

Mot. Seq. 001, ____

EXHIBIT O

**Response to Expert Report of Thomas J. Sugrue
Joseph C. Borelli**

Williams et al. v. Board of Elections of the State of New York et al.

I. Introduction

My name is Joseph C. Borelli and I have been retained as a historical consultant by the Intervenor-Respondents in *Williams v. Board of Elections of the State of New York*. I have been asked to respond to the expert witness report of Thomas J. Sugrue. My rate of compensation is \$500 an hour.

II. Qualifications

After obtaining a bachelor's degree from Marist College and a master's degree from the City University of New York, I spent my entire career in New York City in various capacities. I am currently the Managing Director at Chartwell Strategy Group, where I specialize in governmental relations, political risk management, and strategic communications. I partner with various government and non-profit leaders to navigate high-stakes policy issues, bringing subject-matter expertise to achieve various objectives. For nearly 20 years, I have also been an Adjunct Lecturer of Political Science at the City University of New York, where I've taught classes on national, state and local government, and I was a 2019 Lindsay Fellow at its Institute of State and Local Governance.

Most of my career, however, was spent serving and learning about the City of New York, and specifically Staten Island, where I grew up. In 2005, I served as a Chief of Staff in the New York State Assembly for a member representing Staten Island, staying in that position for two years. I then served as a Chief of Staff in the New York City Council for a member representing Staten Island for the next five years, from 2007 to 2012. In that period, I also worked as a political

consultant on campaigns for numerous federal, state and local offices, most commonly those representing Staten Island.

In 2012, I was elected to the New York State Assembly, serving until 2015. During that time, I was the Ranking Member on the Committee on Cities and a member of the Committee on Energy, Banks, Housing, Health, and Transportation. I also served on the New York City Voter Assistance Commission in 2012 and on the Metropolitan Transportation Authority's Capital Review Board from 2013 through 2015.

Thereafter, I spent ten years on the City Council, representing the South Shore of Staten Island. I chaired various committees and spearheaded legislation on labor matters, environmental regulation, government operations, and building safety. For four years, I was the Chairman of the Committee on Fire and Emergency Management, overseeing the City's fire department and emergency responders. I then served four years as the Minority Leader of the City Council, where I routinely engaged in political matters involving recruiting and fielding candidates for offices around New York and appointing members to the City's 2022 Redistricting Commission. I also served on the critical Land Use Committee, the Budget Negotiation Team, and the Education, Parks, and Rules committees. From 2022 to 2025, I was a Chairman of the National Forum of Republican Mayors, Council Members and County Leaders—which is part of the Community Leaders of America—where I worked with elected leaders and national corporate partners to develop rational municipal policy. I was recently appointed by Mayor Eric Adams to serve on the board of the United Nations Development Corporation.

Most importantly, I am an expert on Staten Island's history. In addition to my graduate research which focused on Staten Island's political history in the 1960s and 1970s, I have published two books on the history of Staten Island: *Revolutionary Staten Island: From Colonial Calamities*

to Reluctant Rebels, and Staten Island in the Nineteenth Century: From Boomtown to Forgotten Borough. I have also written numerous articles and pieces, including many focusing on Staten Island. My writings are frequently published in the New York Post, where I am currently an opinion columnist, and I've been featured and quoted in the Daily News, the New York Times, the Wall Street Journal, Newsweek, Politico, The Hill and many others. I have logged over 1,000 appearances on global news networks, including Fox News, Fox Business, CNN, CNNI, Newsmax, BBC, SkyNews, NY1 & MSNBC.

III. Materials Relied On

In developing expert opinions in this matter, I have relied on a close reading of Dr. Sugrue's report, as well as primary and secondary research in federal and state reports, newspapers, and miscellaneous materials. Reliance on such materials is customary when providing a historical analysis.¹

IV. Summary of Conclusions

As an initial matter, I note that the unique demographics and practical realities of Staten Island's geographic isolation belie Petitioners' request to connect the "communities of interest" in Staten Island and Southern Manhattan. The diverse populations and physical distance, separated by a body of water, between the two boroughs have ensured that they have little in common, making it impractical to group the two areas together.

I also disagree with Dr. Sugrue's report. He claims to focus "on those areas that are known to have a meaningful effect on political participation, including the totality of the circumstances factors set forth in the New York Voting Rights Act." Dkt.61 ("Rep.") ¶ 6. His description of past and current racial disparities, however, is taken out of context and deficient, wholly ignoring the

¹ In preparing my report, I also had assistance from research consultants.

significant and thriving Asian community on Staten Island as well as the noteworthy advancements made by Staten Islanders in the areas of civil rights and racial equality. Organized by each of the “totality of the circumstances” factors, I challenge his conclusions as follows:

a. Dr. Sugrue’s dismal rendition of Staten Island’s history is one-sided, excluding facts that do not fit his narrative. Omitted from Dr. Sugrue’s discussion is New York’s anti-slavery activity prior to the Civil War, and a history of civil rights activism thereafter. Indeed, a closer examination of New York’s, and particularly Staten Island’s, history demonstrates that New York was often at the forefront of efforts countering unequal treatment of minorities. Staten Island, specifically, boasts the distinction of containing the longest, continually occupied settlement of former slaves, and had been well-known as the home of several prominent abolitionists and a location for their operations. Further, Dr. Sugrue ignores the significant progress Staten Island has made in addressing racial discrimination.

b. Dr. Sugrue provides no evidence that Blacks and Hispanics have been excluded from public office, and, to the contrary, racial and ethnic minorities have had great political success in Staten Island. Indeed, the current Congresswoman for the 11th Congressional District, which encompasses the entirety of Staten Island, is Hispanic and the child of immigrants. Despite having written a 98-page report devoted to racial minorities and politics on Staten Island, Dr. Sugrue’s Report minimizes and refuses to analyze that Staten Island is represented in Congress by a Hispanic woman by claiming that she only has “some Latin American heritage.” Rep. ¶ 90. And Black and Hispanic legislators now hold one-third of all legislative seats partially or wholly located on Staten Island.

c. Dr. Sugrue erroneously maintains that Black and Hispanic voters were structurally prevented from voting because of a history of using literacy tests for voting. But the testing in New

York is considerably more complex than portrayed by Dr. Sugrue and is not unique to Staten Island. Dr. Sugrue similarly does not tie the practice—which was permanently banned fifty years ago—to current voting conditions. Indeed, Dr. Sugrue ignores that New York, including Staten Island, has actually expanded language services to assist minority voters.

d. Neither Dr. Sugrue nor Petitioners provide any support for the factor that eligible Black and Latino voters or candidates have been denied access to the ballot.

e. Dr. Sugrue ignores the regional and national data showing a marked increase in Hispanic voting eligibility, Hispanic voter turnout, and Hispanic voter participation.

f. Dr. Sugrue’s examination of disadvantages faced by Black and Hispanic residents of Staten Island in education, housing, and median income ignores the complexity of these issues. Black and Hispanic residents’ educational attainment has consistently increased and has outperformed other parts of New York City, the housing statistics are much better on Staten Island than elsewhere, and Black and Hispanic mean income has steadily increased over the past decade.

g. In discussing the disadvantages Black and Hispanic residents of Staten Island allegedly face, Dr. Sugrue fails to recognize Staten Island has strived to end hate and discrimination. Staten Island is replete with public and private organizations committed to assisting minorities, including by ensuring their access to the political process. Dr. Sugrue also disregards Staten Island’s low occurrence of hate crimes and that hate crimes have consistently decreased on the Island.

h. Dr. Sugrue’s evidence of racial appeals in political campaigns omits any discussion of congressional campaigns, provides an incomplete account of the secession campaign, and summarizes four disparate incidents across a dozen years that do not qualify under his own definition of racial appeals.

V. Expert Opinions

Before addressing Dr. Sugrue's findings, I start with an overview of Richmond County so as to provide a more complete depiction of the diverse Island I grew up on and to underscore the impracticalities of combining Staten Island with Southern Manhattan in the 11th Congressional District. Thereafter, I will discuss each of the "totality of the circumstances" factors in detail.

A. An Overview of Richmond County's Demographics and Diversity²

For modern New Yorkers, Staten Island is simply one of the five boroughs. Yet in terms of its historic and demographic trajectory, it has always been unique, distant and different from its four neighbors. Even today, its nickname remains the "forgotten borough," as it bears little in common with, offers fewer connections to, and receives far less attention from, the rest of the city.

This isolation, more than any other factor, has shaped the demographic reality that exists on Staten Island today. From 1888 to well-into the late-twentieth century, Staten Island's only physical links to the rest of the world came in the form of three vehicular bridges and one railroad bridge to New Jersey. Despite its residents' enthusiastic support for consolidation into Greater New York in the 1890's, it would take until the 1960's before it was finally and permanently linked by bridge to another part of the city, and even then, only to Brooklyn. Still now, after over 150 years of bridge and tunnel construction, a period when the city and state built nearly 30 connections between the other four boroughs, Staten Island remains solely connected to Brooklyn, with no prospect of ever connecting to any other part of New York on the horizon. No other borough is as separated, nor is any one as reliant on a single connection. This history has shaped nearly every aspect of the borough's political history since the Verrazzano Bridge first opened in 1964.

² Richmond County, New York comprises all of Staten Island. This report refers to Staten Island and Richmond County interchangeably.

Richmond County's Demographics

Richmond County is predominately an upper-middle class community with a median property value of 2.17 times larger than the national average and a homeownership rate 3% above the national average, but more than double the rest of New York City.³ The median property value continues to increase, rising 3% between 2022 and 2023.⁴ Still, like most of the region, over 20% of Richmond County's population faces a severe housing crisis, though that indicator has slightly declined over the past ten years.⁵

Race and Diversity

Richmond County is ethnically diverse, growing more so each year. Of the 493,000 people living in Staten Island, 56% are white; 20% Hispanic, 12% are Asian, and 9% are Black or of African origin. As of 2023, 24.8% of Richmond County residents (122,000 people) were born outside of the United States, approximately double the national average. In 2022, the percentage of foreign-born citizens in Richmond County was 24.5%, meaning that the rate has been increasing.⁶

Dr. Sugrue also fails to discuss all ethnic groups, specifically ignoring Staten Islanders of Asian descent. Asians living in Richmond County have higher median incomes and educational attainment, which Dr. Sugrue fails to address. As the Asian community has thrived on Staten Island, they have begun to relocate to the borough at an accelerated pace from Brooklyn. Dr. Sugrue further fails to address that on Staten Island, Asian and Hispanic residences are widely dispersed, with many concentrations located within thriving commercial neighborhoods.

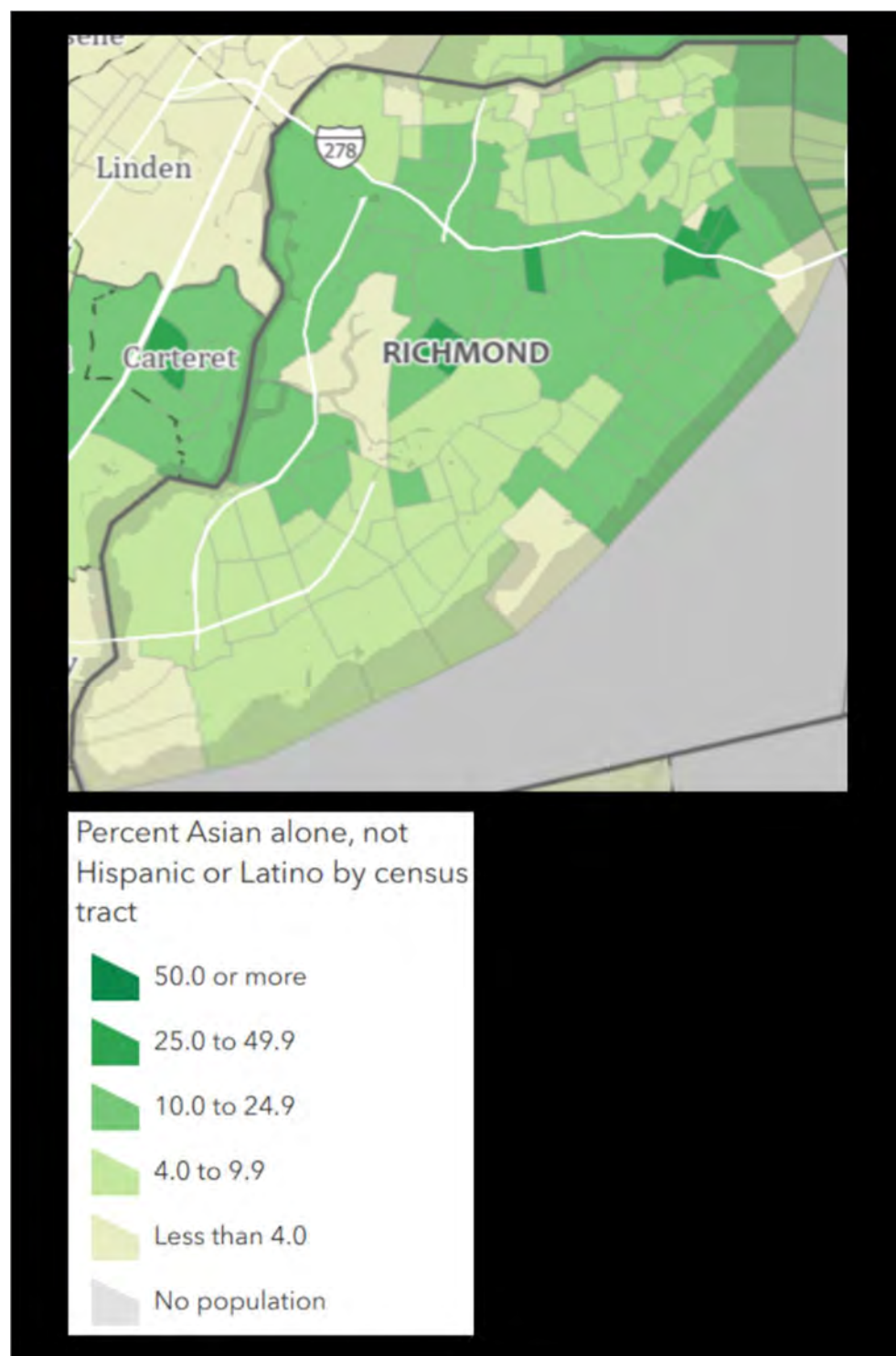
³ *Richmond County, NY*, Data USA, available at <https://datausa.io/profile/geo/richmond-county-ny#housing> (last visited Dec. 8, 2025) (hereinafter "*Richmond County Data*").

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

These failures are critical as a close examination of the demographic composition of Richmond County challenges the elusive “community of interest” concept. Asians, Hispanics, and Blacks differ widely socio-economically and within their communities in Staten Island.

Asian Demographics and Residential Dispersion in Richmond County, New York⁷

⁷ 2020 Census Data Demographic Data Map Viewer, U.S. Census Bureau, available at <https://maps.geo.census.gov/ddmv/map.html> (last visited Dec. 8, 2012).

As of 2023 estimates, the Asian (Non-Hispanic) population represented approximately 12% of the total population in Richmond County. They constitute the third-largest ethnic group in the County after White and Hispanic residents.⁸

The Asian population on Staten Island is incredibly diverse, with numerous households representing Chinese, Indian, Filipino, Pakistani, Middle Eastern, and Korean backgrounds. Even among these ethnicities, there are subgroups within each community showing a wide divergence in origins, cultures and time of arrival.

The Asian population is relatively well dispersed around Staten Island. A manual calculation of the Index of Dissimilarity⁹ through the American Community database reveals that the dissimilarity for Asians on Staten Island in 2023, 2020, and 2010 shows a decline for Asians.¹⁰ Dissimilarity is both low (under 40) and declining (36 in 2010, 34 in 2020, 32 in 2023).¹¹ Although Dr. Sugrue tellingly did not calculate the dissimilarity for Asians on Staten Island, according to his own report, a “dissimilarity value of **40 or below** is considered to have a **low** level of racial segregation.” Rep. ¶ 24.

The median household income for residents of Asian descent in Richmond County was approximately \$86,134, which is slightly lower than the national median for Asians but

⁸ *Race*, U.S. Census Bureau, available at [https://data.census.gov/table/ACSDT5Y2023.B02001?q=B02001:+Race&g=050XX00US36085\\$1400000_060XX00US3608570915_1400000US36085013800&moe=false](https://data.census.gov/table/ACSDT5Y2023.B02001?q=B02001:+Race&g=050XX00US36085$1400000_060XX00US3608570915_1400000US36085013800&moe=false)

⁹ The Dissimilarity Index reflects two or more groups’ relative distributions across a geographical area. *See* About Dissimilarity Indices, CensusScope, available at https://censusscope.org/about_dissimilarity.html.

