

>> ALL RISE.

HEAR YE, HEAR YE, HEAR YE.

DRAW NEAR, GIVE ATTENTION, YOU
SHALL BE HEARD.

GOD SAVE THESE UNITED STATES,
THE GREAT STATE OF FLORIDA AND
THIS HONORABLE COURT.

>> LADIES AND GENTLEMEN, SUPREME
COURT OF FLORIDA.

PLEASE, BE SEATED.

>> GOOD MORNING AND WELCOME TO
THE FLORIDA SUPREME COURT.

WE HAVE ONE CASE ON THE DOCKET
TODAY, JOINT RESOLUTION OF
LEGISLATIVE APPORTIONMENT.

MR. SMITH.

>> GOOD MORNING, YOUR HONOR, AND
MAY IT PLEASE THE COURT.

AFTER THE COURT WAS FORCED TO
INVALIDATE THE LAST SENATE MAP
AND SENT IT BACK TO BE REDONE,
UNFORTUNATELY, THE SENATE AGAIN
FAILED TO COME INTO FULL
COMPLIANCE WITH ITS
CONSTITUTIONAL OBLIGATIONS UNDER
ARTICLE III, SECTION 21.

IN FACT, IT DID NOT DO NEARLY
ENOUGH TO ELIMINATE THE
GLARING --

[INAUDIBLE]

FOR POLITICAL PARTIES AND
INCUMBENTS THAT IS STILL A
FEATURE OF THE NEW MAP THAT IS
NOW BEING REVIEWED TODAY.

>> WELL, COULD WE ADDRESS THE
SCOPE OF WHAT THE SENATE WAS
OBLIGATED TO DO UPON THE
JUDGMENT BEING ENTERED?

I THINK THAT YOU AND THE FLORIDA
DEMOCRATIC PARTY TAKE THE
POSITION THAT THE SENATE HAD TO
REDRAW THE WHOLE MAP?

>> ABSOLUTELY, YOUR HONOR.

>> WELL, YOU KNOW, READING THE
CONCLUSION, READING THE ENTIRE
OPINION IT WOULD SEEM THAT
SPEAKING FOR THE PERSON THAT
WROTE IT THAT IT WAS PRETTY
CLEAR THAT THERE WERE CERTAIN
DISTRICTS THAT WERE SPECIFICALLY
INVALIDATED.

THERE WERE OTHER DISTRICTS THAT
WERE, THE CHALLENGES WERE
SPECIFICALLY REJECTED, AND I'D
LIKE YOU TO ADDRESS WHETHER YOU

CALL IT RACE JUDICATA LAW OF THE CASE, WHETHER IF WE WERE TO LOOK AT DISTRICTS THAT WERE UNCHANGED WHICH ARE 14 OF THE 40 AND WHERE CHALLENGES WERE EITHER REJECTED OR THE BURDEN OF THE CHALLENGES WEREN'T MET, HOW WOULD THAT BE FAIR TO THE SENATE? AND FAIRNESS SHOULD BE PART OF THIS WHOLE PROCESS.

>> SURE.

I THINK THERE ARE TWO ELEMENTS THAT YOU NEED TO KEEP IN MIND HERE THAT SUPPORT THE PROPOSITION THAT THE WHOLE MAP IS NOW BEFORE YOU. ONE IS, OF COURSE, THE CONSTITUTIONAL OBLIGATION THAT THE CONSTITUTION PUT ON THIS COURT WHICH IS TO ASSURE REGARDLESS OF WHAT CHALLENGES MAY OR MAY NOT BE BROUGHT THAT THE WHOLE MAP IS CONSTITUTIONAL. THAT WAS YOUR DUTY THE FIRST TIME, IT CONTINUES TO BE YOUR DUTY UNDER SECTION 16, ARTICLE III THIS TIME. EVEN IF WE WEREN'T HERE TODAY, YOU WOULD HAVE THAT SAME OBLIGATION TO REVIEW THE MAP AND MAKE SURE THE APPORTIONMENT IS VALID TO USE THE LANGUAGE IN THE CONSTITUTION.

THE SECOND POINT I WOULD MAKE IS THAT THE COURT KID NOT SIMPLY INVALIDATE EIGHT DISTRICTS. THE COURT GAVE ADDITIONAL INSTRUCTIONS TO THE SENATE THAT REQUIRE A MUCH BROADER REVIEW. IT'S SAID, FOR EXAMPLE, THAT THE SENATE'S UNDERSTANDING OF THE REQUIREMENT, OF RESPECT FOR POLITICAL AND GEOGRAPHICAL BOUNDARIES WAS COMPLETELY OFF BASE, THAT THEY HAD TO GO BACK AND START ONEVER ON THAT AND, THEREFORE --

>> WELL, DOESN'T YOUR ARGUMENT HERE ASSUME THAT WE DID NOT LOOK AT THE OTHER DISTRICTS THAT WERE NOT INVALIDATED?

IT SEEMS TO ME THAT IF WE SAID THAT THERE WERE CERTAIN DISTRICTS THAT WERE INVALIDATED, WE CERTAINLY REALIZED THAT THEY

WERE GOING TO STRAIGHTEN THAT
OUT, THAT SOME OTHER DISTRICTS
MAY BE AFFECTED.
>> SURE.
>> WHEN YOU AGREE WITH THAT,
RIGHT?
>> YES.
>> BUT IF THERE WERE DISTRICTS
THAT WOULD NOT BE AFFECTED BY
STRAIGHTENING OUT THOSE THAT WE
THOUGHT WERE INVALID, THAT WE
SAID WERE INVALID, WHY WOULD WE
NOW WANT TO GO BACK AND LOOK AT
OTHERS?
THAT JUST DOESN'T, TO ME,
RESONATE.
WE LOOKED AT THE ENTIRE THING
BEFORE WE --
[INAUDIBLE]
>> I UNDERSTAND.
BUT I THINK IT'S IMPORTANT TO
UNDERSTAND WHAT ELSE YOU TOLD
THE SENATE TO DO.
UNDERSTANDING THE RESPECT FOR
GEOGRAPHIC BOUNDARIES, YOU TOLD
THEM TO REVIEW ALL OF THE
MINORITY DISTRICTS THAT MIC SURE
THAT THEY ARE NOT EXCESSIVELY
VIOLATIVE OF THE TIER II
REQUIREMENTS TO GO BACK AND DO
THE MINORITY DISTRICTS OVER TO
MAKE SURE THAT WASN'T A PROBLEM.
THAT WAS IN ADDITION TO THE
EIGHT DISTRICTS THAT YOU TALKED
ABOUT, THAT THEY HAD TO GO BACK
AND DO THIS FUNCTIONAL ANALYSIS
AND REVIEW THAT.
>> WHY DON'T YOU GIVE US,
BECAUSE WE CERTAINLY HAVE
LIMITED TIME --
>> YES.
>> AN EXAMPLE OF AN ATTACK ON A
DISTRICT --
[INAUDIBLE]
>> BY NO MEANS.
>> OKAY.
THAT WAS UNCHANGED BUT EITHER
THAT A DIFFERENT ARGUMENT BEING
MADE, DIFFERENT EVIDENCE HA NOW
BEEN DEVELOPED THAT NOW SHOWS
THAT WHAT WAS PREVIOUSLY VALID
CAN'T STAND IF PRUDENCE ABOUT
THIS IS GOING TO BE EQUALLY
APPLIED.
>> I WOULD JUST PREFACE THIS,

AND I WILL DO THAT, YOUR HONOR.
WE HAVE NEW LINES AT THE CORE OF
WHAT WE'RE CHALLENGING HERE IN
NORTHEAST FLORIDA AND IN
ORLANDO, BUT AN EXAMPLE OF WHAT
YOU'RE ASKING FOR WOULD BE OUR
DISCUSSION OF THE TAMPA BAY
REGION WHICH IS UNCHANGED.
BUT GIVEN THE COURT'S, THE FOCUS
ON THE TIER II REQUIREMENTS AND
PARTICULARLY RESPECT FOR
COMPACTNESS, GEOGRAPHIC
BOUNDARIES AND POLITICAL
BOUNDARIES, WE HAVE BROUGHT TO
THE ATTENTION THE FACT THAT
THERE ARE TWO DIFFERENT
DISTRICTS THAT CROSS TAMPA BAY
THERE.

NOT JUST THE MINORITY DISTRICT,
IT NEEDS TO DO THAT, BUT A
SECOND DISTRICT, DISTRICT 22
WHICH, ESSENTIALLY, GRATUITOUSLY
CROSSES THE COUNTY LINE AND THE
BAY.

IT IS, ESSENTIALLY, A TWO-FER
FOR VIOLATING TIER II BECAUSE
THEY DO BOTH, THEY BOTH
DISRESPECT THE BOUNDARY AND
DISRESPECT THE GEOGRAPHIC
BOUNDARIES --

>> NOW, WERE THOSE DISTRICTS
THAT WERE CHALLENGED LAST TIME
BY THE COALITION?

>> THERE WERE SOME RELATED
CHALLENGES IN THE NEIGHBORHOOD,
WHAT IS NOW CALLED DISTRICT 17.
I BELIEVE IT USED TO BE CALLED
DISTRICT 15, SENATOR NORMAN'S
CHALLENGE.

BUT THAT PARTICULAR ARGUMENT
ABOUT CROSSING THE BAY WITH
RESPECT TO DISTRICT 22, WHAT'S
NOW CALLED 22, I'M NOT ACTUALLY
SURE WHAT IT WAS CALLED LAST
TIME, WAS NOT, I DON'T THINK,
BROUGHT BY ANY OF US.

WHAT WE DID WAS WE CHALLENGED
THE WHOLE MAP, TALKED ABOUT THE
PROCESS, THE FACT THEY WENT TO
ALL THE INCUMBENTS AND ASKED
THEM WHAT THEY WANTED, AND WE
HAD A VERY SHORT SECTION IN OUR
BRIEF THAT GAVE SOME EXAMPLES OF
WHAT THE RESULTS WERE, BUT WE
DIDN'T VIEW IT THE WAY WE NOW DO

GIVEN --

>> WELL, IF WE DON'T ACCEPT YOUR ARGUMENT --

>> HAPPY TO, YOUR HONOR.

I THINK EXHIBIT A IS WHAT HAPPENED IN NORTHEAST FLORIDA. NORTHEAST FLORIDA IF YOU'LL RECALL HAD THAT RATHER SPRAWLING DISTRICT SIX WITH TENTACLES GOING OUT TO PICK UP THE AFRICAN-AMERICAN POPULATION GOING DOWN FROM DUVAL AND A NUMBER OF OTHER COUNTIES. AND THE COURT SAID IN ADDITION TO BEING NONCOMPACT THAT THAT TICKET WAS, QUOTE, INDICATIVE OF A FAVOR TO --

[INAUDIBLE]

A VERSION OF WHAT WE HAD PROPOSED, A DUVAL-ONLY DISTRICT. NOW, HOWEVER, WHAT THEY DID WAS THEY SET OUT HAVING TO PUT THE DISTRICT IN DUVAL COUNTY ALONE TO FIND A WAY TO MAKE SURE THAT EVERY OTHER DISTRICT IN THAT REGION OF THE STATE REMAINS REPUBLICAN-CONTROLLED. EXACTLY WHAT THEY HAD ACHIEVED WITH DISTRICT SIX.

THEY DECIDED THEY WOULD TRY TO ACHIEVE IT WITHOUT DISTRICT SIX, AND THEY DID THAT.

THEY DREW THE DISTRICTS IN SUCH A WAY THAT EVERY OTHER DISTRICT GOT THERE, FOUR, FIVE, SIX, SEVEN ARE REPUBLICAN LEANING OR VERY LIKELY REPUBLICAN HELD.

AND THIS IS ONE OF THE REAL PROBLEMS WITH THAT WAS A LINCHPIN OF THEIR ABILITY TO DO THAT WAS THE WAY THEY DIVIDED VOLUSIA COUNTY AND IN PARTICULAR DIVIDED RIGHT DOWN THE CENTER OF THE CITY DAYTONA BEACH, FLORIDA, AND THIS AFRICAN-AMERICAN COMMUNITY A VERY STRONGLY DEMOCRATIC BASE WHICH WAS DIVIDED SO THAT BOTH DISTRICT SIX AND DISTRICT EIGHT WOULD REMAIN REPUBLICAN CONTROLLED.

>> NOW, THEIR ARGUMENT ON THAT, AS I'M SURE YOUR FAMILIAR, IS THAT WHEN THEY REDREW DISTRICT SIX, THAT WITHOUT TAKING POPULATION THERE SOMEWHERE THAT

THEY, THEY HAD TO DRAW ON
POPULATION IN ORDER TO EQUALIZE
THE POPULATION, AND THEIR
RATIONALE WAS THAT THEY DIDN'T
WANT TO SPLIT CLAY COUNTY, AND
THEY, THEREFORE, CHOSE TO SPLIT
VOLUSIA AGAIN AND SPLIT DAYTONA
BEACH.

>> RIGHT.

>> SO THE ARGUMENT IS, AND THIS
IS, I THINK, THIS AREA IS
CRITICAL.

