYNARD: Good evening. My name is Janine Maynard. I'm co-facilitator of an action coalition in Uniondale called the Greater Uniondale Area Action Coalition. That's co convened by our two oldest civics Uniondale Community Council and Ocean Garden Civic Association.

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I'm here today to make a couple of points about our discontent and lack of support for the Republican version of the map.

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First, I want to point out that the map that was provided by the Republican Committee omitted the Uniondale census designated place while naming a bunch of community census designated places around our community. They have listed here Salisbury Census, Designated Place; East Meadow Census Designated Place; Hempstead Village Garden City Census designated; Mineola. So they take the areas around us and leave us nameless and then divide us by three. That's outrageous.

So I'm going to give you an object lesson of what that's like. Mr. Chairman, I'm going to take your name away. And I'm going to speak to the other people on the committee who are visible to me whose names I will see. You tell me if that feels like you can do business with me.



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Right now when I look at this map. I see that there are violations. Many of them have been spoken about before, but Home Rule Law does describe geographic and numbers standards for meeting the test.

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There's an area that they're talking about giving to a third representative. And that area of acquisition is curiously high on value and low on people. If you look at this little map here, Section 13 coming from East Meadow wants to encroach on our community land. It's in our green space and where our land protects, our access to our sensitive wetlands, intermittent wetlands that help protect us from flooding.

Now you're saying that that acquisition had something to do with giving a few more numbers to East Meadow, but it's green space. Look. It's green space. You want our land. You want what our people want to defend as its community. So taking our voice isn't

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just taking our vote (buzzer). It's taking away our right to represent our land.

Area 14. The census place of 14. That's the Long Island Railroad and the third track? That's access to economic development. And you want that land to. That's why it's so choppy and that's why Carle Place people can't handle Carle Place Long Island Railroad Area and Westbury people and Hicksville people.

CHAIRMAN MORONEY: Could you wrap it up?

MS. MAYNARD: So for me, for me, if my voice is going to count in my community, it's my protection of my people and my land.

CHAIRMAN MORONEY: Doris Hicks. Doris Hicks with Carol Campbell following up.

MS. HICKS: Good evening, everyone. My name is Doris Hicks, and I've been a resident of Lakeview for 36 years. I stand before you today as a resident and

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the president of the NAACP Lakeview branch.

We have had the most wonderful representation as far as a legislator within the last four years. Prior to that, we had a legislator that gave away our land. This lady is talking about land. They gave it away for a dollar. They gave away our Tanglewood preserve for \$1. And you let it happen. They gave away a soccer field up to Lynbrook for a dollar. That was Lakeview property. And it happened. And nobody said a word until we found out later.

But today, we have a legislator who cares who's done back to school activities, holiday celebrations, clean up, Lakeview, school support, health fairs, equality for all street repairs, Raggedy Woodfield Road if you've ever driven down it.

She's walked out community. She's talked to us and rang our doorbells. Stands with us. And we love her. And we

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know that eventually she'll move on. But she has laid the groundwork for the next legislature to come in and say, I got to do the same thing and better. We can't have this where these legislators come in and do nothing. We saw them when they came to vote and that was the end of it.

But I say to you today, why are you letting these maps go like this? What do you expect to gain? I also tell you that you're being divisive. Lakeview is a small community. I used to walk it every week up and down and come back. Very small. We have somebody who cares.

I also say to you, you know, that there's strength in numbers. Strength. I'm going to repeat that. There is strength in numbers. If you take little old Lakeview, as we know, and divide us into three sections, our strength is gone. Okay, let me say that.

Then you want to put us in Rockville Centre, who doesn't give two hoots about us. We only use their post office. You

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can't get a train pass up there because I tried years ago. You want to put us with Lynbrook, who couldn't care about us, who treat people in one of the most racist areas in Long Island, Nassau County. And then you want to put us with Malverne. Our school district is Malvern (buzzer). I'm going to finish up.

Our school district is Malverne because of forced integration. You wouldn't even know that Lakeview has a part of Malverne School District. I know because I taught there for 15 years. We don't have a name on it. It says Malverne and most of Malverne people go to Holy Trinity and everybody else. So what are you doing by splitting us into three? Think about that three little small Lakeview.

And I wanted to end with, do you really think we will get the support that we've received from Legislator Bynoe if you split us up? No, we're going to get under washed, washed away. That's what's

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going to happen to us. They want to wash us away. And as a minority community, it's a disgrace if you let it happen. Thank you.