¹⁰ The U.S. census data underlying these statistics can be found at [https://data.census.gov/table/ACSDT5Y2023.B02001?q=B02001:+Race&g=050XX00US36085\\$1400000_060XX00US3608570915_1400000US36085013800&moe=false](https://data.census.gov/table/ACSDT5Y2023.B02001?q=B02001:+Race&g=050XX00US36085$1400000_060XX00US3608570915_1400000US36085013800&moe=false); [https://data.census.gov/table/ACSDT5Y2020.B02001?q=B02001:+Race&g=050XX00US36085\\$1400000_060XX00US3608570915_1400000US36085013800&moe=false](https://data.census.gov/table/ACSDT5Y2020.B02001?q=B02001:+Race&g=050XX00US36085$1400000_060XX00US3608570915_1400000US36085013800&moe=false); [https://data.census.gov/table/ACSDT5Y2010.B02001?q=B02001:+Race&g=050XX00US36085\\$1400000_060XX00US3608570915_1400000US36085013800&moe=false](https://data.census.gov/table/ACSDT5Y2010.B02001?q=B02001:+Race&g=050XX00US36085$1400000_060XX00US3608570915_1400000US36085013800&moe=false).

¹¹ *Id.*

comparable to the overall county median.¹² Asian students are well-represented in local and regional institutions of higher education. Among university graduates in Richmond County in 2023, 11.6% of those awarded a degree were of Asian descent.¹³ In 2021, 12.1% of all students at College of Staten Island CUNY were of Asian descent, a number that has only increased in recent years, indicating that a significant number of Asian families are moving from Brooklyn to Staten Island.¹⁴

Hispanic Demographics in Richmond County, NY

According to 2023 estimates, Hispanic or Latino people make up about 19.5% of Richmond County's population, making it the second-largest ethnic group on the Island.¹⁵ This reflects a significant increase from previous decades, with the Hispanic population rising over 19% between 2010 and 2020.¹⁶

Hispanics in Richmond County are a diverse minority group, not necessarily sharing a common community of interest. While the most common birthplace of foreign-born Hispanics in New York is the Dominican Republic, Staten Island has a much broader population of Hispanic residents from throughout the Caribbean, Central and South America.¹⁷ Historically, Puerto Ricans have been the most numerous Hispanic subgroup in Staten Island.¹⁸ This is verified in multiple

¹² *Asian-American Studies*, Data USA,, available at <https://datausa.io/profile/cip/asian-american-studies> (last visited Dec. 8, 2012).

¹³ *Id.*

¹⁴ *College of Staten Island CUNY*, Data USA, available at [https://datausa.io/profile/university/college-of-staten-island-cuny#:~:text=with%20their%20applications-,Enrollment,and%20White%20Male%20\(15.3%25](https://datausa.io/profile/university/college-of-staten-island-cuny#:~:text=with%20their%20applications-,Enrollment,and%20White%20Male%20(15.3%25) (last visited Dec. 8, 2025).

¹⁵ *BO3002 Hispanic or Latino Origin by Race*, U.S. Census Bureau, available at [https://data.census.gov/tables/ACSDT5Y2023.B03002?q=Latino&g=050XX00US36085\\$1400000_060XX00US3608570915_1400000US36085013800&moe=false](https://data.census.gov/tables/ACSDT5Y2023.B03002?q=Latino&g=050XX00US36085$1400000_060XX00US3608570915_1400000US36085013800&moe=false) (last visited December 8, 2012).

¹⁶ *Id.*

¹⁷ *Richmond County Data*, *supra* n.3.

¹⁸ *Demographic Characteristics – Staten Island Community District 1*, available at https://www.nyc.gov/assets/planning/download/pdf/data-maps/census/census2000/demo_cd_si.pdf; *Population*, NYC Planning, available at <https://experience.arcgis.com/experience/c625a78991d34ae59deb7a33806ac0d1/page/Hispanic-%7C-Mexican>.

data points from the 2010 and 2020 Censuses which show that not only are Puerto Ricans the dominant Hispanic subset, but also that Puerto Ricans are also a large subset of Brooklyn that makes up the current 11th Congressional District, unlike in lower Manhattan where the predominant Hispanic subset is Mexican.¹⁹

That said, Richmond's noteworthy Mexican population has seen significant growth recently, which is reflected in the abundance of Mexican markets. Significant pockets of Mexican and Central American stores have also popped up across the borough in New Dorp, Great Kills, Rosebank, and St. George. The diversity of this community is evident, and according to then-Wagner College professor Abe Unger, "there are Guatemalans and others coming in. So it's not just Mexicans coming in. . . . And even among those Mexicans, you're ranging from cosmopolitan Mexicans to rural Mexicans who don't speak Spanish, but rather native Indian dialects, and so it's a much more diverse Hispanic population than we can really imagine."²⁰

This diverse Hispanic population is spread significantly throughout the borough with no single zip code containing a majority of Hispanics; although concentrations are highest on the North Shore.²¹ For example, while Hispanics make up 20% of the population of Staten Island, no single zip code is made up of more than 50% Hispanics, suggesting that housing among ethnic groups is less segregated by neighborhood than other parts of New York City. Of the island's 12

¹⁹*Hispanic or Latino Origin by Race*, U.S. Census Bureau, available at [https://data.census.gov/table/ACSDT5Y2023.B03002?q=Latino&g=050XX00US36085\\$1400000_060XX00US3608570915_1400000US36085013800&moe=false](https://data.census.gov/table/ACSDT5Y2023.B03002?q=Latino&g=050XX00US36085$1400000_060XX00US3608570915_1400000US36085013800&moe=false); [https://data.census.gov/table/ACSDT5Y2010.B03002?q=Latino&g=050XX00US36085\\$1400000_060XX00US3608570915_1400000US36085013800&moe=false](https://data.census.gov/table/ACSDT5Y2010.B03002?q=Latino&g=050XX00US36085$1400000_060XX00US3608570915_1400000US36085013800&moe=false).

²⁰ *Urban studies professor provides insight on Staten Island demographics for New York 1 series*, Wagner College, (May 19, 2014), available at <https://wagner.edu/newsroom/urban-studies-professor-provides-insight-on-staten-island-demographics-for-new-york-1-series/>.

²¹ *Ranking by Number of People (Hispanic or Latino)*, Data Commons, available at [https://datacommons.org/ranking/Count_Person_HispanicOrLatino/CensusZipCodeTabulationArea/geoId/3608570915?h=geoId%2F3608570915&pc=1&scaling=100&unit=%25#:~:text=Ranking%20by%20Number%20of%20People%20\(Hispanic%20or,NY%2010308%2C%20NY%2010307%2C%20NY%2010309%2C%20NY](https://datacommons.org/ranking/Count_Person_HispanicOrLatino/CensusZipCodeTabulationArea/geoId/3608570915?h=geoId%2F3608570915&pc=1&scaling=100&unit=%25#:~:text=Ranking%20by%20Number%20of%20People%20(Hispanic%20or,NY%2010308%2C%20NY%2010307%2C%20NY%2010309%2C%20NY).

zip codes, all are made up of between 9 and 47% Hispanic households, calling into question Dr. Sugrue's findings of racial segregation.²² This wide residual distribution provides evidence of ethnic integration in Richmond County and challenges Dr. Sugrue's claims of potential racial discrimination and segregation toward Hispanics.

Although Dr. Sugrue relies on dissimilarity rates to suggest "Latinos experience a moderate degree of segregation," Rep. ¶ 26, a manual calculation of the Index of Dissimilarity through the American Community database reveals that for Hispanics on Staten Island in 2023, 2020, and 2010, their dissimilarity against Whites in Staten Island was 42, 41, 42, respectively.²³ Dr. Sugrue's report lists an index of 47 for 2010, Rep. ¶ 26, but the manual calculations reveal the index to be 42.²⁴ The reason for this discrepancy is unclear. The manual calculations demonstrate dissimilarity numbers on the *lower* end of the moderate segregation range for the past 25 years.

Notably, the Hispanic population in Richmond County has reached high educational attainment, obtaining educations at rates comparable to other residents of Richmond County. While Hispanics make up 19% of the County, they earned over 22% of all college degrees awarded in the borough in 2023 (674 of the 3,078 degrees awarded) and make up 26% of current enrollees at the College of Staten Island.²⁵

²² *Id.*

²³ For the census data used for these calculations, *see supra* n.19.

²⁴ The calculations were determined using a widely accepted formula. *See Housing Patterns: Appendix B: Measures of Residential Segregation*, U.S. Census Bureau, available at <https://www.census.gov/topics/housing/housing-patterns/guidance/appendix-b.html>.

²⁵ *Richmond County Data*, *supra* n.3; *Semester Enrollment: Student Demographic Profile*, College of Staten Island CUNY (Fall 2024), available at https://applications.csi.cuny.edu/Institutional_Profile/SemesterEnroll_Profile.html?_gl=1*1e5xw19*_gcl_au*NzI0ODY3MjIyLjE3NjQ2OTE4OTM.

Black Demographics in Richmond County, New York

Black residents make up 9% of Richmond County's population, making them one of the smaller ethnic groups on Staten Island,²⁶ as demonstrated in the map below.²⁷ Within this community, there are sharp differences between country of origin, culture, and arrival in the United States. In fact, only 5% of Staten Island residents identify as African American, the other 4% of Blacks on Staten Island come from Sub-Saharan Africa.²⁸

Staten Island's Black residents come from numerous countries, including Cameroon, Ethiopia, Ghana, Guinea, the Ivory Coast, Kenya, Liberia, Mali, Nigeria, Senegal, Sierra Leone, South Africa, Sudan, Togo, Antigua and Barbuda, the Bahamas, Barbados, the Dominican Republic, Grenada, Haiti, Jamaica, Saint Kitts and Nevis, St. Lucia, Trinidad and Tobago, the U.S. Virgin Islands, Saint Vincent, and the West Indies.²⁹ Even within the communities that come from the same continent, such as Africa, there are pronounced differences, rivalries, and distinct interests between the residents. It would, therefore, be a mistake to lump all Black residents of Staten Island into a single "community of interest," as Dr. Sugrue attempts to do.

As far as education, despite making up only 9% of the population, Black students represent 10.7% of the students graduating from universities in Richmond County.³⁰ And, as will be discussed more below, Black educational attainment on Staten Island has steadily increased over the past decade, such that 90.2% of Black residents held a high school degree in 2024.

²⁶ *Population FactFinder*, NYC Planning, available at <https://popfactfinder.planning.nyc.gov/explorer/boroughs/5?source=acs-current>.

²⁷ *2020 Census Data Demographic Data Map Viewer*, *supra* n.7.

²⁸ Erik Bascome, *Cultures from across the world: See the full ethnic breakdown of Staten Island residents*, *silive*, (September 2, 2024), available at <https://www.silive.com/data/2024/09/cultures-from-across-the-world-see-the-full-ethnic-breakdown-of-staten-island-residents.html#>.

²⁹ *Id.*

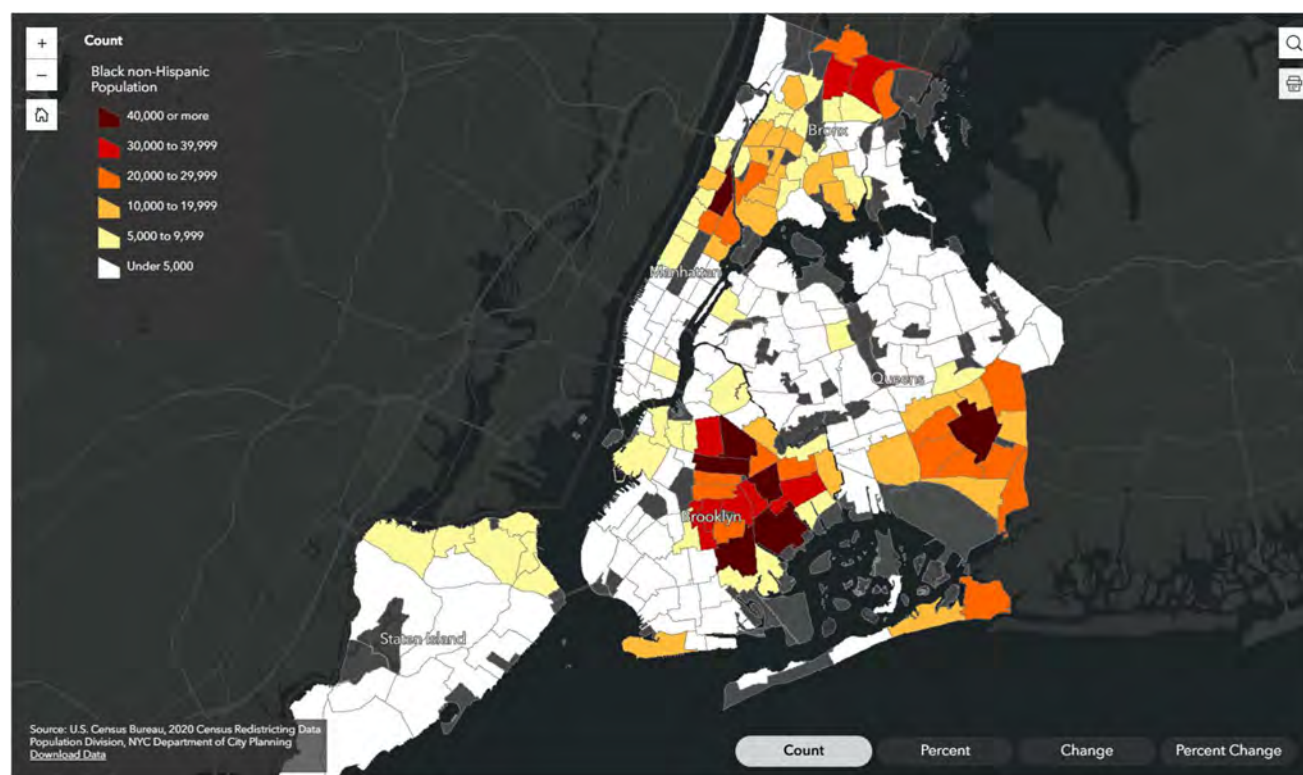
³⁰ *Richmond County Data*, *supra* n.3.

Staten Island's Unique Demographics and Practical Realities

The unique demographics and the practical realities of Staten Island's geographic isolation refute the suggestion that the 11th Congressional District should connect "communities of interest in Staten Island's North Shore and Southern Manhattan." Dkt.1 ("Pet.") ¶ 4.

