

STATE OF MINNESOTA  
SPECIAL REDISTRICTING PANEL

OFFICE OF  
APPELLATE COURTS

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**FILED**

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Roulet, individually and on behalf of all  
citizens and voting residents of Minnesota  
similarly situated,

Plaintiffs,

and

Kenneth Martin, Lynn Wilson, Timothy  
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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.

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**HIPPERT PLAINTIFFS'  
MEMORANDUM IN SUPPORT OF  
PROPOSED CONGRESSIONAL  
REDISTRICTING PLAN**

**ORAL ARGUMENT  
REQUESTED**

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## INTRODUCTION

Minnesota's congressional districts must be redrawn because of significant demographic changes that have occurred over the past decade. Plaintiffs' congressional redistricting plan fairly and thoroughly represents these demographic changes, and more than satisfies each of the redistricting principles adopted by the Panel. The plan faithfully adheres to constitutional and statutory requirements, and preserves both political subdivisions and communities of interest to the greatest extent possible. Most importantly, Plaintiffs' congressional redistricting plan assures every citizen of Minnesota an equal voice in Congress. Finally, unlike any other plan that will be submitted to the Panel, the people of Minnesota have had the opportunity to analyze and comment upon the elements of Plaintiffs' congressional redistricting plan. No other plan has received the same level of scrutiny or support from the people of Minnesota, nor the full benefit of legislative expertise, hearings, and support in its development. Plaintiffs respectfully urge the Panel to adopt their congressional redistricting plan in its entirety.