CHAIRMAN MORONEY: Thank you.

COMMISSIONER MEJIAS: Thank you.

Mr. Chairman, if you can give the court reporter and the Commission five minutes.

CHAIRMAN MORONEY: We're just going to give a few minutes to the people working here.

(Whereupon, a brief recess is taken.)

CHAIRMAN MORONEY: Jerry Vattamala.

MR. VATTAMALA: Thanks. Good evening. My name is Jerry Guatemala. I'm the director of the Democracy Program at the Asian American Legal Defense and Education Fund, AALDEF. We are a national civil rights organization. We've been around 48 years, and our mission is to protect the civil rights of Asian Americans.

As you know, in Nassau County, Asian

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population growth was the largest over 60% growth in that racial group. That's the largest in the county. It's the largest in New York City. It's the largest in New York state and was also the largest in the country. The new line should reflect the census data. And the Republican maps really turn those census numbers on their head. You wouldn't think that there was 100,000 population loss in the white community and this massive growth in the Asian community.

I do want to focus my comments on where there was that growth in the Asian community that was in that new Hyde Park, Manhasset Hills area, as well as Hicksville and Plainview. In New Hyde Park, the main areas that we're looking at and the reason that they are Asian American communities of interest is that it's driven by the school districts. So it's the Garden City Park, New Hyde Park School District, as well as the Herricks school district. That's the main draw for

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the Asian American community and why so many people from the Asian community have chosen to raise their families there, and a big drive of that community of interest.

As was mentioned earlier, the Republican maps, you have the trifecta. You violate the Federal Voting Rights Act, Section 2; you violate Municipal Home Rule; and you violate the John Lewis New York Voting Rights Act. In particular, when you look at the Asian community, you contrast the Republican map and the Democratic map. You see the Democratic map was able to draw an Asian influence district, very compact in the new Hyde Park, Manhasset Hills area. Again, that's an Asian American community of interest, which is a redistricting criteria you're supposed to rely upon.

The Republican map splits that community almost in half in districts nine and ten, which is what we will allege if it's not corrected, a clear



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violation of the New York Voting Rights Act. Yes, it's going to be enacted next year, but you still must comply with it. And you can certainly expect a lawsuit under that provision for denying the right of Asian American communities to equally participate in the electoral franchise.

As you know, the New York Voting Rights Act supplements the Federal Voting Rights Act and actually lowers the bar for our lawsuit. We have increased protections for federally protected groups, which include Asian Americans.

You are prohibited under the New York Voting Rights Act when from having a minority candidates of choice, when they will be usually defeated. If you draw a district where that minority communities candidate of choice will usually be defeated and where there is either racially polarized voting or under the totality, the circumstances, the ability of that minority group (buzzer) to elect

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or influence or influence the election of candidates is impaired, which clearly, when you look at the Republican map for the Asian community in New Hyde Park in Massachusetts and Manhasset Hills, you clearly violate that provision of the New York Voting Rights Act. So I urge you, on behalf of all the taxpayers here, I've been a resident of Nassau County my whole life, grew up in New Hyde Park, and can attest to the fact that it is an Asian American community of interest. Any of you in Nassau County, you know that it is referred to as an Asian American.

CHAIRMAN MORONEY: Wrap it up, please.

MR. VATTAMALA: So you clearly diluted the voting strength of the Asian community. We haven't talked much about the Asian community tonight, but we are a federally protected group under the Voting Rights Act and have special protections for this racial group along with the black and Latino communities.

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So as I mentioned, you have the trifecta, as was mentioned earlier, not only do you violate the New York Voting Rights Act, you violate Municipal Home Rule, and you also violate the Federal Voting Rights Act and Section 2. Thank you.

COMMISSIONER PERNICK: Thank you. Mr. Vattamala, one quick question for you. First, thank you for being here. For folks who don't know Mr. Vattamala, he is one of the leading authorities on voting rights in the country. So I'm very grateful that he's taking time all evening to be here with us tonight to testify before the Commission.

You mentioned and you talked about the Asian community in New Hyde Park and Harris in that area. Could you expand a little bit on what unifies the Asian communities and new Hyde Park and Garden City Park, which have been placed in District nine in the Republican proposal with the Asian communities in North New

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Hyde Park, Manhasset Hills and Harris, which have been placed in District ten in the proposal?

