

Commission Meeting

of

APPORTIONMENT COMMISSION

*"Testimony from the public on the establishment of legislative districts
in New Jersey that will be in effect for the next 10 years"*

LOCATION: Passaic City Hall
Passaic, New Jersey

DATE: March 16, 2011
2:00 p.m.

MEMBERS OF COMMISSION PRESENT:

Assemblyman John S. Wisniewski, Co-Chair
Assemblyman Jay Webber, Co-Chair
Nilsa Cruz-Perez, Co-Vice Chair
Senator Paul A. Sarlo
Senator Kevin J. O'Toole
Assemblyman Joseph Cryan
Assemblywoman Sheila Y. Oliver
George Gilmore
Bill Palatucci
Alan Rosenthal



ALSO PRESENT:

Frank J. Parisi
Office of Legislative Services
Commission Secretary

Meeting Recorded and Transcribed by
The Office of Legislative Services, Public Information Office,
Hearing Unit, State House Annex, PO 068, Trenton, New Jersey

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DR. ROSENTHAL: I'd like to call the Commission meeting and hearing to order.

Mr. Secretary, will you call the roll?

MR. PARISI (Secretary): Certainly.

Senator Sarlo.

SENATOR SARLO: Here.

MR. PARISI: Alan Rosenthal.

DR. ROSENTHAL: Here.

MR. PARISI: Bill Palatucci.

MR. PALATUCCI: Here.

MR. PARISI: Senator O'Toole.

SENATOR O'TOOLE: Here.

MR. PARISI: Speaker Oliver.

ASSEMBLYWOMAN OLIVER: Here.

MR. PARISI: George Gilmore.

MR. GILMORE: Here.

MR. PARISI: Assemblyman Cryan.

ASSEMBLYMAN CRYAN: Here.

MR. PARISI: Vice Chair Nilsa Cruz-Perez.

MS. CRUZ-PEREZ: Here.

MR. PARISI: Vice Chair Irene Kim Asbury.

ASSEMBLYMAN JAY WEBBER (Co-Chair): Mr. Secretary, Ms. Asbury is absent due to illness.

MR. PARISI: Thank you.

Co-Chair John S. Wisniewski, Assemblyman.

ASSEMBLYMAN JOHN S. WISNIEWSKI (Co-Chair):

Here.

MR. PARISI: Assemblyman Jay Webber, Co-Chair.

ASSEMBLYMAN WEBBER: Here.

MR. PARISI: You have a quorum.

DR. ROSENTHAL: Thank you.

Please stand for the Pledge of Allegiance. (audience recites the Pledge of Allegiance)

I'm the 11th member of the Commission, recently appointed. This is my third hearing. The other Commissioners had four hearings before it -- before this one. So this is the seventh hearing of the Commission.

I have a few announcements.

UNIDENTIFIED SPEAKER FROM AUDIENCE: We don't hear.

DR. ROSENTHAL: You can't hear? Now can you hear? Is that clear?

UNIDENTIFIED SPEAKER FROM AUDIENCE: Much better.

DR. ROSENTHAL: How about now? Okay, okay, let's go.

If anyone wants to testify and hasn't signed in yet, you can sign in right over there at the table -- sign in to testify. And the order of testimony will be determined by Frank Parisi, the Secretary, from the Office of Legislative Services.

In terms of testimony, we ask you to keep your testimony to five minutes or less than five minutes. Mr. Parisi will be keeping time. And

a clock will ring, a timer will ring, not when the eggs are done but when the testimony is supposedly over.

You may submit your testimony in writing, and each Commissioner will get a copy of it. If you submit it in writing, of course you can summarize it in your oral presentation. If you want to contact the Commission, there is a website that's been established by the Office of Legislative Services. It's www.apportionmentcommission.org.

And then last, but certainly not least, for those of you who have problems parking and have been putting money in a meter, the meters are waived, so you do not have to put any more money in it. Maybe this is a little late. (applause and laughter) Thank you. And remember, I was the one who announced that. (laughter) Not the Republicans, not the Democrats, but the guy from Rutgers University.

Do any of the Commissioners have any statements or comments to make before we just get right into taking testimony? (no response)

What I will do is, I will call three people at one time, and you'll testify in that order. But that way you'll be ready -- number two and number three will be ready.

The first will be Dr. Alex Blanco, then Assemblyman Gary Schaer, then Mayor James Barsa.

So are you here, Mr. Blanco? Okay. Mr. Blanco; and then Assemblyman Schaer, and then Mayor James Barsa.

MAYOR ALEX D. BLANCO, M.D.: Good afternoon.

My name is Dr. Alex Blanco. I'm the Mayor of Passaic. I think there was a mistake about the parking. It's not going to be waived.

(laughter) Just kidding, just kidding. We had a hard time finding parking, so I was a little nervous about getting you guys accommodated here.

But I want to welcome the redistricting committee and--

ASSEMBLYMAN WISNIEWSKI: Mayor, I don't know if you can move the tall microphone toward you. That's the amplification mike.

MAYOR BLANCO: This one?

ASSEMBLYMAN WISNIEWSKI: Yes.

ASSEMBLYMAN WEBBER: The small mikes are for the recording of the session; the large mikes are for the amplification.

MAYOR BLANCO: I think we have good acoustics here. So if we speak loud, I think we're going to be heard.

I want to thank you for -- the redistricting committee -- coming to Passaic, and all the visitors also visiting our city for the first time.

DR. ROSENTHAL: Hang on. We'll move the table closer so the amplification comes through.

MAYOR BLANCO: Thank you, Commission, for being here, and all the visitors visiting our city for the first time. And I want to say that I'm fully supporting the opportunity for local residents to come and testify today.

As you know, the latest Census put our city in the number of -- over 69,000, with about 71 percent of them being Latinos. And I'm proud of my city, especially because the voters have chosen a local school board and also a Council that is fully diverse. And I'm also fortunate to have a legislative delegation that is dedicated and very responsive to our needs -- having been able to work with our State Senator Paul Sarlo, and our Assemblyman Gary Schaer, and our former Assemblyman Fred Scalera to

make our city a better place for children, residents, and families. In fact, it was through their leadership that we got \$1 million in extraordinary aid from Trenton. And that went a long way for our taxpayers. So I want to thank them for that.

And when I was elected back in May of '09, I did so with the votes from all across our city. I won the election with votes from the Orthodox community, Latinos, African-Americans, Indians, Filipinos; just as Assemblyman Gary Schaer wins with the overwhelming support of the Latino voters. We see that it's now something that comes into fruition. You see that in President Obama and our Senator Bob Menendez -- that this is proof that this is taking place.

I have heard and read that the only way to increase minority representation in the Legislature is to pack minorities into fewer districts. And the facts argue that nothing could be further from the truth. Packing minorities might create the illusion of more power, but in fact the opposite is reality. Creating numerical minorities in one minority group in a legislative district-- It's never a guarantee that they will elect a representative of their kind.

I want to conclude by calling upon my experience here in the City of Passaic. Both the politics and government here demonstrate the diverse population. Not only do we vote for each, but we work together to get things done. The best way to celebrate New Jersey's diversity is not by racially dividing us, but by going out of our way to create as many legislative districts to reflect that diversity. And in doing so, we can further unite us as a community.

Thank you very much. I hope you enjoy your stay here in the City of Passaic.

DR. ROSENTHAL: Thank you very much, Mr. Mayor.
Assemblyman.

ASSEMBLYMAN GARY S. SCHAEER: Let me join with Mayor Blanco in thanking the Commission for using Passaic as your last place with which to hear testimony. We are appreciative of the honor.

Good afternoon, and thank you again for taking the time to listen to so many of the thoughts and ideas on how we should shape our state for the next decade. This is as important as it gets. This process will play a major role in deciding how the 120 State legislators will be elected to represent our needs; which means the outcome of this process must be a legislative map that is fair to each and every New Jerseyan. It must be constitutional, it must be forward-looking, and it must give you a Legislature attuned to your lives and needs.

The one thing that it cannot do is to limit opportunities by packing minorities into their own separate districts. That is, quite simply, a failed idea of the past. We've grown beyond that thinking as a society. We must not move backward and readopt that outdated theory. The current mapping strategy works.

Take a look at the 36th Legislative District that I have the great pleasure to represent with Senator Sarlo. The 36th comprises Carlstadt, East Rutherford, Garfield, Lyndhurst, Moonachie, North Arlington, Rutherford, Wallington, and Wood-Ridge, in Bergen County; and stretches across the Passaic River to include Nutley, in Essex; and the City of Passaic, in Passaic County. The district has a large Hispanic and large foreign-born

population. There are about 97,000 registered voters in the 36th, about 16 percent Republican and 24 percent Democrats. It is, in reality, a competitive district and has been so for the past years.

Fortunately, I've had the honor of representing it since 2005, as the first Orthodox Jew ever elected to the New Jersey Legislature. My election is yet another example of how the current mapping strategy opens the doors of opportunity for many people from different races, creeds, and religions.

I'll leave it to the voters to decide why they've given me the privilege of reelection, but I believe and think that it's because I've been able to work with a broad base of coalitions in my district to get things done. And that's what we should be building toward, a map that represents the idea that America's melting pot, its broad coalitions, can all work together cooperatively and elect who they choose as their best representative, no matter of their background. Essentially, everyone gets the same opportunity. That's an idea that we must strive to protect.

Thank you.

DR. ROSENTHAL: Thank you, Assemblyman.

MR. PALATUCCI: Alan, may I ask a question of the Assemblyman?

DR. ROSENTHAL: Sure.

MR. PALATUCCI: Just a quick question, Assemblyman. In the past 10 years, under the current map, has there ever been a Hispanic-American or an African-American representing District 36?

ASSEMBLYMAN SCHAER: Representing in the District--

MR. PALATUCCI: In the Legislature -- I'm sorry, in the Legislature -- District 36. Has it ever been represented by either a Hispanic-American or an African-American in the last 10 years, under the current map and makeup of this district?

ASSEMBLYMAN SCHAER: To the best of my knowledge, no, there has not.

MR. PALATUCCI: Thank you.

ASSEMBLYMAN SCHAER: But I would quickly add that although the City of Passaic is 72 percent Hispanic, however one wishes to stretch the map -- except, of course, if you wish to divide communities in half -- there is no way to ensure the majority population of any minority group.

The other problem that we have in Passaic, and we've had perhaps in other communities as well -- but let me speak about the community I know best, being a resident of this great city. When you have such large minority populations, the question becomes, frankly: Which Latino? We're blessed, in Passaic, to have large populations of Latinos from many different countries, and not only different countries, but different areas within each of those countries. For example, our Mexican population, which no doubt is the largest single population in the City of Passaic, comes from two separate states in the country of Mexico. We have Dominicans, we have Puerto Ricans, we have any number of different ethnic Latino votes.

The question that I would raise, respectfully of course, is: Which Latino group would be the representative, and are they truly representative, recognizing the diversities within the Latino community --

whether we're looking at something so simple as sports and athletics which, in the City of Passaic, is a challenge -- as you can imagine and as the Mayor will attest -- in terms of building soccer fields for many and baseball fields for many others as well. Religious differences, ethnic differences -- they abound in Passaic, and we're extraordinarily proud of the diversity of Passaic within each community, as well as each community.

MR. PALATUCCI: One other question, if I could: On a statewide basis then, do you think the current map, as drawn -- and you don't have to answer this outside of the 36th District -- but on a statewide basis, do you think the current map, as currently drawn, provides adequate opportunities for -- whether it's ethnic groups, or Hispanic-Americans, or African-Americans -- to be represented in the Legislature?

ASSEMBLYMAN SCHAEER: Number one, let me confess to you that it's hard enough for me to understand my own district sometimes without wanting to export that further. I don't think that we're doing enough. That's clear by the representation that we have of both African-Americans as well as Latinos. But if the map is going to be proportional to the minority groups, then who precisely in the state would be representing the Indian community which, in Passaic, is a very large community? Who would be representing the Orthodox Jewish community, which is a large community throughout the state? Who would be representing any number of various communities? We're blessed with a Filipino population. Unfortunately, the Legislature does not yet have a Filipino representative. We hope that will be the case soon. But who would be representing them? And unless we're going to have about 60 representatives representing the 36th District, or whatever district-- I don't know how one quite achieves

that except by expansion of the Legislature into the hundreds, if not the thousands.

MR. PALATUCCI: Thank you.

DR. ROSENTHAL: Assemblyman Cryan.

ASSEMBLYMAN CRYAN: Thank you.

Assemblyman, it's good to see you. Thank you for your comments.

I want to stay on this theme of statewide for a moment. Assemblyman, are you aware of the fact that 26 percent of the minority population, statewide, is represented by Republicans in the State Legislature? Are you aware of that?

ASSEMBLYMAN SCHAER: Yes, sir, I am.

ASSEMBLYMAN CRYAN: Okay. I just want to ask you, from your experience in Trenton, as you sit in the State Assembly, how many of your colleagues on the Republican side are Latino?

ASSEMBLYMAN SCHAER: None.

ASSEMBLYMAN CRYAN: Okay. In your experience and time in the Assembly, how many of your colleagues have been Latino?

ASSEMBLYMAN SCHAER: Looking for correction to my colleagues on the Republican side-- But I believe the answer is also none.

ASSEMBLYMAN CRYAN: That's correct. And if you could, since you are in the Assembly, I would ask you, to your best knowledge, in the House of Lords, the Senate, (laughter) could you tell us how many Latino representatives have been from the Republican side of the aisle in your time in the Assembly?

ASSEMBLYMAN SCHAER: Looking forward to clarification, Assemblyman, I believe the answer is similar to the Assembly. The answer of Republican representation in the Senate, in terms of Latino, is none.

ASSEMBLYMAN CRYAN: Okay. So where 26 percent of the minority population in the state is represented by one particular party, the reality is that from your time and your travels to Trenton, you have yet to see a member of the Legislature from that party. Is that correct?

ASSEMBLYMAN SCHAER: That's correct, sir.

ASSEMBLYMAN CRYAN: Thank you, Assemblyman.

DR. ROSENTHAL: Any other questions? (no response)

Thank you very much.

Mayor Barsa.

MAYOR JAMES BARS A: First of all, I want to thank the board very much for their time and efforts.

And I apologize for my handwriting. I always get in trouble for that. It's Mayor James Barsa, and I'm from Norwood, New Jersey.

DR. ROSENTHAL: I'm sorry.

MAYOR BARS A: I have a brief statement I would like to read.

The principle goal of redistricting must arrive at a result which will allow the people in legislative elections to actually be reflected in the number of seats each party wins. Under the present redistricting, in 2003 Republican candidates won 53 percent of the popular vote but only 45 percent of the seats. That same year in the Assembly elections, Republicans received 51 percent of the popular vote. In 2009, the Republican Assembly candidates received 50 percent of the statewide popular vote, but only 41 percent of the Assembly seats. This clearly demonstrates that the

redistricting of 10 years ago was flawed. Now, against the backdrop of the bipartisan nature of legislative organizations in New Jersey, this becomes terribly unfair to the voters and exasperates the violation of the one man, one vote principle.

Let me explain. I am the Mayor of Norwood, New Jersey. Norwood is in the 39th Legislative District. For the last 10 years, our district has consistently elected Republican Assembly and Senate candidates. But because of district unfairness in our state as a whole, our representatives are always in the minority even when the statewide vote totals indicate more people want Republicans in office than want Democrats.

Being in the minority diminishes the influence of our representatives with respect to public policy. The circumstances serve as -- disproportionately work against the interest of the voters in the 39th District. One would expect in fair districts each party might prevail from time to time. But the present district works against these results. I implore you to do a better job than was done 10 years ago.

And I thank you all very much for the time you're taking to do this job.

Thank you.

DR. ROSENTHAL: Thank you very much.

Commissioner.

ASSEMBLYMAN WISNIEWSKI: Thank you, Chairman.

Mayor, just along the lines of your comments-- You talked about statewide totals. How do we elect legislators? Do we elect them on the basis of the statewide totals or on a district-by-district basis?

MAYOR BARSA: Statewide totals, I believe. Well, district-by-district. But the redistricting needs to be reexplored in how we redistrict.

ASSEMBLYMAN WISNIEWSKI: So would you agree that the number of legislators is determined by who wins in each district?

MAYOR BARSA: Yes.

ASSEMBLYMAN WISNIEWSKI: Thank you.

DR. ROSENTHAL: Any other questions?

ASSEMBLYMAN WEBBER: I understood your testimony. But as we understand it, legislators are elected by district. You, in the 39th District, feel like you're *packed*, to borrow a term that others have used in this setting, correct?

MAYOR BARSA: I'm sorry, I didn't understand the question.

ASSEMBLYMAN WEBBER: I'm sorry. You acknowledge that legislators are elected district-by-district.

MAYOR BARSA: Currently, yes. You are currently district-by-district.

ASSEMBLYMAN WEBBER: Right. And if redistricting is done in such a way that Republicans are packed into a few districts, that could alter the control the Legislature. That is what I understood your testimony to be.

MAYOR BARSA: I believe the redistricting hurts the Republicans in these districts by the weighting of the -- redoing the districting will hurt Republicans in the 39th District.

ASSEMBLYMAN WEBBER: Thank you.

DR. ROSENTHAL: Assemblyman Cryan.

ASSEMBLYMAN CRYAN: Thank you.

Thank you, Mayor. Mayor, when you run -- when you ran, what was the voter turnout in your election?

MAYOR BARSA: In my election turnout, it was probably about 66 percent of the registered voters.

ASSEMBLYMAN CRYAN: Okay, so two-thirds. Just so that I'm clear, if I understand your testimony right, what you want us to do is to weigh or give a stronger weight to the fact -- people who vote. Is that correct?

MAYOR BARSA: Correct.

ASSEMBLYMAN CRYAN: Okay. When you run your community, Mayor, do you get constituent calls?

MAYOR BARSA: I always receive calls from all constituents, yes.

ASSEMBLYMAN CRYAN: All constituents. Do you ever ask them if they're part of the one-third (*sic*) who voted or the two-thirds (*sic*) who don't?

MAYOR BARSA: Never.

ASSEMBLYMAN CRYAN: Nor do I. So why would you believe that if you're representative of all the people, therefore there should be weighted average on those who vote versus those who don't?

MAYOR BARSA: It just seems that in certain areas, it doesn't seem to be fair. Every time the redistricting happens to -- have, I believe, a negative impact on the Republican strongholds in the state. And it shifts the-- The last time, it shifted the weight away from Republican areas. And we're not getting a fair representation, because the people are not getting what they really want at the end of the day.

ASSEMBLYMAN CRYAN: Mayor, would it be more fair, or would we be having this debate, if it was the other way?

MAYOR BARSA: I'm sure there would be somebody else saying it the other way.

ASSEMBLYMAN CRYAN: I'm not sure, but I appreciate it, Mayor.

Thank you.

DR. ROSENTHAL: Senator Sarlo.

SENATOR SARLO: Chairman Rosenthal, he asked a similar line of questioning, so I'm okay.

DR. ROSENTHAL: Okay.

ASSEMBLYMAN WISNIEWSKI: Mayor, just one follow-up question: Are you-- You're talking about the current map, and you're saying it's a very-- You're aware that in 2001, when this map was first rolled out, that the State Senate elected 20 Democrats and 20 Republicans.

MAYOR BARSA: I'm not aware of the numbers from 2001 as I was not there at that time.

ASSEMBLYMAN WISNIEWSKI: It was evenly divided based on this map.

Thank you.

ASSEMBLYWOMAN OLIVER: Chairman.

DR. ROSENTHAL: Yes, Madam Speaker.

ASSEMBLYWOMAN OLIVER: Yes, thank you.

Mayor, you indicated that you believe that in certain parts of the state, Republicans are placed at a disadvantage in terms of their ability

to get legislative representatives elected. Are you able to identify for me what areas of the state you're making reference to?

MAYOR BARSA: I don't have them with me, and I will get you-- I can e-mail it and get that information to the board.

ASSEMBLYWOMAN OLIVER: I would appreciate having that information.

MAYOR BARSA: I would be more than happy to do that.

ASSEMBLYWOMAN OLIVER: Thank you.

DR. ROSENTHAL: Thank you.

Thank you very much, gentlemen.

Let me ask future witnesses to talk up and bring the microphone closer, because the people in the back of the room cannot hear.

The next witnesses are Ralph Rivera, Douglas Macbeth, and Harold Smith.

ASSEMBLYMAN WISNIEWSKI: You just have to bring the tall microphone--

DR. ROSENTHAL: The tall microphone is the amplification.

Ralph Rivera, thank you.

R A L P H R I V E R A J R.: Good afternoon.

My name is Ralph Rivera Jr. I'm honored to be here today to be able to provide testimony before this Commission.

I just want to start off by saying that I am a Latino of Puerto Rican descent who, for the past 33 years, has resided here in the County of Bergen. I presently live in Hackensack -- the City of Hackensack -- with my wife -- my beautiful wife and two children. My wife is a social worker here in the County of Passaic, works for the City of Paterson. And my daughter

is a second-year law student at Rutgers, and my son attends St. Joseph's in Oradell.

I tell you that because I'm very proud of my family, and I'm very proud of where we live and where we reside. The diversity in that community and the -- just the diversity that is in that community. I, myself, am a retired New Jersey State Trooper. I was with the New Jersey State Police for 27 years. I retired at the rank of Major. While I was there, I had the opportunity to be Deputy Director of the Juvenile Justice Commission. And the last six years I was fortunate enough to be the Executive Undersheriff at the Bergen County Sheriff's Office.

The reason I tell you those things is because as I instill -- with my wife -- instill the values in my children, I myself also believe in seizing opportunities, and that will come into play as we're speaking.