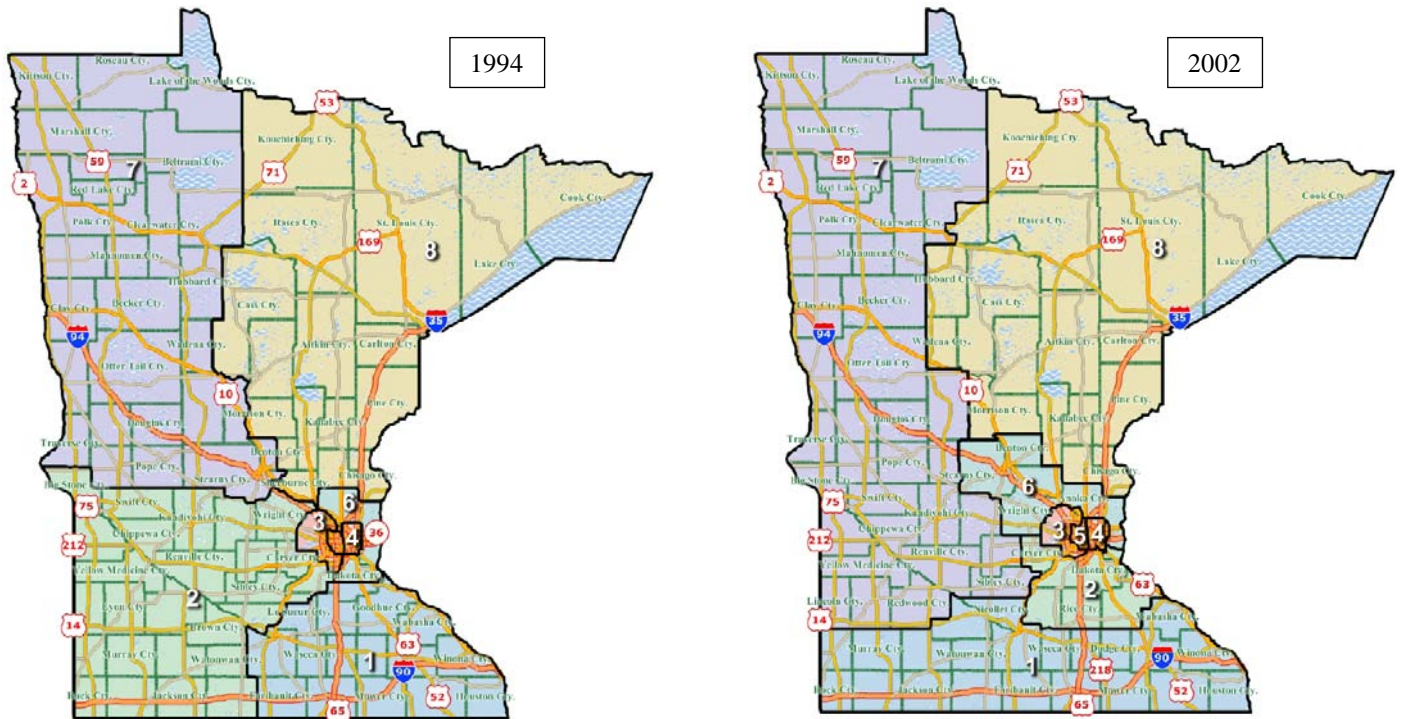
## BACKGROUND

### I. **PLAINTIFFS' CONGRESSIONAL REDISTRICTING PLAN ACCURATELY REFLECTS THE POPULATION CHANGES OF THE PAST DECADE.**

Plaintiffs' congressional redistricting plan is based on the demographic changes that Minnesota experienced between 2000 and 2010, and represents a continuation of the success of past redistricting Panels in addressing the changing demographics of the state. But Plaintiffs' plan also successfully diverges from those plans where doing so best addresses the population changes in our State. The following discussion explains the information considered and the approach undertaken in assembling Plaintiffs' map, and demonstrates why the proposed map should be adopted by the Panel.

#### A. **Redistricting Decisions Must Be Examined and Updated Each Decade to Reflect Changing Demographics.**

When drawing the current congressional plan boundaries in 2002, the *Zachman* Panel recognized that "Minnesota's population underwent a substantial shift within the state" and "Minnesota's demographics did not remain static." *Zachman*, Congressional Redistricting Order, at 2, 4–5 (Mar. 19, 2002). Thus as a fundamental concept, the *Zachman* Panel adopted a "5-3" configuration (5 metropolitan congressional districts and 3 rural congressional districts), instead of the "4-4" configuration used in the previous congressional district map:



The *Zachman* Panel's adoption of a 5-3 configuration was driven by the state's demographic changes as well as a desire to avoid dilution of rural interests by unduly combining them with more metropolitan areas. *Zachman*, Congressional Redistricting Order, at 5 (Mar. 19, 2002) ("[R]ural Minnesotans do not want their interests overshadowed by a strong suburban voice within any one district."). At the same time, the *Zachman* Panel stated that a district which "crossed Minnesota from border to border was inevitable" due to significant population losses in rural areas. *Id.* The *Zachman* Panel further recognized that, because of population equality requirements, three purely rural districts were impossible and that one district (the current 8<sup>th</sup> district) would have to contain population "from counties that are part of the metropolitan statistical area." *Id.*, at 6. Because of these thoughtful determinations, the *Zachman* congressional plan was widely considered to be successful.

