

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE OF THE WHOLE

Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, August 16, 2011
10:40 a.m.

PRESENT:

COUNCIL PRESIDENT ANNA C. VERNA
COUNCILWOMAN JANNIE BLACKWELL
COUNCILMAN FRANK DiCICCO
COUNCILMAN W. WILSON GOODE, JR.
COUNCILMAN BILL GREEN
COUNCILMAN WILLIAM K. GREENLEE
COUNCILMAN CURTIS JONES, JR.
COUNCILMAN JACK KELLY
COUNCILMAN JAMES KENNEY
COUNCILWOMAN JOAN L. KRAJEWSKI
COUNCILMAN BRIAN J. O'NEILL
COUNCILWOMAN MARIA D. QUINONES-SANCHEZ
COUNCILWOMAN BLONDELL REYNOLDS BROWN
COUNCILWOMAN MARIAN B. TASCO
MICHAEL A. DECKER, CHIEF CLERK

RESOLUTION 110523 - Resolution calling on City Council's Committee of the Whole to hold public hearings to educate and inform citizens on the redistricting process for City Council Districts in order to create an open and transparent process and opportunity for public engagement and input for City Council's consideration.

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2 COUNCIL PRESIDENT VERNA: Good
3 morning and welcome. This is the first
4 of four hearings that will focus
5 exclusively on the matter of Councilmanic
6 redistricting.

7 The 1951 Home Rule Charter
8 states, and I quote, "It shall be the
9 mandatory duty of the Council to
10 redistrict the City within six months
11 after the publication by the United
12 States Census Bureau of the population of
13 the City at each census." In other
14 words, every ten years, it becomes
15 Council's duty to redraw boundaries to
16 the City's ten councilmanic districts.

17 Before we carry out that
18 responsibility, we want to provide the
19 public with an opportunity to weigh in.
20 We have a big task before us and we
21 welcome your input.

22 As you can see from the
23 handout, this year's redistricting
24 process is at a very difficult starting
25 point. Although the City's total

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2 population has not changed significantly
3 in the last ten years, there has been
4 dramatic shifts in the population of many
5 districts.

6 The main challenge that we face
7 is that the four districts that have lost
8 significant population - the 3rd, 4th,
9 8th and 9th - are all located on the west
10 side of the City and are adjacent to each
11 other. Likewise, the three districts
12 that have gained significant population -
13 the 1st, 6th and 7th - are located on the
14 east side of the City. This means that
15 redistricting cannot be accomplished
16 simply by tweaking a few voting divisions
17 here and there. Some significant
18 redrawing of the map is inevitable.

19 The law concerning
20 redistricting is complex. For example,
21 it is important to strive for districts
22 that are nearly equal in population, but
23 other goals deserve weight as well.
24 Courts have permitted some deviation from
25 the ideal population to further these

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2 goals. Other factors to consider include
3 maintaining neighborhoods, encouraging
4 adequate representation of minority
5 populations and preserving core areas of
6 districts.

7 I've been asked to clarify the
8 deadline under which we are working. The
9 six-month clock started ticking on March
10 9th, 2011. So the deadline for
11 redistricting is September the 9th, 2011.
12 If there is no plan by then,
13 Councilmembers will not receive their
14 salary until the Council passes a
15 redistricting ordinance and either the
16 Mayor approves it or it becomes law
17 without his approval.

18 Our expectation is to introduce
19 a redistricting bill at Council's
20 September 8th session. That bill, like
21 all other bills, will be scheduled for a
22 hearing at which members of the public
23 will have every opportunity to testify.
24 If all goes well, on September 22nd
25 Council will approve a final version of

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2 the bill and the Mayor will sign it.

3 So with these considerations in
4 mind, our job today is to listen to you
5 and learn of your concerns. We truly
6 welcome any suggestions that you may
7 have.

8 I would now ask the Clerk to
9 please call our first witness.

10 CHIEF CLERK: Suzanne
11 Biemiller.

12 (Witness approached witness
13 table.)

14 COUNCIL PRESIDENT VERNA: Good
15 morning.

16 MS. BIEMILLER: Good morning.

17 COUNCIL PRESIDENT VERNA: Do
18 you have written testimony that you would
19 like to distribute?

20 MS. BIEMILLER: I believe that
21 it has been.

22 COUNCILMAN GREENLEE: Yes.

23 COUNCIL PRESIDENT VERNA: You
24 have it?

25 Yes, we have it too. I'm

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2 sorry.

3 MS. BIEMILLER: That's okay.

4 COUNCIL PRESIDENT Verna:

5 Please proceed. Sorry.

6 MS. BIEMILLER: Thank you.

7 Good morning, Council President
8 Verna and other members of City Council.

9 My name is Suzanne Biemiller and I serve
10 as Chief of Staff to Mayor Michael
11 Nutter. Thank you for the opportunity to
12 present the Administration's testimony
13 regarding councilmanic redistricting.
14 The Administration applauds Council for
15 its decision to hold public hearings on
16 this important topic of redistricting and
17 for giving the public an important voice
18 in this process.