YOU KNOW, I THINK THIS IS
PROBABLY, IN MY VIEW, YOUR
STRONGEST CHALLENGE IS THAT THIS
WAS THE REASONABLE LEGISLATIVE
DISCRETIONARY DECISION.

ON A FACIAL REVIEW, HOW DO WE
NOT SAY THAT THAT'S A REASONABLE
ALTERNATIVE?

>> AS THIS COURT INDICATED LAST
TIME, YOU LOOK AT THE
ALTERNATIVE MAPS AND FIND OUT
WHETHER, IN FACT, THAT WAS THE
ONLY CHOICE THEY HAD, AND OUR
MAPS AS WELL AS THE DEMOCRATIC
PARTY MAP SHOW YOU DIDN'T HAVE
TO SPLIT CLAY COUNTY --

>> WELL, YOUR MAPS TAKE SORT OF
A TRADE-OFF, YOU TAKE PUTNAM AS
PUTNAM GOES INTO SIX AND CLAY
GOES INTO SEVEN.

>> IT'S THE OTHER WAY AROUND,
ACTUALLY.

WE PUT CLAY INTO SIX AND PUTNAM
INTO SEVEN.

>> THAT'S WHAT I MEANT, I'M
SORRY.

THAT BUDGET, WELL, THEY SAY YOU
DIDN'T BRING THIS TO THEIR
ATTENTION WHILE THEY WERE
CONSIDERING THE REDRAWING IN
THIS VERY, YOU KNOW, SHORT TIME
FRAME.

>> WE, WE HAD A MAP WHICH WAS
PART OF THE LAST PROCEEDING, WE
HAVE SOME VARIATIONS ON THE MAP,
BUT THE FACT OF THE MATTER IS
THEY HAVE A BUNCH OF COUNTIES,
THEY SAY THEY PLAY VERY
CAREFULLY WITH THEM, AND THEY
WERE EITHER REQUIRED TO SPLIT
CLAY COUNTY OR VOLUSIA COUNTY
FROM THE NORTH, AND THAT'S
SIMPLY NOT TRUE.

THE SECOND PROBLEM WITH THAT ARGUMENT IS YOU DIDN'T HAVE TO SPLIT VOLUSIA COUNTY IN PRECISELY THAT WAY.

THE REMARK OF GERRYMANDERING IS VERY CLEAR.

YOU SWERVE DOWN AND COME RIGHT INTO DAYTONA BEACH, THIS IS A THOUSAND WAYS YOU COULD HAVE SPLIT VOLUSIA COUNTY AS THOUGH THE MAPS SHOW --

>> OKAY, GO AHEAD.

>> MY QUESTION TO YOU IS WHAT VIOLATION IS THERE, HOWEVER. IF THEY MADE A CHOICE OF SPLITTING VOLUSIA VERSUS SPLITTING CLAY, WHAT OF THOSE S THERE A TIER II OR A TIER I VIOLATION HERE BY SPLITTING DAYTONA BEACH?

>> WELL, THEY DIDN'T MAKE A CHOICE BETWEEN SPLITTING ONE OR THE OTHER, THEY DIDN'T HAVE TO SPLIT EITHER ONE IS THE FIRST POINT I WOULD MAKE, YOUR HONOR. THE SECOND -- SO THEY HAVE GRATUITOUSLY SPLIT A COUNTY. SECOND OF ALL, THEY SPLIT A CITY.

THAT'S A VIOLATION OF TIER II AS WELL, AND THE WAY THEY SPLIT THE COUNTY AND THE CITY IS, I SUBMIT, OBJECT I EVIDENCE IN AND A FACIAL REVIEW OF INTENT, AND WE'VE GIVEN YOU A MAP THAT IN THIS REGION OF THE STATE HAS TWO 50/50 COMPETITIVE DISTRICTS. THEY HAVE A MAP IN WHICH EVERY DISTRICT IS 45, 35 DEMOCRATIC IN TERMS OF THE PRIOR ELECTION RESULTS PLUGGED IN.

SO YOU HAVE, I THINK, A VERY CLEAR EFFORT TO FIND A WAY TO MAKE SURE THAT THEY CANCEL OUT DEMOCRATIC VOTES IN THAT REGION OF THE STATE.

THEY TIE GAINESVILLE UP TO CLAY, THEY SPLIT DAYTONA DOWN THE MIDDLE, PUT IT INTO TWO DISTRICTS SO NEITHER ONE OF THEM CAN END UP BEING COMPETITIVE FOR THE DEMOCRATIC PARTY AND THAT IS, I THINK, NO DIFFERENT FROM THE KINDS OF THINGS THIS COURT INVALIDATED LAST TIME.

IT IS, I SUBMIT, AS GOOD EVIDENCE OF VIOLATION OF BOTH TIER 1 AND TIER 2 THAT YOU'RE GOING TO FIND.

>> COWE LOOK AT THE HISTORY OF THIS AREA IN THAT DAYTONA HAD BEEN PART OF DISTRICT SIX, IT WAS PREVIOUSLY FOR THE LAST TEN YEARS HAD BEEN THERE, AND I THINK BEFORE THAT ALTHOUGH IT WASN'T PART OF THAT DISTRICT, DAYTONA APPEARS TO HAVE BEEN KEPT WHOLE AS PART OF A DIFFERENT DISTRICT, AND THIS ISSUE THAT YOU SAID WHICH IS THAT WE WERE CRITICAL OF THE PACKING OF ALL THESE DEMOCRATIC BLACK COMMUNITIES INTO ONE TO, ESSENTIALLY, DILUTE THE VOTE. BUT NOW WHAT THEY'VE DONE INSTEAD IS THEY'VE DISPERSED THE AFRICAN-AMERICAN COMMUNITY INTO THREE DIFFERENT DISTRICTS. I MEAN, IN OTHER WORDS, IS THAT SOMETHING -- WHERE DOES THAT FIT IN?

IT'S NOT A VOTING, IT'S NOT A SECOND TWO OR FIVE VIOLATION.

>> WITH NO.

>> NO ONE'S CLAIMING THAT.

SO WHERE DOES THAT FIT IN THAT THESE WERE AFRICAN-AMERICAN DEMOCRATS THAT ARE BEING AFFECTED?

DOES IT MATTER VERSUS THAT IT WAS WHITE DEMOCRATS?

>> NO, NOT REALLY, YOUR HONOR. THE ARGUMENT IS POLITICAL HERE, NOT RACIAL.

YOU HAVE A HISTORY OF USING RACE AS A PRETEXT TO CREATE A POLITICAL GERRYMANDER IN THIS REGION, AND WHAT YOU SEE, AGAIN, IS NOT USE RACE AS A PRETEXT, BUT DIVIDING A RACIAL AREA AS A MEANS TO ACCOMPLISH THE SAME GERRYMANDER IN A DIFFERENT METHOD.

I THINK THE FACT THAT THEY HAD AN INTENTIONAL GERRYMANDER LAST TIME AS THE COURT SAID WAS LIKELY OR INDICATIVE IS NOT UNINFORMATIVE OF WHAT'S GOING ON THE SECOND TIME AROUND, AND YOU HAVE A MAP WHICH SHOWS THERE'S

PLENTY OF COMPETITIVE DISTRICTS THAT COULD HAVE BEEN DRAWN, THEY JUST DIDN'T WANT TO DO IT.

LET ME TURN, IF I MIGHT, TO THE ORLANDO REGION WHICH WAS REDRAWN IN THE DIRECTION OF THIS COURT TO ELIMINATE WHAT WAS OLD DISTRICT TEN WHICH WAS DO STRANGE APPENDAGE THAT CAME IN TO GRAB HIS RESIDENCE AND TAKE HIM TO A NARROW CORRIDOR OUT TO THE WEST TO SAFE REPUBLICAN TURF WEST OF THE ORLANDO AREA.

THE NEW MAP DOES, ESSENTIALLY, THE SAME THING WITH THE MIRROR IMAGE, TAKES THE SAME AREA OF ORLANDO, A WHITE, RELATIVELY AFFLUENT PART OF THE ORANGE COUNTY AREA, WRAPS IT TO THE NORTH OF THE HISPANIC DISTRICT INSTEAD OF TO THE SOUTH AND TAKE IT OUT EAST TO TERRITORY THAT GOES ALL THE WAY TO THE ATLANTIC COAST TAKING UP A BIG CHUNK OF BREVARD COUNTY TO GIVE HIM SAFER TERRITORY.

SO YOU HAVE A SITUATION WHERE THROUGH A NONCOMPACT DISTRICT, A POWERFUL REPUBLICAN SENATOR IS GIVEN REPUBLICAN CONSTITUENTS THAT HAVE NOTHING TO DO WITH HIS METROPOLITAN AREA WHERE HE'S LOCATED.

AND THE REASON THEY DID IT IS, ESSENTIALLY, THE SAME WAY THEY DID IT LAST TIME.

THE NATURAL WAY IS TO GO NORTH IN A COMPACT WAY AS OUR MAP DOES, BUT YOU WOULD HAVE HAD A REAL PAIRING BETWEEN SENATOR SIMMONS AND SENATOR GARDINER RATHER THAN WHAT THEY CLIMB TO BE A PAIRING WHICH ISN'T REALLY A PAIRING THE WAY THEY'VE DONE IT THIS TIME.

>> NOW, ON YOUR -- HARD TO KEEP TRACK, BUT ON THE ALTERNATIVE PLAN THERE ARE CONCERNS, ARE THERE NOT?

OR SHOULD WE HAVE CONCERNS WITH DISTRICTS 12 AND 14, WHICH ONE IS A BLACK MAJORITY DISTRICT, AND THE OTHER HAS BECOME A HISPANIC-MAJORITY DISTRICT.

>> THEY'RE NOT ACTUALLY MAJORITY

DISTRICTS, YOUR HONOR.

>> WELL --

>> [INAUDIBLE]

>> WELL, DON'T YOUR, HOW DOES YOUR ALTERNATIVE PLAN EFFECT THOSE TWO DISTRICTS?

>> WELL, OUR -- THE RACIAL, THE BLACK POPULATION IN DISTRICT 12 THE HISPANIC POPULATION IS SLIGHTLY LOWER IN BOTH CASES, BUT PARTICULARLY WITH RESPECT TO 14.

THE HISPANIC DISTRICT IN THE SERVICE OF COMPACTNESS AND BECAUSE THERE IS NO RETRODEPRESSION CONCERN AS TO 14 BECAUSE THERE WAS NO PRIOR HISPANIC DISTRICT, OURS IS MUCH, MUCH MORE COMPACT THAN THEIRS AND WILL GROW INTO A HISPANIC DISTRICT THE NEXT FEW YEARS, THE HISPANIC POPULATION, PRIMARILY IN THAT REGION OF CENTRAL FLORIDA, THAT IS SKYROCKETING. SO OURS IS SLIGHTLY LOWER THAN THEIRS AT THE MOMENT.

SINCE THERE'S NO LEGAL JUSTIFICATION FOR THE NONCOMPACTNESS, NO RETRODEPRESSION OR TIER I ARGUMENT, WE THINK THE RIGHT READING IS YOU KEEP IT MORE COMPACT AND ALLOW IT TO BECOME MORE AND MORE --

>> AGAIN, HERE IS SOMETHING THAT IS MAYBE DIFFERENT FROM UP IN THAT REGION.

IS IT LEGITIMATE THOUGH AS A CONSIDERATION THAT WHEN YOU LOOK FIRST AT COMPACTNESS AND POPULATION, EQUALITY AND TIER II, BUT DON'T YOUR PLANS -- THEY DO TAKE DISTRICT 14 BELOW A MAJORITY --

>> IT'S NEVER BEEN THERE BEFORE. WE DON'T TAKE IT BELOW.

>> SO THAT'S TRUE FOR SECTION TWO OR FIVE, BUT JUST LIKE MAYBE SOME ARGUMENTS ABOUT THE NORTHEAST FLORIDA AREA THAT THERE ARE SOME RACIAL ISSUES THAT ARE IMPORTANT TO CONSIDER WHERE THE BLACKS ARE PLACED. DON'T YOU, ISN'T THERE ALSO A LEGITIMATE INTEREST IN MAKING

DISTRICT 14 HISPANIC, OR IS THAT IMPERMISSIBLE CONSIDERATION FOR THE LEGISLATURE?

>> WELL, TO THE EXTENT IT HAS TO BE RATHER SEVERELY NONCOMPACT IN ORDER TO GET THE POPULATION SLIGHTLY HIGHER, I DON'T SEE A LEGAL JUSTIFICATION FOR THAT EITHER UNDER THE STATE CONSTITUTION BECAUSE THERE'S NO RETROGRESSION ARGUMENT OR UNDER FEDERAL LAW BECAUSE FEDERAL LAW CERTAINLY DOESN'T REQUIRE YOU TO CREATE A NEW MINORITY DISTRICT WHICH IS STILL NONCOMPACT AND WELL BELOW 50% FOR THOSE TWO REASONS OF THE VOTING RIGHTS ACT.