**B. The Population Shifts of 1990-2000 Intensified from 2000-2010, but in a Somewhat Uneven Pattern.**

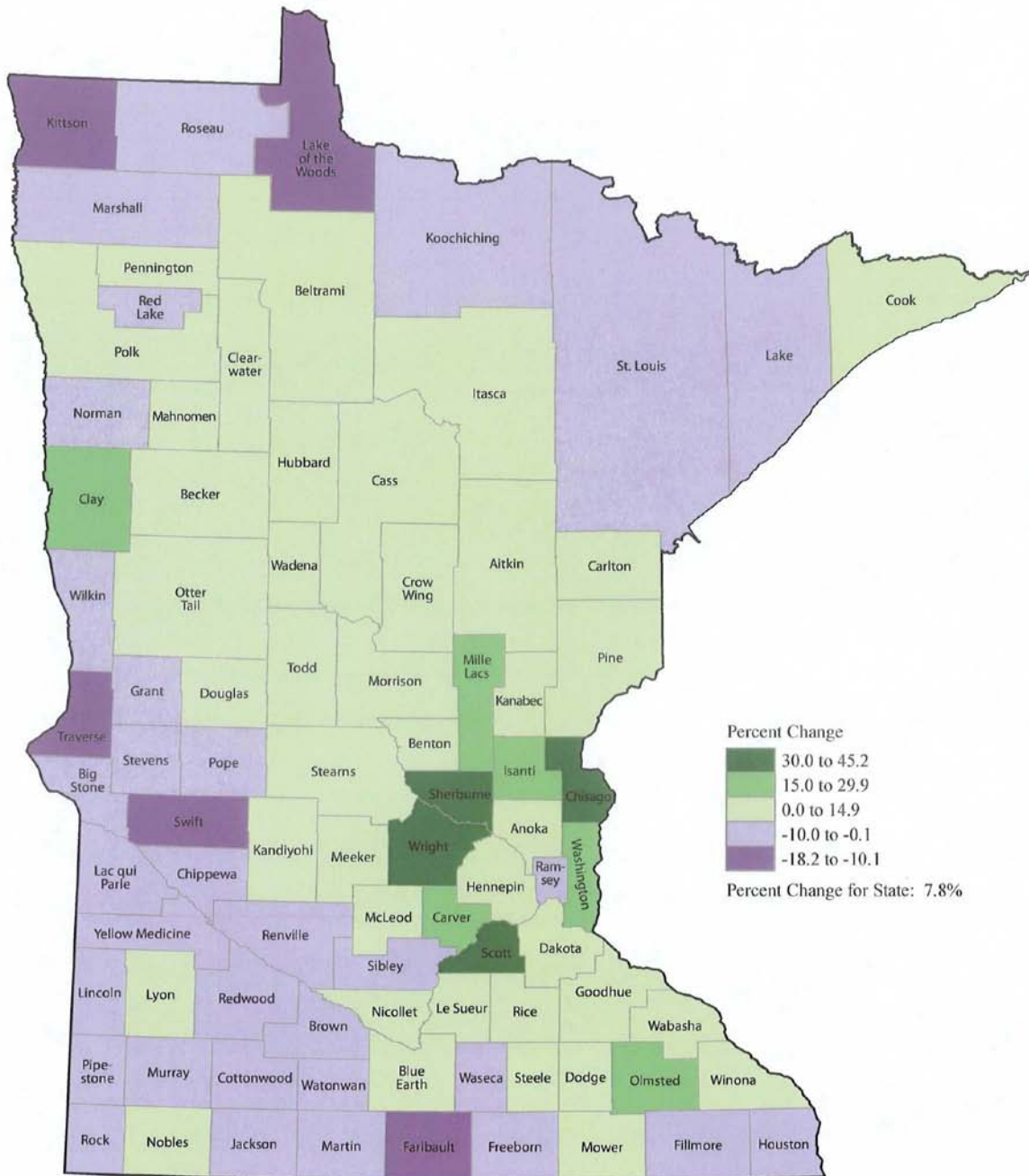
The 2010 Census shows that similar demographic shifts continued and intensified throughout the past decade. Over the past ten years, the population in Minnesota's suburban and exurban areas increased significantly, while the population of Minnesota's rural areas continued to decline. The following map prepared by the U.S. Census Bureau shows the disparities in Minnesota's population growth and losses over the past decade, confirming a continuation of rural population loss, suburban growth, and stagnation of the urban core:<sup>1</sup>

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<sup>1</sup> See [http://2010.census.gov/news/img/cb11cn89\\_mn\\_perchange\\_2010map.jpg](http://2010.census.gov/news/img/cb11cn89_mn_perchange_2010map.jpg) (last visited on Nov. 16, 2011).

# MINNESOTA - 2010 Census Results

## Percent Change in Population by County: 2000 to 2010



Source: U.S. Census Bureau, Census 2000 and 2010 Census Redistricting Data Summary File  
 For more information visit [www.census.gov](http://www.census.gov).





While the population changes followed similar patterns as in the recent past, the population losses in certain areas of the state and the population growth in other areas of the state are substantially unequal. As a result, a congressional plan that attempts to preserve the existing congressional district cores in a "least changes" fashion is unworkable.

For example, rural Minnesota experienced dramatic population losses over the past decade. Five out-state Minnesota each counties lost between 10% and 18% of their population: Kittson<sup>2</sup>, Lake of the Woods,<sup>3</sup> Traverse,<sup>4</sup> Swift,<sup>5</sup> and Faribault<sup>6</sup> counties. All Minnesota counties on the Iowa, North Dakota and South Dakota borders suffered significant population losses with the notable exceptions of Mower,<sup>7</sup> Nobles,<sup>8</sup> Clay,<sup>9</sup> and Polk<sup>10</sup> counties. In those counties, there was modest growth in the larger towns of

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<sup>2</sup> See <http://quickfacts.census.gov/qfd/states/27/27069.html> (13.9% decline (5,285 to 4,552 persons)) (last visited on Nov. 16, 2011).

<sup>3</sup> See <http://quickfacts.census.gov/qfd/states/27/27077.html> (10.5% decline (4,522 to 4,045 persons)) (last visited on Nov. 16, 2011).

<sup>4</sup> See <http://quickfacts.census.gov/qfd/states/27/27155.html> (13.9% decline (4,143 to 3,558 persons)) (last visited on Nov. 16, 2011).