But I'm here today to urge the Commission to recognize that Latino people live in communities throughout New Jersey and, therefore, should not be regulated to being packed into only a handful of legislative districts. If we are serious about wanting to increase Latino representation, then we should give Latinos a chance to serve the communities they actually live in, rather than some arbitrary and artificially packed district. It has been my experience that Latinos do not need the deck stacked in their favor in order to gain representation, because we live in diverse communities, and because we are active in our communities, and because we share many of the same concerns as our non-Latino neighbors.

Latinos have been successful in being elected in communities, counties, and districts where they did not constitute a majority. In fact, it has been my experience that we were able to actually increase our

representation and increase our influence by forming coalitions with our non-Latino neighbors.

I am an example of this. When I retired from the New Jersey State Police, I was recruited to join the Bergen County Sheriff's Office by, at that time, Sheriff Leo P. Maguire. He recognized that many communities in Bergen County have a sizable Latino population that deserved proper representation. Nearly one-third of the towns in Bergen County have a population of 20 percent or more of their total population--

I have also been privileged to serve in elected positions within the Bergen County Democratic Committee, in which I garnered widespread support from non-Latino voters. I was elected to municipal chair of the Ridgefield Park -- of Ridgefield Park, which has a Latino population of only 36 percent. And I was elected to two terms as district chairman for the 37th Legislative District, which has a Latino population of only 24 percent.

My point in telling you this is to show you that people of color can increase their representation and influence by magnitudes in excess of their actual population by building coalitions in their community. If we pack people of color into arbitrary and artificial districts, I believe we will actually see a decrease in representation by people of color. Furthermore, I fear the issues important to our communities may not be considered because we will not have the benefit of the strength that comes from having coalition partners who support our issues even though they may not share our ethnicity.

I am supremely confident that if we allow these coalitions to flourish, that we will see people of color seek and achieve higher elected office in Bergen County and throughout the State of New Jersey.

And I just wanted to thank each and every one of the members of the Commission for giving me this opportunity to testify today.

DR. ROSENTHAL: Thank you, Mr. Rivera.

Douglas Macbeth.

D O U G L A S P. M A C B E T H: Can you hear me?

DR. ROSENTHAL: Excuse me. Can you hear back there?
Did you hear the last--

UNIDENTIFIED SPEAKER FROM AUDIENCE: No.

DR. ROSENTHAL: No?

MR. MACBETH: Let's try it now. Can you hear me?

UNIDENTIFIED SPEAKER FROM AUDIENCE: Yes.

UNIDENTIFIED SPEAKER FROM AUDIENCE: No.

MR. MACBETH: I hear a yes and a no.

MR. PALATUCCI: Nice and loud. You're doing fine.

DR. ROSENTHAL: Go ahead.

MR. MACBETH: Very good. We'll do it as loudly as we can.

I'm going to read from prepared remarks, gentlemen. But I do want to thank you very much for the opportunity to speak with you today.

This Commission is doing a tremendous job and has a great responsibility to the citizens of the State of New Jersey. I applaud your efforts at offering New Jersey residents a real voice in how they will be represented for the next decade, through today's hearings and those prior hearings that you've held across the state.

The Commission can further increase public participation by posting any maps, by any party, on the Commission's website; and by

allowing public comments on these maps and entering these comments into the official record.

Most importantly though, I urge the Commission to arrive at a map that meets the constitutional requirements of one person, one vote. New Jersey's map must be drawn on an equal population basis. The New Jersey Constitution states that apportionment should be based on all inhabitants of the state.

Therefore, I encourage the Commission to protect the core constitutional right to representation by giving equal weight to all of New Jersey's residents, regardless of an individual's race, gender, ethnic background, income, or place of residence. Those who are calling for a map that gives a higher weight to voter turnout may well be -- although I am not sure that is the case -- but may well be ignoring the one person, one vote principle. The result of such a map, the result of such a reapportionment, could decrease the representation of parts of our residential population. We have to be careful about that. We have to be considerate of all who live in the State of New Jersey.

I urge you to draw a map that meets the long-standing fairness principles used to measure one person, one vote. It's vital for all of us, it's fair for all of us.

Thank you, again, for the opportunity to speak today.

DR. ROSENTHAL: Thank you, Mr. Macbeth.

Mr. Harold Smith.

HAROLD SMITH: Harold Smith, Clifton, New Jersey.

Clifton is part of the 34th District. The way the district is proportioned now, many people in Clifton, including the City Council, have

mentioned many times that the northern part of the district feels like it's the stepchild of the district. We feel we aren't getting the representation that we should deserve. The way it's proportioned now, Clifton itself is -- has many different minorities. In the high school alone, it's been mentioned that there -- 34 different languages are spoken from the students' families.

So as far as the proportioning, things are different than they were during the last Census. There are a lot more minorities in Clifton and the surrounding area, and therefore the district should be proportioned so it's more contiguous; and this way our representatives would be forced to give us more representation because the district is very contiguous.

Thank you.

DR. ROSENTHAL: Thank you, Mr. Smith.

Thank you, gentlemen.

We'll now--

Are there any questions? I'm sorry.

ASSEMBLYWOMAN OLIVER: I'm interested in knowing what would be your preference in terms of where you believe Clifton should be more contiguous.

MR. SMITH: I believe it should be more contiguous with the directly surrounding communities of Clifton, Woodland Park, Little Falls -- in that area -- and basically drawn more toward the county borders, since many of the problems are basically county-driven, exactly like the flooding problems that are happening now. They're basically in Passaic County.

ASSEMBLYWOMAN OLIVER: Thank you.

DR. ROSENTHAL: Senator Sarlo.

SENATOR SARLO: I'm sorry. You said you would rather have Clifton with more of the suburban towns to the west -- Totowa, Woodland Park, towns such as that -- Little Falls?

MR. SMITH: Yes, that's correct.

SENATOR SARLO: Thank you.

DR. ROSENTHAL: Thank you, gentlemen.

The next witnesses are Assemblyman Vincent Prieto, Martin Pérez, and Cynthia Toro.

Assemblyman.

ASSEMBLYMAN VINCENT PRIETO: Good afternoon, Dr. Rosenthal, committee members.

I want to first comment on something I don't think a lot of people picked up on. I see why you're the 11th member. You're the first one to have the common sense to move the table forward. (laughter) So we look forward to that idea.

DR. ROSENTHAL: You definitely need a Ph.D. for that. (laughter)

ASSEMBLYMAN PRIETO: So, good thinking.

I want to start by saying that the redistricting process in the State of New Jersey is one of the best in our nation. I think it's a process that is fair. You have held an unprecedented amount of hearings, which is great; and it's bipartisan -- we have from both sides.

I want to take this time to thank and applaud all the people from the public sector who have come in here -- from the private, I should say, to give testimony for this important process.

And I want to applaud you, Dr. Rosenthal and all the Commissioners, for the time you're taking out for this important process -- that this process is going to shape, for the next decade, the State of New Jersey. That is very important.

And I want to make sure that, in this process, we don't just take Census data numbers and take New Jersey back to the Dark Ages, some time when -- something like getting African-Americans, Latino-Americans, Asian-Americans, or other minorities and packing them together into areas that do not look like the State of New Jersey. The State of New Jersey is very diverse and has given opportunities to minorities like myself to get elected.

If we look at history in the last decade, there have been six Latino Democrats elected to the Legislature. And in that period of time, we've had the first Cuban-American Democratic Speaker of the Assembly; we've had during that time also the first African-American female Speaker, who we have here with us today -- also a Democrat, I may add. And it's shown some diversity. And we have come a long way, I think.

Now, are we done? Is that enough? Absolutely not. We need to keep working. This is a work in progress, and we need to make sure that we keep moving in the right direction. Also, when you look at history -- 1990, the percentage of the voting age Latinos was 12.3; today it's 16.3. So you need to make sure that you're mindful when you draw your lines that that is taken into account, to make sure that they can elect--

On a personal note, I was able to go to the Assembly. And in my first election-- I actually represent a district that has a good amount of Latino representation; the city I come from does not; it's under 20 percent.

And in my first election -- in that primary -- I was the top vote getter, so I get votes from all sides. So I represent everybody. It's not just about being a Latino representative. It's representing all of the people in the State of New Jersey.

One of the things that I want you to be mindful about is-- You're going to hear a lot of testimony. This is a long debate, and you guys have a very, very important job. But there is going to be a lot of testimony with motives behind it. I want to make sure, that you keep in mind, that these motives are the right thing for everybody in the State of New Jersey.

Thank you so much.

DR. ROSENTHAL: Thank you.

Questions? (no response)

Martin Pérez, please

M A R T I N P É R E Z, ESQ.: Thank you, Mr. Chairman, and distinguished members of this committee.

Professor Rosenthal, I would like to welcome you to this committee. You don't have an easy task, but I know that you're trying hard, because you give us an example of how hard you're going to try.

I'd also like to thank Mayor Blanco for having the common sense of waiving the parking meters. (laughter) I think that he just won a few votes for this election.

On behalf of the Latino Leadership Alliance of New Jersey, I would like to thank you for the opportunity to address this Commission.

Today, I would like to use this opportunity to advocate for proven mapping strategies that are fair to the Latino community, and to ask the Commission to abandon the failed strategies used in the 2001 map.

But let's be clear: The growth of the New Jersey Latino community to almost 18 percent shows that while Latinos are still concentrated in urban and rural areas where they have historically been found, they have also dispersed into suburban areas. Fairness to the state's largest minority group requires that this Commission take that reality into account.

Latinos have maintained their historic concentration in areas of Hudson, Essex, Union, and Passaic counties. We endorse the strategy of the creation of additional majority-Latino districts like the 33rd District in Hudson County. Any mapping strategy must build on the one that created the 33rd District by creating additional majority-Latino districts. The 33rd District -- Legislative District in Hudson County presents the best example of that strategy. It is the only district in New Jersey to reliably and consistently provide a Latino presence in the New Jersey State Legislature. It has also served as the only springboard district for Latinos seeking to reach higher office.

The only Latino U.S. Senator in the history of New Jersey has come from the 33rd District. The only two Latino Congressmen from the State of New Jersey have come from the 33rd District; one of them having served in both the Assembly and the Senate. The only Latino Speaker of the Assembly has come from the 33rd District. The only Latino County Chairmen of the Democratic Party and the Republican Party have come from the 33rd District.

Further, in all of New Jersey's history, 40 percent of all Latino State legislators have come from the 33rd District. There have been 19 Latinos elected to the State Legislature in the history of New Jersey; 7 of them came from the 33rd District. The 33rd District is the only district

where Latinos consistently have the opportunity to elect candidates of their choice. It is also the only district where Latinos have been able to overcome opposition from the political machines and the unfairness of a multimember districting scheme for electing members to the Assembly.

In this round of redistricting, we ask the Commission to build on the successful model of the 33rd District. We ask the Commission to look for other opportunities to create majority-Latino districts.

The Latino Leadership Alliance has been preparing legislative maps in anticipation of litigation, and we can demonstrate several opportunities to create majority-Latino districts that will establish a case under Section 2 of the Voting Rights Act. There are a number of examples we can demonstrate. In Hudson County, there are multiple scenarios that preserve a majority-Latino district. There is the combination of Elizabeth with the southern half of Newark -- communities that share an international airport, a large retail shopping area, and thriving Latino communities. Further, there are viable scenarios involving municipalities of Passaic County.

The creation of more competitive and responsive districts, where either Democrats or Republicans can carry the day, is yet another very important objective for this Commission. Competition is an important (timer rings) tool to encourage both parties to engage the Latino community in a way that increases voter participation. Where there is a lack of competitiveness--

DR. ROSENTHAL: Could you wind up, Mr. Pérez? The five minutes have expired.

MR. PÉREZ: Can you just let me finish this paragraph?

DR. ROSENTHAL: A couple of sentences, yes.

MR. PÉREZ: Where there is a lack of competitiveness, officeholders grow indifferent, and indifference is a breeding ground for arrogance and corruption. It is hard to ignore the fact that the overwhelming majority of officeholders who are arrested for corruption tend to be very long-time officeholders who come out of uncompetitive districts.

And I will submit the rest of my statement in writing.

DR. ROSENTHAL: Yes, submit your statement.

Any questions?

MR. PALATUCCI: I'll ask, if I could--

DR. ROSENTHAL: Yes.

MR. PALATUCCI: It's pretty hard at these hearings to say something new, and I think I have not heard that before -- that you feel the security of the majority minority district that exists in 33 -- whether it was for Albio Sires or Bob Menendez -- provided them the springboard into leadership in higher office. And it's on that basis-- Unlike the Assemblyman, you feel that that's a strength and something we should look at in other parts of the state.

MR. PÉREZ: Yes. In order to guarantee a fair representation of Latinos in the Legislature, any mapping strategies should start with the creation of a few Latino-majority districts. We can go further from that, but we have to start that -- because that's the only guarantee that we're going to have a fair representation in the Legislature.

DR. ROSENTHAL: Thank you.

Assemblyman Cryan.

ASSEMBLYMAN CRYAN: Thank you. And thank you for your comments, doctor. (*sic*) It's good to see you again.

I think you're-- Did I hear you correctly that the only stable representation is in the 33rd District? That's what I heard you say. Is that correct?

MR. PÉREZ: Stable?

ASSEMBLYMAN CRYAN: I think that's the term you used. Is that correct?

MR. PÉREZ: Well, what I'm saying is that the 33rd District is the only district that has produced constant representation of Latinos in the state. And more importantly--

ASSEMBLYMAN CRYAN: Can I follow up on the point then, if I may?

MR. PÉREZ: Yes.

ASSEMBLYMAN CRYAN: In the 5th District, for example, where my colleague to my left here represented that district since 1995; and then was succeeded by Assemblyman Fuentes, for example, to this present day, which is a 16-year span of representation of Latino representation -- would you agree that that is, in fact, stable or not?

MR. PÉREZ: Not necessarily. If you take into consideration the role of the political machines of Camden County.

ASSEMBLYMAN CRYAN: Okay. So the fact that folks have been there for 16 years is irrelevant in terms of stability. Is that correct?

MR. PÉREZ: What I'm saying is that what I've experienced is that anytime the political machine takes the support of any Latino district -- candidate in a district that the Latinos don't have enough votes

themselves -- enough base -- that person is disposed of. The example is the case of Wilfred Caraballo in Newark.

ASSEMBLYMAN CRYAN: Okay. And we'll hear from the Senator, I think in just a few minutes, who is here.

But if you could also help me as well-- In the 35th District-- I have had the good fortune -- I've been there 10 years -- to have the honor and privilege of serving the people in the 20th District. I have a colleague in the 35th. Are you familiar with her? Her name is Assemblywoman Nellie Pou.

MR. PÉREZ: Nellie Pou, yes.

ASSEMBLYMAN CRYAN: She is, in fact, I believe on her seventh or eighth term. I'm not quite certain -- since '96. I believe that would make seven. You could correct my math. Would you agree that the 35th District, therefore, provides stable representation or no?

MR. PÉREZ: Yes, but Nellie Pou has gone through different problems in the past. And my understanding is-- And sometimes she's been having to fight really hard to keep her job as an Assemblyperson. And I'm going to tell you more. I think that she is one of the finest legislators that we have. And we, as Latinos, are very proud of her and the job she is doing.

ASSEMBLYMAN CRYAN: And I think you will find consensus among us here. As a matter of fact, I believe she's chaired one of the most powerful committees, the Appropriations Committee.

My colleague, who happens to sit next to you--

Assemblyman, you've been in the Legislature for nearly a decade, have you not?

ASSEMBLYMAN PRIETO: Since 2004.

ASSEMBLYMAN CRYAN: So I have to wonder or question, if I may -- while I appreciate your comments -- the idea that there is only one stable district for representation. It seems to me to be a little bit deviant of facts, whether it's in the 5th District, or 35th District, or in fact the 32nd District.

Assemblyman, you also chair a committee, do you not?

ASSEMBLYMAN PRIETO: Yes, Regulated Professions.

ASSEMBLYMAN CRYAN: Regulated Professions. In fact, one of -- 56 percent of the folks who chair committees are minority, I believe, in the Assembly.

ASSEMBLYMAN PRIETO: That's correct.

ASSEMBLYMAN CRYAN: I'm still a little bit-- As I look at the facts that you present-- And I agree with you in the 33rd, because it had the good fortune of having a high quality individual like Bob Menendez -- who, in fact, ran statewide. By the way, what's the Latino population statewide in this state -- in the recent Census?

MR. PÉREZ: Close to 18 percent.

ASSEMBLYMAN CRYAN: What is Senator Menendez's ethnic background? He is Cuban, is he not?

MR. PÉREZ: He is Cuban-American.

ASSEMBLYMAN CRYAN: He is. Latino for this discussion.

So how do you correlate--

MR. PÉREZ: A proud Latino.

ASSEMBLYMAN CRYAN: A proud Latino, and a darn fine one.

How do you correlate your argument here that only one legislative district can provide stability when, in fact, whether I look at a Congressman or whether I look at a State Senator -- United States Senator who wins with a strong majority -- I believe the Senator won rather convincingly in his election in an off-year cycle, where he, in fact-- If he only had 18 percent of votes-- In fact, at that time, the population was probably less. It was between 13 and 18. How did he get so lucky enough if the population wasn't there? Did he need a majority of New Jersey packed into just one Latino district in order to have an opportunity to be a United States Senator, or in fact were people educated enough to make a crossover decision?

MR. PÉREZ: The question is whether the Senator-- Could you summarize your question, because it is too long for me. (laughter) I am a lawyer, I'm used to tough questions.

ASSEMBLYMAN CRYAN: Sure, the statewide population-- Here it is, Martin. The statewide population in 2006, when Bob Menendez -- who you cited in your testimony -- took the seat of the United States Senate, in an off-year election, was somewhere between 13 and 18 percent -- the 2000 figure and the 2010 figure -- in the Census. Yet, Bob Menendez is Latino. How was he able to win in a cross-- How was he able to generate crossover votes if I use your theory where it had to be packed in order for anybody to succeed?

MR. PÉREZ: To be elected Senator of the United States?

ASSEMBLYMAN CRYAN: Yes.

MR. PÉREZ: Well, you have to understand that he was elected Senator when Governor Corzine resigned -- as the national seat. So he was

more or less an anointment (*sic*) of the Democratic party. He never ran initially in the primary. And that's what I--

ASSEMBLYMAN CRYAN: Respectfully, he did run in a primary.

MR. PÉREZ: No, the first time that he was a (indiscernible), he was supported by Governor Corzine. And I remember that I had spoken many times about this issue. He tried to run before. And you know what? A State Senator said to him -- in public, in the press -- that the Latinos -- that New Jersey was not ready to have a Latino Senator. That was said by Senator Torricelli publicly in the press.

ASSEMBLYMAN CRYAN: All right, I'll tell you what. Let me just ask you this question and I will finish. Do you know who he won the general election against?

MR. PÉREZ: Excuse me?

ASSEMBLYMAN CRYAN: Do you know who Senator Menendez beat in the general election?

MR. PÉREZ: Senator Tom Kean Jr.

ASSEMBLYMAN CRYAN: Okay. So he beat the son of a former governor; well-known, statewide name.

MR. PÉREZ: Yes.

ASSEMBLYMAN CRYAN: And yet he was able to cross over and provide, based on issues and his view of the candidacy -- and what his representation of New Jersey was, and his vision -- able to win that election. Is that correct?

MR. PÉREZ: He won, yes.

ASSEMBLYMAN CRYAN: All right. Thank you.

DR. ROSENTHAL: Any other questions?

ASSEMBLYWOMAN OLIVER: Dr. Pérez, I have a question. I have been intrigued, first of all, with the receipt of the new Census data. It certainly has demonstrated that New Jersey has become, without question, one of the most diverse places to be found in the country. And I have been astounded by the growth within other counties where people historically believed people of color did not live. And I have raised repeatedly, with many people who have provided testimony, the fact that we've had explosive growth in the Latino population along the shore areas of the state; and a place that I frequently visit, Morristown and the whole Morris County area. We have had phenomenal growth of the Latino population.

Why am I not hearing greater issue raised with the fact that we should be looking to create opportunities in all of the sectors of the state where the Latino population now is in explosive numbers? I was very proud when a Latino was appointed as Prosecutor of Monmouth County. And I'm sure he was a first. He was not reappointed by this Governor, but he certainly was the first in the state.

Why isn't the argument being made more forcefully that-- And Dover is my poster-child example that I have-- I am not seeing growth and expansion of opportunity at, also, local levels of government when I look at the growth of the population across the state.

MR. PÉREZ: Assemblywoman Oliver, thank you for the question. What you have to understand is what we are saying. You have to listen carefully, because if not, we are going to miss this point. What we are saying is that any mapping has to start with the creation of majority-Latino

districts in the areas that you can. What you can do after that is up to you, and I hope that you do your job. But I think that the starting block has to be the creation of two or three minority majority districts that will guarantee the same weight that the 33rd guarantees -- proper representation of those districts. And then we start from there, and then your imagination is up to you.

ASSEMBLYWOMAN OLIVER: One last question and I am done. You made reference to the "political machinery." Don't both parties in this state have an obligation to offer and create opportunity or access to the opportunities to run and to be supported by party structures? Because you've made reference repeatedly in your testimony to one party that uses "machinery."

MR. PÉREZ: I didn't say that. I think that you are mistaking-- Would you repeat -- reread that -- what I said to the Assemblyman? Because you misquoted me. What I'm saying is that both parties are guilty -- have failed the Latino community in allowing us to have proper representation in the state through the years. And in the last redistricting process, both parties creating this map-- That didn't work. It didn't work. They didn't produce. We had six Assemblymen in, I think, 2001, and we have six Assemblymen in 2011. There was no progress. We have to move from there. And both parties are guilty of that.

