No. _____

In The

Supreme Court of the United States

IN RE ZAREH,

Petitioner.

On Petition For A Writ Of Mandamus

PETITION FOR A WRIT OF MANDAMUS

BATIA MOJDEH ZAREH
Counsel of Record
DIALECTIC ARTS, LLC
57 Mineola Avenue, Suite 2A
Roslyn, NY 11577
(212) 532-0969
batiazareh@gmail.com

QUESTION PRESENTED

Whether the Bilingual Election Requirements (52 U.S.C. §10503) of the Voting Rights Act of 1965 (52 U.S.C. §10301, et. sec.) by authorizing coverage and enforcement without requiring assessment of individual need to direct "remedial devices" for only certain language minority group members is unconstitutional as discriminatory to excluded classes of Non-Native English Language citizens based on race and national origin, violating Articles I, II, IV, and Amendments V, XIV, XV and XXIV of the United States Constitution.

STATEMENT OF RELATED CASES

There are no related cases.

PARTIES TO THE PROCEEDING

Batia Mojdeh Zareh,
Petitioner

United States Department of Justice,
Respondent

TABLE OF CONTENTS

TABLE OF CONTENTS – Continued

TABLE OF AUTHORITIES

Page

CASES

TABLE OF AUTHORITIES – Continued

TABLE OF AUTHORITIES – Continued

TABLE OF AUTHORITIES – Continued

TABLE OF AUTHORITIES – Continued

TABLE OF AUTHORITIES – Continued

RULE 20.1 STATEMENT

Comes Now the Petitioner Batia Mojdeh Sobhani Jazayeri Zareh, domiciled in the County of Nassau, native-born citizen of the State of New York and of the United States of America, cognizant of and humbled by the gravity occasioned by presenting to this Honorable High Court for consideration an important federal question regarding the constitutionality of the mechanisms for implementation of an act of Congress, with demand to be heard by asserting on her behalf and all those similarly situated a right to extraordinary remedy of a justiciable Constitutional controversy pursuant to 28 U.S.C. §1651(a) and by invoking discretionary Writ of Mandamus.

Petitioner Zareh – bilingual child of naturalized non-native-English speaking (NNES) non-Roman-letter language (NRLL) parents from a Central Asian Caucasus-region nation, registered voter with direct knowledge of voting procedures by having performed civic duty serving the Nassau County Board of Elections as an Early Voting Site Manager, Inspector and Greeter, Election Day Chair, Inspector, and Poll Coordinator and Nursing Home Visitor Trainee for General, Primary and Special (Redistricting) Elections in various precincts throughout New York's beleaguered 3rd Congressional district – is at this time of petition along with approximately 1.4 million neighbors in a storied political subdivision where our 26th President once convoked his "summer White House" owing to an historic expulsion currently unrepresented in the House of Representatives.

"Nothing is better settled than that the writ of mandamus will not ordinarily be granted if there is another legal remedy, nor unless the duty sought to be enforced is clear and indisputable." *United States* v. *Duell*, 172 U.S. 576, 582 (1899). In the instant complaint, by the Legislative Branch's own hand as set forth in the VRA, *as amended*, 52 U.S.C. §10503(d) explicitly precluding a party other than "[a]ny State or political subdivision subject to the prohibition" from bringing against the United States an action for a declaratory judgment in the United States District Court for the District of Columbia, there exists no other forum of first impression with competent jurisdictional review except this Honorable High Court in which a citizen-petitioner may pray be heard for grant of relief in a matter concerning the most sacred right and precious duty in democracy – that of voting, whence all governmental powers emanate ("We the People of the United States . . . do ordain and establish this Constitution. . . ." perma.cc/5YVJ-ECHF).

This legislation's promulgation, however well-intentioned and necessary in its time, nearly sixty years hence denies equal accommodations to certain *caeteris paribus* qualified similarly situated voters based on race and national origin, causing concretely calculable adverse effects, however unintended, constituting "a denial of fundamental fairness, shocking to the universal sense of justice" (*Betts* v. *Brady*, 316 U.S. 455, 462 (1942)), while systematically perpetuating upon segments of the polity perniciously deleterious indignities capable of repetition yet potentially permanently

evading review. ("And I am fairly confident it will be reenacted in perpetuity unless a court can say it does not comport with the Constitution. . . . Even the name of it is wonderful – the Voting Rights Act. Who is going to vote against that in the future?" Scalia, J., Tr. of Oral Arg. 12-96.)

Our friends at the Department of Justice aver that regarding voting they "will never stop working to protect the democracy to which all Americans are entitled" (perma.cc/KG59-ZUAU**);** under this Court's extraordinary aegis to ensure that federally crafted voting rights protections conferred under the VRA are consonant with commonly held core Constitutional norms, that commitment may yet be made more perfect.

> "*What would you have me do? I am a subject*
> *And I challenge law; attorneys are denied me;*
> *And therefore personally I lay my claim*
> *To my inheritance of free descent*."
>
> William Shakespeare, Richard II, 2.3, 137-39
> (perma.cc/2G7Z-XHGJ)

Considering granting the relief Petitioner seeks is in aid of the Court's appellate jurisdiction and in accord with the public interest, furthers the stated aim of the VRA to enlarge the pool of the electorate accorded equal dignity through participation in the elections process, tamps down any tendencies towards a resurgence of segregation, and ensures that the citizenry is exposed neither to discordant, ill-feeling factionalism occasioned by ineluctable Federal incursions nor a burden-shifting transference of liability from

which the Federal government has sagely exonerated itself.

OPINIONS BELOW

There are no opinions below.

JURISDICTION

Petitioner presents a ripe federal question and an injury that is "concrete, particularized, and actual or imminent; fairly traceable to the . . . challenged behavior; and likely to be redressed by a favorable ruling." *Davis* v. *Federal Election Comm'n*, 554 U.S. 724, 733. Judicial review of current methodology is within the Court's purview, acting as an appropriate balancing mechanism to ensure that the guarantees of the Fourteenth Amendment triumph "over two principles held in almost, but not quite, the same regard: the democratic rule of the majority, and federalism." SANDRA DAY O'CONNOR, THE MAJESTY OF THE LAW, 245 (2003). "[J]udicial review of a final agency action by an aggrieved person will not be cut off unless there is persuasive reason to believe that such was the purpose of Congress." *Bowen* v. *Mich. Academy of Family Physicians*, 467 U.S. 667, 670 (1985) quoting *Abbott Laboratories* v. *Gardner*, 387 U.S. 136, 140 (1967). "Due process of law requires judges to determine whether a legislative enactment is in fact legislation rather than an attempt to exercise judicial power."