<sup>5</sup> See <http://quickfacts.census.gov/qfd/states/27/27151.html> (18.2% decline (11,965 to 9,783 persons)) (last visited on Nov. 16, 2011).

<sup>6</sup> See <http://quickfacts.census.gov/qfd/states/27/27043.html> (10.1% decline (16,181 to 14,553 persons)) (last visited on Nov. 16, 2011).

<sup>7</sup> See <http://quickfacts.census.gov/qfd/states/27/27099.html> (1.5 % growth (38,603 to 39,163 persons)) (last visited on Nov. 16, 2011).

<sup>8</sup> See <http://quickfacts.census.gov/qfd/states/27/27105.html> (2.6% growth (20,832 to 21,378 persons)) (last visited on Nov. 16, 2011).

<sup>9</sup> See <http://quickfacts.census.gov/qfd/states/27/27027.html> (15.2% growth (51,229 to 58,999 persons)) (last visited on Nov. 16, 2011).

<sup>10</sup> See <http://quickfacts.census.gov/qfd/states/27/27119.html> (0.7% growth (31,369 to 31,600 persons)) (last visited on Nov. 16, 2011).

Austin,<sup>11</sup> Worthington,<sup>12</sup> Moorhead,<sup>13</sup> and East Grand Forks.<sup>14</sup> Moreover, with the exception of Lyon<sup>15</sup> and Nobles counties, all counties southwest of the Minnesota River lost population.

Conversely, the largest population growth over the past decade occurred in the 11-county metropolitan area. The suburban and exurban areas in Chisago,<sup>16</sup> Sherburne,<sup>17</sup> Wright,<sup>18</sup> and Scott<sup>19</sup> counties experienced significant growth in the range of 30–45% each. The current districts encompassing these counties need to shed significant population, but attempts to simply shift the current configuration would result in combining populous, metropolitan areas with otherwise rural districts. Nor is it possible to simply trade growth areas for loss areas. Minnesota's population changes and the constitutional requirement of "one person, one vote" require more than a "least changes" approach.

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<sup>11</sup> See <http://quickfacts.census.gov/qfd/states/27/2702908.html> (6.0% growth (23,314 to 24,718 persons)) (last visited on Nov. 16, 2011).

<sup>12</sup> See <http://quickfacts.census.gov/qfd/states/27/2771734.html> (13.1% growth (11,283 to 12,764 persons)) (last visited on Nov. 16, 2011).

<sup>13</sup> See <http://quickfacts.census.gov/qfd/states/27/2743864.html> (18.3% growth (32,177 to 38,065 persons)) (last visited on Nov. 16, 2011).

<sup>14</sup> See <http://quickfacts.census.gov/qfd/states/27/2717612.html> (14.7% growth (7,501 to 8,601 persons)) (last visited on Nov. 16, 2011).

<sup>15</sup> See <http://quickfacts.census.gov/qfd/states/27/27083.html> (1.7% growth (25,425 to 25,857 persons)) (last visited on Nov. 16, 2011).

<sup>16</sup> See <http://quickfacts.census.gov/qfd/states/27/27025.html> (31.1% growth (41,101 to 53,887 persons)) (last visited on Nov. 16, 2011).

<sup>17</sup> See <http://quickfacts.census.gov/qfd/states/27/27141.html> (37.4% growth (64,417 to 88,499 persons)) (last visited on Nov. 16, 2011).

<sup>18</sup> See <http://quickfacts.census.gov/qfd/states/27/27171.html> (38.6% growth (89,886 to 124,700 persons)) (last visited on Nov. 16, 2011).

<sup>19</sup> See <http://quickfacts.census.gov/qfd/states/27/27139.html> (45.2% growth (89,498 to 129,928 persons)) (last visited on Nov. 16, 2011).

