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JOINT MEETING OF THE SENATE REAPPORTIONMENT COMMITTEE  
AND HOUSE SELECT POLICY COUNCIL ON STRATEGIC AND  
ECONOMIC PLANNING

Held on February 11, 2010

Transcribed by:  
CLARA C. ROTRUCK  
Court Reporter

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2 REPRESENTATIVE CANNON: And Senators and  
3 Representatives, we are now going to convene the  
4 Joint Meeting of the House Select Policy Council on  
5 Strategic and Economic Planning and the Senate  
6 Committee on Reapportionment and ask Tamara and  
7 Michelle to commence our activities by calling the  
8 role.

9 A VOICE: Senator Haridopolis.

10 SENATOR HARIDOPOLIS: Here.

11 A VOICE: Senator Smith.

12 SENATOR SMITH: Here.

13 A VOICE: Senator Bennett.

14 SENATOR BENNETT: Here.

15 A VOICE: Senator Dean.

16 SENATOR DEAN: Here.

17 A VOICE: Senator Gardiner. Senator Lawson.  
18 Senator Negrón.

19 SENATOR NEGRÓN: Here.

20 A VOICE: Senator Ring.

21 SENATOR RING: Here.

22 A VOICE: Senator Siplin. Senator Storms.  
23 Senator Thrasher.

24 SENATOR THRASHER: Here.

25 A VOICE: Senator Wilson.

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1 A VOICE: Chairman Cannon.

2 REPRESENTATIVE CANNON: Here.

3 A VOICE: Vice Chair Grimsley. Representative  
4 Aubuchon.

5 REPRESENTATIVE AUBUCHON: Here.  
6 A VOICE: Brisé.  
7 REPRESENTATIVE BRISE: Here.  
8 A VOICE: Carroll.  
9 REPRESENTATIVE CARROLL: Here.  
10 A VOICE: Chestnut.  
11 REPRESENTATIVE CHESTNUT: Here.  
12 A VOICE: Fitzgerald. Holder.  
13 REPRESENTATIVE HOLDER: Here.  
14 A VOICE: Hudson.  
15 REPRESENTATIVE HUDSON: Here.  
16 A VOICE: Hukill.  
17 REPRESENTATIVE HUKILL: Here.  
18 A VOICE: Jones.  
19 REPRESENTATIVE JONES: Here.  
20 A VOICE: Kreegel.  
21 REPRESENTATIVE KREEGEL: Here.  
22 A VOICE: McKee.  
23 REPRESENTATIVE MCKEEL: Here.  
24 A VOICE: Porth. Proctor.  
25 REPRESENTATIVE PROCTOR: Here.

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1 A VOICE: Thurston.  
2 REPRESENTATIVE THURSTON: Here.  
3 A VOICE: Weatherford.  
4 REPRESENTATIVE WEATHERFORD: Here.  
5 A VOICE: A quorum is present, Mr. Chairman.  
6 REPRESENTATIVE CANNON: All right, thank you,  
7 Tamara and Michelle, and Chairman Haridopolis and  
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8 Members.

9 Today we are again meeting jointly to further  
10 discuss the two proposed Constitutional amendments  
11 to Florida's reapportionment process proposed by  
12 Fair Districts.

13 As you know this is a subject that our  
14 respective committees have talked about in detail,  
15 beginning last October 2009, up until the present  
16 time.

17 You may recall, Members, that both in October  
18 and November, our respective legal counsel gave us  
19 initial reports that the language of the Fair  
20 Districts' petitions may constrain the  
21 Legislature's constitutional duty to redraw the  
22 District boundary lines with potentially mutually  
23 exclusive requirements.

24 In December of last year, our respective legal  
25 counsel and staff provided us with presentations to

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1 help us address similar concerns to our own that  
2 were raised by Florida Congresswoman Corrine Brown  
3 and Florida Congressman Mario Diaz-Blart.

4 The Congress persons primary concern was the  
5 impact of the U.S. Supreme Court case of Bartlett  
6 versus Strickland and how the terms of these  
7 petitions may affect the ability and the discretion  
8 of the Legislature to create minority access or  
9 so-called crossover districts.

10 Last month we met jointly in order to  
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11 facilitate a public dialogue with Congresswoman  
12 Brown and Congressman Diaz-Blart so that they could  
13 share their concerns with us. And during that  
14 meeting both of the Congress-persons stressed that  
15 they felt that the petitions were unworkable, and  
16 that the petitions would potentially dilute  
17 minority representation in the Florida Legislature  
18 and in Florida's Congressional delegation.

19 Just recently the Fair Districts' petitions  
20 achieved the signature threshold necessary for  
21 placement on the 2010 general election ballot, and  
22 with that milestone behind them the principles from  
23 Fair Districts have agreed to meet with us here  
24 today, present their proposed amendments to  
25 Florida's Constitution and address our questions on

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1 this very important topic.

2 To Ms. Freidin, to our guests from Fair  
3 Districts, please know that we are very grateful  
4 for your presence today and your indulgence of our  
5 questions.

6 while political preferences and viewpoints do  
7 sometimes divide us, there is certainly no reason  
8 that we should ever miss an opportunity to at least  
9 understand each other better.

10 while our committees have tried to be very  
11 deliberative, we hope that your remarks today and  
12 responses can fill in some of the missing details  
13 and perhaps close the door on some unanswered

14 questions and give us the opportunity to better  
15 understand your intentions as the crafters of these  
16 potential amendments to Florida's Constitution.

17 I think I speak for both Chairman Haridopolis  
18 and myself when I say that we treat the  
19 constitutional process with the utmost of respect,  
20 and if these petitions do become part of Florida'  
21 Constitution we intend to fully perform our duties  
22 to carry out the requirements of those petitions  
23 fully.

24 As we all know, redistricting is not an  
25 overnight assignment and many years of both

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1 planning, coordinating with the census and a lot of  
2 work will go into doing the reapportionment and the  
3 redistricting.

4 So if these pass we need your help to  
5 determine the manner in which we can best execute  
6 our constitutional duties.

7 Members, with that, before we invite Fair  
8 Districts to begin their presentation, I would like  
9 to briefly call your attention to the Power Point  
10 presentation on the monitor. I believe you are  
11 fairly familiar with these slides.

12 After the title slide, the first substantive  
13 slide, these are the general redistricting  
14 standards, the federal standards being one person,  
15 one vote.

16 Obviously Section II and Section V of the  
Page 6

17 voting Rights Act, and then the Florida standard  
18 that they be contiguous.

19 The next slide has copies of the Fair  
20 Districts' petitions, one for the Congressional  
21 districts and the other for the legislative  
22 district boundaries.

23 And then the last slide shows a comparison of  
24 both the current standards and then the proposed  
25 additional standards for the petitions in question.

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1 Those materials are also in your packets, Members,  
2 and with that we would like to call on and  
3 recognize Ms. Ellen Freidin, the Campaign Chair for  
4 Fair Districts.org.

5 Ms. Freidin, again, we very much appreciate  
6 your taking the time to be with us today and you  
7 are recognized to address the Joint Meeting.

8 MS. FREIDIN: Thank you, Mr. Chairman.  
9 Mr. Chairman, Members of the Committee, I am Ellen  
10 Freidin, and I am here today to talk with you on  
11 behalf of close to a million voters who signed 1.7  
12 million petitions to earn the Fair Districts  
13 amendments, positions five and six on the November  
14 2nd ballot coming up. So thanks to the wonders of  
15 the podcast, which I compliment you for making  
16 available to the public.

17 I have been able to listen to the many, many  
18 hours of hearings that you have had, both the  
19 Senate and the House Committee and the Committees

20 jointly together with your many, many lawyers  
21 raising what seem, at least seemed to me to be  
22 endless questions about our amendments.

23 So let's make one thing clear when we start.  
24 Our amendments which are simply intended to  
25 establish common sense, fairness standards for you

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1 to follow when you redraw the legislative and  
2 district lines.

3 These two amendments were certified because  
4 voters exercised their constitutional right to sign  
5 petitions so that they and others in our state  
6 could have the opportunity to put these standards  
7 in the Florida Constitution.

8 The signers of these petitions who are  
9 Republicans, who are Democrats and who are  
10 Independents are part of an effort by thousands  
11 Floridians of all political persuasions, who are  
12 committed to eliminating Florida's historical  
13 distinction as one of the most politically  
14 gerrymandered states in the Union, that this  
15 probably exist is absolutely undeniable.

16 Those who are working tirelessly on this  
17 monumental project are supported and they are  
18 encouraged by the unanimous opinions of Florida's  
19 newspaper editorial boards, which clearly explain  
20 why we must take this unique opportunity to make a  
21 very necessary, fundamental change in this state  
22 which I know that all of us love so much.



23           Now, I want to just go over with you a few of  
24           the comments that have been made by some of the  
25           editorial boards in this state.

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1           The Orlando Sentinel said, "This is a campaign  
2           to restore some integrity to the now corrupt system  
3           of drawing legislative and Congressional districts.  
4           Unless the process is changed, voters won't get the  
5           choices that they deserve."

6           The St. Pete Times said, "The current system  
7           for drawing legislative and Congressional districts  
8           is broken."

9           The Gainesville Sun said, "There is nothing  
10          state lawmakers guard more jealously than their  
11          power to rig legislative and congressional  
12          districts to serve their own interests and their  
13          party's desire for control."

14          The Tampa Tribune said, "The redistricting  
15          process needs to be overhauled. It is critical to  
16          remove selfish political motives from the process."

17          The Tallahassee Democrat said, "The present  
18          rules of redistricting serve the interest of  
19          politicians more than voters. The intent of the  
20          amendments is sound and that is to give voters more  
21          power and the powerful politicians less power."

22          The Florida Times Union said, "Fortunately a  
23          group called Fair Districts Florida is seeking a  
24          constitutional ban on gerrymandering. Lines  
25          shouldn't go drawn to help a party, an incumbent or

1 anyone else."

2 Florida Today, "End the political  
3 gerrymandering that harms democracy."

4 The Sarasota Herald Tribune, "Gerrymandering  
5 by either party is an affront to democracy and to  
6 the expectation that all men and women are equal  
7 under the law."

8 The Daytona News Journal said, "Many  
9 Legislators are outraged at proposals that would  
10 strip them of the ability to rig districts to  
11 benefit parties or individual, but Fair Districts  
12 can only be good for Florida. Here is hoping that  
13 the voters see through the distractions and vote to  
14 protect their interests."

15 The South Florida Sun Sentinel said,  
16 "Opponents of the amendments should just be honest  
17 about it and admit that they don't want to change a  
18 system that helps them hold onto power."

19 The Palm Beach Post said, "This bipartisan  
20 campaign deserves broad bipartisan support."

21 The Bradenton Herald said, "Florida's voters  
22 now have the monumental opportunity to end the  
23 patently unfair practice of gerrymandering."

24 And the Miami Herald said, "Amendments V and  
25 VI will give control of elections back to Florida's

1 voters where it belongs."

2 Florida presently has absolutely no  
3 prohibitions against drawing districts for partisan  
4 reasons or incumbency protection. It never has.  
5 This is evidenced by the bizarrely shaped Rorschach  
6 like districts that often snake through as many as  
7 five or as many as eight counties over more than  
8 100 miles, splintering communities and confusing  
9 voters.

10 Some very small towns, like Winter Park and  
11 Temple Terrace are represented in this state by as  
12 many as four different members of Congress.

13 You know, I have been traveling through this  
14 state for three years now talking about -- talking  
15 to Florida citizens about this subject, and I often  
16 start my talks by asking citizens, people in the  
17 audience to raise their hand if they know who their  
18 state legislators are. I almost never see a hand  
19 raised.

20 The same thing happens when I ask them if they  
21 know who represents them in Congress, and it is no  
22 surprise, they don't know the answer to that. And  
23 it is because communities are divided, neighbors  
24 often don't have the same representative.

25 It is no wonder that the Florida League of

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1 Cities, the Florida League of Mayors and the  
2 Florida Black Caucus of local elected officials are

3 part of the local coalition supporting amendments V  
4 and VI. They are tired of having their town  
5 splintered and having Representatives that live far  
6 away.

7 I don't know, is Rebecca O'Hare here today? I  
8 think she was planning on being here to represent  
9 those organizations.

10 In the last 10 years, Mr. Chairman, and  
11 Members of the Committee, out of hundreds of  
12 legislators up for reelection, only 10 incumbent  
13 State Representatives and one incumbent State  
14 Senator have been defeated.

15 No wonder Florida is considered to have among  
16 the least competitive legislative elections of any  
17 state in the Union. We are third from the bottom  
18 on the competitiveness scale.

19 The need for change in our state and the  
20 solution that we are now proposing is nothing new.  
21 The effort to reform the way Florida draws its  
22 district maps as far as I know started in 1978,  
23 when the Constitution Revision Commission took up  
24 the matter and suggested the creation of standards,  
25 very much like the ones that are contained in

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1 Amendments V and VI.

2 That effort didn't succeed, but then in the  
3 earlier '90s, when both Houses were controlled by  
4 Democrats, a bipartisan group led by then State  
5 Senator and now Congressman Ander Crenshaw and

6 including our Governor Charlie Crist, who was in  
7 the Senate then, proposed a constitutional  
8 amendment with standards almost identical to the  
9 ones that voters will have a chance to approve this  
10 coming November.

11 It passed the Senate unanimously, but it died  
12 in the House. In other words, this solution to a  
13 long existing problem is something that was  
14 embraced and has been embraced for years by  
15 Republicans and Democrats alike.

16 In the 1998 Constitution Revision Commission,  
17 which is where I learned about the urgent need for  
18 these reforms, former State Representative Marilyn  
19 Evans-Jones, a Republican from Melbourne,  
20 introduced a similar proposal.

21 It came very close, but failed to pass the  
22 Commission by the narrowest of margins, and then  
23 there were a couple of other citizen efforts, one  
24 of them led by Marilyn Evans-Jones and the other by  
25 the non partisan organizations of common cause and

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1 League of Women Voters.

2 In fact, the League of Women Voters has been  
3 fighting these reforms for decades, and their State  
4 President, Deira McNabb is here, Deira, stand up  
5 and let everybody know you are here, and she is  
6 here with a whole host of other members of the  
7 League today that are all part of her leadership  
8 team.

9           So should -- so it really should be clear that  
10       this is something that Republicans and Democrats  
11       have proposed many, many times over the years.

12           We at Fair Districts Florida are not the  
13       originators of this idea, but 2010 is the time that  
14       it is going to become a reality. It is obvious to  
15       us because of the spontaneous reaction of thousands  
16       of Floridians that our amendments are very, very  
17       popular with people all over the state, from the  
18       panhandle to Key West.

19           This decade the people of Florida want to see  
20       districts in our state that make sense, that are  
21       compact and that keep communities together.  
22       Districts that are drawn fairly and free of  
23       intentional partisan favoritism, and maps that  
24       ensure that minority voters are protected from  
25       diminished representation.

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1           In other words, districts that will permit the  
2       people to fairly choose their Representatives. The  
3       practice of gerrymandering is not unique to  
4       Florida. National leaders of all political  
5       persuasions have recently spoken out about the  
6       problem and the need for change.

7           Mayor Michael Bloomberg, who you all know is  
8       an Independent in New York City. He said, "There  
9       is a partisanship that has paralyzed our country."  
10       Both parties have redistricted themselves, such  
11       that they don't have to worry about a challenge

12 across the aisle, but they worry about a challenge  
13 from their flanks so that the Conservatives are  
14 less willing to move to the middle, the Liberals  
15 are less willing to move to the middle and we have  
16 got to get over that and we have got to understand  
17 that we are all in this together.

18 unless we have bipartisan legislation and  
19 bipartisan government at the federal, state and  
20 city levels we are just going to have one problem  
21 after another and the future is not as bright as I  
22 think it should be for America.

23 Senator John McCain says that we need to stop  
24 politicians in both parties from drawing rigged  
25 districts that they can never lose. And President?

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1 Barack Obama says, the fact of the matter is that  
2 we have now a system where too often our  
3 Representatives are selecting their voters as  
4 opposed to the voters selecting the  
5 Representatives.

6 That is a situation that I think the American  
7 people should not accept. But while there has been  
8 historic broad support for redistricting reform  
9 here and elsewhere, elsewhere, in the many, many  
10 hours of hearings these committees have had in the  
11 last few months we have heard little, but criticism  
12 of these reforms.

13 There has been no explanation or even mention  
14 of why these reforms are needed. And it is

15 understandable that some would be concerned about a  
16 citizen's effort to place limits on political  
17 gerrymandering where none have existed before.

18 Some of the questions that have been raised by  
19 your lawyers and your Members, Mr. Chairman, have  
20 been complicated and sometimes confusing, but I am  
21 here today to try and answer them as best I can and  
22 to describe the fundamental goals of these citizen  
23 initiatives. The many questions raised seem to  
24 fall into three categories.

25 First, will these amendments interfere with

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1 the rights of minority voters and will minority  
2 voters be worse off when the amendments are in the  
3 Constitution.

4 Second, aren't the standards so conflicting  
5 and confusing that they simply cannot be applied?

6 And third, won't these new requirements lead  
7 to increased litigation?

8 The answer to each of these questions is an  
9 emphatic no. I cannot possibly address every  
10 nuance of every question that has been asked, so I  
11 will address each of these categories and explain  
12 to the best of my ability the intent of the  
13 amendment.

14 These amendments will not in any way reduce  
15 the rights of minority voters, and in fact, they  
16 will add a guarantee to the Florida Constitution  
17 that the ability of minority voters to elect



18 representatives of their choice will not be  
19 diminished.

20 Presently minority voters are protected by the  
21 Voting Rights Act, you all know that. A federal  
22 statute that exist at the pleasure of Congress and  
23 is constantly being eroded by the courts. When  
24 these amendments are embedded in the Florida  
25 Constitution protection from discrimination and

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1 redistricting will become a lasting commitment to  
2 the people of Florida.

3 Because of this, leaders of minority  
4 communities support the Fair Districts' amendments.  
5 I have pleased to announce today that the Florida  
6 State Conference of NAACP branches after studying  
7 the benefits of these amendments has unanimously  
8 approved and endorsed Amendments V and VI, and here  
9 today representing the NAACP is Charlie Burr, stand  
10 up Charlie.

11 They have joined the Fair Districts' team  
12 because they agree that in addition to reducing  
13 partisan gerrymandering, the amendments will add  
14 permanent protections for minority voters that are  
15 greater than what exist today in Florida or any  
16 other state.

17 Just look at the language. The language says,  
18 "Districts shall not be drawn with the intent or  
19 result of denying or abridging the equal  
20 opportunity of racial or language minorities to

21 participate in the political process or to elect --  
22 or to diminish their ability to elect  
23 representatives of their choice."

24 That last phrase prohibits the drawing of any  
25 district or plan that will reduce the ability of

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1 minorities to elect minority representatives.  
2 Plain and simple.

3 Now there has been a lot of talk at these  
4 hearings about the impact of Bartlett versus  
5 Strickland on our standards.

