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May 6, 2022

VIA NYSCEF

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

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

Dear Judge McAllister and Dr. Jonathan Cervas,

Our firm represents the Town of Palm Tree and the Village of Kiryas Joel, and their government officials. For ease of reference, enclosed please find the written comments that were provided on behalf of our clients' at today's public hearing. Thank you for your consideration.

Respectfully submitted,



Michael G. Sterthous
Robert S. Rosborough IV

Enclosure

cc: All counsel (via NYSCEF)

My name is John Henry, a partner with Whiteman Osterman & Hanna LLP, and I am here today representing the elected board members of the Village of Kiryas Joel and the Town of Palm Tree, which are coterminous municipalities located in Orange County. They are currently the largest municipality in Orange County (by population, over 33,000 residents).

Kiryas Joel and Palm Tree have a vast majority of non-native language speakers—the vast majority of residents are Orthodox and are Yiddish speaking.

My clients' position is that all of the municipalities of Kiryas Joel, the Town of Monroe, the Town of Blooming Grove, and the Town of Woodbury should be within a single election district, the way the State Senate map has been for over 40 years.

All of these municipalities—Kiryas Joel, Monroe, Blooming Grove and Woodbury—have a very significant Yiddish language population, numbering well over 50,000 residents. While these Yiddish-speaking residents are concentrated in the Town of Palm Tree and the Village of Kiryas Joel, it is clear that they reside in all of these municipalities. In fact, approximately 20% of the children being educated in Kiryas Joel and Palm Tree come from the other municipalities in the area, Monroe, Woodbury, and Blooming Grove.

The NY Constitution, particularly Article III, Section 4 (c) (1), provides that district lines should not “result in the denial or abridgement of racial or language minority voting rights, and districts shall not be drawn to have purpose of, nor shall they result in, the denial or abridgement of such rights” “Districts shall be drawn so that, based on the totality of the circumstances, racial or minority language groups do not have less opportunity to participate in the political process than other members of the electorate and to elect representatives of their choice”

It's our position that the Yiddish speaking population of Orange County is a “minority language group” within the plain language of the NY Constitution—they speak Yiddish as a first language and are plainly a “minority language group.” This population exists not just in Kiryas Joel, but very significantly in the Towns of Monroe, Blooming Grove, and Woodbury, all of which are adjacent to Kiryas Joel and have residents who travel into Kiryas Joel for religious services, education, Kosher groceries, and many other services.

And, moreover, separating these municipalities into different districts—whether for the State Senate map, the Congressional map (or for that matter, the Assembly map) effectuates a split of the minority language voting population, which resides in the municipalities of Kiryas Joel, Monroe, Blooming Grove, and Woodbury.

This is a clearly defined community, that is undoubtedly minority language speaking, but it exists across the lines of all of these municipalities. A number of the proposed maps simply split that community in two, which would drastically dilute the Yiddish-speaking community's opportunity to elect representatives of their choice who understand the issues that they face.

We submit that in order to avoid contravening the plain language of the NY Constitution, the maps must include Kiryas Joel, Palm Tree, Monroe, Blooming Grove, and Woodbury into a single election district (just as it had been with the State Senate map for many years).