RANDY E. BARNETT & EVAN D. BERNICK, THE ORIGINAL MEANING OF THE FOURTEENTH AMENDMENT, 262 (2021), citing Nathan S. Chapman and Michael W. McConnell, *Due Process as Separation of Powers*, 121 Yale L.J. 1672, 1677-79 (2012).

Continually privileging new members in a discrete class of citizens originally considered deserving of an emergency remedial action limited in scope and duration, particularly when it occasions a calculable taking of private resources without presence of demonstrated need, just compensation or overarching public benefit, effectively operates as a defective quasi-permanent injunction; the question is upon what proscribed action basis is this extraordinary application predicated? "[A law of narrow tailoring] governs the interpretation and application of the Equal Protection Clause. It requires that any law employing a racial classification – even one that seeks to ameliorate the position of the underclass – be narrowly tailored to serve a compelling public purpose." Owen Fiss, *The Law of Narrow Tailoring (Essay)*, 23 U. PA. J. CONST. L. 879, (2021). Judicial examination of conduct is appropriate where it is motivated by state action. "For a State to place its authority behind discriminatory treatment based solely on color is indubitably a denial by a State of the equal protection of the laws, in violation of the Fourteenth Amendment." *Burton* v. *Wilmington Parking Auth.*, 365 U.S. 715, 727 (1961) (Frankfurter, J., *dissenting*).

CONSTITUTIONAL OR STATUTORY PROVISIONS INVOLVED

The pertinent provisions of the Voting Rights Act and the Constitution are reproduced in the appendix to the petition.

STATEMENT

"We all agree, I take it, that it is desirable that all the citizens of the United States should speak a common tongue. . . ." *Bartels* v. *Iowa*, 262 U.S. 404, 412 (1923) (Holmes, J., *dissenting*) (decided upon the authority of *Meyer* v. *Nebraska*, 262 U.S. 390 (1922)).

A century ago this Court delineated "[t]he protection of the Constitution extends to all, to those who speak other languages as well as to those born with English on the tongue. Perhaps it would be highly advantageous if all had ready understanding of our ordinary speech, but this cannot be coerced by methods which conflict with the Constitution – a desirable end cannot be promoted by prohibited means." *Meyer*, *Id*., at 401. This axiom has not changed.

The Civil Rights Act of 1964 provoked in certain states pockets of resistance to permitting unfettered access to their polling places. Congress responded by invoking against the most intransigent Federal emergency police powers to harmonize voting, encompassing certain protected classes of NNE speaking American citizens with remedial advantages intended

temporarily to afford an opportunity to those previously excluded from meaningful English education or integration in the political process to become interested to acquire language skills sufficient to participate in elections and ideally to do so, thereby hopefully breaking a cycle of entrenched racial discrimination in voting, "an insidious and pervasive evil which had been perpetuated in certain parts of our country through unremitting and ingenious defiance of the Constitution." *South Carolina* v. *Katzenbach*, 383 U.S. 301, 309 (1966).

By successive subsequent amendments to and extensions of the VRA, however, and notably the 1975 LMG rehabilitations, Congress has enlarged its mandate beyond eliminating obstacles intended to deter polling place access – including differing sets of qualifications, whether material or of aptitude, for registration and entry based on race – and expanded requirements on states to remedy "high illiteracy and low voting participation" that was "directly related to the unequal educational opportunities afforded [citizens of language minorities]" so as "to enforce the guarantees of the fourteenth and fifteenth amendments." 52 U.S.C. §10503(a). The coverage formula articulated in §10503(B)(2)(a) resulted in portions of New York State being among those with no history concomitant to the exclusionary mid-20th-century affronts witnessed in some sister states falling within the scope of Congressionally dictated "times, places and manner" override of discretion originally conferred by the Founders to the States in Article I, Section 4.

Even though times have changed and "there is no denying that, due to the Voting Rights Act, our Nation has made great strides" (*Shelby County* v. *Holder*, 570 U.S. 529, 549 (2013)), rather than contemplate eventual VRA necessity obsolescence, the Federal oversight remit continues burgeoning. Cold-War era mentalities continue to dominate modern elections discourse, casting as wide a net as possible to scrutinize what is essentially a perpetual series of multi-million dollar publicly subsidized job applications. A comparison to the antitrust theory of monopoly capture is apt, as the Court has noted, "[v]oting suits are unusually onerous to prepare." (*Shelby County*, at 561 (Ginsburg, J., *dissenting*, joined by Breyer, Sotomayor and Kagan, J.J.) (quoting *Katzenbach*, 383 U.S., at 314)).

Technology that could not have been imagined at the dawn of the Space Age today offers cost-effective or cost-free solutions to eradicate more elegantly many of the presumed causes underlying LMG welfare concern. If fiscal prudence were a more integral part of the execution calculus – or if the cost burdens hadn't been shifted (the annual operating budget of, *e.g.*, Nassau County being a fraction of Federal resources placed at the disposal of the Department of Justice for FY2024 (perma.cc/5YFM-TRFY) – every-day tools could enable local administrators to conduct precisely targeted accommodations. Instead, the current formulation creates concentric-circle castes of voters accorded varying degrees of Federally funded access privileges to pooled government resources based on combined statistics of proliferation and demography rather than demonstrated need, and cuts from

whole-cloth new swathes of government employment opportunities for LMG members selected for safeguarding half a century ago. APP. 11.