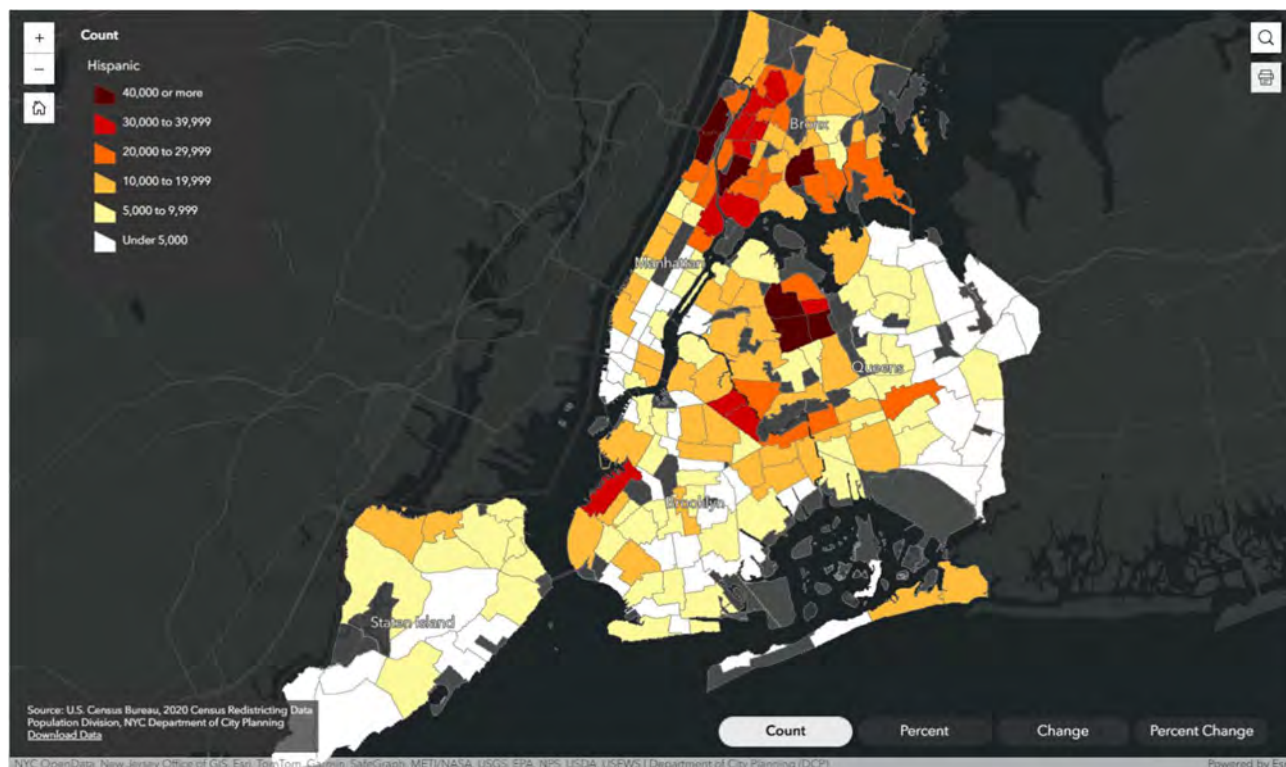
From a demographics perspective, Staten Island and Southern Manhattan are nothing alike. Southern Manhattan is a largely White population, lacking northern Staten Island's diversity. Data from the 2020 Census, shown on the maps below, demonstrates that Southern Manhattan lacks the significant Black and Latino populations found in Staten Island.³¹

Black Non-Hispanic Population in New York City



³¹ *Population*, NYC Planning, available at <https://experience.arcgis.com/experience/c625a78991d34ae59deb7a33806ac0d1/page/Hispanic-%7C-Mexican>; <https://experience.arcgis.com/experience/c625a78991d34ae59deb7a33806ac0d1/page/Race%2FEthnicity-%7C-Black-non-Hispanic> (last visited Dec. 8, 2025).

Hispanic Population in New York City

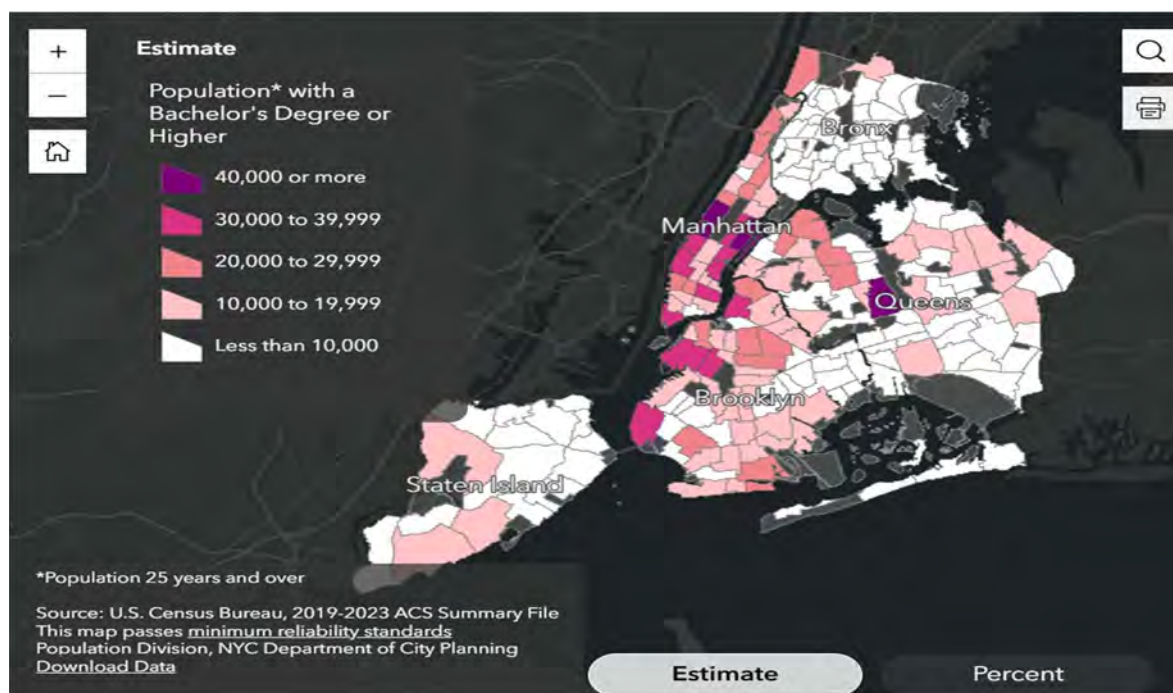


Southwestern Brooklyn, on the other hand, has a moderate Hispanic population, matching northern Staten Island's low-to-moderate Hispanic population.

Manhattan also has a greater population with a bachelor's degree or higher, as demonstrated by the map below.³²

³²*Population* with A Bachelor's Degree or Higher*, NYC Planning, available at <https://experience.arcgis.com/experience/c625a78991d34ae59deb7a33806ac0d1/page/Education-%7C-Bachelor%27s-Degree-or-Higher> (last visited Dec. 8, 2025).

New York City Population with a Bachelor's Degree or Higher



Beyond these demographic realities, the practical realities of Staten Island's geographic isolation from Manhattan further differentiate the two populations. Indeed, Staten Island's geography and distance from other boroughs affect its demography more than any other pattern. While those in lower Manhattan can travel to Staten Island via ferry, Staten Island's more suburban atmosphere makes such travel impractical. Staten Island's ferry does not carry cars,³³ but driving is almost a must in Staten Island, which lacks Manhattan's transit system. In fact, Staten Island "has the highest vehicle ownership rate, with the average number of vehicles per household nearly six times that of Manhattan's, which is the lowest."³⁴ That may be in part why, as discussed more below, people from Manhattan (whose vehicle ownership is less than six times that of Staten Island) have not migrated to Richmond County.

³³ *Terminals*, Staten Island Ferry, available at <https://siferry.com/terminals/>.

³⁴ *Shifting Gears: Transition to a Car Light New York City* 12, UPP Hunter (May 2024), available at [Car-Light-NYC-Studio-May-2024.pdf](#).

The effect of a physical connection on the creation of a similar resident base is best shown through Staten Island's relationship with Brooklyn, an area that Staten Island's residents have much more in common with. Before completing the Verrazzano Bridge, Staten Island was sparsely populated;³⁵ but once that connection was made, countless Brooklynites—particularly those that lived nearest the bridge—began settling in Staten Island's growing neighborhoods. This caused the population growth in Staten Island to far outpace the other four boroughs throughout the later twentieth century.³⁶ This pattern was long anecdotally associated with the historic Italian communities of Bensonhurst and Bay Ridge, but this has also held true as those neighborhoods have begun to see influxes of Asian and Middle Eastern residents. For example, a recent Spectrum news piece told the story of several Asian families moving from Brooklyn to Staten Island as part of a broad migratory pattern. "It's the new Chinatown," said Angie Cheung, a new Staten Islander who had moved from Brooklyn.³⁷ The pattern is nothing new, as the *New York Times* reported on a similar pattern of Asian migration in 1993.³⁸ For Arabs and other Muslims, this pattern has started more recently with the opening of new houses of worship and community centers.

Since COVID, that general pattern has remained unchanged. In 2020, 26% of all Staten Island homebuyers were from Brooklyn, a number that grew to 31% in the first half of 2021.³⁹ During the first half of this year, 2025, of all Staten Island homebuyers that come from New York

³⁵ Ann Marie Barron, *How the Verrazzano-Narrows Bridge changed everything for Staten Island's population*, *silive* (Nov. 18, 2024).

³⁶ *Id.*

³⁷ Victoria Manna, *Asian population grows significantly on Staten Island* (May 17, 2024), available at <https://ny1.com/nyc/all-boroughs/news/2024/05/17/asian--staten-island--population-->

³⁸ Brooke Tarabour, *New Jersey Bound: The Staten Island Migration* (Jan. 20, 1993), <https://www.nytimes.com/1993/01/10/nyregion/new-jersey-bound-the-staten-island-migration.html>

³⁹ Georgia Worrell, *This if the one borough NYC homebuyers have left in droves: report*, *NY Post*, available at <https://nypost.com/2025/08/16/real-estate/new-report-reveals-the-one-borough-nyc-homebuyers-are-leaving-in-droves/>.

City, excluding those already living on Staten Island, a whopping 92% came from Brooklyn. Only 13 homes in total were purchased by former Manhattanites.⁴⁰

Thus, any assertion that Staten Island bears more similarity or has deeper connections—by any metric—to any community in New York City other than southwest Brooklyn is both ahistorical and preposterous on its face. As Staten Island historians Daniel Kramer and Richard Flanagan note, “Staten Island has never had enough inhabitants to constitute a congressional district on its own, but at times its district has included communities *much less similar than Bay Ridge [Brooklyn], such as lower Manhattan.*”⁴¹

B. Dr. Sugrue’s Erroneous Findings Under The New York Voting Rights Act

i. Factor (a): There Is No History Of Discrimination In Or Affecting The Political Subdivision

Dr. Sugrue contends that a history of slavery, a literacy test, and isolated incidents of racism impair the ability of Black and Hispanic voters to fully participate through voting or electing favored candidates to office today. But Dr. Sugrue’s claims regarding the alleged history of discrimination in Staten Island can be explored in detail to show his tendency to cherry-pick facts, obscure context, ignore progress, and disregard good intentions of public officials in national, state, and county offices seeking to address serious and complex social and economic problems.

History of Racial Discrimination Affecting the Political Subdivision

Dr. Sugrue’s report presents a brief, anecdotal history of racism in New York, and to a lesser extent begins with a history of discrimination against Blacks and Hispanics nationally, in New York State, and in Staten Island. A fuller history of racial discrimination in New York tells a

⁴⁰ *Id.*

⁴¹ Kramer, Daniel and Richard Flanagan, *Staten Island: Conservative Bastion in a Liberal City* 3 (2012) (emphasis added).

more complex story, and much more importantly, shows considerable progress in addressing racial discrimination in housing, employment, and voting rights on the state and national levels through both legal decisions and legislation.

For example, Dr. Sugrue disregarded completely the history of the abolition movement on Staten Island, which is crucial to understanding the history of slavery and racial discrimination on the Island. Indeed, by some measure, Staten Islanders were not just participants in the abolition movement, they were its architects.

Historian Richard S. Newman wrote in his history of abolitionism that the movement “was born with the American republic,” or perhaps even earlier.⁴² New York was an important part of that story, both as it developed at the national level and in a state that had deep economic ties to the Southern slave economy, a sizeable population of free Blacks and slaves, and more than its share of virulent racists. Unfree labor—slavery, serfdom, and indentured servitude—was the lot of the majority of people who came to colonial America. In the United States during the colonial period, indentured White and Black workers and slaves shared an inferior status. Their political participation was limited to demonstrations and riots, while work, festivals, religious revivals, and illegal activities brought them together.⁴³ As the number of Whites willing to move to North America as indentured servants declined, unfree labor became a mark of race, even as the number of free Blacks increased.

Slavery in both the North and South came into obvious conflict with the revolutionary rhetoric of natural rights, while abolition collided with a commitment to property rights. In the

⁴² Richard S. Newman, *The Transformation of American Abolitionism: Fighting Slavery in the Early Republic 2* (Chapel Hill: University of North Carolina Press, 2002).

⁴³ Lois E. Horton, *From Class to Race in Early America: Northern Post-Emancipation Racial Reconstruction*, 19 J. Early Republic 629, 631–35 (1999).

North, states openly discussed the abolition of slavery in the aftermath of the Revolution. States with few slaves or Black people, such as Vermont, moved quickly to outlaw slavery.

New York, with a relatively large slave population, tried to balance freedom and property rights. Following Pennsylvania, Connecticut, and Rhode Island, New York voted for gradual emancipation in 1799. The law was passed with the help of multiple organizations and individuals.

For example, the law passed only after the New York Manumission Society's steady agitation. Founded in 1783, its membership included slaveowners such as John Jay, who introduced abolition laws in 1777 and 1785.⁴⁴ In addition to trying to change state law, the New York Manumission Society, including its members from Richmond County, organized a national convention to explore how to persuade Congress to pass anti-slavery legislation and to coordinate efforts to prevent free Blacks from being kidnapped by slave traders.⁴⁵ One of their central projects was educational: removing the "cloud of prejudice" that hung over Whites about the capabilities of Blacks for citizenship and providing education to Blacks to equip them for citizenship.⁴⁶ This approach may seem timid, but it provided education that went beyond basic literacy to include financial skills essential to merchants and skills important to free Black leaders.

The American Anti-Slavery Society, founded in 1833, counted women and free Blacks among its members. Calling for immediate abolition, it had an immense presence in New York. By 1836, one-fifth of the chapters in the nation were in New York.⁴⁷ Their activism, often in the

⁴⁴ Both Aaron Burr and Alexander Hamilton were members, as were three future governors. David N. Gellman's *Liberty's Chain: Slavery, Abolition, and the Jay Family of New York* explores the tension in John Jay's advocacy while still owning human beings.

⁴⁵ Paul Polgar, "To Raise Them to an Equal Participation": Early National Abolitionism, Gradual Emancipation, and the Promise of African American Citizenship 31 J. Early Republic 229, 239–40 (2011).

⁴⁶ *Id.* at 240.

⁴⁷ John L. Myers, *The Beginning of Anti-Slavery Agencies in New York State, 1835-1836*, 43 New York History 149, 150 (1962).

face of opposition, kept abolitionism in the consciousness of the state and nation, even amid internal divisions.

The cause was also taken up by one of Staten Island's most notable residents, Governor Daniel Tompkins, who was long a champion of abolition. The legislature passed Tompkins's manumission bill in 1817, which emancipated every slave in New York State within ten years.⁴⁸ On July 4, 1827, the act went into effect with great fanfare in Richmond County, including an official reception at the Swan Hotel in New Brighton.⁴⁹ The commemoration was celebrated by both Democrats and Whigs, and nearly every elected official on the island participated.⁵⁰ The neighborhood of Tompkinsville on the North Shore is named in honor of Daniel Tompkins.

The American Anti-Slavery Society was active in the Hudson Valley, especially in areas where Quakers settled. Abolitionists in the Hudson Valley "played a significant role in the Underground Railroad."⁵¹ Staten Island was a significant stop along two routes of the Underground Railroad, with passengers crossing the kill either at Perth Amboy or Elizabeth. The passage was dangerous, as schooners operating in the waters during the 1850s were often searched for fugitive slaves in violation of Virginia's broad inspection laws.⁵² This continued right up to the outbreak of the war.

⁴⁸ Charles H. Wesley, "The Negroes of New York in the Emancipation Movement," 24 J. Negro History 65–103 (Jan. 1939).

⁴⁹ 1 Charles W. Leng and William T. Davis, *Staten Island and Its People: A History, 1629–1929*, 236 (New York: Lewis Historical, 1930–33).

⁵⁰ 2 Ira K. Morris, *Morris's Memorial History of Staten Island, New York*, 46–47 (New York: Memorial Publishing, 1898).

⁵¹ Amy Jacaruso, *The Mid-Hudson Anti Slavery History Project*, available at <https://www.hudsonrivervalley.org/mid-hudson-antislavery-history-project> (last visited Dec. 8, 2025; Rebecca Edwards et al, *Mid-Hudson AntiSlavery History Project* (June 2007), available at <http://mhantislaveryhistoryproject.org/documents/2007%20Research%20Report.pdf>; 27 A.J. Williams-Myers, *The Underground Railroad in the Hudson River Valley: A Succinct Historical Composite*, Afro-Americans in New York Life and History, 1–12 (Jan., 2003).

⁵² Debbie-Ann Paige, *National Parks Service: National Underground Railroad Network to Freedom Application: Louis Napoleon House c/o The Sandy Ground Historical Society* (July 1, 2011), available at https://www.academia.edu/3088830/NPS_UGRR_Louis_Napoleon_House_Site_Application.

