

01-7260-cv/04-3886-pr

IN THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

JALIL ABDUL MUNTAQIM, A/K/A ANTHONY BOTTOM; JOSEPH HAYDEN;
LUMUMBA AKINWOLE-BANDELE; WILSON ANDINO; GINA ARIAS; WANDA BEST-
DEVEAUX; CARLOS BRISTOL; AUGUSTINE CARMONA; DAVID GALARZA;
KIMALEE GARNER; MARK GRAHAM; KERAN HOLMES, III; CHAUJUANHEYIA
LOCHARD; STEVEN MANGUAL; JAMEL MASSEY; STEPHEN RAMÓN; LILLIAN M.
RIVERIA; NILDA RIVERA; MARIO ROMERO; JESSICA SANCLEMENTE; PAUL
SATTEFIELD AND BARBARA SCOTT, on behalf of themselves and all individuals similarly
situated,

Plaintiffs-Appellants,

v.

PHILLIP COOMBE; ANTHONY ANNUCCI; LOUIS F. MANN; GEORGE PATAKI,
GOVERNOR OF THE STATE OF NEW YORK; CAROL BERMAN, CHAIRPERSON, NEW
YORK BOARD OF ELECTIONS; GLENN S. GOORD, COMMISSIONER OF NEW YORK
STATE DEPARTMENT OF CORRECTIONAL SERVICES,

Defendants-Appellees.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

***IN BANC BRIEF OF AMICI CURIAE ZACHARY W. CARTER,
VERONICA COLEMAN-DAVIS, SCOTT LASSAR, LEONARD MARKS,
PAUL SCHECHTMAN, NATIONAL BLACK POLICE ASSOCIATION,
NATIONAL LATINO OFFICERS ASSOCIATION OF AMERICA, AND 100
BLACKS IN LAW ENFORCEMENT WHO CARE IN SUPPORT OF
PLAINTIFFS-APPELLANTS AND IN SUPPORT OF REVERSAL***

Lawrence S. Lustberg (LL-1644)
GIBBONS, DEL DEO, DOLAN,
GRIFFINGER & VECCHIONE, P.C.
One Pennsylvania Plaza, 37th Floor
New York, NY 10119-3701
(212) 649-4700 (tel.)
Counsel for Amici Curiae

TABLE OF CONTENTS

| | Page |
|--|-------------|
| TABLE OF AUTHORITIES | ii |
| INTEREST OF <i>AMICI CURIAE</i> | 1 |
| INTRODUCTION AND SUMMARY OF THE ARGUMENT | 3 |
| STATEMENT OF FACTS | 3 |
| ARGUMENT..... | 4 |
| I. Federalism Concerns Are Not Implicated When The Remedy Does Not Interfere With Traditional State Prerogatives | 4 |
| II. Application of the VRA to New York’s Disenfranchisement Law Does Not Impede the State’s Interest in Effective Law Enforcement | 6 |
| A. The Traditional Law Enforcement Function of Criminal Investigation And Prosecution Is Not Impeded By Application of the VRA..... | 7 |
| B. Application of the VRA Does Not Hinder Effective Punishment of State Crimes | 9 |
| C. Restoration of Voting Rights Under the VRA Would Not Harm Innovative Law Enforcement Techniques | 11 |
| CONCLUSION..... | 15 |
| CERTIFICATE OF SERVICE | 16 |
| CERTIFICATE OF COMPLIANCE..... | 18 |