**C. Approaches to Congressional Mapping in 2011-2012.**

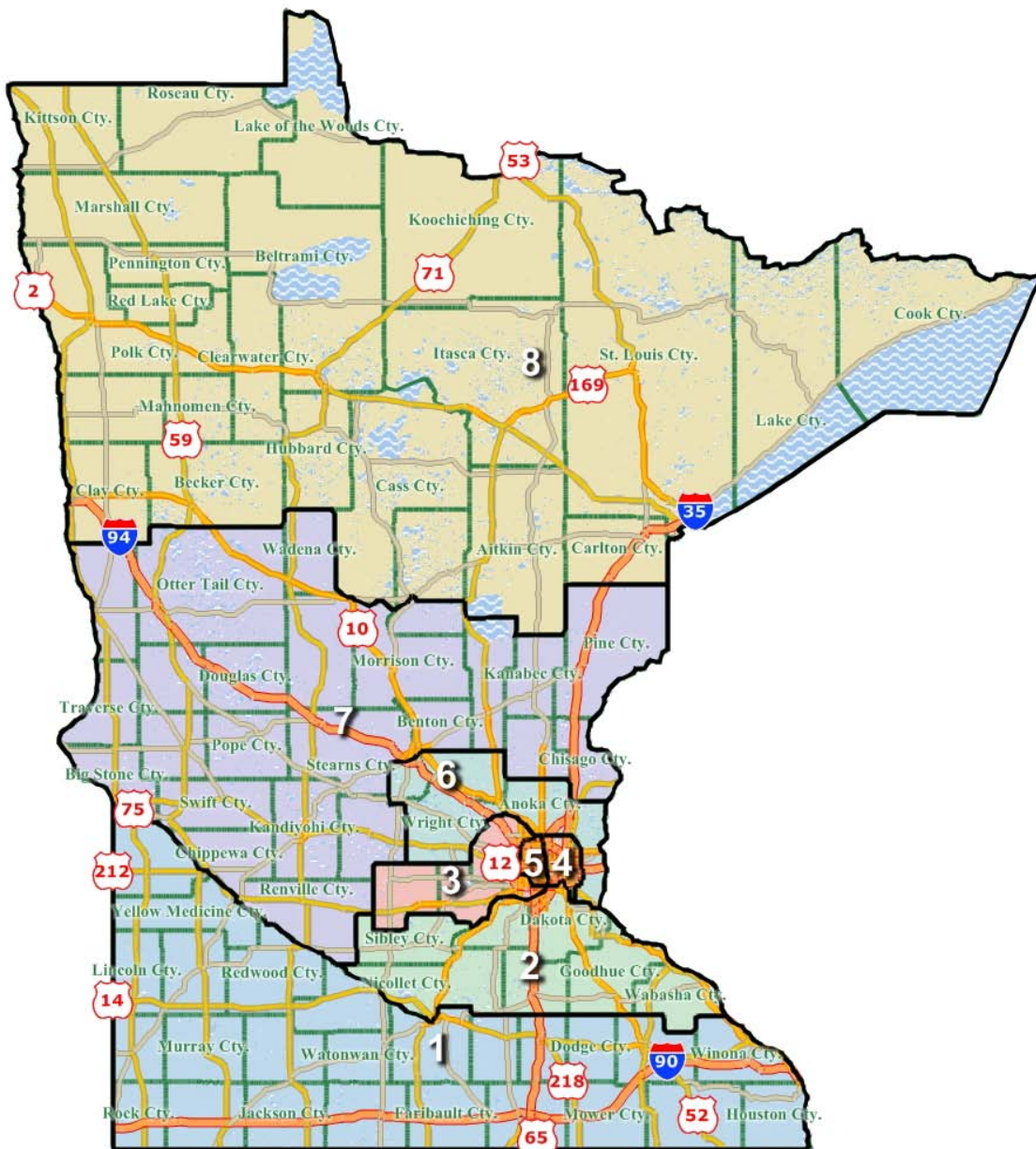
**1. Minnesota's Congressional Redistricting Plan Must Reflect the Changing Demographics of the State and Comply with Constitutional and Statutory Criteria.**

As Plaintiffs discussed when briefing proposed criteria, courts are required to give the greatest priority to minimal population deviation for congressional districts, and are bound by law to adhere to constitutional and statutory provisions. While other "traditional redistricting criteria" also deserve attention, the Panel's criteria recognize each of the statutory and legal criteria, as well as the priority they are to be given over less objective or measurable criteria such as communities of interest.

Similarly, Plaintiffs' congressional map was drawn on the basis of constitutional and statutory criteria first, with communities of interest captured "where possible in compliance with preceding principles," when the communities of interest "are persuasively established," and where recognizing them "would not violate applicable law." *Hippert v. Ritchie*, Order Stating Redistricting Principles at 6-7 (Minn. Special Redistricting Panel Nov. 4, 2011). The success of this approach is captured in greater detail below.