6 Some of your lawyers have questioned whether  
7 after Bartlett our standards will permit you to  
8 draw crossover districts. The language, the  
9 Bartlett opinion specifically addresses that  
10 question, and I don't believe that this part of  
11 Bartlett has been raised in these hearings.

12 Let me read it to you. From the Bartlett case  
13 directly, "Section II allows states to choose their  
14 own method of complying with the Voting Rights Act  
15 and we have said that that may include drawing  
16 crossover districts. States that wish to draw  
17 crossover districts are free to do so where no  
18 other prohibition exist."

19 In other words, there is nothing in Bartlett  
20 versus Strickland or in the language of the  
21 amendments that would change your previous ability  
22 to draw crossover districts.

23 "However, with the amendments expressed

24 prohibition of diminishing ability to elect  
25 representatives of choice, you would be free after

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1 Bartlett to refuse to draw crossover districts." I  
2 am sorry, I made a mistake there and I want to  
3 start that sentence over again, because I want to  
4 make this very, very clear.

5 "However, without the amendments expressed  
6 prohibition of diminishing ability to elect  
7 representatives of choice, you would be free after  
8 Bartlett to refuse to draw crossover districts, but  
9 with the addition of the new language you will be  
10 required to use every tool you have, including the  
11 drawing of crossover districts to be sure that the  
12 rights of minority voters are not taken away."

13 Another question has been raised about how  
14 some of the other standards interact with the  
15 provisions for protection of minority voters.

16 It has been asked whether it would be  
17 impossible to draw minority districts while  
18 complying with the requirements of compactness and  
19 utilization of local boundaries.

20 The answer is, no. This question ignores the  
21 plain wording of the amendments. Protection of  
22 minority voters is expressly given priority over  
23 these requirements. Compactness and utilization of  
24 local boundaries only come into play to the extent  
25 that they can without conflicting with the

1 protection of minority voters.

2 It has also been asked whether it is  
3 impossible to draw minority districts without  
4 violating the prohibition against favoring a party  
5 or an incumbent. This question again ignores the  
6 plain wording of the amendments.

7 Let me make this very, very clear. The  
8 prohibition against drawing districts -- the  
9 prohibition is against drawing districts with  
10 intent to favor or disfavor a party or an  
11 incumbent.

12 That means that you will be prohibited from  
13 drawing districts or plans for the intended purpose  
14 of attaining a particular partisan result. If you  
15 are drawing a district in order to protect minority  
16 voters against discrimination, there can be no  
17 violation unless you design the district for the  
18 specific purpose of favoring or disfavoring a party  
19 or an incumbent, and there is no prohibition  
20 against using voting data in order to accomplish  
21 the permissible goal of protecting minority rights.  
22 In fact, you would have to.

23 I want to remind you that Senator Smith and  
24 Representative Thurston requested the opinion of  
25 voting rights lawyers at Jenner and Block who

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1 specialize in redistricting, and that letter is in  
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2 the record of these proceedings.

3 They are top lawyers in the country on voting  
4 rights and redistricting. To my knowledge they are  
5 completely neutral and certainly not involved --  
6 haven't been involved in the drafting or the  
7 promotion of the Fair Districts amendments.

8 Their letter supports every one of these  
9 answers. It is their unbiased opinion that with  
10 the amendments in place, Bartlett, and I quote  
11 them, "In no way restricts Florida in drawing  
12 districts in which minorities are able to elect  
13 representatives of their choice."

14 So with these amendments you will not only be  
15 free, but you will actually be required to create  
16 minority access seats to the extent necessary to  
17 ensure that the ability of minority voters to elect  
18 representatives of their choice is not diminished.

19 In fact, the lawyers at Jenner and Block  
20 conclude that our amendments would, and I am  
21 quoting from their letter, "would dramatically  
22 improve the redistricting process in Florida and  
23 make Florida's elections fairer for all political  
24 parties and candidates."

25 They also go onto say that the amendments

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1 would also protect and indeed enhance the ability  
2 of minorities to participate in the political  
3 process and elect representatives of their choice.

4 Now, other questions have been asked about  
Page 21



8 of standards as Amendments V and VI. These states  
9 all managed to get their maps drawn.

10 I have no doubt that this Legislature has the  
11 expertise, the intelligence and the talent to be  
12 able to apply these standards fairly and without  
13 confusion.

14 Now, the lawyers for these committees and some  
15 members have asked whether the amendments will lead  
16 to lengthy and expensive litigation.

17 It has been suggested that we should remove  
18 the Fair Districts designation and rename  
19 Amendments V and VI, the lawyers' relief act.

20 Our answer is, if the Legislature follows the  
21 standards there is not going to be need for anymore  
22 litigation than in previous years.

23 The Legislature already made this argument to  
24 the Florida Supreme Court and the Court held that  
25 any prediction of increased litigation must be

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1 based on the assumption, and now I am quoting from  
2 the Florida Supreme Court, "Must be based on the  
3 assumption that the Legislature will fail to adhere  
4 to guidelines and fail to fulfill its  
5 constitutional duty."

6 It also said, the Supreme Court also said,  
7 "That it is dubious and highly speculative to try  
8 and establish that there will be more litigation if  
9 these amendments are in the Constitution."

10 I cannot stress enough to you that if the

11 Legislature follows the standards and the  
12 Legislature can follow the standards, there will be  
13 no need for increased litigation. I am confident  
14 that this Legislature can follow these standards.

15 These amendments make absolutely no change in  
16 the role of the courts in redistricting. That role  
17 is simply to be sure that the districts are drawn  
18 in compliance with the law, nothing else.

19 The Supreme Court is constitutionally required  
20 to review the legislative plans and there is a  
21 clear time frame for that to happen. There is no  
22 change in that.

23 Citizens are free presently without these  
24 amendments to challenge districts or plans in other  
25 courts and that is nothing new and it does nothing

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1 is added that will change that. And lawsuits have  
2 always varied in number and in length from decade  
3 to decade.

4 Now, some have asked specifically whether the  
5 prohibition of intent to favor or disfavor in  
6 Section I of the amendments will make litigation  
7 more likely.

8 There have been many questions about how  
9 intent or lack of intent will be proved. Intent is  
10 an element of all kinds of statutes that you  
11 consider and you pass every single session, and it  
12 is an integral part of applying the Voting Rights  
13 Act.



14           It is not unusual to have to prove intent in  
15           litigation. Lawyers and courts deal with it every  
16           day. If districts do intend to be drawn with such  
17           intent, proof will be made as it always is by  
18           testimony and all of the surrounding circumstances.

19           A clear example of intent to favor or disfavor  
20           has been recently reported in the press and can  
21           serve as one example of what the citizens of  
22           Florida want to eliminate.

23           It is well known, for example, that certain  
24           legislators who are about to leave the Legislature  
25           have designed Congressional districts that they can

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1           run in after their terms are up. It is that sort  
2           of blatant favoritism that Florida voters want to  
3           end.

4           Now, there has been a big red heron raised in  
5           the form of a question about public testimony and  
6           its impact on proof of intent.

7           I believe that one of the Committee Members  
8           asked what would happen if a voter testified that  
9           she liked her district just the way it was and then  
10          you drew that district just as she wanted it.

11          well, without more, that would not be evidence  
12          of intent to favor or disfavor. Such evidence  
13          comes from your thoughts, your actions, your words  
14          and the maps that you draw.

15          If someone suggest that you draw a district to  
16          be sure that it is safely democratic or safely

17 Republican, that doesn't provide evidence of  
18 intent. The issue is what you do.

19 So there is no chilling of free speech, no  
20 reason to stop public comment, and in fact, we hope  
21 with these standards the public will become more  
22 involved in the process, because with clear  
23 standards they will understand that redistricting  
24 is no longer a free for all in political  
25 preservation and that they can actually have an

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1 impact in creating districts that make sense.

2 Mr. Chairman, I have done my best to answer  
3 the questions that you, your many lawyers and your  
4 Members have posed about our fairness amendments.  
5 I hope I have satisfied your concerns.

6 On behalf of the Floridians who signaled their  
7 dissatisfaction with the status quo by signing 1.7  
8 million petitions, and the thousands of others who  
9 have worked and contributed to bring these  
10 amendments to the ballot, I urge you to remember  
11 the first line of the Florida Constitution.

12 The first line of the Florida Constitution  
13 says, "All political power is inherent in the  
14 people." If these amendments pass the Legislature  
15 will be called upon to exercise good faith, common  
16 sense and balance to accomplish the goals that the  
17 people have told you that they want.

18 I have every belief that you will respect the  
19 right of the people of Florida to decide if they

20 want to end the blatant political favoritism that  
21 has long pervaded redistricting in our state.

22 when the voters put the standards in the  
23 Constitution we have every confidence that you will  
24 follow them.

25 REPRESENTATIVE CANNON: First of all,

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1 Ms. Freidin, thank you for the excellent  
2 presentation. I know Members, several Members have  
3 expressed an intention in asking questions. I will  
4 begin with Representative Kreegel.

5 REPRESENTATIVE KREEGEL: Thank you, Mr. Chair,  
6 and thank you for being here today to explain that  
7 to us.

8 I am looking at the first part of the Section  
9 I there where it says, "No apportionment plan shall  
10 be drawn with the intent to disfavor."

11 My question to you would be short of wiring  
12 the Legislature up to a polygraph, how do you plan  
13 on dividing the intent?

14 MS. FREIDIN: well, if you look at the current  
15 map of Florida districts, it is -- it is so  
16 blatantly obvious that the districts were drawn  
17 with intent to favor or disfavor a political party  
18 or an incumbent because of the way the districts  
19 look.

20 They are drawn -- they go for hundreds of  
21 miles. They split up communities, they travel  
22 through multiple cities and counties and that would

23 certainly be the first and the very best evidence  
24 of intent.

25 You know, you could think of yourselves when

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1 you are drawing the lines of the districts as  
2 judges, because every day judges have matters that  
3 come before them, and when they have those -- when  
4 they have matters that come before them they know  
5 that they have to decide the case, whatever it is  
6 that is before them, on the facts and on the law.

7 So they apply the facts and the law and they  
8 come up with a decision. Now, that decision is  
9 going to favor somebody and it is going to disfavor  
10 somebody, but the judge's job is to do it  
11 impartially and your job would be to do it  
12 impartially in the same way.

13 You will have before you all the information  
14 that you need to draw districts. You will have the  
15 laws that would be -- the new law which would be  
16 what Amendments V and VI will put into the  
17 Constitution, and if you follow the law and you  
18 apply the fact that you have before you to the law,  
19 I have confidence that you will be able to come up  
20 with districts that are not -- that do not  
21 intentionally favor or disfavor an incumbent or a  
22 political party.

23 REPRESENTATIVE CANNON: For a follow up,  
24 Representative Kreegel.

25 REPRESENTATIVE KREEGEL: Thank you,

1 Mr. Chairman. And thank you for that answer by the  
2 way.

3 I did have the pleasure of being able to  
4 interact with several of the petition gatherers  
5 outside of our courthouse and county buildings and  
6 was able to speak with them a bit about it.

7 Most of them didn't -- they weren't too  
8 informative because most of them were paid petition  
9 gatherers, and seeing that your organization did  
10 such an excellent job statewide of gathering these  
11 petitions, I figured there must be a lot of  
12 petition gatherers paid and other finances there.

13 Could you tell us something about who funded  
14 your organization?

15 MS. FREIDIN: Well, it is all public record  
16 and you, I am sure you know it probably better than  
17 I do.

18 REPRESENTATIVE CANNON: Actually, Ms. Freidin,  
19 there is some lack of familiarity with that. Could  
20 you answer Representative Kreegel's question?

21 MS. FREIDIN: Yes, we have over -- over almost  
22 3,000 people who have contributed to Fair Districts  
23 Florida, and they are people who are Republicans,  
24 they are people who are Democrats, they are  
25 businesses, they are organizations, they are, you

1 know, it is a wide variety of people.

2 REPRESENTATIVE CANNON: For follow up,  
3 Representative Kreegel.

4 REPRESENTATIVE KREEGEL: Thank you,  
5 Mr. Chairman. You mentioned organizations. Are  
6 there political action committees, electionary  
7 communication organizations, CCEs who have  
8 contributed and could you tell us who the large  
9 contributors are?

10 MS. FREIDIN: I actually don't know what --  
11 what -- who falls into what category, so I can't.

12 REPRESENTATIVE KREEGEL: That is all, thank  
13 you.

14 REPRESENTATIVE CANNON: Okay, Representative  
15 Hukill for a question.

16 REPRESENTATIVE HUKILL: Mr. Chair, back here,  
17 thank you. For a series of questions, Mr. Chair.

18 REPRESENTATIVE CANNON: For a series.

19 REPRESENTATIVE HUKILL: Thank you very much.  
20 Thank you, Ms. Freidin, and we are so happy that  
21 you came here today to share your thoughts with us.

22 I have just a few questions for the record  
23 before we begin. I want to confirm, you are the  
24 Chairperson for Fair Districts Florida.org  
25 Campaign, is that correct?

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1 MS. FREIDIN: I am the Campaign Chair for Fair  
2 Districts Florida.

3 REPRESENTATIVE HUKILL: The Campaign Chair?

4 MS. FREIDIN: Yes.

5 REPRESENTATIVE HUKILL: Is that different from  
6 chairperson?

7 MS. FREIDIN: well, I am not officially the  
8 Chair of the committee. So the answer would be,  
9 yes, I guess, if that is what -- if that is what  
10 you are asking.

11 REPRESENTATIVE HUKILL: All right. Also, you  
12 are an attorney duly admitted to practice law in  
13 the state of Florida, is that correct?

14 MS. FREIDIN: I am.

15 REPRESENTATIVE HUKILL: And you were a member  
16 of the 1998 Constitutional Revision Commission, is  
17 that correct?

18 MS. FREIDIN: I was.

19 REPRESENTATIVE HUKILL: And you are  
20 frequently, as you have been here today, a  
21 spokesperson for the Fair Districts Florida.org  
22 Campaign as you are often quoted in newspapers  
23 articles.

24 MS. FREIDIN: Yes.

25 REPRESENTATIVE HUKILL: Is that correct? Yes.

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1 So would it be fair to say that your views on the  
2 Fair Districts Florida.org petitions are very  
3 relevant to people who may still be considering  
4 whether or not they would support these amendments?

5 MS. FREIDIN: well, I think that the language

6 of the amendments speak for themselves and I hope  
7 that most people would make their decision based on  
8 a reading of the amendments and a decision of their  
9 own, whether they would want to support the  
10 amendments or not, but I am a spokesperson and I do  
11 frequently speak.

12 REPRESENTATIVE HUKILL: All right. would you  
13 concede, assuming that people make decisions on  
14 their own, which I am sure they do, would you agree  
15 that there will be people who will rely upon the  
16 positions that you espouse either publicly in the  
17 paper, on the website that are attributed to you?

18 MS. FREIDIN: I -- I have -- I would assume  
19 so, but I don't know.

20 REPRESENTATIVE HUKILL: well, thank you very  
21 much. I have a question for you.

22 In your opening remarks you stated that the  
23 Fair Districts Florida petitions.org petitions  
24 enhances the Voting Rights Act, is that correct?

25 MS. FREIDIN: No, I think that what I said was

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1 it enhances the law that actually doesn't expressly  
2 exist in the Florida Constitution today.

3 REPRESENTATIVE HUKILL: would you repeat that?

4 MS. FREIDIN: I think that I said that it  
5 enhances the law as it exist in Florida today  
6 under -- under the -- in the Florida Constitution.

7 REPRESENTATIVE HUKILL: All right, well then  
8 let's go back a bit. In some press accounts



9 oftentimes through statements that you have made  
10 through the press, Fair Districts has suggested  
11 that the petitions merely inshrine the voting  
12 Rights Act.

13 And then in other statements oftentimes also  
14 attributed to you that have been made to the press,  
15 Fair Districts has stated the petitions enhance  
16 minority rights.

17 In fact, Former Speaker John Mills circulated  
18 in March 2009, a two-page informational sheet on  
19 behalf of Fair Districts with their paid political  
20 advertisement disclaimer at the bottom which  
21 stated, "That while minority voting rights are  
22 presently guaranteed by Federal statute, the new  
23 standards will inshrine them in the Florida  
24 Constitution."

25 Since I seem to have misunderstood what you

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1 have said in your opening remarks, which is it, do  
2 the petitions duplicate the Voting Rights Act, or  
3 do they confer broader rights than the voting  
4 Rights Act?

5 MS. FREIDIN: well, I don't think that what  
6 you read to me from Chairman Mills -- that Speaker  
7 Mills said or shall we call him Dean Mills or  
8 Professor Mills, I don't think that any of those  
9 what you read is not exactly -- doesn't exactly  
10 follow with what I understand your question to be.

11 But if you are asking me flat out do I think

12 that these -- that what our amendments do -- is  
13 what you are asking do I -- do I think that what  
14 our amendments do increases Voting Rights Act,  
15 voting rights for our Florida minority voters, is  
16 that what you are asking?

17 REPRESENTATIVE HUKILL: Does it inshrine the  
18 rights provided by the Voting Rights Act or does it  
19 enhance, increase the rights that are provided by  
20 the Voting Rights Act?

21 MS. FREIDIN: well, I think that if, you know,  
22 there are -- I think that you need to look at the  
23 language, itself. The language, itself, doesn't  
24 exactly mirror, it is not the same exact language  
25 that is in the Voting Rights Act, nor is it -- and

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1 it does enhance voting rights.

2 You know there was a letter from -- that you  
3 all have and that I referred to earlier from Jenner  
4 and Block and actually says, their letter and they  
5 are voting rights expert lawyers, I am not, and it  
6 says that they would protect and indeed enhance the  
7 ability of minorities to participate in the  
8 political process and elect representatives of  
9 their choice.

10 Now, what our rights, what our amendments do  
11 is they guarantee to minority voters that they  
12 will, and this is a constitutional guarantee that  
13 will be permanently in the Florida Constitution,  
14 not subject to being chipped away by -- by Federal

15 courts, nor subject to being repealed or reduced by  
16 the Congress, because they will be permanently in  
17 our Constitution.

18 And what the language says is, that districts  
19 shall not be drawn with the intent or result of  
20 denying or abridging the equal opportunity of  
21 racial or language minorities to participate in the  
22 political process, or to diminish their ability to  
23 elect representatives of their choice.

24 Now, that is very clear language. There is  
25 nothing unclear about that. It is there in black

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1 and white and if it is in the Florida Constitution,  
2 that is exactly what it is going to say.

3 Minority's ability, the ability of minority  
4 voters to elect representatives of their choice is  
5 not going to be diminished with this amendment.

6 REPRESENTATIVE HUKILL: All right, let's  
7 follow up on that. You didn't specifically answer  
8 my question, but the Voting Rights Act already  
9 provides protections for minorities in  
10 redistricting.

11 And my question is whether the petitions adopt  
12 the Voting Rights Act or add protections beyond the  
13 Voting Rights Act and in your opinion?