ASSEMBLYWOMAN OLIVER: But you will make admission that there is one party that has supported the election of members to the Legislature from the Latino community.

MR. PÉREZ: Well, Senator (*sic*) Munoz was elected and Senator Kean -- with Senator Kean, because he used to run with Senator

Kean. He was elected. I think that the Republican party should make more effort in doing that. But the reality is that the Latinos are more concentrated in the areas where the Democratic party is dominant. And you have absolute control of those areas.

ASSEMBLYWOMAN OLIVER: Thank you.

DR. ROSENTHAL: Questions?

ASSEMBLYMAN WEBBER: Dr. Pérez, thank you. You're obviously a keen observer of the legislative process and the Legislature in New Jersey. And I think you answered my first question just now, which is: Under the current map, what's your opinion of how this present map has performed for the Latino community in New Jersey? I understand that you're dissatisfied with the performance of this map.

MR. PÉREZ: That's correct.

ASSEMBLYMAN WEBBER: Now, I wanted to get back to a point that Commissioner Palatucci pointed out, which I thought was an insight that we hadn't heard. The seventh hearing -- you'd think we'd hear it all -- we hadn't. And I thought it was a very good point.

I took your point to be that majority-Hispanic, majority-Latino districts are important not to get representation in the Legislature -- not just to do that, although it helps -- but to get representation and then provide opportunities for advancement independent of the party machinery. And I thought Assemblyman Cryan was helping you make the point, and we'll review what he was asking you about. Because he asked you about our colleague -- wonderful colleague -- Nilsa Cruz-Perez, who served a long time in the Assembly, never had the opportunity to go to the Senate. The current Assemblyman in the 5th District -- Latino -- Assemblyman Fuentes,

serves under a white, male State Senator, Senator Norcross; in the 35th District, an excellent Assemblywoman -- one of your favorites -- Nellie Pou, who has served for over 15 years and sits behind a white, male Senator from the 35th District, and has for the better part of two decades. And in 32, Assemblyman Prieto has served for a decade and sits behind a white, male Senator who is not moving anytime soon. And so I think Assemblyman Cryan helped make your point that opportunities for advancement for the Latino community are often frustrated when they don't form a majority in a legislative district and thereby control their own destinies.

MR. PÉREZ: Yes, that's correct.

ASSEMBLYMAN WEBBER: Thank you.

DR. ROSENTHAL: Assemblyman Wisniewski.

ASSEMBLYMAN WISNIEWSKI: I would just like to say on behalf of the Assembly members here that we don't sit under anybody or behind anybody. (laughter and applause)

ASSEMBLYWOMAN OLIVER: Chairman, you must have seen that I pushed my red button, right? (laughter)

DR. ROSENTHAL: Thank you.

Thank you very much.

MR. PÉREZ: Thank you. Have a good day.

DR. ROSENTHAL: Cynthia Toro.

CYNTHIA TORO: Good afternoon, everyone.

My name is Cynthia Toro, and I want to thank you for the opportunity to -- allow me to testify before you today. I am a Latina residing in Bloomfield, New Jersey. And I have great interest in following the State political processes, and I'm very involved in my local

communities. I ran last year for the Bloomfield Board of Education, and this year we have another Latina running for the Board of Education as well.

So it's no surprise that there's been a growing Latino population throughout the State of New Jersey. It's important that the new legislative map represents the diversity of ethnicities and the Latino population -- where the legislative members assimilate and raise to that of the state population. The last map allowed for minority legislators to take office in the last decade more than in New Jersey legislative history. And it's important that this window of opportunity for minorities remains open.

Currently, Bloomfield has a Latino population of approximately 25 percent. Our neighboring town of Belleville has a Latino population of approximately 40 percent. Both Bloomfield and Belleville are in the 28th District with the West, Central, and South wards of Newark, as well as sections of Irvington. It makes sense that if Bloomfield and Bellville are going to be in a district with sections of Newark, it should be with the North and East wards of Newark instead. The North and East wards of Newark have similar community interests with my township, Bloomfield, and with the Township of Belleville. Also, the Latino population in the North and East wards of Newark resemble more closely the growing Latino population of Bloomfield and Belleville.

So, I just hope that you all take these observations about the Latino population in close consideration when drawing the new legislative map.

Thank you.

DR. ROSENTHAL: Questions? (no response)

None. Thank you.

MS. TORO: Thanks.

DR. ROSENTHAL: Thank you very much.

The next witnesses are Paul K. Graupe-- Am I right? I may have pronounced it wrong. Is it Graupe? (indicating pronunciation)

P A U L K. G R A U P E: Graupe. (indicating pronunciation)

DR. ROSENTHAL: Graupe. (indicating pronunciation) I'm sorry.

Senator Teresa Ruiz.

And you can come up later, Councilman Bhalla, Mr. Park, and Andrew Kim. When the gentleman and lady are through, then-- The three of you want to testify together. (affirmative responses)

Thank you.

MR. GRAUPE: I'm not with her, sir.

S E N A T O R M. T E R E S A R U I Z: Nor am I with you. (laughter)

MR. PALATUCCI: But you have to sit in the middle to use the mike.

ASSEMBLYMAN WISNIEWSKI: You have to use the microphone.

SENATOR RUIZ: I don't bite. (laughter)

MR. GRAUPE: I don't know who the third person was supposed to be. I don't know. Was Joe Yeamans supposed to be up here?

What was the third name you called, Chairman.

DR. ROSENTHAL: No, there are three others who will testify together. Since there are only three chairs, they'll come up in another wave. So you've got plenty of room.

SENATOR RUIZ: You don't want to move down?

MR. GRAUPE: No.

SENATOR RUIZ: Oh, okay.

MR. GRAUPE: No, I have a cold.

I'm here, Mr. Chairman-- And I commend you for the job you're doing here and how important it is. But I'm here on behalf of the 34th District. I'm a resident of the City of Clifton.

And Harold Smith was up here talking before about the towns in the 34th District. In 1980 I believe the legislative districts were 180,000 people. Clifton, Little Falls, Totowa, Wayne, Fairfield, North Caldwell, and West Caldwell consisted of (*sic*) the 34th District. In 1990, I believe the population went up to 200,000. It was Clifton, Little Falls, Woodland Park, Wayne, Bloomfield, and Glen Ridge. This time you saw the district moving east and south. And at that time, Marion Crecco, a long-time Assemblyman, came into the district along with Jerry Zecker. And Joe Bubba was the State Senator. In 2000, the district had-- Norm Robertson became the Senator. Now, he was a resident of Clifton. Now, it's my understanding that the legislative districts have to be formed from the Senator's hometown. Is that correct?

ASSEMBLYMAN WISNIEWSKI: No.

MR. GRAUPE: That's not correct? Okay.

And interestingly enough, Clifton, West Paterson, Bloomfield (*sic*), Glen Ridge, East Orange, and Montclair are now in that district. Only

one town is left in the original district, and that's the City of Clifton. We have 84,000 people presently living in Clifton. We have almost 12,000 living in Woodland Park. Along with these other towns, I don't think we're adequately represented. That's my personal opinion.

And in the redistricting in 2000, Little Falls went to the 40th District -- at that time was Senator McNamara; Totowa went to the 35th District, Senator Girgenti; and the fourth -- there were three different towns placed in the Passaic Valley School District. So what you ended up with -- you ended up with a high school district represented by three different legislators -- Senator Gill, now Senator O'Toole, and Senator Girgenti. So I think that's a problem. I think those towns should have better representation.

The reason I know a little bit about this process is because I was former Senator Joe Bubba's legislative aide from 1983 to 1993. And he served on this Commission in 1989. I attended almost all of these meetings, and I know what you're going through here. I was not an official member, but I was there. And at that time, Kathy Donovan was the Chair of the Republican side. I don't know if Mr. Palatucci was there or not. I'm not sure.

MR. PALATUCCI: I'm that old.

MR. GRAUPE: You're that old. You were there, correct?

But anyway, I would really like to see an all-Passaic County district starting with Clifton, including Woodland Park, Little Falls, and Totowa; which would be 120,000 residents, Mr. Chairman.

You corrected me on the residency of the Senator -- where the district has to start.

So basically that's my testimony today.

DR. ROSENTHAL: Thank you very much.

Senator.

SENATOR RUIZ: Can I move down?

MR. GRAUPE: Sure.

SENATOR RUIZ: Good afternoon, everyone.

I just want to thank Mayor Blanco for hosting us this afternoon, and thank all the members again, and certainly introduce myself to Professor Rosenthal. Thank you for your commitment to this effort.

I did previously testify in Essex County in what I know is the greatest district in the state, which is my District 29. But I thought it was important to come back today to echo the same sentiments that I made for testimony that evening. So if you will bear with me, I will go through it, yet once again, because of the importance of it and the nature of the task at hand that you all have.

The decisions you make during this process will impact our residents greatly. Our population is large, and it is incredibly diverse. In fact, the strength of our entire state comes from its diversity, and so too must the strength of the Legislature. Latinos and African-Americans together represent at least one-third of the population in 19 of our current 40 legislative districts. Statewide, we represent fully 30 percent of the population. New Jersey now boasts a Latino population in excess of 1.5 million residents, almost one in five New Jerseyans. Latinos now constitute over 10 percent of the population in 25 of our 40 legislative districts, and yet in the State Senate, there is only one Latina voice, mine. Before January of 2008 when I was sworn in, nearly 16 years had passed since the

last Latino member was heard in the Senate Chamber. It is extraordinarily profound and certainly not right. It must be corrected.

While we work toward this goal, we should not overlook the strides that have been achieved: New Jersey's first Hispanic legislative presiding officer, Albio Sires; Commissioner Oliver, New Jersey's first African-American female Speaker; Commissioner Nilsa Cruz-Perez, the first Latina to ever sit in the General Assembly, even though more than 80 percent of her prior legislative district was of non-Hispanic voting age; and I, the first Puerto Ricana elected to the Senate despite the fact that over 60 percent of my district is of non-Hispanic voting age. While I was supported by the Democratic party, I had a heavily contested general election. And it was the people of District 29 who elected me into office.

The current map, which does not endorse packing, produced the highest percentage of African-American, Hispanic, and Asian-American legislators in the history of New Jersey. We believe it is not necessary to concentrate minority citizens in order to elect minority legislators. Keep in mind that in the 1960s, prior to the one person, one vote decisions of the U.S. Supreme Court, our State Legislature was 99 percent white. We need to look for a map that is fair to the population as a whole. We need to build on the progress we have made over the previous decades and not turn back the clock. Packing is certainly not progress.

If you insist on minority packing in the name of strengthening one ethnic group's voice in one area of the state, you are inevitably diluting minority voices in another. As we have proven time and again over the past decade, New Jerseyans will vote for the candidates they feel will best represent their interests and communities, and that is certainly what

matters. People will always ask me what is my most important task down in the legislative office. And in addition to moving an education agenda that I hope will put our students first, it is to be part of a collective process of a 40-member group that certainly has not had a Latino voice at the table. I hope that you keep that in mind.

Thank you for hearing my testimony.

DR. ROSENTHAL: Thank you.

Questions?

MR. PALATUCCI: Just one question.

Senator, thanks so much for coming today.

In your opinion, does the current map, as it is currently constituted, adequately reflect New Jersey's diversity?

SENATOR RUIZ: I think that you can make arguments on both sides of that. But what I will say is that while it may not reflect at 100 percent totality -- in the State of New Jersey -- what it looks like, that it was a map that created tremendous progress.

DR. ROSENTHAL: Questions? (no response)

Thank you very much.

Thank you, both.

Mr. Bhalla, Mr. Park, and Mr. Kim.

COUNCILMAN RAVINDER S. BHALLA: Chairman, I have written recommendations. I don't know if you want me to pass them out.

DR. ROSENTHAL: Yes. Can you give them to Mr. Parisi, please? Thank you.

And I apologize if I've mispronounced any names. But I blame it on your handwriting. (laughter)

COUNCILMAN BHALLA: Good afternoon, Chairman, honorable members of the Commission. Thank you for having us.

My name is Ravi Bhalla. I'm a resident of Hoboken, Councilmember-at-Large in the City of Hoboken. And I have submitted to the Secretary a document titled "Recommendations to the New Jersey Apportionment Commission." And this document has been submitted on behalf of a coalition of Asian-American nonprofit organizations. Specifically, this document is submitted by the Asian American Legal Defense and Education Fund, the Asian Pacific American Lawyers Association of New Jersey, the Korean American Voters' Council, South Asian Americans Leading Together, and the South Asian Bar Association.

As a Councilmember in Hoboken, and as an Asian-American, I fully endorse the contents of this document. I'm not going to read the entire document into the record, but what I'd like to do is go over some of the general information and read some of the general information into the record, if you will entertain that.

Specifically, just in terms of background, the Asian-Pacific American community, also known as the APA community, is one of the fastest growing in New Jersey from the period of 2000 to 2010. We're now approximately 8.3 percent of the total state population. Within the diverse APA population, you have South Asian-Americans, Chinese-Americans, Filipino-Americans, and Korean-Americans as the largest groups.

Now, despite this rapid-growing population, APAs are vastly underrepresented in the State Legislature. There is only one South Asian-

American in the State Assembly, the Honorable Upendra Chivukula; and there is only one Korean-American State Senator, and that's the Honorable Kevin O'Toole.

What we'd like to do -- as a first recommendation -- is that as a general principle, the legislative districts must be drawn to reflect the fair proportion of APAs in the state, to reflect the growing electoral viability of the APA legislators, and to eliminate the potential for disenfranchisement of a growing population of the state's residents, and to keep communities of interest together.

Now, what we're trying to do is, we're trying to recommend three out of the 40 -- a total of three districts that be redrawn to increase the opportunity for APA candidates seeking elective office. These three districts are in three specific counties: Hudson County, Middlesex County, and Bergen County. And those three counties have districts with the highest concentration of APA Americans. We believe that these three legislative districts would improve the opportunities for three to nine APA legislative candidates. And if nine APAs were elected to the State Legislature, the representation would increase to 7.5. So within those three legislative districts, what we're requesting the Commission to consider is creating a -- redrawing of districts so that you have a population of APAs of 25 percent or greater.

Now, you ask: Where do we get this number of 25 percent? And I would submit there is historical precedent, both in New Jersey and nationwide, that strongly suggests a minority group gains a significant voice in the democratic process when their population meets or exceeds this population threshold of 25 percent. African-Americans are a model for

minority representation because of their long history and level of activism in U.S. history. When examining the current representation of African-Americans in the New Jersey State Legislature, there is a threshold of approximately 23.5 percent to 27.8 percent African-American population where at least one of the three legislators in that district are African-American. So that's where we come up with this number of 25 percent.

We also want to propose to the Commission the recommendation of one or more districts to include what is called a *crossover* community together with a high APA population municipality. What a crossover community is -- it's basically a municipality or a district which has a high majority-Caucasian population and does not have a substantial minority population, but is nonetheless likely to elect an African-American, Latino, or Asian-American, or other minority candidate. As an example, we consider Hoboken to be one example of a crossover municipality based upon its election of the first and only APA elected official -- that being myself -- despite the fact that Asians are only 7 percent within Hoboken. (timer rings)

That pretty much sums up the general recommendations of the document that's before you.

What I would like my colleagues to do is go into more specifics with respect to Bergen County. But I want to thank the Commission.

DR. ROSENTHAL: Thank you.

We have the documents, so we can review them.

COUNCILMAN BHALLA: Yes, thank you.

DR. ROSENTHAL: Mr. Park.

CHEJIN PARK, ESQ.: Good afternoon, Commissioners.

My name is Chejin Park, of Korean American Voters' Council. My testimony is kind of a follow-up testimony of Mr. Bhalla's testimony.

Mainly we are concentrating on Bergen County, Districts 37 and 38: Palisades Park, Fort Lee, Edgewater, and Leonia. We would like to urge the Commission to recognize those four municipalities as a community of interest and put them together into District 37.

Basically, in those four municipalities there is a high percentage of Asian-American populations. For example, Palisades Park is about 57 percent, Fort Lee is 38 percent, Edgewater is 35 percent, Leonia is 35 percent Asian-American populations. And those four municipalities are sharing a lot of interests, sharing a lot of characteristics of the communities.

Basically, what we found out-- In 2008, we did an exit poll with (indiscernible). And we found out that about 62 percent of the Korean voters are limited English proficiency. That means a lot of Korean-Americans -- that means Asian-Americans are relying on bilingual services provided by government or by nonprofit organizations. For example, Holy Name Medical Center, which is located in Teaneck -- Legislative District 37 -- has a Korean Medical Program which provides diverse bilingual service in the hospital. And a lot of Leonia and Edgewater residents are using that medical service. And also there is an FGS Korean community center -- which we call FGS -- which is located in Englewood, in District 37. It also provides a lot of well-care services and healthcare education services for Korean-Americans, especially senior citizens. And most of the residents in Edgewater and Leonia -- they are also using that service.

And also what we would like to highlight is this: Edgewater doesn't have a high school or middle school. So they send, after the six-year

education in Edgewater -- they send all the students to Leonia -- Leonia, which is in District 37. They are crossing the legislative district from 38 to 37.

And also we have found out that Fort Lee and Palisades Park are the largest concentration of Korean-American voters. Those two municipalities comprise about 38 percent of the Korean-American voters in Bergen County.

But 10 years ago when the district map was drawn, those two municipalities were separated -- one in District 37, the other one in 38. And by separating those two municipalities, Korean-Americans voting voice was significantly limited in the New Jersey Legislature. That's why we are asking--

There are many more characteristics that the four municipalities are sharing together. And we stated a lot of things in that written statement. Please (indiscernible) factors, and please recognize those four municipalities as communities of interest and keep them together into District 37.

Thank you.

DR. ROSENTHAL: We can take questions after the three speakers.

Mr. Kim.

A N D R E W K I M: I just want to add a few comments after Mr. Park.

My name is Andrew Kim. I was the President of the Korean American Association for the -- in Fort Lee for the last four years. And I also served on 2010 Korean American Census Task Force here in New Jersey. I live in Bergen County, and I'm raising three kids here in this town.

I guess the-- I'm not a politician. I don't know a whole lot about the process here. But I've been hearing in the backseat that everybody is talking about equal representation. Even in Fort Lee we have more than 30 percent of our population to be Korean-Americans, but we feel that we're not represented. There are-- All six Council members-- There's no, I should say -- the Korean-American Council member -- the town level. And recently the Fort Lee Korean American Association, along with many other -- we got involved in the Bergen County election. And not only-- As you probably know, Bergen County was the -- had the Democratic control for so many years, and now it turned over to the Republican Party. But the point I'm trying to say is: The Korean-American people are equally represented -- Democratic side and Republican side. So they're much involved in this situation.

So on top of that, I also run State Farm Insurance agency in Fort Lee for the last 20 years. And the majority of my clients come from those four towns -- I would say about 50 percent or more. So like Mr. Park said, combining those four municipalities to represent the Korean-Americans would be very vital.

Thank you.

DR. ROSENTHAL: Thank you.

Any questions? (no response)

Thank you very much.

ASSEMBLYMAN CRYAN: I have one. I'm sorry.

DR. ROSENTHAL: Oh, I'm sorry.

ASSEMBLYMAN CRYAN: I apologize.

Thank you.

Thanks for your comments, and thanks for a really well thought-out presentation. We appreciate it very much.

I just want, Councilman, to ask you a couple of questions. They won't be tough.

COUNCILMAN BHALLA: Sure.

ASSEMBLYMAN CRYAN: You were elected-- How much of the folks that you represent are APA?

COUNCILMAN BHALLA: The latest Census numbers show that the population of APA residents in Hoboken is about 3,500, which represents approximately 7 to 8 percent of the population.

ASSEMBLYMAN CRYAN: Do you get constituent calls?

COUNCILMAN BHALLA: I do.

ASSEMBLYMAN CRYAN: Do you ask anybody whether they voted?

COUNCILMAN BHALLA: No.

ASSEMBLYMAN CRYAN: Do you ask anybody what their ethnic makeup is before you respond to it?

COUNCILMAN BHALLA: Of course not.

ASSEMBLYMAN CRYAN: Okay. And also, if you could-- So if I understand all three of you who have given this outstanding presentation -- that none of you are here advocating that you need a majority minority district comprised of APAs only, in order to have someone elected.

COUNCILMAN BHALLA: No, Assemblyman. What we are trying to reach, as a benchmark, is three out of the 40 districts to have

approximately 25 percent APA. And that's based, as I've mentioned, on the African-American precedent of being a threshold.

ASSEMBLYMAN CRYAN: So you don't need 50 percent, plus.

COUNCILMAN BHALLA: We don't need--

ASSEMBLYMAN CRYAN: Okay. As a matter of fact, you used the number of 25 percent.

COUNCILMAN BHALLA: Yes, we don't think 50 percent is realistic.

ASSEMBLYMAN CRYAN: Finally, when you ran as a Councilman, did you campaign? Did you talk to your constituents and ask for their vote?

COUNCILMAN BHALLA: Yes, I did.

ASSEMBLYMAN CRYAN: Okay. You didn't have any problem doing that?

COUNCILMAN BHALLA: Out of 12 candidates vying for three seats, I received the highest number of votes.

ASSEMBLYMAN CRYAN: Okay. So out of-- So you finished first out of 12.

COUNCILMAN BHALLA: Correct.

ASSEMBLYMAN CRYAN: And so folks had the opportunity to meet you. Did they ask you where you stood on issues?

COUNCILMAN BHALLA: Yes, they did.

ASSEMBLYMAN CRYAN: Okay. And then they made a choice that, despite only having 7 percent of the population who you represent -- yet you won, being the first out of 12.

COUNCILMAN BHALLA: That's correct.