>> WHAT ABOUT DISTRICT 121234.

>> DISTRICT 12 IS ALSO NOT A SECTION TWO DISTRICT, IT'S NOT A MAJORITY DISTRICT.

I THINK IN THAT CASE THE DIFFERENCE IS SO SMALL THAT THE ABILITY TO ELECT STILL EXISTS IN THE WAY THAT CONTINUES TO EXIST UP IN DUVAL COUNTY IN THE AFRICAN-AMERICAN DISTRICT THERE. BUT OBVIOUSLY IF COURT WANTS TO DISAGREE WITH US ABOUT THAT THING, IT WOULD BE A SIMPLE MATTER TO GET DISTRICT 12 BACK TO WHERE WE DIDN'T DO ANYTHING MAJOR TO IT.

THE LINE COULD BE SLIGHTLY ADJUSTED.

THERE WAS SOME CONCERN IN THE BRIEF ABOUT ONE PARTICULAR TOWN THAT SOMEHOW GOT ACROSS THE LINE INTO THE MAJORITY WHITE DISTRICT.

THOSE THINGS COULD EASILY BE ADJUSTED.

I DON'T THINK THAT'S A BASIS FOR REJECTING OUR CHALLENGE.

IT HAS NOTHING TO DO, FRANKLY, WITH OUR CHALLENGE TO SENATOR GARDINER'S DISTRICT WHICH IS NONCOMPACT SIMPLY TO AVOID, TO INSURE THAT BOTH SENATORS HAVE DISTRICTS TO RUN IN.

>> YOU SAID SOMETHING WHICH CONCERNS ME, WE LOOKED AT INCUMBENT PAIRING, BUT YOU NOW TAKE THAT AFTER THESE WERE

DRAWN, SENATOR SIMMONS SAYS HE'S GOING TO MOVE.

POLITICIANS MOVE ALL THE TIME FROM MY LIMITED EXPERIENCE OF WHAT HAPPENS OR WHAT YOU HEAR HAPPENS.

HOW DO WE TAKE SOMETHING AND SAY THAT WAS DONE WHERE THEY'RE NOT LIVING THERE AT THE TIME OF THE DRAWING AND SAY, WELL, THEY MUST HAVE KNOWN THAT SENATOR SIMMONS WAS GOING TO MOVE.

I HAVE SOME DIFFICULTY IN THIS COURT MAKING THAT KIND OF LEAP.

>> I UNDERSTAND.

BUT YOU HAVE TO TAKE INTO ACCOUNT THE FACT THAT THEY DREW THE NONPACT DISTRICT FOR GARDINER THAT OTHERWISE WOULD HAVE REALLY PAIRED THEM AND TAKEN OVER THAT SAME TERRITORY INTO SEMINOLE COUNTY.

UNTIL FACT MAINLY WHERE HE LIVES IS NOW JUST VERY CHOSE THE LINE. AND ACCORDING TO THE PRESS I JUST READ THE PAPERS LIKE YOU DO, HE HAS LOTS OF PROPERTIES UP THERE, AND HE LIVED THERE FOR 16 YEARS.

THERE'S AN AWFUL LOT OF, APPARENTLY, OBJECTIVE REASONS TO THINK THAT THIS IS AS UNSTRESSFUL A PAIRING AS YOU COULD POSSIBLY EXPERIENCE AS A POLITICIAN, YOUR HONOR.

IT'S ALSO INTERESTING TO NOTE THAT IT'S THE ONLY ONE THEY EVEN CLAIM IN THE ENTIRE STATE OF FLORIDA.

UNLIKE THE HOUSE MAP THAT THIS COURT UPHELD WHICH HAD NUMEROUS PAIRING, THEY STILL SEEM TO BE MAKING SURE THAT EVERYBODY HAS GOT AN OPPORTUNITY TO RUN AGAIN WILL HAVE HIS OWN PLACE TO GO. WHATEVER ELSE YOU SAY ABOUT WHAT YOU CAN OR CAN'T AT FIRST, SENATOR SIMMONS HAS A PLACE TO GO.

>> MR. SMITH, YOU'RE NOW IN YOUR REBUTTAL TIME.

>> OKAY, THEN, IF I MIGHT RESERVE THE BALANCE OF MY TIME, AND I APPRECIATE THE TIP, YOUR HONOR.

>> MAY IT PLEASE THE COURT, MY NAME IS JON MILLS, I'M COUNSEL FOR THE FLORIDA DEMOCRATIC PARTY, CO-COUNSEL ARE JOE HATCHET.

I'D LIKE TO RESERVE FIVE MINUTES FOR REBUTTAL.

THE -- WHEN THIS COURT ISSUED ITS HISTORIC OPINION, IT WAS VERY SPECIFIC ABOUT SEVERAL THINGS.

FIRST OF ALL, IT WAS SPECIFIC THAT THE ENTIRE STATE MUST BE VALID, THE PLAN MUST BE CONSISTENT.

NO BE INDIVIDUAL DISTRICT OR INDIVIDUALS IN FLORIDA HAVE A LOWER RIGHT TO A VALID DISTRICT THAN ANY OTHER INDIVIDUALS.

THIS COURT ALSO PLACED A MAJOR PRIORITY ON COMPACTNESS JUSTIFIABLY.

THE COMPACTNESS SYMBOLIZES FAIR DISTRICTS, THE AVOIDANCE OF GERRYMANDERING FOR POLITICAL OR OTHER PURPOSES.

IN DEFINING COMPACTNESS, THIS COURT WENT THROUGH A SERIES OF TESTS.

WAS THE DISTRICT VISUALLY COMPACT, WERE THERE OBJECTIVE STANDARDS EITHER --

>> I KNOW.

BUT THE HOLDING AND, AGAIN, THIS IS, TO ME, THAT WE HAVE HELD -- WE SAID DISTRICT 1, 3, 6, 9, AND MANY ARE CONSTITUTIONALLY INVALID.

THE LEGISLATURE SHOULD REMEDY THE PROBLEMS WITH RESPECT TO THESE DISTRICTS AND ANY AFFECTED DISTRICTS IN ACCORDANCE WITH THE STANDARDS DEFINED BY THE COURTS. IT SEEMS THAT IF COURT INTENDED THAT THE ENTIRE PLAN BE REDRAWN, THAT WE SHOULD HAVE SAID IN FAIRNESS TO THE WHOLE PROCESS AND THE ENTIRE, ALL THE OTHER DISTRICTS WHETHER WE'VE UPHELD THEM AGAINST THE SPECIFIC CHALLENGES SHOULD BE LOOKED AT WITH REGARD TO THESE CHALLENGES EVEN IF WE DIDN'T CHALLENGE IT. I MEAN, THAT -- IT'S JUST SO NOT THERE, AND I THINK THERE WAS A

CHOICE THAT THE COURT HAD TO MAKE ABOUT THE SCOPE OF WHAT IT WAS GOING TO BE DOING, AND IT JUST DOESN'T SEEM LIKE THE ONES THAT WERE UNCHALLENGED DON'T HAVE TO BE, YOU KNOW, AGAIN, THERE CAN BE AN ARGUMENT THAT, LISTEN, THEY -- IN CERTAIN PARTS OF THE STATE LIKE PLANT CITY, YOU KNOW, THEY JUST CHANGE ALL SORTS OF DISTRICTS, BUT THEY MINIMIZE WHAT THEY WERE DOING UP IN NORTHEAST FLORIDA, SO THERE'S SOME INCONSISTENCY THERE FOR LOOKING AT THE CHALLENGES. BUT AS FAR AS SAYING EVERY DISTRICT, EACH THE DISTRICTS THAT WERE NOT CHALLENGED OR UPHELD HAVE TO BE LOOKED AT, I'VE JUST GOT SOME CONCERNS ABOUT THAT.

>> WELL, I UNDERSTAND THAT AND, FRANKLY, YOU HAVE TOTAL DISCRETION.

THIS COURT REVIEWS TO DETERMINE WHAT'S VALID AND INVALID, AND IF YOU LOOK AT IT AND YOU THOUGHT IT WAS VALID BEFORE AND YOU -->> CAN YOU, CAN YOU GIVE AN EXAMPLE OF A DISTRICT THAT STANDS OUT AS BEING, YOU KNOW, IF THE COURT HAD APPLIED THE OVERLAY TO THAT DISTRICT ASK IF WE HAD THOUGHT OF THAT CHALLENGE, WE WOULD HAVE MADE THAT CHALLENGE --

>> I CAN'T.

>> WE'RE MAKING IT NOW.

>> NOW, BUT IF I MAY JUST MAKE ONE REMAINING ARGUMENT IN TERMS OF FAIRNESS AND PROCESS, RACE JUDICATA MEANS SOMETHING WAS DECIDED PRECISELY AS IT WAS. MANY, MANY OF THESE DISTRICTS WERE CHANGED, AND YOU KNOW THAT, AND YOU KNOW WHICH ONES. AND, ALSO, THERE WERE SOME CONCLUSIONS THIS COURT MADE ABOUT ARGUMENTS THAT CAN NOW BE MADE.

THIS IS THE FIRST TIME WE HAVE AN OPPORTUNITY TO LOOK AT YOUR OPINION AND APPLY IT. HENCEFORTH AND FOREVER MORE THERE WILL BE THAT OPINION, BUT

TODAY IS THE FIRST DATE, I'LL GIVE YOU THAT EXAMPLE OF 32, PREVIOUSLY YOU SAID THE FLORIDA DEMOCRATIC PARTY CHALLENGED BUT DID NOT PROVIDE AN ALTERNATIVE, AND BE IN YOUR OPINION IT BECAME VERY IMPORTANT TO SHOW THAT ONE OF THE TESTS FOR COMPACTNESS, VISUAL OBJECTIVE APPENDAGES IS THEIR ALTERNATIVE.

IT DOESN'T DIMINISH MINORITY RIGHTS.

NOW, 32, BY THE WAY, WAS SLIGHTLY CHANGED.

SO I DON'T THINK -- I THINK YOU CAN MAKE THIS ARGUMENT WITHOUT EVEN HAVING TO MAKE THE PART OF THE ARGUMENT THAT I'M MAKING.

33 IS EXTREMELY NONCOMPACT.

IT'S THE LEAST COMPACT DISTRICT IN THE STATE.

IT APPEARS VISUALLY IF YOU WERE GOING TO TRY TO JUSTIFY IT THAT IT IS A COASTAL DISTRICT.

YOU REJECTED TWO COASTAL DISTRICTS BECAUSE COMMUNITIES OF INTEREST ARE NOT A STANDARD.

CLEARLY, THIS DISTRICT IS NOT JUSTIFIABLE ON A TIER I BASIS.

SO BY OBJECTIVE STANDARDS IT IS NONCOMPACT, THERE'S NO TIER I JUSTIFICATION, AND THERE'S AN ALTERNATIVE THAT IS

SUBSTANTIALLY MORE COMPACT.

IT'S, THAT IS AN EXAMPLE OF AN ARGUMENT THAT HAVE REVISED.

THE OTHER, THE OTHER AREA --

>> I'M SORRY, WHICH ONE IS 32?

ARE WE DOWN IN SOUTH --

WHETHER --

>> NO, IT'S MARION -- NO, I'M SORRY, IT'S MARTIN/ST. LUCIE AREA.

>> OKAY.

>> IF YOU LOOK AT THE MAP, IT IS A LONG, SKINNY COASTAL DISTRICT. THAT HAS A SCORE OF 23 WHICH IS THE LOWEST SCORE OF ANY SCORE IN THE ENTIRE PLAN.

>> WELL, PRETTY CLOSE TO DISTRICT EIGHT.

>> PRETTY CLOSE TO DISTRICT EIGHT.

WHICH I AGREE WITH YOUR HONOR THAT THAT IS THE OTHER AREA

THAT'S CLEARLY CHANGED AND, BY THE WAY, THE SCORE IN DISTRICT EIGHT NOT ONLY IS LOW, IT WENT DOWN.

IT WAS PREVIOUSLY 28, NOW IT'S 24.

SO THE DISTRICT WAS CHANGED, AND IT WAS WORSE.

I UNDERSTAND THE ARGUMENT AND THE DISCUSSION ABOUT REDRAWING THE DISTRICTS, BUT AS MR. SMITH EXPLAINED, IT IS POSSIBLE TO DO WHAT THE SENATE WANTED TO DO WHICH IS KEEP VOLUSIA WHOLE AND KEEP CLAY WHOLE.

AND I THINK IT'S ALSO IMPORTANT TO UNDERSTAND THAT THE SPLITTING OF VOLUSIA WAS DONE WITH AN ALTERNATIVE.

THERE WAS AN ALTERNATIVE OFFERED ON THE FLOOR TO PUT DAYTONA BEACH BACK WHOLE, AND THAT WAS REJECTED.

>> BUT THAT ALTERNATIVE DID INVOLVE SPLITTING CLAY COUNTY?

>> IT PROBABLY DID.

I THINK YOU REFERRED TO THE MINORITY QUESTION.

THERE'S NO QUESTION THAT THERE ARE BETTER OPTIONS FOR MINORITY MEMBERS IN THE 6, 7 AND 8 AREA THAN THE PLAN.

