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May 18, 2022

**BY ELECTRONIC MAIL ONLY**

Hon. Patrick McAllister  
Acting Supreme Court Justice  
4 East Pulteney Square  
Bath, NY 14810

**BY ELECTRONIC MAIL ONLY**

Dr. Jonathan Cervas  
Carnegie Mellon University  
Posner Hall 388  
5000 Forbes Avenue  
Pittsburgh, PA 15213

RE: Comments and Observations on Proposed Congressional and State Senate Maps  
Index # E2022 - 0116CV

Dear Justice McAllister & Dr. Cervas:

First allow me to acknowledge how critically important it is for the work which you are doing be cognizant of both the big picture as well as the details that will have impacts for decades to come. I hope, from my understanding of the structure, history and realities of Long Island to share the following thoughts and observations. It is from these perspectives that I request that great thought be given to the need for changes in the proposed re-drawn maps.

As a civil rights lawyer who has litigated multiple Voting Rights Act cases and helped to extend the reach of Section 2 redistricting cases in New York State over the last 30 years, I am deeply concerned that the real, and perhaps unintentional, impact of the proposed re-drawn maps will do great harm to communities of color in Nassau County. Communities which have struggled to have their voices heard and votes counted for many years. As an advocate and leader in the African American community in Nassau County, I write to express deep concern over the division of important communities of color in Nassau County in the proposed Congressional and State Senate maps. As you consider the following points, I urge the Court and Dr. Cervas to rectify these problems by unifying communities of color rather than cracking them and essentially rendering them an electoral nullity.

**1. The Proposed CD-4 Should be Adjusted to Unify Communities of Color**

The proposed CD-4 no longer includes Westbury/New Cassel, which are important communities of color in Nassau County. Voters in these communities have significant commonality of interests with voters of color in the Village of Hempstead, and should be unified in the same congressional district. By splintering off Westbury/New Cassel and placing it with communities that share no political, life experience and social realities that shape the daily lives of its residents a great disservice if taking place. Any evaluation of the needs and requirements of New Cassel require recognition that the common traits that are shared with the

Village of Hempstead are far greater than those which could be claimed with Massapequa. Further to this point is the reality that by adopting the currently proposed map the dilution of the voting strength and ability to influence, no less elect a candidate of choice is totally defeated.

## 2. The Proposed SD-6 Should be Adjusted to Unify Communities of Color

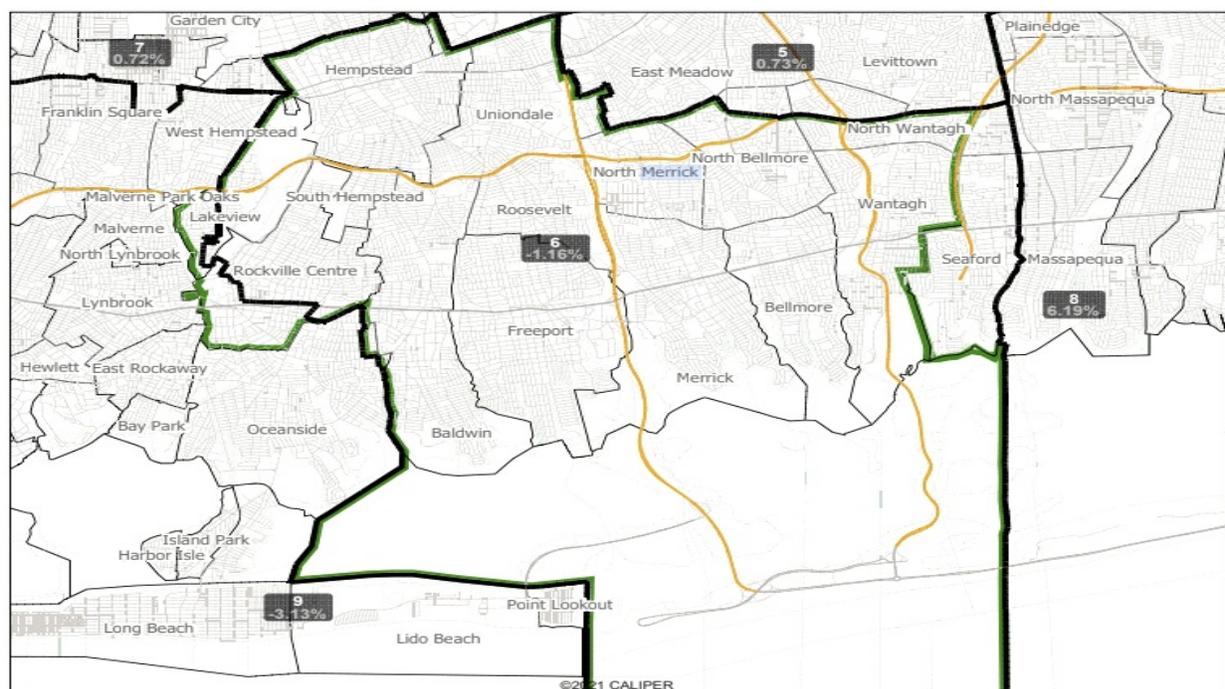
I am pleased that the proposed Senate map would create a majority-minority coalition district in Nassau County. It is long overdue for voters of color in Nassau County to have a majority-minority district that allows them an opportunity to elect candidates of their choice.

