

UNITED JEWISH ORGANIZATIONS
OF WILLIAMSBURGH AND NORTH BROOKLYN
פאראייניגטע אידישע ארגאניזאציעס פון וויליאמסבורג
און נאָרטהרוקלין

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May 4, 2022

Hon. Patrick F. McAllister
Steuben County Supreme & County Court
3 East Pulteney Square
Bath, NY 14810

Re: Tim Harkenrider, et al. v. Governor Kathy Hochul, et al.

Index No. E2022-0116CV

Submission of Interested Party: United Jewish Organizations of Williamsburg and North Brooklyn.

Dear Justice McAllister:

We are writing on behalf of the United Jewish Organizations of Williamsburg and North Brooklyn (UJO). UJO is a social service agency that for over 50 years has been representing, among others, the 75,000 Yiddish speaking North Brooklyn residents.

Due to our organization's intimate knowledge of the Yiddish speaking area of North Brooklyn, our organization is well positioned to make a thorough case for the recognition of this community as a community of interest.

During the 2012 redistricting, our contention that this community is a community of interest was accepted as demonstrated by the final maps that kept our community within a single Assembly district, a single

Congressional district and largely within a single State Senate district. We hope that you will again recognize the importance of keeping our community together as has been the precedent. This report builds on prior testimony that we gave to the Independent Redistricting Commission.

Background

Over the years, the Yiddish speaking community has expanded from South Williamsburg to the neighboring areas of Bedford-Stuyvesant and Clinton Hill. The 2012 Congressional, Assembly and State Senate maps largely kept the community intact within single voting districts.

The maps drafted and enacted by the legislature this year, however, did the opposite. Our community, previously almost exclusively in just one Assembly district, was cut into five separate Assembly districts! The State Senate maps similarly cut our community exactly in half.

The only 2022 maps that respected the integrity of our community were the Congressional ones. We ask that this recognition be extended to the State Senate maps as well.

Legal Background

The NY Constitution commands that “districts shall not be drawn to discourage competition or for the purpose of favoring or disfavoring incumbents or other particular candidates or political parties. The commission shall consider the maintenance of cores of existing districts, of pre-existing political subdivisions, including counties, cities, and towns and of communities of interest.” (NY Const art III, §4, cl (c)5)

The implication in this language is that a failure to maintain communities of interest within single districts dilutes their voting power and thereby discourages competition.

Williamsburg's Jewish community is a community of interest.

There are many factors that bear on whether a community should be classified as a community of interest. (Brennan Center for Justice at NYU Law, A Citizen's Guide to Redistricting 56, 2010 ed.) What makes the Williamsburg community an easy case is that no matter what factor we choose we will almost always get the same result.

The community is a geographically compact area in North Brooklyn as defined by the attached maps. For the below analysis, 2020 census tract data was used to define the boundaries and show the stark difference between census tracts located on the outside of the community and the census tracts immediately bordering the community.

Cultural, Religious and Language Characteristics

The community is clearly and most easily defined by its religious characteristics, language and cultural practices. Local residents are predominantly Jewish with strict orthodox beliefs. Among the many religious practices in this community are daily prayers, attendance at synagogue, weekly observance of the Sabbath and the observance of several annual holy days. These practices permeate so deeply the daily life and routines of local residents that they require unique accommodations.

Just one example related to local food customs and the local food economy. Community members strictly adhere to dietary rules which generate scores of kosher groceries, bakeries, butchers and fishmongers that cater to the community's needs. When community members travel to areas where strict kosher standards are not observed they are not able to consume the vast majority of available food items and therefore usually have to bring kosher food with them.

Neighboring communities do not have a single dominant religion with an analogous impact on the whole community and, of course, neither does New York City.

The first and predominant language spoken in the community is Yiddish while the predominant language spoken in New York City is English. Likewise the surrounding communities mostly speak English and Spanish as a first language and predominantly used.

The prevalence of Yiddish in the community also means that the community has local publications that few read in the surrounding communities. Thus, the community has a media market and consumes information in ways that are different from its surroundings and therefore meets yet another proposed criterium for a community of interest. *Diaz v. Silver*, 978 F.Supp. 96, 123-24 (E.D.N.Y. 1997).

Finally, virtually every Jewish household in the community traces its roots to survivors of the concentration camps. A disproportionate number of the world's Holocaust survivors reside in Williamsburg, among their children, grandchildren and great grandchildren.

The community thus has policy interests that celebrate religious freedom and respect for religious practices. It also has interests with preserving and protecting their religious heritage worldwide and ensuring that the legacy of their ancestors is not forgotten.

Income Levels

Due to its large family sizes, the community is one of the poorest in New York City. In 2021, UJA found that 58% of Jewish households living in the area had a household income below 250% of federal poverty guidelines due to the large family sizes. 250% translates to \$39,300 for a four person

household. Meanwhile the median income in NYC is \$133,400 for a family of four.

The income disparity is clearly defined along the borders of the community as can be seen by comparing census tracts based on the 2020 census data. At the north of the community, 26% of households live below the poverty line while just north of there the poverty rate is 13.8%. At the east end of the community 44.7% of people live below the poverty line while just east of there the poverty rate immediately declines to 13.1%. At the south end of the community 47.3% of people live below the poverty line while just south of there the poverty rate immediately declines to 29.6%.