19 We understand the daunting
20 challenge that Council faces over the
21 next few weeks as it seeks to redraw
22 councilmanic districts. It is a
23 difficult task that requires the
24 balancing of a number of competing
25 interests. As City Council rises to this

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2 challenge, the Administration urges the
3 body to meet the following criteria in
4 the creation of a new map.

5 One, "one person, one vote."

6 The United States Constitution mandates
7 that legislative districts be drawn so
8 that district populations are roughly
9 equal. This requirement ensures that the
10 power of an individual's vote is neither
11 diluted nor strengthened because of large
12 population disparities between
13 legislative districts. With a city
14 population of 1.5 million people, each
15 councilmanic district should contain
16 approximately 152,600 people per
17 district.

18 Courts allow for some
19 flexibility in population deviations, as
20 the Council President noted in her
21 opening remarks, but have held that the
22 difference between the largest and
23 smallest district may not be more than 10
24 percent of the average district
25 population; in this case, roughly 15,000

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2 persons. As the City Solicitor has
3 opined, deviations under 10 percent are
4 not automatically protected from judicial
5 scrutiny and the "one person, one vote"
6 principle. Historically, City Council
7 has not enacted a redistricting map with
8 a deviation over 5 percent. Therefore,
9 we urge Council to make its best efforts
10 to keep any population deviation under
11 this historic 5 percent level and protect
12 the power of each citizen's vote.

13 Two, slay the gerrymander. In
14 redrawing councilmanic districts, the
15 Administration urges Council to slay the
16 gerrymander and create districts that are
17 compact and make sense. Under
18 redistricting standards, a district is
19 generally considered compact if it has a
20 fairly regular shape, with constituents
21 all living relatively near to each other.
22 For example, the current 3rd Councilmanic
23 District is relatively compact. The
24 current 7th Councilmanic District, which
25 snakes its way from Lower North

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2 Philadelphia to the Far Northeast, is
3 considered by many to be among the most
4 gerrymandered local district in the
5 United States. The 5th Councilmanic
6 District is also widely considered to be
7 an unusually gerrymandered legislative
8 district. The 3rd District makes sense
9 to the average person. Other districts
10 may leave people scratching their heads.

11 A district's lack of
12 compactness has implications for
13 residents. Neighborhoods may be
14 represented by multiple officials, which
15 dilutes their voting power and sometimes
16 leaves them feeling disenfranchised or
17 under-represented. Residents and
18 businesses don't know who to call when
19 they have an issue they want to weigh in
20 on. Therefore, we strongly believe that
21 Council should strive for compact
22 districts.

23 Finally, maintaining
24 communities of interest. The
25 Administration urges City Council to

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2 maintain communities of interest. A
3 community of interest is a group of
4 individuals that share similar
5 priorities, whether ethnic, religious,
6 economic, social or cultural. I'm sure
7 we will hear from many of those
8 communities today and at subsequent
9 public hearings that City Council will be
10 holding.

11 One community that the
12 Administration has heard from has been
13 the Hispanic community. The latest
14 census data revealed that over 12.3
15 percent of Philadelphians are Hispanic.
16 The Administration hopes that any
17 redistricting plan recognizes the growth
18 of this community and provides them and
19 other communities of interest with a
20 continued strong opportunity for
21 representation on City Council.

22 Thank you for the chance to
23 present testimony on this matter. I am
24 happy to answer any questions you might
25 have.

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2 COUNCIL PRESIDENT Verna: Thank
3 you very much.

4 Are there any questions from
5 members of the Committee?

6 (No response.)

7 COUNCIL PRESIDENT Verna:
8 Seeing none, thank you.

9 MS. BIEMILLER: Thank you.

10 COUNCIL PRESIDENT Verna: I
11 would ask the Clerk to please call our
12 next witness.

13 CHIEF CLERK: Bob Santoro.

14 (Witness approached witness
15 table.)

16 COUNCIL PRESIDENT Verna: Good
17 morning.

18 MR. SANTORO: Good morning,
19 Council President Verna and members of
20 Council. I want to thank you for the
21 opportunity to be here today.

22 My concern isn't so much the
23 redistricting. It's the method. It's
24 the process. I live on the border of two
25 Council districts. This past election,

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2 as in everyone, I supported, voted for
3 and worked for my choice for Council
4 candidate. Come November, I will do the
5 same. Because I'm on the border of one
6 of the districts that has to lose people,
7 there is a possibility that I will be in
8 another Council district, which nullifies
9 my vote. It nullifies my choice. It
10 takes not only myself but all of my
11 neighbors, our input into who is running
12 our Council district and our -- basically
13 our existence with the City.