And if I may, Hoboken, as I said-- We consider it a crossover municipality, one which could be merged with another district with a high APA population. Because the complexion of the residency tends to vote not based necessarily on race. And I would be an example of that point.

ASSEMBLYMAN CRYAN: Sure seems to be.

I thank all three of you for a very well thought-out proposal.

COUNCILMAN BHALLA: Thank you.

MR. PALATUCCI: Real quick, if I may.

DR. ROSENTHAL: Senator, and then you, Mr. Palatucci.

SENATOR O'TOOLE: Thank you, Professor.

I want to agree with Assemblyman Cryan about the excellent presentation by the three.

My question, through the Chair, is to Mr. Kim. You made a comment about how Fort Lee is nearly 40 percent Korean, but yet there are no council members who are Korean-American. And the reason for that is?

MR. KIM: Well, I guess possibly because of the registered -- number of registered voters. There are about 16,000 registered voters in Fort Lee, but Korean-American voters are a little over 2,000. So we are still-- As far as total number of population, we are estimating about 35 percent or more. But the registered voters -- we only have about 2,000.

SENATOR O'TOOLE: Thank you very much.

MR. PALATUCCI: Just real quick-- Again, great presentation. I think we'd be happy to sit with you and meet with you, at least our delegation, to follow up on this. Just in terms of quickly looking at this-- I didn't have time to really digest it. But your conversation regarding

Middlesex County-- I see you don't reference Piscataway. In my limited information -- your knowledge of Piscataway -- there's a growing or pretty good number of Asian Pacific-Americans there. Do you know that off the top of your head? Is that something you would look at? Do you know that?

COUNCILMAN BHALLA: We did consider Piscataway. I'm not in a position to speak as to specifics, but it is something, in terms of the 18th Legislative District, that would be relevant. And we'd be happy to discuss this specific issue with you.

MR. PALATUCCI: Great. Thank you.

COUNCILMAN BHALLA: Thank you.

DR. ROSENTHAL: Thank you, gentlemen. Thank you very much.

The next witnesses, in the following order, are Joseph Yeamans, Julio Tavarez, and, I think, Omar Rodriguez. Is that right?

Mr. Yeamans, thank you.

J O S E P H R . Y E A M A N S: I want to thank the Commission for coming here. I know there's a lot of work that you're putting into this.

Is that a little too loud, a little too soft? I'm hearing myself.

DR. ROSENTHAL: No, that's good.

MR. YEAMANS: Is that okay? All right.

Again, thank you for coming here.

I'm a member of the Board of Education in Clifton. Two of my fellow citizens have been up here, Harold Smith and Paul Graupe.

I just wanted to let you know that my community is extremely diverse. We have Eastern Europeans of multiple nations --

Czechoslovakian, Russian, Ukrainian; Far East, South East, South East Asia, Middle East; African; Central and South America; and the Caribbean. We have 22 languages and many dialects. So when we talk about diversity, we can give the numbers. And being on the Board, I know that diversity.

My concern here is that if you're going to pick numbers -- and we have about 87,000 in the City of Clifton-- If you're going to be picking 220,000 per district, I look at that ratio as about 39 percent of the population, as a number, in Clifton. If you want to carve Clifton out of being influential in government, just align it with the 60 percent of the other districts that have no commonality. And I will get into the commonality in a minute.

I believe that when you form your districts, you should be looking at the commonality of the continued -- the commonality and the continuity (*sic*) of the district, which is very critical. And that commonality is the interest in the community, the schools, the municipalities, and the county. That's where your taxes are paid, your political interest is, that's where your public interest is, and that's where your children go to school. That commonality also creates, as many of the speakers up here today spoke about, coalitions. Coalitions can be formed by having that commonality. Whether you are a minority group of any kind, you are interested in your children, you are interested in your taxes, because that's where your pocketbook is and where your heart is. And I do not believe that a commonality does not draw interest with these factors.

Although I will admit that in Clifton, with this large diversity as was pointed out -- or a question was asked by Senator O'Toole -- we do not have the minority representation in Clifton, yet we do have this diverse

population -- and in numbers. I think that has to do with the number of registered voters, the failing to register, and/or the failing to vote. I don't think you, or I, or anyone can control someone's action about going to phone booth -- I mean the poll booth. That's something that education will bring about, both from the State point of view and from the local education point of view.

In addressing the question of Speaker Oliver, when my colleague mentioned about having -- the failure to have representation in our particular district: I have not seen any of our district elected representatives come to the Board of Education and ask us what our needs are. I have seen a lot of pictures in the paper of our representatives, but I have not seen anyone in the flesh come. My daughter told me that Senator Gill did come when she was in the 7th grade to Woodrow Wilson to speak to the children. She's graduating from Fairleigh Dickinson this May. And I have not seen any public information. And I've been an activist prior to being on the Board of Education.

So I would only ask that you look at the commonality so that you can draw interest in the people, no matter what they are. And I don't believe-- And Clifton is an example that you can put together groups of minorities and say that that will give strength; when in many communities there are minorities already and they don't register and they don't vote. How you account for that I don't know. But I think that if you draw interest in communities, schools, and common problems, I think you will achieve a greater cohesion of interesting government. And I think those coalitions between the groups can work out, and I believe that's happening in Clifton. It's slow, but it is happening.

So I would encourage you to look at the commonality when you create your districts and not just minority groups. Because I think just looking at minority groups could be self-serving. I would like to see the total population of the public served by having a greater or tighter knit in the ability for that community to function in the political process.

Thank you.

DR. ROSENTHAL: Thank you.

Questions?

ASSEMBLYMAN WEBBER: Chairman.

DR. ROSENTHAL: Mr. Webber.

ASSEMBLYMAN WEBBER: If you'll indulge me, because we've had a couple of Clifton residents come up already.

DR. ROSENTHAL: Yes.

ASSEMBLYMAN WEBBER: And as a proud graduate of School 1 and Christopher Columbus, and a lifelong -- grew up in Clifton -- I want to thank you for your service to the Clifton Board of Education. I know it's the toughest job in politics.

MR. YEAMANS: Good pay, too. (laughter)

ASSEMBLYMAN WEBBER: And we have some friends from Clifton, and we might be hearing from them again. On the eve of the high holy day, I urge you to -- not to forget the Irish in Clifton. My parents still live there, and we have a bunch of Irishmen still running around town too.

Look, my folks are still there, and you're absolutely right. The 34th District changed dramatically in 2001. We used to have a district that was Clifton, Bloomfield, up through Totowa and Wayne -- as Mr. Graupe said before -- and it shifted dramatically south. I know there a lot of people

in Clifton who share your frustration that the communities of interest are just not the same as they were in the '80s and '90s, and so I appreciate you coming forward and sharing that.

MR. YEAMANS: If I may, I'd like to just add, Speaker Oliver, this is not to cast any negative light on you. You are a very busy woman, Speaker of the Assembly. It's just that I believe that you have a lot of interest in what you're doing within the state. And so when I say that I would like to see our representatives, I know it's a tug and a pull to have you come into Clifton to do what needs to be done, for you to ask us what we need and how we can achieve the many interests that both the Republicans and the Democrats have in trying to get a good political activity in government to work. But it is a reality. So if there is a negative light there, I don't mean to throw that upon you as a shadow to impart any inability on your part, or lack of desire or will.

As a Board member and business person, I've got a lot of multiple things going on, and sometimes I'm neglective about attending to certain factions of things that I should be looking at.

ASSEMBLYWOMAN OLIVER: You have cast no aspersions whatsoever. In fact, you can meet me at the Clifton Library on Sunday at 2:30 where I will be reading the letters of Jane Addams for Women's History Month. I'll see you at the library. (laughter)

MR. YEAMANS: Thank you. I look forward to that. Will we get to talk a little bit about politics? (laughter)

DR. ROSENTHAL: This is called-- This is not the Apportionment Commission now, it's the Dating Game. (laughter)

Any other questions? (no response)

Thank you. Thank you very much.

Mr. Tavaréz.

C O U N C I L M A N J U L I O C. T A V A R É Z: First and foremost, I'm Councilman Julio Tavaréz, from the City of Paterson. I have to say, before I start my statement, I did come before this committee in Jersey City, and I'm encouraged to see the Asian-American community -- another minority group -- come here and provide some statements that they're looking for equal representation.

And I want to caution all the members to compare different minority groups, because we're not the same. We're diverse, even within our own minority groups. If you heard the Asian-American community, they mentioned about four different groups within one group. And so is the Latino community. We come in all different shapes and colors. So let's make sure that we understand the Latino community has certain things that bind us together, and that makes us different from other minority groups.

Good afternoon. As I said before, my name is Julio Tavaréz. I am the Councilman of the 5th Ward in the City of Paterson. I am here today to ask this Commission to pay close attention to the significant increase in the population of Latinos in the 35th Legislative District and towns adjacent to this district.

For instance, the percentage of Latinos in the City of Paterson has increased, while the total population of this city has decreased. In 2010, the population decreased by 3,023 individuals, while Latinos increased by 9,494. Now Latinos represent 57.6 percent of the city, up from 50.1 percent in 2000; while in Prospect Park, the Latino population stands at 52 percent.

And let's not forget communities that are not usually considered as "Latino," like Elmwood Park, where the Latino population is now 21 -- yes, it's a suburb. Latinos are moving out of the cities and into the suburbs, and in rural areas as well -- the Borough of Haledon, where the Latino population now stands at 42 percent; and the City of Garfield, where the Latino population stands at 32 percent.

I believe that these communities now share strong commonalities. Thus, this Commission should consider creating a legislative district that unifies these municipalities since they have matured into communities of interest. For instance, the residents of the City of Paterson, Prospect Park, and Garfield share commonalities such as language, socioeconomic status, religion, sources of information, political interests, and cultural expression, among other factors. And so do North Haledon, Haledon, and Elmwood Park. I'd like to reaffirm that these municipalities together form what is called a *community of interest*.

I have noticed a lot of folks have been using words like *packing*, and *bleaching*, and *cracking* and *padding*. All over the state, when it comes to the Latino community, we seem to be the hot topic nowadays. And I think some of these actions might have taken place during the last reapportionment process. I believe so, because I cannot figure out how the City of Paterson was placed in the same district with the Town of Glen Rock. I tried to find commonalities between these two municipalities, and all I found were two different communities. The biggest example I can provide you with is that in the City of Paterson, 83 percent of households have a median income under \$75,000; while in the Town of Glen Rock, more than 87 percent of the households have a median income over

\$75,000. These are not communities of interest. They are two worlds apart and do not belong in the same district. This fragmentation has diluted the strength of our community of interest's voting capability, and harms the ability of our voters in the 35th Legislative District of electing a candidate of our choice.

I request that this Commission create a district that truly assembles communities of interest together, while keeping in mind the Latino community in the 35th Legislative District and our need for legislators who will represent the best interest of our community. When doing this, I ask you not to only look at registered voters, but all members of the community. As an elected official, I not only represent those who have the ability to vote, but every resident of my Ward, because every resident, registered to vote or not, deserves representation.

Finally, I would like to ask this Commission to take into consideration the Voting Rights Act of 1965. This Federal law offers this community of interest an opportunity to achieve the goal of having a legislative district where they could elect a candidate of their choosing.

Thank you for your time and consideration.

DR. ROSENTHAL: Thank you.

Mr. Rodriguez.

ASSEMBLYMAN WISNIEWSKI: The Speaker has--

DR. ROSENTHAL: Oh, I'm sorry.

ASSEMBLYWOMAN OLIVER: Thank you, Dr. Rosenthal.

Councilman, during my tenure in the Legislature, the 35th has always had a Latina and an African-American. So I am not understanding

why you believe the 35th, as currently constructed, does not create an opportunity reflective, you said, of the community you serve, Paterson.

COUNCILMAN TAVAREZ: Well, what I'm looking for is a district that would reflect the growth in the Latino community, meaning that it would provide for more opportunities for Latinos. As many folks have come here -- even the Asian-American community has come here and said, "We don't have enough of us," or, "We have none of us." And since 2000, we have the same number of Latino elected officials, both in the Senate and the Legislature. So what we're looking for is the ability to be able to elect more Latinos both in the Legislature and the Senate.

ASSEMBLYWOMAN OLIVER: You don't believe that the 35th, as currently constructed, is reflective of the population that lives in the 35th?

COUNCILMAN TAVAREZ: Well, of course, the 35th is reflective of that district. But it's what I call a *malfunctioning* district. As I mentioned before, we have Glen Rock at the top northern side of our district. How can we put Glen Rock together with Prospect Park, Paterson, Haledon, which are communities -- blue-collar working communities -- and Paterson, which is an urban city? It doesn't make any sense to me. As I look at it, I'm trying to figure it out, and no one has given me the answer for that.

ASSEMBLYWOMAN OLIVER: Some of the towns you're making reference to have small populations, so that is why they were linked as contiguous communities 10 years ago when the map was struck. But I was just interested in your sentiment of why you did not feel it was reflective of that district, because there is a Caucasian legislator, a Latina

legislator, and an African-American legislator. And to me, that represents the best model of diversity that we could see.

COUNCILMAN TAVAREZ: Well, to answer your question, not on Latinos' backs. If we can come up with a district that would allow for Latinos to have higher representation without hurting-- For example, Glen Rock -- I doubt Glen Rock would mind not being with Paterson, because it is a completely different town. If we're looking at communities of interest, yes, of course, it is a diverse community. But you have competing communities. You have communities that do not reflect what they're looking for in the State Legislature or Senate. The folks from Glen Rock do not have the same interest I have in mine. I doubt that the folks in Glen Rock were fighting for Abbott when our budget was cut both by this Governor and the previous Governor. So I don't think they were fighting with us in Trenton, saying, "You know what? We will fight with you." Garfield was an Abbott district, Paterson was an Abbott district. These are communities of interest. And if you look at Elmwood Park -- folks from Paterson, Garfield, Passaic are moving to these areas. So what I'm looking at is: Where is the Latino community? Where are our communities of interest? Where are we growing and what are-- How can we come together to fight for, for example, issues that are extremely important to Latinos?

ASSEMBLYWOMAN OLIVER: I'll close, but one of your legislators is a former president of the Paterson School Board. So I just want-- I have to just enter onto the record that you do have representatives that are representing the interests of your community -- Paterson.

COUNCILMAN TAVAREZ: I understand that, but as I stated before, we're looking-- And what my statement had said was, we have a map that might not reflect what I call -- it's a map that maybe was drawn with I don't know what in mind, and that was 10 years ago. But I'm talking about not 2001, but 2011 -- the new map for 2011, not the map of 2001. What is it now that we can do to make sure that the map is fair for the communities that actually are communities of interest? If that is our focus -- to put together communities of interest -- how can we say that this map works? How can you put a community that the median income -- that most of the residents make over \$100,000, with a community that over 170,000 -- because the Census says we have 146,000, but any resident of Paterson, any elected official in Paterson will tell you that we have way over 150,000. And most of our residents earn a household income over \$35,000. So it really doesn't make any sense to put us together with a community that does not have our best interest at hand.

DR. ROSENTHAL: Yes.

SENATOR SARLO: Thank you, Mr. Chairman. Do you know, as a fact, the people of Glen Rock feel that way?

COUNCILMAN TAVAREZ: No, I don't.

SENATOR SARLO: I happen to know Glen Rock. It's a small, little town. And maybe it doesn't have a lot of common elements with the City of Paterson, but I know they are very pleased with the representation that they receive. They feel they are treated very fairly. And some of the stakeholders and some of the leaders in that community feel they have great representation, even though the three legislators come from Passaic County, and they are over in Bergen County. I believe -- I don't want to speak for

everybody in Glen Rock -- that they prefer to be in the district that they are. They're there for a reason. They are a small, little town. I wasn't there 10 years ago, but they probably make up the population equality of that district. It was a contiguous town and it made sense on the map. So I think before we all start speaking for the people of Glen Rock, we need to hear from them.

COUNCILMAN TAVAREZ: Well, I'm not speaking for the people of Glen Rock. I'm speaking as a Councilman in the City of Paterson.

SENATOR SARLO: I understand.

COUNCILMAN TAVAREZ: They could be extremely happy with their representatives. What I'm saying is that when we want our representatives to fight for our issues, they have to think about other competing issues and say, "Well, the people in Glen Rock might not like me to fight for Abbott, because that's not what they want. They're thinking about something else." So what I'm thinking about is the best interest of communities of interest.

Now, if you put us together with Garfield, guess what? Now we have two communities that will fight for education for our children, because we are in the same boat. So guess what? We're not going to kill each other. We're going to save that boat. If there is a hole in the boat, guess what? We're going to cover that hole and fight together to continue fighting for education. Glen Rock doesn't have the issues that we have, and we should be with communities that have the same interests. Paterson being the biggest is going to be the center of this district. We should have

communities that would fight with us, and bind with us, and create coalitions with us to fight for interests that are important to us.

Thank you.

DR. ROSENTHAL: Thank you very much.

Mr. Rodriguez.

O M A R R O D R I G U E Z: First, I would like to congratulate all the members for being here today, and also Mayor Blanco for allowing us to express ourselves right here. I especially would like to congratulate the (indiscernible) maker today, Mr. Rosenthal, because all the eyes are on you in the State of New Jersey. (laughter)

Anyhow, I wanted to be here today as a private citizen, even though most of you know me -- that I've been walking the streets for so many years in different capacities -- the street level, county level, State level, and Federal level.

I would just like to make a few points. Even though we are in the City of Passaic, I would like to start, again, saying I'm here as a private citizen defending the Latino community. Even though we are in Passaic, I'm a little disappointed by looking around the room and not seeing many Hispanic or Latinos. But we can't blame you. And it's not that our community is not interested. Our community cares about what is going on. Unfortunately, they are not properly educated yet in the election process and in the political process. We, the leaders of the Latino communities, are at fault. We are not moving at the same pace that our communities are moving. We are the fastest growing minority in the state and in the country. Forty-three million Hispanics are living in the United States. However, not all of them -- actually just a fraction of them -- have gone

through the process of becoming citizens and, furthermore, to register to vote.

I concur with some of the comments of the prior speaker -- saying that we need representation. But I also would like to add more to that. We are failing, as the Latino leaders, to (indiscernible) on trying to bring more Latinos to the table. Today, what I'm going to pledge you to consider -- and especially to you, Mr. Rosenthal -- is that, please do not dissect the Latino groups. And if you guys decide to do that, could you at least try to put a pilot project like just happened with finance reform? I believe it was a particular district -- 37 if I'm not mistaken -- that there was a maximum of a \$10 contribution, or something like that.

So all we're just trying to offer is a little tip that, if possible, one or two districts can just be put on the map and try to see how it works with any new changes. However, today we are here because the map that you're going to draw is going to be the one that will dictate to us what is going to happen in the next 10 years, not just for the Latino families, but actually for all the citizens of the State of New Jersey.

And I would just like to add one more point. And, of course, I'm guilty as charged. I'm the only one who doesn't have notes and papers, but I speak from my heart. Because I believe that within 10 years -- for the next map -- our community, the Latino community, as well as other minorities will be better placed, because they have to understand that this political process is the American process; this is for democracy. We are part of it. We're living in it, but we have to be more involved in it.

Thank you very much to all for listening to me.

DR. ROSENTHAL: Thank you.

Questions?

SENATOR SARLO: Just a comment.

I just want to say to Omar, you made a great councilman in Saddle Brook, and you made a great effort for mayor. Keep up the good work, because I know you're going to make a great mayor in the near future in Saddle Brook.

MR. RODRIGUEZ: Thank you, Senator.

DR. ROSENTHAL: Thank you.

Thank you very much, gentlemen.

Rosemary Pino; Kay -- I think it's Sono, Korean Community Center. I may be wrong, but it reads Sono. And Jeffrey Weingarten.

Am I wrong?

KAY SONG: Kay Song.

DR. ROSENTHAL: Sono?

MS. SONG: Kay Song, like sing a song.

DR. ROSENTHAL: Oh, Song. Okay, it's S-O-N-G, not S-O-N-O.

MS. SONG: Yes, like sing a song.

DR. ROSENTHAL: Rosemary Pino, thank you.

You better grab the amplifier.

I think the witnesses will have to form a coalition to share the amplifier.

ROSEMARY PINO: Good afternoon.

My name is Rosemary Pino. I am proud to say that I am a Latina of Ecuadorian-American decent, and I am also proud to say that I'm

a candidate for the Clifton Board of Education in this year's upcoming election.

I just want to begin by stating a couple of facts. In the year 2000, Latinos made up 20 percent of Clifton's population. With a 72 percent increase in Latinos since 2000, Latinos now make up 32 percent of Clifton's total population, yet progress is not made using numbers alone. Not one Latino is currently elected to the town's city council nor are any elected to Clifton's Board of Ed, which is currently -- has 48 percent Latino students enrolled. This Commission has the ability to ensure that Clifton is part of a diverse delegation of representatives, and that its representatives understand the realities of Clifton and its upward trend toward continued Latino growth.

As a candidate, I am very aware that, if elected, I will be the first Latina elected to the Board of Ed. But as a candidate, I am not running because I am Latina, but I am running because I feel I have the necessary credentials to represent the entire community of Clifton.

Currently, Clifton is part of a district with Montclair, Woodland Park, Glen Ridge, and East Orange. Clifton is the largest city in this makeup. Any shift in our district needs to be considered -- needs to consider this important factor. Clifton has a strong voice in Trenton, because it is being represented by individuals who understand our diverse needs.

While it may seem enticing to those interested in using our Latino growth as a reason to pair us with a city like Passaic, I caution that this scenario would weaken Clifton's voice in a legislative district. The Latino communities in our district are significantly different. And while I

will not bore you with those differences, I would encourage you to look beyond the numbers and understand that statistics and mathematics alone do not yield power and voice. Our local community in Clifton will embrace diversity, but it will take time. And pairing us with Passaic will possibly set us back versus moving us forward.