TABLE OF AUTHORITIES

| | Page(s) |
|--|----------------|
| Cases | |
| <i>Coleman v. Thompson</i> , 501 U.S. 722 (1991) | 5 |
| <i>Ewing v. California</i> , 538 U.S. 11 (2003) | 9 |
| <i>McCleskey v. Zant</i> , 499 U.S. 467 (1991) | 5 |
| <i>Miss. State Chapter, Operation PUSH, Inc. v. Mabus</i> , 932 F.2d 400 (5th Cir.) | 6 |
| <i>Muntaqim v. Coombe</i> , 366 F.3d 102 (2d Cir. 2004) | 1, 4 |
| <i>United States v. Bass</i> , 410 U.S. 336 (1971) | 5 |
| <i>United States v. Emmons</i> , 410 U.S. 396 (1973) | 4, 5 |
| <i>United States v. Lopez</i> , 514 U.S. 549 (1995) | 4, 5 |
| <i>Younger v. Harris</i> , 401 U.S. 37 (1971) | 5 |
| Statutes | |
| 42 U.S.C. § 1971 | 1 |
| 42 U.S.C. § 1973 | 4, 6 |
| N.Y. Election Law § 5-106 | 3, 4 |

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Community Policing: 1997 National Survey Update of Police and Sheriffs' Departments (April 2001) 13
- Austin Sarat,
Studying American Legal Culture, 11 *Law & Soc. Rev.* 427 (1997) 14
- ComAlert*,
Kings County District Attorney's Office, available at <http://www.brooklynnda.org/comalert/comalert.htm> 9, 10
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DOCS Today, Feb. 2003 10
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Community Policing: Contemporary Readings (2000) 13
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Felon Disenfranchisement: A Policy Whose Time Has Passed?, Human Rights Magazine of the ABA Section of Individual Rights and Responsibilities, Winter 2004, available at <http://www.abanet.org/irr/hr/winter04/felon.html> 8
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Reducing Gun Violence: An Overview of New York City's Strategies (March 2004) 12
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District Attorney's Biography available at <http://www.bronxda.net/frames.html> 9, 12
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- Tom R. Tyler, *et al.*,
Social Justice in a Diverse World (1997) 14

Westchester County District Attorney's Office, *Specialized Prosecution Units*,
available at
<http://www.da.westchester.ny.us/results.cfm?category=Specialized+Prosecution+Units>..... 13

Interest of *Amici Curiae*

Amici are current and former law enforcement and corrections officials with extensive experience as officers, prosecutors and law-enforcement and corrections executives. *Amici* have dedicated their careers to promoting strong law enforcement that is effective and just. Throughout their careers, *amici* have given long and hard consideration to questions concerning the most effective strategies to achieve the goals of law enforcement. As officers of the law, *amici* are also committed to effective enforcement of the Voting Rights Act, 42 U.S.C. § 1971, *et seq.* (VRA).

In light of the disproportionate impact that New York's felon disenfranchisement law, N.Y. Election Law § 5-106, has on African American and Latino suffrage, and of the vital importance that the right to vote has on the health and future of this Nation, *amici* respectfully believe it is crucial that any asserted justification for New York's felon disenfranchisement law be rigorously analyzed. *Amici* believe that federalism concerns do not preclude such judicial consideration because the remedy imposed by the VRA does not interfere with strong law enforcement. Specifically, in *amici's* considered opinion, the restoration of paroled or incarcerated felons' right to vote does not impinge upon the effective investigation or prosecution of criminal matters by state law enforcement officials.

Amici pause briefly to note, however, that their discussion in this brief is limited to the application of the Voting Rights Act to challenge the discriminatory results of New York's disenfranchisement law. By submitting this brief, *Amici* express no approval of the crimes for which named-plaintiff-appellant Muntaqim was convicted and no support for leniency in sentencing with respect to him or any other person convicted under New York law. Nor do *amici* express any opinion as to whether New York's disenfranchisement law violates the VRA. *Amici's*

position is that a challenge to a criminal disenfranchisement law's racially discriminatory results under the Voting Rights Act is fully consistent with strong law enforcement.

The following is a brief description of the individual *amici*:

Zachary W. Carter served as United States Attorney for the Eastern District of New York between 1993 and 1999.

Veronica Coleman-Davis served as United States Attorney for the Western District of Tennessee between 1993 and 2001.

Scott Lassar served as United States Attorney for the Northern District of Illinois between 1997 and 2001.