The Constitutional irony is that local practices which would have been celebrated in 1964 as a success story, for certain political subdivisions – even if paradigms of assimilation, integration, and tolerance – continue to invite ever-present Federal intervention and heightened scrutiny at best as a prophylactic measure, if not a means of subcategorizing the electorate so as to be leverageable to political voting-block advantage. Nassau County, N.Y. is one to which people from around the world are drawn and, to paraphrase Sinatra, find a way to make it there rather than anywhere else: it is the wealthiest county in by some measures the wealthiest state in the nation with local citizens having historically paid one of the highest rates of tax; is one of the most well-educated, with a high school graduate rate of approximately 92%, which is statistically exceeded by household computer (96%) and household internet access (93%, the national average); is ideologically diverse as reflected by hundreds of different houses of worship, and offers access to a variety of colleges and universities, including Hofstra, host of a 2008 Obama/McCain debate, C.W. Post, locus of the Roosevelt Center for Presidential Studies, and the U.S. Merchant Marine Academy. The U.S.M.M.A., it may be noted, is "a federal service academy that educates and graduates leaders of exemplary character who are committed to serve the national security, marine transportation, and economic needs of the United States as licensed Merchant Marine Officers and

commissioned officers in the Armed Forces. . . . Academy graduates are leaders that exemplify the concept of service-above-self." perma.cc/E9LS-HYJX Among notables from Nassau are entertainers Eddie Murphy, Billy Joel, and Jerry Seinfeld, sports figures Jim Brown, Julius "Dr. J." Irving, and Naomi Osaka, NASA astronaut Jasmine Moghbeli, and tragically, too many 9-11 first responders, like brothers Tommy and Peter Langone, firefighters who went in the Twin Towers when everyone else was running out, never to return.

"Those who won our independence believed that the final end of the State was to make men free to develop their faculties . . . , that public discussion is a political duty; and that this should be a fundamental principle of the American government." *Whitney* v. *California,* 274 U.S. 357, 375 (1926) (Brandeis and Holmes, J.J., *concurring*).

Nassau County is procedurally unique in that the Board of Elections requires bi-partisan cooperation at every step along the process, meaning a representative from the Democrat and Republican parties form a dyad, effectively doubling the number of employees working side-by-side to administer voter-facing tasks. Taking a totality of circumstances into consideration, were an Action for declaratory judgement relief sought Nassau County would satisfy Federal criteria of §10503(d) (permitting English-only materials) and §10303 (no denial or abridgement), yet unless elected officials initiate and secure government accord, County residents may never be liberated from Federal attentions and the drain of local lucre. The impact is as calculable as it misapplied, for an absence of illegitimate

actions enacted under color of law that rise to merit Congressional heightened scrutiny singles Nassau County out over other political subdivisions throughout the country – not for advocating unfair treatment but because it is a place many NNES citizens are happy to call home. This, in turn, further frustrates community efforts to foster a friendly feeling of inclusion during the act of voting, undermines assimilation opportunities offered through dedicated LMG Commissions which offer year-round ESL courses, and expands the possibility that some citizens will prolong efforts to improve English skills by preferring to rely on government "to participate effectively and intelligently in our democratic process. . . ." *Wisconsin* v. *Yoder*, 406 U.S. 205, 225 (1971) (holding Amish children exempt from State compulsory formal education requirements after the eighth grade if not anticipated to result in public burden).

It is for relief of misapplication of that bygone-era interest to which Petitioner now directs the Court's attention, for, in however laudable a Space Age effort to affect a mighty moon shot, methodologic miscalculations have missed their lofty mark. By uncoupling access to public assistance from any objective standard by which all NNES voters are judged – as perhaps nowhere else except the sphere of elections – the VRA has the practical effect of morphing crippling illiteracy sufficient to preclude casting a meaningful vote from a defect deserving a Federal intervention remedy into a self-determined descriptor contributing to the potential for factioned, evergreen monopolistic political capture. "[T]he Constitution . . . forbids, so far as civil and

political rights are concerned, discrimination by the General Government or the States against any citizen because of his race. All citizens are equal before law." *Plessy* v. *Ferguson*, 163 U.S. 537, 556 (1896) (Harlan, J., *dissenting*) (quoting *Gibson* v. *Mississippi*, 162 U.S. 565 (1896)).

"[C]ongressional prohibition of some conduct which may not itself violate the Constitution is 'appropriate' legislation 'to enforce' the Civil War Amendments if that prohibition is necessary to remedy prior constitutional violations by the governmental unit, or if necessary to effectively prevent purposeful discrimination by a governmental unit. In both circumstances, Congress would still be legislating in response to the incidence of state action violative of the Civil War Amendments. These precedents are carefully formulated around a historic tenet of the law that, *in order to invoke a remedy, there must be a wrong* – and, under a remedial construction of congressional power to enforce the Fourteenth and Fifteenth Amendments, that wrong must amount to a constitutional violation. Only when the wrong is identified can the appropriateness of the remedy be measured." *City of Rome* v. *United States* 446 U.S. 156, 213 (1980) (Rehnquist, C.J., *dissenting*) (*emphasis added*).

The Voting Rights Act of 1965 "was designed to provide swift administrative relief in those areas of the country where racial discrimination plagued the electoral process" (H.R. Rep. No. 94-196, 4 (1975)); additional protections extended to narrowly defined LMG citizens in 1975 was born of a concern that

"language minorities do not control the election or appointment of local officials and are seldom in positions of influence." *Id.*, at 17. Today, government mandated accommodations are offered to certain NNES citizens irrespective of condition while other similarly challenged potential voters are excluded from equal treatment. While not arbitrary and capricious at the time of promulgation relative to the composition of the population and the pernicious social ills the visionary legislation endeavored to eradicate, changes in demography, immigrant source-nations and geographic community concentrations result in §10503 creating a novel subvariant of tyranny about which the Framers may rightly have fretted: that of a minority-language majority.

REASONS FOR GRANTING PETITION

I. Constitutional Violations.

A. Article I, Section 4.

As Justice Souter delineated in *Foster* v. *Love* (522 U.S. 67, 69 (1997)), "it is well settled that the Elections Clause grants Congress 'the power to override state regulations' by establishing uniform rules for federal elections, binding on the States" (citing *U.S. Term Limits, Inc.* v. *Thornton*, 514 U.S. 779, 832-833 (1995)), and specifying that the Elections Clause "is a default provision; it invests the States with responsibility for the mechanics of congressional elections (*see Storer* v. *Brown*, 415 U.S. 724, 730 (1974)), but only so far as

Congress declines to pre-empt state legislative choices (*see*, *e.g.*, *Roudebush* v. *Hartke*, 405 U.S. 15, 24 (1972) ("Unless Congress acts, Art. I, §4, empowers the States to regulate")." *Id.*)

The long-term effects of the VRA's LMG portion, however, distorted the establishment of "uniform rules for federal elections" and in the case of Nassau County, found nothing noxious to override. Instead, certain privileges and immunities are conferred based on geographic numbers concentration; the same citizen moving from one state to another may have very different voting experiences, as would different naturalized citizens from the same country of origin, e.g., the Vietnamese who moves to Minneapolis and receives a Hmong ballot, compared with her sister in Selma, who may not. "The difficulty of overcoming the effects of past discrimination is as nothing compared with the difficulty of eradicating from our society the source of those effects, which is the tendency – fatal to a Nation such as ours – to classify and judge men and women on the basis of their country of origin." *Richmond* v. *J.A. Croson Co.*, 488 U.S. 469, 520 (1988) (Scalia, J., *dissenting*).