MR. VATTAMALA: Absolutely. So these are predominantly Asian communities. When we look at communities of interest, you're looking at racial, cultural, socioeconomic, religious, many factors in what goes into community of interest. And the driving force, as I mentioned, for New Hyde Park and Herricks school district is the school district. That's a main reason why so many Asian families move usually from Brooklyn or Queens into Nassau County. For the school district, that is a top priority for them.

Immigration is a really big issue for this community. Many residents are immigrants themselves are foreign born and their children are native born. Like myself. Many H1-B, a lot of family visas are derogatorily referred to as chain migration. So many of the families came through with the family visa program,

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common industries that they're employed in. So many folks in the Asian community there work in healthcare. There's so many hospitals in the area, LIJ, North Shore, so many different healthcare facilities, and education is a driving force.

But I also want to mention all of the restaurants and entrepreneurs, Asian owned businesses. If you look along Hillside Avenue, it's a major corridor that sort of unites the South Asian community. There's a through line from western Queens, from Bellrose Floral Park and Glen Oaks. There used to be this border that was sort of imaginary, where those Indian stores and Asian stores wouldn't cross over into Nassau. It broke through several years ago and straight into New Hyde Park, all the way through down to H. Mart on Harris Road and Hillside. A similar situation for the East Asian community along Northern Boulevard. You see a similar pattern of that community stretching out into Nassau

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County and uniting these folks and these neighborhoods.

We do have racially polarized voting. There are many races you can look to take a look at that. I myself ran for town in North Hempstead, District three. And we know there's a history of racially polarized voting in these communities which bolster the community of interest argument.

COMMISSIONER PERNICK: Thank you very much. And it's fair to say, just to be clear, that the Republican proposal cracks this community that you're talking about into two separate districts in violation of the John Lewis Voting Rights Act?

MR. VATTAMALA: Absolutely. And I encourage this Commission to take a look at a heat map. You can easily do that on your software, put the Asian population a heat map and then superimpose Republican lines. You see it goes right through the heart. The deepest concentrations of the

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Asian community, you divide them right in half, which is really disgraceful. We have a lawsuit in Texas challenging their discriminatory redistricting. I'm really surprised that we're on level, on par here with Texas. It's pretty disgraceful. So I encourage you, please at least do that exercise. You see where we're coming from. You wouldn't want that happening to your community. Please don't do it to ours.

CHAIRMAN MORONEY: Thank you.

Linda Bell Linda Bell with Robyn Bowling behind.

Linda Bell. Thank you.

MS. BELL: Good evening, everyone. I am Linda Bell. I have lived in the Lakeview community for 46 years. And from what you've seen today, most of the people in the Lakeview community stay for a long time. So it's not a transient community. People stay for a long time. And we're very proud of our community and we want it to stay the way it is.

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Now, after the election, I decided to go to see what the results were for Nassau County. And we all know that Nassau County is basically red. And when I looked at the numbers. The numbers were overwhelmingly for the Republican Party, but that doesn't seem to be enough. So when I heard that about they're trying to break Lakeview into three different areas. I'm like, what you have isn't enough. You want more? Is it part of the supremacy that seems to be completely invading our community, our country?

And I'm going to take us back a little bit, please, Attorney Brewington. You took us back for 150 years, and I'm so happy to see that there are so many attorneys here tonight. I don't know if in your law school they taught you about the black codes. Did they talk to you about the Jim and Jane Crow laws? Did they tell you what it was like during that period of time and how the rights were taken from people? Did they did they



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tell you that? Did they did they teach you anything about how a group of people were treated?

And then we fast forward to I believe you said 1965 with the civil rights law that was passed. Voting Rights Act. Thank you. Civil rights was 64.

But now here we are in 2022. We are back in the reconstruction era. Nothing has changed. Absolutely nothing has changed. There are groups -- and I'm going to say this. It's going to take a lot of courage for those who are Republicans to be able to step against their party, it's going to take a lot of courage. But I believe you have it in you to be able to do that. And I know that there are a lot of groups out there, and some of them have names that kind of remind me of some folks who used to exist a long time ago. You know, the ones I know they have new names now. They have new names, but you know who they are. So I'm just asking you that you would please

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just take it into consideration to be able to have the courage to be brave enough to fight and do what is right. Because the way things are right now, they are ethically and morally ridiculous. Reprehensible. They truly are.