Leonard Marks served as the Brooklyn Bureau Chief for the New York state Division of Parole between 1990 and 2004.

Paul Schechtman served as the Director of Criminal Justice for New York State between 1995 and 1997 and as Chief of the Criminal Division at the United States Attorney's Office for the Southern District of New York between 1993 and 1995.

National Black Police Association which represents approximately 35,000 individual members and more than 140 chapters, is a nationwide organization of African American Police Associations dedicated to the promotion of justice, fairness and effectiveness of law enforcement.

National Latino Officers Association of America is a fraternal and advocacy organization with a membership of 10,000 uniformed and civilian employees, predominantly within city and state law enforcement agencies, that is dedicated to creating strong bonds between the Latino community and other law enforcement agencies.

100 Blacks in Law Enforcement Who Care is a New York-based organization of African-American law enforcement professionals dedicated to ensuring justice for those who traditionally have no voice in society. Its members are committed to aggressive, but fair law enforcement and to contributing to the increased vitality of the communities they serve by vigorously challenging racism, sexism and other forms of discrimination.

Amici submit this brief with the parties' consent.

Introduction and Summary of the Argument

This consolidated appeal raises the fundamental question whether the application of Section 2 of the Voting Rights Act to New York's disenfranchisement law, which applies to all convicted felons currently on parole or incarcerated, would disturb the delicate balance of power between the state and federal government. As *amici* explain below, any federal remedy resulting from the invalidation of New York's disenfranchisement law would not infringe upon the state's interest in strong and effective law enforcement, a traditional area of state prerogative. Specifically, restoration of the right to vote for paroled and incarcerated felons would not hinder the ability of law enforcement to maintain order, enforce the criminal law, or safeguard the community. Accordingly, application of the VRA to New York's disenfranchisement law does not disturb the traditional balance between the state and federal governments.

Statement of Facts

The plaintiffs-appellants in this consolidated appeal consist of New York residents otherwise qualified to vote, who have been deprived of that right by operation of New York's felons disenfranchisement law, N.Y. Election Law § 5-106, because they are incarcerated or on parole as a result of a conviction of a

felony, as well as of black and Latino citizens who allegedly experience vote dilution as a result of the application of Section 5-106, in that it imposes a voter qualification or prerequisite that results in the denial or abridgement of the right of citizens to vote on account of race or color.

Argument

I. Federalism Concerns Are Not Implicated When the Remedy Does Not Interfere with Traditional State Prerogatives

Permitting Plaintiffs to bring a challenge to New York State’s felon disenfranchisement law under Section 2 of the Voting Rights Act would not upset the delicate balance between federal and state criminal jurisdiction.

In its panel opinion, the *Muntaqim* Court held that “[i]f New York State uses disenfranchisement merely as a tool to punish people who violate its laws, the application of § 1973 to § 5-106 would upset ‘the sensitive relation between federal and state criminal jurisdiction.’” *Muntaqim v. Coombe*, 366 F.3d 102, 122 (2d Cir. 2004) (quoting *United States v. Emmons*, 410 U.S. 396, 411-12 (1973)). The panel based this holding on the assertion that “[u]nder our federal system, the States possess primary authority for defining and enforcing the criminal law.” *Id.* at 121 (quoting *United States v. Lopez*, 514 U.S. 549, 561 n.3 (1995)). *Amici* do not dispute this assertion; States do possess the primary authority for defining and enforcing the criminal law.