In her dissent in *Shelby County*, Justice Ginsburg lamented that "the scourge of discrimination was not yet extirpated" (570 U.S. 529, 567 (2013) yet the community effect of bolstering one concentration of citizens over others similarly situated (but for density) must be administered carefully, in order that Federal government attempts at extirpation do not instead engender exacerbation. By wielding the metaphoric

meat-cleaver instead of surgical scalpel, the United States sacrifices precision for the political corollary of a Customer Relationship Management approach. The adverse effects are predictable, particularly in mature diverse communities: excluded NRL-NNES grouse about subsidizing newly naturalized neighbors for an accommodation denied them, particularly when translations employ the same alphabet. APP. 1. After all, the reasoning goes, to apply a tort law concept, with the exception of those who were subsumed in the American experience through territorial acquisition, all naturalized newcomers "moved to the same nuisance" and were required to pass the same test, so is the law saying that the Holocaust survivor or Afghani residing far from Taliban fundamentalism is somehow to be accorded less dignity than the exile who fled Pinochet's junta? Of course not. perma.cc/WEX4-QWVG Knowing that few leave home because circumstances were *good*, Lady Liberty extends an embrace that is equally warm to all. The tort-analogy twist comes from the torque in application methodology that has emerged over time, with §10503 today conveying this, to certain minds Orwellian, subtext: "All voters are equal, but some are more equal than others."

B. Holding certain naturalized citizens to different language skills standards as a prerequisite for reallocating Federally mandated funds to sub-groups over others similarly situated is, when taken together,

a violation of Article I, Section 8, clauses 1 and 4, and Amendment XXIV.

While the Congress has the power to lay and collect taxes for the general welfare, such taxes must be "uniform throughout the United States," and under a Hamiltonian-centric view of restricting appropriations, limits "the object, to which an appropriation of money is to be made, must be general and not local; its operation extending in fact, or by possibility, throughout the Union, and not being confined to a particular spot." ALEXANDER HAMILTON, REPORT ON MANUFACTURES (1791) perma.cc/FAH9-9YET Congress is equally charged to "establish a uniform rule of naturalization," ensuring that all naturalized Americans are uniformly evaluated to possess a commonality of generally valued qualifications. The Department of Homeland Security Citizenship and Immigration Services requires that all naturalized citizens demonstrate a "knowledge and understanding of the fundamentals of the . . . principles and form of government of the United States" and "an ability to read, write and speak words in ordinary usage in the English language" APP. 28 as well as to take an oath offered only in the English language APP. 4-5. Excusal from the English language requirement requires either a medical attestation of a condition persisting more than a year, APP. 3 or meeting a formula combining age and residency duration. 8 U.S.C. §1423 perma.cc/AS3Y-6BTR. Failure to demonstrate the common baseline level of English language skills or to

recite the oath renders the naturalization process incomplete. APP. 2. This standard applies to potential citizens regardless of whether they are NNES or educated in NRL-origin languages, all of whom may, once naturalized, be considered to possess equivalent abilities. CIS and its predecessor INS maintain statistics on how many naturalized citizens were excused under 8 U.S.C. §1423(b)(1) yet granted citizenship, and that percentage relative to the total annual cohort, which in 2023 totaled 878,500 newly naturalized Americans. perma.cc/K52X-J22A. Even allowing for a compelling governmental interest in assisting some NNES citizens over others – which Petitioner does not advocate – by applying a more judicious calculation methodology all naturalized citizens duly examined and deemed capable to speak English may be exempted from the pool of registered voters presumed automatically to require English language assistance at the polls.

Performing this recalibration is incumbent on Congress and the Executive in consideration of the extraordinary burdens shifted onto political subdivisions to remedy any purported lingering effects of distant discriminations, for using untethered definitions of self-determined language ability provides the basis for an accommodation if not a Federally-mandated locally-subsidized convenience, to cohorts of NNE language majorities within the minority dataset that may require no assistance (and may prefer a reduction in taxes or to have any savings from eliminating

redundancies reallocated to other vital civic purposes). It is long-settled that "taxation must have relation to some subject-matter actually within the jurisdiction of the taxing power, otherwise it violates the constitutional guarantee against the taking of property without due process of law." *Billings* v. *U.S.*, 232 U.S. 261, 266 (1914). Here it operates as a randomized tax abridging the right of some to vote over others.

Our friends may suggest that any amount caught up in controversy is, relative to the perpetual hum of the machinery of elections, nominal; in-person translators stationed in polling locations earn at minimum wage parity across currently 27 Early Voting locations open for 9 days prior to Election Day, when they are at approximately 1144 precincts. If so, Petitioner cautions that local governments feel economic strains acutely, particularly during economic downturns, and that remedial programs with no stated objective are not true remedies but merely drains on the public purse which over time accrete acute dissatisfaction and depletion of otherwise allocable community funds. "Punishment for long past sins is not a legitimate basis for imposing a forward-looking preventative measure that has already served its purpose." *Northwest Austin Municipal Util. Dist. No. One* v. *Holder*, 557 U.S. 193, 226 (2009) (Thomas, J., *concurring in part and dissenting in part*) and is rendered all the more vexing when aimed at assuaging sins of the father from another state and century.

C. Absent Indicia of Either Contemporary or Historical Necessity, exposing diverse communities to increased litigation and financial liability is a violation of Article II, Section 3.

