

**STATE OF MINNESOTA
SPECIAL REDISTRICTING PANEL
A11-152**

Sara Hippert, Dave Greer, Linda Markowitz, Dee Dee Larson, Ben Maas, Gregg Peppin, Randy Penrod and Charles Roulet, individually and on behalf of all citizens and voting residents of Minnesota similarly situated,

Plaintiffs,

and

Kenneth Martin, Lynn Wilson, Timothy O'Brien, Irene Peralez, Josie Johnson, Jane Krentz, Mark Altenburg and Debra Hasskamp, individually and on behalf of all citizens of Minnesota similarly situated,

Intervenors,

and

Audrey Britton, David Bly, Cary Coop, and John McIntosh, individually and on behalf of all citizens of Minnesota similarly situated,

Intervenors,

vs.

Mark Ritchie, Secretary of State of Minnesota; and Robert Hiivala, Wright County Auditor, individually and on behalf of all Minnesota county chief election officers,

Defendants.

**MARTIN INTERVENORS'
RESPONSE TO OTHER PARTIES'
PROPOSED CONGRESSIONAL
PLANS**

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I. INTRODUCTION

Pursuant to the Panel's Scheduling Order No. 2, the Martin Intervenors respectfully submit this response to the congressional redistricting maps submitted by the Hippert Plaintiffs and Britton Intervenors.

As discussed in their memorandum supporting their own congressional map, the Martin Intervenors' proposed congressional plan creates districts of equal population made up of contiguous, convenient territory while minimizing political subdivision splits, recognizing the explosive growth in Minnesota's minority communities over the past ten years, and preserving communities of interest. It does so by creating sensible districts that recognize both the demographic changes that have occurred over the past ten years and the long-standing distinctions among different regions of the state. Of all the proposals before the Panel, the Martin congressional plan best serves and balances the redistricting principles adopted by the Panel.

II. BACKGROUND

The three plans proposed to the Panel differ in fundamental ways, but the Martin Intervenors start with their common ground. Minnesota will have the same number of districts as it did ten years ago. All three maps recognize the appropriateness of a 5-3 configuration (2 urban districts and 3 suburban districts, as well as 3 rural districts)—the same as the present configuration of districts.¹ The Martin Intervenors propose that the suburban districts surrounding the Twin Cities follow the ring pattern of communities in

the metropolitan area. The Hippert Plaintiffs at least pay lip service to the same approach, though they stray from it in practice.

Notwithstanding this common ground, the plans submitted to the Panel present significantly different approaches to the task before this Panel.

A. The Britton Congressional Plan

The Britton Intervenors' proposed congressional plan has a host of readily apparent flaws. Among other problems, it splits an unnecessarily large number of political subdivisions (11 cities and towns compared to seven under the Martin congressional plan) and unnecessarily pairs dissimilar communities (such as connecting Dakota County and Kandiyohi counties in proposed CD 2). To the degree that the Britton Intervenors do reach toward generally laudable aims in part, such as drawing northeastern and southeastern congressional districts, the Martin congressional plan accomplishes the same ends far more effectively and elegantly.

B. The Hippert Congressional Plan

The Hippert Plaintiffs' proposed congressional map is particularly problematic, and so the Martin Intervenors devote most of their attention to it. As discussed below, the Hippert Plaintiffs ask the Panel to (1) carve Greater Minnesota into three districts that *each* extend across the *entire* state; (2) break apart rural areas of western Minnesota that share similar interests and pair them with dissimilar communities in the eastern part of

¹ The Hippert Plaintiffs prefer to call their map a 3-2-3 map. The only difference is in nomenclature.

the state; and (3) in the metropolitan area, pair inner ring suburbs with rural areas. These requests may well serve partisan ends. They assuredly do *not* serve the neutral redistricting principles adopted by the Panel or the interests of Minnesota citizens.

The Panel's redistricting principles provide the yardstick against which the parties' proposals must be evaluated. In this regard, it is important to note that the Hippert Plaintiffs did not draw their congressional map in response to the principles adopted by the Panel or the public testimony that the Panel heard. Indeed, they could not, because their map had already been drawn long before those principles were adopted by the Panel. The Hippert Plaintiffs ask the Panel to adopt in full a congressional map that failed to make it through the political process—the map passed by the Republican-controlled legislature and vetoed by Governor Dayton. Hippert Plaintiffs' Memorandum in Support of Proposed Congressional Redistricting Plan ("Hippert Congressional Memo") at 15. They ask the Panel to accomplish judicially what the Republican caucuses could not accomplish through the political process.

The Panel should reject the Hippert Plaintiffs' invitation in no uncertain terms. The duty of the Panel is to adopt a map based on the neutral principles it has outlined—not to serve partisan interests.

It is the prospect of partisan gain that apparently led the Republican legislative majority to eschew any effort to preserve the basic contours of the districts drawn by the *Zachman* panel. The Hippert Plaintiffs recognize that the *Zachman* panel made "thoughtful determinations" and the congressional plan drawn by the *Zachman* panel was "widely considered to be successful." Hippert Congressional Memo at 3. Given that

acknowledgment, one might expect the Hippert Plaintiffs—and the Republican legislative majority—to have used the *Zachman* districts as a starting point. Indeed, as the federal court in *LaComb v. Growe*, which redistricted the state after the 1980 Census, stated:

Minimizing voter confusion is, of course, desirable. Any redistricting plan presents the opportunity for some confusion. Consequently, the Court . . . takes as the starting point the last configuration of congressional districts. The districts are modified only to serve State policy and satisfy the constitutional mandate that one person's vote shall equal another's.

LaComb v. Growe, 541 F. Supp. 145, 151 (D. Minn. 1982).

But the Republican legislative majority took a different approach, creating unusual, elongated districts that are unprecedented in Minnesota history, combining dissimilar communities, and defying both the public testimony heard by the Republican legislative majority in early 2011 and the public testimony heard by the Panel in October 2011. The Republican legislative majority's disregard for the public's wishes makes the Hippert Plaintiffs' defense of the Republican legislative majority's map particularly puzzling. The Hippert Plaintiffs claim that the Panel should adopt the Republican legislative majority's map because it received public comment during a legislative hearing prior to being vetoed by the Governor. *See* Hippert Congressional Memo at 1. In this vein, the Hippert Plaintiffs claim that no "other plan [can] claim to be as responsive to the public's concern." *See* Hippert Plaintiffs' Memorandum in Support of Proposed Legislative Redistricting Plan at 1. This is a peculiar argument on several levels.