For this reason the community may have legislative interests which prioritize food security; affordable health care; affordable housing and a strong social safety net relative to the rest of NYC.

Education Backgrounds

Unlike in most of NYC, children in the community predominantly receive education in private schools with over 28,680 children enrolled. Each census tract comprising the community has at least 60% of children attending private school and in some areas of the community over 90% of kids attend private school. Citywide, only 19.6% of kids in NYC attend private schools.

The community differs markedly in this from its neighboring communities. For example, in the north of the community, 69.2% of kids attend private school, immediately to the north of that the number declines to 43.6%. In the central part of the community, 87.9% of children are enrolled in private school while in the immediately neighboring census tract only 29.6% of kids are likewise enrolled. At the southern boundary of the community 82.8% of kids are enrolled in private school while just south of there only 42.1% of kids are enrolled in private schools.

Again, it's safe to assume that given the prevalence of nonpublic schools, the community will have different legislative interests when it comes to education from its neighbors. Our community leaders often advocate for the right of school leadership and parents to determine curriculum; and the provision of constitutionally permitted services to nonpublic schools such as: school busing, textbooks, school nurses and school guards.

Housing Patterns and Living Conditions

The community also has markedly different housing patterns and needs. In particular, what stands out in this regard are the numbers of large households within the community. In the center of the community the average household size is over five people per family, this is more than double the 2.42 people per family average in NYC.

Larger households may mean that the community is more likely to support policies that favor the zoning and development of units more suitable for large households. This includes everything from units with multiple bedrooms to units with kitchens that have the space and equipment necessary to cook for a large family. It may also mean that the community would support more walkable neighborhoods so that children from large families can easily and safely walk to schools and have more kid friendly parks and locations to play.

Hate Crimes

An issue that rarely gets considered in identifying a community of interest is the incidence of hate crime. However, in the case of this community it's important to recognize that its members has been subject to repeated and violent anti-Jewish hate crime since they first arrived here.

Facing the complex issue of anti-Semitic hate crime means that the community will have policy preferences that prioritize their safety,

well-being and disincentivize would be offenders while holding those who commit hate crimes accountable.

Community shall be in one State Senate district

The State Senate maps proposed and enacted undermine the community of interest's ability to have a meaningful voice in the election process.

At 75,000 members the community isn't close to being the majority of a Senate District. As of this redistricting, the average State Senate district will have approximately 308,000 people in it. The community will comprise less than a quarter of the average district.

Despite being a relatively small proportion of any one district, the community was large enough to have sufficient political power to make sure that its representatives paid attention to the issues that are important to its members. As this paper demonstrates, those issues can at times diverge significantly from the surrounding community.

By dividing the community between two State Senate Districts the community would go from 24% of the population of an average State Senate district to only comprising approximately 12%. This dilution in voting power severely undermines the voice of this community.

Other Considerations and Preferred Lines

The first place where Jewish immigrants settled when arriving in New York was the Lower East side of Manhattan. For this reason, to this day, a sizable number of orthodox Jews live across the East River from us. Ideally, we would want to be united within a single district with this community. Another area with which we share a long history of representation is North Brooklyn (Bushwick and Greenpoint). If we are unable to be united with our neighbors across the river, we would prefer a district that includes us with

community leaders with whom we already have decades long working relationships in North Brooklyn.

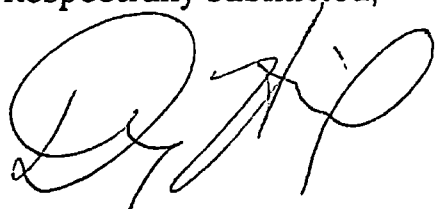
Conclusion

Not all communities of interest have equally strong interests tying them together. The community is well known as one that has truly fundamental interests unifying its members. If there was ever an overwhelming case to be made that a community should be kept together for redistricting purposes, this would be it.

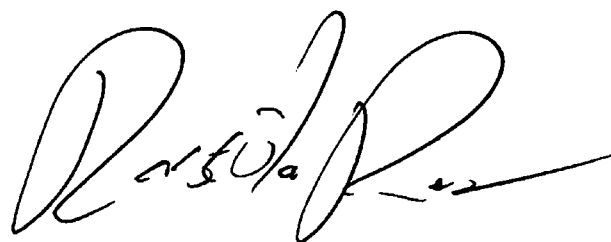
Please see the attached map which outlines the areas where the community currently lives. The boundaries of this map correspond to the census tracts analyzed in this letter.

We respectfully ask the court to remedy this great injustice and restore the community to a single State Senate district while also maintaining its inclusion into a single Congressional district as is currently drawn.

Respectfully submitted,



Rabbi David Niederman, President and CEO
UJO of Williamsburg and North Brooklyn



Rostislav Rar Esq., Director
Division of Legal Services
UJO of Williamsburg and N.B.

Map of Community of Interest Yiddish Speaking Community of North Brooklyn