Yet, the sensitive relation between federal and state criminal jurisdiction is only upset where the federal government directly interferes with or asserts itself into core areas of the state’s law enforcement activity. In fact, the *Muntaqim* Court relied on cases in which Congress directly legislated in areas of traditional state criminal law. In *Emmons* and *Lopez*, for example, Congress had created criminal

legislation in an area of traditional state criminal law. *See Lopez*, 514 U.S. at 561 n.3 (“When Congress criminalizes conduct already denounced as criminal by the states, ‘it effects a change in the sensitive relation between federal and state criminal jurisdiction.’”); *Emmons*, 410 U.S. at 411-412; *see also United States v. Bass*, 410 U.S. 336, 349 (1971) (noting that the law in question would upset the federal state balance because “the broad construction urged by the Government renders traditionally local criminal conduct a matter for federal enforcement and would also involve a substantial extension of federal police resources”). In those cases, Congress was plainly legislating in areas of traditional state law concern and thereby potentially usurping traditional state law powers and potentially infringing upon core law enforcement concerns.¹

By contrast, evaluating New York’s disenfranchisement law under Section 2 of the VRA would not intrude upon New York State’s authority to execute its core law enforcement functions. As set forth below in greater detail, depriving felons of the right to vote does not implicate the State’s core law enforcement functions.

¹ The Courts have also been concerned about federalism in the context of state criminal law with respect to *Younger* Abstention and federal habeas jurisdiction. *See, e.g., Younger v. Harris*, 401 U.S. 37, 43-45 (1971) (holding that federal courts may not interfere with ongoing state criminal proceedings in the absence of special circumstances); *Coleman v. Thompson*, 501 U.S. 722, 726 (1991); *McCleskey v. Zant*, 499 U.S. 467, 493 (1991) (“[T]he doctrines of procedural default and abuse of the writ are both designed to lessen the injury to a State that results through reexamination of a state conviction on a ground that the State did not have the opportunity to address at a prior, appropriate time; and both doctrines seek to vindicate the State’s interest in the finality of its criminal judgments.”). In both areas, the inquiry has been whether or not it is appropriate for the federal courts to interfere with state criminal proceedings or the finality of state criminal judgments, a direct intrusion into the State’s core law enforcement activities. In this case, to the contrary, evaluating New York’s disenfranchisement law under Section 2 of the VRA does not interfere with law enforcement activities and does not deprive the State of its core means of defining and enforcing the criminal law.

Moreover, as explicated in the Brief for Plaintiff-Appellant *In Banc*, by invalidating impermissible voting qualifications pursuant to the VRA, the federal government is merely acting in an area of traditional federal concern. *See* Brief for Plaintiff Appellant *In Banc*, at 25 (“There, to the extent the balance of power between the states and the federal government has been shifted, that shift took place over 130 years ago when the Reconstruction Amendments were enacted.”).

Accordingly, careful consideration of the lawfulness of New York’s disenfranchisement law under the VRA would not hinder effective and strong law enforcement activity, thus leaving undisturbed the balance of power between the state and federal government.

II. Application of the VRA to New York’s Disenfranchisement Law Does Not Impede the State’s Interest in Effective Law Enforcement

Should this Court determine that New York’s felon disenfranchisement law is a voter qualification that “results in the denial or abridgement of the right of any citizen of the United States to vote on account of race or color,” 42 U.S.C. § 1973, the relief would be to simply invalidate the impermissible voter qualification under Section 2 of the VRA. *See, e.g., Miss. State Chapter, Operation PUSH, Inc. v. Mabus*, 932 F.2d 400 (5th Cir.). Here, the broad remedial purpose of Section 2 to rid “the country of racial discrimination in voting” would be achieved through the restoration of the right to vote to parolees and prisoners in New York. This federal remedy would in no way infringe upon a state’s interest in strong law enforcement.

Law enforcement officials have many different responsibilities, but the primary functions of law enforcement are to maintain order, enforce the criminal

law, and protect the welfare of the community.² These functions are fulfilled through a variety of traditional law enforcement techniques related to criminal investigation, prosecution, and punishment, as well as through more recent innovative law enforcement strategies such as specialized police and prosecution units, community policing, or rehabilitative programs. *Amici* here explain that based upon their collective experience in law enforcement and corrections as well as upon sound and commonsensical reasoning, these core law enforcement functions would not be hindered by the restoration of voting rights.