So, again, I just ask you to please step up. Step up. I don't know if anybody heard the interview with Michelle Obama that took place with Robin Roberts. She said, when people go low, you go high. So that's what we're asking for you to do tonight, is to please go high and not be caught up in all of this other stuff that's down here that's low. Thank you.

CHAIRMAN MORONEY: You're welcome. Next, we have next, we have a duet. We have Robin Bowling and Scottie Coads. You wanted to be called together.

MS. COADS: Good evening, everyone.

CHAIRMAN MORONEY: Almost good morning.

MS. COADS: It's almost good

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morning. It kind of reminds me of 2013. I sat on my chair here from 9:00 until about 12 that night. So I'm almost in the same situation.

I'm here representing my community, myself, and all of Nassau County, but especially for Lakeview. Everybody from Lakeview, please stand up.

There were many people that spoke already. And, you know, for years we've always said, little old Lakeview. Lakeview is great. Always has been. We produce. We support. And we don't take no crap from anybody. And I'm here to tell you we are totally disappointed. That you have taken little old Lakeview and cut it into three districts that means absolutely nothing to us. Not of like minded interests. We will have no representation of our choice. And I want to ask you the question. I know I should be speaking, but I'm going to ask you a question. How did you come to decide that Lakeview should have three districts,

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should be broken up in three sections?  
Please answer that for me.

CHAIRMAN MORONEY: The answer given the other night by the gentleman who prepared it is that he was trying to fill in population. And that's a generic reason.

MS. COADS: Generic reason.

CHAIRMAN MORONEY: I don't expect you to accept the answer, but that's the answer.

MS. COADS: I really don't understand. And not only that, I said I represent my community and I represent myself and everyone you see standing and those that could not be here tonight. But you didn't take all of Lakeview with you. And I'm going to be a little bit political. There are two districts that you left out of your out of the equation. Why was that? Two election districts that belong to Lakeview.

CHAIRMAN MORONEY: I couldn't tell you. I'm not aware of that.

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MS. COADS: Well, I think you need to look at your map again. And I don't know where we're going to end up. But. Those that went ahead of me have already said, we're not taking it sitting down (Buzzer).

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A pastor from St Paul AME Church, a strong pastor, stood here and let you know to the very end that we're not tolerating this. I know you don't really care. You all are looking at us like we've lost our minds and like, why are they talking? This is probably my fifth time testifying. I don't need to testify. I need to tell you that you did the wrong thing by separating districts that we try our best to represent and be good citizens and good workers and good players in Nassau County. We do. But then you took us and broke us apart. It's not fair. And each time I testified, I asked you to be fair, be translucent. Be just and do the best you could for all of Nassau County. But then you turned it

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around. You took a small community like Lakeview. Yeah, we were in it from the beginning when it was Board of Supervisors. And you became legislators. We were in it from the beginning, and we've always been as one. One, not three. So you need to look at that map again and we're not going to take it sitting down. Thank you.

CHAIRMAN MORONEY: Thank you. Meta Mereday.

(Whereupon, no verbal response.)

CHAIRMAN MORONEY: Michael Alexander with Floyd Ewing behind.

MR. ALEXANDER: Good evening, all. Good evening, family. Brother Brewington, That's the correct way that we greet our people, correct?

Mike Alexander, Lakeview Public Library Board President, Lakeview Civic Association member, and last but certainly not least, member NAACP, Lakeview Branch.

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I certainly will not be as eloquent as many that have come before me. I'm sure that I'll be repetitive to a lot of what's been said. All of the legal standing has been presented, I'm not a lawyer. I don't attest to be. I probably shouldn't even use the word attest. But I'm sure that a lot of what I'll say will stir up a little bit of trouble, as Brother Malcolm said. But it will be the truth.

Lakeview has a long history of fighting for rights on Long Island. Brother Brewington spoke to it. I can speak to it from my learning at the library, from integration in the sixties, where Malverne was called the Selma of the North, to library Services in the 70s, where Lakeview had to protest to have its own library because the neighboring communities would not allow blacks to attend those libraries. Equal representation at the town; there's one hopefully equal representation at the

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county; there's one, to be three. Tax parity does not exist for Lakeview in its neighboring communities. And I could go on and on and on.