Additionally, the Liberty Party emerged from a meeting in upstate New York involving Anti-Slavery Society members who were frustrated with the Whig and Democratic parties for their unwillingness to take a stand on slavery. With two slaveowners running in 1844, the Liberty Party hoped for a breakthrough, but the party won only 2.3% of the vote nationally and 3.25% in New York, which the Democrat Polk carried with 48.9% of the vote.⁵³

Similarly, the election of 1856 brought forward a new organization of the abolition movement on Staten Island, when the county played a role in the start of the Republican Party. Its nominee for President, the anti-slavery John C. Fremont, lived for a time on Staten Island's North Shore⁵⁴ while contemporary accounts unofficially named the county as the "First National Headquarters of the Republican Party."⁵⁵ This moniker was well-earned, as it was the longtime home of prominent abolitionists like Sydney Howard Gay, George William Curtis, and Francis George Shaw.⁵⁶

Efforts to undermine the institution of slavery were not limited to White Staten Islanders. The county itself became a magnet for freed slaves, themselves. In 1828, a free Black ferryboat captain named John Jackson purchased land just south of Rossville, in an area known as Sandy Ground. For nearly two hundred years, this settlement continues to hold the distinction of being the longest continually occupied settlement of former slaves, and many of the descendants of the original families still live in the neighborhood.⁵⁷ The Sandy Ground Museum is located, to this

⁵³ *1844 Presidential General Election Results*, U.S. Election Atlas, available at <https://uselectionatlas.org/RESULTS/national.php?year=1844> (last visited Dec. 8, 2025).

⁵⁴ New York Public Library, NYPL Map Warper: Layer 869.

⁵⁵ 1 Vernon B. Hampton, *Staten Island's Claim to Fame: "The Garden Spot of New York Harbor"*, 23 (1925).

⁵⁶ 1 Leng and Davis, *Staten Island and Its People*, 275 (1929).

⁵⁷ *565 and 569 BLOOMINGDALE ROD COTTAGES*, New York City Landmarks Preservation Commission (Feb. 1, 2011), available at http://www.nyc.gov/html/records/pdf/govpub/5808baymens_cottages_sandy_ground.pdf.

day, in one of the homes settled by freed slaves, and a nearby school has been named in honor of the community.

Although Dr. Sugrue focuses on a more negative picture of Sandy Ground, historically at Sandy Ground, the growing Black community owned property and grew in congruence with the overall prosperity of Staten Island in the mid-1800s. Its heyday came after the Civil War, during the era of Reconstruction, when, as sociologist William Askins claimed, the Sandy Ground community achieved both “economic success and a recognition of relative equality in their residential community.”⁵⁸ In 1900, about half of the community’s residents were White,⁵⁹ and its school educated the community’s students of all races. In 1849, Reverend William H. Pitts, a Virginia-born African Methodist Episcopal Zion minister, purchased land on Crabtree Avenue and held home prayer services for the town. By 1854, the congregation had built its own church and was large enough to accommodate 150 worshipers.⁶⁰ Of note, there is evidence that one of Sandy Ground’s residents, Louis Napoleon, served along the Underground Railroad in the 1840s; and by war’s end, he had likely helped more than three thousand self-emancipators find freedom.⁶¹

With context, it is therefore clear that New York, and specifically, Staten Island, have a history of opposing slavery and furthering abolition, which Dr. Sugrue ignores.

Dr. Sugrue’s report also incorrectly asserts that New York has a long history of suppressing the political power of people of color. His discussion lacks context and ignores significant civil rights legislation.

⁵⁸ 2 William Askins, *Oysters and Equality: Nineteenth Century Cultural Resistance in Sandy Ground, Staten Island, New York*, *Anthropology of Work Rev.*, 7–13 (June 1991).

⁵⁹ *Id.*

⁶⁰ New York City Landmarks Preservation Commission, *565 and 569 BLOOMINGDALE ROAD COTTAGES*.

⁶¹ Debbie-Ann Paige, *supra* n.52.

Although Black men who had certificates of freedom originally voted in significant numbers,⁶² in 1822 a new constitution created a property qualification.⁶³ Black and White abolitionists attempted to remove the property qualification on three occasions through state referenda. The first, in 1846, lost decisively, gaining 27.6% of the vote. The attempts in 1860 and 1869 were caught up in a new and unstable Republican coalition shy about making the case for justice, and they lost, if by closer margins.⁶⁴ New York politics was intensely competitive in the 19th century, and while Democrats invoked race in 1860 and 1869, Republicans in the state were reluctant to make Black suffrage a party issue. Nationally, Black suffrage faced headwinds everywhere in the 19th-century North. Only Iowa managed to pass a constitutional amendment allowing for Black suffrage.⁶⁵

The New York state legislature proved to be a more reliable venue for progress on civil rights. In 1873, New York was one of the first states to pass a civil rights statute—a state version of the 14th Amendment. It banned racial discrimination in public accommodations, including public schools. Challenges to discriminatory behavior brought by Black citizens, especially in the late-19th century, faced an uncertain outcome when courts followed the federal court’s narrow interpretation of the 14th Amendment. But that changed in the 1920s and 1930s. By World War II, “the nation viewed New York courts and legislature as leading agencies in the broader advocacy of civil rights.”⁶⁶

⁶² Sarah L.H. Gronningsater, “‘Expressly Recognized by Our Election Laws’: Certificates of Freedom and the Multiple Fates of Black Citizenship in the Early Republic,” 75 *Wm. & Mary Q.*, July 2018, at 465–506.

⁶³ Edward Countryman, *The Empire State and the Albany Regency*, in Milton M. Klein, *The Empire State: A History of New York*, 302–304 (Ithaca: Cornell University Press, 2001).

⁶⁴ Phyllis F. Field, *The Politics of Race in New York: The Struggle for Black Suffrage in the Civil War Era* (Ithaca: Cornell University Press, 1982).

⁶⁵ Robert R. Dykstra, *Bright Radical Star: Black Freedom and White Supremacy on the Hawkeye Frontier* (Cambridge: Harvard University Press, 1993).

⁶⁶ 71 David McBride, *Fourteenth Amendment Idealism: The New York State Civil Rights Law, 1873-1918*, *New York History*, 208 (Apr. 1990).

The postwar reputation for progress in civil rights legislation was cemented by the passage of the Ives-Quinn Act in 1945 with broad bipartisan support.⁶⁷ The Act was aimed at preventing discrimination in employment, which it declared was a civil right. It created a state commission with broad powers to investigate claims, formulate policy, and create local and regional boards to implement policy. New York was the first state to establish such an agency.⁶⁸

The state Commission against Discrimination was renamed the Division of Human Rights in 1968, which better reflected its wider and growing scope. Many New York counties have their own Human Rights Commissions and procedures for filing complaints.⁶⁹

Response to Dr. Sugrue Charges of KKK and Historical Racism in Staten Island

Dr. Sugrue focuses on a Ku Klux Klan (KKK) incident that occurred on Staten Island in the 1920s. However, a search of New York City newspapers turned up no other incidents in the 1920s, while at the same time there were numerous reports of KKK events and reactions against them elsewhere in New York and New Jersey. Some notable incidents include the 1924 Democratic National Convention in Manhattan, which was given the moniker “The Klanbake,” as its members played a prominent role in opposing New York Governor Al Smith.⁷⁰ Another such incident occurred in Peekskill, NY in 1949, when members of the KKK and violent anti-communists rioted in response to a concert being held by Black folk singer Paul Robeson.⁷¹

⁶⁷ Leo Egan, *ANTI-RACIAL BILL PASSED BY SENATE AND SENT TO DEWEY; Ives-Quinn Measure Wins by 49-to-6 Vote in Late Session at Albany A LAST-MINUTE BATTLE Amendment for Referendum Rejected—Governor’s Support Commended Dewey Corralled Votes Structure of Law Praised Functions of Commission* (Mar. 6, 1945), available at <https://www.nytimes.com/1945/03/06/archives/antiracial-bill-passed-by-senate-and-sent-to-dewey-ivesquinn.html>.

⁶⁸ Division of Human Rights Homepage, New York State, available at <https://dhr.ny.gov/about>.

⁶⁹ See, e.g., Human Rights Page, Orange County New York, available at <https://www.orangecountygov.com/1108/Human-Rights>.

⁷⁰ Jack Schafer, *1924: The Wildest Convention in US History*, Politico Mag. (Mar. 7, 2016), available at <https://www.politico.com/magazine/story/2016/03/1924-the-craziest-convention-in-us-history-213708/>.

⁷¹ Roger Williams, *A Rough Sunday in Peekskill*, 27 American Heritage (Apr. 1976), available at <https://www.americanheritage.com/rough-sunday-peekskill>.

Even in the late 1980s and 1990s, when there was an uptick in KKK movements, KKK and neo-Nazi activity remained minimal in Staten Island. In 1992, the possibility that a KKK chapter existed on Staten Island was front-page news, based on the discovery of literature marked “Staten Island Chapter,” and a source that claimed there were 50 members. That story was immediately followed by denunciations of racism by community groups and a promise from the mayor to dispatch the police if any reports of racist incidents came in. The newspaper trail did not indicate whether any incidents traceable to the KKK were uncovered.

In 1988, there were an estimated fifty skinheads on Staten Island, out of perhaps 500 throughout New York City.⁷² In 1995, sixty skinheads who tried to disrupt an anti-hate rally inspired by the discovery of hate literature and stickers, were removed and detained by police. In a report leading up to the rally, police noted that there had been no evidence of KKK or organized racist activity in recent years.⁷³

While racist incidents occurred throughout the country, Richard Prideaux, a civil rights activist who helped found the Congress of Racial Equality chapter in Staten Island that worked for housing integration, had a positive experience in moving to the Todt Hill Houses in the late 1950s. While the recently-built complex attracted mostly Whites, there were residents of many races living there, and tenants “got along very well,” he reported. “All of the children played outside together. It was safe and ideal, like living in a park.”⁷⁴

Political historians Daniel Kramer and Richard Flanagan certainly note the limited incidents that Dr. Sugrue cited in his report in their seminal work on the borough’s 20th century political history. However, they conclude, “Thankfully, Staten Island never had the kind of high-

⁷² David Martin, *A brat pack on the prowl*, Staten Island Advance (Sept. 11, 1988).

⁷³ Tom Berman, *Skinheads crash anti-hate rally*, Staten Island Advance (Dec. 11, 1995).

⁷⁴ Clare M. Regan, *‘A force for racial equality,’* Staten Island Advance (Mar. 15, 2021).

stakes confrontation between African-Americans and whites that rocked neighboring Brooklyn. There were no full scale race riots.”⁷⁵

Federal Housing Policy

Dr. Sugrue maintains that federal housing policy in the 1930s and 1940s discriminated against Blacks, although specific data is not offered to show that these policies affected or were implemented in Staten Island, with a largely small and rural population. Furthermore, scholars differ on “redlining” federal housing policy in the 1930s.

Especially useful in understanding federal housing mortgage policy and allegations of federal racial discrimination through lending is a quantitative study by economists Price Fishback, Jonathan Rose, Kenneth A. Snow, and Thomas Storrs. The researchers examined three cities, Baltimore, Maryland, Peoria, Illinois, and Greensboro, North Carolina. They examined every financing loan made by the Federal Housing Administration in these cities. Over 16,000 loans were examined. The researchers concluded that “The evidence from the three cities shows that [the Home Owners Loan Corporation (HOLC)] refinanced loans in neighborhoods throughout each city and that the share of loans made by HOLC to Black Americans was close to proportionate to the share of homeowners who were Black.”⁷⁶

The researchers further concluded, contrary to the scholars who allege racial redlining by the HOLC and the Federal Housing Administration (FHA), that the pattern of loans in these three cities bore no relationship between HOLC mapping program and actual FHA loan policy.⁷⁷ Dr. Sugrue ignores this contrary literature, but more importantly provides no empirical evidence of alleged discriminatory loan policy toward Blacks or Hispanics on Staten Island.

⁷⁵ Kramer and Flanagan, *supra* n.41, at 107.

⁷⁶ Price Fishback, et al, *New Evidence on Redlining by Federal Housing Programs in the 1930s*, J. Urb. Econ. (Jan. 2022).

⁷⁷ *Id.*

Furthermore, even should Dr. Sugrue find some informational points to support his claim, it is not clear how federal housing loan policies in place seventy years ago impair the ability of Black or Hispanic voters currently in Staten Island from electing minorities to office. Dr. Sugrue's theory offers no causality and runs contrary to the state of politics today. Congresswoman Nicole Malliotakis, the representative from the 11th Congressional District, which encompasses the entirety of Staten Island, is Hispanic, and she previously represented part of the Island in the State Assembly. Dr. Sugrue also does not account for Kamillah Hanks and Charles Fall, two Black legislators, who also currently serve Staten Island constituencies. He further ignores that several other minority candidates have run credible campaigns after receiving nominations from both the Republican and Democratic parties, qualified for the ballot, and—when appropriate—received public matching funds, as discussed below.

In sum, regardless of the history to overcome the legacy of slavery and to expand legislative and judicial protection and advancement for racial and ethnic minorities, Dr. Sugrue fails to explain how a history of slavery or isolated incidents of racism impairs the ability of Black, Hispanic, or Asian voters from fully participating through voting or electing favored candidates to office today.

ii. Factor (b): Blacks and Hispanics Have Achieved Success in Being Elected to Office in Staten Island

Dr. Sugrue incorrectly contends that Black and Hispanic candidates “have long been under-represented in political offices in Staten Island.” Rep. ¶ 90. There is no evidence that members of the protected class have been excluded from public office, and, to the contrary, racial and ethnic minorities have had great success in Staten Island.

The New York City Council representative for District 49, which covers nearly the entire North Shore of Staten Island, is represented by Kamillah Hanks, a Black woman who has made,

according to the city council website, a career of advocacy, innovation, and leadership.⁷⁸ She chaired the critical Public Safety Committee and serves as co-chair of the Staten Island Delegation. She also succeeded Debi Rose, another Black woman, who represented the district from 2010 to 2021 and served as the dean of the Staten Island delegation.

Similarly, the Assemblyman for New York 61st State Assembly District, which covers the North Shore of Staten Island, is Charles B. Fall, a Black, Muslim man whose family is from Guinea, West Africa.⁷⁹ Fall has also been elected to serve as the Chairman of the Staten Island Democratic Party and leads the party's political efforts throughout Staten Island.

Staten Islanders also elect diverse candidates to the bench. The Honorable Anne Thompson, a Black woman; the Honorable Tashanna Golden, a Black woman; the Honorable Raymond Rodriguez, a Hispanic man; the Honorable Alexander Jeung, an Asian man; the Honorable Biju Koshy, an Asian man; and the Honorable Raja Rajeswari, a South-Asian woman, all currently serve as members of the Staten Island judiciary.

The 11th Congressional District, which encompasses the entirety of Staten Island, is also represented by Hispanic Congresswoman Nicole Malliotakis in the House of Representatives. Both of Congresswoman Malliotakis' parents are recent immigrants and non-native English speakers. She has made her heritage a prominent feature of her campaigns and work in public office. Congresswoman Malliotakis also previously served as one of the borough's Assembly Members between 2011 and 2021. Although Dr. Sugrue looks to historical practices that existed in the 1920s, Rep. ¶ 80, to conclude that members of protected classes are excluded from public

⁷⁸ *Kamillah Hanks*, New York City Council, available at <https://council.nyc.gov/district-49/> (last visited December 5, 2025).

⁷⁹ *Assemblyman Charles D. Fall*, N.Y. Assembly, <https://nyassembly.gov/mem/Charles-D-Fall>.

office, his failure to account for the demonstrative success of protected class members serving Staten Island shows that such conclusions are implausible in modern-day Staten Island.

iii. Factor (c): The Use of Voting Qualifications or Prerequisites to Vote to Enhance the Dilutive Effects of the Election Scheme

Dr. Sugrue contends that New York's use of literacy tests in the 1920s has "long prevented or hindered minority groups in Staten Island from participating in the political process." Rep. ¶ 88. The history of literacy testing in New York, however, is considerably more complex than portrayed by Dr. Sugrue, and, moreover, he fails to explain how these state-wide tests uniquely affected minorities in Staten Island.

Although New York required a literacy test in 1921, the State funded evening programs, public schools, and community centers to provide an extensive educational campaign to ensure an expanded electorate would pass the exam.⁸⁰ New York also revised the test two years later to use simpler text, after testing it in two hundred public schools to fourth graders in Troy, Albany, Schenectady, and New York City.⁸¹ Due to these efforts, within its first decade, the fail rate for the exam fell from 21.4% to 10.1%.⁸² This occurred even while more people took the exam, including 129,000 exam takers in 1928. These sustained efforts often allowed immigrants to pass in greater numbers.