Neither was any county in New York nor the State as a whole subject to federal voting rights offenses scrutiny when the VRA was passed; only through subsequent Extensions were the citizens of a State that has in many respects led the nation towards more progressive, inclusive and tolerant coexistence subsumed under enlarged Federal incursion. Through the promotion of formulas which, ironically, only *encourage* the very segregation the VRA was enacted to correct, residents of the Empire state, which has for been generations regarded the world over a symbol of tolerance and refuge, have been subject to stricter scrutiny than most of their fellow Americans. Of no consequence that N.Y. abolished slavery before the Civil War, was a key connector – via Nassau County – in the Underground Railroad system that spirited Southerners northward to freedom, erected Lady Liberty in 1886 to shine her torch of welcome to "huddled masses yearning to breathe free" or was in lock-step on board with the desegregation precepts espoused in *Brown* v. *Board of Education*, 347 U.S. 483 (1954) to prohibit school segregation; under the Federal government's current profoundly ahistorical construct today is cast the same indiscriminate eye of historical disdain that surveilled proponents of Jim Crow. Making arbitrary captives of only some within the electorate undermines confidence in the Executive's responsibility to "take care that the laws be faithfully executed" and is particularly acute

where there exists no record of related enforcement actions; between 1998 until implementation of the 2006 Reauthorization signed by President Bush, 54% of total suits brought by the DOJ in the category "Cases Raising Claims Under The Language Minority Provisions Of The Voting Rights Act" occurred compared with 46% in the 18 years since. None of them was against Nassau County. perma.cc/3J2L-EGZ6 Yet the Reauthorization extension for an additional 25 years means her residents must experience heightened relative scrutiny until (at least) 2031, with no provision for automatic rescission. "Is this duty limited to the enforcement of acts of Congress . . . or does it include the rights, duties and obligations growing out of the Constitution itself . . . ?" *In Re Neagle*, 135 U.S. 1, 64 (1889).

D. Article IV, Section 4.

Incumbent upon any member of the polity in a functioning democracy is the desire and aptitude to self-govern; one, without the other, is merely half a key to unlocking liberty. The VRA, by cleaving voters into distinct NNE language subcategory cohorts reliant on subspecialized government agents to provide interpretation services of what the government proposes the citizenry consider, defeats self-governance. "There are many reasons why we might lose knowledge of our own society. Much of what we know about our world is secondhand, something we are told, rather than something we experience firsthand. We rely on others to tell us how government works, how the economy works. Moreover, the sources of our knowledge [is] the government . . . ." CHARLES A. REICH, OPPOSING THE SYSTEM, Crown, 1st Ed. (1995), 13.

As any jurist who has dedicated a career parsing meaning from language would, Justice Holmes keenly observed that "[a] word is not a crystal, transparent and unchanging, it is the skin of a living thought and may vary greatly in color and content according to the circumstances and time in which it is used." *Towne* v. *Eisner*, 245 U.S. 418, 425 (1917). He underscored that "[t]he same words may have different meanings in different parts of the same act and of course words may be used in a statute in a different sense from that in which they are used in the Constitution. . . . But it needs no authority to show that the same phrase may have different meanings in different connections." *Am. Security & Trust Co.* v. *Dist. of Col.*, 224 U.S. 491, 494 (1911). Great attention to language is countermanded by promoting reliance on government, attempting to exonerate some of "We The People" of the shared benefits and responsibilities of governance. "The government of the United States is one of delegated powers alone. All powers not granted to it by [the Constitution] are reserved to the States or the people." *United States* v. *Cruikshank*, 92 U.S. 542, 551 (1876). It is not the province of government to intermediate for or backstop misunderstanding by a voter exercising the franchise. "If a nation expects to be ignorant and free, in a state of civilization, it expects what never was and never will be. The functionaries of every government have propensities to command at will the liberty and property of their constituents. There is no safe deposit for these but with the people themselves; nor can they be safe with them without information. Where the press is free, and every man able to read, all

is safe." Thomas Jefferson to Charles Yancey, January 6, 1816.

E. Accommodations at polls including providing official government in-person interpreters for materials already officially translated only to benefit certain NNES citizens but not others excluded from the protected class by race, religion or national origin, violates Amendment XIV, Section 1, and Amendment XV.

The Committee on the Judiciary stated the Purpose of the Voting Rights Act of 1965 as "designed primarily to enforce the 15th amendment . . . and is also designed to enforce the 14th amendment and article I, section 4. To accomplish this objective the bill (1) suspends the use of literacy and other tests and devices *in areas where there is reason to believe that such tests and devices have been and are being used to deny the right to vote on account of race or color*. . . ." (H.R. Rep. No. 439 (1965), *reprinted in* U.S.C.C.A.N. 89th Cong. Vol. 2, 2437 (emphasis added)) and that "[a] salient obligation and responsibility of the Congress is to provide appropriate implementation of the guarantees of the 15th Amendment to the Constitution. Adopted in 1870, that amendment states the fundamental principle that the right to vote shall not be denied or abridged by the States *or the Federal Government* on account of race or color." *Id*., at 2439 (emphasis added).

"[T]he Fourteenth Amendment to the Constitution of the United States . . . 'undoubtedly intended not only that there should be no arbitrary deprivation of life or liberty, or arbitrary spoliation of property, but that equal protection and security should be given to

all under like circumstances in the enjoyment of their personal and civil rights; . . . that no impediment should be interposed to the pursuits of any one, except as applied to the same pursuits by others under like circumstances; that no greater burdens should be laid upon one than are laid upon others in the same calling and condition. . . .'" *Yick Wo* v. *Hopkins*, 118 U.S. 356, 367 (1885) quoting *Barbier* v. *Connolly*, 113 U.S. 27, 31 (1884), holding that "[c]lass legislation, discriminating against some and favoring others, is prohibited, but legislation which, in carrying out a public purpose, is limited in its application, *if within the sphere of its operation it affects alike all persons similarly situated*, is not within the amendment."

This Court delineated what the Constitution will tolerate in *Students for Fair Admissions, Inc.* v. *President and Fellows of Harvard College* (Slip op. 600 U.S. ___ (2023), "Eliminating racial discrimination means eliminating all of it. And the Equal Protection Clause, we have accordingly held, applies 'without regard to any differences of race, of color, or of nationality' – it is 'universal in [its] application.' *Yick Wo*, *supra*, at 369." Absent any cognizable compelling government interest to catapult some modern NNES above others who, by dint of dearth in number or intrepid interest to live in more integrated, less homogenous communities do not qualify, the application of the VRA in this context buckles under the applicable narrowly-tailored, compelling government interest strict scrutiny standard; it collapses the more swiftly when there is no determination whether the accommodation is one offered of necessity or mere convenience.