BUT THE MOST IMPORTANT AND CENTRAL POINT IS THERE'S NO TIER I JUSTIFICATION AT ALL.

AND ACCORDING TO YOUR TEST AND ARGUMENT YOU GO FROM IS IT COMPACT AND USING VISUAL, OBJECTIVE STANDARDS, ARE THERE, ARE THERE APPENDAGES AND ARE THERE ALTERNATIVES TO THEN IS THERE A JUSTIFICATION.

AND BE WITH REGARD TO THAT, I WANT TO MENTION ONE MORE DISTRICT.

DISTRICT 14, YOU STARTED TO DISCUSS DISTRICT 14.

WHICH THE SENATE ARGUES IS A HISPANIC DISTRICT.

IT IS IN THEIR -- AND BY THE WAY, IT IS VERY NONCOMPACT.

LET ME SUGGEST ALSO THAT THE TEST THAT YOU HAVE DONE, A GOOD EXAMPLE OF A REVIEW OF THE TEST, A TEST FOR DISTRICT 32 WOULD BE

EXACTLY WHAT YOU DID IN
DISTRICTS ONE AND THREE.
THERE'S NO RACIAL JUSTIFICATION.
THE ONLY JUSTIFICATION WAS IT
WAS COMMUNITIES OF INTEREST, AND
THEY FAILED.
THAT SAME TEST SHOULD BE APPLIED
TO DISTRICT 32.
AND LOOKING AT DISTRICT 14,
THERE IS A RACIAL ISSUE.
THERE IS A RACIAL ISSUE.
SO THE QUESTION IS HOW DO YOU
ADDRESS THAT?
YOU ADDRESS IT THE SAME WAY YOU
ADDRESS DISTRICT 1 AND 9.
YOU SAID IS IT POSSIBLE --
>> YOU MEAN 1 AND 3?
>> NO, NO.
>> I'M SORRY.
>> I'M SORRY, 6 -- THE NEW
JACKSONVILLE.
>> ALL RIGHT.
>> NEW JACKSONVILLE.
THE TEST THAT YOU IMPLEMENTED ON
9 WHICH WAS A VERY, VERY
IMPORTANT TEST FOR VALUE BECAUSE
IT DOES SAY YOU'RE NOT LOCKED IN
FOREVER TO PERCENTAGES.
VERY IMPORTANT POINT.
VERY IMPORTANT POINT.
AND YOU SAY THAT A COUPLE OF
DIFFERENT PLACES, IT'S SIMPLY A
VOTING AGE POPULATION SHOULD NOT
LOCK IN AN AREA.
SO YOU HAVE TO DO A FUNCTIONAL
TEST.
YOU HAVE TO ACTUALLY LOOK AT 14.
SO 14 IS AT LEAST OF CONCERN
BECAUSE IT'S VERY NONCOMPACT.
SO WHAT IS THE JUSTIFICATION?
THE JUSTIFICATION IS WE HAVE A
50% VOTING AGE POPULATION, BUT
YOU HAVE TO LOOK AT THE ENTIRE
SITUATION.
THE ENTIRE SITUATION IS THE
HISPANIC POPULATION CAN ONLY, IS
ONLY 28% OF THE DEMOCRATIC
PRIMARY, DEMOCRATIC-PERFORMING
DISTRICTS.
THE ALTERNATIVE, WHICH IS
RELEVANT, IS THREE-TENTHS OF A
PERCENT DIFFERENT.
SO THE EXACT ANALYSIS THAT YOU
DID ON DISTRICT NINE SHOULD BE
EMPLOYED ON DISTRICT 14.

AND THAT IS THERE IS NO
SIGNIFICANT DIFFERENCE IN THE
ABILITY TO ELECT, BUT THERE'S A
SIGNIFICANT DIFFERENCE IN
COMPACTNESS.

LET ME BRIEFLY MENTION BECAUSE I
DO WANT TO PRESERVE MY TIME THE
ISSUE OF INFLUENCE.

THIS COURT PREVIOUSLY TALKED
ABOUT PAIRING OF CANDIDATES.
IT ALSO TALKED ABOUT CORE
DISTRICTS.

CANDIDLY, THE MOST IMPORTANT
THINGS TO A POLITICIAN ARE WHO
AM I RUNNING AGAINST, WHO'S
VOTING FOR ME?

YOU SOLVED -- YOU DIRECTED THE
SENATE TO SOLVE ISSUES ABOUT
NUMBERING, THEY DID.

YOU DIRECTED THEM TO SOLVE
ISSUES ABOUT DEVIATION, THEY
DID.

THESE ARE THE TWO MOST IMPORTANT
INCUMBENT-RELATED ISSUES.

NOW, NO SIGNIFICANT CHANGE IN
PAIRING.

AND YOU LOOK AT THE CORE
DISTRICTS, THEY'RE SUBSTANTIALLY
THE SAME.

YOU JUST HAVE TO MAKE A JUDGMENT
WHETHER THAT CHANGE WAS
SIGNIFICANT ENOUGH.

BUT THOSE TWO ISSUES TOGETHER
ARE AN ADDITION OF FAVORING
INCUMBENTS.

NOT NECESSARILY --

>> DO YOU KNOW THE PERCENTAGE OF
DISTRICT 13 THAT IS CURRENTLY
REPRESENTED BY SENATOR GARDINER?
I MEAN, HOW MUCH DID HE CARRY
OVER INTO 13?

THAT IS --

>> I DON'T KNOW, YOUR HONOR.
I GUESS THAT'S THE DISTRICT
WE'RE TALKING ABOUT THE PAIRING,
RIGHT?

>> I THINK YOU'RE TALKING ABOUT
10 AND 13, RIGHT?

>> RIGHT.

10 AND 13 CONCEPTUALLY, THERE'S
UNDERSTANDING THAT SIMMONS WOULD
MOVE TO 10 AND THAT GARDINER
WOULD BE ALONE IN 14.

>> OKAY.

13, RIGHT?

>> 13.

SO, ULTIMATELY, THAT'S ONE PAIRING MACKED WHEN YOU LOOK AT AUTOMATIC RETIREMENT AND THEN LOOKING AT THERE'S A VERY INTERESTING FACT WHICH THE COALITION POINTED OUT WHICH, AS WE MENTIONED IN OUR BRIEF THAT IF YOU LOOK AT THE CORE DISTRICTS FOR PEOPLE WHO ARE ACTUALLY RUNNING, THEY'RE MUCH, MUCH HIGHER THAN FOR TERM LIMITED.

>> WANT TO ASK --

>> WHAT DOES THAT TELL YOU?

>> ONE OF THE DISTRICTS WE HAVEN'T TALKED ABOUT IS THE PLANT, WHAT HAPPENED WITH THE PLANT CITY SITUATION.

AND YOU'RE -- AND THERE'S AN ARGUMENT THAT WHEN THEY MADE THE CHANGE AT THE LAST MINUTE ON THE FLOOR, THAT THE PURPOSE WAS TO REPRESENTATIVES NOT TO HAVE TO RUN AGAINST ONE ANOTHER.

BUT LOOKING AT THE ALTERNATIVE PLANS BY BOTH THE DEMOCRATIC PARTY AND THE COALITION, YOU HAVE THEM IN DIFFERENT DISTRICTS ALSO.

DON'T YOU?

>> DISTRICT -- WHAT IS THAT DISTRICT?

>> I THINK IT'S 21 AND 26, BUT IT'S THAT AREA WHERE -- I MAY BE WRONG ON THE NUMBERS.

IT'S THE ONE THAT WAS CHANGED ON THE FLOOR TO MOVE PLANT CITY AND TO HILLSBOROUGH, AND THE ARGUMENT --

>> THIS IS THE AMENDMENT OFFERED BY SENATOR --

>> LATVALA.

>> YES.

I THINK YOUR STATEMENT'S RIGHT.

>> SO HOW DO WE, WITH THAT IN MIND IF YOU CAN'T OFFER SOMETHING THAT PUTS THEM TOGETHER, I MEAN, THEN IT SEEMS TO DEFEAT THE ARGUMENT. THE OTHER PART IS DO WE NECESSARY -- IF THAT DISTRICT OR THAT AREA BECOMES MORE COMPACT --

>> THAN NECESSARY.

>> -- AND MORE FAITHFUL TO THE
LINES, I MEAN, I THINK WE KNOW
PLANT CITY, WE KNOW CERTAINLY
CIRCUIT DISTRICTS, CIRCUITS THAT
PLANT CITY IS PART OF
HILLSBOROUGH FOR A LOT OF
REASONS.
SO ON ITS FACE IT LOOKS
REASONABLE, AND IT DOESN'T
VIOLATE --
>> BECAUSE IT'S SMALLER, AND
IT'S MORE LIKELY THAT YOU WILL
HAVE --
>> WELL, IT DOESN'T VIOLATE --
>> RIGHT.
>> -- THE TIER I, TIER 2
INDICATION.
IT BECOMES MORE COMPACT.
>> AND I THINK THAT IS THE
HIGHER STANDARD.
THE COMPACTNESS IS THE MANDATORY
STANDARD.
THESE ARE IN DISH SHAH WHICH IN
THE FIRST OPINION YOU SAID
COLLECTIVELY.
>> SO YOU SAID FOR THAT AREA,
CAN YOU OFFER ANYTHING ELSE THAT
WOULD SAY, OH, NO, IT -- THE
COURT WOULD, YOU CARRIED YOUR
BURDEN TO SHOW THAT --
>> THAT'S NOT AN AREA WE CHOSE
TO EMPHASIZE.
SO THEN, IN CONCLUSION -- FOR
NOW -- THE OVERALL PLAN HAS AT
LEAST THREE OR FOUR DISTRICTS
THAT ARE VERY CHALLENGEABLE EVEN
UNDER YOUR THEORIES IN DISTRICT
9 WHICH YOU DID, WHICH IS 14 OR
THE THEORY THAT YOU IMPLEMENTED
IN DISTRICTS 1 AND 3 WHICH
SHOULD APPLY TO 32.
AND TO 8.
BECAUSE 8 HAS NO RACIAL
JUSTIFICATION.
THANK YOU.
>> MAY IT PLEASE THE COURT, MY
NAME IS ALLISON RIGGS, AND I
REPRESENT THE FLORIDA STATE
CONFERENCE OF NAACP BRANCHES.
THE FLORIDA NAACP URGES THIS
COURT TO FIND THAT BASED ON
UNDISPUTED STATISTICAL EVIDENCE
IN FRONT OF YOU IN THIS RECORD,
SENATE DISTRICTS 9 AND 31
VIOLATE ARTICLE III, SECTION 21

OF THE FLORIDA CONSTITUTION
BECAUSE THEY DIMINISH THE
ABILITY OF BLACK VOTERS TO ELECT
THEIR CANDIDATES OF CHOICE.
DESPITE VOTERS ACROSS THE STATE
VOTING TO CREATE REDISTRICTING
CRITERIA THAT WOULD MAINTAIN THE
HARD-FOUGHT ABILITY OF BLACK
VOTERS TO PARTICIPATE IN THE
POLITICAL PROCESS, WE HAVE A
SITUATION WHERE THERE'S BEEN A
WEAKENING WITH NO OFFSETTING
BENEFIT TO THAT ABILITY.
BEFORE I GET INTO THE SPECIFICS
OF THOSE TWO DISTRICTS,
THOUGH --

>> IF 9 IS NOW, IS THE
JACKSONVILLE ONE THAT WE, THAT
STRETCHED MILES AND MILES AND
MILES PREVIOUSLY, CORRECT?
>> THE DUVAL COUNTY ONE.
>> AND SO DO WE HAVE TO MAINTAIN
THE EXACT PROPORTIONS THAT WERE
THERE IN THE PREVIOUS DISTRICT?
I MEAN, SO ISN'T, DOESN'T THE
MINORITY VOTERS IN THE NEW 9
STILL HAVE THE ABILITY TO ELECT
THE CANDIDATES OF THEIR CHOICE?
>> YOUR HONOR, I WOULD POSIT
THAT THE DAY IN FRONT OF YOU
ACTUALLY SHOWS THAT THEY DO NOT.
BUT FIRST --

>> IT'S A MAJORITY DEMOCRATIC
DISTRICT, RIGHT?
>> EXACTLY.

AND THE PROBLEM IS THAT WITHOUT
CONSIDERING RACIALLY-POLARIZED
VOTING TRENDS, THERE'S A FLAW IN
THAT ASSUMPTION THAT BECAUSE A
DISTRICT PERFORMS
DEMOCRATICALLY, IT THEREBY
ENABLES BLACK VOTERS TO ELECT
THEIR CANDIDATE OF CHOICE.
SO CONSIDERATION OF
RACIALLY-POLARIZED VOTING TRENDS
ARE FUNDAMENTAL TO THE ANALYSIS
THAT THIS COURT PRESCRIBED.
THE COURT SAID
RACIALLY-POLARIZED VOTING TRENDS
IS ONE OF THE RELEVANT FACTORS
TO DETERMINING WHETHER THERE IS
AN ABILITY TO ELECT.
SECOND, THE D.C. DISTRICT COURT
OF OPINION, THE DECEMBER 2011
OPINION IN TEXAS VERY UNITED

STATES WHICH WAS CITED BY THIS COURT IN ITS MARCH 9TH OPINION NOTED THAT THE FIRST STEP IN A SECTION FIVE CASE IS LOOKING AT RACIALLY-POLARIZED TRENDS. THIS WAS THE FIRST COURT TO EXAMINE THE NEW POST-2006 AMENDMENTS TO SECTION 5 WHICH INCLUDED THAT NONDIMINISHMENT STANDARD.