The hamlet of Lakeview, of which I'm but a small cog in the wheel of what is behind me, we share as schools with Lynbrook, Malverne and Lakeview. Ms. Hicks spoke to that. We share our firehouse with West Hempstead and Lakeview. We share our post office with Rockville Centre and West Hempstead. There are two entities in Lakeview that are for Lakeview, the public library. We pay our taxes directly, and the Lakeview community receives those services and District two. Although it's shared going through the corridor, one hamlet, one voice.

The maps that are presented, they fracture the Lakeview voice. I think we've heard that over and over and over. It removes a legislator that has been progressive for Lakeview, that has been



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2 supportive for Lakeview in every way. And  
3 it's abominable what is being put before  
4 us today. The maps break apart roughly  
5 1800 homes and Ms. Coads spoke to the  
6 size of Lakeview, 1800 homes to be  
7 distributed at your will, because that's  
8 exactly what you're doing. You're just  
9 breaking it apart, placing it where it  
10 best suits your purpose. It clearly  
11 discriminates and marginalizes the vote  
12 of Lakeview, where "certain communities"  
13 are pushed to the side while clearly  
14 benefiting others unfairly (buzzer).

15 You can't sit in front of us and  
16 pass what is known as the red faced test  
17 when we talk about non bias in this  
18 discussion. Because although you may  
19 presume to not pay attention or put your  
20 head down or scroll your phone at times,  
21 you can't face what's being put in front  
22 of you. Yet again, we're shown what the  
23 true cloak of secrecy and convenience  
24 that our supposed leadership works under.  
25 As you continue to make America great or

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in this case, make Long Island great again, you continue to disenfranchise, suppress and oppress the residents to be self serving. What is to be one vote, one person, Lakeview and many of the black and brown communities that are here this evening just lost that representation of choice. Thank you.

CHAIRMAN MORONEY: You're very welcome. Floyd Ewing. And behind Floyd is Lisa Ortiz.

(Whereupon, no verbal response.)

CHAIRMAN MORONEY: Floyd's not here. Lisa Ortiz.

MS. ORTIZ: Good evening. Good night. My name is Lisa Ortiz. I am a resident of Lakeview, a trustee on the Lakeview Public Library Board. I am also a member of the Lakeview Civic Association and also a member of the NAACP Lakeview Branch.

Needless to say, I love Lakeview. I wear Lakeview very proud on my shirt

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tonight and on my back and everywhere I go. When people ask me where I reside, even though my zip code says 11570, Rockville Centre, I tell people proudly, I live in Lakeview. I tell them that because Lakeview has a very rich history. Many people have come to fight for Lakeview, including Dr. King.

Tonight, as I did in the very first meeting you all had, I come to ask -- Well, actually, tonight I'm asking why Lakeview is being cracked into three different districts. The very first time I came before you all, I asked that Lakeview would remain whole. Lakeview has been whole in one district since the inception of the Legislature. It's important that we remain whole because we are a small district, a small community. We are just upwards of 6000, a little less than 7000 residents. But yet the Republican map has chosen to take Lakeview and lump it in with -- a portion of Lakeview. Not all of Lakeview. A small

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portion of Lakeview -- and lump it in with the Rockville Centre, neighboring village. Lynbrook, Malverne, two other neighboring villages. And a portion of it will remain with West Hempstead proper and some other communities. All of the breaking and the cracking and the distorting of our votes and diluting our votes eliminates our voice.

As a community, we have a shared school district. As many others have said, we don't have anything that that is owned by Lakeview outside of our library that says Lakeview. We don't have a zip code that belongs to us. We don't have a post office that belongs to us. We don't have an elected village official that represents and works solely for us. We rely heavily on our legislators on the county level, our town elected officials, and our state elected officials.

Recently, we went through the redistricting process with the State and a part of that process, Lakeview was

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proposed to have been separated also into two different districts. And we fought back. We fought back. And we are now whole back in one Senate district (buzzer).

So tonight, as in closing, I ask you and I urge you to reconsider redrawing these maps and rejecting any map that would break Lakeview up into more than one district. We need our voice to be able to be heard. We need representatives that will actually work for us and not work on an agenda that comes from any office. Thank you and have a good night.

CHAIRMAN MORONEY: Anna Simon.

(Whereupon, no verbal response.)

CHAIRMAN MORONEY: Mimi Pierre-Johnson.

MS. PIERRE JOHNSON: It's late, so I'm not going to be long. But almost everything that I was going to say, everyone said, and I agree with everyone.