Notably, the U.S. Supreme Court upheld state-imposed literacy tests in the states as late as 1959.⁸³ In an opinion by William O. Douglas, the Court found that the tests were constitutional because they applied equally to all races and were not "merely a device to make racial

⁸⁰ Marco Balestri, *The Fight to Read, Write, and Vote: The New York State Literacy Test, 1922-1965*, 52, Columbia University, December 2021, available at https://sites.asit.columbia.edu/wp-content/uploads/sites/29/2022/05/Balestri-Marco_Final-Thesis.pdf.

⁸¹ J. Cayce Morrison, *New York State Regents Literacy Test*, J. Educ. Rsch. (1925).

⁸² Balestri, *supra* n.80, at 73.

⁸³ *Lassiter v. Northampton Cnty. Bd. of Elections*, 360 U.S. 45, 53–54 (1959).

discrimination easy.”⁸⁴ The Court explained that a state could use its power to “determine the conditions under which the right of suffrage may be exercised.”⁸⁵ The Voting Rights Act of 1964 prohibited states from preventing people with a sixth-grade education from voting, which arguably the New York Literacy Test did not target. And in 1966, the U.S. Supreme Court confirmed in *Katzenbach v. Morgan* that Congress had the right to halt English-language requirements and established that the federal government could extend language-based voting protections.⁸⁶ And shortly thereafter, Congress did just that.

Due to increased migration of Spanish speaking people to the mainland United States, including up to 1.4 million Puerto Ricans by 1970, the literary test re-emerged as an obstacle to voting.⁸⁷ But Spanish speaking minorities were not politically weak, as legal and education organizations for Mexicans and Puerto Ricans helped lobby Congress, brought successful legal challenges, and helped introduce legislation to protect Spanish speakers.⁸⁸ These groups, along with those like the League of United Latin American Citizens, championed the Voting Rights Act of 1975 which declared that Spanish-speaking people were a protected group and recognized them as a language minority.⁸⁹ The act banned literacy tests and required providing ballots in Spanish, and other recognized languages. This was the first time that a language group, not a race or ethnic group, was designated a protected class as embodied in the Voting Rights Act of 1965.⁹⁰ And literacy tests have not served to bar any voter from the political process in the last fifty years.

⁸⁴ *Id.* at 53.

⁸⁵ *Id.* at 50.

⁸⁶ 384 U.S. 641 (1966).

⁸⁷ Rosina, Lozano, *Vote Aquí Hoy: The 1975 Extension of the Voting Rights Act and the Creation of Language Minorities*, J. Pol’y His. 68, 69–72 (Dec. 22, 2022).

⁸⁸ *Id.* at 73–75.

⁸⁹ *Id.* at 77.

⁹⁰ *Id.* at 69.

To the contrary, today, there are extensive government resources meant to ensure that all eligible voters have access to the ballots, regardless of their country of origin or primary language. For example, New York City provides foreign language services for protected classes in voting, appearing at the polls to assist non-English speakers.⁹¹ It also provides printable resource guides in 14 different languages, including English, Spanish, Arabic, Bengali, Chinese (traditional and simplified), French, Haitian Creole, Italian, Korean, Polish, Russian, Urdu, and Yiddish. Thus, Staten Island has come a long way from the days of literacy tests.⁹²

iv. Factor (d): Denying Eligible Voters or Candidates Access to Ballots, Financial Support, or Other Support in a Given Election

Neither Dr. Sugrue nor Petitioners provide any support for the suggestion that Black and Latino voters or candidates have been denied access to the ballot, financial support, or other support. To the contrary, dozens of candidates have run for office who not only qualified to be on the ballot over the last few decades but have also qualified for the City's and, more recently, the State's matching funds program—which provide candidates of all ethnicities with matching funds at a multiplier rate in addition to the dollars they raise from traditional donations. This has resulted in diverse candidates in every election cycle.

v. Factors (e)/(f): The Extent to Which Members of a Protected Class Contribute to Political Campaigns and Vote at Lower Rates than Other Members of the Electorate

Voting turnout in the state of New York is not categorized by race or ethnicity, so an exact determination of turn-out of protected classes is not discernable, but the available regional and national data suggests that Black and Hispanic voters in Staten Island are not being denied access

⁹¹ *Voter Language Assistance Services*, NYC Civic Engagement Commission, available at <https://www.nyc.gov/site/civicingagement/our-programs/poll-site-language-access.page> (last visited Dec. 7, 2025).

⁹² *Id.*

to voting or blocked from voting for candidates of their choice. Nor does Dr. Sugrue contend otherwise.

Hispanic voters have increased their participation in New York City throughout the last decade. According to the Hispanic Federation in New York City, Hispanic voter turnout increased in the City's municipal elections in 2025.⁹³ Indeed, during the June 2025 municipal primaries, more than 165,000 Hispanics voted, apparently "shattering previous voter turnout records."⁹⁴

This is consistent with national data showing increased Hispanic voter eligibility throughout the country. In 2024, for example, the number of eligible Hispanic voters increased from 32.3 million in 2020 to an estimated **36.2 million**, significantly increasing the potential size of the Hispanic voting bloc.⁹⁵

The national data also consistently shows increased voter registration and turnout across the country. A report by CUNY Center of for Latin American, Caribbean and Latino Studies concludes that Hispanic voters are registering and voting nationally and in the state of New York more than ever before.⁹⁶ Data from the National Association of Latino Elected and Appointed Officials (NALEO), shown in Table 3, similarly shows an increase in Hispanic turnout for the Presidential election, highlighting a 13.1% increase in Hispanic participation in the electoral process between 2016 and 2024.⁹⁷

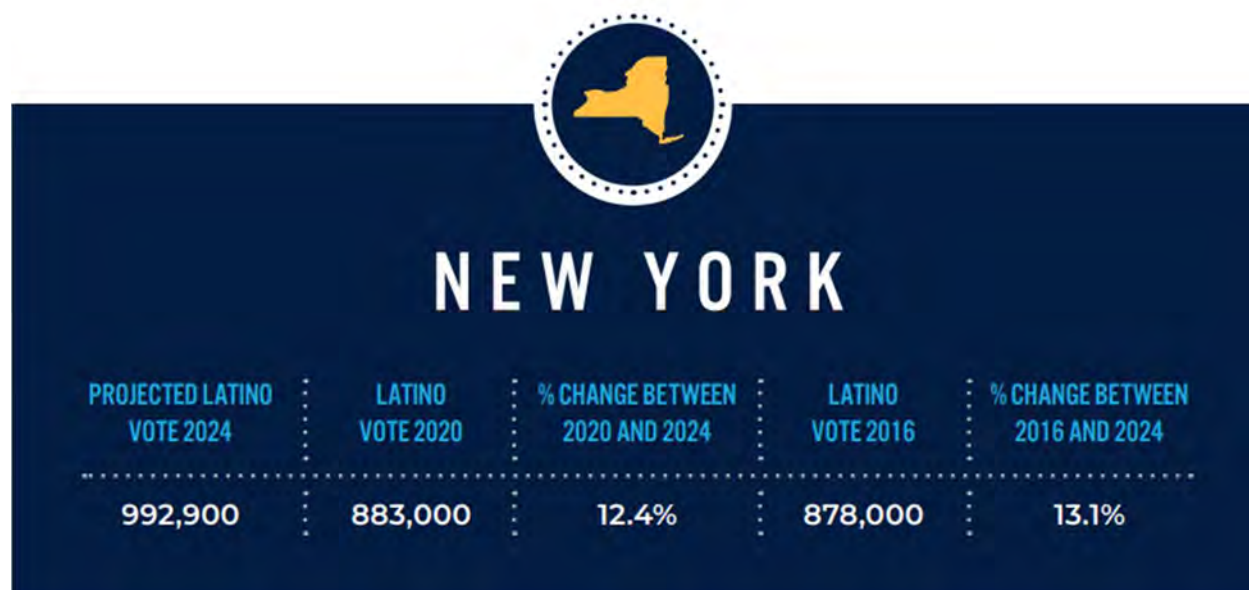
⁹³ *Hispanic Federation Celebrates Record-Breaking Voter Turnout in New York City Municipal Elections*, Hispanic Federation (Nov. 4, 2025), available at <https://www.hispanicfederation.org/news/hispanic-federation-celebrates-record-breaking-voter-turnout-in-new-york-city-municipal-elections/>.

⁹⁴ *Id.*

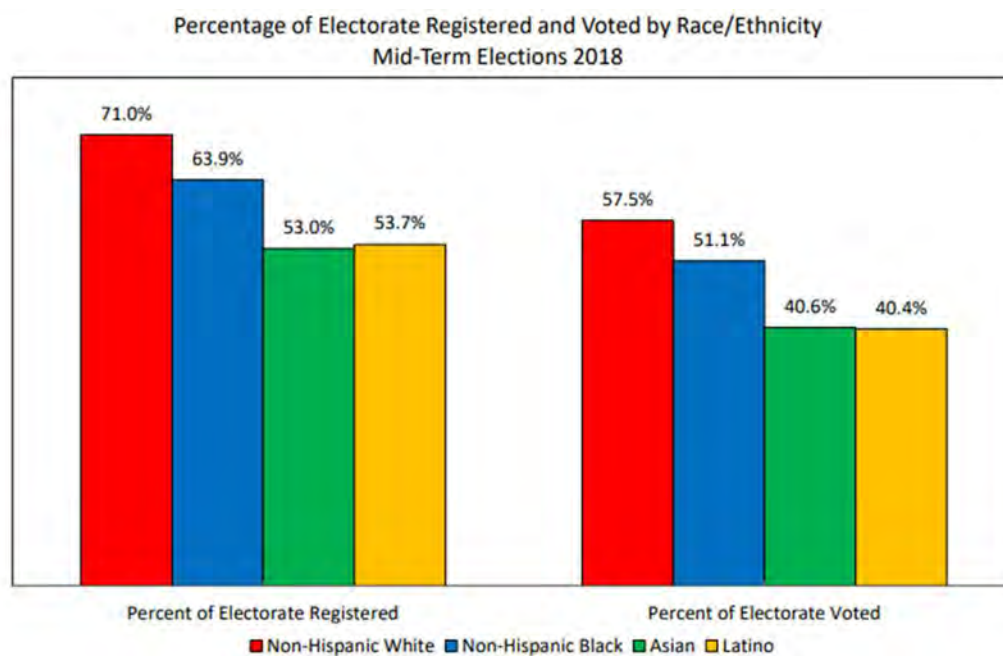
⁹⁵ Bruno Vega Hübner & F.J. Pueyo Meno, *The Hispanic Vote in the 2024 U.S. Presidential Elections*, Estudios del Observatorio 5 (2025), available at https://cervantesobservatorio.fas.harvard.edu/sites/default/files/95_en_the_hispanic_vote_in_the_2024_u.s._presidential_elections.pdf.

⁹⁶ Laird W. Bergad, *Latino Voter Participation in the 2018 and 2022 Midterm Elections*, Ctr. for Latin Am., Caribbean, and Latino Stud. at City U. of N.Y. (Sept. 2023), available at https://academicworks.cuny.edu/cgi/viewcontent.cgi?article=1121&context=clacls_pubs.

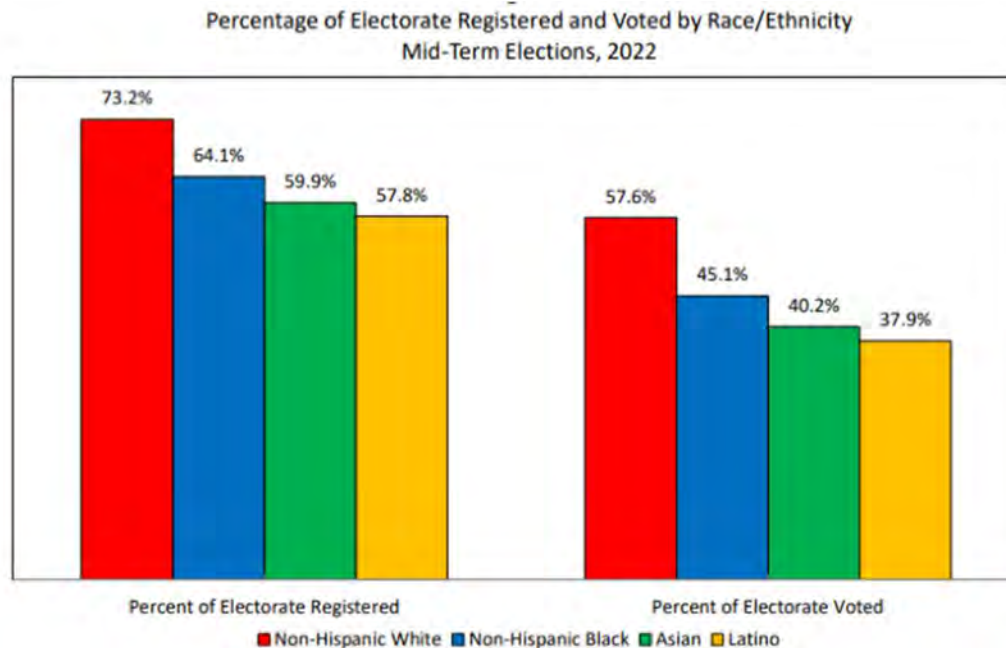
⁹⁷ New York Primary Election Profile, NALEO 5 (2024) https://naleo.org/COMMS/PRA/2024/New_York_Primary_Pofile_FINAL.pdf.

Table 3

This is confirmed by surveys from City University of New York, concluding that Spanish speaking voters are increasingly involved in politics, as shown in Tables 4 and 5.⁹⁸

Table 4

⁹⁸ *Latino Voter Participation in the 2018 and 2022 Midterm Elections*, *supra* note 96, at 5–6.

Table 5

Further, according to the Center for Latin American, Caribbean and Latino Studies (CLALS), there was about a 13% difference in Hispanic voter registration and turnout in 2018. And in 2022, Hispanic voter registration increased by 4% from 2018.⁹⁹

Contrary to the bleak picture painted by Dr. Sugrue, the data shows immense progress, not racial suppression, and it suggests that Hispanic voters in Staten Island will only increase their political participation in the future. As of 2024 Hispanics make up 15% of the current voting population in Richmond County.¹⁰⁰ This is one of the highest percentages of any New York State County.¹⁰¹ And the growth of the Hispanic voting population and increased participation around the country suggests that Staten Island will see more Hispanics voting and being elected to office in the county, without expanding the district. This is particularly true given that the Hispanic

⁹⁹ *Id.*

¹⁰⁰ *Latina Representation in New York Government*, HOPE 7 (2024), available at <https://www.latinas.org/wp-content/uploads/HOPE-NY-Latina-Representation-Report-2024-FINAL.pdf>.

¹⁰¹ *Id.*

community in Staten Island is both active and well organized, including such organizations as La Colmena, the Hispanic Federation, Make the Road NY, and El Centro.

Additionally, Blacks have even higher voter turnout than Hispanics nationally. In fact, Black voter turnout was almost the same as White voter turnout in 2008 (65.2% as compared to 66.1%) and was actually higher than White voter turnout in 2012 (66.6% compared to 64.1%).¹⁰² Dr. Sugrue does not contend that Black voters in Staten Island vote in elections at a lower rate than Black voters nationally. These statistics therefore suggest a politically active Black community, comparable to the White community.

vi. Factor (g): The Extent to Which Members of the Protected Class are Disadvantaged in Areas Such as Education, Employment, and Housing

Education

Dr. Sugrue contends that there are “significant disparities” in educational attainment between White, Black, and Hispanic adults on Staten Island. But he fails to discuss the complexity of education responsibility, wholly ignores that Hispanic and Black educational attainment have been largely increasing in Staten Island, and does not discuss other measures of inequality in education, which do not support his contention.

Education is a complex social issue that is not the sole responsibility of Staten Island. In their account of education policy and politics in *The Oxford Handbook of New York State Government and Politics*, political scientists Jack Buckley and Allison Armour-Garb explain that “education in New York is the result of a political balancing act between many actors . . . including the Board of Regents, the legislature, the governor, the courts, mayors, teachers’ unions, school

¹⁰²Thom File, *Voting in America: A Look at the 2016 Presidential Election* (May 10, 2017), available at https://www.census.gov/newsroom/blogs/random-samplings/2017/05/voting_in_america.html.

administrators, and democratically elected local school boards.”¹⁰³ Any disparity in educational attainment cannot therefore be the fault of Staten Island’s leadership alone.