14 My proposal is -- well, my idea
15 is that if you suspended the institution
16 of the actual district until after the
17 next election, so it gives the voters the
18 opportunity to choose who their
19 Councilperson is going to be. You're
20 looking at roughly, according to your
21 chart, 38,000 people that their vote
22 isn't going to count because they're
23 going to be moved into another district.
24 I don't know how that plays with other
25 people, but that -- I have a problem with

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2 that. And I'm sure that because of the
3 voting argument, there's got to be some
4 kind of policy that can be put into place
5 that Council can get paid, because you
6 should be paid. It's the initiation of
7 the program that -- I'm not very good
8 with words. But it's the fact that my
9 vote for who I wanted to be my
10 Councilperson will be taken away if I'm
11 moved into another Council district, and
12 there's 38 -- according to your numbers,
13 there's 38,000 people that that's going
14 to happen to. It's not just a small
15 number. It's not a thousand. It's a
16 good chunk of the City. And, I mean, I
17 feel that our votes should be counted,
18 and the only way it can be counted is if
19 the redistricting takes effect after the
20 next election, because if I am moved into
21 the 2nd District, I'd be able to vote in
22 that district for that election and
23 choose my Councilperson.

24 Thank you for your time. And I
25 don't know if that's a valid point or if

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2 it isn't.

3 COUNCIL PRESIDENT Verna:

4 Mr. Santoro, are you aware that this
5 becomes effective in the year 2015?

6 MR. SANTORO: Pardon me?

7 COUNCIL PRESIDENT Verna: When
8 do you think that the redistricting would
9 become effective?

10 MR. SANTORO: January 1st.

11 COUNCIL PRESIDENT Verna: No.
12 It would become effective 2015.

13 MR. SANTORO: My apologies. I
14 was misinformed. That was -- the
15 research that I had done didn't show
16 that. I apologize.

17 COUNCIL PRESIDENT Verna: It's
18 not --

19 MR. SANTORO: I apologize for
20 wasting your time.

21 COUNCIL PRESIDENT Verna: Not
22 at all. We're happy to have had you come
23 in. Thank you so much.

24 Our next witness?

25 CHIEF CLERK: Laura Dijols.

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2 Jose Oyola.

3 AUDIENCE MEMBER: She's here,
4 Laura is here.

5 (Witness approached witness
6 table.)

7 COUNCIL PRESIDENT VERNA: Good
8 morning. Please identify yourself for
9 the record and proceed with your
10 testimony. Good morning.

11 MS. DIJOLS: Good morning and
12 thank you, President Verna, members of
13 Council, other City officials and those
14 present in the Chambers today. My name
15 is Laura C. Dijols. I am a senior
16 citizen currently residing in the
17 Wynnefield section of Philadelphia.
18 Thank you for this opportunity to share
19 some of my thoughts and concerns
20 regarding an extremely important Charter
21 mandate which you as Councilmembers must
22 perform as you make wise decisions in
23 representing us, the citizens of
24 Philadelphia.

25 The following are some of my

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2 major concerns: First, why did City
3 Council declare in a resolution on June
4 23rd to, quote, "hold public
5 community-based hearings," end quote, in
6 order to, quote, "create an open and
7 transparent opportunity for public
8 engagement and input," end quote, in the
9 citywide redistricting process? Well,
10 now we're here today, August the 16th,
11 and this is the very first public
12 redistricting hearing. Sadly, we are
13 less than one month before the September
14 9th deadline for completing this plan.
15 Is it possible that City Council does not
16 want any input from the voters in
17 Philadelphia?

18 Two, I believe we should have
19 more cohesive districts within our city.
20 For example, the current 5th and 7th
21 Districts are two among the most unfairly
22 drawn districts in the country, according
23 to a 2006 study by Avazea, formerly
24 Avencia. Districts 5 and 7 need serious
25 overhauling, if this study is correct.

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2 Would Council consider the number of
3 elementary schools in an area and then
4 build the voting district around them?

5 Three, since our city's Home
6 Rule Charter requires the Mayor's input
7 after the Council has completed its plan,
8 it may be necessary to amend the Charter.
9 With that revision, the Mayor's
10 suggestions would be considered prior to
11 Council beginning the redistricting
12 process in order to incorporate the
13 Mayor's ideas in the final plan.

14 I just heard the Mayor insert
15 this, heard the Mayor's letter. So he is
16 proposing. I trust you'll be considering
17 his suggestions.

18 I was also -- I'm continuing
19 now. May I propose that we also include
20 in the Charter change the creation of an
21 Advisory Redistricting Commission, whose
22 members would be selected by City
23 Council, the Mayor, the District Attorney
24 and the City Controller? Hopefully the
25 public would have input before they begin

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2 to have public hearings.

3 Four, it has been said that the
4 district lines are drawn in order to
5 suppress voter power and voter
6 participation. I believe this may
7 contribute to the growing voter apathy we
8 are experiencing in both the Primary and
9 General Elections. This would seem to
10 provide the incumbent with an unfair
11 advantage to remain in power while
12 possibly ignoring the very constituents
13 he or she was elected to represent.

14 Furthermore, I'd like to take
15 the liberty to recommend that City
16 Council review a group of redistricting
17 plans which have been designed and are in
18 the process of being designed to address
19 a very pressing need of more equitable
20 representation. The organization Fix
21 Philly Districts in our city will have a
22 top ten list of redistricting plans for
23 your examination and consideration.
24 Hopefully City Council will select the
25 best of these plans to move our city

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2 forward in the second decade of the new
3 millennium.