Because long-standing Federal classifications prevent many NNES NRL Caucasians from being recognized accurately, in some cases appearing arbitrary. For example, Afghanistan and Pakistan share a common geographic border but fall into different racial categories (Caucasian or "White"/"Brown" v. Asian), obscuring whether classifications are attributed to genetics, geographic origin, language, or some combination (APP. 16-18) and in this case is further complicated as Persian was the common language of Shahanshas and Mughals until the British made political and cartological incursions into the region. Multi-layered category definitions may impact self-classification and, in turn, how the financial and accommodative reallocations of resources those racial, geographic and linguistic (at times further broken into subcategory by religion) identifying designations are used by the Federal government to determine recipient eligibility. APP. 19-21.

In 1965, a scant six years following admission of Alaska and Hawaii to the Union, zero members of Congress were foreign born; today immigrants and children of immigrants make up at least 15% of the 118th Congress. If the problem Congress aimed to solve was pockets of marginalized NNES overcoming illiteracy well enough to shift voter participation and recalibrate political puissance, it was successful: in 2019 the Department of Education reported "U.S.-born adults make up two-thirds of adults with low levels of English literacy skills in the United States" and "[b]y race/ethnicity and nativity status, the largest percentage of those with low literacy skills are White U.S.-born

adults. . . ." perma.cc/3TYF-MKFL "A citizen, a qualified voter, is no more nor no less so because he lives in the city or on the farm. This is the clear and strong command of our Constitution's Equal Protection Clause." *Reynolds* v. *Sims*, 377 U.S. 533, 568 (1964). "Nor, obviously, will the problem be solved if, next year, the [entity] included only Japanese and Chinese, for then Norwegians and Swedes, Poles and Italians, Puerto Ricans and Hungarians, and all other groups which form this diverse Nation would have just complaints. The key to the problem is consideration . . . *in a racially neutral way.*" *DeFunis* v. *Odegaard*, 416 U.S. 312, 340 (1974) (Douglas, J., *dissenting*).

It is against this backdrop that the Federal Government, under the formulation in §10303(f)(1), posits that heightened oversight is necessary for and consonant with the concerns of the VRA that "voting discrimination against citizens of language minorities is pervasive and national in scope. Such minority citizens are from environments in which the dominant language is other than English. In addition they have been denied equal educational opportunities by State and local governments, resulting in severe disabilities and continuing illiteracy in the English language." Closer examination reveals each of these elements is either inapplicable or inconclusive to a determination.

Whether voting discrimination exists in other parts of the nation, and in whatever degree or duration of invidiousness, is insufficient to justify Federal commandeering of local resources absent a demonstration of actual need. The VA would never send all veterans

wheelchairs and crutches unless necessary. Directing use of local funds to remedy a distant condition with which no federalized general welfare purpose nexus has been established is contrary to the guarantee of due process of law as requisite to a deprivation of "life, liberty or property, under the Fifth and Fourteenth Amendments," akin to doling out umbrellas in Phoenix tomorrow because yesterday it rained in Florida.

Whether minority citizens hail from environments in which the dominant language is not English, is not, without more, dispositive to whether the citizen possesses English language skills sufficient to make a ballot selection. Bilingual children of immigrant parents frequently are capable of navigating both kinds of dominant language domains. Like muscles, language skills strengthen with use else atrophy. "[T]he right to exercise the franchise in a free and unimpaired manner is preservative of other basic civil . . . rights. . . ." *Harper* v. *Virginia Bd. of Elections*, 383 U.S. 663, 667 (1966) (quoting *Reynolds*, *supra*).

Whether some entities deny equal educational opportunities that result in "severe disabilities and continuing illiteracy" for NNE speakers similar to, *e.g.*, the aggrieved in *Lau* v. *Nichols*, 414 U.S. 563 (1974), such is not the case in New York. All age-qualified citizens are guaranteed a right to an education, regardless of citizenship or immigration status, whether present lawfully or an undocumented noncitizen. NY State Education Department implemented a Blueprint for English Language Learners Success "to ensure that all New York State ELLs attain the highest level of academic success and that all Multilingual Learners . . .

achieve the highest level of language proficiency in English. . . ." perma.cc/S9HK-UQVG All high school diploma candidates must earn a minimum of four credits in English. The most popularly spoken language in the world is English as a Second Language (ESL). "The [Fifteenth] Amendment nullifies sophisticated as well as simple-minded modes of discrimination." *Lane* v. *Wilson*, 307 U.S. 268, 275 (1939). "The impact of [segregation] is greater when it has the sanction of the law." *Brown* v. *Board of Education*, 347 U.S. 483, 494 (1953). "[W]hat we wish to be understood is, that in any fair and just construction of any section or phrase of these amendments, it is necessary to look to the purpose which we have said was the pervading spirit of them all, the evil which they were designed to remedy, . . . until that purpose was supposed to be accomplished, as far as constitutional law can accomplish it." *Slaughter-House Cases*, 83 U.S. (16 Wall.) 36, 72 (1872).

II. Administrative Agency Presumptions and State Law Educational Privileges, Standards and Uniform Norms objectively qualify most citizens, whether naturalized or native-born, as not requiring translation assistance, whereas Executive Branch "LEP" nomenclature is self-selecting; discontinuing accommodation to those not requiring assistance avoids non-retrogression concerns.

A. USCIS/ACS Methodologies Contribute to Totality of Circumstances Calculations. The English language proficiency requirements for naturalized citizens are sufficient to permit voters to be able to read candidate names on a ballot. Department of Commerce language classifications are now uncoupled from a

relative literacy skills scale. Limited English Proficiency (LEP) designation statistics are self-determined by the participant. Even if accurately self-assessed, they provide limited guidance unless considered relative to the totality of qualifications requirements, e.g., if "limited proficiency" means less than perfectly and somewhere between "very well" but more than "well," it must be clarified where those gradations intersect with citizenship test baseline thresholds to be meaningful in context relative to selectively enhanced voting accommodations.

On a four-element scale (Very Well, Well, Not Well, Not At All) LEP captures proficiencies somewhere between Very Well (absent a higher "rating," *e.g.*, "fluently," as "A") and Well (a "B") and both exceed the DHS/USCIS naturalization standards, but all three are better than Not Well (a "C") or Not At All (an "F") else naturalization would not be achieved. Just as for representational apportionment purposes, for those political subdivisions required to serve specialized needs of a community subset that the Federal government considers deserving of protection against a potential abridgment or denial of rights, any data upon which determinations are made must be both accurate and intelligible in furtherance of the important "role of the census as a 'linchpin of the federal statistical system. . . .'" *Department of Commerce* v. *New York*, 588 U.S. ___, 12-13 (2019), citing *Department of Commerce* v. *United States House of Representatives*, 525 U.S. 316, 341 (1999).