Moreover, Black and Latino educational attainment have increased over the past decade in Staten Island. As the tables below indicate, the percentage of Blacks attaining a high school degree in Staten Island increased from 85.8% in 2015 to 86.4% in 2020 and 90.2% in 2024. The percentage of Blacks attaining bachelor’s degrees similarly increased from 24.6% in 2015 to 28.7% in 2020 and 30.0% in 2024. Likewise, the percentage of Hispanics in Staten Island earning a high school degree increased from 78.4% in 2020 to 82.8% in 2024, and the percentage of Hispanics who earned a bachelor’s degree increased from 18.0% in 2015 to 22.0% in 2024.

2024 Educational Attainment by Race¹⁰⁴

Race & Educational Attainment	Total	Percent	Percent of White
White - High school graduate or higher	186,170	92.9%	100.00%
White - Bachelor's degree or higher	83,716	41.8%	100.00%
Black - High school graduate or higher	27,572	90.2%	97.09%
Black - Bachelor's degree or higher	9,182	30.0%	71.77%
Asian - High school graduate or higher	39,590	75.7%	81.49%
Asian - Bachelor's degree or higher	17,841	34.1%	81.58%
Latino - High school graduate or higher	49,975	82.8%	89.13%
Latino - Bachelor's degree or higher	13,304	22.0%	52.63%

¹⁰³ Gerald Benjamin, Jack Buckley & Allison Armour-Garb, *The Oxford Handbook of New York State Government and Politics*, New York State Education Policy and Politics, 563 (Oxford University Press, 2012).

¹⁰⁴ 2024 Educational Attainment, U.S. Census Bureau, available at <https://data.census.gov/table?q=educational+attainment&g=060XX00US3608570915> (select “View All 28 Products” under S1501 | Educational Attainment, then select 2024: ACS 1-Year Estimates Subject Tables).

2020 Educational Attainment by Race¹⁰⁵

Race & Educational Attainment	Total	Percent	Percent of White
White - High school graduate or higher	196,906	92.7%	100.00%
White - Bachelor's degree or higher	79,808	37.6%	100.00%
Black - High school graduate or higher	26,692	86.4%	93.20%
Black - Bachelor's degree or higher	8,868	28.7%	76.33%
Asian - High school graduate or higher	27,008	79.2%	85.43%
Asian - Bachelor's degree or higher	14,494	42.5%	113.03%
Latino - High school graduate or higher	40,984	78.4%	84.57%
Latino - Bachelor's degree or higher	11,014	21.1%	56.12%

2015 Educational Income by Race¹⁰⁶

Race & Educational Attainment	Total	Percent	Percent of White
White - High school graduate or higher	198,170	91.7%	100.00%
White - Bachelor's degree or higher	70,905	32.8%	100.00%
Black - High school graduate or higher	25,539	85.8%	93.57%
Black - Bachelor's degree or higher	7,339	24.6%	75.00%
Asian - High school graduate or higher	22,813	84.7%	92.37%
Asian - Bachelor's degree or higher	11,513	42.8%	130.49%
Latino - High school graduate or higher	37,727	79.0%	86.15%
Latino - Bachelor's degree or higher	8,605	18.0%	54.88%

Other measures of inequality in education also contradict Dr. Sugrue's finding of discrimination. For example, one classic measure of inequality in education is per pupil spending in public schools. And disparities in pupil spending in Staten Island high schools do not vary

¹⁰⁵ 2020 Education Attainment, U.S. Census Bureau, available at <https://data.census.gov/table/ACSST5Y2020.S1501?q=educational+attainment&g=060XX00US3608570915> (select "View All 28 Products" under S1501 | Educational Attainment, then select 2020: ACS 5-Year Estimates Subject Tables).

¹⁰⁶ 2015 Educational Attainment, U.S. Census Bureau, available at <https://data.census.gov/table/ACSST5Y2015.S1501?q=educational+attainment&g=060XX00US3608570915> (select "View All 28 Products" under S1501 | Educational Attainment, then select 2015: ACS 1-Year Estimates Subject Tables).

significantly by location. Among the twelve public high schools in Staten Island, only five have funding allocations above the New York City average,¹⁰⁷ and all five of those schools educate higher percentages of non-White students, as shown in the table below.

School	Spending	Econ Need	Asian	Black	Hispanic	White ¹⁰⁸
David Marquis School of the Arts*	112,153	84%	14%	10%	24%	49%
South Richmond High School*	76,982	91%	5%	32%	35%	24%
Eagle Academy for Young Men of Staten Island	33,162	90%	2%	52%	39%	4%
Ralph R. McKee Career and Technical	31,362	81%	2%	22%	59%	11%
Port Richmond High School	23,718	83%	7%	23%	54%	13%
Tottenville High School	17,278	45%	16%	2%	18%	61%
Michael J. Petrides School	20,507	65%	13%	21%	35%	28%
Gaynor McCown Expeditionary Learning School	19,414	51%	15%	4%	28%	46%
New Dorp High School	18,883	65%	19%	8%	30%	40%
Curtis High School	18,162	81%	7%	30%	49%	10%
CSI High School for International Studies	15,739	55%	37%	6%	24%	33%
Staten Island Technical High School	13,205	46%	67%	1%	4%	27%

* Schools serving special need students

¹⁰⁷ New York City average: \$22,857 per pupil; New York special needs schools: \$76,763 per pupil. School Budget At a Glance, The New York City Department of Education, available at New York City Department of Education and can be found at <https://www.nycenet.edu/publicapps/Offices/FSF/BudgetAtGlance.aspx> (select 2024-2025 school year, search for specific school within drop down menu).

¹⁰⁸ The racial breakdown does not total to 100% because the small multi-racial, missing, and Native American categories are not included in the table.

The reason for increased funding is not ambitious White parents, but in fact a mission to educate hard-to-serve populations. Schools that work with students with intellectual disabilities, including those on the autism spectrum, spend significantly more than the Island's average. At both the David Marquis School of the Arts and the South Richmond High School, 100% of the students have intellectual disabilities. Some at David Marquis are non-verbal.

Another school well above the New York City average is the Eagle Academy for Young Men of Staten Island, which largely serves Black and Hispanic students, nearly half of whom have disabilities.¹⁰⁹ The school has been highlighted by the Staten Island Advance for its success in educating and providing pathways to college for young Black and Hispanic men.¹¹⁰

Although there are gaps in achievement among Whites, Blacks, and Hispanics, the increase in Black and Hispanic educational attainment, and the fact that the per pupil spending in Staten Island does not support a finding of discrimination, demonstrate that Dr. Sugrue's myopic focus on current disparities presents an unbalanced image of the educational realities on Staten Island.

Housing

Dr. Sugrue discusses "wide" gaps in homeownership rates between Whites, Blacks, and Hispanics. Rep. ¶ 79. He ignores, however, that Staten Island has a far higher rate of homeownership than the New York City, New York State, and national averages, and he disregards the fact that the high demand for housing in Staten Island has greatly increased the cost of housing.

In Richmond County, the homeownership rate is 67.9%, which is more than 2 times greater than New York City's average of 31%.¹¹¹ It is also significantly higher than the statewide average

¹⁰⁹ *The 2025 Staten Island Trailblazers*, City & State, (Nov. 24, 2025), available at <https://www.cityandstateny.com/power-lists/2025/11/2025-staten-island-trailblazers/409605/>.

¹¹⁰ Annalise Knudson, *A lifelong passion becomes reality: How this NYC principal works to empower young men of color*, (June 17, 2021), available at <https://www.silive.com/education/2021/06/a-lifelong-passion-becomes-reality-how-this-nyc-principal-works-to-empower-young-men-of-color.html>.

¹¹¹ *Richmond County Data*, *supra* n.3.

of 53.6% and slightly better than the national average of 65%.¹¹² This indicates that Blacks and Hispanics have historically had, and will likely continue to have, a better chance of owning a home in Staten Island than they would elsewhere in the area, in the State, or around the country.

Of course, given the high demand for homes on Staten Island from people of all ethnic groups—especially East Asians, South Asians and Middle-Easterners, Blacks, Hispanics, and Orthodox Jews—attempting to move to Staten Island, Staten Island has experienced a housing shortage and an accompanying increase in housing prices. This makes it more difficult for all on Staten Island to purchase a home.

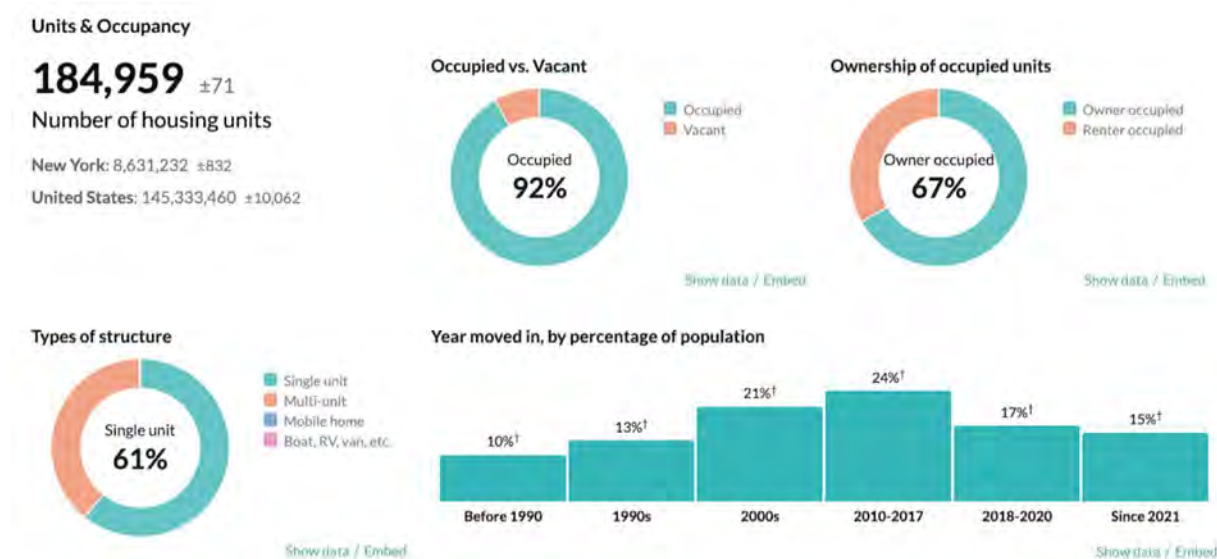
Between 2022 and 2023 the median property value increased from \$637,100 to \$658,500, a 3.36% increase. The 2023 median property value in Richmond County, New York, again, \$658,500, was 2.17 times larger than the national average of \$303,400.¹¹³

Even so, Staten Island's housing shortage is decreasing, meaning that the overall population experiencing housing shortages has decreased from 2014 to 2025. In 2025, 22.9% of the population was living with severe housing problems in Richmond County, New York, which was a decline of .257% in the indicator from 2014.¹¹⁴

¹¹² *Id.*

¹¹³ *Id.*

¹¹⁴ The data supporting this statement and the tables below can be found on the Census Reporter website. *See Total Population in Occupied Housing United by Tenure by Year Householder Moved Into Unit, ACS 2023 1-year*, Census Reporter, available at https://censusreporter.org/data/table/?table=B25026&primary_geo_id=05000US36085&geo_ids=05000US36085,04000US36,01000US; *Value, 2023 1-year*, Census Reporter, available at https://censusreporter.org/data/table/?table=B25075&primary_geo_id=05000US36085&geo_ids=05000US36085,04000US36,01000US; *Geographical Mobility in the Past Year by Sex for Current Residence in the United States, ACS 2023 1-year*, Census Reporter, https://censusreporter.org/data/table/?table=B07003&primary_geo_id=05000US36085&geo_ids=05000US36085,04000US36,01000US.



Comparing Income Across Racial Lines

Dr. Sugrue narrowly focuses on the “significant socio-economic disparities” between Black and Hispanics on Staten Island as compared to Whites on Staten Island. Rep. ¶ 78. Again, Dr. Sugrue ignores that Black and Hispanic median income has been increasing steadily and decreasing the income disparity.

As shown in the tables below, since 2010, Blacks in Staten Island have increased their mean income by more than 33%, growing from \$20,785 in 2010 to \$32,154 in 2024. This resulted in a 4.14% increase in Black income as a percentage of White income.

Hispanics have similarly increased their mean income on Staten Island. Hispanic mean income grew from \$21,379 in 2010 to \$31,399 in 2024, increasing their percentage as compared to White income. Likewise, Asians on Staten Island have seen an increase in mean income, with an increase from \$26,439 in 2010 to \$35,068 in 2024.

Median Income¹¹⁵

2024 Household Income

Race	Population Distribution	Mean Income	Percent of White Income
White	57.7%	\$48,903	100%
Black or African American	9.2%	\$32,154	65.75%
Asian	14.4%	\$35,068	71.71%
Hispanic or Latino origin (of any race)	19.6%	\$31,399	64.21%

2020 Household Income

Race	Population Distribution	Mean Income	Percent of White Income
White	71.6%	\$41,569	100%
Black or African American	10.2%	\$26,786	64.44%
Asian	10.0%	\$35,277	84.86%
Hispanic or Latino origin (of any race)	18.4%	\$26,364	63.42%

2010 Household Income

Race	Population Distribution	Mean Income	Percent of White Income
White	75.8%	\$33,739	100%
Black or African American	10.0%	\$20,785	61.61%
Asian	7.6%	\$26,439	78.33%
Hispanic or Latino origin (of any race)	16.30%	\$21,379	63.37%

¹¹⁵ Mean Income in the Past 12 Months (in 2024 Inflation-Adjusted Dollars), S1902, U.S. Census Bureau, available at [https://censusreporter.org/data/table/?table=B17001&primary_geo_id=05000US36085&geo_ids=05000US36085,04000US36,01000US](https://data.census.gov/table/ACSST1Y2024.S1902?q=median+income&g=050XX00US36085$1400000_060XX00US3608570915%20.%20.%20;Poverty>Status in the Past 12 Months by Sex by Age, ACS 2023 1-year, Census Reporter, available at <a href=).

The income disparity must therefore be viewed in context, which shows that the disparity is decreasing and will likely continue to do so.

vii. Factors (h): Hispanics and Blacks on Staten Island Are Not Disadvantaged in Other Areas in a Way that Hinders Their Ability to Participate Effectively in the Political Process

Dr. Sugrue focuses on factor (g)—considering socioeconomic status, housing, and income—and disregards Staten Island’s clear commitment to supporting its minority residents and ending racism through community resources and other support. Without acknowledging these facts, Dr. Sugrue’s presentation of Staten Island is incomplete.

Community Resources:

To start, Staten Island has extensive minority resources meant to protect legal rights and provide an array of services for minorities, ensuring community development, voting rights, legal counseling, and minority integration.

In 2024, New Yorkers “identif[ied] the actions government must take to improve well-being for communities harmed by racism and social injustice,” and determined that governments needed to “[i]ncrease and appropriately fund the number of organizations working with NYC government to provide health, mental health, and substance use programs that understand the lived experience of community members most harmed by racism.”¹¹⁶ Indeed, 78.1% of respondents agreed or strongly agreed that the increase of mental health and substance use programs would be most helpful to communities harmed by racism, choosing that option over (1) “[i]ntegrat[ing] diverse voices in government decision-making”; (2) “[i]ncreasing equity in income and employment supports”; (3) “lessen[ing] burdens and increase[ing] supports for students and their

¹¹⁶ *Staten Island Community Equity Priority Feedback*, NYC Commission on Racial Equity, available at https://www.nyc.gov/assets/core/downloads/pdf/05_29_25%20Staten%20Island%20Borough%20Based%20Data%20Profile.pdf.

families”; and (4) promoting “stable and low-cost housing.”¹¹⁷ In other words, the residents of Staten Island believed the best way to help communities harmed by racism and social injustices was not increasing income or employment or helping with housing costs, but funding organizations that could help these communities.