4 Sixth, let's stop the practice
5 of point contiguity when mapping our
6 councilmanic districts. It has been said
7 that the people on the borderlines tend
8 to be neglected by their Councilpersons.

9 Please know that I want to
10 honor the time constraints and close my
11 presentation. Thank you again for this
12 opportunity to address City Council
13 today.

14 COUNCIL PRESIDENT VERNA: Thank
15 you.

16 Are there any questions or
17 comments from members of the Committee?

18 (No response.)

19 COUNCIL PRESIDENT VERNA:
20 Again, I thank you.

21 MS. DIJOLS: You're welcome.
22 Thank you.

23 COUNCIL PRESIDENT VERNA: Our
24 next witness?

25 CHIEF CLERK: Jose Oyola, Angel

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2 Ortiz, Miguel Concepcion and Jose Perez
3 from the LatinoLines Redistricting
4 Coalition.

5 (Witnesses approached witness
6 table.)

7 MR. OYOLA: Good morning, City
8 Council President Verna and the rest of
9 the members of City Council. We're very
10 honored to be here today. My name is
11 Jose Oyola of LatinoLines and also I am
12 the Marketing Director for the National
13 Congress of Puerto Rican Rights.

14 LatinoLines is a coalition of
15 non-partisan civic activists and devoted
16 members of the Latino community and
17 long-time Philadelphians. Testifying
18 with me today is Jose Perez, Esquire, of
19 Latino Justice PRLDEF, New York. He
20 brings with him the organization's
21 expertise in redistricting and will
22 discuss some of our major concerns.

23 As the recent census numbers
24 have confirmed, Philadelphia finally
25 reversed five decades of losing

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2 population, thanks mainly to the growth
3 in the Asian and Latino communities. An
4 impressive gain has been registered in
5 the Latino community of over 59,000
6 residents, and almost all of the growth
7 was in the Latino population center in
8 and around Philadelphia's 7th
9 Councilmanic District and areas that used
10 to be the 7th Councilmanic District.

11 It has also been widely
12 reported by numerous authorities that the
13 7th Councilmanic District is one of the
14 most gerrymandered districts in both the
15 City and in our nation. For too long,
16 the Latino community has been
17 gerrymandered, diluting its voting
18 strength and, in many instances, eroding
19 its viability as a community of interest.
20 For years, voting districts in Latino
21 neighborhoods have been cracked,
22 fractured, packed and diluted, costing
23 residents their true power and place at
24 the table.

25 LatinoLines is respectfully

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2 asking that our growth in the city census
3 be reflected with a natural, logical 60
4 percent Latino population for the 7th
5 Councilmanic District.

6 Look, if you just enclose the
7 current areas of new Latino population
8 growth, it naturally fits in the 7th
9 District, and the City would have a
10 reasonable, healthy and economically
11 viable 7th District, as drawn in the maps
12 that Miguel Concepcion has passed out.

13 We are respectfully asking the
14 Philadelphia City Council to draw new and
15 proper lines to reflect the viable and
16 growing Latino communities in our city,
17 with the ultimate goal of allowing this
18 to happen and that their political voices
19 could take their natural course among the
20 leadership of the City of Philadelphia.

21 For more of the history on this
22 entire matter, attorney and former City
23 Councilman Angel Ortiz will detail the
24 trail and trajectory of gerrymandering
25 that put the current lines of the 7th

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2 District in conflict with the Voting
3 Rights Act of 1965. He will show how
4 this community of interest is having
5 their civil rights violated under those
6 terms. Attorney Jose Perez of Latino
7 Justice PRLDEF will discuss the Voting
8 Rights Act of 1965 and how it prohibits
9 the dilution and fracturing so noticeable
10 in the current 7th Councilmanic District.
11 And our colleague Joe Garcia via Wynne
12 Alexander will summarize our other
13 points.

14 Thank you very much for this
15 opportunity to look at this longstanding
16 civil rights problem.

17 Jose Perez.

18 MR. PEREZ: Good morning, Madam
19 Council President Verna, members of the
20 City Council. My name is Jose Perez. I
21 am the Associate General Counsel of
22 Latino Justice PRLDEF, a national
23 non-for-profit, non-partisan civil rights
24 organization that engages in advocacy and
25 impact litigation on behalf of the Penn

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2 Latino community here in the United
3 States.

4 Latino Justice is approaching
5 its fourth decade of redistricting work.
6 For the past year, we have been working
7 with local Latino community-based
8 organizations in ten states along the
9 eastern seaboard, including the
10 LatinoLines Redistricting Coalition here
11 in Philadelphia as they engage in the
12 redistricting process.

13 In Philadelphia, as has been
14 stated, while the overall population had
15 a light increase of 0.6 percent from
16 2000, Hispanics had a tremendous
17 population growth in this city in the
18 past decade, preventing the City from
19 sustaining significant population
20 declines as has occurred in other
21 particularly northeastern urban areas.
22 From 2000 to 2010, Latinos grew an
23 astonishing 46 percent and, as previously
24 stated in the testimony from the Mayor's
25 representative, now make up 12.3 percent

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2 of the total City population.