THAT COURT NOTED THAT THE FUNCTIONAL ANALYSIS THAT IT ADOPTED WAS SIMILAR TO DOJ'S 2011 GUIDANCE, BUT IT WASN'T EXACTLY THE SAME, AND ITS FOCUS ON RACIALLY-POLARIZED VOTING WAS ONE OF THE DIFFERENCES.

THE DATA THAT THE COURT HAS IN FRONT OF IT THAT WAS PART OF THE ELECTION DAY DATA THAT MY DISTRICT BUILDER INCLUDED IS NOT THE IDEAL RACIALLY-POLARIZED VOTING ANALYSIS, AND I'LL TALK MORE ABOUT THAT LATER.

BUT IT DOES PROVIDE ENOUGH INDICATOR, ENOUGH INDICATION OF RACIALLY-POLARIZED VOTING TRENDS FOR THIS COURT TO FIND THAT THERE ARE OBJECTIVE INDICATORS THAT, UM, BECAUSE OF RACIALLY-POLARIZED VOTING BLACK VOTING STRENGTH HAS BEEN DIMINISHED TO THE POINT WHERE THE ABILITY TO ELECT IS LOST.

>> NOW, YOU HAVE POINTED TO THE MEEK/CRIST, RUBIO.

BUZZ THAT SENATE RACE ALONE ESTABLISH RACIALLY-POLARIZED VOTING.

IT WASN'T THAT -- IT WAS A THREE PARTY WITH AN INDEPENDENT.

ISN'T THAT, WOULDN'T THAT BE SPECULATION JUST BASED ON THAT ALONE?

AND IT WAS NOT ANYTHING THAT WAS ACTUALLY BROUGHT TO THE ATTENTION OF THE SENATE WAS THAT WHEN THEY WERE DOING THE REDISTRICTING OF, AFTER THE INVALIDATION?

>> WELL, AS I UNDERSTAND IT, THEY DID HAVE THE ELECTION DATA THE SECOND TIME THAT THE HOUSE HAD THE FIRST TIME --

>> BUT THE HOUSE, I DIDN'T THINK

BECAUSE WE USED WHATEVER THE HOUSE HAD, THAT THE SENATE, THAT THAT SENATE RACE WAS PART OF WHAT WAS IN THE HOUSE SOFTWARE. WAS IT YOUR UNDERSTANDING IT WAS?

>> IT WAS CERTAINLY PRODUCED IN THE APPENDIX TO THE DELARE STORY ACTION.

TWO THINGS.

THERE'S A WEALTH OF JURISPRUDENCE THAT SAYS RACIALLY-CONTESTED ELECTIONS ARE THOSE THAT ARE MOST PROBATIVE OF RACIALLY-POLARIZED VOTING. WE DON'T HAVE A LOT THE CHOOSE FROM HERE.

WE HAVE TWO.

WE HAVE THE 2008 PRESIDENTIAL ELECTION AND THE 2010 U.S. SENATE RACE.

THERE'S ALSO A WELL OF JURISPRUDENCE THAT SAYS ELECTIONS ARE MUCH MORE PROBATIVE OF BEHAVIOR THAN AROUND EXOGENOUS.

ONE IS A LOT CLOSER TO SCALE OF THE DISTRICT THAT WE ARE TALKING ABOUT, AND THAT'S THE 2010 SENATE RACE.

AND WHAT WE SEE IN THE 2010 RACE, THE RECONSTITUTED ELECTION RESULTS IS THAT BLACK VOTERS WERE NOT ABLE TO ELECT THEIR CANDIDATE OF CHOICE IF THAT CANDIDATE WAS AFRICAN-AMERICAN. THE VOTING RIGHTS ACT AND THE TIER I PROVISIONS OF ARTICLE III, SECTION 21 CAN'T PROTECT THE ABILITY OF AFRICAN-AMERICAN VOTERS TO ELECT A CANDIDATE ONLY SO LONG AS THAT CANDIDATE IS WHITE AND DEMOCRAT.

IT HAS TO PROTECT THE ABILITY OF MINORITY VOTERS TO ELECT A CANDIDATE EVEN WHEN THAT CANDIDATE IS AFRICAN-AMERICAN. SO WE HAVE A DISTRICT WHERE AFRICAN-AMERICAN -- THE WILL OF AFRICAN-AMERICAN VOTERS WHO HAD THE ABILITY TO ELECT PREVIOUSLY IS NOW BEING FRUSTRATED BY WHITE DEMOCRATS WHO WILL NOT CROSS OVER TO VOTE FOR A BLACK DEMOCRAT.

>> I MEAN THAT'S YOUR -- AND THAT'S ESTABLISHED AS TO ALSO AS TO SOUTH FLORIDA, THAT YOU WOULD TAKE THE MEEK RACE IF YOU HAVE THE SAME INFORMATION FOR SOUTHEAST FLORIDA?

>> NO, YOUR HONOR. THERE IS A DIFFERENT RESULT DOWN THERE.

>> WHAT IS THE -- WHAT'S THE RESULT THERE?

>> MEEK WAS THE TOP VOTE GETTER DOWN THERE.

>> AND REALLY WHAT THE NAACP IS ASKING US TO DO WOULD BE TO PUT CHRISTMAS DISTRICT BACK WHERE IT WAS AND ELIMINATE THE ONE ADDITIONAL DEMOCRATIC DISTRICT THAT OCCURRED AS RESULT OF THE REDRAWN -- THAT IS THE POSITION OF THE NAACP?

>> WELL, IN SOUTH FLORIDA I DON'T THINK THERE IS SIMPLY ONE WAY TO CORRECT THIS, BUT --

>> HAVE YOU SUBMITTED AN ALTERNATIVE PLAN THAT CORRECTS IT THE WAY YOU THINK IT SHOULD AND KEEPS IT MORE COMPACT AND NEUTRAL AS FAR AS PARTISANSHIP? >> WE HAVE NOT, YOUR HONOR, BUT THE EXAMPLE THAT WAS SUBMITTED BY THE COALITION DURING THE FIRST CONSIDERATION OF THIS WAS A DISTRICT THAT WE FEEL BETTER MAINTAINED BLACK VOTING STRENGTH DOWN THERE WAS MORE COMPACT THAN THE INVALIDATED ONE.

BUT THE SENATE CHOSE DESPITE CHOOSING TO GO WITH THE COALITION'S VERSION OR SOMETHING SIMILAR, ACTUALLY NOT EXACTLY THE SAME, BUT INSTEAD OF GOING WITH THE SUGGESTED VERSION IN SOUTH FLORIDA, UM, DECIDED TO GO A DIFFERENT ROUTE.

AND INTERESTINGLY, THE COALITION'S SUGGESTED VERSION WOULD HAVE TAKEN THE DISTRICT INTO --

[INAUDIBLE]

COUNTY AND OFFERED MINORITY VOTERS THE EXTRA PROTECTION OF SECTION 5 OF THE VOTING RIGHTS ACT.

BUT MORE IMPORTANTLY IS THE FACT

THAT RACIALLY-POLARIZED VOTING
HAS TO BE A PART OF THIS
ANALYSIS TO DETERMINE WHETHER
BLACK VOTERS OR HISPANIC VOTERS
REALLY DO --

>> WELL, WE CAN F WE ACCEPT THAT
THAT'S CORRECT, AT THIS STAGE
YOU SEEM TO SAY THAT THE SENATE
BECAUSE THEY DIDN'T CONSIDER IT,
THOSE DISTRICTS MUST FAIL.
THAT'S YOUR -- IT'S SORT OF LIKE
WHAT I'M ENVISIONING IS EVEN
THOUGH NEITHER OF THESE AREAS
ARE SECTION 546 COVERED AREAS,
THAT YOU'RE SUGGESTING SOME KIND
OF A PRECLEARANCE REVIEW FOR
THESE TWO DISTRICTS?

IS THAT -- THAT THE SENATE WAS
SUPPOSED TO HAVE PERFORMED?

>> I THINK WHAT THIS COURT IS
CHARGED WITH DOING IS ENFORCING
ADHERENCE TO THE CONSTITUTIONAL
REQUIREMENT THAT THERE BE NO
DIMINISHMENT OF THE ABILITY TO
ELECT AND ESPECIALLY IN SENATE
DISTRICT 9 BASED ON THE,
GRANTED, LIMITED DATA AVAILABLE,
IT SEEMS MORE LIKELY THAT THE
ABILITY TO ELECT HAS BEEN LOST.

>> SO ARE YOU ASKING US TO GO
BACK TO THE ORIGINAL, YOU KNOW,
DOWN 100 MILES OF THE STATE TO
RECONFIGURE THAT DISTRICT?

>> WELL, I THINK THAT THE
AFRICAN-AMERICAN VOTERS IN
JACKSONVILLE HAVE LOST THE
ABILITY TO ELECT AND, CERTAINLY,
THE AFRICAN-AMERICAN VOTERS IN
VOLUSIA COUNTY AND DAYTONA BEACH
ARE NOW STRANDED IN DISTRICTS
THAT WON'T BE RESPONSIVE TO
THEIR NEEDS.

IT IS NOT NECESSARILY AN ALL OR
NOTHING SCENARIO, BUT --

>> SO YOU DON'T AGREE THAT THE
ORIGINAL -- I DON'T REMEMBER
WHAT NUMBERS THEY WERE, BUT THE
JACKSONVILLE WAS OVERLY
POPULATED DISTRICT?

>> NO, YOUR HONOR.

THIS WAS NOT A PACKED DISTRICT
TO BEGIN WITH.

AND IN AN AREA WHERE THIS DATA
DEMONSTRATES THAT THERE IS
RACIALLY POLARIZED VOTING, THAT

WHITE DEMOCRATS WILL NOT SUPPORT THE BLACK-PREFERRED CANDIDATE IF THAT CHAIR IS HIMSELF AFRICAN-AMERICAN, THEN THE NUMBER TO BE LOOKED AT, WE NEED TO LOOK AT IS NOT THE PERCENTAGE OF DEMOCRATS THAT ARE IN A GENERAL ELECTION THAT ARE AFRICAN-AMERICAN, BUT FIRST THE PERCENTAGE OF VOTERS WHO ARE BLACK IN A GENERAL ELECTION WHICH IN THE NEW SENATE DISTRICT 9 IS ONLY 40% MEANING IT'S MATHEMATICALLY POSSIBLE FOR THEM TO HAVE THE ABILITY TO ELECT THE CANDIDATES OF THEIR CHOICE ABSENT SUBSTANTIAL WHITE CROSSOVER VOTING.

WE HAVE TO LOOK AT THAT, AND THEN WE HAVE TO LOOK AT HAVE THEY BEEN ABLE TO ELECT THE CANDIDATES OF THEIR CHOICE -- >> IN THE PRIMARY, THOUGH, DON'T THEY, DON'T THEY END UP CONTROLLING THE PRIMARY CANDIDATE?

>> YES, YES.

AND IF THERE WERE NO RACIALLY-POLARIZED VOTING, THAT MIGHT BE ENOUGH.

BUT WHAT WE'VE SEEN IS THAT EVEN IF AN AFRICAN-AMERICAN CANDIDATE EMERGES OUT OF THE DEMOCRATIC PRIMARY, WHITE REGISTERED VOTERS WILL NOT SUPPORT --

>> REPUBLICAN RATHER THAN SUPPORT A BLACK DEMOCRAT?

>> WE HAVE A LIMITED AMOUNT OF DATA IN FRONT OF US, AND THAT'S WHAT IT SHOWS --

>> SHOULD THE COURT IN ESTABLISHING THE JURISPRUDENCE THAT WE'RE GOING TO BE FOLLOWING, I MEAN, FOR A LONG, LONG TIME LOOK TO THAT SENATORIAL ELECTION WHICH I DON'T BELIEVE YOU'VE TRIED ANY ONE THAT WOULD SUGGEST ANYTHING BUT THE MOST UNUSUAL AND DIFFERENT IN THE HISTORY OF FLORIDA, BUT THAT SHOULD BE THE PRISM THROUGH WHICH THIS IS GOING TO BE EVALUATED AND ALSO INTO THE FUTURE.

>> NO, YOUR HONOR.

THE JURISPRUDENCE DOESN'T NEED TO BE LINKED TO ONE PARTICULAR ELECTION, BUT WHERE OBJECTIVE INDICATORS BEFORE THIS COURT INDICATE --

>> WELL, WHAT I UNDERSTOOD YOU'RE RELYING ON AS THE OBJECTIVE INDICATOR.