A. The Traditional Law Enforcement Function of Criminal Investigation And Prosecution Is Not Impeded By Application of the VRA

Although the panel opinion declined to apply Section 2 of the VRA in light of federalism concerns, any remedy under this provision would not interfere with two of the core activities of law enforcement - the investigation and prosecution of criminal activity. *See Fairness and Effectiveness in Policing, supra* note 1, at 85 (“Controlling serious crime remains the first priority of policing, and enforcing the criminal law remains the primary and distinctive method of police in accomplishing that important objective.”). Traditional police investigation tactics have included procedures such as patrols, traffic stops, field interrogations, arrests,

² Law enforcement officials, particularly police, provide numerous ancillary community services, including but not limited to “giving directions, answering questions from the public, monitoring crowds at public events, finding lost children, assisting motorists who have locked themselves out of their vehicles, escorting merchants to late night depositories, and ensuring that a drunk person makes it home safely.” Comm. on Law and Justice, Division of Behavioral and Social Sciences and Education, National Research Council, *Fairness and Effectiveness in Policing: The Evidence* (Wesley Skogan & Kathleen Frydl, eds.) (2004) [*Fairness and Effectiveness in Policing*]. As with the primary law enforcement functions, officials could continue successfully to provide these services even if a federal remedy was imposed under the VRA.

the collection and cataloging of criminal evidence, and information database maintenance and collection. When these tactics lead to the identification, arrest, and indictment of a suspect, law enforcement officials then pursue the familiar procedures for criminal prosecutions. These activities are designed to implement the state's traditional core law enforcement concerns.

Notably, if this Court applied the VRA to New York's disenfranchisement law, the potential remedy would not impede the ability of officials to conduct investigations of criminal activity or hinder successful prosecution of offenders. In Maine and Vermont, for example, people retain the right to vote in prison and on parole, and law enforcement officials continue to effectively investigate and prosecute criminal activity. *See* Marc Mauer, *Felon Disenfranchisement: A Policy Whose Time Has Passed?*, Human Rights Magazine of the ABA Section of Individual Rights and Responsibilities, Winter 2004, *available at* <http://www.abanet.org/irr/hr/winter04/felon.html> (noting that Maine and Vermont permit all convicted felons to vote). Further, in fifteen states, people on parole exercise the right to vote without interfering with law enforcement activity. *See* The Sentencing Project, *Felony Disenfranchisement Laws in the United States*, at 1 (March 2005), *available at* <http://www.sentencingproject.org/pdfs/1046.pdf>. Similarly, should application of the VRA to New York's disenfranchisement law restore the right to vote for people in prison and parole, police officials in this state would remain free to vigorously investigate crimes and prosecutors would continue to pursue justice through criminal proceedings. Accordingly, careful consideration of New York's disenfranchisement law under Section 2 of the VRA would not intrude upon the state's primary authority to enforce the criminal law.

B. Application of the VRA Does Not Hinder Effective Punishment of State Crimes

Law enforcement officials also achieve their objectives to maintain order, enforce the criminal law, and protect the welfare of the community through the beneficial effects of just punishment. To the extent that felon disenfranchisement laws are viewed as a punishment mechanism, rather than as a means of voter qualification, these laws may, in fact, undermine the rehabilitative aims of incarceration and parole. *See, e.g.*, Brief Submitted on Behalf of Certain Criminologists as *Amici Curiae* in Support of Appellants and in Support of Reversal (explaining that felon disenfranchisement laws fail to serve the legitimate penological goals of deterrence, incapacitation, retribution, or rehabilitation).

