

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

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ANNE POPE, et al.,	:
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Plaintiffs,	:
	:
-against-	:
	:
COUNTY OF ALBANY, et al.,	:
	:
Defendants.	:
	:
	:
	:
-----X	

No. 11-cv-0736 (LEK) (DRH)

DECLARATION OF CARLOS GONZALEZ

I, Carlos Gonzalez, hereby declare the following:

1. I am a Hispanic man over the age of eighteen residing in Albany, New York. I give this declaration based upon personal knowledge.
2. I am a registered voter and reside in the Sixth Legislative District under the redistricting plan recently adopted by the Albany County Legislature ("Local Law C"), and in the First Legislative District under the redistricting plan developed by Arbor Hill Environment Justice that is being proposed in this litigation by Plaintiffs ("AHEJ Plan").
3. After receiving the 1990 U.S. Census data in 1991, the Albany County Legislature passed the local reapportionment law that redrew the 39 legislative districts that were created in 1980.
4. In 1991, the reapportionment law passed by the Legislature contained a single majority-minority district (MMD).
5. In 1991, there was a sufficient geographically condensed and politically cohesive minority population in Albany City to create three MMDs.

6. Minority voters sued in the United States District Court for the Northern District of New York, alleging that the 1990 legislative districts and the 1980 legislative districts violated Section 2 of the Voting Rights Act.

7. The minority voters and Albany County entered into a consent decree dated November 13, 1991. Attached hereto as Exhibit 1 is a true and accurate copy of the consent judgment and decree.

8. In approving the consent decree, the Honorable Con Choiakis, United States District Court Judge for the Northern District of New York, ordered that “[t]o remedy the existing claimed non-compliance with the Voting Rights Act,” Albany County must adopt a “redistricting plan [that] include[s] three districts in the area of the City of Albany equal to or greater in black and Hispanic combined population of at least 63%.” See Exhibit 1.

9. Pursuant to the 1991 consent decree, three MMDs were created, and three minority legislators ultimately were elected from those districts.

10. In 1992, I ran for and was elected to a seat on the Democratic Committee in the Third Ward. I was the first Latino elected committeeperson. The ward to which I was elected included the Arbor Hill neighborhood Third Ward, a predominantly black area. My success in this ward is one example demonstrating the extent to which blacks and Hispanics support the same candidates and share common needs and concerns.

11. After I gained a seat on the Democratic Committee in 1992, I hosted a picnic in my ward. I invited Harold Joyce, the then-Chairman of the Democratic Committee. Mr. Joyce responded to my invitation, saying, “I do not go into that neighborhood, because there are too many weeds that come from the ground.” These comments were made in the presence of Carl Gottstein, Jr., an elected committeeman, and Rodney Littles, the Third Ward Leader. Mr. Joyce

was one of the most powerful political figures in the Committee and in the County at that time, and he exerted considerable influence over the 1990 redistricting process. Mr. Joyce ran for mayor of the City of Albany the following year. After losing the mayoral race, Harold Joyce continued to serve as an elected member of the Albany County Legislature.

12. Last year I was asked by the ward leader for the Seventh Ward to run for a committee seat in the Second Electoral District. Ward 7, Electoral District 2 is almost entirely comprised of white residents. At the time, there were two party endorsed candidates in the electoral district in which I reside, which is Ward 7, Electoral District 1, a community that is approximately three-quarters minority residents. I brought this to the attention of the Committee and expressed my desire to run in the electoral district in which I reside, a community where I would have a chance of winning. However, the Committee insisted I run instead in Ward 7, Electoral District 2. I was not successful. I believe I was asked to run in Electoral District 2 instead of Electoral District 1 in order to increase the chances of success for the white candidates in both of those electoral districts.

13. Blacks and Hispanics in Albany County share common needs and engage with one another in many spheres. For example, blacks and Hispanics tend to gravitate toward the same neighborhoods in the City of Albany. As a result, their children attend the same schools, and they interact with one another in education-related activities including sports and after school programs.

14. Blacks and Hispanics in Albany County generally vote together and support the same candidates.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on: July 14, 2011



Carlos Gonzalez