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BETH STASIAK, *PARALEGAL*

April 17, 2015

VIA E-FILING

Hon. Lawrence E. Kahn

Senior United States District Judge

James T. Foley U.S. Courthouse

445 Broadway, Room 424

Albany, NY 12207-2926

Re: Pope, et al. v. County of Albany
1:11-cv-0736 (LEK/CFH)

Dear Judge Kahn:

Please be advised that this office represents Jeffrey Kuhn, Charles S. Dawson, Jr., Pamela Robbins and the Bethlehem Democratic Committee (collectively, "Intervenors"), who intend to submit a motion to intervene in the above-referenced matter.

The Memorandum-Decision and Order ("Order") issued by the Court in this case on March 24, 2015, found that Albany County's 2011 redistricting plan violated the federal Voting Rights Act ("VRA") by diluting the voting strength of African-American voters in Albany County. Notably, the Court's Order faulted Albany County Legislature's 2011 redistricting plan for placing a priority on incumbency protection as opposed to voter rights. As a remedy for the Albany County Legislature's violation of the VRA, the Court-ordered creation of a remedial redistricting plan to restore the rights to African-Americans in Albany County by creating a fifth majority-minority district ("MMD") in the City of Albany.

My clients have learned that the remedial map submitted by the Albany County Redistricting Committee ("ACRD"), a seven-person commission hand-picked by the leadership of the Albany County Legislature, violates the Court's order and New York State law. Instead of merely creating a fifth MMD as directed by the Court, the ACRD's proposed remedial plan attempts to misuse the Court's order to unnecessarily redraw district lines throughout Albany County – primarily in the Town of Bethlehem – in an egregious and illegal effort to yet again protect incumbents by eliminating primary opponents and settling political scores. The Court never intended the extraordinary redistricting mandated by the Order to be misused in this manner. It is clear that the wholesale revisions of the legislative district lines in Bethlehem are in no way necessary to comply with the Court's Order. These violations of the Court's Order are a transparent attempt to improperly hold on to political power by the same legislative leaders responsible for violating the VRA in the first place.

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Upon information and belief, other maps have been drawn which address this Court's VRS concerns but do not include the politically-motivated Bethlehem gerrymandering. Thus, upon information and belief, there are readily-available options which the Court could adopt that do not prejudice my clients yet resolves this litigation by creating a fifth MMD without affecting Bethlehem.

Intervenors are elected officials, elected committeepersons, announced candidates for the 2015 Albany County Legislature elections and the Bethlehem Democratic Committee whose candidacies would be prohibited or would otherwise be adversely impacted by the remedial plan proposed by the ACRD. Intervenors have a clear right to intervene in this matter pursuant to FRCP 24. *E.g., Hoblock v. Albany County Bd. of Elections*, 233 FRD 95 (N.D.N.Y. 2005).

Pursuant to Local Rule 7, we have asked counsel in this pending matter to consent to the relief sought by the Intervenors. We have learned today that the Plaintiffs in this action have filed a letter approving of the submitted map. Consequently, we respectfully request this Court not take action with respect to this proposed map until such time as the Intervenors may be heard.

If the Intervenors do not obtain the consent of both current parties to this matter, a motion to intervene and to seek modification of the proposed map to remove the gerrymandering of Bethlehem's lines will be filed with the Court at the earliest opportunity, and in no event by next week.

We thank the Court for its time and attention.

***Proposed intervenors' Letter Motion
(Dkt. No. 434) requesting that the Court defer
taking action on Defendants' proposed remedial
plan (Dkt. No. 432) is DENIED.

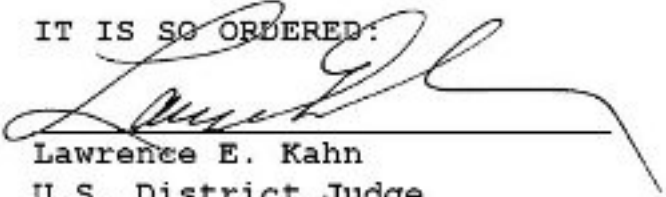
Respectfully submitted,


Daniel W. Coffey
NDNY Bar Roll No.: 506125

Co-Counsel:

/s/
Jeffrey Kuhn, Esq.
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IT IS SO ORDERED:


Lawrence E. Kahn
U.S. District Judge

Dated: April 21, 2015

Albany, NY