First, although the Republican legislative majority's congressional map has remained static since Governor Dayton vetoed it, events have not. The Panel toured the state to hear public testimony, in order to give the public "the opportunity to provide the panel with facts, opinions, or concerns that may inform the redistricting process and of gathering information about Minnesota communities from Minnesota citizens."

Amended Order Setting Public Hearing Schedule at 2 (Sept. 13, 2011). The Panel then adopted neutral principles to govern redistricting, which differed in material respects from those adopted by the *Zachman* panel ten years ago and those proposed by the parties. Order Stating Redistricting Principles and Requirements for Plan Submission (Nov. 4, 2011). Nonetheless, after new public testimony was heard and new redistricting principles were adopted, the Hippert Plaintiffs propose *the same map that was vetoed by Governor Dayton*.

Second, the Hippert Plaintiffs' contention that the Republican legislative majority's congressional plan received substantial public comment during 16 public hearings over five months is misleading at best. In fact, the congressional plan was released on May 9, 2011 and adopted by the House Redistricting Committee on a party-line vote the next day.² Within a week, both houses of the legislature had passed the plan on party-line votes.³ Governor Dayton vetoed the Republican legislative majority's

² Second Affidavit of Christopher Stafford (Dec. 9, 2011) ("Second Stafford Aff."), Ex. A (<http://www.house.leg.state.mn.us/hinfo/sessiondaily.asp?storyid=2712>).

³ *Id.*, Ex. B (<http://www.house.leg.state.mn.us/hinfo/sessiondaily.asp?yearid=2011&storyid=2733>); Ex. C

congressional map in large measure because it was “unveiled and adopted with little opportunity for public analysis and reaction.”⁴

Third, the Republican legislative majority made little effort to respond to the public comments it did receive on its congressional plan. As the Hippert Plaintiffs themselves acknowledge, the point of public comment is to ensure that the map drawn is “responsive to the public’s concern.” But the Republican legislative majority’s map as advanced by the Hippert Plaintiffs systematically *ignores* public input. Most striking, the Hippert Plaintiffs propose a congressional district that stretches across northern Minnesota despite the almost *uniform* public opposition to such a district during both the legislative hearings on congressional redistricting and the hearings conducted by the Panel. The Hippert Plaintiffs acknowledge the widespread opposition to the Republican legislative majority’s gerrymandering efforts only obliquely, noting that “[s]ome members of the public were averse to change or had other comments.” Hippert Congressional Memo at 15-16. Indeed, almost all of them opposed the Hippert map.

Unlike the Republican legislative majority, the Martin Intervenors listened to the public. Because the Martin congressional plan was drawn after the public provided input on the redistricting process, it takes into account the public’s concerns and guidance. As a result, in contrast to the congressional plans proposed by the other parties, the Martin Intervenors’ congressional plan strikes the right balance—keeping similar communities in the same districts, minimizing political subdivision splits (no plan has fewer), and

(https://www.revisor.mn.gov/revisor/pages/search_status/status_detail.php?b=Senate&f=HF1426&ssn=0&y=2011).

drawing compact districts (the Hippert congressional districts have over 100 miles more perimeter boundaries than the Martin congressional districts do).

Unlike the other parties, the Martin congressional plan recognizes that the most significant demographic trend in Minnesota over the past ten years is the rapid growth of minority communities in the Twin Cities suburbs and exurbs. Any new congressional plan must recognize not only existing minority communities, but draw districts that will accommodate continued rapid growth in those communities over the next ten years.

The Martin Intervenors do so by creating CD 3 as an inner ring district serving the communities to the west and south of the urban core. The Martin Intervenors' proposed CD 3 already has a significant minority population (21.6%) that can be expected to expand rapidly over the next ten years given current demographic trends. The Hippert Plaintiffs' and Britton Intervenors' congressional plans fundamentally fail on this score. The Hippert Plaintiffs' proposed CD 3 dilutes the influence of the growing minority communities in inner ring suburbs to the west of Minneapolis by pairing them with rural McLeod County (minority population—7.2%). The Britton Intervenors' congressional plan is even worse—it does not create a *single* district where the minority population exceeds 22%.

The Martin Intervenors create districts that make sense given the Panel's redistricting principles. Unlike the other two plans, it is not an incumbent protection plan—it is a plan designed to provide fair representation for all Minnesotans.

⁴ See *Id.* Ex. D (Letter from Mark Dayton to Kurt Zellers (May 19, 2011)).

For these reasons, and those described below in greater detail, the Martin Intervenors respectfully ask the Panel to adopt the Martin congressional plan.

III. GREATER MINNESOTA

When drawing congressional districts in Greater Minnesota, two principles have historically been recognized: (1) the distinction between Greater Minnesota and the metropolitan area should be preserved and (2) certain regions within Greater Minnesota are distinct from one another. *See, e.g., Zachman v. Kiffmeyer*, C0-01-160, Final Order Adopting a Congressional Redistricting Plan (“*Zachman* Congressional Order”) at 5, 9. The Republican legislative majority’s congressional plan ignores both of these principles.

Ten years ago, the *Zachman* panel recognized that, although not preferable, population trends in Greater Minnesota required one district to be drawn across the entire state. *Zachman* Congressional Order at 6. Over the past ten years, western Minnesota’s population shrank significantly, northeastern Minnesota’s population remained fairly stable, and Rochester in southeastern Minnesota grew significantly.

In recognition of these trends, the Martin Intervenors propose an expanded CD 7, a revised CD 8 comparable to the existing district, and a more compact CD 1. The Hippert Plaintiffs instead propose to create *three* districts that stretch across the entire state from east to west.

There are two fundamental problems with this approach. First, it pairs rural, western parts of the state with dissimilar and more populated areas in eastern Minnesota. This creates non-cohesive districts that will be increasingly dominated by eastern

interests as the population disparity between western and eastern Minnesota continues to grow.