14 MS. FREIDIN: I am not an expert redistricting  
15 lawyer and I really don't have an opinion. What I  
16 do know is that these amendments will very clearly  
17 by their language forbid any legislator or any

18 Legislature I should say, to adopt any plan that  
19 diminishes the ability of minority voters to elect  
20 representatives of their choice.

21 REPRESENTATIVE HUKILL: A follow up on that,  
22 Ms. Freidin.

23 There are certain statements that have been  
24 attributed to you in various press sources.

25 For instance, in the Orlando Sentinel,

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1 November 18, 2009, you are quoted as saying that  
2 these would not in any way conflict with the Voting  
3 Rights Act.

4 In November 27, 2009, the Herald Tribune you  
5 said, "Our amendment will not dilute minority  
6 representation and it will add a right to the  
7 Florida Constitution that doesn't exist in any  
8 other state in the Union." Is that your statement?

9 MS. FREIDIN: Not the second part of it. I  
10 don't think I have ever said that exactly.

11 REPRESENTATIVE HUKILL: So you disagree with  
12 the statement written in the Tribune of  
13 November 27, 2009, that was attributed to you?

14 MS. FREIDIN: No, I think what I said was they  
15 will put into the Florida Constitution rights that  
16 don't exist in other state Constitutions.

17 REPRESENTATIVE HUKILL: All right. In the  
18 Tampa Tribune, January 12, 2010, attributed to you  
19 is a statement that says, "It will provide greater  
20 protection that exist today in Federal law."

21 Is that a statement that you attribute that  
22 you made?

23 MS. FREIDIN: Well, again, every statement  
24 that I have made about these rights, first of all,  
25 we can't have an impact on Federal law. Federal

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1 law is Federal law. That much -- that is basic  
2 law, I know that.

3 But as far as the statements I have made about  
4 these amendments is that there will now be in the  
5 Florida Constitution rights that are there  
6 permanently.

7 That is in and of itself, the permanency in  
8 the Florida Constitution is in and of itself a  
9 difference than from the Federal Voting Rights Act,  
10 and I am certain that that is what I have been  
11 saying all along.

12 REPRESENTATIVE HUKILL: Thank you, Ms.  
13 Freidin, I am not trying to be contentious about  
14 this, but the citizens read a petition and they  
15 have to look to statements that are made,  
16 representations that are made in order to help  
17 understand what they are voting for, and it is very  
18 important that it be clear and precise and that a  
19 citizen knows what they are voting for.

20 So I am just trying to work with you and  
21 understand if these statements that are attributed  
22 to you, that you acknowledge have been made by you  
23 and that I feel that the citizens at some point

24 will rely upon as a representative, you being a  
25 representative of Fair Districts Florida.org.

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1 So can you tell me that you disagree with  
2 those statements or you agree that they are  
3 correct?

4 MS. FREIDIN: I told you that -- I already  
5 told you that I -- that I don't think that one of  
6 them was exactly what I said. And what I have  
7 repeatedly told you is that what all of those  
8 statements say is that I have and are consistent  
9 with what I am telling you right now.

10 That this inshrines in the Florida  
11 constitution voting rights that don't exist today.

12 REPRESENTATIVE HUKILL: So my original  
13 question of do the petitions inshrine what is in  
14 the Voting Rights Act or do they extend beyond what  
15 is in the Voting Rights Act?

16 My understanding is you are now saying that it  
17 extends beyond. As you said, it inshrines rights  
18 that do not exist today. So to me that is  
19 extending beyond.

20 MS. FREIDIN: You know, with all due respect,  
21 Mr. Chairman, I believe that my words are getting  
22 twisted here and I don't -- and, you know, I came  
23 here at my own expense. I am here to represent all  
24 of the people, the thousands and thousands and  
25 hundreds of thousands of people who want to see

1 this on the ballot today.

2 I am not going to be badgered by this. I  
3 apologize, but I just -- I just can't do that. I  
4 think I have made my position very clear. I am --  
5 my position is that and has been with all of these  
6 press statements, is that there are now -- if the  
7 voters pass this and put it into the Florida  
8 Constitution, there will be rights that are in our  
9 Florida Constitution that aren't there today.

10 And this language is not exactly the same as  
11 the Voting Rights Act and that is, you know, there  
12 should be no more conflict about that.

13 REPRESENTATIVE CANNON: And Ms. Freidin,  
14 actually there is and with all due respect we  
15 represent the 18 million Floridians who elected us  
16 to come here and make policy and we have a  
17 constitution duty to redraw the House seats and the  
18 Senate seats according to the precise language of  
19 the Constitution.

20 And so I am sorry it is frustrating, it is  
21 equally as frustrating for us, because there are  
22 statements, in your introductory remarks commented  
23 that newspapers have made this or that statement.

24 well, I think what Representative Hukill is  
25 trying to get to is, there have been two different

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1 types of articulations of what these mean as a  
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2 matter of law, and I am sure a fellow member of the  
3 Bar and somebody who was on the Constitution  
4 Revision Commission you can appreciate that words  
5 have meaning, particularly when they are in the  
6 Constitution.

7 So I think what Representative Hukill was  
8 trying to ask is, and as a precursor to this  
9 question and I will try and ask it another way.

10 we are well familiar with the concept of  
11 Federal preemption, at the Federal law we cannot  
12 diminish, but we can as a State Legislature or our  
13 Constitution can go beyond what the Federal  
14 Constitution or the Federal laws provide. Do you  
15 agree with that statement?

16 MS. FREIDIN: Yes.

17 REPRESENTATIVE CANNON: Okay. In the same way  
18 that certain of the Federal First Amendment some  
19 states confer extra First Amendment protections  
20 beyond those guaranteed by Federal law. Are you  
21 familiar with that?

22 MS. FREIDIN: Right.

23 REPRESENTATIVE CANNON: Okay. And in Florida  
24 we have extra protections to protect, for example,  
25 against eminent domain takings for economic

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1 development beyond the Federal law. Are you  
2 familiar with that?

3 MS. FREIDIN: Of course.

4 REPRESENTATIVE CANNON: Okay. So what  
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5 Representative Hukill is asking is, would the  
6 language of your proposed amendments provide extra  
7 protections beyond those assured today by Federal  
8 law in the voting rights environment? It is a yes  
9 or no question.

10 MS. FREIDIN: The language -- the language  
11 says that districts cannot be drawn or plans cannot  
12 be drawn to diminish the ability of minority voters  
13 to elect representatives of their choice.

14 That is not presently part of the Voting  
15 Rights Act, except to the extent that it might be  
16 somewhat similar to what is in Section V.

17 REPRESENTATIVE CANNON: Okay. But --

18 MS. FREIDIN: So that would be an additional  
19 protection.

20 REPRESENTATIVE CANNON: Thank you. Senator  
21 Storms for a question.

22 SENATOR STORMS: Thank you, thank you,  
23 Mr. Chair, and I just want to encourage you, ma'am,  
24 to sort of toughen up there because this is going  
25 to be -- it is going to be a rocky ride and if you

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1 are getting a little frustrated and feeling a  
2 little sensitive in this very mild environment,  
3 then I encourage you to go to a couple of public  
4 meetings where you have some fired up voters on  
5 your hands as they're talking about it.

6 So I just really encourage you to, you know,  
7 not take this --

8 MS. FREIDIN: Well, thank you, Senator, for  
9 that encouragement.

10 SENATOR STORMS: Okay, you are welcome, you  
11 are welcome. I just wanted to -- I have some  
12 concerns about -- about the minority district.

13 I represent Beeville. I have been an elected  
14 official for 12 years, and I have had a wonderful  
15 experience representing Beeville. Beeville is an  
16 area of my district that was settled by emancipated  
17 slaves when Lincoln signed the emancipation  
18 proclamation and I have had a very tight  
19 relationship with my district, and particularly  
20 with Beeville over the years.

21 And so I am very sensitive to anything that  
22 would diminish the ability of minority folks in my  
23 district and in other districts to participate in  
24 the process.

25 And so I looked -- I read your letter that you

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1 referenced in your comments and I just wanted to go  
2 over some of those with you, because I am also an  
3 attorney by training and you are, too.

4 So I read the language directly that you  
5 pointed to as not diminishing the minority  
6 participation, and I just wondered if you could  
7 look at that with me.

8 It says, "The districts shall not be drawn to  
9 deny racial nor language minorities the equal  
10 opportunity to participate in the political process

11 and elect language minorities the equal -- and  
12 elect representatives of their choice."

13 MS. FREIDIN: well, that is the -- that is the  
14 ballot language, but that is not the constitutional  
15 language. So which are we talking about?

16 REPRESENTATIVE HUKILL: So that would be the  
17 ballot summary. I guess this is your sheet that I  
18 am reading from. So it is the ballot summary that  
19 I am reading.

20 And then if you drop down to the full text, in  
21 subparagraph (1) it says, "No apportionment plan or  
22 district shall be drawn with the intent to favor or  
23 disfavor a political party or an incumbent and  
24 districts shall not be drawn with the intent or  
25 result of denying or abridging the equal

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1 opportunity of racial or language minorities to  
2 participate."

3 Again, it is the same language, "to  
4 participate in the political process or to diminish  
5 their ability to elect representatives of their  
6 choice." That is the language.

7 MS. FREIDIN: That is the constitutional  
8 language.

9 REPRESENTATIVE HUKILL: And so in your letter  
10 that you referenced it is saying that it would  
11 provide more protection --

12 MS. FREIDIN: When you are referring to my  
13 letter, I don't know what you are talking about.

14 REPRESENTATIVE HUKILL: The letter and your  
15 comments about the attorney, Jenner and Block.

16 MS. FREIDIN: Let me -- let me make one thing  
17 clear.

18 REPRESENTATIVE HUKILL: Excuse me just for a  
19 second, Mr. Chair.

20 REPRESENTATIVE CANNON: Senator Storms.

21 SENATOR STORMS: So I recognize you are not  
22 saying that this is your -- I am not saying your  
23 name is on it, but it is a letter you referenced.  
24 Is that better for you? In your statements you  
25 referenced this letter. Mr. Chair.

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1 MS. FREIDIN: May I answer?

2 REPRESENTATIVE CANNON: Ms. Freidin, sure.

3 MS. FREIDIN: I referenced the letter because  
4 it is something that was requested by Senator Smith  
5 and Representative Thurston.

6 It is a letter that is in the record of your  
7 proceedings. It is not a letter that I requested,  
8 and frankly the first time I saw it was when they  
9 turned it to you and I had nothing to do with it.  
10 It is not my letter.

11 So I would just simply disagree with your  
12 characterization of it as my letter.

13 SENATOR STORMS: Okay. well, I didn't mean  
14 for you to take it personally, it is okay, peace.

15 MS. FREIDIN: I am not -- I am not taking it  
16 personally. I just want to make sure that the

17 voters of Florida understand what is going on here.

18 SENATOR STORMS: Okay.

19 MS. FREIDIN: Because that is a letter that  
20 was written by -- by your -- at the request of your  
21 colleagues by neutral observers who are lawyers in  
22 Washington.

23 SENATOR STORMS: Mr. Chair. I understand,  
24 okay.

25 REPRESENTATIVE CANNON: Representative Storms.

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1 SENATOR STORMS: I am sorry, peace, stand  
2 down, I am not saying it is your letter. What I  
3 mean is the letter you referenced and you said it  
4 supported the position that minorities would not be  
5 diminished.

6 And I would say to you, I look at page 4 of it  
7 and it clearly says under subparagraph (8) that  
8 within these two bounds the Legislature would have  
9 substantial discretion. And it is talking about  
10 drafting minority districts.

11 It specifically says, "It will be able to, but  
12 would not have to formulate a plan under which  
13 minorities would be able to elect more  
14 representatives of their choice compared to the  
15 status quo."

16 And so -- and in another place it says, "The  
17 scenario envisioned by this question, a non compact  
18 majority controlled district abutting a non compact  
19 district in which a minority can elect a

20 representative of its choice would therefore be  
21 extremely rare. In any event, under such a  
22 scenario the same factors that justified the  
23 creation of the minority controlled district would  
24 also shield the minority controlled district, the  
25 majority controlled district from attack.

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1 In other words, the non compact majority  
2 controlled district would be an inevitable and  
3 permissible byproduct of the protection of  
4 minorities' ability to elect representatives of  
5 their choice."

6 Now if you go down to paragraph 11 it says,  
7 "But it is clear that there were alternatives  
8 presented at that time that maintained a comparable  
9 ability of minorities to elect candidates of choice  
10 while avoiding some of the other ills, like undue  
11 non compactness that are among the targets of the  
12 amendments."

13 And then finally I want to reference this  
14 point before I ask the question, another question.  
15 "If however the Legislature did withdraw a district  
16 and therefore destroyed a minority group's current  
17 ability to elect the representatives of its choice,  
18 then that could indeed be a violation of the  
19 amendment, but not necessarily."

20 So -- so as you read this you say that this  
21 letter supports your position. I read this letter  
22 and say, no, what it says is the Legislature has

23 wide discretion. And so the result is a  
24 diminishment of the minority participation by a  
25 minority district.

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1 REPRESENTATIVE CANNON: Ms. Freidin.

2 MS. FREIDIN: I am not sure what the question  
3 is.

4 REPRESENTATIVE CANNON: Senator Storms.

5 SENATOR STORMS: Mr. Chair, the question is,  
6 you talked about the intent and when my colleague  
7 here from the House asked what the intent was,  
8 could you restate how you were able to devine the  
9 intent.

10 MS. FREIDIN: The intent is to ensure that  
11 districts in the state of Florida are drawn for the  
12 people instead of for political preservation, while  
13 also ensuring that there is no impingement or  
14 infringement on minority voting rights.

15 SENATOR STORMS: Mr. Chair.

16 MS. FREIDIN: May I finish?

17 SENATOR STORMS: You are not answering the  
18 question that I asked.

19 MS. FREIDIN: May I finish?

20 SENATOR STORMS: I just want to get to the  
21 point. He asked you how you devine the intent of  
22 the Legislature under the current districts and you  
23 said, just look at any of the districts, they are  
24 all over the place. That is how you devine intent,  
25 because you can look at -- according to what you

1 said just a few minutes ago he asked you how do you  
2 know what we intended to do.

3 And you said, well, anybody could look at the  
4 maps and see that they are all over the place. So  
5 we can tell your intent that it was done to protect  
6 the political party. That was my understanding of  
7 what you just said. I am not trying to engage in  
8 gotcha. I am just trying to help you understand  
9 where I am coming from.

10 MS. FREIDIN: I did say that.

11 SENATOR STORMS: Yes, okay.

12 MS. FREIDIN: So I don't understand what that  
13 relates to the Jenner and Block letter.

14 SENATOR STORMS: Here is how that relates.  
15 Because according to this then if -- one way or the  
16 other we can say it is our intent to protect  
17 minority districts, right?

18 Then we can keep all of the districts exactly  
19 like they are, because if it is our intent right  
20 now to protect the minority districts, all of the  
21 districts could stay the same. So that all we have  
22 to do is articulate one intent.

23 We want to protect minority districts and we  
24 going to protect that representation. Therefore,  
25 we are not going to deviate because all of the



1 districts are the same.

2 Or is it that the Legislature has more  
3 discretion than that, and if they have more  
4 discretion than that, isn't it true that we could  
5 and possibly would be forced to reduce those  
6 minority districts, because if all we have to do is  
7 say it is our intent to preserve those districts  
8 and we do nothing else, then we can settle that by  
9 saying, we are keeping the status quo just like it  
10 is today, because we are going to protect those  
11 minorities districts, that is our intents.

12 And so long as we say that on the record, you  
13 say that, you say that, you say that, you say that,  
14 everybody says that, there is no problem. How else  
15 do you determine intent?

16 MS. FREIDIN: Well, first of all, I think -- I  
17 think this is a multi part question and I am going  
18 to try and answer it. But the first thing you  
19 asked was, can we keep all the districts the same.

20 The answer is, we can't possibly know today  
21 what the census data and what the other data that  
22 is necessary to draw minority districts is going to  
23 be in 2012, when you are charged with the awesome  
24 responsibility of drawing those districts.

25 So we don't know if the districts today can be

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1 the same as what they are today. We have no idea  
2 and -- and it is highly unlikely that every

3 district or even many districts could remain  
4 exactly the same.

5           However, given that and given the language  
6 that is in our amendment, you cannot diminish the  
7 ability of representatives -- of minority voters to  
8 elect representatives of their choice.

9           So that is a protection that will be in the  
10 Florida Constitution. You will be violating the  
11 Constitution if you diminish the ability of  
12 minority voters to elect representatives of their  
13 choice.

14           Now, the point, you know, you went very fast  
15 on that letter, but the one thing that you did  
16 point out was you were saying that within the  
17 bounds, within these two bounds the Legislature  
18 would have substantial discretion. It would be  
19 able to, but would not have to formulate a plan  
20 under which minorities would be able to elect more  
21 representatives.

22           Now that is not what we are claiming nor is it  
23 what the language says. What our language says is  
24 that you cannot write -- make districts or create a  
25 plan that diminishes the ability of minority voters

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1 to elect representatives of their choice.

2           It would be illegal to have a quota or  
3 anything in our Constitution that says you have got  
4 to have a certain number -- you have got to make  
5 sure that there ends up being a certain number of

6 minority voters. That is not the issue.

7 The issue is the ability of minority voters to  
8 elect representatives of their choice. You have  
9 done a very good job of ensuring that those  
10 districts exist today, and I am sure that you can  
11 continue doing that and making sure that that  
12 ability is not diminished.

13 SENATOR STORMS: Mr. Chair, if I could --

14 REPRESENTATIVE CANNON: For a follow up,  
15 Senator Storms.

16 SENATOR STORMS: Thank you, Mr. Chair. But  
17 that really goes to the essence, because see I  
18 guess where you and are differing on this is that  
19 you talk about the intent as though -- and I think  
20 the best description of it is devining intent.

21 And my question is, goes to how -- how  
22 somebody if it is not going to be challengeable at  
23 every turn, how do you devine intent.

24 Because if you look at say Tony Hill's seat in  
25 the Senate, are you familiar with Senator Tony

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1 Hill's seat?

2 MS. FREIDIN: No, I am not. I must confess to  
3 not really being familiar with any individual or  
4 specific seats.

5 SENATOR STORMS: Okay, well, that is an  
6 important point, because Senator Hill is a minority  
7 representative and his district is very  
8 gerrymandered. I mean, it goes, it is a shoestring

9 and goes all the way down.  
10 Okay, so -- so if we start here, if the  
11 Members here say, we are going to start by  
12 protecting, we don't want to diminish any minority  
13 seats and minority representatives and that is  
14 Congressional, State and House, Senate and House.  
15 So we are doing to start with that  
16 perspective. All of the minority seats are going  
17 to still be gerrymandered. That means all of the  
18 seats that are minority seats that are touching  
19 them have to within some way gerrymandered also to  
20 accommodate that sort of gerrymandering, but then  
21 that goes to intent to do what.  
22 How do you measure intent, because according  
23 to what you said that that gerrymandering is  
24 de-facto bad intent. That is de-facto bad intent.  
25 You said the outcome. When he asked you how

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1 do you measure intent, how do you devine intent,  
2 although it is not the exactly words, you said, by  
3 looking at the map and they are all gerrymandering,  
4 therefore, you know.  
5 That means that outcome is de-facto intent,  
6 and I don't know how you protect those minority  
7 seats that are gerrymandered without necessarily  
8 having majority seats that touch them also be  
9 gerrymandered in order to protect them.  
10 I don't know how you could that without  
11 subjecting it to a challenge. And so I guess what

12 my question to you is, besides outcome, which you  
13 have already enumerated, what else are you going to  
14 use as a tool to determine intent? How else will  
15 you use it besides outcome?