Unfortunately, this new district divides critically important communities of color, most significantly in Lakeview and the Incorporated Village of Rockville Centre. I have prepared an alternative version of SD-6, which takes three major steps to correct SD-6: (a) unifies Lakeview; (b) unifies Rockville Centre; and (c) moves the eastern boundary of SD-6 to the Seaford-Oyster Bay Expressway.

This district also may not perform for voters of color. According to the file posted on DRA2020, the proposed SD-6 has a Black Voting Age Population (“VAP”) of only 26.23% and a Latino VAP of only 26.79%. We do not know the Citizen Voting Age Population (“CVAP”) of the proposed SD-9, nor have we conducted racially polarized voting analysis of these districts, but based on my intimate knowledge of these communities, I remain concerned that SD-6 will not perform as an effective majority-minority district.

As explained in more detail below, our alternate version of SD-6 will not only unify communities of color and other critical communities of interest, but it will adjust the district so it will be more likely to perform as an effective majority-minority district.

Below is an image of our proposed alternative map, with the original boundaries in Black and our proposed alterations in green. We have also attached a block equivalency file for our proposed alternative alterations of SD-6 and posted it on DRA2020 here: <https://bit.ly/3wCqWes>.



a. **SD-6 should be modified to unify the hamlet of Lakeview.**

The proposed Senate map divides the community of Lakeview in half along Woodfield Road, placing the eastern portion of Lakeview into the proposed SD-6 and the western portion of Lakeview into the proposed SD-9. Anyone who knows this community would observe that dividing heavily Black populated hamlet right down the center of its only major thoroughfare, which is Woodfield Road, is an act of fracturing that is unacceptable and deeply concerning.

Lakeview is a small but critically important historically African American community that has long been overlooked and neglected by its elected officials for decades. Lakeview is the African-American community that served to endure the struggles of school desegregation when the Malverne School District was ordered by the courts (following *Brown v. Board of Education* decision) to integrate its elementary schools, one of which was located on Woodfield Road. It is this community that helped lead the charge to create the current 18<sup>th</sup> Assembly District and finally join itself with neighboring communities of interest and of color to obtain at least one voice in the State Legislature. As an unincorporated hamlet, Lakeview does not have any local elected officials who advocate for the community. While Lakeview residents have had to struggled to have its representatives in the county legislature, Assembly, and Senate keep them on their radar, this proposed change and split will serve to cast this small, but vibrant community backward politically and socially by at least two decades.

Lakeview desperately needs an elected official who can advocate for the community. Lakeview's population is small, and I am deeply concerned that cracking Lakeview into two Senate Districts will make it even more difficult for Lakeview to receive the attention from its Senator that it desperately needs.

b. **SD-6 should be modified to unify the Incorporated Village of Rockville Centre.**

The proposed Senate map also divides the Incorporated Village of Rockville Centre along Sunrise Highway, placing the northern portion of Rockville Centre into the proposed SD-6 and placing the southern portion of Rockville Centre into the proposed SD-9.

Bizarrely, even though most of Rockville Centre's voters of color live south of Sunrise Highway, the southern portion of the village was placed into SD-6, while the overwhelmingly white northern portion of Rockville Centre was placed into the majority-minority SD-9. Rockville Centre's voters of color should be unified with voters of color in Lakeview, Baldwin, and the Village of Hempstead.

There is also no reason to divide an incorporated village, which should be unified in a single Senate District to ensure that residents of that village have their voices heard, especially when there are available alternative proposals including our proposed alternate version of SD-6 that keeps Rockville Centre in a single district.

c. **The new eastern border of the proposed SD-6 should be the Seaford-Oyster Bay Expressway.**

In order to unify Lakeview and Rockville Centre into the proposed SD-6, it will be necessary to remove population from the district to ensure population equality. I strongly recommend removing the portion of the district that is east of the Seaford-Oyster Bay Expressway from SD-6. This major expressway is a natural north-south dividing line that divides distinct communities in Nassau County and is a natural barrier for this district. By removing the portion of the proposed SD-6 that is east of the Seaford-Oyster Bay

Expressway, population equality can be maintained. Moreover, the communities that are east of the Seaford-Oyster Bay Expressway have no commonality of interest with the rest of this district, but have far more in common with Massapequa and communities to the east.

- d. **These proposed changes will increase the likelihood that SD-6 will perform as an effective majority-minority district.**

These proposed changes to SD-6 will increase the Black VAP from 26.23% to 28.01% and the Hispanic VAP from 26.79% to 27.51%. Although these changes are incremental, they will make a meaningful difference in helping to ensure that SD-6 will reliably perform for the candidates preferred by voters of color.

I thank you for your consideration and hope that you will see fit to adopt the well-considered suggestions provide here to you. If I can be of any further assistance, please feel free to contact me.

Respectfully submitted,

*Frederick K. Brewington*

FREDERICK K. BREWINGTON

FKB:pl

Encl.

cc. Ms. Tracey Edwards, Long Island Regional Director N.A.A.C.P.

Randolph McLaughlin, Esq.