Second, it requires the creation of three unwieldy, elongated districts in Greater Minnesota. The Hippert Plaintiffs suggest that their district boundaries are necessary given population loss in Greater Minnesota. Hippert Congressional Memo at 10-11; *see also id.* at 52 (“Adherence to the north-south approach of the *Zachman* panel will produce mammoth, unwieldy districts”). Far from it—it is the Hippert congressional plan that creates “mammoth, unwieldy districts.” The Republican legislative majority’s proposed Greater Minnesota districts are less compact than those drawn by the Martin Intervenors. Taken as a whole, the total perimeter of the Martin Intervenors’ proposed CD 1, 7, and 8 is 3,071 miles, compared to the 3,150 miles in the Hippert Plaintiffs’ proposed CD 1, 7, and 8.⁵

A more detailed analysis of the relative compactness of the two plans shows the same thing. In the following table, the Martin Intervenors display each of the compactness measures requested by the Panel to compare the relative compactness of the Hippert Plaintiffs’ proposed CD 1, 7, and 8 with those of the Martin Intervenors’ districts in parentheses (bolded where the Martin congressional districts are more compact):

⁵ In Greater Minnesota, low population density and the natural contours of the state mean that congressional districts cannot be drawn in tidy squares. Thus, to fairly judge the compactness of a given district, it is perhaps best to consider its total perimeter, rather than compactness measures that weigh a district against an ideal geometric form.

Measure of Compactness ⁶	District 1	District 7	District 8
Roeck	.025 (0.33)	0.46 (0.27)	0.40 (0.43)
Schwartzberg	1.64 (1.51)	1.71 (1.86)	1.56 (1.49)
Perimeter*	814 (560.74)	934 (1476.36)	1402 (1033.99)
Polsby-Popper	0.31 (0.42)	0.27 (0.21)	0.28 (0.38)
Length-Width*	137.02 (121.73)	58.86 (240.32)	137.91 (47.93)
Population Polygon	0.76 (0.95)	0.38 (0.57)	0.92 (0.85)
Population Circle	0.14 (0.18)	0.17 (0.13)	0.57 (0.18)
Ehrenburg	0.35 (0.48)	0.46 (0.70)	0.36 (0.45)

As this chart reflects, Martin CD 1 is more compact than Hippert CD 1 with respect to every measure of compactness. Martin CD 8 is more compact than Hippert CD 8 with respect to six out of the eight measures of compactness. Only Martin CD 7—which unites similar agricultural communities in western Minnesota—is, of necessity, somewhat less compact than the Hippert Plaintiffs’ CD 7, which pairs entirely dissimilar communities in western Minnesota with counties in the 11-county metropolitan area to the east.

Each of the Hippert Plaintiffs’ three proposed Greater Minnesota districts has its own unique flaws, discussed below. But all are deficient for these fundamental reasons.

⁶ This table reflects the mean of CD 1, 7, and 8 under the indicated measures of compactness with two exceptions. The perimeter measure simply tabulates the total miles of border for a given district. The length-width measure tabulates the ratio of width to length of the circumscribing rectangle with minimum perimeter. Using these two measures of compactness, the smaller the number, the more compact the district.

A. Northern Minnesota

The Martin and Britton Intervenors each preserve the long-standing north-south orientation of CD 7 and CD 8 in northern Minnesota.⁷ The Hippert Plaintiffs do not. Because the parties' differing approaches in regard to northern Minnesota drive the other districts, the Martin Intervenors respond to the Hippert Plaintiffs' proposed CD 8 at some length.

1. Northeastern and Northwestern Minnesota Have Always Been in Separate Congressional Districts Because They Have Separate Interests

It is fair to say that the Republican legislative majority's disregard for communities of interest and the expressed wishes of the public reaches its zenith in its proposed northern Minnesota district. The Panel heard nearly *uniform* testimony that residents of northern Minnesota opposed an east-west district because northwestern Minnesota and northeastern Minnesota have widely diverging interests.⁸ This testimony surely came as no surprise to the Hippert Plaintiffs because the Republican-controlled

⁷ Nonetheless, the Britton Intervenors' proposed northern Minnesota districts suffer from serious flaws. Perhaps most notably, they include Isanti and Chisago counties—members of the 11-county metropolitan area recognized by the Panel—with Greater Minnesota counties to the north.

⁸ See, e.g., Cloquet Hr. 21:16-23 (Don Bye, describing an east-wide district as a “monstrosity” that would be “an impossibility to represent”), 27:2-10 (Ron Dicklich, asking the Panel to “maintain[] the integrity of the two separate districts”), 9:3-11:6 (Debra Taylor, same); Minneapolis Hr. 26:15-27:19 (Henry O. Moore); see also Moorhead Hr. 25:10-22 (Barbara Sipson), 13:23-14:20 (Mayor of Moorhead Mark Voxland).

legislature heard—and chose to disregard—the same objections to an east-west northern Minnesota district.⁹

And the testimony before the legislature surely came as no surprise to the Republican caucus when it was crafting the Hippert Plaintiffs’ map, because the *Zachman* panel heard the similar testimony ten years ago and expressly recognized the “natural divide” between northwestern and northeastern Minnesota:

[T]here are some natural divisions within the state; for example, northwestern Minnesota and the Red River Valley have interests separate from northeastern Minnesota’s interests in its forests, the Iron Range, and Lake Superior.

Zachman Congressional Order at 11. In fact, in making this observation, the *Zachman* panel was rejecting an attempt made ten years ago by the Republican-aligned *Zachman* Plaintiffs to create an east-west district in northern Minnesota, as the Hippert Plaintiffs propose here. The Panel should once again reject the Republican Party’s effort to radically alter the map of northern Minnesota for partisan gain—and for precisely the same reasons that the *Zachman* panel rejected the same suggestion.

⁹ See, e.g., Testimony of Ron Dicklich before House Redistricting Committee (Feb. 18, 2011) (discussing “120 year precedence of providing two separate congressional districts between northwest Minnesota and northeast Minnesota” and how the two regions are “organized based on spheres of interest and . . . economic difference between the two areas” and are served by different government agencies); *id.* (Don Bye, requesting that the legislature not draw a district across all of northern Minnesota); *id.* (Allen Netland, same); *id.* (Cathy Schoyler, Duluth resident testifying that her community is the “northeast corner of Minnesota [she] know[s] almost nothing about the western edge of Minnesota”).

2. The Hippert Plaintiffs' Strained Rationales for a Northern Minnesota District Are Unsupported and Unavailing

It is precisely because there is no community of interest connecting northeastern and northwestern Minnesota that the Hippert Plaintiffs must strain so mightily to posit significant shared interests between the two. The Hippert Plaintiffs take a scattershot approach to justifying the Republican legislative majority's northern Minnesota district. These justifications, while creative, are notably unsupported by any of the testimony that the Panel heard. Each is addressed in turn below, but all suffer from the same fundamental flaw—there is absolutely no evidence before the Panel that any of the so-called communities of interest posited by the Hippert Plaintiffs actually create shared interests between the two sides of northern Minnesota to warrant taking the unprecedented step of unifying them in a single district.