Although I am new to this area of politics, I know my community, and I know Clifton.

I'd like to thank you all for giving me the opportunity to speak here today.

DR. ROSENTHAL: Thank you.

Any questions? (no response)

Ms. Song.

MS. SONG: Good afternoon.

Thank you for giving me the opportunity to talk to you.

My name is Kay Song. I'm the Vice President of Friends of Grace Seniors Korean Community Center in Englewood. And currently, the Korean Community Center FGS serves over 10,000 people a year. We have over 100 classes and services a month. And mostly we serve the Korean-Americans around the Englewood area, which is a 30-minute radius by car.

And among all those people we serve, the four distinctively large towns people come from are Palisades Park, Fort Lee, Leonia, and Edgewater. And this is very important. When we serve these people -- we wish they are in the same district. And even for the two -- second largest and third largest in District 38 -- we would like to have them in District 37

so this way we can serve as a community of interest and provide service to them.

And we do the -- not only have social service, and career education, and cultural education, and also happy senior living. And our community center is the largest Korean community center in the U.S.A. And so we are very proud. We serve in Bergen County. And we want to serve them very well and very proudly. So if we can have Fort Lee and Edgewater -- can become the 37th District, we can serve the -- most of the people -- Korean-American people who need the bilingual services. We go to the hospitals together. We do everything.

So we try to cover all of their lives. We have them from 4 years old to the 88-year-old member, who just two years ago, at age 86, become an American citizen -- because she wants to be a proud American citizen, to travel overseas with the senior groups. So they said that she doesn't want to be left out when they come back at the Customs Office.

So this is a more practical reason. I want to ask you to please consider Edgewater and Fort Lee to become District 37, because we don't want them to be treated as a stepchild. So please consider them as like a community of interest for Korean-Americans.

Thank you.

DR. ROSENTHAL: Thank you very much.

Mr. Weingarten.

J E F F R E Y W E I N G A R T E N: Thank you very much, Commissioners. And let it be known that we appreciate very much the work that you're all doing on our behalf.

I'm here wearing two hats. I'm a resident of Clifton; but I'm the leader of the Morristown Tea Party Organization, and also the Co-Founder of the decidedly non-Tea Party Organization that is the New Jersey 2011 Project. And we hope to see a number of you shortly.

The mantra of that is to fix New Jersey. And I think a number of people who have been at the microphone have identified the problem that is facing you: communities of interest. That is the great concept and the crux of the problem. For instance, I'm white but I speak Spanish. Should I be considered part of the Latino community? My son has a mother who is Latina. Which community should he belong to? Do we want to separate our communities according to rich and poor? I know what it's like to have money; I don't have it now. Should I only be represented by somebody who is in my income or somebody who aspires to more? So that seems to be the problem with which we are faced.

There are more important factors, I believe, that define us. For instance, in Clifton, we are not big-city mice and we are not rural mice -- we're somewhere in between. More importantly, we want somebody to represent us who believes in education reform, who gives parents a say in how their children are to be educated -- parental rights in education. We want Medicaid reform, and we have people who are promulgating that. That would seem to be more important than any of the other demarcations.

That is who represents us. I personally don't care about race, religion, or somebody's favorite sports team. I want somebody who sees the problems as I see them and who will fight for what's best not only for me, but for our future generations.

In 2009, Governor Christie's election expressed the will of all New Jersey voters, yet 59 percent of the Assembly is Democratic. That doesn't seem right. We have a map-- My Co-Founder in the New Jersey 2011 Project is absolutely brilliant as far as data mining and analysis, Nora Craig. And I didn't have time to bring it with me as I was on my way over.

Assemblyman Webber, when I leave here, it will be on the way to you. And I hope after this evening you will share it with your colleagues.

In conclusion, may I say that your job is very tough -- to please everybody. I sincerely wish you all wisdom and inspiration.

Thank you.

DR. ROSENTHAL: Thank you.

Any questions? (no response)

Thank you very much.

MS. SONG: Thank you.

DR. ROSENTHAL: The next witnesses are Walter Lynn, Wilda Diaz, and Omar Perez.

Wilda Diaz.

MAYOR WILDA DIAZ: Thank you, Mr. Rosenthal.

I want to first start by thanking Mayor Blanco for hosting, I say, this historic moment in our lives here for our state.

And I want to thank you and all the Commissioners. You have a really tough time right now deciding how -- what direction, basically, the State is going and how we are going to be represented.

Well, I want to start off again-- My name is Wilda Diaz, and I am the Mayor of the historic City of Perth Amboy. And on February 13, 2011, I testified before this Commission at Hudson County Community

College, in Jersey City. The focus of my remarks centered on the lack of diversity among Middlesex County elected legislative representatives.

Perth Amboy is the second most populated city in the 19th District. Middlesex County, which is the second most populated county in New Jersey with a population of 800,000 people, has 143,000 Latinos. And what's wonderful to say is that the Latino community-- Although we may come from different backgrounds, different countries, what unites us is that love of culture, that respect that we have for each other, the love of our differences. But that's what unites us. That doesn't divide us. I just want to make that quite clear.

I was born and raised in Perth Amboy. I am very proud to say that I am the Mayor of such a beautiful city and very diverse community. I also come with a patriotic upbringing with family members of mine having served in the U.S. Military. I'm very proud to say that my father-in-law -- 65th Infantry -- very famous Infantry of Puerto Rico. My son is in the Army Reserves. I have family members who are in the Air Force and the Marines.

But I also understand the need of representation. We can't disregard the hopes that our families have for us. Just like you who are here today representing our Legislature -- Assemblywoman Oliver -- our families dream for us. And they also want the American dream, to have the opportunity to also be the decision makers, to also have an opportunity to influence our communities, to have a stake -- because they do -- in how a country develops and how we progress.

So in saying that, I took my responsibility very, very seriously. A new mayor, with no political background -- I want to be upfront and say

that. I launched my career, and I understood, when we conducted the 2010 Census, how important those numbers were going to be for the City of Perth Amboy because of the history. Perth Amboy reached -- and I'm very proud of that. Because for years, they were an undercounted community. And we had the opportunity to reach that benchmark. I wanted to reach 50,000. We've reached over 50,000 -- 50,814. So we're close to that 51,000 mark.

We made a concerted effort to engage our residents. Again, I want to remind you, our city was one of the cities that they would say was hard to count because people were afraid of the Census. They were afraid of the process. But we overcame as a community.

This administration made a concerted effort, again. We had a 71 percent male response rate in the 2010 Census, the second highest percentage of any urban city in New Jersey. Although Perth Amboy has the second largest population in the 19th Legislative District, we have no elected representation out of our city.

There was one large municipality that has overpowered the process, the representation. We have a neighboring community that has 99,000. (timer rings)

DR. ROSENTHAL: Could you, sort of, wind up and then submit your testimony?

MAYOR DIAZ: Sure.

DR. ROSENTHAL: Thank you.

MAYOR DIAZ: We have a municipality that has 99,000 residents versus our 51,000. That municipality has a State Senator, a State Assemblyman, and a Freeholder -- all in one municipality.

So when you take a look at the representation, where is the fairness to Perth Amboy?

I'm here because I would like you to please consider this: Perth Amboy-- We have many issues that affect urban areas. Perth Amboy was hit with--

DR. ROSENTHAL: Mayor, could you wind up and submit your testimony, please? There is a five-minute limit.

MAYOR DIAZ: I would hope that you would give me an opportunity just to give you a view of where we would like to be as a city to make it fair so that we're equal populations.

And we keep hearing communities of interest. And that's what I'm looking at, a community of interest. You can understand what happened to the City of Perth Amboy.

We are seriously asking you to please just consider that South Amboy, Sayreville -- same part of the legislative district that we have now -- with Perth Amboy. And we suggest that South River, East Brunswick, and New Brunswick be part of a new legislative district. Most of these communities are of similar size, and therefore no community can monopolize all of the elected decisions in the district. This district would be more diverse than the present 19th Legislative District, as it exists, in both its political subdivisions -- urban and suburban -- and ethnicity.

I just want fairness here for our community, and that's why I'm here representing the City of Perth Amboy.

DR. ROSENTHAL: Thank you.

Questions? (no response)

Mr. Perez.

ASSEMBLYMAN WEBBER: Mayor, I just had one question, because I tried to write it down. The towns -- you've suggested a legislative district that would be Perth Amboy, South Amboy, East Brunswick, New Brunswick, Sayreville.

MAYOR DIAZ: Sayreville, yes.

ASSEMBLYMAN WEBBER: Was there one other town?

MAYOR DIAZ: It was South Amboy, Sayreville, Perth Amboy, East Brunswick, New Brunswick.

ASSEMBLYMAN WEBBER: And that's it?

MAYOR DIAZ: Yes.

MS. CRUZ-PEREZ: Excuse me, may I--

DR. ROSENTHAL: Yes.

MS. CRUZ-PEREZ: Can we get a copy of that? Maybe they can make copies for you, and you can leave us a copy since you didn't have an opportunity to finish. I'm very interested to hear what you have to say.

MAYOR DIAZ: Absolutely. And, again, I want to thank you.

If anyone has any questions for me--

DR. ROSENTHAL: Question.

ASSEMBLYMAN WISNIEWSKI: Mayor, I just want to understand. You're talking about community of interest. What is the community of interest between Perth Amboy and East Brunswick?

MAYOR DIAZ: It's the diversity too. We're taking into account diversity. We're very common with New Brunswick. When you take a look at our size, diversity in our community, we pretty much match. Sayreville is growing just--

ASSEMBLYMAN WISNIEWSKI: I was asking about East Brunswick.

MAYOR DIAZ: East Brunswick, I -- it's the diversity of that community. And I really believe that we would have a better chance having representation in a community that's similar to our size than having to be overpowered by a larger community. When you take a look at the numbers, 99,000 just between Sayreville and Perth Amboy -- just to give you a perfect example. I did the numbers. Just between both of us--

ASSEMBLYMAN WISNIEWSKI: I know (indiscernible)--

MAYOR DIAZ: We have-- We're still less than a large municipality.

ASSEMBLYMAN WISNIEWSKI: I guess my question is: With regard to East Brunswick, is there a Latino population in East Brunswick?

MAYOR DIAZ: They are growing. And, again, it's diversity. That's what I'm saying. I mean, everyone-- Sayreville is growing -- the Latino population is growing in Sayreville, it's growing in South Amboy, and it's definitely growing in New Brunswick. But I think, again, we're talking about diversity here too. We have a chance to have representation if we are almost of the same size. Right now, we're not. And, again, you can't compare Woodbridge even to our municipalities. They overpower Sayreville and Perth Amboy with their numbers.

MR. PALATUCCI: Alan, if I could, real quickly.

DR. ROSENTHAL: Yes.

MR. PALATUCCI: So I guess your point is similar to the one in Morris County -- that Dover and Morristown-- I don't know how

familiar you are with Morris County. Dover and Morristown don't touch. You would have to go through Morris Township or Denville, like that, to link those two communities. So to the point in linking Perth Amboy and New Brunswick -- you might have to go through East Brunswick. So on an ethnic basis, they might not have as much in common as New Brunswick and Perth Amboy, but that would make as much sense as doing -- linking Dover and Morristown through Morris Township.

MAYOR DIAZ: Well, when you take a look at that, they will have also a lot in common with Sayreville. You have to take a look at that too.

MR. PALATUCCI: Correct.

MAYOR DIAZ: You would have East Brunswick and Sayreville similar.

MR. PALATUCCI: Can I ask you a question beyond just your district? I know you were here for Martin Pérez's testimony from the Latino Alliance. And I was curious to get your thoughts as a Mayor and as a new person to politics, and talking about representing your community.

Martin's point was, again, one that Chairman Webber and I said we had not heard before. Is that by-- If you created a majority minority-Hispanic district someplace -- whether it's in your county or someplace else -- would that provide enough confidence and strength for the emerging Latino community to then be a launch for leadership in other offices -- the Assembly, the Senate, or statewide office? Do you buy that argument that--

And I think the one -- since this came up last time, I've looked at the numbers from Perth Amboy and New Brunswick. It does not create

a majority district. It's not a reason not to look at it. So for my question, the district you had in mind doesn't work. But I'm asking, in any other part of the state, do you-- What did you think of Martin's thought, his point, that by providing -- in this case, whether it's an African-American or Hispanic -- by providing them, in a sense, a safe district -- that if they have a safe district, that they could then use that as a launching pad for higher office and statewide office.

MAYOR DIAZ: I believe that Martin's comments have a lot of value, and I understand why. He made a very good point. When you take a look at the one district that dominated representation, because they were represented, which was the Hudson County -- I believe it's the 33rd. That's a perfect example of power in numbers. And quite honestly, it's true. The Latino population, the Asian population is growing. I mean, yes, we also count; we should also be at the table.

Middlesex County-- I mean, I know our Assemblyman is here, and I know he tried to help me the last time when we tried to get representation for our district. But then look what happened. But just looking at the county-- Take a look at the entire -- even the Freeholder Board. Take a look at that now. We have the fastest growing Asian community in Middlesex County -- Latinos, we have two Latinos there. But then take a look at what happened. A wonderful woman became the sheriff, but they didn't replace her. What did they do? They replaced her with another male, and not even of African-American descent. So right now they're not even represented in the county structure, and I have a serious problem with that.

MR. PALATUCCI: Thank you, Mayor.

MAYOR DIAZ: And as freeholders -- that's my point.

DR. ROSENTHAL: Assemblyman.

ASSEMBLYMAN WEBBER: Mayor Diaz, there are two Latino Freeholders, correct?

MAYOR DIAZ: Yes.

ASSEMBLYMAN WEBBER: Okay. Just a question: Looking at the numbers in the district that you were proposing, the current Hispanic population is 30 percent of the 19th District as currently constituted. In the district you propose, it's 36 percent. You're saying that that 6 percent is going to enable Perth Amboy to obtain a legislative seat?

MAYOR DIAZ: I believe that it would put us in a better position, and I'm going to tell you why. Because you're looking at that percentage, but you're not looking at the overall population. You have a township that is dominated, like I said -- over 99,000 people. And I believe they were even undercounted. And then you take a look-- We will have a better chance of representation with municipalities that have almost the same type of population that we have -- similar.

ASSEMBLYMAN WISNIEWSKI: And in the district you're proposing-- You're currently in a district -- you're one of five communities. In the district you're proposing, you'd be one of seven communities. Do you think that gives Perth Amboy a better chance?

MAYOR DIAZ: I believe that the way the structure is right now, and seeing how -- what happened and what transpired in the 19th District -- that if Perth Amboy is going to have a chance at the table to make decisions, we need to be out of that district.

ASSEMBLYMAN WISNIEWSKI: And Perth Amboy did have a Latino Assemblyman.

MAYOR DIAZ: And you can't judge, based on one unethical person, all the Latinos. Because we have--

ASSEMBLYMAN WISNIEWSKI: I'm not. I'm just saying you had a Latino Assemblyman.

MAYOR DIAZ: We had, in the past. But you have to take into account that, in the past--

ASSEMBLYMAN WISNIEWSKI: Mayor, who did you support when Joe Vas left the Assembly? Who was your candidate of choice?

MAYOR DIAZ: Well, you know what? I have to-- If you want me to disclose what really happened, I could, right here, publicly.

ASSEMBLYMAN WISNIEWSKI: You supported Mayor O'Leary.

MAYOR DIAZ: Let me say something to you. I was a brand-new Mayor. I was just a brand-new Mayor who comes in-- I just fought the biggest political machine going in Middlesex County. They came to me, and they asked me that. After a horrible election, they came to me, "Choose. Who would you like? But we already have this candidate." That's what they said. And at the time, we had the Democratic Party in power in the government. And I, in the best interest of Perth Amboy, at the time -- being a brand-new Mayor, who just fought a horrible race-- They came to me and just threw that at me.

But what happened the second time -- that's what we should be talking about -- the second time around. When they came to us, we were

ready, and we had a candidate with impeccable credentials. And the rug was pulled from under us, and that is what people don't talk about.

Thank you.

DR. ROSENTHAL: Thank you.

Yes, Mr. Perez.

O M A R P E R E Z: I don't know how to follow up that. (laughter)

I hope I'm allowed back in Perth Amboy after this, but I am here representing Jersey City, I think the greatest city in the State of New Jersey.

I think a lot of the comments that were made today by -- and today and other sessions. I've been to a couple of these. And I think that a general message is being applied by most of the Latino leaders throughout the state. My comments today will be more designated -- directed toward Jersey City, but I think they echo a lot of the sentiments of the Latino community statewide.

Jersey City is the most diverse city in the state. If it was not for bad Census counts, in our opinion we'd probably be the largest city in the state. Currently, Jersey City representatives in the Legislature make up 30 percent of the County delegation, but we constitute nearly 40 percent of the county population or higher. We have two representatives in the Assembly and one representative in the Senate. These are the folks who actually live in Jersey City who look out for Jersey City as a primary point of interest.

Jersey City's Latino population has over 68,000 people, with approximately 28 percent of that population and the largest communities. We have a history-- We have had no history, or very little history, of

representation in the Legislature. Our neighborhoods in the Heights, Journal Square, and downtown Jersey City should be kept together -- because there are distinctive characteristics and connection -- rather than split them apart in three as they currently are.

The Census has shown that while other large cities have stayed flat or lost growth, Jersey City has grown steadily at 3 percent over the past decade. Again, we would submit that that's actually larger. One of the biggest problems that we had with the Census, when you start looking at the Latino population, is that there was suppression. There were a lot of people who were not -- from the Latino community were being told, "If you get counted, or if they count you, then that's their way of finding you. And if you're an illegal alien, then you're not going to be counted and they're going to look to deport you," or something like that. So that was a very big problem that people were having. And we were combating that, and we thank the Administration in Jersey City for helping us combat that by putting out public service announcements and things of that nature.

These communities should be given the opportunity to choose their representative and not be diluted or overwhelmed by the numbers of other municipalities. It is important that the joint Commission take our current and future growth into consideration when drawing the lines of representation for Jersey City.

I have not been privy to the latest maps under consideration, so I cannot advocate for one map in particular. I, as a representative of the Latino community, object to any map that (indiscernible) the status quo or lessens legislative opportunities, especially within the Latino community in Jersey City. We seek to be placed in districts that share common

communities of interest. Please take into account our city's churches, cultural organizations, social organizations, economic status, as well as other similarities when drawing district lines. What would be fair is to provide -- and to (indiscernible) best representation -- would be to divide Jersey City into two districts and then merge the remaining towns in Hudson with mirroring communities.

I wanted to be brief, and I just wanted to kind of emphasize this: Jersey City has had a long history of really coming out and participating in the electoral process throughout Hudson County. The Latino community has consistently participated and really been a focal point. And we're proud of the fact that people such as Bob Menendez, and Congressman Sires, and others have come from our towns. But Jersey City has not had that opportunity to be the representation there with the Latino community. And I think that it's at this point in time, especially given the fact that we are the largest community in Jersey City and the fact that we have other interests throughout the county-- I think that if you merge Jersey City, and you break us up in a certain manner that dilutes us, it really doesn't give us the opportunity to get an elected person there -- an additional representative.

We understand and are grateful for everything that we are able to get. And we don't believe that there is -- at any point in time we're asking for a seat to be given to us. The only thing that we want is the opportunity to fight for that seat.

Thank you.

DR. ROSENTHAL: Thank you.

Any questions? (no response)

Thank you.

We'll take three more witnesses, and then we will take a 15-minute break.

Ellen DeLosh, Rafael Torres, and Thomas Batelli.

E L L E N D e L O S H: I'll start.

My name is Ellen DeLosh. I'm a resident of Clifton, in the 34th District.

I do hope the redistricting commission will be fair in redistricting to the Republicans and Democrats both. Because in my opinion, it was not done fairly in the last 10 years -- in redistricting in 2001.

Here are my reasons: Clifton has always been with the municipalities that were comparable for Clifton in the 34th District. Before the 2001 redistricting, the 34th District -- Clifton -- was with Essex County -- Bloomfield and Glen Ridge. And in Passaic County it was Clifton, Little Falls, Totowa, Wayne. The Republican Senator was Joseph L. Bubba, and the Assembly was Marion Crecco. The Republican was Gerard Zecker for Assembly. Both were from Clifton.

Well, redistricting in 2001 for the Clifton towns to be with-- Here is what they were: Clifton was with Essex County. We were with East Orange, and Glen Ridge, and Montclair. Passaic County -- we had just Clifton and West Paterson. In my opinion, East Orange was not compatible to Clifton. It was predominantly Democratic. So for the last 10 years, in the 34th District, we could not get a Republican in office in the 34th District. It has Senator Nia H. Gill, Democrat; Assemblyman Thomas P. Giblin, Democrat; and Assemblywoman Sheila Oliver, Democrat. The

last 10 years we were never able to elect a representative because of East Orange -- for their heavy Democratic vote. It was impossible to win Republican seats.

So, Commissioners, please be fair to every district and put them in towns compatible to them. We feel Clifton was not in the voting process for the last 10 years. It was impossible to get a Republican in.

Thank you.

DR. ROSENTHAL: Thank you.

Any questions? (no response)

Mr. Torres.

R A F A E L T O R R E S: Thank you, Chairmen and board members, for giving me this opportunity to speak.

My name is Rafael Torres. I am a Latino. Some people would say at first I may not look like it, but believe me, I am. Some would also say, "Well, it doesn't make a difference." I'm here to tell you that it does make a difference when you're surrounded by fresh data from the 2010 U.S. Census that will prove this point.