3 And the current cycle of
4 redistricting based on the new
5 demographic information released in the
6 2010 census report, Latino Justice
7 submits that those responsible here in
8 the City Council for drawing district
9 lines must recognize their obligations
10 for providing fair electoral opportunity
11 for Philadelphia's Latino communities.
12 The 7th Councilmanic District represented
13 by the honorable Maria Quinones-Sanchez
14 is the first and still the only Hispanic
15 elected to a district City Council seat.
16 As reflective in the City as a whole,
17 significant population increases in her
18 district. The proposed district
19 submitted by LatinoLines also complies
20 with traditional redistricting principles
21 of compactness and contiguity, with
22 nearly equal population as practical, as
23 set forth and required in the
24 Pennsylvania State Constitution and the
25 Philadelphia City Charter.

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2 We urge the City's legislative
3 redistricting maps be drawn in a
4 transparent fashion, that they be
5 released as soon as practical.
6 Transparency must be infused throughout
7 the City's redistricting process to
8 promote civic participation and
9 confidence.

10 We are very pleased to have
11 learned that there will be two additional
12 public hearings outside City Hall,
13 including the one to be held at the
14 Esperanza Academy Charter High School in
15 District 7 on August 31st, 2011 sponsored
16 by Councilwoman Quinones-Sanchez. During
17 these hearings, the commission should
18 hear from the public how district lines
19 will help preserve communities of
20 interest and comply under the Voting
21 Rights Act to avoid voter dilution while
22 abiding by traditional redistricting
23 principles of compactness, contiguity and
24 de minimis deviation from the equal
25 population requirement.

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2 The extent to which
3 redistricting can account for race and
4 ethnicity is a particularly delicate
5 legal balance and challenge for this
6 Council. The U.S. Supreme Court has
7 repeatedly indicated that compliance with
8 the federal Voting Rights Act is a
9 compelling reason why a state or locality
10 can make race or ethnicity of its
11 citizens the predominant reason for
12 drawing particular district lines. The
13 Voting Rights Act, which was enacted by
14 Congress in 1965, was designed primarily
15 to combat discrimination and intimidation
16 that were used to deny African Americans
17 and many other minorities the right to an
18 effective vote. As federal law, the
19 Voting Rights Act overrides any
20 inconsistent state or local laws.
21 Particularly, Section 2 of the Voting
22 Rights Act prohibits any voting practice
23 or procedure that results in the denial
24 or abridgement of anyone's right to vote
25 based on race, color or minority language

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2 status. Congress amended Section 2 in
3 1982 to clarify it. Specifically, it
4 prohibited laws or practices that denied
5 minority voters an equal opportunity to
6 participate in the political process and
7 to elect representatives of their choice.
8 This type of violation is known as voter
9 dilution. Section 2 provides the legal
10 means by which to challenge those acts
11 that result in voter dilution.

12 In closing, Latino Justice
13 PRLDEF looks forward to closely working
14 with the Council and the City of
15 Philadelphia and particularly our
16 partners, the LatinoLines Redistricting
17 Coalition, to achieve this goal of
18 transparency and inclusiveness.

19 Thank you.

20 COUNCIL PRESIDENT VERA: Thank
21 you.

22 MR. ORTIZ: Good morning.

23 COUNCIL PRESIDENT VERA:
24 Welcome.

25 MR. ORTIZ: Good morning, Madam

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2 President, Majority Leader, Councilwoman
3 Quinones, the rest of my colleagues. I
4 hope this is a much saner and peaceful
5 redistricting process than the last two
6 that we've had over the last 20 years,
7 but I hope that this also closes the
8 circle that began in 1960. And if you
9 begin looking at the maps and how the
10 District 7 has changed over that period
11 of time, you will see that also it
12 mirrors the trajectory and movement of
13 the Puerto Rican and Latino community
14 from one side of Philadelphia, Fairmount
15 and the Spring Garden area, into the 7th,
16 what is now called Kensington, North
17 Philadelphia and the Lower Northeast. It
18 began with the gentrification in the
19 Spring Garden area moving the Puerto
20 Ricans out of the Spring Garden area into
21 North Philadelphia. It accelerated in
22 the 1980s. And in the 1980s, we had one
23 fortunate thing happen also, Wilson Goode
24 was elected Mayor of the City of
25 Philadelphia. Wilson Goode has made it

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2 possible because of his votes and his
3 veto of the plans that this Council drew
4 in 1990 to be able for us to be here
5 contemplating a district that will
6 represent truly the growth of the Puerto
7 Rican/Latino community of that period of
8 time.

9 We have traveled and we have
10 come a long way. Through that process,
11 many people have been very helpful,
12 Marian Tasco, Councilwoman Verna, Frank
13 DiCicco, Jim Kenney, Mayor Rendell after
14 Wilson when he came on and followed up
15 with his veto of a plan that was
16 discriminatory and diluted and cracked
17 the Puerto Rican and Latino district.