First, the Hippert Plaintiffs suggest that the presence of “international ports” in northern Minnesota creates shared interests across northern Minnesota. This argument is completely untethered from the record before the Panel. The public testimony and the written submissions before the Panel do not contain a single reference to international ports in northern Minnesota.

Next, the Hippert Plaintiffs note, without further discussion, that most federal land in the state is in northern Minnesota. They do not even attempt to explain why the mere presence of federal land warrants drawing a single district across northern Minnesota. There has been considerable federal land in northern Minnesota since its admission to the

Union.¹⁰ This is not, to put it mildly, a new development. The presence of federal land has never led to the creation of a northern Minnesota district.

The Hippert Plaintiffs also contend that the Panel should draw a northern Minnesota district to consolidate all Native American reservations in that part of the state into a single congressional district. The Martin Intervenors agree that preserving the integrity of reservation boundaries is an important goal. To that end, the Martin Intervenors preserve the White Earth and Red Lake reservations in their proposed CD 7, and the Leech Lake, Bois Forte, Fond du Lac, Milles Lac, and Grand Portage reservations in their proposed CD 8. This comports with the testimony that the Panel heard at the Bemidji hearing stating that all reservations in the northern part of the state should *not* be combined into a single district because tribal leaders prefer to have multiple members of Congress with whom they can work on issues that are important to tribal communities.¹¹

Next, the Hippert Plaintiffs suggest that Highway 2 creates a community of interest through northern Minnesota. There is no public testimony supporting the contention that Highway 2 creates a community interest stretching across the *entire* state. Highway 2 is far to the south of the northern border of Minnesota (and thus the northern border of the Hippert Plaintiffs' proposed CD 8). Vast swathes of proposed CD 8, as a result, are not served by Highway 2 at all.

The Hippert Plaintiffs' discussion of east-west railroads running through northern Minnesota is similarly beside the point. The Burlington Northern & Santa Fe Railroad

¹⁰ Second Stafford Aff., Ex. E (Gregory Kinney and Lydia Lucas, Minnesota Historical Society, *A Guide to the Records of Minnesota Public Lands*).

and its predecessors have run west from Duluth since the 1800s.¹² Minnesota has not had an east-west northern congressional district since the 1800s. Simply put, the evidence before the Panel did not establish a “northern Minnesota community of interest in transporting goods from northwestern Minnesota to the ports in the east.” Hippert Congressional Memo at 48. As the Freight Railroad Map provided by the Hippert Plaintiffs shows, there are north-south railroad lines running from Canada through Duluth, the Twin Cities, and down to Iowa. *Id.* at 47. Thus, one may fairly say that, if the layout of railroad lines in northeastern Minnesota is relevant, it *supports* the current north-south configuration of CD 8.

Next, the Hippert Plaintiffs defend the Republican legislative majority’s northern Minnesota district because it contains a number of river basins, including the Western Lake Superior Basin and the Red River Basin. But as noted above, it was the distinction between these bodies of water, in part, that led the *Zachman* panel to draw *separate* districts in northern Minnesota. *Zachman* Congressional Order at 11. To the degree that river basins matter, the Martin Intervenors note that their proposed districts align almost perfectly with the river basins of northern Minnesota. The Martin Intervenors’ proposed CD 8 tracks the Rainy River, Western Lake Superior, and Mississippi Headwaters. The Martin Intervenors’ proposed CD 7 follows the Red River Valley down its north-south path through western Minnesota.

¹¹ Bemidji Hr. 41:24-42:12 (Eugene Whitebird).

¹² Second Stafford Aff., Ex. F

([http://en.wikipedia.org/wiki/Great_Northern_Railway_\(U.S.\)](http://en.wikipedia.org/wiki/Great_Northern_Railway_(U.S.))).

Finally, the Hippert Plaintiffs note without much discussion that northern Minnesota contains many forests. Indeed it does—most of this forest land is in current CD 8 in northeastern Minnesota. This is why—although there are *some* forests in northwestern Minnesota—the Panel heard that northwestern Minnesota is dominated by *agricultural* interests.¹³ To the degree that the northeast’s forests extend somewhat further west than the current boundary between CD 7 and CD 8, the Martin congressional plan best recognizes that fact by adjusting the boundary between the districts modestly to the west.

In the end, the fundamental premise of the Republican legislative majority’s proposed CD 8—that the north-south orientation of current CD 7 and 8 cannot be maintained without drawing “mammoth” districts (Hippert Congressional Memo at 52)—is demonstrably false. All that is required to preserve the current contours of CD 7 and CD 8, as the Martin Intervenors have done, is to adjust CD 7 to the south and to modestly extend CD 8 to the west. The Hippert Plaintiffs, on the other hand, create *three* massive districts that stretch the entire width of the state. If the disease that the Hippert Plaintiffs seek to combat is large districts in Greater Minnesota, their cure kills the patient.

B. “Central” Minnesota

The Hippert Plaintiffs’ proposed CD 7 has no precedent in Minnesota history. It is, to be blunt, simply odd. The district stretches from sparsely populated Traverse

¹³ Minneapolis Hr. 26:15-27:19 (Henry O. Moore); *see also* Cloquet Hr. 10:3-11:6 (Debra Taylor); Moorhead Hr. 25:10-22 (Barbara Sipson), 13:23-14:20 (Mayor of Moorhead Mark Voxland).

County on the western border of the state through St. Cloud, one of the state's largest cities, swings through the 11-county metropolitan area to encompass Isanti and Chisago counties, and then meanders north along the Wisconsin border. It extends as far south as Renville County, to the northwest of Mankato, and as far north as Wilkin County, just south of Moorhead. It is anyone's guess what community of interest is supposedly served by this district, which appears to be drawn primarily to create a safe seat for Representative Craavick, who resides in metropolitan Chisago County.

1. The Hippert Plaintiffs' Proposed CD 7 Connects Vastly Dissimilar Areas in Western and Eastern Minnesota

The Hippert Plaintiffs' primary defense of their proposed CD 7 is a non sequitur; that combining two dissimilar areas on opposite sides of the state—rural, agricultural-dominated areas of western Minnesota that have lost population and rapidly expanding exurban counties in the east—“gives voice to the burgeoning central region of Minnesota.” Hippert Congressional Memo at 38.

