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January 23, 2023

VIA Electronic Submission and FEDEX

Attention: Submissions
Independent Redistricting Commission
250 Broadway, 22nd Floor
New York, NY 10007

Re: *New York Independent Redistricting Commission Proposed State Assembly Map*

Dear Members of the Independent Redistricting Commission,

Our firm represents the Town of Palm Tree and the Village of Kiryas Joel, and their government officials, who are also resident voters. The Town and Village are a coterminous municipalities located in Orange County, New York, which includes a majority of language minority voters. The Town of Palm Tree was established in 2020 from the division of the Town of Monroe and encompasses the entirety of the Village of Kiryas Joel.

We write to express our clients' grave concerns regarding the ongoing process to draw new redistricting maps for the State Assembly, following the litigation that invalidated the first Assembly map, and respectfully ask that you protect the constitutional rights of the minority language community that resides in and around the Town and Village when preparing revised maps.

It is important for the Commission to consider in this process that the redistricting maps that were previously adopted drew unconstitutional lines that not only violated the partisan gerrymandering prohibition in the New York Constitution, but also abridged language minority voting rights in southern Orange County. In particular, New York Constitution Article III, § 4(c)(1) specifically prohibits the creation of political districts that "result in the denial or abridgement of racial or language minority voting rights, and districts shall not be drawn to have the purpose of, nor shall they result in, the denial or abridgement of such rights." Indeed, as the Constitution provides, political districts must be drawn to ensure that "minority language groups

do not have less opportunity to participate in the political process than other members of the electorate and to elect representatives of their choice.” *Id.*

In the Towns of Palm Tree, Monroe, Woodbury, and Blooming Grove in southern Orange County, over the past ten years, a significant minority language community has grown that speaks English as a second language. In fact, there are approximately 50,000 residents who speak Yiddish as a first language who now live in these four municipalities. The Orthodox Jewish community in southern Orange County, nevertheless, has been either ignored or purposefully dispersed in the redistricting process that has resulted in splitting the Yiddish-speaking community in two and drastically reducing the opportunity of these residents to vote for representatives of their choice who will understand the unique issues that the community faces. Indeed, since the Orthodox Jewish community began to grow in southern Orange County in the 1970s and 1980s, Yiddish-speaking families, business people, and governmental officials have faced discrimination in almost every facet of their lives, including opposition to Orthodox Jewish religious practices, exclusionary zoning, and hindrances to the community’s access to reliable water sources and sewage treatment infrastructure, among many other issues.

In the face of this overt discrimination, many, if not most, local political leaders turned a blind eye to the needs of the Orthodox Jewish community. The recent redistricting maps have split the Orthodox Jewish community in half by placing the Towns of Palm Tree and Monroe in a different election district than the neighboring adjacent Towns of Woodbury and Blooming Grove. Aside from the establishment of the new town, nothing else has changed to warrant the new drastically different election district dividing line.

This specific and seemingly intentional division of the Yiddish-speaking community has drastically impaired these minority language voters’ rights. The Commission must rectify this wrong, keeping the language minority population in the Orthodox Jewish community in the Towns of Palm Tree, Monroe, Woodbury, and Blooming Grove together in a single district to ensure that they have the same opportunity to elect representatives of their choice. Indeed, if the Orthodox Jewish community were to remain in divided election districts, election material, including political pamphlets, flyers, petitions, and ballots, among others, would have to be split up into multiple campaigns, making it much more difficult to reach the voters, resulting in further potential impairment of voting rights.

Most importantly, the same proposed division of the Yiddish-speaking community in southern Orange County was rejected earlier this year by the Special Master tasked with drawing the new State Senate and Congress maps after the New York Court of Appeals’ decision in *Harkenrider v Hochul*. As we explained during that process, and the Special Master recognized, dividing the Yiddish-speaking community in southern Orange County would once again contravene the substantive dictates of the New York Constitution, and would drastically impair the voting rights of that community. A copy of our prior comments regarding the State Senate and Congressional maps are enclosed for your convenience. Indeed, currently elected leaders have begun to use the proposed division of the Yiddish-speaking community in the Assembly map as a basis for an attempt to control land use and annexation of land between municipalities in the area and to foreclose the residents of Palm Tree from having any say in these decisions, the outcome of which could drastically affect their State-protected real property rights. One

Senator, for example, has even made the legally untenable claim that the division of the Yiddish-speaking community in the Assembly map would prevent any future annexations of land from or to the divided communities. Plainly, the proposed Assembly map division of the Yiddish-speaking community in southern Orange County promotes, rather than discourages, these discriminatory efforts, and should again be rejected.