18 Today, we face a different
19 circumstance. The Latino community has
20 given Philadelphia its first growth
21 period in the last 25 years. It has
22 grown in a very definitive area. The
23 Puerto Rican community made up 50 percent
24 of that growth during the last ten years.
25 It has made the Council District 7

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2 probably the most compact Puerto Rican
3 district outside of the South Bronx, and
4 it has all of those lines that we began
5 working on in 1980 on, except for that
6 tail going all the way up into the
7 Northeast into the 56th Ward that should
8 be cut, should be brought down and made a
9 compact community of interest that lives
10 within that area.

11 It is up to this Council to be
12 able to achieve that goal. It's a goal
13 that this community has fought for and
14 has strived for for over 30 years. It
15 has and it represents the best and the
16 one that will give that community the
17 ability to be able to choose its elected
18 representative to this body. It will
19 give the percentages that are necessary.

20 You have a copy of the map that
21 we have drawn in front of you, and we
22 hope that you use that as the guide -- we
23 hope that you use that as the guide as
24 you go along in your discussions.

25 This community has been

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2 fractured, has been gerrymandered, and I
3 think it's time for us to close the
4 circle and make the Councilmanic 7th
5 District the district that it's supposed
6 to be and truly, truly representative of
7 a very cohesive community that lives
8 within certain geographical areas that
9 are continuous and represents a community
10 of interest and is a very diverse
11 district. It is not packed. The one we
12 have created is not a packed district.
13 It is a district that fulfills all of the
14 requirements of the Voting Rights Act.

15 So I hope as you go along and
16 you deliberate that you can keep this in
17 mind, because this has been the most
18 contentious district over the last 20
19 years. I don't think we are going to be
20 that contentious over the 7th
21 Councilmanic. There are other problems
22 in other districts, but this district is
23 very well configured at this point in
24 time in the history of Philadelphia. So
25 I hope that you look at it and you come

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2 to the right conclusion that this is the
3 right district for the right time.

4 Thank you, Madam Chair.

5 COUNCIL PRESIDENT VERNA: Thank
6 you.

7 Our next witness, please.

8 MS. ALEXANDER: I'm Wynne
9 Alexander, known to some of you. It's a
10 pleasure to see you all again, Councilman
11 Reynolds, Maria Quinones-Sanchez,
12 President Verna and Marian, of course.
13 Some of us go back a long way. I'm here
14 actually testifying on behalf of Joe
15 Garcia, who is also the Vice Chair of the
16 National Congress for Puerto Rican
17 Rights. Joe had an emergency and so I'm
18 going to read his testimony for you.

19 It is also very heartening to
20 hear the other citizenry that came forth
21 today taking their valuable time and
22 talking also about the 7th, even though
23 they may not live in the 7th.

24 Philadelphia's Latino community
25 gained almost 60,000 people, according to

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2 the United States Census of 2010. If you
3 just enclose the current areas of the new
4 Latino population growth, it naturally
5 fits right in the 7th District, and the
6 City would have a reasonable, healthy and
7 more economically viable 7th.

8 The Voting Rights Act of 1965,
9 as you know and have heard here today,
10 prohibits vote dilution in redistricting.
11 That was very eloquently discussed by
12 Jose Perez of Latino Justice. The
13 extremely peculiar shape of the 7th
14 Councilmanic District, the obvious
15 dilution, the obvious fracturing, the
16 fact that it combines communities with
17 different interests just in physical
18 locations, is barely contiguous, all of
19 this marked as a classic example of
20 gerrymandering.

21 And let's remember not only
22 were the people removed from this
23 district but the economic engines and
24 businesses were also removed from this
25 district. If you look at a map of the

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2 7th from 1960, the SugarHouse Casino
3 would have been in the 7th Councilmanic
4 District. All of that economically
5 thriving waterfront would have been in
6 the 7th District. And what a crushing
7 irony, SugarHouse, named for an industry
8 chosen for its historic presence in this
9 area of Philadelphia; SugarHouse, a name
10 chosen because of all the sugar that came
11 in from Jack Frost and the other sugar
12 companies for refinement. All along with
13 that sugar from Puerto Rico came the
14 Puerto Rican sugar cane workers who built
15 the industry through hard work, expertise
16 and remained loyal Philadelphians. To
17 think that we are now separated from our
18 community of interest, separated from our
19 friends and neighbors, separated from the
20 waterfront and the successful industry
21 that we so diligently and painstakingly
22 worked to build up, this crushing irony
23 can no longer be allowed to exist. This
24 illegality can no longer be allowed to
25 exist. In the name of the 1965 Voting

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2 Rights Act, we want our district back, we
3 want our neighbors back in our district,
4 and we want the boundaries to include the
5 economic engines that would make our
6 district flourish in the future. With a
7 proper 7th Councilmanic District, the
8 Latino community of Philadelphia will
9 finally have in this century what it
10 should have had in the last.

11 LatinoLines looks forward to
12 seeing the Council's maps and looks
13 forward to testifying at that time as
14 well. We thank you very much and most
15 sincerely for taking this matter under
16 the serious consideration that you have
17 demonstrated.