>> RIGHT.

I THINK THEN THERE IS A NEED FOR FURTHER ANALYSIS BUT THAT THE COURT CANNOT DETERMINE BASED ON THE EVIDENCE BEFORE IT THAT THE, THAT THE NEW DISTRICT FACIALLY COMPLIES WITH THE TIER I STANDARD AND THAT IT DOES DIMINISH.

THANK YOU, YOUR HONORS.

>> THANK YOU.

THE COURT WILL NOW TAKE A TEN-MINUTE RECESS.

>> ALL RISE.

>> THREE OR FOUR TIMES, THERE -- ABILITY, AS A COUNTY, WHICH WE SAID IS AN IMPORTANT THING TO ELECT A CANDIDATE OF CHOICE IS IMPEDED, AND SO THE -- THIS IS A CONCERN IN MY OPINION, THAT THEY SAID KEEPING CLAY COUNTY WHOLE.

CLAY COUNTY IN TERMS OF ANY SPLIT, IT IS NOT THE SAME AS TAKING A COUNTY AND SPLITTING IT ONE MORE TIME, SO MY CONCERN IS THE DISTRICT EIGHT YOU HAVE THREE SPLITS FOR VOLUSIA, YOU'VE GOT TWO FOR LAKE, AND THREE FOR MARION.

IT RUNS 90 MILES AND IT IS AT A POINT -- .24 COMPACTNESS, THE POLITICAL BOUNDARIES ARE NOT BEING FOLLOWED, AND THAT THE COMPACTNESS IS LOW, WE'VE GOT TO SEE WHERE THE JUSTIFICATION IS. AND IF JUSTIFICATION IS "WELL, WE JUST DECIDED, WE DON'T WANT TO SPLIT CLAY COUNTY," IS THAT THE KIND OF JUSTIFICATION THAT RAISES QUESTION ABOUT THE POLITICAL MOTIVE.

>> I SUBMIT TO YOU THAT WHEN IT COMES TO -- CHOOSING WHETHER TO GO WITH GEOGRAPHIC AND POLITICAL BOUNDARIES, WHICH WAY

TO DO IT, THIS IS PRECISELY THE
KIND OF JUDGMENT CALL THAT THE
LEGISLATURE IS STILL ABLE TO
MAKE UNDER THIS CONSTITUTION.
TO USE A PUN, THIS CONSTITUTION
SETS SOME BOUNDARIES FOR THE
LEGISLATURE BUT WITHIN PARAMETERS,
THANK YOU.

THE LEGISLATURE IS STILL
ABLE TO MAKE DISCRETIONARY
CALLS.

>> WHERE DOES IT COME --

>> I'M SORRY?

YOU SAID.

>> "PUN" AS A BOUNDARY --
BOUNDARIES.

I WON'T TRY ANY MORE.

>> I KNOW IT WAS GOING TO BE
FUNNY.

THAT IS ALL.

>> YOU SHOULD BE USED TO THE NOT
BEING FUNNY.

BUT -- AND ANOTHER JUDGMENT CALL IS
-- DAYTONA BEACH.

WE CAN SPLIT
EDGEWATER, WHICH THEIR PLANS
SPLIT.

THAT IS EXACTLY THE KIND
OF JUDGMENT CALL WE SHOULD BE
ABLE TO MAKE.

>> HERE IS THE -- DO WE LOOK
AT ALL AT THE FACT THAT WHEN WE
SAID THAT THERE WAS A
PROBLEM WITH DISTRICT SIX, THAT
HAD THIS -- WENT AND ABOUT THAT
IS RACIALLY GERRYMANDERED, AS
CLOSE AS GERRYMANDERED
SOMETHING, I MEAN, I SHOULDN'T
SAY THAT BECAUSE I DON'T KNOW
THE WHOLE COUNTY, BUT IT LOOKS
PRETTY MUCH LIKE GRABBING UP A
BLACK DEMOCRATIC AREA DOWN 100
MILES.

>> SAY WHETHER -- NAACP --

>> I UNDERSTAND -- AN
INTERESTING DIVISION, HERE,
ABOUT THE -- YOU KNOW, WHETHER
THAT WAS PASSED.

I THINK THAT THE
COURT'S OPINION AND CONCERN WAS
THAT IT WAS THEY WERE PACKING AN
AWFUL LOT OF BLACK DEMOCRATIC DISTRICTS THAT DIDN'T
NEED TO BE THERE, SO IF IT ENDS
UP THAT YOU THEN DRAW YOUR
DISTRICT NORTHEAST FLORIDA TO

ACHIEVE THE SAME EXACT
REPUBLICAN BALANCE, AND YOU TAKE
AN AREA LIKE DAYTONA BEACH,
WHICH IS OVERWHELMINGLY
DEMOCRATIC, AND YOU SAID YOU
DON'T HAVE TO SPLIT UP, YOU KNOW,
YOU DON'T HAVE TO BUS DEMOCRATS
FOR SOME KIND OF RAFFLE BUT YOU
LOOK AT THIS, ARE YOU AWARE THERE
IS A NATIONAL PACKING EFFECT OF
DEMOCRATS IN A DAYTONA
DECISION BY REPUBLICAN
LEGISLATURE TO THAT CITY OPPOSED
TO NOT SPLIT REPUBLICAN CLAY
COUNTY.

DO WE JUST IGNORE THAT WHEN
THERE IS YOU KNOW THE OTHER THE
OTHERS' HERE REQUIREMENTS ARE NOT
BEING MET?

I MEAN HOW DO WE --

>> A SECOND, WHAT THIS
CONSTITUTION NOW REQUIRES IS
NEUTRALITY A BLINDNESS TO
FACTORS LIKE INCUMBENCY AND
PARTY SO THAT WHEN YOU
ARE DRAWING A DISTRICT, UNLIKE
WHAT COALITION HAS DONE YOU
DON'T TAKE A LOOK AT WHERE THE
INCUMBENTS ARE
FAVORED BECAUSE YOU ARE NOT
SUPPOSED TO FAVOR OR DISFAVOR.
YOU DON'T LOOK AT THAT AT ALL IF
YOU DON'T LOOK AT THIS AT ALL
YOU DRAW THE LINES ACCORDING TO
GEOGRAPHIC AND POLITICAL
BOUNDARIES, YOU MAKE JUDGMENT
CALLS, THAT IS ALL --

CONSTITUTION REQUIRES --

A JUDGMENT CALL --

>> WHO SAYS NO IDEA WHEN THEY
MAKE JUDGMENT CALLS -- WHAT --
POLITICAL PARTIES DOMINATE IN
CERTAIN AREAS.

>> YOUR HONOR, I SAY WHEN THEY
DRAW MAPS NOT LOOKING AT RED AND
BLUE THEY ARE LOOKING AT
COUNTIES, YES, YOUR HONOR.

>> OKAY.

>> THE -- DAYTONA.

>> YOUR HONOR --

>> THAT BLACK COMMUNITY IS NOT
A MAJORITY-MINORITY OR EVEN
INFLUENCE DISTRICT IT IS 10%
MINORITY --

>> WHAT ABOUT POLITICAL PARTIES?

>> POLITICAL PARTIES, DISTRICT
EIGHT VOTED FOR OBAMA.
>> I KNOW BUT --
>> SO A VERY COMPETITIVE
DISTRICT.
AND THE PRIOR COURT'S OPINION
SAID WHEN YOU DRAW THESE
DISTRICTS, THERE ARE GOING TO BE
POLITICAL CONSEQUENCES.
>> OF COURSE.
>> BUT THE CONSTITUTION DOES NOT
PROHIBIT ADVERSE EFFECT IT
PROHIBITS ADVERSE INTENT.
>> FROM AN ECONOMIC STANDPOINT
IF WE DON'T -- THE
DISTRICTS WE DON'T HAVE
INFLUENCE, WHAT YOU ARE SAYING
SHOW YOU DO YOU ARTICULATE WITH
REGARD TO CONSIDERATION OF
RACIAL ISSUES, ETHNIC ISSUES,
AS WE GO FORWARD, IN DRAWING
THESE LINES BECAUSE THAT IS WHAT
THESE DECISIONS WILL BE.
>> WELL, I THINK THAT UNDER THE
CONSTITUTION, WHEN THERE IS A
CERTAIN PERCENTAGE OF
MINORITIES IN A DISTRICT, THAT
EITHER CONSTITUTE A MAJORITY OR
COALITION UNDER SECTION 5 FOR
EXAMPLE THAT IS NOT ENOUGH TO
CONSTITUTE A SECTION 5 ISSUE IT
IS ONLY WHEN YOU CAN ACTUALLY
ELECT THE CANDIDATE OF THAT
MINORITY'S CHOICE.
SO WE THINK THAT HAPPENS DADE
COUNTY IT HAPPENS IN DISTRICT
NINE FOR EXAMPLE THAT WOULD BE
PROTECTED DISTRICT THEY HAVE
ELECTED ACCOUNTS OF THEIR CHOICE
IT WOULD HAVE TO BE DISTRICT 19,
BUT IT WOULD NOT HAPPEN --
>> THAT DISTRICT NINE LET'S GO
BACK TO THAT BECAUSE NOW WE
HEAR, FROM THE NAACP THAT
NEWLY DRAWN THAT DISTRICT NINE IS
JACKSONVILLE DISTRICT.
>> THAT IS RIGHT.
>> THE NEWLY DRAWN JACKSONVILLE
DISTRICT DILUTED THAT ABILITY
THEY NO LONGER HAVE THIS
ABILITY.
>> YOUR HONOR I DON'T THINK THAT
WAS THE EXACT NAACP ARGUMENT, THE NAACP
VOTING IS MORE WOULD HE CAN'T BE
SURE, THE'RE ARE NOT SAYING

DILUTED.

WE ARE SAYING WE ARE
WORRIED THAT IT MAYBE BUT WE
DON'T HAVE ANY EVIDENCE THAT IT
IS.

AND IN FACT -- I HAVE NEVER SEEN
A CASE IF MY LIFE WHERE
SOMEBODY GETS REVERSED FOR DOING
EXACTLY WHAT THE COURT TOLD THEM
TO DO.

AND THAT IS -- THIS IS EXACTLY WHAT
THIS COURT TOLD US TO DO, IS
SAID DISTRICT SIX WAS INVALID
WE LIKE THE COALITION DISTRICT
ONE FROM PRIOR PLAN AND THE
COURT ACTUALLY CONDUCTED A
FUNCTIONAL ANALYSIS ON THAT
DISTRICT, AND THAT ENDED UP WITH
A BLACK VOTING AGE POPULATION OF
42.4%.

OURS IS 43.

AND THE COURT SAYS, THAT IT IS
CONDUCTED THE ANALYSIS SAID
DESPITE THE FACT THAT THE VOTING
AGE POPULATION IS REDUCED,
BLACKS WILL STILL BE ABLE TO
ELECT A MINORITY OF THEIR CHOICE
JUST ELECTED A BLACK MAYOR IN
JACKSONVILLE.

SO WE DID AS THE
COURT INSTRUCTED ON DISTRICT
NINE, AND NOW, FOR THE NAACP
TO COME BACK NOW SAY NO REVERT
TO THE PRIOR PLAN, THEY DIDN'T
COME HERE LAST TIME, AND SUPPORT
OUR PLAN.

THEY STAYED IN THE BACKGROUND,
THEY ISSUED A COMMENT.

THAT THEY DIDN'T SAY WE NEED
DISTRICT 6 THE WAY IT IS.

THEY COULD HAVE SAID THAT.

>> HERE IS MY IT IS A CONCERN
AND IT IS REALLY WHAT AS WE GO
FORWARD, ABOUT HOW WE MAKE
SURE THAT THE STATE IS YOU KNOW,
WE CAN'T HAVE PERFECTION YOU
SAID, IT HAS TO BE BLIND.