There is no evidence before the Panel that areas west and southwest of St. Cloud share similar interests with St. Cloud or metropolitan counties like Chisago and Isanti in the east. To the contrary, the Panel heard from citizens in western Minnesota that shared interests in western Minnesota run north-south down the border with the Dakotas. For example, Mark Voxland, the mayor of Moorhead, asked the Panel to draw one district

“that’s very solidly agriculture” and described the agricultural area in western Minnesota that extends from the Canadian border to the Iowa border.¹⁴

The fact that the Hippert Plaintiffs’ proposed CD 7 connects *dissimilar* communities is underscored by the way they ignore how government services are provided in the central part of the state. Nearly all government organizations in Minnesota, which, as the Panel heard, play a role in creating shared interests¹⁵ recognize a distinction between rural west central Minnesota and suburban/exurban east central Minnesota, with the dividing line at the western border of Stearns County.

The Hippert Plaintiffs’ proposed CD 7 combines no less than *four* of the nine regional development commission areas—East Central, Region 5, Upper Minnesota Valley and Mid-Minnesota—most of which it splits:

- In Region 5, proposed CD 7 contains Morrison, Todd, and Wadena counties but splits Crow Wing County and omits Cass County entirely.¹⁶
- In the Upper Minnesota Valley region, proposed CD 7 contains Big Stone, Swift, and Chippewa counties but omits Lac qui Parle and Yellow Medicine counties.¹⁷
- In the Mid-Minnesota region, proposed CD 7 contains Kandiyohi, Meeker, and Renville counties but excludes McLeod County.¹⁸

¹⁴ Moorhead Hr. 13:23-14:20 (Mayor of Moorhead Mark Voxland), 22:22-23:15 (Mayor of Breckenridge Cliff Barth, describing the shared interests of the cities on the western border of the state and explaining that the “U.S. congressional people know our district, and know what we need as far as flood protection all the way up and down the border”), 25:10-26:18 (Barbara Sipson).

¹⁵ See, e.g., Bemidji Hr. 24:17-25:17 (Rita Albrecht); Cloquet Hr. 9:3-10:1 (Debra Taylor); Minneapolis Hr. 47:4-48:1 (Brian Woitalewicz).

¹⁶ Second Stafford Aff., Ex. G (<http://www.regionfive.org/>).

¹⁷ Affidavit of Christopher Stafford (Nov. 18, 2011) (“Stafford Aff.”), Ex. F.

¹⁸ *Id.*, Ex. E.

None of the other major government service providers recognize a “central”

region:

- The Minnesota Emergency Medical Services Regulatory Board is organized into a west central region consisting of counties to the west of Stearns, Todd, and Wadena counties and headquartered in Alexandria, and a central region headquartered in St. Cloud.¹⁹
- Minnesota Department of Transportation District 4 serves west-central Minnesota (Becker, Big Stone, Clay, Douglas, Grant, Mahnomon, Otter Tail, Pope, Stevens, Swift, Traverse, and Wilkin counties). It is headquartered in Detroit Lakes and Morris, and other offices are located in Alexandria and Fergus Falls.²⁰ District 3, by contrast, serves central Minnesota (all or parts of Aitkin, Benton, Cass, Crow Wing, Isanti, Itasca, Kanabec, Mille Lacs, Morrison, Sherburne, Stearns, Todd, Wadena and Wright counties). This district serves the largest population base outside of the Twin Cities metropolitan area and is focused on transit improvement projects to serve the burgeoning population in this part of the state.²¹
- The Minnesota Pollution Control Agency also recognizes the divide between west central Minnesota and the eastern part of state, organizing itself into northwest and north central regions. Again, the line is drawn at the west edge of Stearns County.²²
- The same dividing line is recognized in Minnesota’s regional library system. The Viking Library System serves Otter Tail, Douglas, Pope, Grant, Stevens, and Traverse counties. The Great River Regional Library serves Todd, Stearns, Morrison, Benton, Sherburne, and Wright counties. Proposed CD 7 splits the Lake Agassiz, Kitchigami, Great River, and East Central regional library systems.²³

Thus, in instance after instance, Minnesota agencies recognize a clear distinction between west central Minnesota and east central Minnesota.

¹⁹ *Id.*, Ex. H.

²⁰ Second Stafford Aff., Ex. H (<http://www.dot.state.mn.us/d4/>).

²¹ *Id.*, Ex. I (<http://www.dot.state.mn.us/d3/>).

²² Stafford Aff., Ex. J.

2. The Hippert Plaintiffs' Proposed CD 7 Will Dilute the Voice of Western Minnesotan Communities

Not only is there no *present* community of interest in the Hippert Plaintiffs' proposed CD 7, but the population trends in this part of the state counsel strongly against creation of such a district. The Panel heard that it should not dilute the voice of rural areas by placing them with more populous areas.²⁴ This testimony was consistent with that heard by the *Zachman* panel, which led the *Zachman* panel to reject "4-4" plans that would have mixed rural districts with substantially suburban districts:

We heard . . . that rural Minnesotans do not want their interests overshadowed by a strong suburban voice within any one district. . . . [T]he *Zachman* plan's second and seventh congressional districts would be 38% and 33% suburban, respectively. We considered other four-four options, but concluded that at least one or two districts in any such plan would have a significant mix of rural and suburban populations.

Zachman Congressional Order at 5-6 (internal citations omitted).

The Hippert Plaintiffs, like their predecessors ten years ago, have ignored the danger warned of by the *Zachman* panel—that rural Minnesotans' interests would be overshadowed by a strong suburban voice in a rural/suburban district. By packaging rural western counties that are losing population with some of the fastest-growing portions of the state to the east, the center of gravity in the Hippert Plaintiffs' CD 7 is—and increasingly will be—in the east.

²³ *Id.*, Ex. K.