## 2. The 3-3-2 Approach to Mapping Best Reflects 2010 Demographics in the State of Minnesota.

Because the majority of population growth in the past decade occurred in Minnesota's suburban and exurban regions, Plaintiffs' congressional redistricting plan orients Minnesota's congressional districts in a 3-3-2 configuration. This configuration recognizes three rural districts, three suburban/exurban districts, and two urban districts:



This approach is consistent with the approach taken by the *Zachman* Panel, and is faithful both to the Panel's redistricting principles and the 2010 U.S. Census data. *See Zachman, Congressional Redistricting Order*, at 9–10 (Mar. 19, 2002) ("We have thereby created a plan with three predominantly suburban and exurban districts and two predominantly urban districts, in addition to three rural districts.").

Like the *Zachman* plan, Plaintiffs' congressional plan features two separate congressional districts (the 4<sup>th</sup> and 5<sup>th</sup> districts) for the Minneapolis and St. Paul urban areas. Because the populations in Minneapolis and St. Paul did not grow along with the total state population (in fact Ramsey County lost population), the 4<sup>th</sup> and 5<sup>th</sup> districts need to expand further into some of their first ring suburbs to achieve population equality. Plaintiffs' congressional plan reflects that needed expansion.

At the same time, Plaintiffs' congressional redistricting plan includes three congressional districts that are predominantly suburban and exurban in character and encircle Minneapolis and St. Paul (the 2<sup>nd</sup>, 3<sup>rd</sup>, and 6<sup>th</sup> districts). These are the areas of the highest growth over the past decade. The ring-shaped orientation of these three districts recognizes the similarities in these suburban and exurban regions, and again follows the urban/suburban planning and orientation of the political subdivisions in the Twin Cities Metropolitan Statistical Area.

Outside of the central metropolitan area of the state, Plaintiffs' congressional plan includes three rural congressional districts (the 1<sup>st</sup>, 7<sup>th</sup>, and 8<sup>th</sup> districts). Because the population trends that required the *Zachman* Panel to create a border-to-border 1<sup>st</sup>

congressional district in southern Minnesota in 2002 expanded over the past decade, and to preserve identifiable communities of interest when possible within each district, Plaintiffs' congressional plan arranges each of these three districts in a west-east configuration. This configuration preserves communities of interest in rural Minnesota while also balancing the population density of the high-growth 11-county metropolitan area.

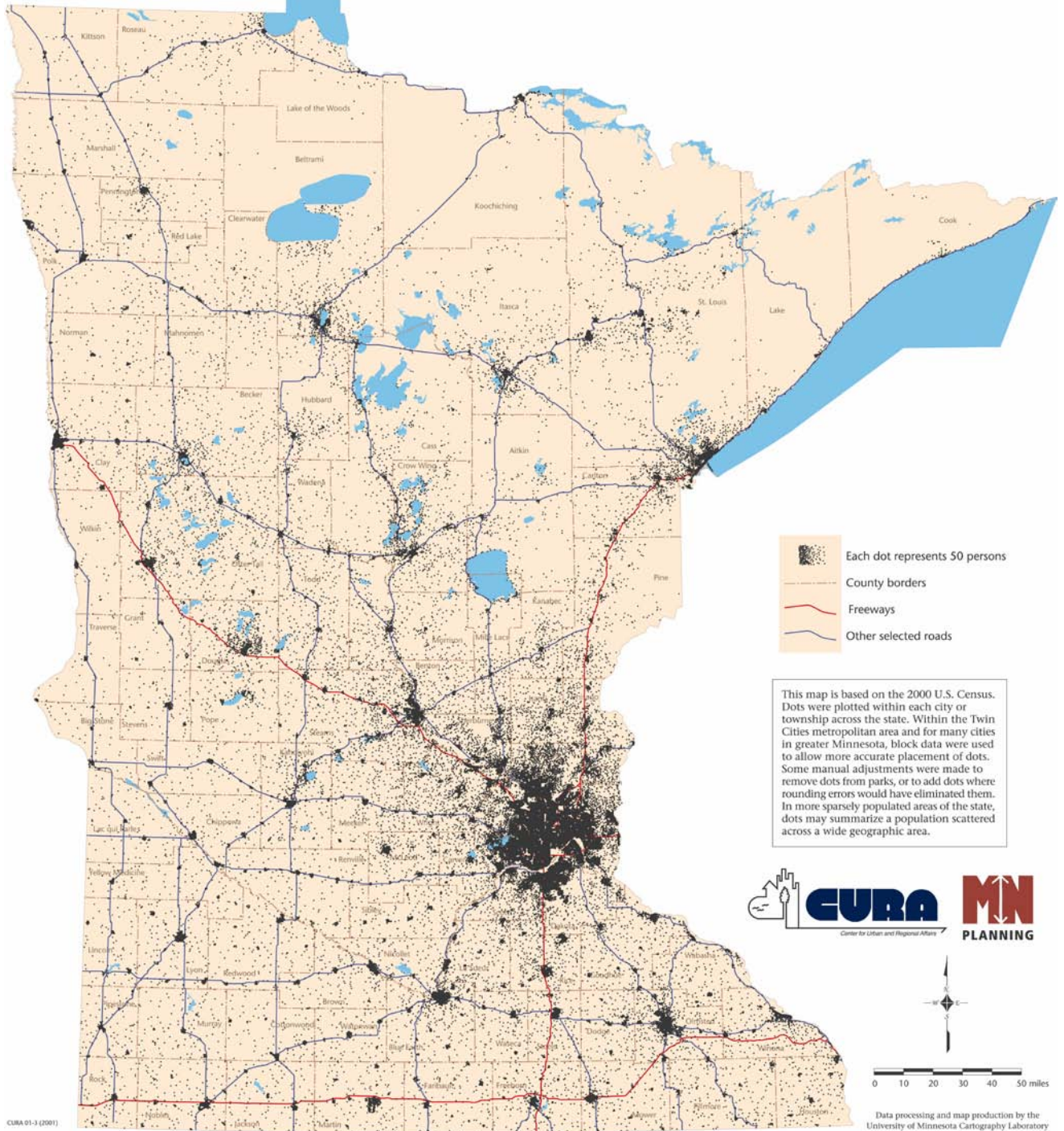
### **3. In Metropolitan Areas, Political Subdivisions Are Organized Into Rings Around the Urban Core.**