AND SO AND I DON'T KNOW IF YOUR
CLOSE YOUR EYES TO THE COLORS OF
BLACK, WHITE, RED, BLUE WHETHER
THE STATE WOULD STILL END UP
THEIR HAVE KIND OF IN BALANCE
THAT YOU HAVE IN SENATE NOW MAY
BE CERTAINLY EFFECT OF WHAT
HAPPENED, THAT IS OVERWHELMING

NUMBER OF REPUBLICANS EVEN THE
STATE IS NOT OVERWHELMING
REPUBLICAN.
SO I QUESTION GOING BACK TO THIS
DISTRICT, IS THAT YOUR --
>> DISTRICT 8.
>> BACK UP TO NORTHEAST FLORIDA.
>> DISTRICT 8?
>> START WITH DISTRICT THE
DISTRICT JUST TALKING ABOUT,
DISTRICT NINE.
>> NINE.
>> NINE.
IS THAT WHEN WE SAID THAT THERE
WAS THE REASONS THE SENATE
OFFERED WHICH WAS THEY WANTED TO
GET MAKE SURE THAT THE BLACK
OPPORTUNITY DISTRICT.
>> BLACK PERFORMING DISTRICT.
>> BLACK PERFORMING DISTRICT
THAT WE SAID YOU CAN STILL --
STILL OCCUR THE READ THAT SHOULD
FORGET ABOUT THE REST OF THE
COALITION PLAN, THAT KEPT
DAYTONA BEACH, TOGETHER, AND
MADE THAT WHOLE AREA MORE
COMPETITIVE FOR DEMOCRATS?
IN FAIRNESS OBVIOUSLY YOU ARE
NOT THERE, TO BE DOING IT ABOUT
BUT MY CONCERN IS IS THAT --
APPEARS THAT THE COURT WAS
LOOKING AT THE PACKING NOT UNDER
SECTION 2 OR 5, BUT THE PACKING
AFFECT OF TAKING ALL BLACKS OUT
OF SURROUNDING AREAS SAYING
BLACKS CAN HAVE SOME INFLUENCE
IN NATURALLY OCCURRING DISTRICTS
WE'VE GOT DAYTONA BEACH WHICH
HAS BEEN PART OF THE TAIL THE
END OF THE TAIL SPLIT WHERE
TWO-THIRDS OF THE BLACK
POPULATION IS UP IN DISTRICT
SIX, WHICH IS A SOLIDLY
REPUBLICAN AREA, AND THAT IF IT
IS IF THEIR PUT WITH DISTRICT
EIGHT THEY EVEN THOUGH IT
DOESN'T SIGNIFICANTLY CHANGE
DEMOCRATIC PERFORMANCE BECAUSE
SWITCH IT GIVES DAYTONA BEACH AN
ABILITY TO BE OF SIGNIFICANCE IN
THAT DISTRICT.
NOW IS THAT TOTALLY -- YOU KNOW
THAT IS JUST POLICY THAT IS NOT
YOU KNOW, YEAH IF YOU WERE IN
YOU KNOW, IF YOU WERE IN THE

SENATE YOU COULD HAVE MADE THAT DECISION, BUT IT IS TOTALLY OKAY, WE MADE THE DECISION TO KEEP CLAY COUNTY WHOLE IS IT DOES IT FALL INTO THAT SAME EXACT -- POLICY CHOICE OF THE LEGISLATURE?

>> YOUR HONOR RESPECTFULLY I THINK IT IS ONCE YOU DON'T HAVE THE RACIAL OVERTONE MAJORITY-MINORITY DISTRICT THAT NEEDS TO BE PROTECTED THERE IS NO AND I THINK THE OTHER SIDE WILL AGREE THAT THERE IS NO CONSTITUTIONAL DIRECTIVE TO KEEP THAT TO HAVE A -- IN KIND OF BLACK MAJORITY OR COALITION DISTRICT IN THAT AREA.

WHAT WE'RE MISSING HERE IS THAT OUR DISTRICT SIX IS MORE IMPACT THAN THEIR DISTRICT SIX, SO WE ARE COMPLYING WITH THE CONSTITUTION AS TO DISTRICT SIX, WHEREAS THEY ARE INTENTIONALLY NOT COMPLYING WITH IT THEY CAN'T ARGUE THAT IT IS MORE IMPACT THAN OURS THEY HAVE A MORE COMPACT 8 WE HAVE MORE COMPACT 6 A DOZEN WAYS OR MORE TO DRAW A PLAN.

>> WHEN YOU DID AND THIS IS THE CONSISTENCY ARGUMENT, PLANT CITY THEY WENT AT GREAT LENGTHS AND DESIGNED A DISTRICT THAT MADE CHOICES, AND THEY PUT PLANT CITY WITH -- AND SENATOR THRASHER SAID WHEN YOU ARE DOING THAT, YOU ARE REALLY TAKING NOW YOU ARE TAKING PLANT CITY WHERE YOU SAY MAYOR CALLED YOU GIVING THAT CREDIT BUT YOU DIDN'T DO A SIMILAR THING WHEN IT CAME TO VOLUSIA, AND DAYTONA BEACH, WHAT IS YOUR SO THERE IS THAT ISSUE.

>> THE CONSISTENCY.

>> ACCEDING TO REQUEST OF PLANT CITY WOULD HAVE MADE THAT DISTRICT MORE COMPACT, NOT LESS COMPACT.

>> THE DISTRICT BEING, SO --

>> DISTRICT BEING 24.

>> SO THAT YOUR SAYING WE LOOK AT 6 AND 8 AND I THINK THE -- WHEN MR. GUTHRIE TALKED ABOUT THIS, WITH SENATOR SMITH HE SAID IT IS A GLOBAL LOOK YOU DON'T

JUST LOOK AT THE TWO DISTRICTS,
YOU GOT TO LOOK AT THE AREA.
AND IF YOU DO THE AREA, YOU END
UP WHERE PUTNAM IS PLACED WITH
DISTRICT SEVEN, AND CLAY WITH
DISTRICT SIX, YOU MAKE THAT AREA
OVER ALL MORE COMPACT AND MORE
COMPETITIVE.

>> I DISAGREE WITH THAT
STATEMENT, BECAUSE PUTNAM IS NOW
DISTRICT SIX AND DISTRICT SIX IS
MORE COMPACT OUR DISTRICT SIX
MORE COMPACT THAN THEIRS.
AND DISTRICT SEVEN IS ONE OF
THOSE THAT THE COURT DIDN'T
ORDER US TO TOUCH SO WE DIDN'T
TOUCH.

AND THERE IS NO REASON TO TOUCH
IT BECAUSE IT IS THREE WHOLE
COUNTIES AND NOTHING MORE, WHICH
IS YOU CAN'T ASK FOR MORE THAN
THAT IN REDISTRICTING -- AND, OF
COURSE, THAT MAY AFFECT THE
COMPACTNESS AS THIS COURT SAID
IN OPINION, BUT STILL, COMPRISE
WITH GEOGEOMETRIC POLITICAL
BOUNDARIES, TRADE-OFFS THE
LEGISLATURE IS ALLOWED TO MAKE.
WE MADE SAME IN DISTRICT 10 AND
13 BELOW DISTRICT 8, WHERE
DISTRICT 13 CUTS ON A COUNTY
BOUNDARY AND WE KEPT DISTRICT
10, ALWAYS IN, SEMINOLE COUNTY
INSTEAD OF OF SPLITTING SEMINOLE
COUNTY WHICH IS WHAT THEY DO A
MATTER OF TRADE-OFF A LOT OF
THIS ITSELF YOU CAN ALWAYS MAKE
A BETTER PLAN YOU CAN ALWAYS
LOOK AT SOMETHING ATTACK FROM IT
ALL SIDES BUT THAT IS NOT THE
PURPOSE OF THIS COURT, THE
PURPOSE OF THIS COURT IS TO
DETERMINE WHETHER OUR PLAN IS
VALUED OR NOT WE DESERVE
DEFERENCE WITHIN YOU ARE
BOUNDARIES PARAMETERS TO MAKE
CERTAINLY JUDGMENT CALLS I THINK
THAT IS WHAT WE DID.
UNLESS COURT HAS FURTHER
QUESTIONS I DON'T INTEND TO
TAKING AN HOUR.

>> WE LOVE TO HEAR THAT I JUST
WANT TO ASK YOU ABOUT --
>> DISTRICT -- THE -- JUST GOING
BACK TO THIS EFFECT, YOU USED

THE TERM RES JUDICATA.

>> GO WITH FUNDAMENTAL FAIRNESS
IF WE MADE A MAYBE DON'T
GET TO GO BACK AGAIN.

>> FOR THIS DISTRICT 32, THAT
WAS DISTRICT 25.

>> CORRECT.

>> WHAT THEY'RE SAYING IS THAT
IT IS NOW -- WHETHER IT WAS A
TOSS OR NOT THE IDENTICAL
ARGUMENT AS DISTRICT ONE AND
THREE, IS THAT IS IT WILL THE
IDENTICAL --

>> DISTRICT 32, I THINK THEIR
PROBLEM IS WORSE THAN WITH OTHER
DISTRICTS AS FAR AS THE
INCLUSIVE EFFECTS THEY
SPECIFICALLY CONTESTED 25 THIS
COURT SPECIFICALLY SAID 25 IS
FINE, 5 IS VALID HOW DO WE
CHANGING SOMETHING CONTESTED AND
24 COURT --

>> DID YOU FEEL THAT THE SENATE
FEEL THAT BY SAYING THAT
LAKELAND SHOULD BE LOOKED AT
THAT THEY WERE MANDATED TO
REDRAW, AND PUT LAKELAND WHOLE
--

>> I THINK THAT THE SENATE FELT
THAT THE FLORIDA SUPREME COURT
ASKED US TO LOOK AT SOMETHING
LET'S LOOK AT IT CHANGE IT IF WE
CAN CHANGE IT.

I HAVE TO TELL THAT YOU THE
SENATE WAS VERY COGNIZANT OF THE
CONSTITUTIONAL ISSUES VERY
COGNIZANT IF THIS COURT
INITIATED THIS SECOND PLAN
THAT WAS OUT OF CONTROL THIS
COURT WAS GOING TO DRAW
DISTRICTS SENATE TOOK BUSINESS
VERY SERIOUSLY IF YOU LOOK AT
TWO PLANS BEFORE YOU I THINK YOU
WILL AGREE WITH ME THAT THE
SECOND PLAN, AS FAR AS THE
DISTRICT THAT YOU INVALIDITY
LOOKS LIKE THE ONE YOU
INVALIDATED DID WHAT COURTS ASKED
US TO DO THEREFORE OUR PLAN
SHOULD BE UPHELD.

THANK YOU FOR
YOUR TIME.

>> A COUPLE QUICK POINTS YOUR
HONOR I AM SEEING -- POINT ABOUT
BLINDNESS NEUTRALITY I FULLY

AGREE WITH JUSTICE CANTERA
THAT IS THE WAY PROCESS OUGHT TO
WORK THIS COURT ALSO NEEDS TO
POLICE THAT PROCESS AND NOT JUST
TAKE SENATE'S WORD FOR IT I
THINK WHAT YOU HAVE IS REALITY
THAT ANYONE LINE, MAY WELL BE,
BY ITSELF NOT TO ATTACK YOU HAVE
TO LOOK AT HE OVER ALL PATTERN
SOMETIMES IF CALLS ARE MADE TIME
AFT TIME ENTIRE REGION OF THE
STATE SO THAT EVERY DISTRICT
ENDS UP BELOW 45% DEMOCRATIC
PERFORMANCE WHEN THERE IS
EQUALLY GOOD OTHER WAYS TO DO IT
KEEP COUNTIES TOGETHER.

>> DID YOU SAY DISTRICT SEVEN,
WHICH WAS NOT CHALLENGED LAST
TIME, MAKES IT I WOULD SAY THAT
LOOKING AT THE PLANS MAKES
REGIONAL, THEY ARE SAYING WHY WE
BECAUSE MAY BE -- NOT SAYING
BECAUSE -- IF THIS IS FIRST TIME
AROUND, IF THIS IS NOW THE ROUND
ONE THAT THERE MAY BE A PROBLEM
THAT SHOULD BE ADDRESSED AND
THEN THEY COULD ADDRESS IT MAKE
OTHER CHOICES.
BUT WHY WITHIN THE THEY WHY
WASN'T IT A LEGITIMATE POLICY
CHOICE BETWEEN KEEP SEVEN
UNDISTURBED.

>> YOUR HONOR THERE WERE MANY
DISTRICTS THEY CHANGES THAT WERE
NOTE PREVIOUSLY CHALLENGED THE
COURT FIXING THE PROBLEMS
NOTHING SACROSANCT ABOUT 7 AS
OPPOSED TO OTHER DISTRICTS
CHANGED IN THE COURSE OF FIXING
PROBLEMS IDENTIFIED IF THE RIGHT
WAY TO FIX DISTRICT 6 PROBLEM
CREATED THE OLD GERRYMANDERED
DISTRICTS IF BEST WAY IS MOVING
CLAY FROM 7 TO 6 THERE IS
NOTHING SUGGESTION THAT IS
DIFFERENT FROM ALL OTHER CHANGES
THEY MADE THROUGHOUT THE STATE
SO I DON'T SEE ANYTHING
PARTICULARLY PERSUASIVE ABOUT
THAT POINT.

>> WHERE DO WE PUT THE IDEA THAT
KEEPING A COUNTY WHOLE THEN
ENDING UP SPLITTING A COUNTY
THREE WAYS, HOW DO WE LOOK AT
THAT JURISDICTIONAL.

>> I AGREE THERE IS SOMETHING MORE SERIOUS CARVING A COUNTY UP MULTIPLE TIMES I THINK EVERYBODY'S MAP DOES THAT SOMETIMES THERE IS SOMETHING WILL MAKE THAT COUNTY HAVE EVEN LESS -- LESS SENSE OF REPRESENTATION IN THE LEGISLATURE NO ONE DISTRICT IS EVEN A MAJORITY OF IT IN THAT COUNTY, IF IT COULD BE DONE THAT WHICH.