, I do have to say thank you to the

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Democratic side of the of the Commission. You not only heard us -- well, I'm here for Elmont and Valley Stream because ten years ago and I'm going to always say it, ten years ago, they stuck us in Queens, right on the on the congressional and the state Senate level. We fought back, we came back and now we're fighting again. Right. So I'm always going to stand for Elmont and Valley Stream will like the no man's land that nobody cares about.

I remember in one of the meetings that the chairman said, we will listen to everyone, we will hear you and we will take it into consideration. Well, you shouldn't take it into consideration. That's part of the exercise of why our tax dollars have paid for this Commission to be here. If I hired someone and they did a bad job, I not only would fire them, but I would redo it. In construction, you have to start all over again. You have close to \$1,000,000. You could have done that because as we sat

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here last week, your expert said not only he did not listen to weeks of testimony, we had to change our schedules, our families. We had to run to come here so that you can hear our testimony, and he said he did not take that -- that was not a factor for him. So that's one. I would have written him up for that.

And then he said -- my impression of what he said was he took formulas from the census data and the population and put it into a computer. That is what he did. And poof, a map came up. As his boss, because you hired him. When he gave you that map, you should have said to the Democrat side of the commission, hey, guys, we're going to need a little bit more time. We need another expert because he's not an expert.

So he said, again, that he was proud of the 2013 map that he drew. So I'm going to leave you with this. Right. If you had a lobster beautiful dinner, would you take a garbage lid and place it on

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there and serve it? I don't think so. So

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if you use the 2013 map and you

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regurgitate it to us, that is what you

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have done. So I'm going to give you an

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out. Since he did such a bad job

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(buzzer), pause. Step back and say, you

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know what? We need someone else.

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Actually, he should give back the money

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that you paid him. Because that's

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garbage. That's garbage.

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What the Democrat side did, two

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things on Elmont and Valley Stream. I

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said, no, absolutely not. Because here's

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how our community is. They tweaked it.

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And they changed it because what would

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have happened to South Floral Park had it

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gone to Flora Park and Stewart Manor and

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all their voices would have diminished.

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And so they listened. You see, they

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listen. So my tax dollars on this side is

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good. On this side, I want my money back.

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We want our money back.

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So what I would like and I think

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most people hear what we want you to do



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is forget this map if you want to go quicker. Start with that map. With those two. Start with that. Because that represents what we all said for weeks and weeks. What the Republican map says to us, whether you say it or not, but you accepted it from your so called expert, you accepted it. So that means you agree with it. What you have to do is just forget that one, but have a baseline with the Democrat side of the map. And this is not a Republican Democrat. I don't really care about that right now. I care about the communities of Nassau County.

I promise I wouldn't do that. I didn't want to speak until you disrespected the room. You see, what happens is when people have been oppressed for so long, there comes a time your back is against the wall. You don't give. You don't give. You fight. I'm Haitian born. I got that blood in me, that fight. And we are supposed to fight.

Now, this is not pretty talk

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anymore. It is not pretty talk because  
ten years. Do you know what happened ten  
years ago? My daughter is now married.  
She was in college. Freshman in college.  
She lives with me now. Our young people,  
they either have to leave Long Island --  
and I know I'm over time -- they either  
have to leave Long Island, or they have  
to live with us. Because it's stacked  
against us.

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This is not just about the map.  
You're making decisions that hurts black  
and brown people. We are getting older  
and nothing is changing. So now we just  
want to fight, respectfully, because we  
have people like Fred Brewington, we have  
people like Michael Pernick. We know how  
to fight. We know how to fight. We didn't  
fight ten years ago. We just spoke. Now  
we're going to fight because it's not  
right. It is not right.

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CHAIRMAN MORONEY: Can you wrap it  
up, please.

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MS. PIERRE JOHNSON: I'm going to

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say this last thing. If you think this decision that you're about to tell the legislators, because we're going to go through this again, because now the legislators are going to do the same thing, because, unfortunately, again, the Republicans are the ones in majority.

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So, again, they're going to do this.

And I'm going to tell you, in 2020, the election of 2020, Elmont, our town district, did not have a choice in who we chose to represent us. So it doesn't happen all of a sudden. It's little by little. And then you realize you have no say. You have no say.

