



LatinoJustice PRLDEF
Independent Redistricting Commission Hearing
July 29, 2021

Commissioners, thank you for the opportunity to participate in today's Independent Redistricting Commission hearing. My name is Fulvia Vargas-De Leon, and I am an Associate Counsel at LatinoJustice PRLDEF, a 501(c)(3) non-profit civil rights legal defense fund who for over four decades has championed the constitutional rights of Latinos. Our redistricting work has focused on ensuring districts are drawn in a manner which fully comply with the U.S. Constitution, the Voting Rights Act, and respect communities of interest, fairly and accurately reflect community population demographics, and safeguard racial minority groups from maps which have the effect of diminishing their ability to elect candidates of their choice.

LatinoJustice PRLDEF, originally established as the Puerto Rican Legal Defense and Education Fund (PRLDEF) in 1972, is one of the country's leading nonprofit civil rights public interest law organizations. We work to advance, promote, and protect the legal rights of Latinos throughout the nation. Our work is focused on addressing systemic discrimination and ensuring equal access to justice in the advancement of voting rights, housing rights, educational equity, immigrant rights, language access rights, employment rights, workplace justice, and seeking to address all forms of discriminatory bias that adversely impact Latinos. As part of our ongoing work to protect the rights of Latino voters, we have advocated and litigated against practices that seek to dilute the vote of minority communities such as improper voter roll purges, failing to provide requisite language assistance at poll sites, and redistricting practices that seek to dilute the voting power of communities of color.

As we are all aware, New York is set to lose one congressional seat. We know that this will begin a discussion about where the loss should occur – do we push the loss on the Congressional representatives of the greater New York City metropolitan area including Long Island, or those of upstate or western New York where there has been far greater diminishing overall population numbers? Do we consider whether it would be fair for the loss of a district to occur upstate, where there is greater population loss, in order to prevent the disenfranchisement of downstate district voters?

The difference is vast when we take a look at Congressional District 8¹ in Brooklyn which has 776,825 residents in comparison to District 23² in the Southern part of the state which has 687,583 residents – a difference of almost 90,000 residents. Even when we are aware of ideal district sizes, downstate residents have continuously suffered from overpopulated districts, while upstate residents are routinely grouped into underpopulated districts.

Redistricting cannot be held at the mercy of the progress made among historically disenfranchised communities which have benefited from efforts of drawing districts in a manner that allows them to elect representatives of their choice. LatinoJustice has for several decades

¹ <https://www.census.gov/mycd/?st=36&cd=08>

² <https://www.census.gov/mycd/?st=36&cd=23>



promoted the principles of **Unity Mapping** by supporting coordinated local efforts to negotiate fair Black-Latino-Asian coalitions in equitable mapping. We will again be drawing specific districts by respecting communities of interest, defend electoral opportunity, and advance our rights under the U.S. Constitution, state Constitutions and the federal Voting Rights Act.

In 2012, LatinoJustice worked with our civil rights partners, Asian-American Legal Defense and Education Fund (AALDEF) and the Center for Law and Social Justice at Medgar Evers College to prepare sets of Congressional and state districts respecting equal population, compactness, geographic contiguity, and communities of interests that were distilled from the input of Latinos, Asian-Americans, and black residents, and community-based representatives in the City of New York. We believe that our Unity Maps were successful in persuading the special master to draw final maps that were balanced and fair in the *Favors v Cuomo*³ litigation. The important principle of preserving and protecting communities of interest is a vital qualitative guidepost as this Commission receives public comment and valuable input over the next few months.

Based on 2010 US Census data, we saw significant demographic growth in the Latino community. This growth resulted in the mapping of a new Congressional district, District 13, which today is held by Representative Adriano Espaillat, the first formerly undocumented and Dominican elected to Congress. This is a reminder of why redistricting is a constant battle to ensure that those who historically have been shut out by the process finally have an opportunity to successfully elect representatives of their choosing. The Unity Map provided district lines and data that linked portions of Northern Manhattan and the Bronx. At the same time, the Unity Coalition's maps helped create the first Asian-American Congressional district in Queens, while also preserving existing Latino and black Congressional districts. Similarly, our Unity Maps for the state legislative districts led to an increase in minority-majority districts based on demographic growth in the City's Latino population, too.

New York State must lose one Congressional district as determined by 2020 US Census and the apportionment process. While the Census PL-94 Census block-level data has yet to be released, LatinoJustice can confidently urge members of this Independent Redistricting Commission to monitor community participants who ask that Congressional and state district maps be drawn based on the state's population growth by region, project districts using communities of interest analysis, and we urge the Commission guide the integrity of the redistricting process based on the U.S. Constitution and Voting Rights Act. LatinoJustice PRLDEF stands by a redistricting process that is (1) open in the public's ability to actively engage at every step of the process; (2) draws maps in a manner which accurately reflects changes in the population; and (3) focuses on safeguarding racial minority groups from maps which have the effect of diminishing their ability to elect candidates of their choice.

³ *Favors v. Cuomo*, 285 F.R.D. 187 (E.D.N.Y. 2012).

Thank you for your attention.

Jackson Chin
Senior Counsel
Jchin@latinojustice.org

Fulvia Vargas-De Leon
Associate Counsel
Fvargasdeleon@latinojustice.org