

TESTIMONY OF FREDERICK K. BREWINGTON
BEFORE THE NASSAU COUNTY REDISTRICTING COMMISSION
SEPTEMBER 21, 2022

Good Evening,

My name is Frederick K. Brewington. I am a resident of Nassau County. I was born and raised in this County. I come before you with a background of history and experience in Nassau that includes my connection to every major Voting Rights decision and litigation which has transpired in Nassau and Suffolk County since 1988 including *Goosby v. Town of Hempstead*, *NAACP v. Nassau County Board of Elections*, *Montano v. County of Suffolk* and *Flores v. Town of Islip*. Not to mention the support provided to *Jackson v. Nassau County Board of Supervisors* that led to the creation of the current County Legislature and some others in between these are the local legal proceedings that provide a backdrop for the work to be done and considered by this Commission.

On my wrist I wear a reminder that everyday brings forth the spirit of Fannie Lou Hammer, it reads "MAKE EVERY VOTE COUNT." Central to why I come here this evening is to implore each of you to realize that the essence of our democracy requires that you utilize this opportunity in the redistricting process as an opportunity to indeed "MAKE EVERY VOTE COUNT." The redistricting process has, unfortunately evolved into a petty, partisan political process that far too often finds the historical realities of what was intended taking a back seat, and in some cases, having no seat when equity and justice demanded it.

The reality of Nassau County and the great opportunity before you to get this right starts with you essentially starting over. I see looming large in this chamber and over all your proceedings the shadow of John L. Kearse, who along with others –some of whom sit now in this place, saw Nassau through a lense that realized that things would not and could not remain as they were in years past. I am here now to explain that things cannot and must not remain the same as they were formulated just 10 years ago . *WHY?* Putting aside the errors that took place a decade ago in redistricting, I now focus on the 10-12 years since then which demonstrate that the racial demographics of this County have shifted from being 73% non-Hispanic white to being 58% non-Hispanic white. That means that if all appropriate considerations are brought to the table there must be change that does not ignore these realities. Given these undisputable facts, a number of issues and concerns emerge.

- Q: How is it that given the monumental impact of the shift in population concerning racial composition how could you have only one hearing for the entire Town of Hempstead (the most populated Town in America)? If your interest as a Commission was to guarantee that you got the most information possible from a clearly historically under represented portion of the electorate, that is not demonstrated by this single hearing in what is commonly called the *Corridor* which includes Hempstead, Freeport, Roosevelt, Lakeview, Elmont and North Valley Stream.
- Q: If it is your intent to seek input and properly and fully educate the most effected communities, how is it that your Website, even at this late stage in the redistricting process, is not transparent or educational? It lends nothing to encourage the integrity of the process and fails to provide even a glimmer of the information that would

encourage community members, especially communities of color to be invited into the process that is so crucial to a pathway to equity.

Q: With no maps and the numbers that relate to those maps not being available for review and analysis, how is it that you expect the public - from plumber to PhD -. to come before you and speak to the core matters in any substantive way? Can we agree that any well meaningful process would and should be interested in allowing that level of informed input?

The rights that come with this redistricting process are enormous. Those rights have their origins in the United States Constitution, they are reinforced by the 13th, 14th and 15th Amendments to that hallowed text. In understanding the intent of the 15th Amendment, which sought to protect the voting rights of Black persons after the Civil War, and was adopted into the U.S. Constitution in 1870, your given role cannot be denied. That intent and those rights were then codified in the Voting Rights Act of 1965 which remains alive today. If there is litigation, as it appears to be invited by the actions of this Commission so far, the lack of transparency will be viewed as evidence of bad intent by the courts that will be hearing the challenges. From partisanship to racial gerrymandering to the VRA you are now in the place to avoid the pitfalls for which you are now headed. Instead of being the focal point and emerging as a tool to ignore these very real concerns, you each have the chance to correct the course that from all appearances is being followed.

I know each of you are well aware of the newly amended law now known as NY Home Rule §34(4)(e) which reads in relevant part 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.”** With that before you and having seen the practices in the past, I ask you to examine the memorandum provided to you this evening by Commissioner Pernick as same is informative to your sworn duties as Commissioners. What we have seen in the past and appear to be seeing now is likely to be a very similar concern which led the New York Court of Appeals to make decisions on the Congressional and NY Senate maps here in New York most recently. The issues as set out in the NY Home Rule law will once more likely be front and center, but this time it will be magnified here in Nassau. The benefit to you now is that you are fully and properly forewarned and placed on notice. Notice that by your sworn duty, you must not ignore.

Finally, I point you back to the VRA, and I ask you to refocus on what is before you. Nassau County, and indeed this Commission has an affirmative duty and obligation to comply with the VRA of 1965. That means if you can draw additional districts, which respect traditional redistricting guidelines and provide greater and more meaningful voice to the Black and Latino populations in this County you must do it, you don't have a choice. There is a supreme mandate that you must do what is called for by our Constitution and laws. You all know that today the ability to draw five (5) performing and conforming minority majority districts is not a possibility to do, it is a reality! So that history is not unkind to you, allow me to borrow from the sneaker company “JUST DO IT!”

I welcome questions and comments. Thank you.