Although I am a proud Latino born and raised in Jersey City, I am also dedicated to my surroundings as a reliable citizen, therefore continuing the standards for generations ahead on the very land that has accepted us with open arms. We did not forget that the American dreams are rooted in culture, with a smile, that is instilled in us through our native and African heritage. We are the land. Like the Irish and Italians before us, we are all still here.

Yet the 2010 Census seals our fate. And during the elections, if motivated, it would seal the fate of any politician that would ignore us.

Here, motivation is key. Unmotivated techniques have been our political baggage that has sent the Hispanic communities in disarray. Thanks in part to 24-hour news broadcasts and a camera on every phone, we have quickly backed away from anyone who would selfishly use the system. We will stay close to home where we are still struggling with ignorance by people who have pushed us to live in areas further south or north. The American dream is still our own American dream, and no one can tell us, with the many dialects we hold, that our leadership has dwindled, or is restricted, or is obsolete.

I am a veteran Jersey City firefighter. For 24 years I have served my community as a public servant, after serving 6 years in the United States Air Force. My commitment will always reflect my profession, with the very tools that I've learned while living in the city where I work.

I am now a Jersey City Ward D committeeman candidate. If elected, I will represent a culturally diverse area in a time where splitting other districts may hurt us. And I'm speaking in reference to the 33rd District and the 31st District.

The 2010 Census data will show that minorities tend to stay close to their own homes, like my father. When he came here in the '50s, he quickly got involved and eventually became one of the first Hispanic deacons installed by the Arch Diocese of Newark in New Jersey. Thanks to our commitment and service, we have established a wall that is growing due to our race that can never be knocked down. It's the wall of hate and ignorance that threatens us -- from west of Arizona, to times like this where we are still struggling to hold the little bit of population positions in government -- that may want us to all go away.

Please show us your leadership; to adjust any redistricting of our heavily populated areas to a representative who reflects us -- if not by default, then by our own commitment. Give this time to reestablish new leadership within a theater that never ignored the people. Support us on providing new and exciting Latino leaders who will no doubt represent the public service that is required.

Thank you, and God bless the Americas.

DR. ROSENTHAL: Any questions? (no response)

Are you submitting that testimony?

MR. TORRES: I'd like to.

DR. ROSENTHAL: Yes, give it to Mr. Parisi, please.

MR. TORRES: Thank you.

DR. ROSENTHAL: Mr. Batelli.

T H O M A S A . B A T E L L I: Good afternoon, ladies and gentlemen.

Thank you for letting me be here to speak.

I have just a little grocery list with just a couple items on it, because I'm not a prepared person like everyone else I heard here today. But I do read a lot, and there are a few things that I've read in different articles that I'd like to address.

I think the redistricting in New Jersey should be responsible to the political tides reflective of the majority will of the people, and fair to the people who show up in off-year elections, in odd-year elections when there is not a major candidate running. I feel that we are not represented as a whole, as a people. I respect minorities. I don't even condone people being called minorities. I hate it when everybody is taken apart and

(indiscernible), because it just diminishes us as a whole people, as Americans, as New Jerseyans.

I'm a senior citizen, and living in this state is very hard. The reason I stayed here and didn't move out of the state and take my property and money away from New Jersey is because my children are here, my grandchildren are here. And they deserve the same opportunities I had as a person who came up and lived-- I grew up in Paterson. I was poor. I raised myself, I got a good job, and I continued on.

And I believe that everyone is entitled, in this state, to the same opportunity. You have to go for it. You have to grab it. Like some people here today said, they're going to organize and do things about it. That's what you have to do. You can't just sit back and not register to vote, not become an American citizen. You have to become an American citizen to register to vote. And that's the process in this country for over 200 years, and it should continue.

But if everyone goes their own separate ways and parts, there will not be a United States or New Jersey left, especially if we don't control our expenses in the great State of New Jersey. Expenses have to be controlled. I know a lot of people are in need, but I know, according to the State Constitution, we have to have a balanced budget. We can't do like the government has done and -- gave our future to China. We have to have a balanced budget in New Jersey. And I respect everyone here who participates in the governing of New Jersey.

Thank you, again, for your time.

DR. ROSENTHAL: Thank you.

Questions? (no response)

We will have a 15-minute recess, and we'll return to the hearing in about 15 minutes.

Thank you.

(RECESS)

AFTER RECESS:

DR. ROSENTHAL: We will resume the hearing. The next three people to testify are Michael Mecca, Flavio Komuves, and Zaida Polanco.

SENATOR O'TOOLE: Mecca left.

DR. ROSENTHAL: Mecca left.

Flavio Komuves and Zaida Polanco.

And, Flavio, have I pronounced -- is it K-O-M-O-V-E-S?

FLAVIO L. KOMUVES, ESQ.: K-O-M-U-V-E-S.

DR. ROSENTHAL: Okay, that's close; Komuves. (indicating pronunciation)

MR. PALATUCCI: He's going to blame your handwriting.

MR. KOMUVES: Of course. And he'd be right. You should see my handwriting. (laughter)

DR. ROSENTHAL: Flavio.

ZAIDA POLANCO: Good afternoon to all.

My name is Zaida Polanco, and I serve on the Board of Education here in the City of Passaic.

I just wanted to welcome you, and thank you for the opportunity to be here today and just -- the opportunity to speak to you guys.

Ten years ago, Republicans were calling for more opportunities for African-Americans to be elected to the Legislature. Yes, 10 years ago. Republicans sitting in these same seats were advocating for more districts which could ensure that more African-Americans would be elected to the Legislature. I am sure African-Americans sitting in the same audience then were wondering, like Latino members of the audience today, why? Why were Republicans, with not one African-American member in their caucus-- Why were they so interested in advocating for the election of African-Americans?

Ten years ago-- Ten years later, it's like *déjà-vu*, except this time Republicans are calling for more Latinos to be elected to the Legislature, and we are forced to ask ourselves the same question: Why? Is it because they want to advance public policy to benefit the Latino community? That couldn't be the case, because just a few months ago, when the budget cuts were proposed which impacted the Latino community, there was not a single Republican voice that advocated against the cuts. Could it be that the Republicans are advocating for Latino districts because they care about electing a diverse Legislature? That can't be the case, because there is not a single African-American or Latino member of either Republican caucus.

The answer to why members of this Commission, and the Republican party in particular, are advocating for the inclusion of Latino

districts in the new map is because the creation of these districts, through packing, will create districts that are more likely to elect a Republican.

So this new advocacy for Latinos is no more genuine than the pro-African-American strategy that was used 10 years ago. This strategy is not about electing Latinos; this strategy is about electing Republicans. We are as insulted by the sham advocacy as we are for the fact that even though the Republican Commission members would have us believe that they are strong advocates for the inclusion of our community, they didn't have the decency to include one Latino to serve on this Commission. The visual of this diversity on the Democratic side of this Commission, and the lack of diversity on the Republican side, speaks volumes about the sincerity of the claims.

Thank you so much.

DR. ROSENTHAL: Thank you.

Questions?

ASSEMBLYMAN WEBBER: Just for the record, Ms. Polanco, thank you for testifying. We appreciate it.

You know we have two Asian-Americans as our five -- two of our five are Asian-Americans. And do you know how many Latino -- Hispanic candidates the Republican ran for the Assembly last year in 2009?

MS. POLANCO: No.

ASSEMBLYMAN WEBBER: For the record, it was four. And do you know how many African-American candidates we ran for the Assembly in 2009?

MS. POLANCO: Not in our district.

ASSEMBLYMAN WEBBER: No, but it was three statewide. So just because there aren't legislators who won elections in our caucus doesn't mean that the Republican party isn't trying to advance those goals. I just wanted you to know that for the record.

MS. POLANCO: That's great to know. We just want to keep the diversity that we have. And take that into consideration when you're making that decision regarding the map. We are a very diverse city, we are a very diverse county, and we want to keep it that way.

ASSEMBLYMAN WEBBER: Thank you very much for your testimony.

DR. ROSENTHAL: Flavio Komuves.

MR. KOMUVES: Mr. Rosenthal, members of the Commission, my name is Flavio Komuves. I'm an attorney in private practice. I've worked for both the State Department of the Public Advocate and the American Civil Liberties Union, extensively, on election law and voting rights issues. And together with Mr. Frank Vespa-Papaleo, who couldn't join us today -- former director of the State Division of Civil Rights -- we have looked at some of the proposals that have been purportedly floated out there. And what I wanted to comment on today was specifically the issue of joining Union County towns, such as Elizabeth and Linden, with Hudson County towns, specifically Bayonne; and why something like that would not be a reasonably contiguous district, why that would not constitute putting communities of interest in the same community.

The first most obvious thing I want to talk about is contiguity. And in a situation like that -- Elizabeth, Linden, and Bayonne -- the only boundary between the municipalities and-- The only boundaries that you

have -- this would be a water boundary. And in order to physically get from one town to the other you basically have two options. You can go on the New Jersey Turnpike or the Newark Bay Bridge through Newark, through Jersey City, into Bayonne; or you could, at a toll of about \$4; or you could go through Staten Island. It's a slightly quicker trip: 17 miles, \$16 in tolls round trip. So this isn't a water boundary that is connected by ferry, or marine service, or by bridges, or even a small body of water. This would be a substantial stretch of the definition of contiguity to put these municipalities together.

With respect to Elizabeth also, Elizabeth is one of the towns in New Jersey that has the highest number of households without access to a vehicle -- about 25 percent according to the 2000 Census. I'm not sure what the more current data is. And if you're looking at public transportation between these municipalities -- Elizabeth and Bayonne -- you're talking about an hour-and-a-half travel by three different methods of transportation: PATH, NJ TRANSIT train, PATH, subway. And there is not a sense of interconnectedness between these municipalities based on the length of time that it would take to travel, either by privately owned vehicle or by public transportation.

In terms of other aspects of the community of interest analysis, you don't see the things like shared media outlets, institutions; cultural, economic, political, and social ties that one would normally expect to see within communities of interest. Most obviously, there is a county boundary separating them. At least back to 1980, and possibly earlier back on -- I'm not certain -- these are districts that have never been put in a single municipality together.

Physical separation -- I mentioned that before. It's just a common water boundary. Road travel between the parts of the proposed district is just -- is pretty long.

Social service networks: When you look at entities that exist in Union County, you have agencies like Proceed, you have agencies like the United Way of Union County; and their mission statement is to serve Union County people, and they do a great job at that. Then you have entities in Hudson County like the United Way of Hudson County. Their mission is to serve the Hudson County families, children of Hudson County. So you don't have a community of common social service providers. Similarly you see this with hospitals. Trinitas Hospital, in Elizabeth, openly says, "We're here to serve central and eastern Union County. This is our focus." Bayonne Hospital says, "Our function is to provide for the health care and the needs of Bayonne and its neighboring communities" -- basically Jersey City.

And then finally, in terms of media, you have the *Star-Ledger*, which is really more focused on Union County issues. It has some presence in Hudson County. But really, the *Jersey Journal* -- with much more of a common focus there.

So the underlying point here is, based on the evidence that we've reviewed, Elizabeth and Bayonne do not have the same kind of common interests that would suggest they should be regarded as a community of interest for redistricting purposes.

Thanks.

DR. ROSENTHAL: Thank you.

Questions?

ASSEMBLYMAN CRYAN: May I just ask a quick one?

DR. ROSENTHAL: Sure.

ASSEMBLYMAN CRYAN: Just so we're clear, it's easier to traverse a district of Elizabeth and Bayonne by going through another state than it is to go from one end to the other. Is that correct?

MR. KOMUVES: It's a shorter distance, Assemblyman, and a shorter time. But there is one disadvantage to that: You're paying \$16 in tolls round trip to do that.

ASSEMBLYMAN CRYAN: Thank you.

MR. KOMUVES: Sure.

DR. ROSENTHAL: Thank you very much.

The next people to testify are Thania Melo, Salim Patel, and Rosa Rodriguez.

UNIDENTIFIED SPEAKER FROM AUDIENCE: Rosa Rodriguez is no longer here.

DR. ROSENTHAL: She is not here.

Thania Melo.

THANIA MELO: Yes.

DR. ROSENTHAL: Okay.

MS. MELO: Good afternoon, Commission.

My name is Thania Melo. This is-- Actually, I am running in the City of Passaic for the Board of Education. I'm new in politics, so I will speak as a resident of the City of Passaic.

The City of Passaic has grown a lot. It is a very diverse city. It's a city that takes -- that gives everyone an opportunity to actually run and provide something to their community. We would like to-- We are

happy where we are, and we would like to continue being in the 36th District. So I -- please -- stand in front of you and ask you, when you are ready to make a decision, to really think very eloquently and take into consideration that we are happy where we are. Please keep us there. As a citizen, again, and also as a member of the city and a happy resident of the City of Passaic.

Thank you.

DR. ROSENTHAL: Thank you.

Questions? (no response)

Mr. Patel.

S A L I M P A T E L: I'd like to first start off by thanking the Commission for their time and patience. I know it's a long, drawn out process. And it must be a grueling schedule for everyone to keep.

My name, again, is Salim Patel, and I currently serve on the Board of Education here in the City of Passaic. I'm proud to say that my father, Yakub (phonetic spelling) Patel, was the first South Asian to run for School Board in the City of Passaic -- a number of years ago. The reason I mention a number of years ago is that I did not follow in his footsteps right away. It was a number of years later that I was able to run and -- run for Board of Education. So it wasn't an overnight process of me engaging in civic participation, but it was an organic process for not only myself, but for minority communities.

I was the second South Asian elected in the City of Passaic, and the first Indian of Muslim religious background elected to public office in Passaic County. And that same year we had fellow commissioner Byron

Bustos get elected to the Board of Education as the first Ecuadorian to be elected to office, I believe, in the state.

Shortly thereafter, we had the election of the first Dominican-American mayor in the United States in this city, Mayor Alex Blanco. And during his ceremony I had the privilege to introduce Senator Menendez to the citizens of Passaic. I bring that up because, with Senator Menendez -- without packing, without bleaching, so to speak, New Jersey has been able to elect a United States Senator of Hispanic heritage. So when determining whether or not a given map is fair, we should be looking at persons and not voters. And I strongly believe this ensures that everyone will be considered. On the School Board, we represent all children in the city, not just those who happen to have parents who vote or those who are just citizens.

Being cognizant of the many Federal and State guidelines that must be followed, my argument is for a fair legislative map that will produce a Legislature that actually reflects our state, rather than packing minorities into as few districts, as possible as some would prefer. An argument stands that minorities are underrepresented based on Census figures. However, political representation has always been a methodical and steady process, and overnight change has never occurred. In the last decade, the current map, which did not endorse packing, produced the highest percentage of African-American, Hispanic, and Asian-American legislators in the history of the New Jersey Legislature. Amongst those we have Senator Nia Gill, Assembly Speaker Sheila Oliver. In District 35 we have Assemblywoman Elise Evans, Assemblywoman Nellie Pou -- who I'm not sure is still here. And in our district, in the district of Passaic, we are able to have an esteemed Assemblyman -- the first Orthodox Jewish Assemblyman in the

State of New Jersey. And I'd like to proudly say that we have Senator Sarlo who, from day one, has made his office available to the voice and the needs of the City of Passaic.

Packing a town like Passaic would have the opposite effect of giving voice to minorities. We would now have less of a voice and less representation if that were the case. Let's not give voice nor reason to a new old experiment, especially when certain parties have a compelling track record of muting minority voices. The last 10 years have shown never-seen-before gains by minorities seeking office. To change that course would be a serious step back for all of New Jersey.

I'd like to end with a quote I saw at a previous hearing by NAACP President Kibibi Tammari who said -- who likened packing to other forms of discrimination. Over the years, the NAACP has fought against literacy tests, grandfather clauses, lynching, and today remains committed against the more subtle yet equally insidious attempts to deny citizens of color the right to vote through packing and using turnout models to determine representation. "A process that favors citizens who voted over citizens who did not -- for whatever reason -- is fundamentally nondemocratic."

Thank you for your time.

DR. ROSENTHAL: Questions? (no response)

Thank you very much.

The next witness is Michael Mecca; Yuri Orellana and Kurt Dinkelmeyer.

SENATOR O'TOOLE: Mecca left, Mr. Mecca left.

DR. ROSENTHAL: Okay, Yuri Orellana. (no response)

Kurt Dinkelmeyer.

KURT DINKELMEYER: Yes.

DR. ROSENTHAL: You're Kurt Dinkelmeyer.

MR. DINKELMEYER: Yes.

DR. ROSENTHAL: So Yuri Orellana isn't here.

Maria Feliciano.

It's your turn.

MR. DINKELMEYER: Thank you.

The most important issue here is that all Americans in New Jersey are duly represented. The Constitution requires that legislative districts are crafted on a per-population basis, without a wide variation in density. Redistricting should support this, and it should also avoid gerrymandering in order to favor one interest or another.

Thank you.

DR. ROSENTHAL: Thank you, sir.

Any questions? (no response)

Ms. Feliciano.

MARIA TERESA FELICIANO: I'm Maria Teresa Feliciano.

Co-Chairmen, Professor Rosenthal, members of the Commission, on behalf of the Dominican American National Roundtable and the New Jersey Conference on Dominican Affairs, I would like to thank you for the opportunity to address the Commission regarding the redistricting of New Jersey's 40 legislative districts.

The Dominican American National Roundtable is a national organization founded in 1997 with the mission of representing and advocating for the educational, economic, and civil rights of the over 2

million Dominicans in the United States. The New Jersey Conference on Dominican Affairs is the state organization representing the over 250,000 Dominicans in New Jersey.

We understand that the issue before this Commission is the redistricting of New Jersey's 40 legislative districts and would like the Commission to consider the following in their quest to design maps that would lead to accurate representation of all of New Jersey's communities; a map that would reflect the will of the electorate, provide minorities with appropriate representation, and keeps communities of interest together.

Coincidentally, this week in 1965, President Lyndon Johnson went before an extraordinary joint session of Congress to urge speedy passage of an effective voting rights bill. "I speak tonight for the dignity of man and the destiny of democracy," Johnson began. "I urge every member of both parties, Americans of all religions and all colors, from every section of this country, to join me in that cause. Their cause must be our cause too," he said. Subsequently, the White House drafted legislation that banned literacy tests, named Federal vote registrars, and imposed Federal penalties on anyone who interfered with voting in local, state, and Federal elections. On August 6, Johnson signed the Voting Rights Act into law.

In a democracy, the principle of one person, one vote is a sacred concept. If the principle is to apply in New Jersey, then ensuring a greater voice for Latinos in the halls of power is the greatest test facing the legislative redistricting Commission as it enters the next phase of its deliberations.

The new legislative map must reflect the state's changed demographics. The emergence of Latinos as the largest minority in the state

requires the creation of majority Latino districts, or Latino opportunity districts that will allow us to elect candidates of our choice in numbers commensurate with our population. Currently, there are only eight members of the Hispanic caucus in the State Legislature, one State Senator and seven Assembly members. We are 12 short of the 20 that would reflect the state's 18 percent Latino population of New Jersey.

Neither the much discussed packing or cracking might do the trick -- might work. We might want to consider -- and this is what we're suggesting -- that the Apportionment Commission should understand that communities are not enclosed into city lines, they overflow them. The lives and residences of most New Jerseyans circulate not inside of city boundaries, but around commercial districts, service institutions -- such as hospitals, community agencies, houses of prayer, etc. Thus, the concept of communities of interest should be the key to effective redistricting, making sure that communities that actually function as one are not divided.

We propose legislative districts that will have cities with a high concentration of Latinos, such as Passaic and Paterson, as its center. Currently, legislators from three different legislative districts represent Paterson, Passaic, and Clifton. District 35 covers the City of Paterson, District 34 is Clifton, and District 36 is Passaic. This multiple representation hinders the ability of these communities of interest to elect a candidate of their choice. The increase of the Latino population in these three districts cannot be ignored.

Passaic has moved from 62 percent Latinos in 2000 to 71 percent Latinos in 2010. In Clifton, Latinos increased from 20 percent to 32 percent in 10 years. The Paterson Latino population has increased,

while the total population has decreased. Now Paterson Latinos represent 57.6 percent of the city, up from 50 percent in 2000. The City of Passaic should have Latino representation -- any Latino from Passaic, from any party. Paterson should be the same.

Other examples, like in Monmouth County -- has seen growth in the Latino community since 2000. In Freehold Borough, for example, the percentage of Latinos rose from 28 to 43 percent, while Red Bank's grew from 17 to 34 percent. Freehold, Red Bank, Long Branch, and Asbury Park are four key centers of the Latino community in Monmouth County. They share a common heritage, common community institutions. However, the Latino community in these towns is split in two districts. (timer rings)

I'm going to wrap it up. (laughter)

The New Jersey redistricting commission should consider creating legislative districts in these areas, as the Voting Rights Act provides for keeping together the votes of minority groups in districts so that they may elect candidates of their choice. In a democracy, the principle of one person, one vote is a sacred concept. It should apply in New Jersey, ensuring a greater voice for Latinos in the halls of power.

We look forward to working with the Commission to contribute in any way that we can to make sure that New Jersey achieves a constitutional redistricting.

Thank you.

MS. CRUZ-PEREZ: I do have a question, if I might.

DR. ROSENTHAL: Yes, go ahead.

MS. CRUZ-PEREZ: Thank you, Mr. Chairman.

Maria, because 26 percent of all minorities in New Jersey live in districts with Republican legislators, but yet we have no legislators of Hispanic or African-American -- on the other side of the aisle, what do you think Republicans should do to increase the numbers of Latinos and African-Americans in the Legislature?

