

Exhibit D

Nicholas Frandos Article

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Came Up With
Gerrymandered Districts
on Their New Map*

How N.Y. Democrats Came Up With Gerrymandered Districts on Their New Map

The peculiar redrawing of Representative Jerrold Nadler's district led to the joke that it was "gerrymandered." The reasons for the new lines were politically complicated.



By Nicholas Fandos

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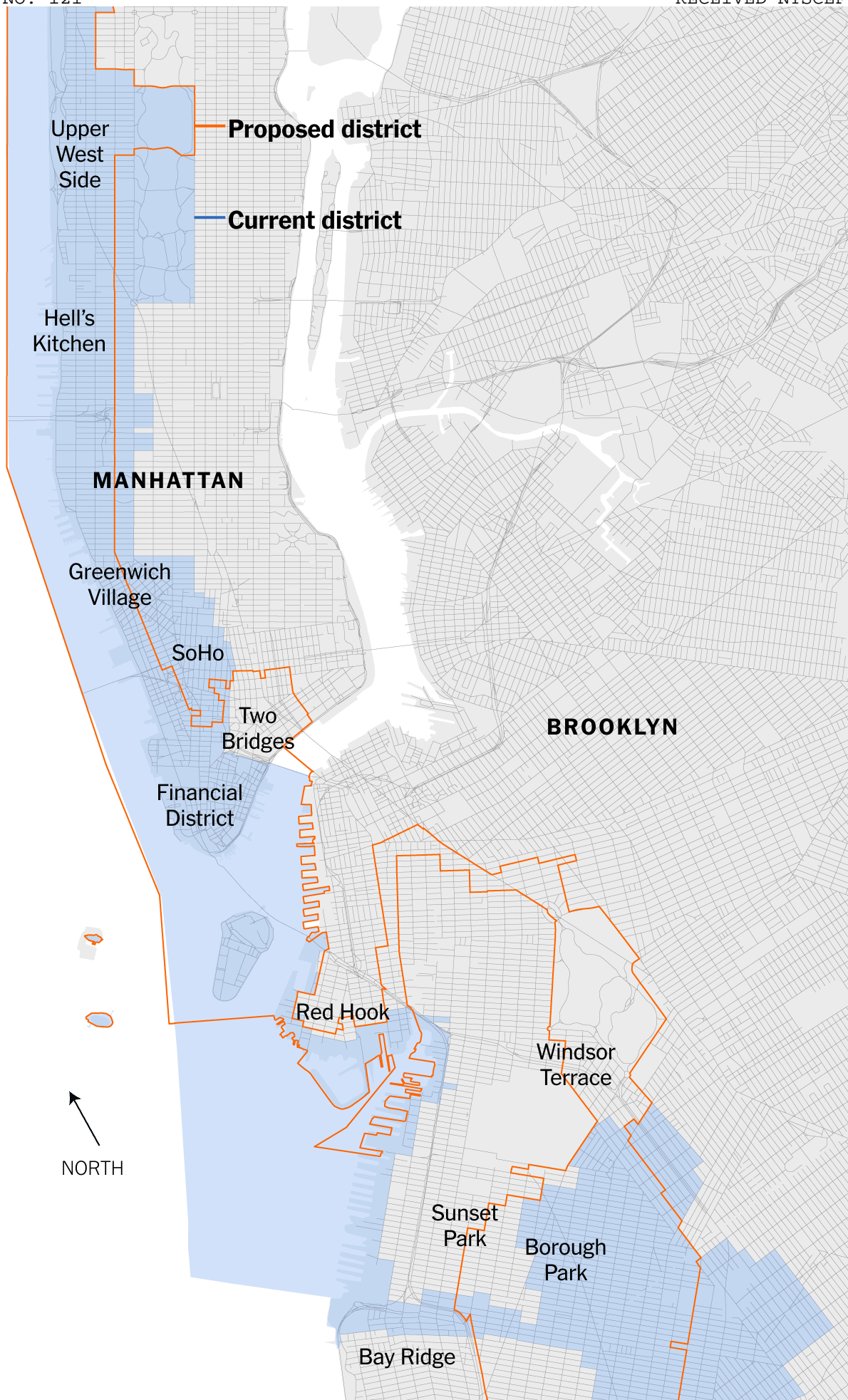
New York's new congressional map, redrawn by ruling Democrats, gives the party's candidates a clear leg up in nearly every corner of the state and could knock out as many as five Republican seats.

But when party leaders in Albany introduced the proposed lines on Sunday, many onlookers quickly seized on what seemed to be a singular example of mapmakers' partisan excess: a freshly drawn district now held by Representative Jerrold Nadler, a powerful Manhattan Democrat.

Indeed, with its serpentine shape, Mr. Nadler's reimagined district — New York's 10th — is almost comically contorted and overwhelmingly favors Democrats. It stretches 15 miles through 15 different State Assembly districts from Mr. Nadler's home on Manhattan's Upper West Side to Brooklyn, jumping over New York Harbor and making three sharp turns to take in small strips of Carroll Gardens and Boerum Hill, before broadening out to encompass all of Prospect Park, Borough Park and Bensonhurst.

A New Proposal for New York's 10th District







Sources: New York State Legislative Task Force on Demographic Research and Reapportionment;
New York City Department of City Planning By Denise Lu

Baffled onlookers and partisans alike quickly dubbed it a “Jerrymander,” playing off Mr. Nadler’s name and the term long given to the practice of politicians drawing favorable political lines for their party’s advantage.

Republicans, known for their own gerrymanders in other states, gleefully shared screen shots of the district to accuse Democrats of hypocrisy.