16 MS. FREIDIN: well, first of all it is not --  
17 as I told you, it is -- it is the province of the  
18 Legislature in terms of intent, it is the province  
19 of the Legislature to avoid intent, and the way the  
20 Legislature would avoid intent would be to look at  
21 the facts, would be the geographical information,  
22 if it is a race district, if it is a racial or  
23 language minority district it is going to be a very  
24 different calculus than it is going to be if it  
25 is a -- if it is a non minority district.

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1 So, you know, if you have a non minority  
2 district that is -- that is -- that is what I was  
3 referring to when I said, just look at the map,  
4 because I was being asked how do you devine intent  
5 to favor or disfavor a political party or a  
6 candidate.

7 That was the question that I was being asked.  
8 I was not being asked at the time about minority  
9 districts.

10 REPRESENTATIVE THURSTON: Mr. Chair.

11 SENATOR STORMS: Mr. Chair.

12 REPRESENTATIVE CANNON: Let's do this, if it  
13 is all right with you Senator Storms, I have got  
14 Representative Thurston, Representative Carroll, I

15 think I heard Senator Thrasher. Let's start there  
16 and then we will come back as necessary.

17 So Representative Thurston for a question.

18 REPRESENTATIVE THURSTON: Thank you,  
19 Mr. Chair. Thank you for being here this  
20 afternoon. I want you to know that this does not  
21 necessarily have to be a rocky road though. This  
22 can be more gentle.

23 But I want to thank you because a couple of  
24 occasions it was referenced that Fair Districts  
25 were not present and I did receive a letter from

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1 you a while back saying that once you reach the  
2 signature threshold that you would come forward and  
3 I am glad that you are here.

4 My first question and I only have two  
5 questions. My first question is, you have  
6 indicated that there have been a number of prior  
7 efforts to get the same language passed or added to  
8 the Constitution.

9 And we are making a big deal about the  
10 language that we are utilizing here. Can you tell  
11 me, because I am not familiar with what the  
12 Constitution Revision Commission said or the prior  
13 efforts of Congressman Mario Diaz-Blart was.

14 was that language substantially different than  
15 the language in your petition, and if so, tell me  
16 what that was?

17 MS. FREIDIN: well, the language of the

18 earlier efforts actually all included a  
19 redistricting commission which we chose not to do,  
20 because we believe that this Legislature has the  
21 ability and will have the will when it is in the  
22 Florida Constitution, and in good faith can draw  
23 these districts in a fair manner.

24 But in terms of the standards, which all of  
25 those efforts included as well, the standards were

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1 essentially identical to -- I mean, with slight  
2 changes in wording. So that for example, the one  
3 that was in 1993, and it was sponsored by Ander  
4 Crenshaw with co-sponsorship by our Governor,  
5 Charlie Crist, and other Democrats and Republicans  
6 together, it contained requirements of compactness.

7 It contained requirements of contiguousness.  
8 It required -- it required that no district be  
9 drawn to protect an incumbent's or a party, and it  
10 also required that voting rights not be diminished.

11 And it had -- it had all of the components  
12 that our amendment has. So this is nothing new  
13 what we are doing here today.

14 REPRESENTATIVE THURSTON: Follow up,  
15 Mr. Chair.

16 REPRESENTATIVE CANNON: Follow up.

17 REPRESENTATIVE THURSTON: Thank you. When you  
18 began you summarized the issues that you have heard  
19 in watching the previous hearings, and you listed  
20 the three as a protection or interfering with

21 minorities ability to elect representatives of  
22 their choice, confusion and also more litigation.

23 And I am glad you had as your number one the  
24 representation, preservation of minority  
25 representation. I, like many of the other members

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1 on this Commission, are truly concerned about that.

2 So I guess my question is, is there anything  
3 that would -- is there any intent in your petitions  
4 as it relates to continued minority representation?  
5 And there has been a reference saying that there  
6 could be diminishment of minority representation.  
7 Is there anything prohibiting that in your  
8 petitions?

9 MS. FREIDIN: There is nothing in our  
10 petitions that would prohibit you as a legislator  
11 from continuing to create minority opportunities  
12 for minority voters, nothing.

13 And not only that, there is a requirement that  
14 you not diminish the ability of minority voters to  
15 elect representatives of their choice. So I think  
16 that that -- the establishment of the intent is in  
17 the language, it is in public and private  
18 statements that are made by -- by all of you and  
19 all of us.

20 REPRESENTATIVE THURSTON: Thank you,  
21 Mr. Chairman.

22 REPRESENTATIVE CANNON: Ms. Freidin, next we  
23 have Representative Carroll and then



24 Representative -- I mean Senator Thrasher.

25 Before we do that, I just want to make sure I

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1 understood your answer to Representative Thurston's  
2 question.

3 Is it your testimony that we -- that the  
4 Legislature would be permitted to draw non compact  
5 disks -- non compact districts that would allow  
6 minority access even -- even though they could not  
7 be protected by the Federal Voting Rights Act? In  
8 other words, that you could draw a non compact  
9 district to allow a minority crossover --

10 MS. FREIDIN: Are you talking about an under  
11 50 percent district?

12 REPRESENTATIVE CANNON: Correct.

13 MS. FREIDIN: Absolutely.

14 REPRESENTATIVE CANNON: Okay.

15 MS. FREIDIN: But that is not from our  
16 amendments. I want to make it clear. That is not  
17 only -- there is nothing in our amendments that  
18 would prohibit that, but remember what I read to  
19 you from the Bartlett case.

20 The United States Supreme Court says that  
21 there is nothing to stop a state from dropping --  
22 from continuing to draw minority access districts  
23 as opposed to majority, minority districts.

24 Our amendments simply don't -- we can't change  
25 what the United States Supreme Court says. What

1 our amendments say is that with regard to -- with  
2 regard to ability to elect representatives of  
3 choice, the Legislature cannot do anything to  
4 diminish that ability. So that -- that would be  
5 the answer to that question I believe.

6 REPRESENTATIVE CANNON: Okay, Representative  
7 Carroll, then Senator Thrasher, then Representative  
8 Proctor.

9 REPRESENTATIVE CARROLL: Thank you,  
10 Mr. Chairman. Thank you so much for being here  
11 today and for your passion to bring about fairness.

12 I am getting a bit confused with regards to  
13 what this will do with regards to litigation. If  
14 anyone of the adopted standards are infringed upon.

15 For example, we have heard a discussion with  
16 regards to compactness, but yet still it seems to  
17 be an oxymoron with regard to the minority access  
18 in majority, minority districts.

19 So if we were to draw lines per the additional  
20 standards and stay within the compactness and all  
21 of the districts are compact defined by whoever is  
22 supposed to define that term, and then we diminish  
23 minority access and majority, minority seats, then  
24 this will stand for another litigation, because it  
25 goes against the compactness, because we will have

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1 to redraw those lines. Can you explain that?

2 MS. FREIDIN: Well I don't know -- I don't  
3 know -- I am not sure that I understand it. Are  
4 you asking me if you make minority districts, I  
5 mean, you as a body, if you -- if the Legislature  
6 were to make minority districts that were -- if  
7 they were to make minority districts more compact,  
8 and therefore, have fewer ability to elect --

9 REPRESENTATIVE CARROLL: Mr. Chair, just to  
10 clarify my question.

11 REPRESENTATIVE CANNON: Sure, for a follow up.

12 REPRESENTATIVE CARROLL: Not so much -- take  
13 away the minority from drawing the line. We draw  
14 the lines with blinders on and we make the district  
15 compact according to whatever the definition of  
16 compact may be.

17 And it so happened that after drawing those  
18 lines of compactness according to the additional  
19 standards that may be voted on, that diminishes  
20 minority seats.

21 That could stand a legal challenge, because  
22 now we have gone away from the other part of the  
23 Voting Rights Act and the other part of the  
24 additional standards in keeping minority seats. So  
25 how do we do both?

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1 MS. FREIDIN: You have -- you have in the  
2 language very clear directive with regard to that.  
3 If you look at the -- at the beginning of Section  
4 II of the amendment it says, "Unless compliance

5 with the standards in this subsection conflicts  
6 with standards in the subsection (1) or Federal  
7 law."

8 So that then -- then you have to go on with --  
9 with the compactness and the adherence to local  
10 boundaries.

11 So first you have to have the minority  
12 districts drawn. Once you have those districts  
13 drawn you go ahead and you make the other districts  
14 to the extent that you can, compact and utilizing  
15 existing boundaries.

16 REPRESENTATIVE CARROLL: So it kind of  
17 conflicts what you said earlier about having  
18 gerrymandered districts. So we can have  
19 gerrymandered districts for minority seats, but we  
20 cannot have gerrymandered districts for non  
21 minority seats?

22 MS. FREIDIN: Well, the definition of  
23 gerrymander, the definition of gerrymander is to  
24 draw district to end up with a particular political  
25 result, and that isn't the same as ending up with a

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1 particular constitutionally required fairness  
2 result for minority voters.

3 REPRESENTATIVE CARROLL: Interesting you  
4 brought up that point, too, because fairness, are  
5 we going to have that defined as to what fair  
6 means, because it could be subjective?

7 For example the terms of compact, fair

8 geographical boundaries. Those are ambiguous  
9 terms. So is there going to be some point where  
10 those terms are defined?

11 MS. FREIDIN: Well, those -- are you asking me  
12 if compactness is defined?

13 REPRESENTATIVE CARROLL: Well, you brought up  
14 fairness as well, because as a minority voter I can  
15 say that I don't have an opportunity if I don't  
16 have an incumbent, let's say Representative Holder  
17 is my incumbent and I want to elect him as a  
18 minority to represent me in whatever seat, then I  
19 could say that you are taking away my fair choice  
20 to elect him.

21 So how do we then define what is the voter's  
22 choice; what is fair in this; what is compactness;  
23 what is geographical boundaries? Is that going to  
24 be in definitions that we are going to be able to  
25 use?

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1 MS. FREIDIN: These are not -- we haven't --  
2 these are not unusual standards. These are  
3 standards that are applied in the vast majority of  
4 other states and they are -- the definitions are  
5 very clear. There is no question about -- about  
6 how if you read the cases from the other states,  
7 they are very clear.

8 REPRESENTATIVE CARROLL: So Mr. Chairman,  
9 follow up.

10 REPRESENTATIVE CANNON: Sure.

11 REPRESENTATIVE CARROLL: Then if our voters  
12 may be confused as I am as to what is going to be  
13 fair, what is fair for Representative Holder and  
14 Thurston may not be fair for me.

15 would that confusion to the voters then, are  
16 they supposed to be go look to other states for the  
17 definition of fair?

18 MS. FREIDIN: No.

19 REPRESENTATIVE CARROLL: If they wanted to  
20 bring a legal challenge?

21 MS. FREIDIN: And let me -- let me go back to  
22 that, because I am not saying that fairness is a  
23 standard in any state, nor is it -- I don't believe  
24 it is mentioned anywhere in our amendments.

25 The word fairness is not -- is not there. The

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1 question that I thought you were asking is, if you  
2 draw some districts compactly and other districts  
3 not compactly, is that -- is that fair. Is that  
4 not what you are asking?

5 REPRESENTATIVE CARROLL: well, in combination,  
6 because throughout your presentation you also  
7 brought about what is fair, and if that is the  
8 dialogue that we are going to have in a  
9 conversation we are having with our voters and we  
10 are informing them that this is going to be about  
11 fair districting, then fairness to almost everyone  
12 may be a little bit different.

13 So we need to either define the term what fair  
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14 means or to have that as clarity that fair may mean  
15 130,000 voters, or fair may mean that the borders  
16 are going to include a river and a lake or fair may  
17 mean -- whatever it may be, but I just don't want  
18 our voters to be confused with regards to thinking  
19 that they are getting one thing and get something  
20 else just to answer your question.

21 I also want to know, early on you made a  
22 mention that the petitions were signed by  
23 Democrats, Independents and Republicans, and I am  
24 curious to know how do you know that since the  
25 petition doesn't ask for your political

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1 affiliation?

2 MS. FREIDIN: Because there is a record on the  
3 voting rolls of every person who signs.

4 REPRESENTATIVE CARROLL: So you guys go look  
5 at who signed the petition and get a tally, that  
6 sort of thing?

7 MS. FREIDIN: No, I don't have a tally, but I  
8 know that they -- I know that there are many  
9 Republicans who are very much involved, actively  
10 involved and many Independents who are actively  
11 involved, many Democrats who are actively involved  
12 who I know personally who have signed. There  
13 are -- we also, it is public record who signs.

14 That is easy, but, Mr. Chairman, may I respond  
15 on the fairness issue that she is raising?

16 REPRESENTATIVE CANNON: Certainly.

17 MS. FREIDIN: Fairness in this context means a  
18 lot of different things, but the one thing that  
19 these -- there are two things that these amendments  
20 were intended to do, and they both involve  
21 fairness.

22 These intent -- these amendments are intended  
23 to stop districts from being drawn for political  
24 purposes by the legislators, to particularly to  
25 advance the political goals of the legislators who

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1 are drawing the districts. That is an unfair  
2 situation that is intended to be stopped here.

3 The other part of the fairness that is being  
4 sought here is to ensure that these amendments do  
5 not create any situation that would be unfair in  
6 any way or disadvantaged in any way minority  
7 voters. Those are the things that we are trying to  
8 accomplish here.

9 We are trying to accomplish districts that  
10 make sense, districts that aren't strung out over  
11 multiple counties from coast to coast in the state  
12 of Florida.

13 We are trying to stop districts from dividing  
14 small communities into four and five different  
15 districts.

16 We are trying to stop a situation where  
17 neighbors don't vote in the same district. We are  
18 trying to keep communities together. All of that  
19 relates to the fairness that Representative Carroll



20 was referring to.

21 And we want to make sure that in doing all  
22 that there is no harm done and no diminution of  
23 minority -- of the rights of minority voters.

24 REPRESENTATIVE CANNON: Okay, Senator Thrasher  
25 for a question.

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1 SENATOR THRASHER: Thank you, Mr. Chairman.  
2 Hello, Ms. Freidin, good to see you begin.

3 MS. FREIDIN: Hello, Senator.

4 SENATOR THRASHER: I don't think I have seen  
5 you since 1989.

6 MS. FREIDIN: A long time.

7 SENATOR THRASHER: It has been.

8 MS. FREIDIN: Well, maybe the early '90s  
9 anyway.

10 SENATOR THRASHER: Thank you for being here.  
11 I have a more direct question, more specific  
12 question in respect to some of the testimony you  
13 have given.

14 And I have asked, we have had as I am sure you  
15 are aware of, you said you watched it, testimony  
16 and references to districts in the state of Florida  
17 and I am asking, I asked the staff if they had and  
18 they said they did, if they would mind putting up  
19 Congressional District III and I would like to ask  
20 you a question about that in respect to the fair  
21 district plan.

22 This is -- you said -- you said you were not  
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23 intimately familiar with the districts, but you  
24 have used the word gerrymandering.

25 when I hear the word gerrymandering this

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1 district comes to mind, I guess in terms of what I  
2 have heard people quote.

3 Under the Fair Districts' plan I would just  
4 like to ask you this question. Can we legally draw  
5 Congressional District III or something I guess  
6 similar to it in order to protect minority  
7 representation in Congress?

8 MS. FREIDIN: I know that it was deemed to be  
9 legally drawn in 2002. I have no idea what will  
10 happen in 2012, because there is no data available.  
11 So it is impossible for me.

12 I am not avoiding the comments on District  
13 III, but it would be impossible for me, it would be  
14 impossible for you or anybody else in this room or  
15 this building to today say what can be done with  
16 any particular district, because we don't have the  
17 data. You know, in order to draw a district you  
18 have got to have --

19 SENATOR THRASHER: Let me stop you. I get  
20 that, I heard you say that earlier. In all due  
21 respect, assuming we had the data and we wanted to  
22 draw that district, assuming we spread the data of  
23 the population consensus around the state and we  
24 wanted to redraw that district, you are saying we  
25 could or couldn't redraw it --

1 MS. FREIDIN: I have no idea.

2 SENATOR THRASHER: -- under your testimony?

3 MS. FREIDIN: I have no idea.

4 SENATOR THRASHER: So in your opinion then, I  
5 guess, if it is no, the minority representation  
6 would diminish then under the Fair Districts' plan,  
7 is that correct?

8 MS. FREIDIN: You would have to be able to  
9 have the data for the entire state. You would have  
10 to have voting data in minority districts, in  
11 minority areas. You would also have to have a  
12 census data which isn't available. I can't answer  
13 that question.

14 SENATOR THRASHER: Okay, fair enough. Let me  
15 ask you just in a follow up then to that if I may,  
16 Mr. Chairman.

17 REPRESENTATIVE CANNON: Absolutely.

18 SENATOR THRASHER: Since -- since we know the  
19 shape of the district and the current partisan  
20 makeup who is represented by Corrine Brown, who is  
21 a Democrat, would we if we had the correct census  
22 and we still wanted to draw that district, would we  
23 be intending to a favor her if we drew that  
24 district in a similar way or the same way?

25 MS. FREIDIN: It depends on the reasons you

1 are drawing the district for that -- for that --  
2 for that purpose. I really -- I really cannot  
3 comment on any particular district, but I can say  
4 this.

5 That with regard to any district, I know the  
6 question has been asked, if we draw a district  
7 identical to the prior district, does that mean  
8 that we are -- that we are favoring or disfavoring  
9 a particular -- a particular incumbent, and the  
10 answer is, it depends on why you are drawing the  
11 district that way.

12 SENATOR THRASHER: Let me ask you.

13 MS. FREIDIN: And you know that. I can't.

14 SENATOR THRASHER: Let me ask you another  
15 question then if I may, Mr. Chairman.

16 REPRESENTATIVE CANNON: Sure.

17 SENATOR THRASHER: I heard your testimony  
18 earlier about, and I tried to write it down,  
19 particularly about the public hearings, and I think  
20 the Legislature has had a history of holding public  
21 hearings around the state to hear the views of  
22 citizens.

23 Suppose and your testimony I think was  
24 directed that it would be okay if somebody in one  
25 of those hearings said, she liked or he liked a

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1 particular district.