²⁴ St. Cloud Hr. 8:24-9:6 (Charles Gotzian, asking the Panel to draw districts that "allow[] the rural areas to keep their voice and not be tied into big city areas that will

The imbalance in their proposed CD 7 is bad now. The current combined population of Isanti, Chisago, and Stearns counties alone is 242,345—approximately 37% of an ideal congressional district.²⁵ This imbalance will only get worse over the next ten years. The rural communities west of Stearns County face the challenges of population decline or slow growth:

County	Population Growth 2000-2010²⁶
Swift	-18.2%
Traverse	-13.9%
Big Stone	-9.5%
Renville	-8.3%
Wilkin	-7.9%
Chippewa	-4.9%
Grant	-4.3%
Stevens	-3.3%
Pope	-2.1%
Otter Tail	0.3%
Douglas	9.7%

By contrast, the counties to the north, south, and east of Stearns County and St. Cloud are gaining population rapidly. Generally speaking, the further east, the faster the growth:

basically take the voice away from the rural areas which don't have as much population").

County	Population Growth 2000-2010 ²⁷
Chisago	31.1%
Isanti	20.9%
Mille Lacs	16.9%
Stearns	13.1%
Benton	12.3%
Pine	12.1%
Kanabec	8.3%
Morrison	4.7%
Meeker	2.9%
Kandiyohi	2.5%
Todd	1.9%
Wadena	0.9%

As a result, the simple fact is that the voice of the rural western Minnesotan communities in the Hippert Plaintiffs' proposed CD 7 will be overshadowed by the interests of St. Cloud and the exurban counties far to the east.

Unlike the Hippert Plaintiffs' proposed CD 7, the Martin congressional map heeds the public testimony heard by the Panel and protects the voice of western Minnesota. The Martin Intervenors' proposed CD 7 is a north-south district that preserves the agricultural interests of western Minnesota and maintains the historic distinction between northwestern and northeastern Minnesota. The Martin Intervenors' proposed CD 6

²⁵ Stafford Aff., Ex. L.

²⁶ *Id.*

²⁷ *Id.*

serves the fast-growing I-94 corridor and the exurban counties to the north and northwest of the Twin Cities (communities that actually do share similar interests in central Minnesota). Like current CD 6, the district goes west only to Stearns County. Unlike the Hippert Plaintiffs' proposed CD 7, this configuration of districts protects both western Minnesota and the interests of the fast-growing suburban/exurban communities to the north and northwest of the Twin Cities.

C. Southern Minnesota

Throughout Minnesota's history, until the 2000 redistricting cycle, southeastern and southwestern Minnesota were in different congressional districts.²⁸ Given population trends over the last ten years, it is both possible and sensible to restore this historic configuration, which the *Zachman* panel was forced to abandon given the demographic composition of the state at the time. The Martin Intervenors and Britton Intervenors both do so. The Hippert Plaintiffs do not. Instead, they extend current CD 1 *further* into western Minnesota, making an already elongated district even *less* compact.

1. Southeastern and Southwestern Minnesota Have Increasingly Disparate Interests

The Hippert Plaintiffs ignore the most notable trend in southern Minnesota over the past ten years—the increasing emergence of fast-growing Rochester and southeastern Minnesota as a regional center of health care, research, manufacturing, and higher education. Rochester is the fastest-growing city in Greater Minnesota, growing by 24.4%

²⁸ Second Stafford Aff., Ex. J (http://www.gis.leg.mn/html/maps/leg_districts.html).

between 2000 and 2010.²⁹ Mankato is also growing rapidly, by 21.2% during the same period.³⁰

These trends are increasingly differentiating the southeastern and southwestern parts of the state. As the Panel heard, the result is that residents of southern Minnesota prefer to split current CD 1 into a southeastern district centered on Rochester and a western district that encompasses the six southwesternmost counties.³¹ As discussed above, this configuration aligns with the testimony heard by the Panel at the Moorhead hearing regarding the creation of a north-south district in western Minnesota.

Not only does the Martin Intervenors' approach to drawing southern and western Minnesota preserve the interests of each, it avoids the dilution of western Minnesota interests. By contrast, the Hippert Plaintiffs' proposed CD 1 has a population center of gravity in the eastern half of the district. Seventy-two percent of the district's population would be in Blue Earth County (home of Mankato) and further east.

County	2010 Population ³²
Blue Earth	64,013
Faribault	64,013
Waseca	19,136
Steele	36,576
Dodge	20,087

²⁹ Stafford Aff., Ex. B.

³⁰ *Id.*

³¹ Mankato Hr. 64:23-66:14 (Jenna Covey), 9:18-11:1 (Jacob Grippen), 19:6-25 (Janet Krueger).

³² Stafford Aff., Ex. L (<http://www.demography.state.mn.us/resource.html?Id=31945>).

County	2010 Population ³²
Mower	39,163
Olmstead	144,248
Fillmore	20,866
Winona	51,461
Houston	19,027
Total	478,590

Olmstead County alone accounts for approximately 20% of an ideal congressional district. If Rochester maintains its present rate of growth over the next ten years, *it* alone will constitute 20% of an ideal congressional district within ten years, at the same time that southwestern Minnesota continues to lose population. When these demographic trends are considered in conjunction with the increasing differences between the economic engines of southeastern and southwestern Minnesota, it becomes plain that the agricultural interests of rural southwestern Minnesota would be increasingly overshadowed in the Hippert Plaintiffs' proposed CD 1.

2. The Hippert Plaintiffs' Justifications for Their Proposed CD 1 Are Unavailing

The Hippert Plaintiffs ignore all of this. In their terse defense of the Republican legislative majority's CD 1, the Hippert Plaintiffs advance two justifications for the proposed district. First, they point to the agriculture interests of southern Minnesota as the basis of their district. Yet this overlooks the demographic trends that create a real threat that those agricultural interests—which are primarily in the southwestern corner of

the state—will be overshadowed in an east-west district. Pairing southwestern counties with similar agricultural counties to the north best protects these agricultural interests. For example, the five top sheep and lamb producing counties of Minnesota are all in the far western part of the state (Lincoln, Pipestone, Lyon, Murray and Cottonwood counties). All of these counties are kept united in the Martin Intervenors’ proposed north-south CD 7. Similarly, the Martin congressional plan contains four of Minnesota’s top five corn and soybean producing counties (Redwood, Jackson, Renville, and Nobles) in their proposed CD 7.³³ It is the Martin Intervenors’ approach to western Minnesota that best protects the agricultural interests of southwestern Minnesota.

Second, the Hippert Plaintiffs contend that there is a “geographic” community of interest to the south of the Minnesota River. They offer no support for this contention, which makes little sense. The Minnesota River is not a major barrier to travel in southern Minnesota. Numerous bridges traverse the river, including significant crossings such as the US-12 Bridge, US-75 Bridge, US-212 Bridge, US-71 Bridge, North Star Bridge (US-169), Veterans Memorial Bridge, US-14 Bridge, MN-22 Bridge, and the Broadway Bridge (MN-99).