The *Zachman* plan recognized that suburbs and exurbs of Minneapolis and St. Paul – and indeed of most metropolitan areas – develop in "rings" around the urban core. *See Zachman*, Order Adopting a Congressional Plan at 10 (Minnesota Special Redistricting Panel Mar. 19, 2002) (noting that Minneapolis and St. Paul were left in two separate congressional districts, surrounded by "their first-ring suburbs"); *Zachman*, 6<sup>th</sup> District (organized largely in outer ring of suburbs surrounding Hennepin and Ramsey Counties); *see also* Criteria Order, Legislative Redistricting Principle No. 3 (Nov. 4, 2011) (requiring that legislative districts be numbered first in out-state Minnesota; "then to the 11-county metropolitan area outside the cities of Minneapolis and St. Paul; then to Minneapolis and St. Paul.").

This suburban and exurban orientation has not changed. Minnesota's population density maps establish that population centers spring from metropolitan cores, and grow in rings from the cities to first-ring suburbs, to outer suburbs, and to exurbs:



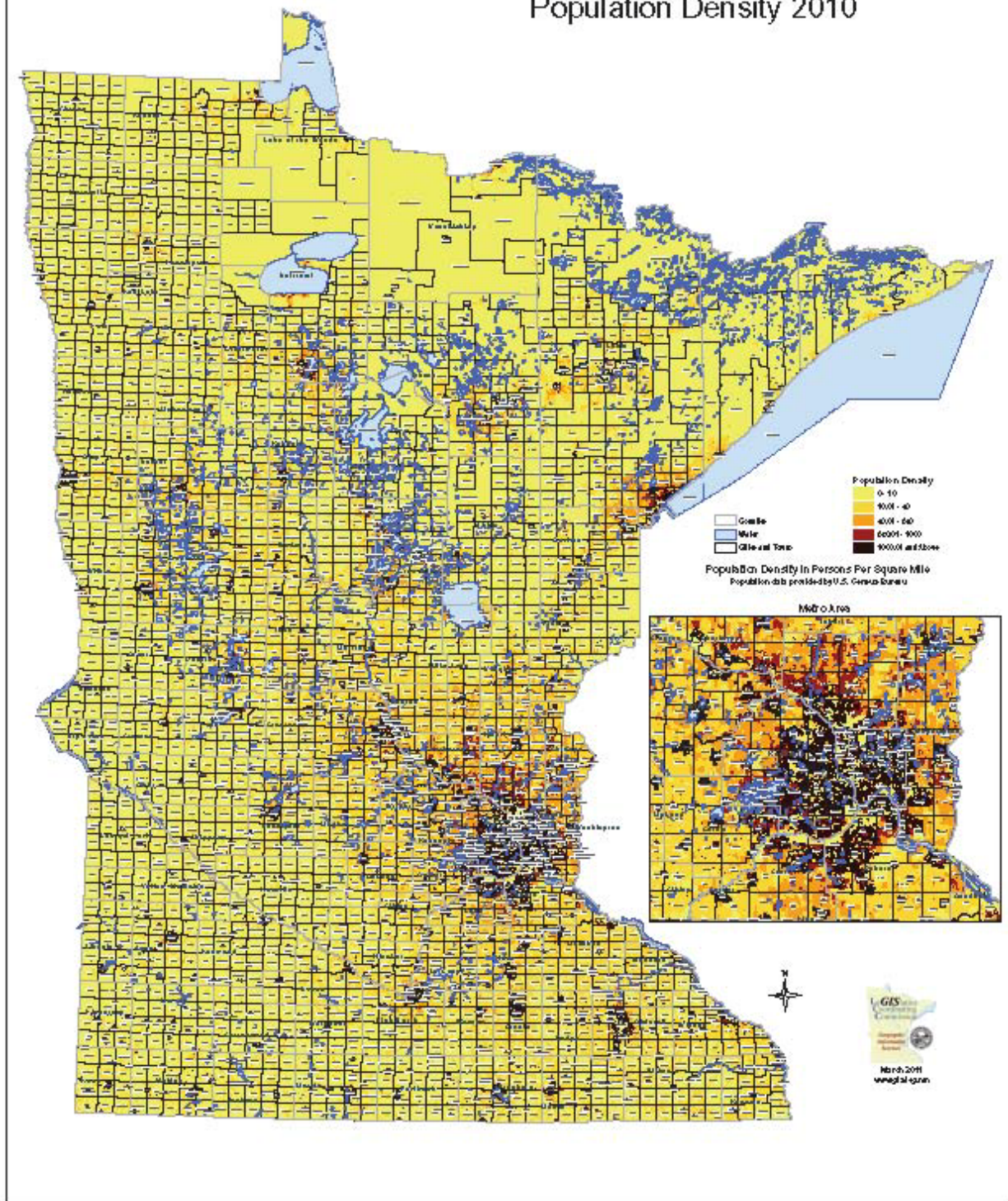
# POPULATION DISTRIBUTION 2000: Minnesota



CURA 01-3 (2001)



# Minnesota Population Density 2010





This phenomenon is further confirmed by the map of population growth by county, depicting the greatest growth areas occurring in rings around Hennepin and Ramsey Counties, and in suburbs containing a metropolitan core. *See supra*, § I.B. This growth of rings around the seven-county metropolitan area caused the size of the metropolitan area to increase by four counties (all immediately surrounding the former seven-county metro area).