Amici recognize that an important component of effective punishment is compelling incarcerated and paroled individuals to become law-abiding, productive citizens through rehabilitation. *See, e.g., Ewing v. California*, 538 U.S. 11, 25 (2003) (“A sentence can have a variety of justifications, such as incapacitation, deterrence, retribution, or rehabilitation.”); *see also ComAlert*, Kings County District Attorney’s Office, *available at* <http://www.brooklynda.org/comalert/comalert.htm> (noting that District Attorney Charles J. Hynes was motivated to implement an offender reentry program because of “his philosophy that education, intervention and rehabilitation are as important as traditional law enforcement techniques”); Office of the Bronx District Attorney, *District Attorney’s Biography*, *available at* <http://www.bronxda.net/frames.html> (explaining that “the Bronx District Attorney has sent a higher proportion of convicted felons to state prison than the statewide average” and “[a]t the same time, . . . has employed a multi-faceted approach that also stresses drug rehabilitation, community outreach, and crime prevention strategies”). Thus, law

enforcement agencies spend substantial resources on programs pursuing a rehabilitative penological goal.

For example, New York district attorney's offices have developed public safety programs targeting the rehabilitation of parolees reentering civil society. These include initiatives such as the Kings County District Attorney's Office's "ComAlert Program" that refers "participants to community based organizations that provide them with job training, job placement, education, housing, mental health and substance abuse counseling" in order to "help individuals resist the temptation to return to or continue in a life of crime." *See ComAlert*, Kings County District Attorney's Office, *available at* <http://www.brooklynda.org/comalert/comalert.htm>. During incarceration, rehabilitative programs also promote prison safety and the administration of penal facilities for both the inmate population and correctional officials. In New York State, for example, the Department of Correctional Services manages job training, educational courses, and behavior modification treatment for inmates. *See, e.g., Facility Profile: Wende*, DOCS Today, Feb. 2003, at 12 (describing the numerous rehabilitative and educational programs at the maximum security Wende Correctional Facility and the decline in inmate-on-inmate and inmate-on-staff assaults). Political education and participation in elections by people in prison and on parole can serve the same functions as these rehabilitative programs, and, at a minimum, does not impede law enforcement officials' penological efforts.

Further, the denial of the right to vote may, in fact, undermine these rehabilitative aims of punishment. *See* Brief Submitted on Behalf of Certain Criminologists as *Amici Curiae*. To the extent that disenfranchisement distances the person from the community and serves no educational function, it weakens the impact of rehabilitative correctional programs and parole upon the individual's

reintegration as a law-abiding member of the correctional facility or community. *See ABA Criminal Justice Standards on Collateral Sanctions and Discretionary Disqualification of Convicted Persons*, at R-7, available at <http://www.abanet.org/leadership/2003/journal/101a.pdf> (“The criminal justice system aims at avoiding recidivism and promoting rehabilitation, yet collateral sanctions and discretionary barriers to reentry may severely impede an offender’s ability for self-support in the legitimate economy, and perpetuate his alienation from the community.”); *see also* Brief Submitted on Behalf of Certain Criminologists as *Amici Curiae*.

To be clear, *amici* submit that there is nothing “tough on crime” about felon disenfranchisement. Strong law enforcement can only mean pursuing policies which one believes will reduce crime. But absent from the historical and legal literature about disenfranchising people convicted of felonies is the claim that imposing this sanction reduces crime. Unlike other widely-accepted forms of criminal punishment, the deprivation of voting rights is not supported by any accepted theory or purpose of punishment. Nor has felon disenfranchisement been shown to make communities or correctional facilities safer.

Accordingly, application of Section 2 of the VRA to New York’s disenfranchisement law would not impede upon the state’s prerogative to punish criminal activity.

C. Restoration of Voting Rights Under the VRA Would Not Harm Innovative Law Enforcement Techniques

The past three decades have witnessed a remarkable degree of innovation in law enforcement strategies, none of which would be hindered by restoring parolees’ and prisoners’ right to vote. *See Fairness and Effectiveness in Policing*,

supra note 1, at 82 (discussing examples of innovations in police operational tasks, administration, strategies, and technology). Beyond the traditional law enforcement techniques for criminal investigation, prosecution, and punishment, many states have adopted new strategies to promote effective crime prevention and safer communities. A few examples of these programs include specialized units for crime prevention and prosecution, community policing, and rehabilitative prison programs. These adaptations have been essential to crime-fighting and would be left entirely undisturbed by application of Section 2 of the VRA to New York's disenfranchisement law.