So I hope that you don't give the map to the ledge on the 21st. Don't vote on it. Step back. Start with those. And do something different that the country is not doing. Let Nassau be an example. Let Nassau be an example.

CHAIRMAN MORONEY: Aisha

Demostheines.

MS. DEMOSTHEINES: Good evening. My

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name is Aisha. I am from Lakeview. I'm going to be brief. Everyone spoken. We've had doctors. We've had lawyers. We've had heads of ACLU's. I'm going to speak as a mom. A black mom.

I am so tired of having to tell my black children -- I'm tired of having to put a positive spin, a truthful one, but a positive spin on how we are treated in this country. I'm tired.

Once again, I look at your map and I'm more exhausted because I have to now figure out how to put a positive spin on telling my daughter who will be able to vote in a few years how her vote will not matter if that becomes the map that we have to abide by. I'm here to say I want Lakeview to remain in one united district. I want us to have a representation that matches us. I want all of you -- those of you who think that this map is okay, specifically, to really think about kids. Imagine this is a room of kids right now. All of us. Imagine

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it's a room of kids. Because if this is what goes in to play, we're setting those kids up for failure. Goodnight.

CHAIRMAN MORONEY: Chelsea McNair.

(Whereupon, no verbal responds.)

CHAIRMAN MORONEY: Steve Beher. He left. Okay, Patt Terrelongue.

MS. TERRELONGUE: I'm fairly new to Lakeview. I've only been here 30 years. I'm serious about that. My neighbors are in their nineties. I have people I know There are 102 who served in World War II. I came here to raise my granddaughter when she lost her parents. Thank you for the community. I raised a beautiful young woman who's 36 now and is doing wonderful.

But we were always a community. We would take all of our stuff to the circle to sell. Have guys from MTA transit, fry fish and stuff. Sell everything we didn't want. The kids were in charge of entertainment and advertising, so they

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cared about their community. All the money we made went to the kids leaving for college in that community. We are a strong community.

I am the president of the Tri-State Chapter of the Tuskegee Airmen. I represent Connecticut, New Jersey, and New York. I teach kids to fly. Amazon Air gave me a scholarship to do that. A grant. I applied to the MBA. I have a drone program all to give back. It doesn't matter if you're Jewish, you're Indian, you're Spanish. We give scholarships because this is how I was raised.

I should not have been born probably. I was born breech. I was exposed to the measles in 1947 when a lot of kids died. I didn't do the little things that girls did. I liked to play boys basketball, shoot hoops with the guys and play marbles in the street. My mother wasn't happy about that. My dad taught me mechanical work. I owned the

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gas station.

When I decided to become president. I took on the MTA, three governors and two mayors of City of New York to get what I wanted. I wanted them to acknowledge the Tuskegee Airmen. I have a post office. I have a bus depot. I even fought the mint to get the logo for the Congressional Gold Medal on each one of those buses leaving that depot. The Tuskegee Airmen represent a lot of different cultures. Some came from India, some of American Indians. Some are from all the islands in the Caribbean. There are five Haitians, one still alive. There are women. There are men. I was born a fighter. I beg you, don't let me have to fight you, too (buzzer).

I was a 9/11 victim. I have emphysema. I've had cancer. Lost 21 lymph nodes. I've had three open heart surgeries and two strokes. And I'm still here. I am still here. I would like for us to be a leader in this country. This

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county has an opportunity to show America how to do it. Put the people over party. Please put the people over party.

I'm going to close it. But I want to tell you this. One of the Tuskegee Airmen, Dabney Montgomery, served in Italy when he came back to New York Harbor. A young Caucasian sailor told him, ends this way. They didn't want us in Times Square. He made it back to Selma and he wanted to vote. So he asked all the good old boys what he needed to do to vote. They told him, and he accomplished all of them. He had the right amount of money. He had land. He had this. He had that. He got letters from three people saying he was a good old black boy. They didn't use a word back then. They arrested him when he went to vote. They didn't let him go to 2:00 in the morning. He had to walk past the lake where they did the lynchings. Somehow he survived. A preacher picked him up and took him to the black side of town.



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He left, went to Boston, settled here in New York. When Martin Luther King called him the share the godmother and asked him to please come back to Selma and provide security. He said he really didn't want to go back to Selma. He was scared. He knew what was going to happen, but he prayed on it. And he said it was the righteous thing to go. And Dabney Montgomery was with John Lewis in Selma and Montgomery. One of my sisters was there when he was killed.