They were not alone. “This is why people don’t trust politicians,” wrote Pat Kiernan, a local morning news anchor on NY1, on Twitter. “And the Democrats have given up any high ground they had over Republicans on gerrymandering.”

But if Mr. Nadler’s new lines help tell a story about the state of redistricting in New York and across the country this year, it is far more complicated than those critics may imagine — illustrating how lawmakers carving up the state’s map from Albany tried to balance a complex set of political goals, legal requirements to protect racial minorities and the whims of each incumbent Democrat.

Politics are clearly involved, though not exactly for the gain of Mr. Nadler, a 15-term Democrat synonymous with his liberal Upper West Side base of support. Rather, some of the clearest beneficiaries of Mr. Nadler’s unsightly district lines may be his congressional neighbors in Manhattan and Brooklyn, as well as New York’s sizable Jewish population.

They included Representative Carolyn Maloney, a Democrat who traditionally represents Manhattan’s East Side; and whichever Democrat runs against Representative Nicole Malliotakis, a Republican whose district includes Staten Island and a swath of South Brooklyn.

“Shapes can be deceptive,” said Richard Briffault, a law professor who studies gerrymandering at Columbia University, which falls inside Mr. Nadler’s district. “A district may look strangely shaped, but it may be a way of holding together people with a similar economic background or ethnic backgrounds.”

Mr. Briffault said that mapmakers — whether politicians, independent commissions or the courts — are always trying to balance competing imperatives that go well beyond geography. Districts should be as compact as possible, and they must be contiguous. But communities with common interests should be kept whole to maintain their voice, especially racial minorities.

In a state like New York, where politicians from a single party control the process, they will also try to eke out as much partisan political gain as they can.

So it is in Mr. Nadler’s new district.

Its broad outlines — stretching from the Upper West Side to Borough Park — have been in place for decades. In 2012, a nonpartisan court-appointed special master gave her stamp of approval.

While it will soon include a huge range of economic and racial groups, including Chinese populations in Manhattan’s Chinatown and Brooklyn’s Sunset Park, mapmakers have long used the district to unite some of the city’s most robust Jewish communities rooted on the Upper West Side and in Brooklyn’s Borough Park neighborhood. No district in the country has more Jewish voters, and Mr. Nadler, who was educated in a yeshiva, is the last remaining Jewish House member from New York City.

And Jewish leaders have repeatedly given public testimony over the years calling for the two areas to remain stitched together.

“In the city with the largest Jewish population in the world, it’s important and meaningful for the Jewish community in New York across the spectrum to have a district like this one that brings us together,” said Matt Nosanchuk, the president of New York Jewish Agenda and a former White House liaison to the American Jewish Community.

The difficulty has long rested in how to connect the two areas. The congressional map that has been in place since 2012 does so by taking the district down the West Side of Manhattan and making a clean cut through Bay Ridge in Brooklyn to reach Borough Park, a relatively straightforward solution.

But it turns out that path stood smack in the way of Democrats' political ambitions to capture the 11th District, the only Republican-held seat in New York City and a top target nationwide this cycle. To do so, they propose extending the Staten Island-centered seat further northward into Brooklyn through Bay Ridge, Sunset Park and Park Slope, an overwhelmingly liberal enclave.

As a result, Mr. Nadler's interborough connection was pushed sharply north and rerouted to meander its way much less directly around the new 11th District, as well as Democratic districts held by Representatives Nydia Velazquez and Hakeem Jeffries in Red Hook, Fort Greene and Prospect Heights. (A spokesman for Ms. Malliotakis, who represents the 11th, accused Democrats of "a blatant attempt by the Democrat leadership in Albany to steal this seat.")

At the same time, Mr. Nadler's district needed to grow in Brooklyn this cycle because he handed over turf he had long represented on the Upper West Side near Central Park and around Greenwich Village to help Ms. Maloney, his neighbor in the 12th District.

Ms. Maloney is facing her third primary challenge from the left in three election cycles. By shifting her district farther west, the mapmakers removed parts of progressive hotbeds in Brooklyn and Queens that have supported her challengers, theoretically easing Ms. Maloney's path to re-election in the safely Democratic seat. Ms. Maloney's primary challenger Rana Abdelhamid said on Monday that she was undeterred.

Sophia Brown, Ms. Maloney's campaign manager, said on Monday that the campaign respected the Legislature's proposal and pointed out that the district still includes smaller parts of Brooklyn and Queens.

“Congresswoman Maloney is proud to represent all parts of her district, and looks forward to running a strong campaign focused on her progressive record and rooted in the communities she is proud to represent,” Ms. Brown said in a statement.

The whole process of reshuffling lines is made more complicated by the presence of large, well-organized groups of African American, Latino and Asian Voters, whose interests are protected by civil rights law.

Some of the areas bordering Mr. Nadler’s district are home to legally protected Black populations. To add the Jewish community in Borough Park to a neighboring Brooklyn district, for instance, would dilute the percentage of racial minorities, a legally and politically dubious proposition.

Adding Borough Park to a Staten Island-based district might be more feasible legally, but the areas would not be united by a common religion, nor would it accomplish Democrats’ political goals, since Orthodox Jewish voters in the area are less reliably Democratic.

In his own statement, Mr. Nadler dismissed the gerrymandering charge as recycled, pointing out that his district has always included “a diverse and culturally rich collection of communities of interest that stretches from the Upper West Side south to Brooklyn.”

“Prognosticators and pundits claim every redistricting cycle that this district is the product of partisan gerrymandering. But no matter who has drawn the New York congressional lines over the years — be it the N.Y. State Legislature or the federal courts — the results have always been strikingly similar for the district I have been honored to represent.”

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