

BRENNAN
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FOR JUSTICE

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Members of the Board

The Barbara McDowell and Jerry Hartman Foundation
c/o Gerald S. Hartman
3607 Whispering Lane
Falls Church, VA 22041

Dear Friends,

Thank you again for the Barbara McDowell and Gerald S. Hartman Foundation's \$5,000 grant to the Brennan Center for Justice—funding used to support our litigation that advances the Foundation's mission to promote a more just and equitable society. We are pleased to submit this final report on the use of these funds.

While the grant was originally intended to support the Brennan Center's *Farrakhan v. Gregoire* litigation, that case concluded before The Barbara McDowell and Gerald S. Hartman Foundation grant could be applied to that work. We are so grateful that the Foundation agreed to support our litigation efforts in *Little v. LATFOR* (the New York Legislative Task Force on Demographic Research and Reapportionment). In that case, we serve as counsel to intervening parties in a lawsuit challenging a 2010 landmark piece of legislation that ends prison-based gerrymandering by requiring that people in prison be allocated to their home communities, rather than where they are incarcerated, for redistricting purposes. The following is a summary on the progress of the *Little v. LATFOR* litigation and the status of the law at issue.

LITTLE v. LATFOR LITIGATION

Nine Senators and nine individuals are challenging New York's law. Senator Elizabeth Little's lawsuit seeks to have the new legislation struck down, the effect of which would require legislative districts—most notably her own, which contains 12,000 incarcerated persons—to include prison populations in their apportionment counts to the detriment of all other districts without prisons. Striking down the new law would return us to a policy that skews the demographic characteristics in both urban and rural locales throughout the state and has decimated the voting strength of poor and minority communities for decades.

On May 17, 2011, the Brennan Center, as part of a group of organizations representing three nonprofit groups and fifteen voters, filed a motion to intervene in New York Supreme Court. The Center for Law and Social Justice, Dēmos, LatinoJustice PRLDEF, the NAACP Legal Defense and Educational Fund, the New York Civil Liberties Union, and the Prison Policy Initiative have joined the Brennan Center in seeking to defend the new law. We continue to serve as counsel to the proposed intervenors—who have not yet been granted intervenor status. We have attached that motion to intervene (Attachment A) as well as the June 7, 2011 reply to opposing counsel’s memorandum challenging the intervenors’ request (Attachment B).

It is also important to note that since this 2010 redistricting law was adopted, LATFOR has not made taken any steps to implement it. As a result, on July 27, 2011, the Brennan Center and co-counsel for the parties seeking to intervene and defend the law sent a letter (Attachment C) to LATFOR urging the body to develop its statewide redistricting lines with the allocation of incarcerated persons to their addresses of previous residence. We eagerly await LATFOR’s response to our request. And we look forward to sharing an update on the implementation of the new law or our next steps to move it toward implementation.

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Again, we very much appreciate the support of the Barbara McDowell and Gerald S. Hartman Foundation which has made this urgent work possible. The Brennan Center worked in coalition over many years with a broad range of state and national organizations, and drafted large portions of this 2010 redistricting legislation—and we will vigorously defend it in court. If it stands, this important new law will help to bolster the political voice and power of downstate, urban, and low-income communities. And success in New York will help in the defense of similar laws passed in other states. We are grateful to have the Barbara McDowell and Gerald Hartman Foundation as partners in this work. Please do not hesitate to contact us should you need any additional information about the litigation or the Brennan Center’s role in it.

Sincerely,



Molly Galvin
Manager of Major Gifts
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