Perhaps as a result, the Minnesota River has never been recognized as a definitive organizational boundary for congressional districts or government service providers. Current CD 7 crosses the river. So do current HD 20A and HD 20B. Numerous

³³ The Britton Intervenors propose a CD 1 similar to that proposed by the Martin Intervenors. As the precise borders of this district are driven by flaws elsewhere in the Britton congressional map, the Panel should adopt the CD 1 proposed by the Martin Intervenors.

government service providers organize southern Minnesota into regions that cross the river. The Upper Minnesota Valley Regional Development Commission and Region Nine Development Commission each contain counties on either bank of the river.³⁴ The Pioneerland Library System and Traverse Des Sioux Library System each serve counties on both sides of the river, as do the Southwest and South Central EMS Regions of the Minnesota Emergency Medical Services Regulatory Board, and Minnesota Department of Transportation District 7 (South Central) and District 8 (Southwest) Minnesota.³⁵ There is no reason to use the Minnesota River as the boundary between congressional districts, particularly because that boundary does not align with the actual interests of the region. Indeed, the Hippert Plaintiffs' plan splits the Minnesota River basin.

In sum, the Martin Intervenors' proposed CD 1 recognizes present-day population trends deepening the historic distinction between southeastern and southwestern Minnesota, and protects the voice of rural southwestern Minnesota. The Hippert Plaintiffs' proposed CD 1 does not.

IV. METROPOLITAN AREA

Within the Twin Cities metropolitan area, in theory, the Martin Intervenors agree with the approach to drawing suburban/exurban districts articulated by the Hippert Plaintiffs—creating two urban districts and then drawing three districts that “are

³⁴ Stafford Aff., Ex. F; Second Stafford Aff., Ex. K (<http://www.rndc.org/>).

³⁵ Stafford Aff., Exs. H, K; Second Stafford Aff., Ex. L (<http://www.dot.state.mn.us/d8/>), Ex. M (<http://www.dot.state.mn.us/d7/>).

substantially suburban and exurban in character” to “form a ring around the cities of Minneapolis and St. Paul.” Hippert Congressional Memo at 27.

The problem is that the districts created by the Republican legislative majority do not actually meet this description. Instead, the Republican legislative majority drew gerrymandered districts that strategically pair communities close to the urban cores with predominantly exurban and rural districts.

By contrast, the Martin Intervenors actually do draw ring districts surrounding the Twin Cities that connect similar communities of similar population densities. The Martin Intervenors’ proposed CD 4 and CD 5 serve the urban core and closely connected inner ring suburbs. Their proposed CD 3 serves inner ring suburbs to the west and south of the Twin Cities. Their proposed CD 2 and CD 3 serve outer ring suburbs located almost entirely in the 11-county metropolitan area.

The Martin congressional plan thus best captures the way communities in the metropolitan area form rings that go from urban to suburban to exurban to rural. Moreover, using this approach best serves the full gamut of redistricting criteria adopted by the Panel. Again, the Martin Intervenors draw more compact districts than the Hippert Plaintiffs (1,134 miles of perimeter in the metropolitan area as compared to the 1,182 miles of perimeter under the Hippert congressional plan). And by following the natural pattern of communities in the metropolitan area, the Martin congressional plan best recognizes the rapid growth of minority communities in the suburbs and exurbs.

A. Twin Cities

Like the Martin Intervenors, the Hippert Plaintiffs keep Minneapolis and St. Paul in separate congressional districts. Each map adjusts the boundaries of current CD 4 and CD 5 as necessary to achieve population equality.

The main difference between the two urban districts is that the Hippert Plaintiffs disregard the strongly expressed views of the people of Washington County, who told the Panel that current CD 6 simply was not working and that Washington County should be paired with Ramsey County rather than with counties to its northwest.³⁶ The *Zachman* panel rightly recognized the community of interest extending along the I-94 corridor. But as the Panel heard, the experience of the past ten years has shown that Washington County is not part of that community.

The Martin Intervenors address this issue by uniting most of Washington County with Ramsey County to its west, and placing the remainder of Washington County with suburban CD 2 to its southwest. The Hippert Plaintiffs and Britton Plaintiffs both ignore these requests.

³⁶ Bloomington Hr. 12:20-14:5 (Dennis Schneider); St. Paul Hr. 21:8-22:11 (Gerald Beedle, explaining that he regularly travels to the Twin Cities but not to counties to the northwest of Washington County), 36:2-37:4 (Joseph Ward, asking the Panel to connect Washington County to the urban core to its west), 44:18-48:1 (Woodbury resident Rhonda Swartz, explaining that she spends 90% of her time in Ramsey and Washington Counties, discussing shared services between the two counties, and asking the Panel to “push CD04 out to the St. Croix River” if possible), 57:21-25 (Kay Hendrickson, describing Woodbury as a “suburban, relaxed St. Paul”).

B. Suburban/Exurban Districts

1. CD 6

The Martin Intervenors' proposed CD 6 cures a problem that neither the Hippert Plaintiffs nor Britton Intervenors address. If sizeable and fast-growing Washington County is placed in CD 6, as they do, it is not possible to retain Chisago and Isanti counties in a suburban/exurban district. These counties instead must be included with rural communities, as in the Hippert Plaintiffs' proposed CD 7 and the Britton Intervenors' proposed CD 8. But the Panel recognized an 11-county metropolitan area that includes Chisago and Isanti counties. Having argued for a definition of the metropolitan area that includes these counties, it is more than peculiar that the Hippert Plaintiffs now place these counties in a rural district. The protection of Representatives Craavack and Bachmann can be the only explanation.

The Martin congressional plan avoids this problem by pairing Washington County with CD 4, as Washington County residents requested. Not only does this create a unified community of interest in the north and northwest suburbs and exurbs, it facilitates the creation of similarly cohesive surrounding districts.

2. CD 3

Proposed CD 3 provides a clear instance where the Hippert Plaintiffs do not draw a ring district pairing similar suburbs, as they purport to do. The Hippert Plaintiffs' proposed CD 3 pairs inner ring Minneapolis suburbs (including most of Brooklyn Park, Edina, and Bloomington) with outlying exurban and rural areas in Carver and McLeod

counties. This flies in the face of the testimony heard by the Panel. The only purpose can be to protect Representative Erik Paulsen.