Specialized crime prevention units have been developed to conduct particular law enforcement responsibilities, such as bomb and arson police units, and SWAT units. *See Fairness and Effectiveness in Policing, supra* note 1, at 77; Megan Golden & Cari Almo, *Reducing Gun Violence: An Overview of New York City's Strategies* 5-6 (March 2004) (discussing the New York City Police Department's "Firearms Investigation Unit" which "seeks to reduce the flow of guns onto the streets of New York City by identifying and pursuing gun traffickers"). State district attorneys' offices have also developed similar specialized prosecution teams, such as the Kings County District Attorney's Office's "Crimes Against Children Bureau" designed to bring special expertise to child abuse cases and its "School Advocacy Bureau" to handle cases that arise in schools or on school grounds. *See Kings County District Attorney's Office Bureaus, Units, and Divisions, available at* http://www.brooklynda.org/Office/KCDA%20Bur_Units_Div.htm; *see also Office of the Bronx District Attorney, available at* <http://www.bronxda.net/frames.html> (describing the Bronx District Attorney's Office's "Gang/Major Case Bureau" established to investigate and prosecute gang-related violence and narcotics activity); Westchester County

District Attorney's Office, *Specialized Prosecution Units*, available at <http://www.da.westchester.ny.us/results.cfm?category=Specialized+Prosecution+Units> (describing the Westchester County District Attorney's Office's thirteen specialized prosecution units). These specialized police and prosecution units allow officials to "focus their efforts on problems important to their organization and to gain special knowledge and expertise." *Fairness and Effectiveness in Policing*, *supra* note 1, at 77. Restoration of the right to vote for parolees and prisoners would have no effect on the ability of law enforcement to continue these vital efforts.

Moreover, felon disenfranchisement may actually hinder other innovations in law enforcement strategies designed to combat offenses that have been difficult to prevent using traditional police tactics. Community policing programs, for example, emerged as an effective means of addressing gang-related and gun-related violence. *See* Geoffrey P. Alpert & Alex R. Piquero, *Community Policing: Contemporary Readings* (2000). Researchers have described community policing as "arguably the most important development in policing in the past quarter century." *See Fairness and Effectiveness in Policing*, *supra* note 1, at 85; *see also* Arlen M. Rosenthal, *et al.*, *Community Policing: 1997 National Survey Update of Police and Sheriffs' Departments* (April 2001) (noting that 86% of law enforcement executives find that community policing is a highly effective means of providing police services). Developing a cooperative relationship with the local community is a key component of these programs. *See id.* at 89 (noting that "[r]esidents are asked to assist the police by reporting crimes promptly when they occur and cooperating as witnesses").

The collective experiences of *amici*, as well as criminology research, suggest that community members are more willing to assist legal authorities when they feel

that those authorities are delivering outcomes fairly to people and groups. *See* Austin Sarat, *Studying American Legal Culture*, 11 *Law & Soc. Rev.* 427, 434 (1997); Tom R. Tyler, *et al.*, *Social Justice in a Diverse World* (1997). To the extent that felon disenfranchisement in New York engenders unfair and impermissible racial disparities in voting, New York's disenfranchisement law may alienate law enforcement officials from the communities they seek to serve and protect, undermining the effectiveness of programs such as community policing. Far from interfering with law enforcement activity, application of Section 2 of the VRA to New York's felon disenfranchisement law may actually further strong law enforcement by resolving, through an open and fair judicial process, whether the law creates impermissible racial disparities in voting due to racial disparities in sentencing.

In sum, effective law enforcement techniques are designed fundamentally to prevent criminal activity and safeguard communities. The restoration of the right to vote does not undermine these aims, or the strategies that police, prosecutors, and law enforcement and corrections executives employ to achieve them. Accordingly, application of Section 2 of the VRA does not impinge upon the state's interest in strong law enforcement and leaves the balance of power between the state and federal government undisturbed.