2 what if they said, we like our particular

3 Representative or Senator or Congressman, would  
4 that testimony provide improper intent for us I  
5 guess?

6 MS. FREIDIN: I think it would depend on what  
7 you do. The intent is yours, not -- public comment  
8 is very, very important in this context. There  
9 will be lots of public comment and it will be very  
10 varied and certainly there is no reason for -- for  
11 you as members of the committees that are dealing  
12 with it or the entire Legislature to ever except  
13 public comment. There is nothing wrong with that.

14 The question is what do you do when you go  
15 into -- into the map drawing room and you draw the  
16 map.

17 SENATOR THRASHER: I mean, say we get a bunch  
18 of comments that somebody likes Senator Storms as  
19 their Representative or their Senator and we go  
20 back in and we draw a district, you know, similar  
21 to what it is now.

22 I guess that is my dilemma. You can't answer  
23 these questions. How in the world and you are the  
24 ones who drew the districts -- drew the language in  
25 the quote, unquote, Fair Districts of Florida, if

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1 you can't answer them, this was your -- you  
2 obviously understood the language you were writing.  
3 How in the world do you expect us to answer those,  
4 or how in the world do you expect our citizens to  
5 understand that?

6 MS. FREIDIN: Well, I think that there are  
7 many examples of times, and Senator Thrasher, with  
8 all -- with all the experience that you have and  
9 the redistricting experience, specific  
10 redistricting experience you have, you know that  
11 there have been many times in which and probably  
12 almost every time in which districts are examined  
13 to determine whether they're going to be good for  
14 an existing incumbent or not or whether they're  
15 going to be for a party or not.

16 We are asking you to not look at that  
17 information anymore. To eliminate that  
18 consideration from your calculus.

19 SENATOR THRASHER: You want us to go to  
20 these --

21 MS. FREIDIN: The public --

22 SENATOR THRASHER: Let me interrupt, in all  
23 due respect.

24 REPRESENTATIVE CANNON: Senator Thrasher.

25 SENATOR THRASHER: In all due respect you in

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1 essence are saying, let's go to these hearings and  
2 put ear muffs on.

3 MS. FREIDIN: No, I am --

4 SENATOR THRASHER: I am not going to do that,  
5 I am not going to do that on behalf of my  
6 constituents if I am involved in that.

7 Let me ask you the last question, Ms. Freidin.

8 MS. FREIDIN: Mr. Chairman, he is --

9 SENATOR THRASHER: Ms. Freidin.

10 MS. FREIDIN: -- you are not giving me a  
11 chance to answer these questions.

12 REPRESENTATIVE CANNON: Ms. Freidin, I assure  
13 you you will have ample time to answer anything you  
14 want, but I am going to recognize Senator Thrasher.

15 SENATOR THRASHER: My last question,  
16 Mr. Chairman. Has Fair Districts drawn any maps  
17 previously that you could show us?

18 MS. FREIDIN: No.

19 SENATOR THRASHER: Okay. So you have gone out  
20 then and said you have got 1.7 million signatures  
21 to sign petitions and you have never even drawn a  
22 map to show it will actually work, is that correct?

23 MS. FREIDIN: There is no question that these  
24 are workable standards. This is not rocket  
25 science. This is something -- these standards are

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1 applied in almost every other state in the Union.

2 Florida is the only state in the country that  
3 only uses contiguity as its only standard. I am  
4 sorry, it is one of three that have as few  
5 standards as we have. So that -- that would be the  
6 answer. This is not a difficult thing to do and I  
7 have every confidence that this Legislature is  
8 totally capable of drawing maps with these  
9 standards.

10 Now, I want to go back though to the question  
11 that you were asking before, because I think it is

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a very, very important question.

what these amendments do is they prohibit the drawing of districts with the intent to favor or disfavor a political party or an incumbent.

Now, you -- I think that what you were asking me is if somebody comes before you and says, some member of the public comes before you and says, I want to keep -- Senator Thrasher, I want your district to be exactly the same because I think you are the perfect senator and I want your district to stay the same.

So that would be -- so your question is, if they -- if the Legislature then goes back and draws your district identically, does that mean that --

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that -- that you then or the Legislature then had intent to favor or disfavor.

The answer to that question cannot be devined today, but it could be devined after you draw the districts. And the way that it would be devined was there could be testimony about conversations that were had among legislators.

We want to make sure that we are protecting this particular district. We want to make sure that we are protecting -- we are ensuring that there is as many Democratic seats as possible in the Legislature. That would be one way.

Another way would be the data that you use to rely on to draw a particular district. Now, we --



15 there is no question and this question has been  
16 raised time and time again in these hearings.

17 We understand the data must be used in drawing  
18 minority districts, but it doesn't have to be used  
19 in drawing the non minority districts. So  
20 registration and performance data shouldn't and  
21 doesn't have to be used.

22 And before and after results also could be  
23 used to determine what the intent of the drafters  
24 of the districts was, and what the districts  
25 actually look at.

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1 So those -- those are the three things that  
2 can be used and it is impossible to say that just  
3 because somebody came before you that -- and made  
4 some comment, that that would be proof of intent.  
5 That doesn't make sense.

6 What makes sense is what you say, what you  
7 think and what you do when you go and draw those  
8 districts.

9 SENATOR THRASHER: Just a final comment,  
10 Mr. Chairman.

11 REPRESENTATIVE CANNON: Certainly, Senator  
12 Thrasher.

13 SENATOR THRASHER: As I understand your  
14 testimony then, what you are saying is that just  
15 about any plan we draw that has something to do  
16 with intent is going to go challenged in the court.  
17 So that is where I am going.

18 People don't understand this, you don't  
19 understand it in terms of how we -- it will be  
20 reflected in the courts. I don't know whether the  
21 courts will have to follow the same standards of us  
22 that we do. I don't know what the definition of  
23 intent is, you don't. I don't know what the  
24 standard of proof is, you don't. We don't know what  
25 evidence will be required, you don't.

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1 So to me this sets up what I have said all  
2 along, an obstacle for this Florida Legislature to  
3 design a plan that obviously meets your criteria,  
4 and ultimately it is going to be challenged in the  
5 courts and the courts are going to make that  
6 determination which I believe is your intent.  
7 Thank you, Mr. Chairman.

8 MS. FREIDIN: Mr. Chairman --

9 REPRESENTATIVE CANNON: Senator Haridopolis.

10 MS. FREIDIN: -- may I respond to that,  
11 because he just made some comments that -- about  
12 things that I don't think are true about what my  
13 thought is and I just want to clarify.

14 REPRESENTATIVE CANNON: Sure.

15 MS. FREIDIN: I want to clarify something.

16 REPRESENTATIVE CANNON: Sure.

17 MS. FREIDIN: It is not the intent of Fair  
18 Districts Florida to have this end up in the  
19 courts, and if the districts are drawn according to  
20 the standards there will be no more litigation than

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ever before.

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The Supreme Court of Florida has -- this is an issue that was raised before the Supreme Court of Florida, and the Supreme Court of Florida rejected it soundly that there would even be more

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litigation.

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with regard to intent, I just gave you three standards that we certainly can rely on in terms of whether or not there is intent and we need to be really careful how we are throwing this word intent around, because the only intent here that is -- that we are talking about at this moment is the intent to favor or disfavor a political party or an incumbent.

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And we all know that for the last, and it is not just the last 10 years and it is not just the last 20 years, it is as far as anybody can remember back in Florida districts have been drawn for the purpose of accomplishing a particular political result. And that is the -- it is the intent to that, that Fair Districts Florida is trying to eliminate.

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REPRESENTATIVE CANNON: Ms. Freidin, with all due respect, the word intent and the things you mentioned, testimony, data, evidence, the actual intent could only be determined by a court, could it not, as a matter of law?

MS. FREIDIN: No, I think that the intent

24 starts with you and I think that if you -- if  
25 legislators understand that they are not supposed

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1 to be drawing districts to accomplish a particular  
2 political result, then -- then it never needs to  
3 get to a court.

4 There are many states that have the  
5 requirement of drawing districts not to favor a  
6 political party or an incumbent, there are many  
7 states that do that and they all manage to get  
8 their maps drawn.

9 There are many other states that give it to --  
10 give the responsibility to a commission and those  
11 commissions are not -- are charged with not drawing  
12 for a particular political purpose. They manage to  
13 get their maps drawn and then the maps, they all  
14 have the requirement of no intent.

15 They have no problem getting their maps drawn  
16 and their districts in place and having their  
17 elections held. There is no reason in the world  
18 that Florida can't do that, too.

19 REPRESENTATIVE CANNON: Chairman Haridopolis.

20 CHAIRMAN HARIDOPOLIS: Thank you. I just have  
21 a question. I think your words, it doesn't take  
22 rocket science to do this, and as far as the  
23 records show I think roughly three and-a-half  
24 million dollars have been spent, that is a pretty  
25 big business enterprise, but it is so easy maybe a

1 legislator can draw these lines.

2 But let me ask you, we have information from  
3 2002, we have a lot of folks here who are very  
4 intelligent folks on your side who believe  
5 passionately in this and I respect that.

6 we have the ability, what we would like to do,  
7 it is a pretty easy thing, you have described it,  
8 it is pretty easy to do. We will give you the  
9 software, we will give you a week, maybe two weeks  
10 if that is enough time because it is so easy to do  
11 and we would like you to come back and show us how  
12 each of the criteria that are so easy to do, it is  
13 not rocket science can be done.

14 Because to this point all of the members,  
15 Republican and Democrat who have been up here  
16 trying to understand this are having great  
17 difficulty and today you are not helping your  
18 cause.

19 So to help your cause we would respectfully  
20 ask you to come back in a week with the 2002 data  
21 that is not rocket science and show us how -- we  
22 wouldn't even ask you to do all 120, that is a lot  
23 of work, not even 40 Senate districts, have a good  
24 25 Congressional seats and draw those for us and  
25 show us just how easy that is. Could you help us

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1 do that?

2 MS. FREIDIN: I couldn't do it today and you  
3 couldn't do it today, Senator.

4 CHAIRMAN HARIDOPOLIS: I have already admitted  
5 that I can't do it. We said --

6 MS. FREIDIN: We all know --

7 CHAIRMAN HARIDOPOLIS: No, don't tell me that.

8 REPRESENTATIVE CANNON: Ms. Freidin, please  
9 let Senator Haridopolis speak.

10 CHAIRMAN HARIDOPOLIS: You just described it  
11 as rocket science. It is not rocket science, okay.  
12 So what I would like to ask, please look at me, I  
13 am speaking with you, I am asking you a simple  
14 question.

15 You describe it as a very easy process to use  
16 the technology that is readily available and draw  
17 25 districts that meet your easy to reach criteria  
18 and I will give you one week, would you like two  
19 weeks, because the people of Florida are going to  
20 vote in November, and you have represented certain  
21 ideas.

22 would you like one week or two weeks with your  
23 team of lawyers, spend three and-a-half million  
24 dollars and show us the districts. I don't think  
25 it is an unfair request, considering this is an

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1 important process, and remember, this is a  
2 constitutional requirement every 10 years. So can  
3 you do it or can you not do it?

4 MS. FREIDIN: Nobody can do it.  
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5 REPRESENTATIVE CANNON: So it is impossible?

6 MS. FREIDIN: May I finish the answer?

7 REPRESENTATIVE CANNON: Sure.

8 MS. FREIDIN: Nobody can do it, and Senator,  
9 this is -- it is like this is not really a possible  
10 thing that you are asking me to do. You know, I  
11 would ask have you all drawn maps.

12 REPRESENTATIVE CANNON: Actually we did in the  
13 current districts we all sit in.

14 CHAIRMAN HARIDOPOLIS: And met Federal  
15 requirements according to the United States  
16 Constitution and Federal law.

17 MS. FREIDIN: Well, but you haven't drawn them  
18 with the new criteria.

19 CHAIRMAN HARIDOPOLIS: And that is what we are  
20 asking. You came up with the idea, you spent three  
21 and-a-half million dollars and now you say I won't  
22 do it?

23 MS. FREIDIN: Actually, we didn't come up with  
24 the idea. Members of the Legislature who had just  
25 gone through a redistricting came up with the idea

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1 in 1993, of these particular standards.

2 The answer is that in order to draw these maps  
3 you must have not only data, but you must have  
4 census information. You must have voting data, you  
5 must have census information, you must have  
6 geographical information and you have also got to  
7 have a balancing by a legislative body of all of

8 the criteria.

9 And the balancing factor can't be -- can't be  
10 applied by me, nor could I possibly draw a map  
11 without the data that exist, that doesn't exist  
12 today.

13 REPRESENTATIVE CANNON: Senator Haridopolis.

14 CHAIRMAN HARIDOPOLIS: The data exist, the  
15 data exist from 2002. It is known data and we can  
16 figure that up, we can do it with 2002 data,  
17 because as you mentioned before, you said Senator  
18 Thrasher had some experience with redistricting.

19 He has zero experience with redistricting. He  
20 was not here in 1992, he was not here in 2002, and  
21 all we are saying is that I read your newspaper  
22 accounts. We have read the hyperbole in the  
23 responses and we are saying, it is like health  
24 carry form.

25 Everyone is for it, then once it actually

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1 comes to a piece of legislation, people make a  
2 decision. If you are the expert on this, you have  
3 been dealing with this 1998. You led a campaign  
4 which raised over three and-a-half million dollars.  
5 You have the editorial support of so many folks and  
6 that is impressive.

7 So at the end of the day what matters is that  
8 something that works, because theory is one thing,  
9 practice is another.

10 You have an outstanding group of folks who got



11 this thing on the ballot, which is not an easy  
12 thing to do and we have existing data from 2002,  
13 that is so available. It is a yes or no question.

14 Are you willing to draw maps so that we can  
15 have a better idea how we can serve our  
16 constitutional requirements as members of the  
17 Legislature, yes or no?

18 MS. FREIDIN: Are you suggesting, Senator,  
19 that maps, that redistricting maps can be drawn  
20 simply by plugging information into a computer?

21 REPRESENTATIVE CANNON: Ms. Freidin, the  
22 question Senator Haridopolis asked was, if  
23 essentially if the language that you are proposing  
24 were in the Constitution back pre 2000, and we have  
25 got that historical data and Senator Thrasher asked

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1 some questions about it, if the standards that you  
2 are proposing be injected into the Florida  
3 Constitution had been in place, how could the maps  
4 have been drawn. And I think Senator Haridopolis'  
5 question is, could you show us that?

6 MS. FREIDIN: I am going to answer your  
7 question one more time. To draw a good plan, to  
8 draw a map under any criteria you need census data,  
9 you need voting performance and registration data  
10 for minority districts.

11 You need the input of the public and you need  
12 the collegial work of all of the legislative body.  
13 The answer is, I can't do that, because I don't

14 have any of that.

15 REPRESENTATIVE CANNON: We will supply you all  
16 of the data -- all of the objective data --

17 MS. FREIDIN: And you can't --

18 REPRESENTATIVE CANNON: Ms. Freidin, please  
19 excuse me. We will supply you all of that  
20 historical voter data, all of the census block  
21 tract and number data from 2000, and we would  
22 simply ask you to prepare a set of Congressional  
23 districts that you contend actually would pass  
24 muster under your proposed constitutional  
25 amendment, will you do it or not?

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1 MS. FREIDIN: The answer is the data is not  
2 available and the -- and the collegial, the  
3 collegial work -- I don't have a Legislature to  
4 work with me on this, nor do I have public hearings  
5 to do this, and I don't have the data and it cannot  
6 be done by me and it can't be done by anybody else.

7 It can't be done retrospectively, because we  
8 don't know what went into the decision-making in  
9 2002, to draw the districts that were drawn.

10 REPRESENTATIVE PROCTOR: Mr. Chairman, I have,  
11 I am back in the back.

12 REPRESENTATIVE CANNON: If I may, I have got a  
13 long list if it is all right. Representative  
14 Proctor for a question. Senator, and then we will  
15 go Proctor, Negron, Weatherford and we actually  
16 have several from there. Representative Proctor.

17 REPRESENTATIVE PROCTOR: Thank you,  
18 Mr. Chairman. Ma'am, I appreciate you being here  
19 with us and I would like to address a question to  
20 four terms that are used and I am not clear on them  
21 and perhaps you will tell me that they have been  
22 defined elsewhere and that well may be. I am not  
23 aware of that, but first let me ask this.

24 when you use the term, contiguous, you said it  
25 shall be contiguous. And when you use the term,

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1 compact, you say, it shall be compact. And when  
2 you use boundaries, you say, where feasible. And  
3 when you say, equal in population, you say, as  
4 practicable.

5 And the term shall, is that synonymous here  
6 with should or is it imperative?

7 MS. FREIDIN: It is imperative.

8 REPRESENTATIVE PROCTOR: So it is imperative  
9 that the districts be compact?

10 MS. FREIDIN: Yes.

11 REPRESENTATIVE PROCTOR: All districts?

12 MS. FREIDIN: All districts unless to do so  
13 would interfere with the criteria that are stated  
14 in Section I or Federal law.

15 Now, that Federal law includes the voting  
16 Rights Act and it also includes the equality of  
17 population requirements.

18 REPRESENTATIVE PROCTOR: So if I am trying to  
19 understand the extent to which I must apply the

20 criteria of compactness, I have to temper that with  
21 Section I and the Voting Rights Act, is that  
22 correct?

23 MS. FREIDIN: Yes.

24 REPRESENTATIVE PROCTOR: So with regard to  
25 compactness, is there any analytical tool, standard

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1 that I may use to determine if a district is  
2 compact?

3 MS. FREIDIN: I am not sure that I understand  
4 your question. Is there any analytical tool? Do  
5 you mean is there any formula?

6 REPRESENTATIVE PROCTOR: I might look at a  
7 district and believe it to be compact. You might  
8 see it otherwise.

9 Is there any quantitative criteria or  
10 analytical tool that will tell us whether or not a  
11 district is compact? Go ahead.

12 MS. FREIDIN: There are many cases that deal  
13 with the question of compactness. It is a term of  
14 art in redistricting, and I am not aware of any  
15 formula of any sort that would be -- that would be  
16 used to -- to --

17 REPRESENTATIVE PROCTOR: So people of good  
18 faith could disagree upon whether a district is  
19 compact?

20 MS. FREIDIN: I would imagine they could.

21 REPRESENTATIVE PROCTOR: So now let me move  
22 just a moment to the word, diminish. Used the

23 sense that we don't want to diminish the rights of  
24 minorities to participate.

25 If we have a district that we have, let us say

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1 currently is 29 percent minority and we follow all  
2 of the guidelines. We draw, it is contiguous,  
3 reasonable people would say it is compact. We have  
4 used boundaries where it is feasible and we have  
5 something approaching equal population, and we  
6 reduce that minority representation from 29 to 27  
7 and the results are the loss of the minority seat.  
8 Would that be evidence of intention?

9 MS. FREIDIN: I can't possibly comment on any  
10 particular hypothetical situation, because there is  
11 so much else that goes into it.