Staten Island has an extensive number of agencies and community groups, public and private, focused on aiding minority residents, including through economic development, legal aid to immigrants, integration of minorities into community, and fighting racism. These include the New York Immigration Coalition, El Centro, and the Staten Island office of the Mayor’s Office of Immigrant Affairs, as well as:

- **Richmond County Black & Minority Chamber of Commerce (BMC):** A non-profit organization dedicated to the economic empowerment of African American and other minority communities through business support and networking opportunities.
- **NAACP - Staten Island Branch #2227:** Part of the national organization that works to ensure a society in which all individuals have equal rights without discrimination based on race.
- **La Colmena:** A center that supports the immigrant community on Staten Island by offering various services, including courses, food drives, legal advice, and workshops.
- **Migration Resource Center:** A non-profit organization providing affordable immigration legal services for low-income individuals in the area.
- **Sauti Yetu Center for African Women:** This organization works with African immigrant women and families, providing support and resources.
- **Project Hospitality:** While serving the broader community, this organization offers a wide range of social services including immigrant support, food pantries, and housing assistance that help many minority residents in need.
- **Arab-American Family Support Center (AAFSC):** Supports Arab-American immigrant communities with various family and social services.

¹¹⁷ *Id.*

- **South Asian Council for Social Services (SACSS):** Provides social services and support tailored to the needs of the South Asian community.
- **Bait-ul Jamaat House of Community:** Formed in 2015 on the South Shore, it protects a broad scope of underserved members of the community.
- **Central Family Life Center:** A non-profit organization formed in 1991 that seeks to improve the lives and environment of Staten Island residents.
- **Coalition for Asian American Children and Families:** A non-profit that coordinates resources for Asian Americans on Staten Island and throughout NYC.
- **Muslim Sisters of Staten Island:** An organization founded in 2014 to empower underserved women and children affected by trauma and other life challenges through civic and community engagement, education, resources, and support.
- **The Panafrican Cultural and Training Center:** A non-profit that supports economic growth through training comprehensive skills.
- **Project Caribbean:** A non-profit cultural and arts program supporting members of the Caribbean diaspora.
- **National Council of Negro Women – Staten Island Section:** A non-profit organization founded in 1935 with the mission to advance the opportunities and the quality of life for African American women, their families, and communities.
- **Staten Island Community Alliance:** A non-profit which several events including the boroughs annual Juneteenth celebration.
- **Staten Island S.T.R.O.N.G.:** A non-profit which provides tours, access and information about historically Black colleges and universities to Staten Island students.

Staten Island also has groups specifically dedicated to increasing political participation.

Groups like La Colmena and Make the Road NY have been at the forefront of political issues on Staten Island for many years and have increased political involvement by Hispanics. Prominent groups like the Richmond County Black and Minority Chamber of Commerce, the Central Family Life Center, the Staten Island Urban Center, have increased community participation among

Blacks. Other organizations like the NAACP and the Staten Island Unity Coalition have also routinely hosted legislative forums to bring candidates into communities of color.¹¹⁸

2020 Election Rallies. In 2020, various groups that support minority rights held several rallies around the borough in an effort to get voters engaged in the 2020 election. These included La Colmena, the National Action Network, and the Young Leaders of Staten Island.¹¹⁹

Staten Island's Marked Decrease in Hate Crimes and The Community's Response to Racism

After fixating on racism that occurred decades ago during a time in which racism was prolific throughout the country, Dr. Sugrue myopically focuses on a handful of purported “hate crimes” that have occurred on Staten Island more recently. Rep. ¶ 63–75. Dr. Sugrue’s report lacks important context and misses Staten Island’s progress in combating hate crimes.

According to the Southern Poverty Law Center’s (SPLC) 2015 “Hate Map,” there are no hate groups in Staten Island—and the SPLC tends to err on the side of overreporting.¹²⁰ Additionally, Staten Island has consistently had one of the lowest incident rates of hate crimes in its precincts for several decades. In 2025, the New York City Police Department Hate Crimes dashboard shows a total of twelve incidents reported on Staten Island, and ten of those incidents targeted Jewish residents.¹²¹ Only two incidents in 2025 targeted Blacks.¹²² Additionally,

¹¹⁸ Dr. Gracelyn Santos, *Legislative forum hosted by Staten Island Unity Coalition focused on community issues* (Nov. 3, 2025), available at <https://www.silive.com/news/2025/11/legislative-forum-hosted-by-staten-island-unity-coalition-focused-on-community-issues.html>

¹¹⁹ Clifford Michel, *Their Anti-Racism Marches Were Twisted in a \$4 Million GOP Attack Ad Campaign. Now, They Just Want to Get Out the Vote*, (Nov. 22, 2020), available at <https://www.thecity.nyc/2020/11/22/anti-racism-marches-young-leaders-of-staten-island-voter-registration/>.

¹²⁰ Tom Wroblewski, *Despite our reputation, Staten Island is no home for hate groups (commentary)*, silive (Mar. 24, 2015), available at https://www.silive.com/opinion/columns/2015/03/despite_our_reputation_staten.html.

¹²¹ *NYPD Hate Crimes Dashboard*, NYPD, available at <https://app.powerbigov.us/view?r=eyJrIjoiaNTAwY2MzZWUtZTFjMy00YjQ3LTk1YWVtZGE0MDhkN2UzYTRhIiwidCI6IjJiOWY1N2ViLTc4ZDEtNDZmY1liZTgzLWEyYWZkZDdjNjA0MyJ9>.

¹²² *Id.*

quarterly-reported hate crimes in Staten Island, most of which involve graffiti and literature rather than physical attacks,¹²³ decreased 66% from 2018 to 2019 in Staten Island, while the city as a whole saw a 67% increase.¹²⁴

Nonetheless, Dr. Sugrue cherry-picks recent incidents that he claims involved “hate crimes.” But a closer look often demonstrates that he is wrong. For example, he claims that the Proud Boys were at a rally on August 12, 2023 alongside Staten Island’s elected officials—when the article he cites in support does not. Rep. ¶ 71. The article merely reports a statement by one rally attendee who said that he would call on other protestors in the future—without identifying any group. There is no basis in fact for the conclusion that the Proud Boys attended, and the article does not support Dr. Sugrue’s statement, let alone, suggest that Staten Island is overrun with hate groups.

Additionally, Dr. Sugrue cites “anti-immigrant” protests. Rep. ¶ 71. But referring to these protests as “anti-immigrant” is simplistic and naïve. Immigration was often at the top of every poll as to what concerned Americans leading into the 2024 election, and it was driven, by numerous legitimate concerns, *not* anti-immigrant sentiments. For example, the New York City mayor invited migrants to stay in converted hotels, which became de facto homeless shelters, and collectively this had a negative impact on the surrounding communities.¹²⁵ These protests were not unique to Staten Island, and in fact, they occurred in nearly every neighborhood, and in every

¹²³ Kyle Lawson, *From gang markings to hate crimes, D.A. McMahon’s cleanup crew goes to work on Staten Island* (Nov. 4, 2025), available at <https://www.silive.com/crime-safety/2025/11/from-gang-markings-to-hate-crimes-da-mcmahons-cleanup-crew-goes-to-work-on-staten-island.html>.

¹²⁴ Irene Spezzamonte, *Hate crimes decrease drastically on Staten Island as they rise sharply citywide* (May 17, 2019), available <https://www.silive.com/crime/2019/05/hate-crimes-decrease-drastically-on-staten-island-as-they-rise-sharply-citywide.html>.

¹²⁵ Craig McCarthy & Matt Troutman, *Shocking data detail NYC illegal migrant crime with 3.2K arrests — including assault, robbery, murder*, NY Post (May 2, 2025), available at <https://nypost.com/2025/05/02/us-news/shocking-data-details-nyc-illegal-migrant-crime-with-3-2k-arrests-including-assault-robbery-murder/>.

borough, where the hotels were sited, including even the most progressive neighborhoods¹²⁶ and communities of color.¹²⁷ The protests in fact, demonstrate Staten Islanders' active participation in the political process by exercising their First Amendment rights. Dr. Sugrue's framing of this issue as unique to Staten Island is deliberately inaccurate and factually ahistorical.

Moreover, when instances of hate have occurred, residents of Staten Island have taken action in response, expressing their objection to such conduct. Some notable examples include:

Staten Island Hate Crimes Task Force. In the aftermath of the horror of the 2018 murders at the Tree of Life synagogue in Pittsburgh, Staten Island created the Staten Island Hate Crimes Task Force as a division of the Richmond County District Attorney's Office, and the District Attorney made a point of prosecuting hate crimes. These efforts have resulted in a generally downward trend in hate crimes, as discussed above.

Staten Islanders against Hate. In 2019, private citizens representing a broad spectrum of community leaders formed Staten Islanders against Hate, to bring educational materials and educational programs to the community and schools. The Mission Statement of the group states the following: "The Staten Island Hate Crimes Task Force, composed of leaders who represent communities that are historically targeted and victimized by hate-based crime, is committed to securing the right of every person to live their lives free from bias and hate on Staten Island. The Task Force shall seek, develop, and execute programming and other efforts to prevent hateful acts before they occur, particularly through education and immersive experiences. Members of the Task Force shall serve as ambassadors within and beyond their own communities to promote

¹²⁶ Louis Finley, *Group of Clinton Hill residents protest migrant shelters*, Spectrum News NY1 (July 23, 2024), available at <https://ny1.com/nyc/brooklyn/news/2024/07/24/group-of-clinton-hill-residents-protest-migrant-shelters>.

¹²⁷ FOX 5 New York, *Anger, frustrations in the Bronx over proposed 2,200-bed migrant shelter*, (YouTube, Jan. 27, 2025), available at <https://www.youtube.com/watch?v=WQjLQE9qNJw>.

greater understanding and tolerance of those with different backgrounds and to educate Staten Islanders of all ages about the need to live peaceably together in our community.”¹²⁸

Black Lives Matter. In 2020, Staten Island was home to several Black Lives Matter marches and rallies, in response to the murder of George Floyd by police, including one which Staten Island’s Congressman attended¹²⁹ and another which the local member of the State Assembly attended.¹³⁰

The aftermath of the Eric Garner incident. Dr. Sugrue highlights the Eric Garner killing and a grand jury’s decision not to indict officer Daniel Pantaleo to infer disparities in policing without any discussion of the community’s response to that incident. For one, as NPR pointed out, when compared to the aftermath of the Michael Brown incident in Ferguson, the response to Garner’s death was entirely “peaceful” in part because Staten Island’s elected officials proactively addressed concerns.¹³¹ Shortly after the incident, District Attorney Dan Donovan announced “it is appropriate to present evidence regarding circumstances of his death to a Richmond County Grand Jury.”¹³² Countless Staten Islanders of all races and ethnicities took part in rallies and vigils throughout 2014, including one of 2,500 people lead by Reverend Al Sharpton and attended by numerous of Staten Island’s community leaders.

¹²⁸ Staten Islanders Against Hate, Office of the District Attorney Richmond County, available at <https://www.statenislandda.org/silove/>.

¹²⁹ Rebeka Humbrecht, *Protesters rally at 122nd Precinct, march down Hylan; exchange words with motorists*, SI Live (June 3, 2020), available at <https://www.silive.com/news/2020/06/protestors-face-backlash-as-they-march-down-hylan-blvd.html>.

¹³⁰ Joseph Ostapiuk, *Sandy Ground march retraces historic steps of Underground Railroad on Staten Island*, SI Live (Aug. 1, 2020), available at <https://www.silive.com/news/2020/08/sandy-ground-march-retraces-historic-steps-of-underground-railroad-on-staten-island.html>.

¹³¹ Joel Rose, *In New York And Ferguson, Two Deaths, Two Different Responses*, NPR (Aug. 22, 2014), available at <https://www.npr.org/2014/08/22/342470785/in-new-york-and-ferguson-two-deaths-two-different-responses>.

¹³² *Timeline: Eric Garner Death*, NBC New York (Dec. 5, 2014), available at <https://www.nbcnewyork.com/news/local/timeline-eric-garner-chokehold-death-arrest-nypd-grand-jury-no-indictment/1427896/>.

Response to New York Young Republican's Racist Group Chat. In response to racist group chat messages from the Manhattan based New York Young Republic Club that were leaked to the media in 2025, every Staten Island elected official, including every Republican politician, rallied against the messages and denounced all those involved at multiple press conferences.¹³³

i. Factor (i): The Lack of Subtle Racial Appeals in Congressional Campaigns

Dr. Sugrue's evidence of racial appeals in political campaigns does not include any incident in a congressional campaign, provides a remarkably incomplete account of the secession campaign, and summarizes four disparate incidents across a dozen years that do not qualify under his own definition of racial appeals. He also relies on a 1967 cartoon that has nothing to do with elections. Instead of reaching for outlier incidents, a more complete look shows that candidates, Republicans and Democrats alike, campaigned on bread-and-butter issues and Staten Island-specific issues relevant to their constituents. It also shows that the Staten Island Secession movement arose from legitimate concerns about Staten Island losing political standing among the boroughs and the City exporting its problems to Staten Island's detriment, exemplified by the Fresh Kills Landfill.

Lack of Racial Appeals in Congressional Races

To determine the prevalence of racial appeals as might have appeared in congressional races, a search of Staten Island and other New York newspapers was conducted through Newspapers.com, a search engine regularly used by scholars. Newspaper research is standard methodology in history. Political historians have used newspapers to understand political campaigns for as long as there has been a historical profession. They provide a sense of what

¹³³ Tracey Porpora, *Staten Island GOP condemns hate speech in Young Republican leaders' text thread* (Oct. 15, 2025), available at <https://www.silive.com/news/2025/10/staten-island-gop-condemns-hate-speech-in-young-republican-leaders-text-thread.html>.

candidates wished to project to voters, a limited sense of public opinion, and a stronger sense of what was controversial or important to the press and public. Although accusations of racial appeals are often subjective in nature, an examination of newspapers in which charges of racism are reported against a candidate provides an objective measure in collecting racial appeals, as newspapers typically report such controversy. This method can be replicated by other investigators, a standard practice of social scientists.

As Dr. Sugrue reports, some social scientists and historians define racial appeals as either overt or subtle. In other words, Dr. Sugrue believes that scholars determine what counts as a racial appeal, no matter how the population at the time understood the appeal.

The method used here follows a well-understood historical method that focuses on how people at the time interpreted campaign appeals, instead of on how scholars now judge them and those issues. It assumes that charges of racism are politically powerful and would be reported in newspapers—even if the alleged appeal was subtle. In this analysis, there was a search for instances of the term “racism” along with “issues” from January to January in election years. It is an objective measure for collecting racial appeals, as newspapers typically report such controversy.

The search examined racial appeals in congressional campaigns from 2000 to 2024, a twenty-four-year period. The search focused on “racism” and “issues” for each general election race. Searching “racism” permits historians to accurately identify what people in a particular time believe to be racist. Historians seek to learn how people in the past understood their world and do not try to impose their present values. What some or most see as racist today might not have been understood as racist in the past. For example, the phrase “illegal aliens” may be considered racist or disrespectful by some today, the term was in common circulation in the past by members of both political parties that sought to stop illegal entry to the United States.

The search results showed that there was only one charge of racism and one potential charge of antisemitism that was not reported as such. In 2008, the losing candidate in the Republican primary charged the winner with racism for pointing out he had used a different first name that what he used professionally to hide his Pakistani heritage. In 2010, the Democratic candidate's staff claimed that the Republican candidate was supported by Jewish money. And in reviewing the central election issues, they reflected hot policy topics of the time: war on terrorism, transportation costs, prescription drugs and Social Security, the economy in the aftermath of the 2008 financial crisis, immigration policies, defunding the police, green policies, the size of government, charges of corruption, rising crime rates, social policy (like abortion), and blaming incumbents as ineffective.

Between 2008 and 2020, the country, state and borough saw significant milestones. In 2008, the nation elected its first Black President, and in 2012 President Obama carried Staten Island by thousands of votes. In that period, the State also saw its first black governor, David Patterson, and the first Black person was elected to office on Staten Island, Debi Rose. In 2020, the nation elected Kamala Harris as its first Black female Vice President.

As racial issues became more prominent nationally from 2014, it is remarkable that in 2020, racial identity politics played a small role in that congressional race. As Republican Nicole Malliotakis ran to unseat Democrat Max Rose, no charges of racism emerged for either candidate. Even though post-George Floyd defund-the-police demand occasionally hit news reports, Democrat incumbent Max Rose proclaimed his full support for the police and funding.