I come from fighters and I'm telling you, you could be heroic. You could really set the tone for this country. I beg you, please don't let me have to fight you, because I will.

CHAIRMAN MORONEY: Thank you.

Thank you for that testimony. And I mean that.

Ladies and gentlemen, before you leave, we have one more witness who is remote. And I want to acknowledge that

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this young man in front of us, Rob Shapiro, is here as a loaner from another department in the county. And I appreciate his diligence and assistance tonight. Thank you.

COMMISSIONER MEJIAS: Thank you, Rob.

CHAIRMAN MORONEY: Who do we have, Rob?

MR. SHAPIRO: Olena Nicks.

CHAIRMAN MORONEY: Olena, you have your time.

MS. NICKS: Thank you. Good evening. My name is Olena Nicks. I am a resident of the Uniondale community. I'm the president of the library board there, as well as the captain and the fire department.

So this evening I am speaking on behalf of the Uniondale community, but also I notice that there is sparing representation from Hempstead and Roosevelt. So I am speaking a little bit for our neighbors as well.

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And I just want to say that it is incredibly heartbreaking to hear that one side, the Republican Commission heard days and days of our public comment and disregarded all of it and went and drew their own maps. This is the same reason that many communities don't show up in large numbers to come out and vote sometimes. So at this time, I'm asking you to do what is right and what is fair, that when you go back to redraw these maps, you consider the individuals who are here speaking this evening advocating on behalf of their communities and really listen to what they are asking of you.

Voter apathy comes when the public feels that they are assigned a candidate and that there is no purpose in voting because it will not change whether they come out to vote or not. The Republican maps are only encouraging more voter apathy, especially for marginalized communities in Nassau County, which we cannot have any more of.

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Communities want to be able to choose from candidates who will properly represent their values and run their communities well. The maps that were presented from the Republican Commission will not allow for this. These maps allow for the long tail of the haves and the have nots to continue. The quality of life of residents will not improve if we let these maps move forward even though all residents from regardless of which community, regardless of their geographic location, all want the same things.

If you think about most marginalized communities in Nassau County and if you actually go into them, when you think about the communities of color, it is often hard and difficult to tell the central location, the collective meeting place, or to feel that sense of community. And oftentimes that's because these communities have been broken up due to gerrymandering receiving varied representation and funding. This is

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often not a concern when we step into communities like Garden City, you know exactly where their sense of community is, where they're meeting, place is where they gather.

The maps drawn by the Republican Commission is evidence to not favor communities of color. Again, this is heartbreaking that these communities are continuously left out, left behind and forgotten and believed to be undeserving of the same quality of life that their non color counterparts have. Which leaves one resounding question for the Republicans: If you do not consider us when drawing these maps, how can we trust you to consider us when making any decisions on our behalf, even though you have shown that you do not care?

And I do just want to end with this, that if you did invest in marginalized communities and communities of color and you did give them the same opportunities and chances as their advantage and

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privileged counterparts, they too would then become those communities of interest. Thank you.

CHAIRMAN MORONEY: Thank you very much for that. There being no other business, is there a motion to -- -

(Whereupon, member of the audience speaks off the record question about future process.)

CHAIRMAN MORONEY: I can't answer all those questions. I can tell you this, that if it's Monday, it's 6:00 in the evening. There will be some back and forth between the between the delegations, I'm certain. And hopefully something comes out of it. If it doesn't, there's not much choices. And ultimately it's going to wind up, even if there are choices, even if there was an agreement, it's going to wind up before the Legislature and they're going to make that final decision. We we may make a recommendation. We may not make a recommendation. We may come to a

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resolution. This the whole panoply is open. The meeting is going to be here, but it's not going to be taken testimony, though.

That said, no other business.

Motion to adjourn.

COMMISSIONER MEJIAS: So moved.

COMMISSIONER REINHARDT: Second.

(Whereupon, above matter concludes, 11:22)

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C E R T I F I C A T E

STATE OF NEW YORK            )  
  :  SS.:  
COUNTY OF NASSAU            )

I, KAREN LORENZO, a Notary Public for and  
within the State of New York, do hereby  
certify:

That the above is a correct transcription  
of my stenographic notes.

IN WITNESS WHEREOF, I have hereunto set  
my hand this 16th day of November, 2022.

Karen Lorenzo

KAREN LORENZO



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