Conclusion

The application of the remedy under Section 2 of the VRA will not hinder the ability of the state government to pursue effective law enforcement measures, a traditional area of state authority. Moreover, *amici* seek to ensure close judicial scrutiny of the racial disparities in voting resulting from New York's disenfranchisement law and racially disparate criminal sentencing. Accordingly, federalism concerns should not preclude rigorous application of Section 2 of the VRA to New York's felon disenfranchisement law.

For these reasons and the reasons stated by appellants, *amici curiae* respectfully request that the Court grant the Petitioners' requested relief and remand the case for further proceedings.

Dated: March 30, 2005.

Respectfully submitted

Lawrence S. Lustberg
GIBBONS, DEL DEO, DOLAN,
GRIFFINGER & VECCHIONE, P.C.
One Riverfront Plaza
Newark, New Jersey 07102
(973) 596-4493
Attorneys for Amici Curiae

Certificate of Service

The undersigned hereby certifies that, on this 30th day of March, 2005, I caused one true and accurate copy of the Brief of *Amici Curiae* for Zachary W. Carter, *et al.*, to be served by U.S. mail and email at the following addresses:

Jonathan W. Ruachway, Esq.
William A. Bianco, Esq.
Gale T. Miller, Esq.
Davis Grahman & Stubbs LLP
1550 Seventeenth Street
Suite 500
Denver, Colorado 80202
Jon.Rauchway@dgsllaw.com

Elliot Spitzer
*Attorney General for the State of
New York*
120 Broadway - 24th Floor
New York, New York 10271-
0332

J. Peter Coll, Jr., Esq.
Orrick, Herrington & Sutcliffe LLP
666 5th Avenue
New York, New York 10013-0001

Julie M. Sheridan
Assistant Solicitor General
Daniel Smirlock
Deputy Solicitor General
New York State Office of the
Attorney General
Appeals and Opinions Bureau
The Capitol
Albany, New York 12224
julie.sheridan@oag.state.ny.us

*Attorneys for Plaintiff-Appellant
Muntaqim*

NAACP Legal Defense & Educational
Fund, Inc.
Theodore M. Shaw, Esq.
Janai S. Nelson, Esq.
Ryan P. Haygood, Esq.
99 Hudson Street
New York, New York 10013-2897

Patricia Murray, Esq.
New York State Board of
Elections
40 Steuben Street
Albany, NY 12207-2109

*Attorneys for Defendants-
Appellees*

Juan Cartagena, Esq.

Risa Kaufman, Esq.
Community Service Society of New
York
105 East 22nd Street
New York, NY 10010

Center for Law and Social Justice at
Medgar Evers College
Joan P. Gibbs, Esq.
Esmeralda Simmons, Esq.
1150 Carroll Street
Brooklyn, New York 11225

*Attorneys for Plaintiffs-Appellants
Joseph Hayden, et al.*

The undersigned hereby certifies that, on this 30th day of March, 2005, I caused the original and 25 copies of the Brief of *Amici Curiae* Zachary W. Carter, *et al.* to be delivered to the following address:

Office of the Clerk
United States Court of Appeals for the Second Circuit
U.S. Courthouse
40 Foley Square
New York, New York

Lawrence S. Lustberg, Esq.

Certificate of Compliance

The undersigned hereby certifies that the foregoing Brief of *Amici Curiae* Zachary W. Carter, *et al.*, in Support of Appellants Jalil Abdul Muntaqim and Appellants Joseph Hayden, *et al.*, complies with the type-volume limitation specified in the Federal Rule of Appellate Procedure 32(a)(7)(B)(i). The Brief is proportionately spaced, has a typeface of 14 points or more and contains less than 7,000 words exclusive of the table of contents, table of authorities, and certificate of service.

Lawrence S. Lustberg, Esq.
March 30, 2005