

March 7, 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 non-party the Dominican American National Roundtable (the “DANR”), and pursuant to the Court’s Order of March 6, 2012, we respectfully submit this objection to the “Proposed Plan” (as defined in such Order), insofar as it pertains to proposed Congressional Districts 13, 14 and 15.

The geographic regions covered by these proposed districts include the northern part of Manhattan, the west Bronx and the Corona/ Jackson Heights neighborhoods of Queens, areas that are heavily populated by Spanish speaking residents, and areas in which the Hispanic population has substantially increased since the 2000 census. As the Court will recall, in advance of the hearings on March 5, 2012, the DANR submitted a map that, taking cognizance of the community of interest that binds these neighborhoods, united them into a single, new congressional district. For the Court’s convenience, a copy of that map (the “Map”) is attached.

In the Proposed Plan, however, the Court rejected the DANR’s Map and instead created a fragmented series of districts that, respectfully, “tell [] a tale of disparity not community.” See Miller v Johnson, 515 U.S. 900, 908 (1995). Thus, proposed District 13 is largely the District now represented by Congressman Rangel, but a heavily Hispanic portion of the Kingsbridge area of The Bronx has been fused into that District. The areas east of Kingsbridge are divided between the proposed 15th District, in what is now predominantly Congressman Serrano’s District, and a proposed 14th District, encompassing Pelham Parkway to I-95, then snaking down to Queens, in what is now Congressman Crowley’s District.

As we understand it, this would result in a small numerical Hispanic voting age population (“VAP”)

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majority in the proposed 13th District, and a significant non-Hispanic majority in the proposed 14th District. Given the dynamic of the 13th District, with a well-known incumbent and the likelihood that the majority of the actual registered voters (and per force the likely voters in any election) would not be Hispanic, and the less favorable statistics in the 14th District, also represented by a strong incumbent, the Proposed Plan essentially maintains the status quo and does not increase Hispanic representation. In other words, there would still be three districts, with only one likely, as a practical reality, to elect a Hispanic representative, despite the significant increase in Hispanic population in the relevant areas.

This, we respectfully suggest, should result in the Court's taking a second look at the merits of the DANR Map, and that second look should confirm that the DANR Map is a better accommodation of relevant interests than is the Proposed Plan. Preliminarily, it should be noted, since the Court is dealing with covered districts here, that the DANR Map would cause no retrogression. The Proposed Districts 13 and 15 would likely maintain their existing minority representation.

But most importantly, the DANR Map would avoid the fragmenting of a Hispanic community of interest--and the dilution of Hispanic voting strength that is the unavoidable by-product of the Proposed Plan.

The area covered by the DANR Map, though having a 63.5% Hispanic VAP, is now represented by four out of five non-Hispanic congressmen (Mssrs Rangel, Crowley, Ackerman and Engel). But within the new district proposed by the DANR, there are some 13 Hispanic elected legislators, legislators of Dominican, Puerto Rican and Ecuadorian descent, the highest concentration of Hispanic elected officials in any existing or proposed district. This reflects a highly interactive and interdependent community, a community sharing, among other things, a common language, a common religion, and common problems that transcend geography.

These things can not be replicated, for example, by placing or maintaining a large number of Dominican residents in the District currently represented by Congressman Rangel. Those residents would have a closer sharing of interests with the Dominican, Ecuadorian and Columbian communities of Corona/Jackson Heights in respect of language and immigration-related matters, and thus form a natural community of interests.

For the community of interest concept to have any meaning, it must provide a genuine opportunity for the residents of the community to elect a representative of their choice. It is not enough to create two districts that could theoretically elect a Hispanic congressman but which in reality are unlikely to do so. The substantial number of locally elected Hispanic officials in the area covered by the DANR Map reflects a political cohesion that is empirically verifiable. The Proposed Plan does not, or is, at best, speculative in this regard.

It is no accident that the DANR Map does this. It was the product of extensive community outreach and input. On information and belief, an unusually large number of residents of the areas covered by

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the DANR Map testified before LATFOR and other community forums, and were overwhelming in their position that these areas constituted a single community of interest that should be united.

While there has not been time for the kind of in depth analysis that would be most beneficial to the Court, from a redistricting standpoint, the Proposed Plan has some obvious facial deficiencies. For example, the proposed 14th District may be contiguous, but it is respectfully, the antithesis of compactness.

In any event, even though concepts such as compactness and contiguity are legitimate considerations, they should not be extolled over more central considerations. As Chief Justice Warren said in Reynolds v. Sims, 377 U.S. 533, 562 (1964), “Legislators represent people, not...acres.” Given the mutually inconsistent nature of many of the factors a court may properly consider in the redistricting context, the DANR respectfully requests that the Court err on the side of the voice of the community. That voice says the northern Manhattan, west Bronx and Corona/ Jackson Heights areas constitute a single community of interest that should be entitled to select a single representative to speak for it in Congress.

Finally, it is ironic but significant that the Proposed Plan unsettles the interests of two groups that the Voting Rights Act is designed to protect. Specifically, as set forth in the submission of Dr. John Flateau on behalf of Manhattan Democratic County Leader Keith Wright, to which the Court’s attention is respectfully commended, the Proposed Plan actually dilutes both Black and Hispanic voting strength.

We are sure that Court does not desire such an anomalous result, and respectfully request it revise the Proposed Plan to adopt the DANR Map.

We thank the Court for its consideration of the DANR’s position.

Respectfully,

/s/ Lance Gotthoffer

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