12 REPRESENTATIVE PROCTOR: But I just put every  
13 standard that you applied in and I said, as a  
14 result of using all those standards with good  
15 intent, and I had to reduce the minority  
16 representation by two percentage points, and as a  
17 result we diminished the minority representation.  
18 Could we be accused of doing that intentionally?

19 MS. FREIDIN: Okay. You need to look at the  
20 language. The language says that -- that districts  
21 shall not be drawn to diminish the ability of  
22 minority voters to elect representatives of their  
23 choice and that is the only thing -- that is the  
24 only thing --

25 REPRESENTATIVE PROCTOR: well, we didn't do it  
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1 for that reason --

2 MS. FREIDIN: That is the only --

3 REPRESENTATIVE PROCTOR: -- we did it to  
4 comply with all of the criteria as honestly as we  
5 could. Unfortunately it did reduce the minority  
6 population by two percent.

7 The results then, would the results be proof  
8 of intent to lose that district to the minority?

9 MS. FREIDIN: It is my understanding that  
10 the -- and it is the intent of Fair Districts that  
11 there can never be a guarantee of a result in a  
12 particular election.

13 The issue here is whether you as a legislator  
14 decide to draw a plan for a district that  
15 diminishes the ability of minority voters to elect  
16 representatives of their choice.

17 REPRESENTATIVE PROCTOR: Let me see if I can  
18 clarify my question. My intent is quite obvious.  
19 I have gone by every criteria you have established.  
20 I have used compactness, I have used  
21 contiguousness, I have used population and I have  
22 used geographical and political boundaries, but  
23 unfortunately to achieve all that I had to reduce  
24 the minority representation in that district.

25 Let's say, let's take it a little longer.

1 Let's say I reduced it from 29 percent to  
2 25 percent. Couldn't someone reasonably claim if  
3 the results lost the seat that that was my intent?

4 MS. FREIDIN: Mr. Chairman, I think I have  
5 already answered this question two or three times.

6 REPRESENTATIVE CANNON: If you can answer the  
7 question, please answer the question, otherwise, I  
8 am going to recognize Representative Proctor for a  
9 follow up.

10 REPRESENTATIVE PROCTOR: And your answer is  
11 nobody can tell what my intent was?

12 MS. FREIDIN: No, that was not my answer.

13 REPRESENTATIVE PROCTOR: I am sorry, what is  
14 your answer, ma'am?

15 MS. FREIDIN: My answer is that you need to  
16 look at the language of the -- of the amendments.

17 REPRESENTATIVE PROCTOR: I am looking at it.  
18 I used all --

19 MS. FREIDIN: The language of the amendment  
20 says that you can't draw districts to diminish the  
21 ability to elect representatives of choice and that  
22 is -- that is the prohibition.

23 REPRESENTATIVE PROCTOR: So my question to  
24 you --

25 REPRESENTATIVE CANNON: And if I can help out

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1 Representative Proctor, the language Representative  
2 Proctor is talking to you says intent or result.

3 REPRESENTATIVE PROCTOR: That is right.  
4 REPRESENTATIVE CANNON: It is not just intent,  
5 it is result as well.  
6 REPRESENTATIVE PROCTOR: Yes, or results. So  
7 based on the results --  
8 MS. FREIDIN: We are talking about ability to  
9 elect a representative.  
10 REPRESENTATIVE PROCTOR: Ma'am, could you put  
11 ability into a quantitative term for me? Had I  
12 reduced it from 29 to 20, would they have still had  
13 the ability?  
14 MS. FREIDIN: I -- I cannot.  
15 REPRESENTATIVE PROCTOR: Can I move on,  
16 Mr. Chairman?  
17 REPRESENTATIVE CANNON: Certainly.  
18 REPRESENTATIVE PROCTOR: Because I don't think  
19 I am getting the clarity I am seeking on this one.  
20 REPRESENTATIVE CANNON: Yes, sir.  
21 REPRESENTATIVE PROCTOR: Let me ask you about  
22 this term, language minorities. Are there a  
23 limited number of minorities that have to be  
24 protected? Does it extend to all types of  
25 minorities?

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1 MS. FREIDIN: Are you asking me if every --  
2 every person who speaks a different language is  
3 protected?  
4 REPRESENTATIVE PROCTOR: well, it says if you  
5 read it --



6 MS. FREIDIN: Under the current -- under the  
7 current Federal law as that term is defined, it is  
8 Hispanic language minority are the minorities that  
9 are protected.

10 REPRESENTATIVE PROCTOR: So we would be  
11 required to draw districts that we could be assured  
12 reasonably represented all language minorities  
13 equally with opportunity to elect candidates of  
14 their choice?

15 MS. FREIDIN: Under the present -- I think I  
16 just answered that question. And it was not what  
17 you said. I said under the present state of the  
18 law language minority is considered to be Hispanic  
19 language minority.

20 REPRESENTATIVE PROCTOR: Just one more  
21 question I think.

22 REPRESENTATIVE CANNON: For a follow up,  
23 Representative Proctor.

24 REPRESENTATIVE PROCTOR: Ma'am, when you  
25 started someone said they thought think would

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1 invite litigation. And I thoroughly agree with  
2 that, because so many of the terms I can't get  
3 concrete definitions of.

4 So if I sit down and have to put something  
5 concrete on a map, I should know what all the  
6 operative terms mean. And I have trouble getting  
7 those definitions.

8 So let me invite you to do this. You look at

9 this set of standards and you say the intent --  
10 Senator Thrasher if I understand him, looks at the  
11 exactly the same set of standards and he says the  
12 intent is that you assert the legislative authority  
13 and put the issue in the court. Now, who is right  
14 on intent and how do you decide?

15 MS. FREIDIN: Well, I think the voters are  
16 going to decide when they read the language on  
17 November 2nd. They're going to go into the voting  
18 booths and they're going to make a decision about  
19 whether they want to see you eliminate political  
20 partisanship from the calculus of your district  
21 drawing in 2012.

22 REPRESENTATIVE PROCTOR: Closing statement if  
23 I may?

24 REPRESENTATIVE CANNON: Representative  
25 Proctor.

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1 REPRESENTATIVE PROCTOR: Exactly my point.  
2 You went back to results and the example I gave  
3 you, if I diminished the minority by reducing it  
4 four points, even though I adhered to all your  
5 criteria I would be accused of intent based on  
6 results which is just what you used in answer to my  
7 question. You said the results proves the intent.  
8 Thank you, ma'am.

9 MS. FREIDIN: Chairman --

10 REPRESENTATIVE CANNON: Thank you.  
11 Representative Weatherford for a question.

12 REPRESENTATIVE WEATHERFORD: Thank you,  
13 Mr. Chairman. I have got a brief series, I will  
14 try to keep it brief.

15 Thank you very much for being here. I  
16 appreciate your patience in taking all of these  
17 questions, I know it is a lot of them, but it is an  
18 important issue.

19 MS. FREIDIN: It is taking a lot of patience,  
20 sir.

21 REPRESENTATIVE WEATHERFORD: well, we  
22 appreciate it, so keep it up. In reference, I want  
23 to go back very briefly to a comment that Senator  
24 Storms said earlier in regard to the Jenner Block  
25 letter.

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1 Is it my understanding that although you  
2 didn't write the letter and you stated that, that  
3 you agree with the analysis that was in the Jenner  
4 Block letter that went to the two Senators?

5 MS. FREIDIN: I agree with some of the  
6 analysis, most of the analysis. Actually I agree  
7 with the analysis. I don't agree with some of the  
8 suppositions that are made.

9 REPRESENTATIVE WEATHERFORD: But is it your  
10 opinion that it accurately reflects what the  
11 petition actually does?

12 MS. FREIDIN: You know, I can't make a comment  
13 on -- I don't want -- I don't want to make such a  
14 broad comment because I don't have the letter

15 committed to memory, but what I do agree with is  
16 what they say that these amendments would make the  
17 elections fairer for all political parties and  
18 candidates and that they would also protect and  
19 indeed enhance the ability of minorities to  
20 participate in the political process and elect  
21 representatives of their choice. That is the part  
22 I am sure I agree with.

23 If you want to ask me a specific question, I  
24 will try and answer it, but if I could ask, if you  
25 could go a little slower than Senator Storms went,

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1 because I really was not able to keep up with all  
2 of the different quotes she was putting at me.

3 REPRESENTATIVE WEATHERFORD: Senator Storms, I  
4 am not as sharp as Senator Storms. So I will  
5 certainly be going slower.

6 MS. FREIDIN: Obviously, me either.

7 REPRESENTATIVE WEATHERFORD: I -- I have  
8 another question in regard to your website. It  
9 states that the voter registration in the state of  
10 Florida is 42 percent Democrat, 36 percent  
11 Republican and 19 percent Independent in Florida.  
12 Is that correct?

13 MS. FREIDIN: That is my understanding of what  
14 the voter registration is, and it is on our  
15 website.

16 REPRESENTATIVE WEATHERFORD: Yes. And I am  
17 assuming that partisan equality and balance are

18 very important principles and probably the genesis  
19 for what your petitions -- why you have brought  
20 these petitions forth. Would that be correct?

21 MS. FREIDIN: No. I -- I think -- I wouldn't  
22 put it that way. I would say that partisan  
23 fairness and the lack of partisan rigging of  
24 districts is what we are about.

25 REPRESENTATIVE WEATHERFORD: But not partisan

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1 equality?

2 MS. FREIDIN: Not necessarily, no. This is,  
3 you know, you have to remember that this is  
4 something -- listen, when Democrats were in charge  
5 of the Legislature this is something that  
6 Republicans introduced.

7 Now the fact -- and it has been -- it has been  
8 championed by Republicans and Democrats in Florida  
9 for many, many years. I don't think anybody is  
10 looking for partisan equality. I think what we are  
11 trying to avoid is a situation what exist today  
12 where the Legislature draws these maps to  
13 accomplish a particular political result where  
14 districts are assigned to be, Republicans districts  
15 or Democratic districts as opposed to districts for  
16 the people and that is what we are trying to  
17 accomplish here.

18 REPRESENTATIVE WEATHERFORD: Okay, well then I  
19 guess my question is generally trying to figure out  
20 what a statistical result or results would meet the

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petitions' intent.

So for example, if a single district was drawn to be 55 percent Democrat or 55 percent Republican, does that district violate the intent of the petition?

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MS. FREIDIN: It depends on why it was drawn that way. If it was drawn for the purpose of making it 55 percent of one party or the other, it absolutely would violate the petition.

If it resulted in -- in being 55 percent one party or the other, then that would not be a violation.

REPRESENTATIVE WEATHERFORD: But given the fact that the state is 42 percent Democrat, 36 percent Republican and 19 percent Independent, by not adhering to those numbers and drawing anything else -- and have any type of other statistical data or registration, wouldn't it be in violation of the petition?

MS. FREIDIN: In order -- are you asking me if the petition prohibits you from setting up a district in a particular partisan way?

REPRESENTATIVE WEATHERFORD: Well, that is what I am trying to figure out, yes.

MS. FREIDIN: The answer is it absolutely does prohibit you from setting up a district in a particular partisan way.

REPRESENTATIVE WEATHERFORD: But if a district

24 is not set up for a particular partisan way, but  
25 happens to have 55 percent Democrat and/or

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1 Republican, that doesn't violate any of the  
2 principles --

3 MS. FREIDIN: Right.

4 REPRESENTATIVE WEATHERFORD: -- or the  
5 classifications within the petition?

6 MS. FREIDIN: Correct.

7 REPRESENTATIVE WEATHERFORD: So, okay, let's  
8 suppose there is a Democrat or Republican seat that  
9 is at 60 percent Republican or Democrat today, but  
10 during the redistricting process goes down to  
11 55 percent or 50 percent for that matter.

12 Are you saying that that would not be  
13 disfavoring a political party and/or a person's  
14 district or a member?

15 MS. FREIDIN: Representative Weatherford, the  
16 intent and the language of these amendments is to  
17 avoid the situation that exist today when districts  
18 are drawn specifically for the purpose of  
19 incorporating a certain number of Democrats or a  
20 certain number of Republicans in the district.

21 If districts are drawing compactly and they  
22 adhere to community boundaries as is required and  
23 there is no intent to -- to place a particular  
24 number of one party or another or independents into  
25 that district, then that would be compliant with

1 the standards.

2 REPRESENTATIVE WEATHERFORD: Okay. I will  
3 tell you, Mr. Chairman, it is unfortunate what is  
4 happening on the Space Coast and the fact that we  
5 have so many scientists that are no longer working  
6 on shuttle launches, but I can tell you we are  
7 going to need to hire them about a year from now to  
8 help us figure out this constitutional amendment if  
9 it passes, because it is quite confusing.

10 REPRESENTATIVE CANNON: Senator Negron for a  
11 question.

12 SENATOR NEGRON: Thank you, Mr. Chairman. You  
13 said earlier, ma'am, in response to a question  
14 about determining intent, that you gave the example  
15 of, you know, did a legislator or legislators have  
16 conversations about this would help my district.

17 So would you agree that it is a reasonable  
18 probability that whenever the inevitable court  
19 challenge comes to redistricting which has happened  
20 and will likely to continue to happen, that it is  
21 very probable that all 160 members of the  
22 Legislature would be subpoenaed in that case in  
23 order to determine intent?

24 And if you agree with that, should we avoid  
25 conversations about reapportionment, should we keep

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1 records about all our conversations that we have,  
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2 or is it acceptable to you that 160 legislators  
3 would have to be called as witnesses in a court  
4 proceeding to determine intent?

5 MS. FREIDIN: Well, I think that is a highly  
6 unlikely situation, especially because I have full  
7 confidence that this Legislature will if the  
8 standards are in the Constitution, draw districts,  
9 not for the purpose of creating a particular  
10 political result, but draw districts that are  
11 fairly, geographically fair, that make geographical  
12 sense, that don't divide communities and then it  
13 will be -- there will be no need for anybody to be  
14 called to talk about whether they intended to  
15 accomplish a particular political result, whether  
16 they intended to favor or disfavor a political  
17 party or an incumbent.

18 REPRESENTATIVE WEATHERFORD: But would you  
19 agree that some people may not be as willing to  
20 just accept our word or accept the benevolence in  
21 the process, and if there is litigation, which is  
22 probable, you would agree that the only way that  
23 you could prove intent would be to actually have a  
24 legislator on the stand being examined and cross  
25 examined about what was going on in their mind at

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1 the time they made a certain decision?

2 MS. FREIDIN: No, I think if you had -- you  
3 would have information about what data was used to  
4 draw a particular district. You would also have

5 exactly -- take a look at the district.

6 I mean, if you have a district that goes from  
7 one end of the state to the other, one side of the  
8 state to the other, then it is going to be --  
9 somebody is going to take a look at that district  
10 and say, why was that drawn that way, because it  
11 doesn't make geographical sense.

12 It crosses the other way, it crosses Lake  
13 Okeechobee or goes from the Space Coast to the --  
14 to the Tampa Bay area. That is the sort of thing  
15 that would cause somebody to look at a district and  
16 say, that looks like a gerrymander district. .

17 But if the districts make sense and are  
18 understandable to the people geographically there  
19 shouldn't be -- there would be very little or no  
20 reason to challenge them on the basis of what  
21 somebody might have said about them, about their  
22 intent in drawing them I should say.

23 REPRESENTATIVE WEATHERFORD: Then I will move  
24 on with the Chair's permission to another area.

25 REPRESENTATIVE CANNON: Sure.

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1 REPRESENTATIVE WEATHERFORD: But I am willing  
2 to state on the record right now, a prediction that  
3 there will be litigation resulting no matter how  
4 the lines are drawn.

5 Secondly, ma'am, in your opening remarks you  
6 gave the example of Winter Park and an example of a  
7 policy that you don't support would that be that

8 there is more than one Representative, separate  
9 Representatives for the winter Park area.

10 If I could give you an example in my district,  
11 which is Senate District 28. There is a community  
12 called Okeechobee, it is a municipality and I  
13 represent part of Okeechobee and Senator J. D.  
14 Alexander represents part of Okeechobee.

15 would you at least concede that an equally  
16 compelling argument could be made that in actuality  
17 the residents of Okeechobee, that it is a benefit  
18 to them to have two members of the State Senate,  
19 particularly one who is new, myself, the other  
20 Senator is the Chairman of the ways and Means  
21 Committee and in charge of the appropriation  
22 process in the Senate, so he is the kind of person  
23 you would want to be your State Senator.

24 So would you at least acknowledge that while  
25 you -- I understand your point, but there is also a

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1 counter argument that having multiple members  
2 represent a community such as Okeechobee, which is  
3 a relatively small rural community, that that is  
4 actually an advantage for the residents of  
5 Okeechobee and something that is good for them?

6 MS. FREIDIN: Senator, I have heard that  
7 argument before, but I have also been to the League  
8 of Cities, the Leagues of Mayors and the League of  
9 Local Black Elected Officials, and all of them, all  
10 of those organizations have voted unanimously to

11 support the Fair Districts amendments.

12 They are the people who I would rely on to  
13 tell me if it is good to have cities represented by  
14 chopped up into pieces so that they are represented  
15 by many different people.

16 I can't answer your question other than to say  
17 that the experts, the people who are dealing with  
18 it from the point of view of the cities and the  
19 mayors and the other local, black local elected  
20 officials at least, from their point of view they  
21 don't apparently want to see that anymore, because  
22 they have voted unanimously to support Fair  
23 Districts Florida.

24 REPRESENTATIVE WEATHERFORD: I guess I am  
25 asking your opinion as the Chairman of the

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1 campaign, Chairperson of the campaign.

2 Are you willing to concede there is any  
3 validity in the exact illustration that I just gave  
4 you about the city of Okeechobee, or do you  
5 discount that that has any merit?

6 MS. FREIDIN: I -- I actually don't an opinion  
7 on it.

8 REPRESENTATIVE WEATHERFORD: Okay, that is  
9 fine. Could I have one more question,  
10 Mr. Chairman?

11 REPRESENTATIVE CANNON: Sure.

12 REPRESENTATIVE WEATHERFORD: There is an  
13 article in Creative Loafing dated December 16th,  
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14 2009, that has a quote from you saying, let me read  
15 it here, "That the state's population is a little  
16 more than one-third Republican, yet the Legislature  
17 is two-thirds Republicans."

18 And the premises of that observation would  
19 seem to me to be that you would assume that  
20 Republicans wouldn't vote for Democrats or that  
21 Democrats wouldn't vote for Republicans, and there  
22 is something amiss when the party registration  
23 differs from the results.

24 I just want to give you two quick examples and  
25 ask you if you would reconsider the premises in

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1 your statement, at least as I interpret it.

2 Going back again to Okeechobee. That is a  
3 county in my district, it is majority Democrat  
4 county and I won 71 percent of the district,  
5 because apparently a lot of the Democrats decided  
6 for whatever reasons to vote for me.

7 I am sure you are aware that when Republicans  
8 took over control of the House in 1996, and Speaker  
9 webster became Speaker, that was done based on  
10 lines that the Democrats drew earlier, four years  
11 earlier.