18 COUNCIL PRESIDENT VERA: Thank
19 you.

20 Are there any other witnesses
21 on your panel?

22 MR. ORTIZ: No.

23 COUNCIL PRESIDENT VERA: Thank
24 you again for coming in.

25 Our next witness?

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2 CHIEF CLERK: Elaine Tomlin.

3 (Witness approached witness
4 table.)

5 MS. TOMLIN: Good morning,
6 everyone. I am here on behalf of the
7 42nd Ward community. As of September of
8 2010, we started having monthly community
9 meetings, and the issue of redistricting
10 having come up very often in our
11 community meetings. Our community
12 meetings, we have active participants
13 that vote on a regular basis. Our
14 attendance is in the range of 60 to 80
15 residents that reside at our meetings.

16 In regards to redistricting in
17 Philadelphia, the 42nd Ward, I understand
18 "one person, one vote" standard model for
19 redistricting that would be used for
20 Pennsylvania. Despite the fair-sounding
21 name, there are lots of ways of making
22 districts that have equal populations but
23 turn out very unfair anyway. "One
24 person, one vote" says nothing about the
25 shape, ethnicity or economic makeup of

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2 the districts.

3 In the 42nd Ward community, we
4 have 25 precinct divisions. Prior to
5 2000, we had the 1990 census, which our
6 precinct divisions had more compact, one
7 Councilperson who represented the whole
8 42nd Ward. This allowed for more
9 togetherness in our community. After the
10 2000, 42nd Ward community was sliced into
11 three Council districts.

12 So what we're asking for is to
13 ensure that the lines are drawn in the
14 public interest of our community.

15 I thank you for letting me
16 testify.

17 COUNCIL PRESIDENT VERNA: Thank
18 you. Thank you.

19 Our next witness?

20 COUNCILWOMAN TASCOT: I'd like
21 to say thank you to Elaine Tomlin, who I
22 represent part of that district, but I
23 think we did very well, though, with the
24 three.

25 MS. TOMLIN: Yes, you did.

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2 COUNCILWOMAN TASCO: But I
3 understand what you're saying. Thank
4 you. Thank you for taking time to come
5 down. You're a hard-working community
6 leader, and we appreciate you.

7 MS. TOMLIN: Thank you.

8 CHIEF CLERK: George Matysik.

9 (Witness approached witness
10 table.)

11 MR. MATYSIK: Good morning.
12 George Matysik, M-A-T-Y-S-I-K. Good
13 morning, Madam President, members of
14 Council. I'm here today not to advise
15 you on how to best draw a map that's
16 equitable and fair, because I have no
17 doubt that you have every intention of
18 doing so. I'm here today to take issue
19 with interpretation of the guiding law
20 which dictates the building blocks we use
21 to draw the map.

22 As you know, Section 2,
23 Subsection (102) of the City Charter
24 states, "It shall be the mandatory duty
25 of Council to redistrict the City within

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2 six months after the publication by the
3 U.S. Census Bureau of the population of
4 the City at each decennial census. Each
5 district shall consist of a ward or
6 contiguous wards containing as nearly as
7 possible the population factor obtained
8 by dividing the City's population at the
9 preceding decennial census by ten."

10 Now, my understanding is the
11 last time Council received a legal
12 opinion on this, on the splitting of
13 wards, correct me if I'm wrong, was 1971,
14 which stated it was legal. However, at
15 that time, the primary court decision
16 used to determine the legality was the
17 Pennsylvania Supreme Court case of
18 Newbold versus Osser of 1967. At that
19 time, the court did not recognize that a
20 claim of political gerrymandering was
21 cognizable under the Pennsylvania
22 Constitution. However, more recent court
23 decisions were taking a new look at the
24 issue.

25 My appeal today is merely that

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2 Council will request a current legal
3 opinion on the allowing of splitting
4 wards to create Councilmanic districts.
5 I believe keeping whole wards was the
6 original intent of the law and would help
7 solve many of the issues brought up here
8 today.

9 The ward map, for all its
10 faults, is often drawn over the same
11 boundaries as our neighborhoods and will
12 allow for less artistic interpretation of
13 our districts.

14 I thank you for your time and
15 hope that you will request a current
16 legal opinion of Section 2, Subsection
17 (102). Thank you.

18 COUNCIL PRESIDENT VERNA: Thank
19 you very much. We appreciate your coming
20 in to testify.

21 Our next witness?

22 CHIEF CLERK: Adam Lang.

23 (Witness approached witness
24 table.)

25 MR. LANG: Good morning, Madam

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2 President and members of Council. Today
3 and over the coming weeks, many people
4 will present recommendations for how a
5 district should be redrawn. In fact,
6 Councilmembers Green and Sanchez can
7 attest to a contest involving over 100
8 participants in this process already. In
9 light of that, I will speak about reform
10 of the process itself and not about the
11 actual specific drawings of the
12 districts.

13 As you and others involved in
14 the process know, redistricting isn't
15 simply a game of Tetris where you are
16 just putting blocks together. There are
17 politics involved, and this has a degree
18 of necessity to it. Our governmental
19 representatives do need to make sure
20 districts represent a level of community
21 continuity. The problem arises when the
22 politics for the constituents is trumped
23 by the politics for the elected official.
24 This is most apparently -- this most
25 apparently takes place with

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2 gerrymandering, drawing districts for the
3 incumbents and not for the constituents.