MS. FELICIANO: I have noticed in the discussion today and throughout the day that much has been said about whether Democrats or Republicans do one or the other. I am no expert. I pretend to offer no solutions or paths to follow. Latinos want representation, Latino representation. Democrat or Republican is irrelevant to us. A city like Passaic, majority Latino, should be represented by a Latino. And I personally couldn't care less if was a Democrat or Republican.

As far as what each party should do to reach out and have Latino representation, I'm not in a position, I think, to offer any suggestions.

MS. CRUZ-PEREZ: That's okay. But it's a fact. Twenty-six percent of minorities in the State of New Jersey are represented by Republicans, yet we have no minorities in the Republican party in the Legislature. It's just a fact.

Thank you, sweetie.

DR. ROSENTHAL: Thank you very much.

The next witnesses: Michael Ryan, Reverend Vernon Walton, and Dierdre Paul.

SENATOR SARLO: Reverend Walton had to step out. He may be back, he said. I don't know if he's coming back or not, but he said he's going to try.

DR. ROSENTHAL: Then will he sign up again?

SENATOR SARLO: I told him he had to re-sign.

DR. ROSENTHAL: Okay. He will sign up again.

Dierdre Paul. (no response)

You're on alone, Mr. Ryan.

MICHAEL B. RYAN, ESQ.: Thank you very much.

DR. ROSENTHAL: You've got three seats, but only five minutes. (laughter)

ASSEMBLYMAN WEBBER: Not 15 minutes.

DR. ROSENTHAL: Only five minutes.

MR. RYAN: Professor, Chairs, and members of the committee, thank you very much for this opportunity.

First of all, I must say I am the Republican Chair of the Legislative District 39, however I am not speaking on behalf of any Republican, and I have not been authorized to speak on behalf of District 39. I'm speaking for myself and for what I think is the best interest of District 39. I have no connection in any formal or even informal manner with any other person from District 39 who may have expressed any views about the subject that the committee is meeting about.

I believe that District 39, as presently constituted, should be maintained, and that is entirely within the northeastern part of Bergen County. The municipalities within the district -- they adequately-- Well, that district as it's presently constituted adequately serves the community interest of the municipalities within the district. The district, as constituted, is based on the population as measured by the 2011 (*sic*)

Census, which is only 1.2 percent under the figure that results from dividing the State of New Jersey population's by the number 40.

And there are other relevant factors to continue the district as presently defined. It is most definitely a solid community. And I will call -- a community of interest. I will call to your attention a few evidences of that. Specifically, the populations -- there are 28 municipalities within the district. The populations of the municipalities, if we exclude the two lowest and the two highest, is 8,000. The municipalities are essentially and exclusively suburban. I do not have a figure for the median household income to present, but I will, with your permission, submit that subsequently. I believe it will show a uniform number for each of the communities, excluding the highest and the lowest.

The 28 municipalities are in a pie-shaped form. They are contiguous, and the contiguous factor is about 10 miles at the base of the pie and 7 miles on each side. They share very significant common interests. As I said, they are suburban, and they share interests in real estate, property taxes, education, public safety, transportation, and other issues. The municipalities have lost most of their school aid with one or two exceptions. The municipalities have lost almost all of the State aid to municipalities, in addition to the loss of subsidy and aid to the boards of education. That is a common interest for the residents.

Approximately 20 of the 28 municipalities are in a regional school district at the high school level. Many of the municipalities share services -- police, municipal public works, and other services. And those services -- they work well, and they work well because the towns know each

other, they have similarities, they get along, and they work out differences. And I submit that those conditions should continue.

As far as transportation is concerned, NJ TRANSIT operates a significant rail line running from Allendale to River Edge, which covers the entire western district of -- the western part the district. The other transportation is provided by bus service. And there are four common roads for all of these municipalities -- the easterly most being Knickerbocker Road, Tenaflly Road -- excuse me, Teaneck Road going up to the-- (timer rings)

Okay. I submit one further point, if I may.

DR. ROSENTHAL: Can you submit your testimony too?

MR. RYAN: Yes.

DR. ROSENTHAL: Do you have it written up?

MR. RYAN: Okay.

DR. ROSENTHAL: Oh, okay. Go ahead.

MR. RYAN: If I may, I recommend to the committee that they continue District 39 as presently defined. And I think it would benefit the people in those districts -- in those municipalities; and I think it would help significantly for the committee to achieve its goal, and that you will have a foundation. If you adopt my proposal, you will have a foundation to build a successful representation of the other 39 additional districts.

Thank you very much.

DR. ROSENTHAL: Thank you, Mr. Ryan.

Robert Wilson, then King Penna -- if I have it right -- and Shari Weiner.

UNIDENTIFIED SPEAKER FROM AUDIENCE: King Penna had to leave. King left.

DR. ROSENTHAL: Robert Wilson left?

UNIDENTIFIED SPEAKER FROM AUDIENCE: King Penna.

DR. ROSENTHAL: Oh, King Penna left.

Robert Wilson? (no response)

He left too.

S H A R O N L. W E I N E R: I'm here to represent a minority that hasn't been spoken about before: women. I'm Shari Weiner. I'm the past president and currently the Political Resource Director of the Women's Political Caucus of New Jersey.

The Women's Political Caucus of New Jersey, led by our President, Lisa Kaado, is dedicated to increasing participation in the political process, including increasing the number of progressive women in elected and appointed office, and creating a women's political powerbase to achieve equality for all women.

Every 10 years when the Census data becomes available, there is debate over representation to make sure every New Jersey representative -- every New Jersey resident is represented and to recognize those communities which have grown in population with fair representation.

I'm here today to make sure that our views are heard and, when the new map is drawn, all New Jerseyans will be represented. We understand that existing case law addresses the issues of minority representation, certainly addressed by many speakers today. But we feel that women deserve fair representation too. We are guided by our life experiences and, more than anything else, gender is the greatest factor that

determines life experience. Women public officials have different priorities and perceptions than their male colleagues. These differences were confirmed by a study by the Center for the American Women in Politics at Eagleton-Rutgers. The study found that women legislators of both parties were more likely than male legislators of either party to work on legislation specifically intended to benefit women and their families.

In 2010, New Jersey made significant strides. We have the first woman elected to Lieutenant Governor, the first woman Senate Majority Leader, and our first African-American Speaker. While these are significant accomplishments, we cannot allow ourselves to be complacent. Today, women make up over 50 percent of the population of New Jersey, but only 28 percent of the New Jersey Legislature. With 40 State Senators, only 10 are women; with 80 Assembly members, only 24 are women. And there are no women in our congressional delegation.

While we have made some progress over these last few years, we clearly have to do more. The Women's Political Caucus of New Jersey is paying close attention. We are concerned that we are losing ground with regard to the number of women in the State Legislature, and we see this as a two-pronged approach. First, we are concerned that women currently in the Legislature not be placed in a situation where two women currently serving have to face each other in reelection in a newly formed district, resulting in one being eliminated. Second, we are looking to the Commission for creating opportunities for more women to run for elective office.

We are also mindful that it is not only in the general election, but in the replacement appointments, that women have not been fairly

represented. Not that long ago, women made great strides in being appointed to replace men legislators who had been removed for unlawful activities. But the past four replacement appointments in the Assembly have been all male; and one replacement replaced a woman legislator.

While the goal of redistricting in -- to redistrict the New Jersey legislative election districts is to rebalance those districts to remain the one person, one vote proportion and satisfying the Federal Act, the end result should not leave an underrepresented group behind -- women. Women should be encouraged and supported in their efforts to enter the world of politics and become elected officials. We urge the Commission not to put obstacles in their path, as the residents of New Jersey will benefit if more women are elected to the New Jersey Legislature.

Let me end by playing with a plea from Abigail Adams to John Adams: "Commissioners, remember the ladies."

Thank you. (laughter)

DR. ROSENTHAL: Questions? (no response)

Thank you.

The next witnesses are Dan Pagano, Angelo Tedesco, and Reverend Michael Hahn.

ASSEMBLYMAN WEBBER: I don't see Angelo.

DR. ROSENTHAL: Angelo is not here.

Reverend Michael Hahn.

Dan Pagano, do you want to start?

DAN PAGANO: Sure.

My name is Dan Pagano. I live in Morris County, I was born in Paterson, and I work in Paterson. I have seen the get-out-the-vote effort leading up to a non-election (*sic*) day. It is vigorous and thorough.

I was not sure how to express my thoughts to this committee, who are better educated and more experienced than me. I realize you know more about apportionment than I could ever hope to know. So I decided to explain my relationship as a voter to you -- each of you as elected officials.

I recently visited my son in Los Angeles, and we went to the Reagan Library. We spent several hours learning and understanding the life and presidency of our 40th President. I was surprised by how completely President Reagan understood the American people. He also understood that others had continually underestimated us.

As I was leaving the Library, I was reminded of something I once read: The American citizen is the most powerful citizen on Earth because we have the power to vote. President Reagan fully understood our relationship. He also understood our power at the ballot box. And I hope each of you understand how important one person, one vote is.

I respectfully ask you not to devalue my vote by averaging me in with others who choose not to vote; I urge you not to diminish other voters by expecting them not to vote; and I beg you not to underestimate your ability, and the ability of other political candidates, to inspire other people to participate in our political process.

Thank you for allowing me to speak.

DR. ROSENTHAL: Thank you.

Reverend.

REVEREND MICHAEL J. HAHN: Thank you.

I'm Reverend Michael Hahn, and I want to thank you for hearing me.

I live on Market Street in Clifton. I used to live in Haledon, I used to live in Irvington, I used to live in Newark. I was in the Teamsters Union, I was in the UAW, I was in Metal Workers. I was the chief steward for the union.

It seems to me like-- I'm not against people putting people into office who are qualified. In 1965, Affirmative Action came in. Being a Caucasian, I was out. My boss said to me, "You'll never get hired. You'll never get to be a boss because of Affirmative Action." And it seems to me like the Spanish people -- not to say all-- But there are some unions that are bussing people here just to get their appointed view.

In 1993, my company relocated to Pennsylvania, and I've been retired since. I'm 63 years old. I don't want to see my children have to go-- I don't have children, but if I get married -- and it's not impossible to have children, it's not impossible to adopt. I don't want to see them go through what I did.

Affirmative Action doesn't work. I was in Cory Booker's meeting on Abbott. Abbott does not work. It did not make it. It just absolutely broke down.

Now, I'm Caucasian, but I don't want you to look at my race. I go to two black churches. I'm an elder in one and a Reverend. What I'm trying to say is-- The Bible says this -- I hope you don't mind. The Bible says this: God made all flesh, all colors, all nations. Jesus Christ made everybody. Now, that's hard to believe if you don't have the faith. But therefore I have to love everybody. I don't have to like everybody, but I

have to love everybody. His kind of love, not like man and woman. His kind of love is unconditional. He laid down his life for us.

What I am trying to do is lay down my life for the people here to examine. I did the Census in 1993, after I retired from there -- '93 or '95, whatever it was, I don't remember -- in Paterson, New Jersey. And when I did the Census, I went from one place to another place, and they said, "I'm not Spanish." They had them down as Spanish, to Costa Ricans, to Peruvians. There's others. Now, I'm saying not everybody said that, but some people just like to make everyone black and white. I'm no longer Caucasian according to the IRS. I am white. But I'm Caucasian. It says so on my birth certificate, just like on Obama's birth certificate it says he's half-Caucasian and he is half black. That's mulatto, but no one wants to recognize that, because they want to go with the flow of the people who just want to say black. And you're racist if you're not. But the NAACP -- when I was down at in Essex County at the meeting -- this meeting here down in Essex County -- said that only a full-blooded black person is a black person. A mulatto is -- it means half-black and half-white, or half-black and half another race. And I only found that out-- One day I drove a fellow home from work, and he said, "I'm mulatto, I'm not black." I thought he was black because he had black skin.

I just want you to check out some of these facts to see if these people are telling you the truth -- that there are this many Hispanics here or that many Hispanics there. Because Affirmative Action didn't work. My company went from \$25 million in the black to \$3 million in the red because they put Affirmative Action in, and they put-- When I say my

company -- I was chief steward of the union. I couldn't make it on one side, so God allowed me to be chief steward on the other.

I thank you for hearing me.

DR. ROSENTHAL: Thank you.

Thank you, gentlemen.

Jeffrey Dye, Kasim Washington, Finda Frances.

Jeffrey Dye?

J E F F R E Y D Y E: Yes.

DR. ROSENTHAL: Okay.

MR. DYE: Good afternoon.

My name is Jeffrey Dye, Executive Director of the North Jersey Local Residents Work Force. I'm also the Chairman of the Community Unity Leadership Council.

I am a little, somewhat confused. I really want to start out by saying I really wish that we had an educational process before this hearing on the redistricting so we could be better educated in reference to what is actually going on with the redistricting. I'm not going to sit here and claim that I am educated to the facts of redistricting. I just know what we are under here in the City of Passaic in terms of the black community and the Latino community.

Now, I had to sit here and hear so many speakers speak about the Latino community, and that's great. That's great. I am also offended by most of them -- most of the -- some of the speakers who spoke on our -- claiming to be on our behalf, and as soon as you guys leave here, they don't advocate for the African-American community at all.

There is a major, major problem here in this city and it starts with Gary Schaer. Gary Schaer is almost like an abomination for this community. Gary Schaer has-- I mean, they call him here the "puppet master." And the reason being is because most of the elected officials who are here now are controlled by him. Gary Schaer is the Assemblyman, Gary Schaer is the Mayor, Gary Schaer is the Council President, Gary Schaer is the D.A. He controls every last one of them.

When it comes to redistricting, I'm just for anything to take him away from here, because he does not represent this city. He does not -- at least this half of the city. He had so many of his people come up here and speak about redistricting -- how it would be best for us here -- Zaida Polanco, Salim Patel, the other young lady who spoke who is running for the Board of Education. All of them are being endorsed by Gary Schaer. These are the very same people who don't even speak at the Council meetings, don't speak at the Board of Education meetings. You're just, all of a sudden, seeing them in this upcoming election. So for him to bring all of his support down here, including his Acting (*sic*) Mayor Alex Blanco, is a travesty at best in terms of representation for this community.

It's almost like gerrymandering is going on here. There's a genocide being committed here in the City of Passaic when it comes to the black community. I'm also ashamed and offended that we don't have a black elected official here speaking about this. I would like to see Paterson and Passaic put together.

There was no advertisement. Alex Blanco sits right there every Council meeting, plays on his -- texting -- with the texting and Facebook. He's a fan of the Facebook. He's a favorite. Why couldn't he put this on

Facebook -- that we're going to have redistricting hearings right here in the City of Passaic? I had to find out by going to the Democratic Club last night. I don't know whether it was in the paper. I don't know how it was advertised.

But I want to just stress the point that black folks in the City of Passaic are going through hell under Gary Schaer, period. It's a fact. As far as our representation, I really don't know who our other Assemblyman is. I know that our Senator is Paul Sarlo, who we don't see in the City of Passaic, who we only see around election time when he comes through and does his little dance up at Wayne Austin's (phonetic spelling) house. (timer rings)

Gary Schaer is not a friend of the black residents in the City of Passaic. And I pray to God that they do something about getting rid of him.

DR. ROSENTHAL: Thank you.

Mr. Washington.

KASIM WASHINGTON: First and foremost, I'd like to thank the God of (indiscernible) understanding for allowing -- blessing us all to be able to live another day and be able to go onto another night. For this, I am truly grateful.

I, too, happen to be -- I am a city advocate of the City of Passaic. I, too, am not so savvy -- politically savvy about this redistricting. I was told about this today. And I'm in support of brother Dye who says that -- why is it that the city, as a whole, wasn't informed about this event? But I don't understand that.

When it comes to redistricting, one of the reasons why we know that Mr. Schaer wouldn't want to be collaborated (*sic*) with Paterson would be because he wouldn't become Assemblyman anymore. We know and understand that. But also, he's an intimidator in this city. And everything that I'm saying -- I'm glad it's on record, because you can go to the Council meetings, and get the CDs or the documentation, and see it for yourself.

At the last Council meeting, Mr. Schaer gave information to the City Attorney about a resolution. The City Attorney himself, inside the meeting on the tape, said that the resolution, according to Councilman Terrence Love -- who brought this out because of the questions that were being asked by the -- to the City Attorney-- They said that this resolution was complete -- was incomplete. And the City Attorney, along with the Business Administrator Ricky Fernandez, also said -- and it's documented -- that it was illegal for that to come to -- for that to transpire. So you mean to tell me that-- I have to say -- and I have to say *our* because right now he is our Assemblyman. You mean to tell me that our Assemblyman would give information -- bogus information to a City Attorney, to pass for his home -- own agenda, to stop a black woman from getting a position that she rightly deserved? It's totally disrespectful.

And if we knew that this was going to take place today, I guarantee you we would have had at least a minimum of 300 black people inside this council chamber. And it's not that we're racist. But anybody who talks against Gary Schaer -- he'll label you to the Jewish community as anti-Semitic.

MR. DYE: That's right.

MR. WASHINGTON: When, in fact, I spoke up for every different issue -- within every -- inside every different ethnicity in this city. It's not that we're for one -- how could we be for one selective group when this is a multicultural city? The city is very diverse.

MR. DYE: That's right.

MR. WASHINGTON: And I feel like it's disrespectful for any of my Latino brothers and sisters -- and I say that again -- for any of my Latino brothers and sisters to come up to this podium and say that because a certain area might be dominated by a certain ethnicity, that certain ethnicity should have the power to rule. It's a total disrespect. Because it's not about a Latino, or a black person, or a Filipino, or an Italian, or a Jewish person. It's about the right person for the right position -- and do the right thing for the masses of the community. It's not about no (*sic*) ethnicity. That's a total disrespect.

And then I have to ask all-- Respectfully, I have to ask the Republicans and the Democrats this question: If the Republicans and Democrats can't get it right in Trenton, or you can't get it right in Washington, how do you expect the Bloods and the Crips on the streets of this county to get it right? Most of them look up to you. You are our leaders. Although I can look at that as perception, because I truly believe that everybody has the ability, through God, within them to be their own leader. But at the same time I'm going to say that you, as Assembly people in particular-- If you did just a little bit-- Gary Schaer is the Assemblyman of the 36th District, of which we are a part of, and he is also our Council President. But if you go downtown -- and this is the city where he lives at --

if you go downtown and you ask them who Gary Schaer is, they'll tell you they don't even know who he is.

MR. DYE: That's right.

MR. WASHINGTON: They don't even know who he is. And I, Kasim Washington, who happens to be the Founder of the Kasim Washington Group, who fights for economic, social, and political empowerment for the masses of the community -- for everybody, not just one particular group-- We will protest -- and I guarantee you, with all our might -- to make sure that Gary Schaer does not get elected to the Assembly again, for the sole purpose that that man uses people within their own ethnicities or their own so-called *communities*. And I hate to say that, because it's supposed to be one community. But because we look at it -- unbeknown to us that we're separate communities -- to the point that even Gary Schaer plays, in particular, on the Latinos to go against each other.

MR. DYE: That's right.

MR. WASHINGTON: He did it with the Indian community; he did it with every ethnicity, every community in the city. And, in fact, to the Assembly seat -- Gary is so disrespectful that he even disrespects you by carrying the name Assemblyman.

Thank you very much.

DR. ROSENTHAL: Thank you.

Ms. Frances.

F I N D A F R A N C E S: Yes.

Good afternoon, ladies and gentlemen.

Thank you for having me here today.

I'm here to talk on a new map that is being planned to be drawn. The new map has been planned not counting on the vote -- turnout of the vote, but the people's right (indiscernible) exists on a majority of the people basis.

So I'm a CNA in Cranbury, New Jersey. I live in Trenton, but I work in Cranbury. I'm a certified nursing assistant -- 1199 SEIU union.

And speaking on the new map-- The new map lays a foundation that is -- shouldn't be counting vote turnout, it should be written on the (indiscernible) population basis so people can be heard and represented.

Thank you.

DR. ROSENTHAL: Thank you.

Horacio Ray Carrera, Heather Smith, Richard Babcock.

Mr. Carrera. (phonetic spelling)

H O R A C I O R A Y C A R R E R A: Carrera. (indicating pronunciation)

DR. ROSENTHAL: Carrera. (indicating pronunciation) I'm sorry.

MR. CARRERA: Yes, it's Horacio Ray Carrera.

Good afternoon, ladies and gentlemen.

Thank you for being here this late, and thank you for allowing me to come and share my experience before you.

I'm not a politician, although I've run for the Board of Education four times. I'm more of a community activist, public servant.

And the reason I felt it's important that I'm here today is because I want to share with you my experience as a first-generation

American. I'm son to a mother and father of Mexican descent. I'm very proud to be an American citizen, although, for a very long time, I didn't feel like an American citizen. I felt like an outsider in this, my country. And the reason being is because I grew up in a predominantly Irish-Italian community -- second, third generation. And me being first generation, and not having people like me around me-- They didn't understand me. They didn't understand my background, my ethnicity. And for a long, long time I felt like an outsider.

And it wasn't until I came of age and started interacting with people in communities that were reflective of my ethnicity that I felt a sense of being, a sense of belonging. I found my identity. I am an American. I'm proud to say I'm American, and I'm also proud to say I'm Latino.

But being Latino also is not just about being Latino, it's about being Mexican, about being Puerto Rican, about being Cuban. We all have our differences, and those differences are what contribute to the greatness of this state that has a large Latino population -- and I might say this nation. This nation is built on immigrants, it's built on diversity.

So when I hear that some of the proposals are to include us in another district just because we're minorities, it's going back to the way it was when I was a youngster, where everybody who was brown like me, who had a last name of Latin origin, was Hispanic. You weren't Mexican, you weren't Puerto Rican, you weren't Cuban -- you were Hispanic. And that's what I think is wrong. And we shouldn't do that, because then instead of encouraging our Latino constituents to come out and be part of the process, you're discouraging them, because they don't feel American. They don't feel any ownership.