12 So would you be willing to acknowledge that  
13 there are national trends, there are many other  
14 factors?

15 And so that your contention that because there  
16 are more of one party than another based on

17 registration, that you are under estimating or  
18 ignoring the individual rights of voters to vote  
19 across part lines both ways?

20 MS. FREIDIN: I actually don't have an opinion  
21 on that either.

22 REPRESENTATIVE WEATHERFORD: Okay, thank you.

23 REPRESENTATIVE CANNON: All right, Members, we  
24 have been doing for a while, since 1:00. I am  
25 going to propose that we take a five-minute recess.

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1 Is there any objection to a five-minute recess?

2 Seeing none, we will pick back up with Senator  
3 Bennett right after the recess. Please, ladies and  
4 gentleman, try to be back in five minutes, thank  
5 you. We will stand in recess.

6 (Brief recess.)

7 REPRESENTATIVE CANNON: Ms. Freidin, welcome  
8 back. Okay, you are welcome back any time.

9 And Senator Bennett, you are recognized for a  
10 question.

11 SENATOR BENNETT: Thank you, Mr. Chairman.  
12 welcome. A couple of questions and it really  
13 bothers me and I am assuming a lot of people don't  
14 want to talk about it because they get really  
15 nervous about anything we talk about having racial  
16 ideas or something like that, but, you know, you  
17 said before that the first thing we would have to  
18 do to draw these seats would be to draw the  
19 minority seats first. Is that correct pretty much

20 in your estimation?

21 MS. FREIDIN: well, I think that that would be  
22 one approach that you could take, but I am not a  
23 person who has ever drawn a map.

24 SENATOR BENNETT: It is obvious, it really is.  
25 However --

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1 MS. FREIDIN: I am sure it is.

2 SENATOR BENNETT: But let me ask you  
3 something. If in fact all but one of the black  
4 members of the Florida Legislature are Democrat, if  
5 we drew those seats, wouldn't you be, in fact,  
6 favoring the Democrat party and somebody could say  
7 that, you know, challenge us in court because you  
8 have favored the Democrat party, even though you  
9 are trying to say, well, we are trying to protect  
10 the minority seats, couldn't it be interpreted  
11 because of that huge representation of blacks who  
12 serve in the Democrat party in the Legislature,  
13 wouldn't you, in fact, be favoring the Democrat  
14 party?

15 MS. FREIDIN: There are districts that make it  
16 possible for minority voters to elect  
17 representatives of their choice.

18 SENATOR BENNETT: I don't think what is what  
19 it says. I think it says to participate in the  
20 political process.

21 MS. FREIDIN: And --

22 SENATOR BENNETT: To participate in the

23 political process could be as simple as voting. I  
24 don't think it means you have got to get elected.

25 MS. FREIDIN: well, but there is a second part

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1 of it that says that -- that we have to have -- we  
2 have to ensure that we don't diminish the ability  
3 of minority voters to elect representatives of  
4 their choice.

5 And that is a permissible consideration. If  
6 it turns out that -- that those minority voters are  
7 Democratic, then, in fact, that wouldn't be the  
8 reason that you are drawing those districts.

9 Now, on the other hand if it turns out that  
10 because there are many minority representatives in  
11 this body in the House and the Senate who are  
12 Republican, who -- and that -- neither would that  
13 be favoring them.

14 It would be if you are drawing districts in  
15 order to favor minority voters, in order to create  
16 the ability of minority voters to elect  
17 representatives of their choice, you are not making  
18 the decision to favor or disfavor a particular  
19 political party.

20 SENATOR BENNETT: But I think you would agree  
21 that it could be a subject of a challenge that you  
22 have actually drawn those districts --

23 MS. FREIDIN: I would not agree.

24 SENATOR BENNETT: Let me ask you,  
25 Mr. Chairman, if I could on the last question. You



1 have been very, very good about representing the,  
2 what did you say, one and a half million, 1.7  
3 million people who have signed this petition, is  
4 that something --

5 MS. FREIDIN: It is close to 1.7 million.

6 SENATOR BENNETT: 1.7 million people. And I  
7 appreciate the fact that you are trying to  
8 represent them, and obviously you owe a debt to  
9 them because of all the efforts that they have gone  
10 and taken the time.

11 So since you owe a debt to them, wouldn't you  
12 feel that to pay that debt, it would be encumbent  
13 upon you all to try to show them that they didn't  
14 waste their time and, therefore, by taking up  
15 Senator Haridopolis' offer to go ahead and draw the  
16 districts, you could show these people that what  
17 they signed and what they were purported by your  
18 representative was true and just, here is an  
19 example of what we have asked you to do, therefore,  
20 we have approved it.

21 So don't you feel like you owe them that  
22 opportunity, since we are saying we can't do it,  
23 don't you feel that some kind of debt to show them  
24 that they didn't waste their time?

25 MS. FREIDIN: Every day that you pass laws

1 that you consider laws, you do a balancing of a  
2 number of factors and you come up with what you  
3 consider to be the proper law.

4 Redistricting is really nothing different.  
5 The people of Florida if they agree that these are  
6 criteria that they want you to follow, if they want  
7 you to stop partisan gerrymandering and to start  
8 following these criteria instead, then I have every  
9 confidence that this is something that you will be  
10 able to do.

11 SENATOR BENNETT: Mr. Chairman, if I could  
12 just make a comment. Right now as we know our  
13 budget is about three million upside down and I am  
14 going to pass legislation this coming week that we  
15 are going to get that \$3 million out of heaven,  
16 because I am sure somebody is going to do it and I  
17 think it is about the same analogy. Just because,  
18 you know, you want it doesn't necessarily mean it  
19 is going to happen.

20 REPRESENTATIVE CANNON: Representative Hudson  
21 for a question.

22 REPRESENTATIVE HUDSON: Thank you,  
23 Mr. Chairman. Thank you for your testimony today.  
24 Certainly it has been an interesting, interesting  
25 day.

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1 But I want to go back and just kind of clarify  
2 some of the things that I heard you say. You

3 mentioned a word a number of times and it has been  
4 a source of great debate today, but you said that  
5 this amendment was simply intended, that it was  
6 intentional to avoid party favoritism.

7 You said that -- well, you said quite frankly  
8 that it is not unusual to have intent proved in  
9 litigation.

10 wouldn't it be easier to understand the intent  
11 prior to that so we don't have litigious  
12 litigation?

13 MS. FREIDIN: Representative Hudson, you know  
14 as well as I do, that from the beginning of  
15 redistricting in Florida the intent of the  
16 Legislature has been to protect its own seats and  
17 those of the party that is in control of the  
18 Legislature.

19 Now, all we are trying to do is ask the voters  
20 of Florida if they would like to stop that and to  
21 create a set of standards that will require that  
22 instead of drawing districts with the intent to  
23 feather a particular political nest, that the  
24 districts be drawn with no intent to do that, and  
25 be drawn to make sense, to keep communities

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1 together, to keep cities, counties or other  
2 geographical areas together whenever possible.  
3 That is all we are asking. And we are confident  
4 that this Legislature can do that.

5 REPRESENTATIVE HUDSON: Follow up, Mr. Chair?

6 REPRESENTATIVE CANNON: Follow up.

7 REPRESENTATIVE HUDSON: Thank you. Well, I  
8 absolutely would not agree with you and I have no  
9 earthly idea what happened at the turn of the  
10 century when it comes to redistricting and  
11 balancing things, and quite frankly, I don't think  
12 anyone else here does as well. And to presume that  
13 quite frankly is not right.

14 At the end of the day people elect you because  
15 they either like you or they don't. It is just  
16 that simple.

17 Now, what is the intent? How do we define  
18 intent? When we take public testimony and we  
19 ultimately vote on this, will every legislator be  
20 called for subpoena? Will we all stand before a  
21 judge and say, hey, this is what we were thinking  
22 or not thinking?

23 MS. FREIDIN: Representative, I already  
24 asked -- answered that question from the other  
25 side. I am not sure who it was that answered it,

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1 but I think I have answered that.

2 REPRESENTATIVE HUDSON: No, you didn't. Yes  
3 or no?

4 MS. FREIDIN: The answer about did I expect  
5 that 170 people would be called? It was no, I  
6 already answered that question.

7 REPRESENTATIVE HUDSON: Okay. Let's move to  
8 another topic. Our plan ultimately would have to

9 go before the Supreme Court for a review.

10 MS. FREIDIN: As it does now.

11 REPRESENTATIVE HUDSON: Correct, without  
12 question. And they have a 30-day period of time in  
13 which to review that, correct?

14 MS. FREIDIN: As far as I know, yes.

15 REPRESENTATIVE HUDSON: Okay. Now previously  
16 the Supreme Court has indicated that it would be  
17 highly problematic for them to be able to review a  
18 voters Right Act plan within 30 days.

19 Given the additional things that are up on the  
20 screen right now, going from three to a myriad, how  
21 could they possibly get that done within 30 days?

22 MS. FREIDIN: They have a constitutional  
23 requirement to do it and they will do what they can  
24 do, and if the Legislature chooses not to follow  
25 the standards, that can be litigated in other

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1 forums. Just like many other issues in  
2 redistricting have always been litigated in other  
3 forums.

4 REPRESENTATIVE HUDSON: So we are back to  
5 litigation. Okay, thank you for your answer.

6 REPRESENTATIVE CANNON: Representative  
7 Fitzgerald for a question.

8 REPRESENTATIVE FITZGERALD: Thank you,  
9 Mr. Chairman. And I have a few, but I will try to  
10 be as quick as I can. I am a little bit confused  
11 by some of the confusion.

12 would you agree with me that in characterizing  
13 the process of drawing districts, that what  
14 implicitly or explicitly a legislator or whatever  
15 body has to engage in, is coming up with a set of  
16 rules for solving the problem of how to draw the  
17 lines on the map? I mean, isn't that what you are  
18 doing?

19 MS. FREIDIN: Yes, of course.

20 REPRESENTATIVE FITZGERALD: And the technical  
21 term for a set of rules to solve a problem is an  
22 algorithm, correct?

23 MS. FREIDIN: I actually don't know the term.

24 REPRESENTATIVE FITZGERALD: That is what it is  
25 called.

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1 MS. FREIDIN: But I will accept it if you say  
2 it.

3 REPRESENTATIVE FITZGERALD: In evaluating the  
4 complexity of solving a problem, does having more  
5 criteria make it more complex or does have fewer  
6 criteria make it more complex?

7 MS. FREIDIN: I quite frankly think -- I don't  
8 want to talk in a vacuum, Representative  
9 Fitzgerald, but let's talk about these particular  
10 criteria.

11 REPRESENTATIVE FITZGERALD: Okay.

12 MS. FREIDIN: I think these criteria, although  
13 I understand that there has been a huge effort here  
14 today to make it sound like it is -- that it is

15 very complex, but I think that if you have the  
16 more -- the more limits that you have, the easier  
17 it becomes to draw the district.

18 REPRESENTATIVE FITZGERALD: So an algorism  
19 could be written in the form of a computer program  
20 in some cases, correct?

21 MS. FREIDIN: Forgive me, because I don't know  
22 about the word, algorism, but I do know that a  
23 computer --

24 REPRESENTATIVE FITZGERALD: well, it is what  
25 you call a computer program.

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1 MS. FREIDIN: -- that you certainly could put  
2 these criteria into a computer and ask the computer  
3 to draw districts.

4 REPRESENTATIVE FITZGERALD: And in fact, isn't  
5 that what happens in the state of Iowa and a few  
6 other states, that they have a nonpartisan  
7 commission that defines criteria, they write a  
8 computer program and they draw the district lines  
9 on that basis?

10 MS. FREIDIN: Yes, but I think also that there  
11 is always public input and there is always  
12 discussion, even in the states that have  
13 redistricting commissions. There is discussion  
14 among the members as there would be discussion and  
15 debate among the Representatives here.

16 REPRESENTATIVE FITZGERALD: So as I read this  
17 and I will start with Amendment V. It says, "No

18 apportionment plan or district shall be drawn with  
19 the intent to favor or disfavor a political party  
20 or an incumbent."

21 So that is removing two rules or criteria from  
22 the problem of drawing the line. Just saying you  
23 can't take that into consideration, so in fact, it  
24 is simplifying the process, not making it more  
25 complex which the drawing of the lines.

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1 MS. FREIDIN: Absolutely.

2 REPRESENTATIVE FITZGERALD: So we do have  
3 questions of intent clearly. Is -- is it an  
4 unusual, as a lawyer, I am not a lawyer, is there  
5 anything unusual in civil or criminal law to have  
6 as an aspect the proceedings, findings about intent  
7 based on evidence?

8 MS. FREIDIN: Absolutely not. Intent is -- is  
9 considered all the time.

10 REPRESENTATIVE FITZGERALD: And with or  
11 without these criteria as part of the equation in  
12 drawing these boundaries, would a court challenge  
13 in all likelihood involve questions of intent?

14 MS. FREIDIN: It certainly could in the Voting  
15 Rights Act context.

16 REPRESENTATIVE FITZGERALD: So in fact we have  
17 not added complexity, we have removed it by saying  
18 we cannot intend to do these, but we certainly have  
19 to have some evidentiary finding if someone asserts  
20 that that has taken place, a separate process,



21 correct?

22 MS. FREIDIN: Correct.

23 REPRESENTATIVE FITZGERALD: Okay. And so all  
24 of these terms that are confusing people, like  
25 intent already presently involved in the process,

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1 correct?

2 MS. FREIDIN: Correct.

3 REPRESENTATIVE FITZGERALD: Compactness is a  
4 feature of the Florida Constitution, it is not an  
5 addition to -- by your amendment.

6 MS. FREIDIN: well, compactness --

7 REPRESENTATIVE FITZGERALD: I mean,  
8 compactness --

9 MS. FREIDIN: -- is, contiguity.

10 REPRESENTATIVE FITZGERALD: Contiguity, sorry.  
11 So we add compactness. That is a level of  
12 complexity.

13 Are there other states that have that as a  
14 requirement in their process?

15 MS. FREIDIN: Contiguity?

16 REPRESENTATIVE FITZGERALD: No, compactness.

17 MS. FREIDIN: Compactness, yes, I think that  
18 there are 36 other states that use compactness.

19 REPRESENTATIVE FITZGERALD: And is it the case  
20 that they all navigate these waters fairly --  
21 fairly successfully?

22 MS. FREIDIN: Thirty-six states, they all have  
23 districts and they all have -- and they all have

24 representatives elected from the districts.

25 REPRESENTATIVE FITZGERALD: Now I have a

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1 couple of questions more and they may in some ways,  
2 I guess dispute a little an answer you gave  
3 earlier.

4 You were asked about whether we could do, you  
5 could do in a week or two weeks this solution. I  
6 think we have heard statements already that this  
7 Legislature is already engaged in the process of  
8 drawing these districts.

9 So that is not exactly a commensurable  
10 standard, but on the other hand if we eliminated  
11 party or incumbency as a criterion, isn't it the  
12 case that you could write a computer program that  
13 would do this?

14 MS. FREIDIN: Well, I think that the very  
15 principal of districting and the way it has always  
16 been done in the past is to do it after public  
17 comment and with collegial collaboration among the  
18 members.

19 So do I think that you could come up with some  
20 sort of a map, but it would not be necessarily an  
21 appropriate map nor would it necessarily be  
22 compliant.

23 REPRESENTATIVE FITZGERALD: Right, but my  
24 question is --

25 MS. FREIDIN: There is too much that goes into

1 it.

2 REPRESENTATIVE FITZGERALD: If we wanted to  
3 give up the value of the collegiality and the input  
4 and so forth and maximize speed in order to do  
5 this, it is done in other states, it has been done  
6 and it probably could be done given a certain  
7 commitment of resources.

8 MS. FREIDIN: I am actually not familiar with  
9 the answer to that question. It sounds like you  
10 are from your question, but I don't know.

11 REPRESENTATIVE FITZGERALD: Let me ask you a  
12 final question then.

13 Are you familiar with a study by a couple of  
14 authors, one named Jotway (phonetic) Chen and the  
15 other Jonathan Rucker, the first from the  
16 University of Michigan at Ann Arbor and the other at,  
17 I believe Stanford University called Tobler's Law  
18 Urbanization Electoral Bias. Have you heard of  
19 this study?

20 MS. FREIDIN: No.

21 REPRESENTATIVE FITZGERALD: Are you aware that  
22 it is actually done exactly what Senator  
23 Haridopolis proposed would be done? In other  
24 words, it took the 2000 -- it actually had a unique  
25 dataset that used the outcome of the 2000 election,

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1 as opposed to the voter registration files, but it  
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2 used that to draw a series of district boundaries  
3 in the state of Florida to see what the impact of a  
4 applying compact, compactness and contiguity as  
5 criteria would be.

6 MS. FREIDIN: I am not aware of it.

7 REPRESENTATIVE FITZGERALD: The study has been  
8 done, it exist, it is on line, it is published.  
9 The sub title by the way, and this will be my final  
10 comment, of that study was, "why compact contiguous  
11 districts are bad for Democrats," and that is where  
12 I will stop.

13 MS. FREIDIN: I don't know anything about it.

14 REPRESENTATIVE CANNON: Senator Lawson for a  
15 question.

16 SENATOR LAWSON: well, I don't know that I  
17 have a question. I have had the opportunity to  
18 listen to all of the comments and maybe I do have a  
19 question. And I also had the opportunity, maybe  
20 only one or two of us go through two  
21 reapportionments since I have been in the  
22 Legislature.

23 And my question probably would center around  
24 the fact that -- that when -- when reapportionment  
25 took place in 2000, the NAACP, SCLC, the voters

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1 League, League of Women Voters and many groups  
2 signed off on -- on the reapportionment that was  
3 being proposed.

4 And -- and when we gathered information, we  
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5 gathered information based on many of the criteria  
6 that are listed up there.

7 And one of the things that occurred is as a  
8 result from the first reapportionment to the second  
9 that it increased the number of African-Americans  
10 serving in the Legislature because of that.

11 And some of the conversation which I was  
12 involved very seriously in the Legislature is how  
13 do you increase the number of African-Americans.

14 The only concern that has been expressed from  
15 some minority groups around the state is that with  
16 Fair Districts will that conversation still  
17 continue with how to keep the number of  
18 African-Americans in the Legislature, because if I  
19 understand the way lines were drawn, if the lines  
20 are drawn with the perspective that we have now on  
21 Fair District, the number of African-Americans in  
22 the Legislature certainly would decrease.

23 And I guess the answer would be even though  
24 you said earlier in remarks that the NAACP, you  
25 know, signed on and so forth and so on, but just

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1 judging from where we are now, there wouldn't be  
2 any -- there wouldn't be as many African-Americans  
3 in the Legislature, even in Congress without  
4 gerrymandering.

5 So it brings you to the point to determine,  
6 the question would be probably even though they say  
7 those minority districts would be protected, then

8 Fair District would involve with some  
9 gerrymandering in order to protect those districts,  
10 because some of them are gerrymandering.

11 Do you see that as being a factor, or do you  
12 see that that would take place, because I don't see  
13 any other way from my perspective in just looking  
14 at it that it could happen otherwise?