4 City Council has a rare
5 opportunity. You have a solid majority
6 of members that either have no district
7 boundaries or have no reelection
8 concerns. Before the session closes, I
9 request Council works on and passes
10 legislation that sets bright-line
11 compactness parameters for districts.
12 This is an opportunity to put reasonable
13 constraints on the political
14 considerations that go into
15 redistricting.

16 Thank you for your
17 considerations.

18 COUNCIL PRESIDENT VERNA: Thank
19 you very much. We appreciate your coming
20 in to testify.

21 Our next witness?

22 CHIEF CLERK: Herb Kaplan.

23 (Witness approached witness
24 table.)

25 MR. KAPLAN: Good morning, and

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2 I appreciate the opportunity to speak to
3 you all. My name is Herbert Kaplan. I'm
4 President of 220 West Rittenhouse
5 Condominium Association. I am President
6 of the Rittenhouse Square Community
7 Coalition, and I serve on the boards of
8 the Friends of Rittenhouse Square and
9 also the Center City Residents
10 Association. I am here today to
11 represent the position of the Center City
12 Residents Association.

13 It has two proposals. The
14 first, in keeping with the general goals
15 of the redistricting process, we, the
16 Center City Residents Association,
17 request that the 8th Ward be placed
18 within one Council district so that we
19 can look to one Council representative to
20 address the concerns of our neighborhood
21 and so that we can speak with a united
22 force, a unified voice at the ballot box.

23 The second consideration, the
24 second proposal, is consistent with the
25 Committee of Seventy, and we are asking

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2 that the redistricting process be open
3 and public and that a citizen group, a
4 commission, be established to allow for
5 that public discussion to take place. In
6 all of the matters we're consistent with
7 the Committee of Seventy and other
8 organizations within the Rittenhouse
9 Square area, Ward 8.

10 Thank you very much.

11 COUNCIL PRESIDENT Verna: Thank
12 you.

13 Our next witness?

14 CHIEF CLERK: Jordan Gwendolyn
15 Davis.

16 (Witness approached witness
17 table.)

18 JORDAN DAVIS: Hello. Jordan
19 Gwendolyn Davis, queer rights activist
20 and blogger.

21 I would just like to say that I
22 think that the gayborhood should be moved
23 out of the 1st Councilmanic District. I
24 honestly think that Kenyatta Johnson, who
25 is in the neighboring district, would be

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2 a better fit for the gayborhood. I am
3 part of the Liberty City Democrats, and
4 we found that like Kenyatta Johnson has a
5 real grasp of LGBT issues and I'm really
6 nervous about allowing Mark Squilla, who
7 is connected with DiCicco, who has
8 frankly been a little hostile towards the
9 LGBT community as of lately. I would
10 just say that the 2nd District belongs
11 more with Kenyatta Johnson. It's just a
12 better match, and that like Mark
13 Squilla's district should be moved into
14 the 26th Ward in exchange for that.

15 I just want to thank you for
16 like allowing us to publicly speak, and
17 I'd also like to say I second the
18 LatinoLines' sentiments right there. I
19 think the 7th should be compacted and
20 that corkscrew in the Northeast should be
21 gotten rid of.

22 COUNCIL PRESIDENT Verna: The
23 what?

24 Jordan Davis: Like that part
25 of the district in the Far Northeast that

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2 looks like a corkscrew, they should get
3 rid of that.

4 COUNCIL PRESIDENT VERNA: Just
5 a moment, please.

6 Councilwoman Brown, did you
7 have a comment or question?

8 COUNCILWOMAN BROWN: Good
9 morning. The position you've shared with
10 us, is that your individual position or
11 that of Liberty City?

12 JORDAN DAVIS: It's my
13 individual position. I just think that
14 Kenyatta Johnson would be a better fit.

15 COUNCILWOMAN BROWN: Thank you.

16 COUNCIL PRESIDENT VERNA: Thank
17 you.

18 Do we have anyone else that
19 would like to testify? We have completed
20 our witness list.

21 (No response.)

22 COUNCIL PRESIDENT VERNA: I
23 would like to remind everyone that the
24 next hearing date will be Wednesday,
25 August 31st at 5 o'clock, and then we

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2 will have another hearing date scheduled
3 for Tuesday, September 6th at 7 o'clock.
4 So I believe that this will conclude our
5 hearing for today and perhaps we will see
6 many of you again on Wednesday, August
7 31st.

8 Thank you very much. We do
9 appreciate your coming in. Thank you.

10 (Committee of the Whole
11 concluded at 11:30 a.m.)

12 - - -

1
2 CERTIFICATE

3 I HEREBY CERTIFY that the
4 proceedings, evidence and objections are
5 contained fully and accurately in the
6 stenographic notes taken by me upon the
7 foregoing matter on August 16, 2011, and that
8 this is a true and correct transcript of same.

9
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12
13 -----
14 MICHELE L. MURPHY
15 RPR-Notary Public
16
17
18

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