Dr. Sugrue also incorrectly frames the Staten Island Secession movement solely in racial terms. In the most comprehensive description of Staten Island secession movement, political historians Daniel Kramer and Richard Flanagan do not attribute substantial racial motives to its

inception and popular support. Only one paragraph out of a twenty-page chapter entitled “The Landfill and Secession Movement” discusses it. While they admit some Staten Islanders may have had racial motives in an ever-more-diverse city, they specifically downplay the notion: “[T]he ‘Manhattan-centered view’ of the anti-secessionist side overemphasized the extent to which racism motivated their opponents.”¹³⁴

Instead they ascribed secessionists motives largely to poor infrastructure, overcrowded schools, a lack of sewers, tolling on the Verrazzano Bridge, and the long history of the Fresh Kills Landfill.¹³⁵ Additionally, as Dr. Sugrue also cites, the Island’s ability to govern itself, and its resident’s ability to influence political outcomes, changed with the case of *New York City Board of Estimate v. Morris* in 1989.

As a source Dr. Sugrue relies on explains, “the catalyst for secession was the demise of the Board of Estimate, with its ‘one borough, one vote’ rule, and the concomitant reduction of Staten Island’s power in the City’s governing structure.”¹³⁶ Until 1983, Staten Island had equal voting power with the other boroughs on the Board of Estimate, which “wielded broad authority over the City’s land use and zoning process, the disposition of City property, and the grant of contracts and franchises, and it shared power with the City Council over the budget.”¹³⁷ When that was disbanded and power re-apportioned to the City Council, “Staten Island sustained a severe loss of political power within the City.”¹³⁸ Soon after that, Staten Island politicians submitted bills that would begin the secession process because the “borough would lose its political clout in the city

¹³⁴ Kramer and Flanagan, *supra* note 41, at 127.

¹³⁵ *Id.*

¹³⁶ Richard Briffault, *Voting Rights, Home Rule, and Metropolitan Governance: The Secession of Staten Island As A Case Study in the Dilemmas of Local Self-Determination*, 92 Colum. L. Rev. 775, 788 (1992).

¹³⁷ *Id.* at 783.

¹³⁸ Jeffrey Underweiser, *The Legality of Staten Island's Attempt to Secede from New York City*, 19 Fordham Urb. L.J. 147, 147 (Fall 1991).

under a reorganization that eliminated the powerful Board of Estimate.”¹³⁹ Staten Island’s political establishment, both Democratic and Republican, supported the measure, which “sailed through the Senate by a vote of 58 to 1” and “passed the Assembly by a vote of 117 to 21” with bipartisan agreement.

In signing the bill, Governor Cuomo described “the secession movement [a]s fueled by a ‘long list of grievances by the people of Staten Island over the years,’ and by a sense of Staten Island’s differences from the rest of the City.”¹⁴⁰ Some reports noted that “Secession has long been sought by some residents of New York City’s smallest borough, who complain they have little voice in city affairs compared to residents of more populous Manhattan, the Bronx, Brooklyn and Queens.” One prime example of that voice was that when the City “decided that Fresh Kills [located on Staten Island] would become a major garbage dump” where a “mountain of waste reache[d] into the sky.”¹⁴¹

Dr. Sugrue’s narrative exaggerates the influence of race on the secession movement. He notes that “North Shore neighborhood leader David Goldfarb” ascribed racial assumptions others held, Rep.¶ 95, but Mr. Goldfarb was also reported as believing “the movement simply a matter of misplaced emotion” because “[t]here is a lot of dislike of the city of New York.”¹⁴² Similarly, Dr. Sugrue misapplies some observations by Professor Briffault, who describes high racial tensions between Jewish, Irish, and Italian groups, and Professor Briffault notes that the Staten Island secession could be perceived as (but was not motivated by) White flight.¹⁴³ His other quotes

¹³⁹ Koch Vows to Fight Staten Island Secession in Court, AP (Dec. 28, 1989).

¹⁴⁰ Cuomo Signs Bill Allowing State Island Secession Vote, AP (Dec. 15, 1989).

¹⁴¹ Dr. Joseph Vitteri, *Should Staten Island Leave the City*, The City Journal (Autumn 1992), available at <https://www.city-journal.org/article/should-staten-island-leave-the-city>.

¹⁴² Catherine S. Manegold, *Staten Island Secession More Than Fringe Threat*, NY Times, A1 (Aug. 9, 1993).

¹⁴³ Richard Briffault, *Voting Rights, Home Rule, and Metropolitan Governance: The Secession of Staten Island As A Case Study in the Dilemmas of Local Self-Determination*, 92 Colum. L. Rev. 775, 844 (1992).

about Staten Island attitudes do not show racial animus but rather address the City's failings, *e.g.*, people "who are homeless, poor or on welfare." Rep. ¶ 96. Moreover, there is evidence that the Staten Island secession plan intended to address some of these concerns with provisions which would "strengthen[] minority candidates" and was championed by Lani Guinier—a civil rights theorist from Harvard and woman of color who was nominated to lead the Clinton Administration's civil rights division in DOJ.¹⁴⁴ Thus, Dr. Sugrue fails to consider the whole context of the Staten Island secession movement in the 1990s.

More broadly, Staten Island (and other New York localities) threaten secession for political, not racial, reasons. Some have observed that the "secession" talk is more bluster to gain leverage with state and City leaders. They note that secession measures "pressure[] City Hall and Albany to maybe make some concessions."¹⁴⁵ And they cite the Staten Island Secession movement in the 1990s as supremely successful. Examples of this success are "when the city closed the Fresh Kills landfill, made the Staten Island Ferry free, built a minor league ballpark and gave out other concessions after residents made their anger known at the ballot box." In later years, threats of secession or the introduction of bills in support of it, were almost always done when Staten Island elected officials felt powerless to stop policies which they felt would adversely affect their constituencies. Efforts to revive the movement between 2008 and 2011 by one State Senator erupted around growing property tax bills,¹⁴⁶ while a push by a majority of the island's council delegation in 2019 over a property tax imbalance eventually lead the city, with bipartisan support

¹⁴⁴ Staten Island Secession, the Debate That Wouldn't Die, Now Reaches Albany, AP (1992).

¹⁴⁵ Kate Kelberg, *in New York, the Secession Obsession Still Lingers*, HUFFPOST (Sept. 10, 2009).

¹⁴⁶ Jonathan P. Hicks, *A New Call for Staten Island to Secede*, NY Times (Dec. 17, 2008), available at <https://archive.nytimes.com/cityroom.blogs.nytimes.com/2008/12/17/a-new-call-for-staten-island-to-secede/>.

from the Mayor and Comptroller, to empanel a property tax commission to reform the system.¹⁴⁷

The messy reality of a secession heavily weighs in favor of compromise and taking Staten Island's objections seriously.

Response to Dr. Sugrue's Alleged Racial Appeals

Dr. Sugrue cites to a handful of alleged racial appeals, but none rise to the level of an actual racial appeal.

First, Dr. Sugrue cites to the criminal conduct of Mr. Richard A. Luthmann, who was indicted for election law violations and a bevy of criminal charges, during the 2016-2017 election cycle. Dr. Sugrue claims that when impersonating Democratic Council member Debi Rose, Mr. Luthmann "tapped radicalized fears of welfare receipt and criminality." Rep. ¶ 99. But Mr. Luthmann was an equal opportunity political impersonator—as he had "impersonated three local politicians on social media" including the district attorney and a Republican candidate Janine Materna for the State Assembly.¹⁴⁸ Notably, Mr. Luthmann was paid by Member Rose's primary opponent and reporting indicates it had contact with the opponents in the other races.¹⁴⁹ Although the fake social media posts were intended to harm the primary opponents, Mr. Luthmann was targeting Ms. Materna for not being conservative enough (with a photograph of a democrat-appointed U.S. Attorney General).¹⁵⁰ And the attacks on Ms. Rose centered around bringing criminals onto Staten Island with drugs. Rep. ¶ 99. The main point to take away is that this bizarre

¹⁴⁷ Rich Calder, *Staten Island councilmen pushing plan for borough to secede from NYC*, NY Post (Nov. 8, 2019), available at <https://nypost.com/2019/11/08/staten-island-councilmen-pushing-plan-for-borough-to-secede-from-nyc/>.

¹⁴⁸ Michael Gold, *Lawyer Accused of Using Fake Facebook Pages to Sway Elections in Staten Island*, NY Times (Nov. 30, 2018), available at <https://www.nytimes.com/2018/11/30/nyregion/lawyer-luthmann-fake-facebook-election.html>.

¹⁴⁹ *Id.*.

¹⁵⁰ *Id.*.

conduct was prosecuted and Mr. Luthman's efforts do not reflect the thoughts, wishes, or views of any politician or political party.

Second, Dr. Sugrue cites four isolated incidents (more than a decade apart) as evidence of racial appeals, but they all show local government officials acting to protect racial minorities. In 2009, four men of unknown origin attacked minorities who they assumed had voted for Barack Obama.¹⁵¹ Dr. Sugrue overlooks that the criminal prosecution of four men was brought about with the assistance of the New York City Police Department and the Richmond County District Attorney's Office.¹⁵² Likewise, when a Community Education Council member forwarded racist jokes to colleagues, the Staten Island Borough President took action and caused the member to step down.¹⁵³ And in 2020, law enforcement arrested and prosecuted a man who had threatened violence for political reasons (Joe Biden's election in 2020 and nonviolent protesters) against people celebrating in the streets and blowing up the FBI Building in Washington, DC.¹⁵⁴ And finally, the man in 2021 that wrote racist slurs on campaign posters in Staten Island was apprehended by the New York City Police Department and the affected candidate explained that the actions were out of step with community values: "this is not New York, this is not Staten Island—this is not who we are as a borough or as a city."¹⁵⁵ None of these one-off incidents amount

¹⁵¹ Press Release, *Four Men Sentenced to a Combined 293 Months in Prison for Election Night Assaults*, DOJ (Sept. 10, 2009), available at <https://www.justice.gov/archives/opa/pr/four-men-sentenced-combined-293-months-prison-election-night-assaults..>

¹⁵² *Id.*

¹⁵³ Jen Chung, *S.I. Education Council Member Resigns Over Racist E-mail*, Gothamist (Mar. 3, 2009), available at <https://gothamist.com/news/si-education-council-member-resigns-over-racist-e-mail>.

¹⁵⁴ Press Release, *Staten Island Felon Sentenced to Prison for Possessing Illegal Firearm*, DOJ (May 18, 2022), available at <https://www.justice.gov/usao-edny/pr/staten-island-felon-sentenced-prison-possessing-illegal-firearm>.

¹⁵⁵ Joseph Ostapiuk, *Man charged with hate crime after allegedly defacing North Shore candidate posters*, SI Live (Dec. 1, 2021), available at <https://www.silive.com/crime-safety/2021/03/man-charged-with-hate-crime-after-allegedly-defacing-north-shore-candidate-posters.html>.

to a negative stereotype among the electorate and, instead demonstrate the opposite: that Islanders will not stand for racial appeals or hate-based crime.

VI. Conclusions

The unique demographics and practical realities of Staten Island's geographic isolation belie Petitioners' request to connect the "communities of interest" in Staten Island and Southern Manhattan. Southern Manhattan's largely White population has little in common with Staten Island's diverse community. The practical realities of no physical connection between the boroughs have created significant distinctions between the two areas, including the fact that Staten Island is more suburban area, with a higher rate of home and car ownership. It makes little sense, therefore, to connect the two communities in a congressional district.

Moreover, in making his argument for the "totality of the circumstances" as a foundation for redistricting the New York's Congressional Map, Dr. Sugrue cherry-picks facts, ignores context, disregards significant progress, often fails to tie his evidence to Staten Island, and does not support his arguments. Moreover, he fails, at any point, to make any assertion that redrawing the 11th Congressional District to include lower Manhattan, a borough long plagued with its own problems, would somehow resolve these concerns.

Dr. Sugrue's rendition of Staten Island's history is one-sided, excluding facts that do not fit his narrative. Omitted from Dr. Sugrue's discussion is New York's anti-slavery activity prior to the Civil-War and a history of civil rights activism thereafter. Indeed, a closer examination of New York's, and particularly Staten Island's, history demonstrates that New York was often on the forefront of efforts countering unequal treatment of minorities. Staten Island, specifically, boasts the distinction of containing the longest continually occupied settlement of former slaves.

Further, Dr. Sugrue ignores the significant progress Staten Island has made in addressing racial discrimination.

Dr. Sugrue provides no evidence that Blacks and Hispanics have been excluded from public office, and, to the contrary, racial and ethnic minorities have had great political success in Staten Island. Indeed, the current Congresswoman for the 11th Congressional District is Hispanic and the child of immigrants. Nor does he grapple with the reality that approximately one-third of all legislators representing Staten Island are Black or Hispanic.

Dr. Sugrue erroneously maintains that Black and Hispanic voters were structurally prevented from voting because of a history of using literacy tests for voting. But the testing in New York is considerably more complex than portrayed by Dr. Sugrue and is not unique to Staten Island. Moreover, Dr. Sugrue ignores that New York, including Staten Island, has actually expanded language services to assist minority voters.

Neither Dr. Sugrue nor Petitioners provide any support for the suggestion that eligible Black and Latino voters or candidates have been denied access to the ballot, financial support, or other support. In fact, Black and Hispanic candidates have run for office with the support of both major parties and have often qualified for matching funds programs to ensure they are well-financed. Additionally, the current chairman of one of the major political parties is Black.

Dr. Sugrue also ignores the regional and national data showing a marked increase in Hispanic voting eligibility, Hispanic voter turnout, and Hispanic voter participation.

Dr. Sugrue's examination of disadvantages faced by Black and Hispanic residents of Staten Island in education, housing, and median income ignores the complexity of these issues and is completely linear. Black and Hispanic residents' education attainment has consistently increased,

the housing statistics are much better in Staten Island than elsewhere, and Black and Hispanic mean income has steadily increased over the past decade.

In discussing the disadvantages Black and Hispanic residents of Staten Island allegedly face, Dr. Sugrue fails to recognize that Staten Island's demonstrable dedication to ending hate and discrimination. Staten Island is replete with public and private organizations committed to assisting minorities, including by ensuring their access to the political process. Dr. Sugrue also disregards Staten Island's low occurrence of hate crimes and that hate crimes have consistently decreased on the Island.

Dr. Sugrue's evidence of racial appeals in political campaigns omits any discussion of congressional campaigns, provides an incomplete account of the secession campaign, and summarizes four disparate incidents across a dozen years that do not qualify under his own definition of racial appeals.

In sum, Dr. Sugrue's opinions on the "totality of the circumstances" factors do not include the full context of Staten Island's history, diversity, and great progress. His opinions are therefore unreliable.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK-----X
Michal Williams; José Ramírez-Garofalo; Aixa Torres; and
Melissa Carty,

Petitioners,

-against-

Board of Elections of the State of New York; Kristen Zebrowski Stavisky, in her official capacity as Co-Executive Director of the Board of Elections of the State of New York; Raymond J. Riley, III, in his official capacity as Co-Executive Director of the Board of Elections of the State of New York; Peter S. Kosinski, in his official capacity as Co-Chair and Commissioner of the Board of Elections of the State of New York; Henry T. Berger, in his official capacity as Co-Chair and Commissioner of the Board of Elections of the State of New York; Anthony J. Casale, in his official capacity as Commissioner of the Board of Elections of the State of New York; Essma Bagnuola, in her official capacity as Commissioner of the Board of Elections of the State of New York; Kathy Hochul, in her official capacity as Governor of New York; Andrea Stewart-Cousins, in her official capacity as Senate Majority Leader and President *Pro Tempore* of the New York State Senate; Carl E. Heastie, in his official capacity as Speaker of the New York State Assembly; and Letitia James, in her official capacity as Attorney General of New York,

Respondents,

-and-

Nicole Malliotakis; Edward L. Lai, Joel Medina, Solomon B. Reeves, Angela Sisto, and Faith Togba,

Intervenors-Respondents,

-----X

VERIFICATION

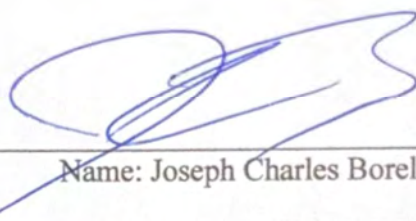
Index No. 164002/2025

Hon. Jeffrey H. Pearlman

Motion Seq.

Joseph C. Borelli, being duly sworn, deposes and says:

1. I am over 18 years of age and am not a party to this case.
2. I swear under penalty of perjury to the faithfulness of the opinions expressed in the foregoing Response to Plaintiffs' Expert Report of Thomas J. Sugrue, and to the best of my knowledge, to the truth and accuracy of the factual statements made therein.
3. If asked to testify on these matters, I could and would testify under oath to their contents, under penalty of perjury.
4. I affirm this 8th day of December 2025, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.



Name: Joseph Charles Borelli