>> IS SOMEBODY GOING TO RESPOND TO THE ARGUMENT ABOUT --

>> THIS IS A MY NEXT MOVE I DO THINK IT IS IMPORTANT TO RECOGNIZE THAT THE RISK CREATORED OCCURS ARE BY DUVAL COUNTY A DISTRICT IN WHICH 67% OF THE REGISTERED DEMOCRATS ARE AFRICAN-AMERICAN.

AND DISTRICT IS WERE HE OVERWHELMINGLY DEMOCRATIC ELECTIONS IN ALL DISTRICT, PLUG RESULTS INTO THIS IS DISTRICT OVERWHELMING THE DEMOCRATIC CANDIDATE BLACK OR WHITE WINS WE HAVE --

>> THIS IS NINE.

>> YES.

>> I'M SORRY.

>> 67 --

>> -- OF THE DEMOCRATS IN THE DISTRICT ARE AFRICAN-AMERICAN. SO 24 IS NOT A QUESTION OF HAVING AN ISSUE WITH THE PRIMARY I WAS -- CONTESTED THAT HER ARGUMENT SEEMED TO BE THAT IN GENERAL IT IF DEMOCRATICS ENFORCEMENT AN AFRICAN-AMERICAN NOMINEE THEY WON'T -- THE WHITED DEMOCRATS DON'T SUPPORT THAT I DON'T KNOW WHAT BASIS FOR THAT IS YOU HAVE OBVIOUSLY CRAZY ELECTION IN 2010 IN SENATE RACE A SIT GOVERNOR AS I SIFOPING OFF DEMOCRATS VOTES IN THE END MR. MEEKS DOESN'T TELL YOU ANYTHING ABOUT A NORMAL UPCOMING DISTRICT WILL PERFORM AND YOU HAVE DUVAL COUNTY, WHERE THIS DISTRICT IS AND ANOTHER DISTRICT WHICH IS THE LEAST FAVORABLE PART OF DUVAL COUNTY THEY SIT SIDE-BY-SIDE PUTTING THEM

TOGETHER THEY HAVE JUST ELECTED AN AFRICAN-AMERICAN DEMOCRAT IN OFF YEAR ELECTION NOT OBAMA YEAR TO SUGGEST THE BEST HALF OF DUVAL COUNTY, WILL NOT GIVE AN ABILITY TO ELECT DOESN'T MIGHT BEING SENSE, GIVEN THE HISTORY IN THIS AREA YOU SEE WHAT NAACP ONE OF TWO MISTAKES DEMANDING A CERTAINTY OF ELECTION NO MATTER WHAT IN A SITUATION GOVERNOR DECIDES TO RUN AS INDEPENDENT OR THEY ARE SAYING ANY REDUCTION IN THE PERCENTAGE IS A VIOLATION WHICH IS NOT THE LAW YOU IN CERTAINLY NOT UNDER DOJ GUIDANCE THIS COURT MADE AUTHORITATIVE STATEMENT HOW TO DETERMINE RETROGRESSION, THANK YOU, YOUR HONOR.

>> I WOULD LIKE TO RESPOND TO THREE ISSUES RAISED YOU RAISED AN ISSUE ABOUT DISTRICT 14 IN CHANGE.

IT SEEMS TO ME, IF THIS COURT IS TO IMPOSE ON THE PROCESS, A PRIOR DECISION, IT CAN'T MAKE A DISTRICT NOT CONTESTABLE YOU MAY FIND IT -- YOU OF COURSE CAN REVIEW IT, BUT TO SAY IT IS NOT CONTESTABLE WHEN THEY CHANGED IT HOW CAN YOU DO THAT?

YOU HAVE TO LOOK AT WHAT THEY DID.

DID THEY DO IT RIGHT OR WRONG? WHICH IS -- YOU HAVE TO LOOK AT IT.

>> WHAT ABOUT ON THE DISTRICT 3 -- THEY SAY THAT WE -- REJECTED AND I THINK WE TUCKED IT OVER TO -- WE REJECTED THE SAME CHALLENGE THAT IS BEING MADE EVEN AT THE TIME THAT WE -- FROM A PANHANDLE.

MY QUESTION --

>> AT THE SAME TIME, THAT WE SAID NOW COULDN'T DO IT UP IN THE PANHANDLE.

>> YOU SAID YOU COULDN'T DO IT UP IN IN THE PANHANDLE. AND THE ISSUE IN DISTRICT 25 WITH THOSE YOU TOLD US WE DIDN'T -- A MAP.

THAT IS NEW RULES.

THAT WAS SOMETHING THAT THAT IS

A WAY TO DECLARE DISTRICT
INVALID WE SUBMITTED A MAP IT IS
THE LEAST COMPACT DISTRICT BY
TEST THAT YOU PROVIDE YOU LOOK
AND SEE INDIVIDUALLY, IF IT IS
STATISTICAL COMPACT, IF THERE IS
A JUSTIFICATION.

>> HOW MANY IN YOUR ALTERNATIVE
IF YOU INVALIDATE HOW MANY OTHER
DISTRICTS ARE AFFECTED.

>> I THINK ONE OTHER DISTRICT IS
-- WE -- WELL, WE TYPICALLY
CHANGE ANYTHING THAT WOULD
REALTY TO RACE OR ANY OF THE
OTHER AREAS, IF I MAY I WOULD
LIKE TO FURTHER RESPOND TO IT.
JUSTICE LEWIS' QUESTION ON 14.
THEY SUGGESTED ON PAGE -- 34 I
BELIEVE OF THEIR BRIEF, THAT
THEY DID A -- A FUNCTIONAL
ANALYSIS ON PAGE 54 REFERRED TO
IT DID SORT OF WHEN IS SUGGESTED
TO THE NAACP MIGHT REQUIRE THEY
SUGGESTED THE TEST WITH THOSE
YOU HAD TO SHOW YOU COULD ELECT
HISPANIC -- ON PAGE 54, AND I
DON'T THINK THAT IS AN
FUNCTIONAL ANALYSIS IT
HAS CHANGES SO YOU NEED TO APPLY
YOUR TEST ON DISTRICT 8, THE WAY
THERE ARE SIGNIFICANT NUMBERS
SPLITS YOU NEED TO LOOK AT
DISTRICT 8 AND WHAT YOU HAVE
SAID IS IF IT IS NOT IMPACT WHAT
IS JUSTIFICATION IT IS CLEARLY
NOT RIGHT.

THEIR ARGUMENT THAT IT IS WORSE
THAN IT WAS THERE ARE NO
ARGUMENTS THAT IT IS BETTER
THERE ARE NO TYRE ONE
JUSTIFICATION FOR 8.

>> WOULD YOU RESPOND, TO THE
SENATE'S POSITION, THAT WITH
REGARD TO THE DISTRICT 8 THAT
THE WE ARE NOT DEALING WITH A
MAJORITY-MINORITY SITUATION,
WE'RE NOT DEALING WITH A
PROTECTED OR A PERFORMING KIND
OF NUMBERS WE ARE TALKING ABOUT,
AND AS I UNDERSTOOD THE ARGUMENT
RACE AND ETHNIC MAKE OF YOU HAS
NOTHING TO DO WITH ACADEMIC
DISCUSSION OR PRACTICAL
APPLICATION.

>> IT SHOULD HAVE SOMETHING TO DO

WITH THE DISCUSSION PRACTICAL APPLICATION I BELIEVE THEIR POSITION IS THAT THERE IS NO SECTIONS TWO OR SECTION FIVE REQUIREMENT TO BUILD A MINORITY DISTRICT.

>> I UNDERSTOOD THAT, TOO.

>> THIS IS ALL I UNDERSTOOD.

>> I UNDERSTOOD THAT -- OKAY, I UNDERSTOOD, IT IS -- IT IS IT SEEMS TO ME THAT IF THERE IS PART OF THE DISCUSSION, THEN IT IS WEIGH NEED TO ADDRESS IT WE KNOW STATUS WITH REGARD TO THE LEGAL?

2E THEY DIVIDED AN AREA DIVIDED A CITY DIVIDED A MINORITY POPULATION, WHETHER CLEAR OPTION TO DO OTHERWISE.

SO THE QUESTION IS GIVEN ALL OF THAT, CLEARLY NO JUSTIFICATION FOR MINORITY PURPOSES, AND BECAUSE OF COMPACTNESS IT IS POLITICALLY SUSPECT SO YOU HAVE TO LOOK AT DISTRICT 8 TRY TO FIND A JUSTIFICATION IS IN A AGAIN IF IT COMES DOWN TO OTHER CITIES, AND AS I MENTIONED THERE ARE OTHERS UNDER OTHER PLANS WILL DISSECT OTHER CITIES IF RACIAL OR CULTURAL BACKGROUND THE PEOPLE OF THAT AREA, ARE NOT YOU KNOW PART OF THE DISCUSSION, WHY IS IT DIFFERENT IN DAYTONA THEN IT WOULD BE FOR OTHER CITIES.

>> IT IS RELEVANT.

>> VERY RELEVANT HERE BECAUSE IT HAPPENED.

>> THEN LAKELAND LAST TIME AROUND.

>> RIGHT.

>> BUT AGAIN I THINK IT TAKES ONE ADDED EMPHASIS, IS THERE -- LEVEL OF DISCUSSION --

>> TAKING ADD HE HAD EMPHASIS BECAUSE THE RACIAL ISSUE AND CLEAR ABSENCE OF JUSTIFICATION.

>> BUT LET'S -- ON THE AS I UNDERSTOOD THE PLAN, ARE THERE LESS CITIES SPLIT UNDER THE ALTERNATIVE PLAN.

>> CLEARLY COUNTY SPLIT -- AND

--

>> TRADE-OFF, ONE MORE, BY NOT

SPLITTING DAYTONA, THE
COALITION, SPLIT ANOTHER --
>> I AM NOT AWARE OF TRADITION
CITY SPLITS THAT ARE SIGNIFICANT
AS DAYTONA'S EFFECT.
>> WELL I MEAN THAT IS
UNDERSTOOD, THE QUESTION IS
TAKING OUT SOME OF THOSE THAT IS
THE QUESTION, ARE THOSE FACTORS
RELEVANT TO THE DISCUSSION, OF
THE SPLITTING OF THE CITY THAT
IS WHAT IT COMES DOWN TO.
>> YES, SIR.
>> SO YOUR ANSWER IS YES, IT IS.
>> YES.
>> OKAY AND WE HAVE REALLY NO
ARE JURISPRUDENCE THAT ADDRESSES
THAT AT THIS POINT.
>> NO.
>> OKAY.
>> IF OKAY.
SO WE FOLLOW UP ON WHEN WERE
JUSTICE LEWIS SAID THERE IS NO
JURISPRUDENCE AND I THINK I
ASKED YOU LAST TIME IF YOU WERE
WRITING THIS OPINION, WHAT WOULD
YOU SAY, THE QUESTION IS, IS IF
YOU LOOK AND SAY, IS IT THE SAME
EXACT THING, IF DAYTONA BEACH
WITH THOSE ALL WHITE REPUBLICAN
CITY, THAN -- I MEAN DOES IT --
RACE MATTERS OR IS IT --
>> I THINK YOU CAN SAY RACE
MATTERS BECAUSE RACE IS
MENTIONED IN THE CONSTITUTION.
AND YOU CAN DETERMINE THAT THAT
WAS A MORE SERIOUS DECISION,
THAN PERHAPS SPLITTING ANOTHER
CITY.
THE -- UNDERSTOOD -- WHERE THEY
DREW THE LINE, AND I AGREE WITH
WHERE THEY DREW THE LINE NO IT
IRRELEVANT IT IS RELEVANT BUT
DOESN'T COMPEL THE DRAWING OF
THE DISTRICT WE ALSO SAY THAT
DISTRICT NINE AS DRAWN, THAT --
IN -- IN CONCLUSION YOUR HONOR,
THIS COURT MADE AN ENORMOUS
EFFORT TO DRAFT A THOROUGH
COMPREHENSIVE DISTRICT TO SET
OUT STANDARDS, FOR A VERY
IMPORTANT PREMIER FUTURE IN
FLORIDA.
AND IT IS VERY IMPORTANT THAT
THE COURT HAVE THE OPPORTUNITY

TO FINISH THE BUSINESS REVIEWING
THE VALIDITY OF EVERY DISTRICT
THIS COURT IS WELL QUALIFIED
WITH THE TECHNOLOGY AVAILABLE,
THE RESULT IS FOR THIS IS COURT
TO DO IT, IF THIS COURT
DETERMINES THERE ARE INVALID
DISTRICTS ANYWAY.

>> YOU WOULD AGREE EVEN IF -- IF
WE DECIDED THAT ONE DISTRICT WAS
INVALID, NOBODY WOULD SUGGEST
THAT THE WHOLE MAP SHOULD BE
REDRAWN YOU ARE NOT --

>> -- DRAW WHOLE MAP YOU WOULD
RESPOND WHAT YOU THOUGHT THE
VALIDITY ISSUES WERE THERE IS NO
LIMITATION PRAGMATICALLY DO YOU
WHAT YOU HAVE TO DO BASED ON --

>> THE RESTRAINT HAVE TO BE THE
WAY TO DO IT, THANK YOU.

>> ALL RISE.