15 MS. FREIDIN: I absolutely cannot say this  
16 more unequivocally. That I do not believe and  
17 these amendments are not intended to and the  
18 reason, NAACP has signed on after hiring counsel  
19 and counsel studying the issue. So they don't  
20 believe that there is going to be any problem with  
21 maintaining the minority representation in the  
22 state of Florida after these amendments are.

23 This is not going to be -- there is not a  
24 reason to think that this is going to impact  
25 negatively minority representation. In fact, that

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1 is the reason that the language is in there to  
2 ensure that the ability to elect minority -- the  
3 ability of minority voters to elect representatives  
4 of their choice will not be diminished.

5 I mean, that is an absolute requirement that  
6 takes priority. So the term gerrymandering is not  
7 in these amendments. There is nowhere in these  
8 amendments does it say, is that word used.

9 There are two things that we are looking at.  
10 One is favoring or disfavoring a particular party

11 or a particular incumbent. The other is ensuring  
12 that minority voters don't have their rights  
13 diminished in Florida.

14 And there is no reason to think and I have not  
15 heard a sustainable legal argument that -- that  
16 would indicate in any way that this does reduce  
17 minority voting rights.

18 SENATOR LAWSON: Okay, if I may.

19 REPRESENTATIVE CANNON: Certainly.

20 SENATOR LAWSON: The reason why I made that  
21 statement is because I was a part of the Democratic  
22 majority, and in collaboration with Republican  
23 colleagues and I know from the standpoint of being  
24 at the table at night and everything else, that in  
25 order, and I understand where you are coming from

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1 and I just want to make sure that I am on the  
2 record as saying it, but I know that in order for  
3 the minorities that are represented here today in  
4 this Legislature, if it hadn't been the  
5 collaboration between the Democratic leadership and  
6 the Republican leadership at the time of what was  
7 fair for the state, because they have been left out  
8 for 125 years, that they would not be in the  
9 Legislature today.

10 My concern stems around, I am for fair  
11 districts, how can this collaboration take place?  
12 I haven't been able to see by saying that it is  
13 just going to happen and you won't take a back

14 seat, but I know what took place at the table at  
15 night and looking at the maps and drawing the maps  
16 and looking at the population and how people would  
17 be affected and what lines you had to go down in  
18 order to ensure it and to see where it would really  
19 work.

20 we don't have that ability to do that anymore  
21 and this is with Democrats at leadership, because I  
22 was a part of leadership at that time. If we don't  
23 have that opportunity to participate because we are  
24 elected, it is a citizen initiative that is given,  
25 but we are the ones that write the district.

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1 I have to be concerned even though I support  
2 fair district on how to make sure that this  
3 continues in the state of Florida and not just say  
4 because these districts are going to be drawn, I  
5 don't have a minority district, you know, and never  
6 have in 28 years.

7 So I would say, well, it really doesn't affect  
8 me, but I am concerned about some of the members  
9 around the state of Florida that I know that when  
10 we analyze and their districts, we drew their  
11 districts in a way where they would have the  
12 opportunity to get elected and have the opportunity  
13 to be represented in those communities.

14 And that is the thing that I am concerned  
15 about. It may be something that -- I am not going  
16 to ask you to answer that question.



17 MS. FREIDIN: Well, I would like to.

18 SENATOR LAWSON: Okay. You can go ahead, yes.

19 MS. FREIDIN: Not only is there nothing in  
20 these amendments that would prohibit all the things  
21 that you are talking about, which is sitting around  
22 a table and looking at the maps and looking at the  
23 census data and looking at all of the information  
24 that you need to ensure that minority districts  
25 continue to be drawn, but in fact, I think that it

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1 is required.

2 And in part you have answered the question  
3 about -- about why it would be impossible for  
4 anybody today to just sit down with a computer and  
5 draw a map, that would be a map that you would  
6 actually put out there and make the law of Florida  
7 for the next 10 years.

8 There is nothing that prohibits that. What is  
9 prohibited is drawing districts with intent to  
10 protect a particular incumbent or a particular  
11 political party. There is nothing that prohibits,  
12 and in fact, everything protects the right of or  
13 the requirement that all of you do everything you  
14 can to protect minority voters. Does that answer  
15 the question?

16 SENATOR LAWSON: Well, somewhat, and you know,  
17 this might be a little bit funny, but when we drew  
18 them we thought we were drawing them to protect  
19 Democrats and they got defeated, you know.



23 to speak, everybody was working, you know,  
24 together. It was members that, you know, were  
25 concerned about their geographical location,

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1 somebody didn't want to go here and someone didn't  
2 want to go there, but overall, when the gavel went  
3 down people were pretty happy.

4 I remember the NAACP saying this is a great  
5 plan, you know, and I remember other groups saying  
6 it was a great plan. And now that plan is still  
7 been in existence, but now when we come back to do  
8 reapportionment now, it is obvious that maybe the  
9 citizens who signed this would say, well, they  
10 really didn't agree with the plan that we had back  
11 in 2000, and now we would like to have the plan,  
12 make sure we take all these variables out when you  
13 are designing the plan.

14 So I think that is thing that we have to  
15 wrestle with in the Legislature, because I really  
16 want to draw the plans, you know, because I have  
17 done it and I know that it is intense and I know to  
18 a lot of members who have never done it before, it  
19 might seem like it is simple, but it is really not  
20 simple. It is very complex. But that is my  
21 statement, you know.

22 MS. FREIDIN: Thank you, Senator.  
23 Mr. Chairman, having stood up here now for over  
24 three hours I must tell you that I really don't  
25 think that I have the ability to stay here much

1 longer.

2 So how much longer can we think we could wrap  
3 this up?

4 REPRESENTATIVE CANNON: The meeting was  
5 noticed to run until 6:00 p.m.

6 MS. FREIDIN: I understand, but you didn't  
7 expect me to stand here for all those hours, did  
8 you, because I am -- I must admit that it is a long  
9 time.

10 REPRESENTATIVE CANNON: Actually, if you need  
11 to take another break we will, but, yes, we did.  
12 There have been multiple meetings of both the House  
13 and Senate Committees and you are the only person  
14 who has shown up for Fair Districts so far --

15 MS. FREIDIN: And when --

16 REPRESENTATIVE CANNON: Excuse me one moment.  
17 You are the only person who has shown up so far.  
18 It may be appropriate at future meetings that we  
19 invite Speaker Mills to come as well, because I  
20 understand he had some role in authoring the  
21 language, but if we need to take a break, we can  
22 take them, but I know that I have got a long list  
23 and a growing list of Senators and House members  
24 who have questions, including myself.

25 So if it is all right with you we are going to

1 continue at least a little bit longer.

2 MS. FREIDIN: Well, I will stay a little bit  
3 longer, but I want to also have on the record that  
4 when I was asked to come today, I very clearly, I  
5 made it very clear that I had somewhere I had to be  
6 at 6:00.

7 Actually, I am sorry, at 5:00, because I am  
8 trying to catch a 6:00 plane. So it is now a  
9 little after 4:00. I am happy to stay a little bit  
10 longer, but I hope that we can wrap it up  
11 relatively soon.

12 SENATOR THRASHER: Mr. Chairman.  
13 Mr. Chairman?

14 REPRESENTATIVE CANNON: Yes, Senator Thrasher.

15 SENATOR THRASHER: And I respect that, I do,  
16 but I think along the same lines. We have invited  
17 other folks to come. I think Former Speaker Mills  
18 was the author of this language or at least  
19 attributed to him.

20 He has authored some other pieces of paper. I  
21 would love to have him come and hopefully maybe  
22 since you couldn't answer a lot of the questions,  
23 Ms. Freidin, ask maybe him some of these questions  
24 that we have asked today.

25 Now, I would love to that have. I would hope

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1 that you would invite him to come.

2 SENATOR HARIDOPOLIS: Before I give this to

3 Speaker Representative Cannon. I mean, this is a  
4 pretty serious matter. I mean, I know you had a  
5 5:00 or 6:00 flight, but we are going to change the  
6 Florida Constitution and you have worked since 1998  
7 to work on that.

8 I would hope that you would be willing to come  
9 back and share your expertise or as former speaker  
10 Thrasher asked, at least invite the person who  
11 created this document to come in and testify.

12 I think the people of Florida deserve that,  
13 because there is a reason why the people of Florida  
14 raised the standard to 60 percent for a  
15 constitutional amendment. And these are very  
16 serious questions that the elected representatives  
17 of the people would like to ask you.

18 So I hope you would be willing to come back if  
19 today is not as convenient for you as you like. I  
20 think that might be helpful to all of us.

21 MS. FREIDIN: Well, first of all, let me say  
22 this. That John Mills was involved in drafting  
23 these amendments, along with probably a dozen, at  
24 least a dozen other people. So I just want to make  
25 that clear, he is not the drafter of the

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1 amendments.

2 Now as far as me, me coming back, if it is  
3 your will to keep me here for another couple of  
4 hours I will do it. I am here because I represent  
5 all the people in Florida who really want to see

6 the partisanship in redistricting stop.

7 I will stay if that is your will. I will be  
8 happy to continue answering your questions as best  
9 I can, but I want to make clear that the reason I  
10 came at all was because I have been working  
11 tireless, really not since 1998, but for the last  
12 two or three years.

13 I have put my life into this because it is  
14 something that I feel very passionately about. I  
15 am a volunteer. Nobody has -- I am not getting  
16 paid to do this. I probably work 80 hours a week  
17 on this and it is something that I feel so strongly  
18 about, that is such an unfair thing in the state of  
19 Florida and it is something that needs to be  
20 stopped and I --

21 REPRESENTATIVE CANNON: Mr. Chair.

22 MS. FREIDIN: -- will stay if you -- if you  
23 want me to stay, I will continue. I thought we  
24 could probably wrap it up, but if not, go for it.

25 SENATOR HARIDOPOLIS: Sure, thank you, I

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1 appreciate your comments today. Representative  
2 Cannon.

3 REPRESENTATIVE CANNON: Thank you, Chairman  
4 Haridopolis. I want to pick up on something that  
5 Senator Lawson alluded to.

6 We spent a pretty good amount of time talking  
7 about Congressional District III and I would love  
8 to know if the staff could bring that map back up,

9 because I just want to make sure that I do  
10 understand the things that you have testified to.

11 And again, I share Chairman Haridopolis'  
12 concern and I also appreciate both the sincerity  
13 and the work that you have put into this and I know  
14 what you said you intended to do.

15 The problem is writing words into the Florida  
16 Constitution binds all of us in how we draw these  
17 maps and we take that duty remarkably seriously.

18 This is Congressional District III. It was  
19 drawn as part of the 2000 reapportionment and it  
20 had at the time 46 percent African-American  
21 population.

22 I think I understood you to say, and we know  
23 that Bartlett v. Strickland has clarified that the  
24 Federal Voting Rights Act no longer or doesn't  
25 require the creation or the drafting of a minority

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1 access seat if it has less than 50 percent minority  
2 voting age population. Would you agree with that  
3 statement?

4 MS. FREIDIN: Yes, but while -- could I  
5 interrupt for one second? Would it be possible to  
6 get me a table and a chair to sit at?

7 REPRESENTATIVE CANNON: Absolutely.

8 MS. FREIDIN: So I don't have to stand here  
9 any longer.

10 REPRESENTATIVE CANNON: But as you alluded,  
11 Bartlett also allows that it states, and I think



12 the quote from the case is, "States that wish to  
13 draw crossover districts are free to do so where no  
14 other prohibition exist," correct? Or would you  
15 agree with that?

16 MS. FREIDIN: Right.

17 REPRESENTATIVE CANNON: So it is your  
18 testimony then or at least we agree that while  
19 Bartlett says the Federal Voting Rights Act no  
20 longer requires or doesn't require states to draw  
21 minority access seats with less than 50 percent  
22 minority population, we could do that if a  
23 different prohibition did not exist.

24 If no other prohibition exist, then let's say  
25 we wanted to honor what Senator Lawson spoke about

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1 and we wanted to draw a district that looked like  
2 this and it only had 46 percent African-American  
3 population.

4 My question to you is, and I think I  
5 understand you to say, we are going to need to get  
6 Ms. Freidin a microphone and we will take a break  
7 if we need to after this.

8 My question is, subsection two of your  
9 amendment requires that districts shall be compact,  
10 correct?

11 MS. FREIDIN: Correct.

12 REPRESENTATIVE CANNON: And it says unless one  
13 of the provisions of subsection one contravenes  
14 that.

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MS. FREIDIN: Right.

REPRESENTATIVE CANNON: So is it your testimony that preserving minority representation, such as that currently held by Congresswoman Corrine Brown in a 46 percent access seat, that the preservation of the minority voting rights trumps the compactness requirement?

In other words, it is primary before you get to compactness, first you must not diminish the ability of language or racial minorities to elect the representative of their choice?

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MS. FREIDIN: Okay. First of all, let me make it clear, I am not commenting on any particular district. So my comment, my answer to your question doesn't relate to District III, it relates to a general concept and the answer is yes.

REPRESENTATIVE CANNON: Very good. But you would say that the preservation or to use the language from the amendment, the non diminution of the ability of language in racial minorities to elect representatives in their current capacity can't be diminished and that that trumps compactness?

MS. FREIDIN: It trumps compactness.

REPRESENTATIVE CANNON: Okay, very good. Okay, so it is true that if a district has to be drawn none compact in order to avoid diminution of minority representation, that is okay, that is your

18 intent of the language and that is what you think  
19 this language does?

20 MS. FREIDIN: Yes.

21 REPRESENTATIVE CANNON: And let's just use  
22 this district. I will grant you that I am not  
23 asking you to testify about this specific district,  
24 but a district shaped like this. Okay, take a look  
25 at the shape. would you say that is compact?

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1 MS. FREIDIN: I am not going to comment on any  
2 particular district. I am telling you that right  
3 now, I won't.

4 REPRESENTATIVE CANNON: We need certainty, and  
5 frankly the voters before they walk into the voting  
6 booth in November, to decide whether to vote this  
7 in or out of the Constitution are entitled to some  
8 certainty.

9 So I am not asking you to comment about this  
10 district, just the shape. Assume it is not in  
11 Jacksonville, assume it down near Fort Myers. Is  
12 that shape compact?

13 MS. FREIDIN: I don't -- I can't comment on  
14 any particular district. You have a particular  
15 district up on the board. I will not comment on  
16 any particular district, but I will agree that  
17 compactness is trumped by voting rights.

18 REPRESENTATIVE CANNON: Perfect, okay.

19 MS. FREIDIN: would it be possible to get a  
20 microphone so that I could sit down?

21 REPRESENTATIVE CANNON: Yes, we will take a  
22 five-minute break until we get a mike and it will  
23 be on its way. Thank you very much.

24 Members, we will stand in recess for five  
25 minutes.

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1 (Brief recess.)

2 REPRESENTATIVE CANNON: And actually it  
3 occurred and I think Chairman Haridopolis makes a  
4 very good point, which is if you are feeling tired  
5 and not up to testifying, we don't want to extend  
6 the meeting beyond that at all.

7 We do appreciate your testimony and your  
8 passion and your hard work. So if it is all right  
9 with the Members and I have gotten sort of general  
10 head nods that they are okay allowing the meeting  
11 to end here.

12 We would ask you to come back and I will say  
13 that our staff has found both the software and all  
14 of the data from the 2000 reapportionment, and not  
15 just the data, but as well all of the public  
16 hearings, all of the testimony that the Department  
17 of Justice used when they reviewed the plan back in  
18 2000.

19 We would also as Chairman Haridopolis and I  
20 have agreed, be willing to make our staff available  
21 and because you are a volunteer, pay for any of the  
22 time or staff time necessary to have you draw a set  
23 of maps, but we do want to renew the request that

24 we have heard testimony, I know back in 2000, both  
25 common cause and the Florida League of Women

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1 Voters, they drew plans.

2 So it is possible and we would sincerely ask  
3 you to do that, to demonstrate to us that it is, in  
4 fact, possible to draw a set of Congressional maps  
5 that you would contend would comport with the  
6 language of the amendments.

7 So we will make that available to you and once  
8 again, we very, very much appreciate your testimony  
9 here today and hope to see you back in conjunction  
10 with our staff at a meeting either next week or  
11 shortly thereafter.

12 SENATOR SIPLIN: Mr. Chair.

13 REPRESENTATIVE CANNON: Senator Siplin.

14 SENATOR SIPLIN: Yes, thank you. I don't know  
15 if it would be an inconvenience, but I would like  
16 to request of the Chairmanship if there is other  
17 interested parties who were the founders or the  
18 originators of this movement, to come and present,  
19 too, because I, you know, as a member of the Black  
20 Caucus would like to understand the theory and the  
21 purpose from which this amendment initiated.

22 And I think it would be relevant under the  
23 record concerning the issues that have brought it  
24 forward. So I would recommend that those other  
25 parties who are a part of this conceptualization or

1 this amendment be invited, also, so we can address  
2 the questions to them, also.

3 REPRESENTATIVE CANNON: I think it is a great  
4 idea and we will have our staff work with your  
5 staff, Ms. Freidin, and once again, we really  
6 appreciate your participation today. We will  
7 reimburse you for the travel necessary to attend  
8 those future meetings as well.

9 MS. FREIDIN: I appreciate that and I just  
10 want to make it very clear to everybody in this  
11 room and everybody else who is listening, that our  
12 goal at Fair Districts Florida is simply to draw  
13 districts. To have you all draw districts that  
14 benefit the people of Florida and not the  
15 politicians of Florida.

16 We want to see brakes put on the political  
17 favoritism in redistricting. We want to give  
18 voters a choice, a real choice. We want to have  
19 districts that make sense geographically. We want  
20 to have districts that voters can understand.

21 We want to end this crazy quilt of Rorschach  
22 districts that exist in the state today, and we  
23 want to make sure that there is equal opportunity  
24 for minority voters in all of Florida. We want to  
25 stop the legalized conflict of interest. And I

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1 thank you for having me here today.

2           REPRESENTATIVE CANNON: And Ms. Freidin, we  
3           look forward to you demonstrating to us that that  
4           is possible and we will see you at the next  
5           meeting. With that Senator Negrón moves we rise.  
6           without objection, show that motion approved.  
7                    (whereupon, the meeting was concluded.)

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1                           C E R T I F I C A T E

2           STATE OF FLORIDA    )

3           COUNTY OF LEON     )

4                    I hereby certify that the foregoing transcript  
                                  Page 135

5 is of a tape-recording taken down by the undersigned,  
6 and the contents thereof were reduced to typewriting  
7 under my direction;

8 That the foregoing pages 2 through 149  
9 represent a true, correct, and complete transcript of  
10 the tape-recording;

11 And I further certify that I am not of kin or  
12 counsel to the parties in the case; am not in the  
13 regular employ of counsel for any of said parties; nor  
14 am I in anywise interested in the result of said case.

15 Dated this 18th day of February, 2010.

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CLARA C. ROTRUCK

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Notary Public

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State of Florida at Large

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