The current methodology used is overbroad, capturing within NNES cohorts persons who may or may not require translation services, including: naturalized citizens who have "demonstrated English language proficiency, which is determined by the applicant's ability to read, write speak and understand English"; and persons not "educated in American-flag flying schools in which the predominant classroom language was other than English"; and persons who are deemed to have rebuttable presumption of literacy by having "successfully completed the sixth primary grade" of education (§10101(c)); and in case of Spanish speakers, native-born citizens identified by surnames considered traditionally Spanish aggregated in the Hispanic population headcount regardless of whether they speak Spanish. perma.cc/W2DY-KXZH

The Federal Government delineates language use spoken in American homes into a "4 and 42" series of data sets, collapsing languages "other than English into four major language groups: Spanish, Other Indo-European languages, Asian and Pacific Island languages, and Other languages." Within those five main categories, further parsing yields recognition of "42 non-English languages and language groups." perma.cc/PS69-UGFZ The fact of speaking a language other than English while at home is not indicative of whether English is a primary or secondary language, citizens are more or less fluent in one over another, or if assistance is required to navigate basic ballot-related tasks. Some bilingual households with parents of differing language skills endeavor to teach children

both tongues; other multi-generational homes require parents to communicate with grandparents in ancestral languages; because citizenship status is currently disallowed on Census questionnaires (*Department of Commerce* v. *New York*, *supra*), citizen parents with green-card-holding grandparents residing in the same household may obscure an accurate dataset snapshot. APP. 6-10.

B. Section 10101(c) affords the Department of Justice an automatic rebuttable presumption of literacy if ever illiteracy is claimed, while §10503 offers a slightly lower corollary definition of the term "illiteracy." The standard the DOJ is entitled to invoke applies uniformly to citizens of all national origins who have achieved education past the sixth grade. Allowing covered jurisdictions to apply the same presumption to any eligible pool of potential NNES assistance recipients and recalibrate metrics for determining the necessity of political subdivision assistance to voters diminishes the presumed need for government intervention and related civil rights abuse allegation risks. perma.cc/2M95-X9SX

C. According to the Executive, as of 2021 "over 40 million foreign-born individuals live in the United States today" or approximately 12% of the total population. It advocates that the "Federal Government should develop welcoming strategies that promote integration, inclusion, and citizenship, and it should embrace the full participation of the newest Americans in our democracy." To achieve this aim, the Executive intends to promote naturalization and develop a plan to

"eliminate barriers in and otherwise improve the existing naturalization process, including by conducting a comprehensive review of that process with particular emphasis on the . . . civics and English language tests, and the oath of allegiance.' Exec. Order No. 14012, Sec. 5, 86 Fed. Reg. 8277 perma.cc/8R5K-9B62 Seizing this opportunity to refine existing Administration dataset criteria of those not requiring remedial assistance will afford covered political subdivisions the ability to exempt citizens within its jurisdiction who do not require assistance and speaks to ripeness of this vital issue.

III. Changes in Voting Rules and Technology Offer Uncertain Voters Ample Opportunity to Formulate Informed Choices Without Government Intervention or at Public Expense.

Voting is an open book exam. Although §10303(f)(3) defines English language ballots as "a test or device," for any NNES to whom an English language ballot may prove challenging, ample opportunities exist for assistance without cultivating reliance on government intercession. Traditional print media and on-line publications offer candidate analyses and ballot overviews. Statewide Early Voting expansions make it possible for a potential voter to inspect sample ballots in Nassau County at various locations, including the BoE. APP. 12-15. A voter may bring his own translation tools or be assisted by someone, with limited exceptions, of personal choosing. There exist any number of civic associations, *e.g.*, League of Women Voters or local public library outreach groups, to which one may turn for nonpartisan aid. If safety were a concern, as often with elderly voters in assisted-living facilities, private

organizations may gather and transport a group to present together via shuttle bus service. Poll workers encourage and accommodate as many shifts as possible. N.Y. Election Law §8-700 ("Mail Voting Law") eliminated restrictions requiring a physical absence, disability or illness, now permitting "no excuse" absentee voting, giving those who require extra time or prefer to deliberate in private an option to request a ballot be sent. perma.cc/YX2S-8Q8R

The Framers never guaranteed that voting would be easy, and sometimes the inconvenience of waiting in line is indicative of nothing more nefarious than peak demand load balancing issues, as insidious as camping out to secure Star Wars tickets in the '70s. But under the current approach, high in-person participation visits the potential to be viewed as intolerably suspect an obstacle as exposure to Gov. Wallace's "Segregation Forever" vitriol, and paper jams or misprints may rise to the level of suppression. perma.cc/6Y6R-7R5J

A. Low voter turnout or uneven participation is not necessarily correlative to discrimination.

There will never be 100% capture of any voting population either in terms of registration or participation turnout. There are many obvious reasons for this, including dissatisfaction with specific candidates or the system in general. For some, abstaining from voting is itself an exercise of freedom, particularly considering that in some twenty-two foreign nations, of which approximately half are Spanish speaking, voting is compulsory. perma.cc/9SGU-J9HU Yet while all would agree that you can lead a citizen to the polling place

but you can't make her vote, the Federal government adheres to benchmarks that equate apathy with overt oppression, and worse, impugns the character of the community as tacitly complicit in some covert *complot*. More often than not, poll workers are well-meaning soccer moms and seniors, so most local voters recognize their neighbors as inadvertent business partners.

What our friends may not track as closely as local governments do is actual use; e.g., in the November 2023 election of a total County population of 1,058,642 registered voters, there were 249,623 ballots cast yielding a participation rate of 24% across all categories. The decoupling of individual population members from allowing opt-in requests siphons resources while accelerating a race to the bottom tyranny-of-the-majority effect within smaller language minorities. Currently the largest NNE speaking group is Spanish language; fast approaching are Chinese-Americans, requiring different variants of translation, and Hindi-language natives, owing to global population and demographic shifts. For Spanish speakers, whose high-ranking accomplishments achieved in government and the judiciary are distinguished, the enfranchisement efforts have yielded concrete results, with voting difficulties steadily abating and tracking to soon be on par with (other) NNE Indo-European language groups, e.g., Germans, Italians, etc. who were considered exempt from needing assistance for registration and participation because "the[ir] problems were not uniform in their severity across the nation." H.R. 94-196, *supra*, at 23. But as the variety of covered language minority subgroups increases, so, too, does the risk to political subdivisions for translation error liability and concomitant delays of results certifications.