So in this country, right now, what we're facing is polarization. The last thing we want to do is pack districts instead of encouraging engagement with our Legislature, with communities to get to know who we are. We're not all border-jumpers like they put us out to be. We're not all illegal immigrants who are here to rob. Yes, my parents were illegal immigrants at one point in time, like many of the people of my generation who came here. And because of the immigration laws, they became-- Today, those people, those young men and women have served this country. I have a brother who went to Cornell, who went to George Washington University, who is assimilated, who is contributing to the fabric of this nation. And like that-- There are many of my generation just like me.

So, please, don't buy into this -- that if we pack a district, we're going to somehow elevate leadership or-- No, it's not like that. What you're doing is lumping us all in. You're discouraging us from engaging in the political process.

I just wanted to share that observation with you and, once again, thank you very much.

DR. ROSENTHAL: Thank you.

Richard Babcock.

RICHARD BABCOCK: Yes.

Good afternoon, and thank you for this opportunity to address the Commission.

My name is Richard Babcock, and I'm from Morristown.

My remarks will focus on just a few drivers that I believe must be at the core of the decision-making process in redrawing the current

legislative map. These drivers are simply the ideas of fairness and proper representation.

Fairness and proper representation of all the voters is essential to the proper functioning -- to a properly functioning representative democracy. When some of the voters are given more or less weight than others, the principles behind one man, one vote are being violated. To draw a map that considers the comfort or familiarity of the voters is to allow ideology to enter into the equation, and that must be constructed only for that reason.

It's not reasonable to draw a map that goes against the will of the people in order to find -- or to give favored status to any politician or any voting bloc. It is equally not reasonable to draw a map that stands in contrast to the will of the clear majority of the voters. It is not reasonable to construct a favored status for those citizens who are eligible to vote but choose not to.

Reason must be part of this process. And to do otherwise merely results in a system that does not adequately or fairly represent the will of all the people. Williams Jennings Bryan said that equal rights to all and special privileges to none is the maxim which should control -- should be in control of all departments of government. So to draw a map that gives disproportionate weight to some voters over others is neither fair nor equal. Such a map necessarily bestows privileges on some and not on others. When a system, by its very construct, negates the will of the majority of the people, it is not doing what it is intended to do. When a statewide candidate, such as our Governor, wins a majority of the votes, this demonstrates the will of the majority. But when we see the results based on

the current districts, it is logical to conclude that the will of the people was not being served. When the Democratic party shares -- the Democratic party's share of the votes decreases, yet their share of representation increases, it's not difficult to conclude that the system is flawed and clearly built to the advantage of some while disadvantaging others.

The actions of this Commission will have a dramatic effect for our state for the next decade and beyond. Your decisions will determine whether or not New Jersey will shake off its image as a state that's mired in inside politics and corruption, or be the New Jersey that we all wish it would be -- a state that respects all the citizens, a state that embraces political transparency and honesty over backroom dealing and identity politics.

I believe I speak for many of my fellow New Jersey citizens when I say that we, the people of New Jersey, want a state that's going to be a bright and shining example that believes in what we believe in and acts the way we act -- that actually understands that honesty, transparency, and fairness are not a political choice but simply the way things ought to be.

We all want to be able to brag that our state is the leader of all things that are good, rather than have to make excuses to our friends from out-of-state about why things are the way they are. We want our representatives in Trenton to actually be doing the people's business, not their business or the business of some special interest group with perhaps interests that are contrary to the majority. We all want to be able to go out into our lives, pursuing our happiness and success, all the while knowing that our government has got our back and not fearing that they're sticking a knife in them.

Fairness and proper representation is what we desire and what we deserve, and what you are tasked with supplying the people of New Jersey. And I hope and pray that you are able to see past ideology and special interest pressures, and do what is in the best interest of the majority of the people of New Jersey.

I thank you for your time.

DR. ROSENTHAL: Thank you.

SENATOR SARLO: Mr. Chairman.

DR. ROSENTHAL: Yes.

SENATOR SARLO: Can I make one comment?

Just to Mr. Carrera, I want to thank you for your testimony. And I know a lot of the young students, not just from the Mexican population but across the board, clearly look up to you and what you're doing in this community. So keep up the good work.

MR. CARRERA: Thank you very much.

SENATOR SARLO: Thank you for your testimony.

MR. CARRERA: Thank you.

DR. ROSENTHAL: Thank you.

The next witnesses: Scott and Christine Russell. (no response)

Scott and Christine Russell aren't here.

Isabel Agudelo, Emiliano Lemos, Christian Estevez.

Go ahead.

I S A B E L C. A G U D E L O: Thank you.

My name is Isabel Agudelo, 347 Howe Avenue, Passaic New Jersey. I've lived in the city for 30 years. I am an immigrant. I'm very proud to be part of the family of Passaic.

I am here because it is not true that we want to be packed into, like, one similar interest community. Passaic is a diverse community -- black, Spanish, Indian, Jewish, and a lot of other communities beside the native Americans. We are very happy -- trying to go ahead to bring the city to a better development. Right now the city is trying to go ahead.

I'm here, unfortunately, with no visual package to leave for the committee, but I will send it by mail. I was waiting for more information on this procedure. But I would like to ask the panel-- I don't see on the panel enough women to make decisions. First, I don't see enough black community-- So I see-- If we are going to (indiscernible) with this procedure, we see no (indiscernible) on the committee to make the decision, first.

And second, when you make the decision, please, think in the city. We want to go ahead like a diverse community. I know everybody said this afternoon over here that multicultural, multi-(indiscernible), multiethnicity-- But it is true. We have different languages, religions, backgrounds. But this city -- want to be in District 36 because we are trying to develop the economy not only of Passaic, but the whole district and all of Passaic County.

I appreciate your willingness to hear me. I will send my package by mail to the committee.

Thank you.

DR. ROSENTHAL: Thank you.

Mr. Lemos.

EMILIANO LEMOS: Good evening.

I am Emiliano Lemos, member of the Latino Action Network, a proud member of the Morris County Chapter of the NAACP, and a citizen of this country.

More than an honor, it's a necessity -- a moral obligation to present my testimony before this Commission.

Some people are proposing that only people who voted in the past should be counted in determining whether districts are fairly drawn. They say that the counties with higher past voter turnout should get more weight in the map instead of giving equal weight to all districts in all parts of the state.

More than 20 years ago I was obligated to leave my native country. And I came to live in a small town in Morris County called Dover. At that time I didn't have the opportunity to choose and to be chosen to elect the ones who would develop policies in favor of the community or be detrimental to it.

Last year, I became a citizen. And I immediately registered myself to vote. And I was also campaign manager for a minority aspirant to be a council member in my town. Today, I am running for a seat on the local Board of Education. I have rights; we have rights. Our opinions and voices need to be heard. The new map should be looking forward, not backward.

There should not be an assumption that everyone who didn't vote before -- the young, the recent immigrants, or those who are just not engaged in politics for whatever reason -- will be disengaged for the next decade. That is unfair, undemocratic, unethical, and un-American.

Communities of interest are connected so closely in New Jersey. Almost 80 percent of the 24,000 people in the State prisons are African-Americans or Latinos. Minorities are the most affected in this state by unemployment, poverty, and health disparities. Our ties are more than geographic, cultural, or economical. We are connected by social justice. Don't you believe that it is necessary and morally correct to let us, the communities of interest, elect from our grassroots the ones who will bring our concerns and points of view? We have the right to choose.

Therefore, I propose that communities of interest in the new map of the 25th Legislative District be an essential part. I ask that towns such as Netcong, Mount Olive, and the Chesters be added; and towns like Boonton, Boonton Township, Denville, Mendham Township, and Mountain Lakes be removed.

Morris County has seen a strong growth in the Latino community since 1990 -- some of the higher rates of growth in the state.
(timer rings)

DR. ROSENTHAL: Could you finish off and submit the testimony?

MR. LEMOS: Yes, two lines and I will be finished.

DR. ROSENTHAL: Two lines, all right.

MR. LEMOS: Thank you.

For example, Dover grew -- up 70 percent in the Latino population, and 78 percent of the Latino population in the schools. And we don't have Latino members in the Council, and we are underrepresented in the Board of Education. That is the reason that we are asking, in this

redistricting, to please-- We have the right to choose our own people who will be representing here.

Thank you.

DR. ROSENTHAL: Thank you.

Mr. Estevez.

C H R I S T I A N E S T E V E Z: Thank you.

Good evening.

My name is Christian Estevez, and I am the Executive Vice President of the Latino Action Network, a broad, statewide coalition of Latino organizations dedicated to political empowerment; the promotion of civil rights; and the elimination of disparities in the areas of education, health, and employment.

We testified extensively at the earlier hearings about the dangers of both packing -- concentrating large numbers of people of color in a small number of districts in a way that dilutes the overall political power of our communities; and we testified about cracking -- dividing communities of interests over multiple districts to the point that we have little or no influence in any district.

We also testified about the need to look beyond simple numbers and to look at the real communities of interest on the ground -- that while you might be choosing between two districts that, on paper, are the same percentage Latino -- that that's not the right standard. The right standard is what defines a real community of interest. And you have been hearing testimony on many of those communities.

My testimony today focuses on two points. First, some further discussion on the community of interest standard, with particular examples; and second, on the basic issue of one person, one vote.

Again, you can't go by numbers alone. We previously used the absurd example of a district that combines part of Newark with a part of Jersey City to create a majority minority district. More recently, we have heard of an equally absurd proposal that is actually being, from what we hear, proposed: including the City of Passaic, where I'm testifying today, in a district stretching all the way to North Bergen, in Hudson County -- would run counter to the communities of interest principle, even though the Latino numbers may be above 50 percent. The numbers look good on paper, but the communities do not actually connect with one another. Those considerations must be central to the final map.

Let me give you an example of what you should do. You heard last time from Atlantic City Councilman Moisse Delgado about a district from Atlantic City to Vineland. We strongly endorse that district today because it meets our principles of community of interest. Though there may be other ways to draw districts in that area that might look similar in terms of numbers, there is a particular community of interest that needs to be united, not split as in the current map. There are a series of links between the Latino community in that area -- between Vineland and Buena, Buena and Hamilton, Hamilton and Egg Harbor Township, Egg Harbor Township and Atlantic City -- that need to be preserved. These links make one community blend into another.

And the communities also all tie together in a critical way. They are all connected not only by the Latino community, but also by the

casino industry. I can speak to that personally. For eight years I was the State Apprenticeship Coordinator for the AFL-CIO. I worked with the casino industry in that area to recruit women and minorities for the -- to be cooks and chefs in the casino industry. And our recruitment efforts took us all the way out to Vineland, where we spoke to many kids whose parents worked in the casino industry, lived in Vineland and throughout this entire corridor, and they want to follow their parents into this -- into careers in Atlantic City. So I saw, firsthand, how people who lived along this corridor that I'm speaking of actually work and interact with Atlantic City.

It is very troubling that the current map cracks Vineland from Buena -- I say Buena (indicating pronunciation) but they say Buena (indicating pronunciation) (laughter) -- and Hamilton, despite the historic ties to one another and strong links between the communities. These communities should all be part of a district along the Black Horse Pike to stop the communities from being split.

Closer to where we are today, we believe Nutley would be more appropriately placed in an Essex County legislative district, as it shares little in common with Passaic, which has led to difficulties for the Latino community in Passaic electing candidates of choice. We also believe a town like Ridgefield Park should be added to the current 37th District. We believe this is an area where there should be Latino representation, and we think that that should be a priority in redrawing the districts in this region.

And we would be remiss if we did not mention, here in Passaic County, that the 35th District does include most, but not all, of the towns that form a strong community of interest for the Paterson area Latino community, with Haledon, Prospect Park, and North Haledon correctly

included; but Elmwood Park and Woodland Park being omitted. We hope that this will be the decade where we see a Latina Senator from the 35th District.

These are also-- So these are a few good examples of communities of interest. Let me move on to the key issue of one person, one vote. I served for three years on the Board of Education in Plainfield. And I remember going to meetings with other Board members and meeting an 18-year-old elected Board member from Holmdel, another 18-year-old from South Brunswick, and a 19-year-old from Paramus who were all elected to the School Board. They reminded me of a 20-year-old who was elected to the School Board back in 1974 while he was still in college. He worked hard in that position and became Mayor of his town. Then he was elected to the New Jersey Assembly, then to the State Senate, then to the U.S. House of Representatives, and today he is New Jersey's first Latino U.S. Senator -- Bob Menendez.

Why do I tell you these stories, and what do they have to do with one person, one vote? There are people who have testified (timer rings) who argue that the only people who have--

DR. ROSENTHAL: Could you finish up?

MR. ESTEVEZ: I will finish up -- that the only people--

DR. ROSENTHAL: And then submit the testimony.

MR. ESTEVEZ: I will. Thank you, sir.

DR. ROSENTHAL: Thanks.

MR. ESTEVEZ: People have testified that only people who voted in the past should be counted. And the question would be: What would happen to these young people and their voice if they were not

counted? I just ask that we look at these factors and that we do the right thing.

We thank you for having these public hearings. And we ask that when you go into these final deliberations that you look beyond just the numbers.

Thank you very much.

DR. ROSENTHAL: Thank you.

Russell Cote, Joseph Hicswa, and Walter Porto.

Russell Cote, do you want to start? (affirmative response)

ASSEMBLYMAN WISNIEWSKI: You need to use the long microphone. (referring to PA microphone)

R U S S E L L C O T E: Who is awake? Anybody? Come on, you guys look like you're sleeping back here.

It's nice to see everybody again. I would have been in Atlantic City, but there was a 100 percent chance I would have wound up at the craps table, and that would not have been good for anybody; so I had to come back today.

My name is Russell Cote. I am here today on behalf of Sean Spinello, Esq.; Lyle Himmel, Esq.; Philip Grimm; Jon Haldeman; and the rest of the Bayshore Tea Party Group Redistricting Committee. They couldn't be here today because we've literally been burning the midnight oil for the last 72 hours drawing our own map, and we've been doing it with a pencil, a six-foot map of municipalities in New Jersey, and 8.7 million people, and that's pretty much it.

I can tell you though, after having done so for the last 72 hours, I do have a new-found appreciation for the difficulty of your task. New

Jersey is not the easiest state in the world to cut up on a map. We've got some crazy-looking municipalities, we've got some crazy-looking counties, and it doesn't make for an enjoyable experience. I'm not going to lie to you. On that note though -- allow me to digress -- all due respect to the residents of Tavistock Borough, in Camden County, New Jersey, population five -- you might want to consider consolidating. (laughter) It threw my entire Camden map off. I had to start all over again. (laughter)

So our job is difficult; but our job is difficult and we're only considering three requirements. I've said it now -- this is my third time here. We are only considering the three textual, constitutional requirements for drawing legislative maps -- that being equality of population, contiguity, and compactness. And now I understand why the Constitution says "to the extent practical." I get it.

We have accomplished this. We split no towns other than Jersey City and Newark, and we have not over-split a single county in New Jersey. It is possible, and I will call Patrick Murray and tell him that.

In any event, your job is harder, but I think your job is harder because you make it harder on yourselves. And I'd like to illustrate what I believe to be the underlying substance of much of the testimony, going back to Toms River, Camden, Jersey City, Newark. I wasn't in Atlantic City, I'm here now. This goes for everybody else here. You guys waited me out, but I'm not leaving.

Look at the person to your left, look at the person on your right. And if you believe that they vote the way they vote because of the color of their skin-- Ladies and gentlemen, I submit to you that that is a significant cultural regression in this country. That is not progress. That is

not moving forward. That is a bad thing. And I submit to you that the substance of much of this testimony is just that -- people vote the way they vote because of the color of their skin. Black people vote because they're black, Hispanics vote because they're Hispanic, white people vote because they're white, Asians vote because they're Asian. It's nonsense. It's complete and utter nonsense.

On one person one vote: Fifty years ago they laid down that principle, one person, one vote. And it seems to me that much that-- We've gotten to a point where it's almost one color or one ethnicity, one vote. And, again, that is regression. I do not believe that there is a genetic predisposition to voting any particular way based on the color of your skin.

I submit to you today, based on our map-- I have no idea what the demographics of my map are -- what the Bayshore Tea Party Group's map is. I have no idea. I don't really care. We took 8.7 million people and wacked it up into 40, and it fit. Our principles are a little stricter than yours. We don't go 3 percent up, 3 percent down. It's a 6 percent spread, and we did it. I don't know what it is. I don't know the ethnic breakdown, I don't know the racial breakdown, I don't know the party affiliation; and again, I don't care. It would be fun to know at some point. But, again, we submit to you that it does not matter. It doesn't matter what the demographics of these districts are.

I said it before and I will say it again, if that map that we will submit -- and I will get to that in a second -- winds up being 120 Democrats, 120 Republicans, or any other version thereof, so be it. It doesn't matter. At least we can look back and say (timer rings) that the process was fair and that every single person, based simply on the

population -- their vote mattered equally. At least we can look back and say that. We don't care how it winds up. That's the honest to God truth.

DR. ROSENTHAL: Can you conclude please?

MR. COTE: I'm sorry?

DR. ROSENTHAL: The timer--

MR. COTE: Oh, I apologize. I'll finish with something Ms. Cruz-Perez said in Jersey City, which I agree with wholeheartedly. She said this process should not unfold to pit one group against another. I agree with that entirely. However, I submit to you the only way to do that is to look at the Constitution. There are three provisions in there. Cut the map up that way and we won't have any of these problems.

I thank you for your time again. I want to thank you for your transparency as well. These six meetings -- I think it was six meetings -- wonderful, and I thank you for that.

I talked to Mr. Palatucci, though I do need to ask-- Seven, I apologize.

Is there a process for submitting? We have a map, and a data key and -- electronically.

DR. ROSENTHAL: Yes.

MR. COTE: I just want to request permission to submit that into the record.

DR. ROSENTHAL: Of course.

MR. COTE: I didn't bring it with me. I apologize.

Is that okay?

DR. ROSENTHAL: Submit it to--

MR. PARISI: See me afterward.

MR. COTE: Is that okay? (affirmative responses) I appreciate it.

Thank you very much for your time.

DR. ROSENTHAL: Thank you.

Mr. Hicswa.

J O S E P H E. H I C S W A: Thank you.

My name is--

Honorable Commissioners, my name is Joseph Hicswa. I am a Native-American. I was created in October 1924, I was born in July 1925. I've been a resident of Passaic since the mid-1950s. I was a property owner and a property taxpayer.

From the sidelines I've watched a political process here in the City of Passaic. I've seen transitions of ethnic groups, religious groups, and cultural groups. And as the descendents of one particular group would become educated and go on to other places because of the economics and their jobs, eventually their parents and grandparents either moved on or died off, and that particular group would be replaced by another group.

Each of these groups had representatives and candidates in the political process here in the City of Passaic. Some of those candidates turned out to be scoundrels and there were scandals. But basically most of them were for the betterment of the community, trying to represent everybody despite the cultural background or religious background of that particular official.

So for myself, I am satisfied with the status quo in this particular district.

Thank you.

DR. ROSENTHAL: Thank you.

Mr. Porto.

WALTER PORTO: Yes.

Walter Porto, 127 Brook Avenue, Passaic. Welcome to my hometown.

I'm also an immigrant, Latino immigrant, from South America. I've been in Passaic since 1973.

As far as the rest of the districts, I'm not familiar with them; but I do know what hits home, which is District 36.

Up until about nine years ago -- correct me, Senator Sarlo, if I'm wrong -- this -- we were represented by Assemblyman Kelly, Assemblyman DiGaetano, and Senator Scott. After that, we received Assemblyman Schaer, Assemblyman Scalera, and Senator Sarlo.

There are somewhere around 90,000 voters in this district. Correct me if I'm wrong.

SENATOR SARLO: City of Passaic?

MR. PORTO: No, the City of Passaic has 23--

SENATOR SARLO: Approximately 219,000 right now.

MR. PORTO: Okay, 219,000 -- that makes my case even better.

When you have 219,000 registered voters, and at the end of the day in November, our Assemblymen or Senator get elected by no more than 2,700 to 2,800 votes, it shows you that there is proper representation; and it shows you that one of the parties didn't do their homework, they didn't do their get out to vote. But the people in this district -- when there is only 2,000 votes that determine who is going to be representing us out of

200,000-and-something, I think it's very, very close. It's 1 percent. I don't think other districts in New Jersey -- they get determined by 1 percent of the registered voters.

I'm a Latino immigrant, and I'm happy with the way District 36 was done.

I don't know-- I wouldn't want to be in your shoes making this determination for the next 10 years. I know you're in a tough spot here. Maybe the economic downturn is what determined the last election. I think it was three years ago. The Democratic ticket won again. They were able to deliver extraordinary aid, they were able to maintain our public safety. They make our wives and significant others safe when they're walking the streets. They were able to bring revenue to basically offset a high tax increase like what happens in other municipalities -- in Passaic County, not in District 36.

I'm sure you're familiar with 159 laid off in our sister City of Paterson. You're familiar with 29 to 30 percent increase in taxes -- property taxes in our sister City of Paterson. Here we might be facing somewhere around 3.5 to 4 percent, which is more than the cut that the government established, but it's still livable with.

What I'm trying to tell you is that I feel we are in a district with proper representation, with 1 percent of the vote basically deciding which way to go.

Thank you very much for your time. And I thank you again for coming to Passaic. And you're welcome to come back anytime.

SENATOR SARLO: Thank you.

DR. ROSENTHAL: Thank you.

That is the last witness. If there is no other business, we will adjourn the hearing.

Thank you.

(MEETING CONCLUDED)