The Panel heard that inner ring suburbs have much more in common with the urban core than they do with outer ring suburbs.³⁷ For example, the Panel specifically heard that Eden Prairie shares more in common with the communities to its north and east, including Minnetonka, than it does with the communities in Carver County to its west.³⁸ The Hippert Plaintiffs pair Eden Prairie not only with mostly exurban Carver County, but also with rural McLeod County, which is not even in the 11-county metropolitan area. This arrangement does not serve the interests of either inner ring suburbs or McLeod County. As Steve Cook, Mayor of Hutchinson, explained at the St. Cloud hearing, Hutchinson is the regional center for McLeod County, which is very rural and driven by agricultural interests and concerns.³⁹ It has more in common with counties like Kandiyohi, Renville, and Meeker than it does with Hennepin or Carver counties.⁴⁰

Likewise, whereas the Panel heard about how the burgeoning minority populations in adjoining suburbs to the west of Minneapolis created a natural community of interest,⁴¹ the Hippert Plaintiffs split Brooklyn Park in half, split most of Brooklyn Park from Brooklyn Center, and dilute the votes of the minority community in other increasingly

³⁷ Minneapolis Hr. 34:13-35:2 (Jules Goldstein, explaining that the differences between the central cities and the first ring suburbs are “minor”).

³⁸ Bloomington Hr. 9:13-10:16 (Sally Burns).

³⁹ St. Cloud Hr. 31:17-32:19 (Mayor of Hutchinson Steve Cook).

⁴⁰ *Id.* 32:19-34:8.

⁴¹ Minneapolis Hr. 23:3-23 (Eric Margolis); Bloomington Hr. 39:3-14 (John Wexler, requesting that the Panel keep Brooklyn Park and Brooklyn Center paired); St. Paul Hr. 40:3-22 (Emma Greenman, same).

diverse inner ring Hennepin County suburbs by pairing them with less diverse communities, including McLeod County (minority population—7.2%) and Carver County (minority population—9.3%).⁴² As a result, the minority populations of the Martin Intervenors’ and Hippert Plaintiffs’ proposed CD 3 vary significantly:

- Hippert Proposed CD 3: 16.2% (Total Minority); 13.4% (Voting Age Minority);
- Martin Proposed CD 3: 21.6% (Total Minority); 16.0% (Voting Age Minority).

In contrast to the Hippert Plaintiffs’ proposed CD 3, the Martin Intervenors create a true “ring” district that follows I-494 and connects similar inner ring suburbs to the west and south of the Twin Cities. These communities are distinct from the urban core, but closely connected to it. Many of its residents work in the Twin Cities, *see* Hippert Congressional Memo at 27-28, and these communities share similar suburban interests. Twin Cities commuters share few interests with rural communities in McLeod County.

3. CD 2

The same pattern manifests in the differences between the Hippert Plaintiffs’ and Martin Intervenors’ proposed CD 2. Where the Martin Intervenors’ proposed CD 2 unites similar outer ring communities to the south and west of the Twin Cities, the Hippert Plaintiffs’ sprawling CD 2 connects vastly different communities.

The Hippert Plaintiffs describe their CD 2 as a “blend of exurban and rural communities ‘south of the river.’” Yet, as with their proposed CD 3, the district in fact pairs inner ring suburbs with outlying exurban and rural areas. The Hippert Plaintiffs’

⁴² Stafford Aff., Ex. L.

proposed CD 2 extends to the south edge of St. Paul to encompass the suburban communities of northern Dakota County, including Sunfish Lake, Inver Grove Heights, Eagan, and Burnsville. It then pairs these suburban, Twin Cities-facing communities with rural communities outside the 11-county metropolitan area—Sibley, Le Sueur, and Nicollet counties in the west, and Rice, Goodhue, and Wabasha counties to the east. The district stretches 150 miles from Gibbon in the west to Wabasha in the east. There is no community of interest connecting these far-flung portions of the Hippert Plaintiffs' proposed CD 2. To give one example, the concerns of Le Sueur County—the home of the Green Giant—are vastly different than those of suburban, commuting Sunfish Lake, a scant ten miles south of downtown St. Paul.

The Britton Intervenors' proposed CD 2 is similarly peculiar, stretching from Dakota County to Renville and Kandiyohi counties far to the west. Like the Hippert Plaintiffs, the Britton Intervenors unnecessarily pair communities in the heart of the metropolitan area with agricultural communities. Rather than keeping together similar suburban and exurban communities, the Hippert Plaintiffs and Britton Intervenors create an elongated district that stretches from the Wisconsin border to the center of the state.

The Hippert Plaintiffs candidly recognize that their CD 2 is not ideal because it includes “more rural areas to achieve population equality.” Hippert Congressional Memo at 31. By contrast, the Martin Intervenors pair similar communities together in a ring around the urban core. The Martin Intervenors' proposed CD 2 is composed entirely of counties within the 11-county metropolitan area proposed by the Hippert Plaintiffs, with the sole exception of Goodhue County. As a result, 93% of the Martin Intervenors'

proposed CD 2 lies within the 11-county metropolitan area, compared to less than 70% under the Hippert Plaintiffs' proposal.

V. CONCLUSION

In summary, because the Martin congressional plan was specifically drawn to adhere to the redistricting principles adopted by the Panel and the public testimony that the Panel solicited to aid it in drawing new districts, the Martin congressional plan faithfully meets the Panel's redistricting principles and honors the public's wishes whenever possible. As a result, the Martin Intervenors' congressional plan draws compact districts that sensibly unite communities of interest, protect and promote the voice of Minnesota's fast-growing minority communities, and minimize political subdivision splits.

In light of the Panel's redistricting principles and the clear public testimony that the Panel heard, the Martin Intervenors would have hoped that the Hippert Plaintiffs' proposed congressional map would share many more similarities with their own map. But unlike the Martin Intervenors, the Hippert Plaintiffs' map was drawn by the Republican caucuses months before the Panel adopted redistricting principles or received public testimony. It is unfathomable that the Hippert Plaintiffs did not alter their congressional plan to better reflect those principles or to adhere to that testimony.

For the foregoing reasons, and those stated in their Memorandum Regarding Congressional Plan, the Martin Intervenors request that the Panel adopt the Martin congressional redistricting plan.

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Respectfully Submitted,

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