B. Insulation from translation liability is consistent with Federal agency best-practices yet unavailable to political subdivisions.

Recalling that when the VRA's LMG provisions were written and extended the iPhone had not yet been released, it is unsurprising that the plethora of zero-cost alternatives which exist for third (non-governmental) parties to provide uniform translation tools were neither contemplated nor included. Allowing any interested citizen to opt-in while waiving liability for any errors before proceeding is hardly a novel procedural update. If a NNES voter would prefer the convenience of being pointed to a widget-based translation tool directly from a BoE site, as agencies within the Federal Government and the State of New York permit proactive information seekers, the standard English language version is deemed controlling for legal purposes and all other versions are only for convenience. APP. 22 perma.cc/TM8Y-J8ZT What is sauce for the Federal goose is sauce for the municipal gander. Rather than extending the spirit of *in parens patræ* to political subdivisions to meet 21st-century challenges with 21st-century tools while simultaneously being shielded from profit-seeking lawsuits, the Act instead looks to local governments to build more troughs from which to water the horses in parking lots crowded with electric cars.

IV. The Federal Government does the Polity no Good by Encouraging Factionalism, Segregation and a Tower of Babel Approach to Voting.

Access to civil rights is not a popularity contest. Polling precincts are not commercial retailers in need of polyglot greeters; that presumption fundamentally

mischaracterizes the immigrant experience aims of many. A stated objective of the VRA was – and remains – to enfranchise in a more meaningfully participatory way those fellow citizens previously disadvantaged by denial of access to acquisition of English language skills through public education privation resulting in marginalization and exclusion from contributing to the governance of society, English being, with limited exceptions, the *lingua franca*. Now those NNES citizens who are, for no reason other than dirth of number, forever to shunted dwell outside the "inner circle" of convenience and accommodation desire to be extended equal consideration and stature, while some among the once-marginalized cohorts have gained the clout to reach back and uplift some less fortunate fellow Americans in the spirit of *E Pluribus Unum*. To remain in accord with commonly cherished constitutional norms, by requiring that mechanisms employed to determine relevant statistics to capture only those who require translation assistance be enumerated, the United States is uniquely able to ensure that all qualified Americans are brought under the tent of democracy with each accorded a similar measure of dignity regardless of race, national origin, or native language of instruction. "Earlier generations of American ethnic groups have overcome the language barrier by earnest parental endeavor or by the hard fact of being pushed out of the family or community nest and into the realities of broader experience." *Lau*, *supra*, at 572.

As the Court delineated, "the desire of the legislature to foster a homogeneous people with American ideals prepared readily to understand current

discussions of civic matters is easy to appreciate." *Meyer* v. *Nebraska*, 262 U.S. 390, 402 (1922). Our bold immigrant past repeatedly demonstrates that the strength of our nation relies on the robustness of the citizenry to coalesce and chart our collective future. Himself an Austrian immigrant, Justice Felix Frankfurter understood acutely the value of an individual's dedication to and his community's encouragement of English language immersion fostering fluency for immigrants to open new doors of opportunity when venturing out beyond the edges of familiarity.

> "To hear Felix Frankfurter tell it, every president he advised from Theodore Roosevelt to Lyndon Johnson, every Harvard law student he nudged into public service, and every Supreme Court opinion he wrote would not have been possible without the help of his first teacher at Public School 25, Miss Annie E. Hogan. . . . [I]n September 1894 when 11-year old Felix walked into her primary school classroom in a 'daze,' [having arrived] a month earlier . . . in New York Harbor . . . he could not speak a word of English and had never heard one spoken. Miss Hogan threatened the other children in Frankfurter's class with corporal punishment if they spoke to him in his native German. . . . No one uttered a word to Frankfurter in anything but English. He was grateful to Miss Hogan for the rest of his life. Frankfurter relished telling the Miss Hogan story. He portrayed his life as beginning at age eleven in her classroom. P.S. 25 was his ticket to the American dream. . . . [N]early three years after he arrived in the United States, Frankfurter graduated from the "College Class" of

> P.S. 25 and was the third chosen speaker. He recited a speech by John Adams. He was steeped in his new country's language, politics, and history. Miss Hogan and the public school system had turned him into an American."

(BRAD SNYDER, DEMOCRATIC JUSTICE – FELIX FRANKFURTER, THE SUPREME COURT, AND THE MAKING OF THE LIBERAL ESTABLISHMENT 9, 13 (2022).)

The original meaning and purpose of the Voting Rights Act – revered, rightly, as among the most important legislation of the past century – are manifestly clear: end the pernicious effects of segregation and its evil twin, disenfranchisement; permit all qualified members of the electorate to participate unhindered in exercising the privilege of self-governance subsumed via the franchise of voting; and *temporarily* redirect federal attention towards LMG persons in states or political subdivisions obdurately reluctant to eliminate any superfluous procedural hurdles, overtly irrelevant integration hinderances and consolidations of power implemented by a tyrannical and immoveable majority to capture the elections process for its own perpetual benefit. That approach is consonant with the relief Petitioner asks the Court to grant here, for to require anything less would be undemocratic; to construe anything more, unconstitutional.

CONCLUSION

The Court is prayed to order the Department of Justice to restore fair, sensible first-principles to: 1) exercise

its *in parens patræ* position to perform an automatic review to remove Nassau County, N.Y. immediately as a political subdivision deemed covered for Bilingual Election Requirements under 52 U.S.C. §10503 of the Voting Rights Act; and 2) ensure the figures upon which are relied for coverage determinations are tabulated using methodologies restricted to identifying precisely those members of the LMG designation who actually qualify to need federally mandated accommodations by expunging from the cohort those for whom in person poll-site translation services are but a mere vestige-qua-convenience; and 3) permit state-of-the-art third-party translation services to provide any covered entities insulation from translation liability errors equivalent to those which branches of the Federal government enjoy; and 4) extend similar federal voting rights protections either to all citizens equally to the full measure of their Constitutional rights regardless of race or national origin, else to none at all.

Respectfully submitted,

BATIA MOJDEH ZAREH
Counsel of Record
DIALECTIC ARTS, LLC
57 Mineola Avenue, Suite 2A
Roslyn, NY 11577
(212) 532-0969
batiazareh@gmail.com