

March 2, 2012

The Honorable Roanne L. Mann  
Magistrate Judge  
United States District Court  
Eastern District of New York  
22 Cadman Plaza East  
Brooklyn, NY 11201

Dear Magistrate Judge Mann:

On behalf of the Dominican American National Roundtable (the “DANR”) we respectfully submit a map for a proposed new congressional district encompassing predominantly Hispanic areas of Northern Manhattan, the West Bronx and Jackson Heights/ Corona, Queens. In this letter and consistent with your Honor’s Order of February 28, 2012, we would like to set out the reasons why this Court should adopt the map as proposed by the DANR.

Essentially, there are two interconnected questions the Court needs to consider. The first is, whether, in accordance with applicable legal standards, is it appropriate to create a new congressional district connecting Spanish speaking communities in portions of these counties; second, if so, what are the appropriate contours of such a district.

To the first question, the Court already has before it a number of proposals for a district uniting these Spanish speaking communities into a new congressional district, and there should be little question that this is an idea whose time is past due. Spanish speaking communities have historically been adversely impacted by discriminatory re-districting practices, including packing and cracking designed to disenfranchise Spanish speaking voters. In addition, as the Court is aware, there has been enormous growth in the Spanish speaking communities in the referenced areas, and they are linked in large respect by a common culture as well as a common language.

The need for a new district acknowledging these characteristics has been addressed by others and we believe, need not be repeated here. Reference in this regard is made to the map proposed by the New York State Senate and in the letter from Chairman Keith Wright of this date. Rather the question for the Court is not whether such a district should be created, but what should be the contours of the district.

To this question, we respectfully suggest that the key issue to be taken into account is what would best reflect a cognizable “community of interest”. See *Miller v. Johnson*, 515 US 900 (1995).

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The District proposed by the DANR would do this. It would unite common characteristics not just of language but of culture. Moreover the communities it links are geographically contiguous, compact in the sense that 90% of the District can be traversed by the use of only three bus routes, they share places of worship, common educational institutions and public officials--- indeed, there are within the proposed District some 14 State and City Latino elected/officials (including officials of Puerto Rican, Dominican and Ecuadorian descent) more than in any other existing or proposed congressional district.

While we respect the proffer of other maps that would create districts linking the Spanish speaking communities in Northern Manhattan, the Bronx and/or Queens, we believe none is as faithful to the community of interest principles as the District proposed by the DANR, and, as a consequence, that its map is the most appropriate one for the Court to accept to ensure the Hispanic community is fairly represented in Congress.

Finally, as the Court will appreciate, the DANR and its members are analyzing on an ongoing basis the maps submitted by others in accordance with the Court's rigorous timetable. While one other non-party has submitted a map nearly identical to the one proposed by the DANR, it appears that, for the most part, the interests of the DANR and its members have not been sufficiently represented by the current parties in this matter. DANR members may, therefore, desire to place more detailed facts before the Court. Mindful of the Court's reluctance to accept additional intervenors, we nonetheless hope that if such intervention is sought, it will be permitted by the Court. The issues here are too important to deny the Court a full and complete analysis of all factors relevant to its ultimate decision, including, for example, the application of relevant provisions of the Voting Rights Act..

We have registered to speak at the hearing on March 5, 2012, and look forward to addressing these matters with the Court at that time.

We thank the Court for its consideration of this proposal.

Respectfully,

Becker & Poliakoff, LLP