Given that the Special Master specifically rejected a proposed division of Yiddish-speaking voters in the State Senate and Congress redistricting maps, we would respectfully request that the Commission likewise place the Towns of Palm Tree, Monroe, Woodbury, and Blooming Grove together in the State Assembly district where they have finally, after years of ineffective representation by the minority party, successfully elected a representative in the Assembly majority, in an extremely close race that had almost 40,000 voters, who can effectively represent the Yiddish-speaking voters' needs.

Thank you for your consideration.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Michael G. Sterthous". The signature is fluid and cursive, with a prominent "M" and "S".

Michael G. Sterthous
Robert S. Rosborough IV

Enclosure

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April 29, 2022

VIA NYSCEF

Honorable Patrick F. McAllister
Supreme Court, Steuben County
3 East Pulteney Square
Bath, New York 14810

Re: *Harkenrider, et al. v. Hochul, et al.*
Index No. E2022-0116CV

Dear Judge McAllister and Dr. Jonathan Cervas,

Our firm represents the Town of Palm Tree and the Village of Kiryas Joel, and their government officials. The Town and Village is a coterminous municipality located in Orange County, New York, which includes a majority of language minority voters. The Town of Palm Tree was established in 2020 from the division of the Town of Monroe and encompasses the entirety of the Village of Kiryas Joel. We write to express our clients' grave concerns regarding the ongoing process to draw new redistricting maps for the State Senate and Congress, following the Court of Appeals' decision to invalidate the first set of maps, and respectfully ask that you protect the constitutional rights of the minority language community that resides in and around the Town and Village when preparing revised maps.

It is important for the Special Master to consider in this process that the redistricting maps that were previously adopted drew unconstitutional lines that not only violated the partisan gerrymandering prohibition in the New York Constitution, but also abridged language minority voting rights in southern Orange County. In particular, New York Constitution Article III, § 4(c)(1) specifically prohibits the creation of political districts that "result in the denial or abridgement of racial or language minority voting rights, and districts shall not be drawn to have the purpose of, nor shall they result in, the denial or abridgement of such rights." Indeed, as the Constitution provides, political districts must be drawn to ensure that "minority language groups

do not have less opportunity to participate in the political process than other members of the electorate and to elect representatives of their choice.” *Id.*

In the Towns of Palm Tree, Monroe, Woodbury, and Blooming Grove in southern Orange County, over the past ten years, a significant minority language community has grown that speaks English as a second language. In fact, there are approximately 50,000 Yiddish-speaking residents who now live in these four municipalities. The Orthodox Jewish community in southern Orange County, nevertheless, has been either ignored or purposefully dispersed in the redistricting process that has resulted in splitting the Yiddish-speaking community in two and drastically reducing the opportunity of these residents to elect representatives of their choice who will understand the unique issues that the community faces. Indeed, since the Orthodox Jewish community began to grow in southern Orange County in the 1970s and 1980s, Yiddish-speaking families, business people, and governmental officials have faced discrimination in almost every facet of their lives, including opposition to Orthodox Jewish religious practices, exclusionary zoning, and hindrances to the community’s access to reliable water sources and sewage treatment infrastructure, among many other issues.

In the face of this overt discrimination, many, if not most, local political leaders turned a blind eye to the needs of the Orthodox Jewish community. The recent redistricting maps have split the Orthodox Jewish community in half by placing the Town of Palm Tree in a different election district than the neighboring adjacent Towns of Monroe, Woodbury, and Blooming Grove. For the nearly 40 years prior to the establishment of the Town of Palm Tree, the voters in the Village of Kiryas Joel, which was then located within the Town of Monroe and is now in Palm Tree, were part of the same election district as the rest of the minority language community in Monroe, Woodbury, and Blooming Grove. Aside from the establishment of the new town, nothing else has changed to warrant the new drastically different election district dividing line.

This specific and seemingly intentional division of the Yiddish-speaking community has drastically impaired these minority language voters’ rights. With the courts now overseeing the redrawing of the State Senate and Congressional districts to correct the unconstitutional gerrymander, the Special Master must rectify this wrong, keeping the language minority population in the Orthodox Jewish community in the Towns of Palm Tree, Monroe, Woodbury, and Blooming Grove together in a single district to ensure that they have the same opportunity to elect representatives of their choice. Indeed, if the Orthodox Jewish community were to remain in divided election districts, election material, including political pamphlets, flyers, petitions, and ballots, among others, would have to be split up into multiple campaigns, making it much more difficult to reach the voters.

Given that the Town of Palm Tree’s voters have already been arbitrarily placed in a State Assembly minority district in the map that was not challenged in this litigation, and thus will not change, we would respectfully request that the Special Master place the Towns of Palm Tree, Monroe, Woodbury, and Blooming Grove together in a State Senate majority district where they have been for the last 40-plus years since the founding of the Village of Kiryas Joel. Thank you for your consideration.

Respectfully submitted,



Michael G. Sterthous
Robert S. Rosborough IV

cc: All counsel (via NYSCEF)