**4. The Panel Should Emphasize Keeping Communities of Interest Intact Where Possible, Rather than Giving Individual Communities of Interest Separate Districts**

While communities of interest can frequently be maintained within a district, "the diverse interests of the state might result in multiple communities of interest lying within any one district." *Zachman*, Congressional Redistricting Order, at 4 (Mar. 19, 2002). Many of the communities of interest in Minnesota are not large enough to warrant their own congressional district. In some cases, contiguous communities of interest may have conflicting interests. In recognition of these limitations, the goal of this plan is not to give every community of interest its own district, nor to prevent communities of interest that may have some differences from residing in the same district. Instead, this plan keeps communities of interest intact to the greatest extent possible in compliance with the Panel's other redistricting criteria. *See* Criteria Order, at Congressional Redistricting Principle No. 6 (Nov. 4, 2011).

## **II. THIS CONGRESSIONAL REDISTRICTING PLAN BENEFITTED FROM PUBLIC COMMENT AND MINNESOTA'S LEGISLATIVE EXPERTISE.**

"[R]eapportionment is primarily a matter for legislative consideration and determination." *White v. Weiser*, 412 U.S. 783, 794 (1973); *see also* Order, at 2 (C.J. Gildea, June 1, 2011). Unlike any other plan that this Panel will consider, Plaintiffs' congressional redistricting plan was drafted by elected members of Minnesota's legislature and passed both the Minnesota House and Senate in May 2011. The primary goals of the plan were to ensure compliance with the population equality standards of the United States and Minnesota constitutions, and the statutory requirements of Minnesota and federal law.

Moreover, this plan has been publicly available since the spring of 2011 and is the only plan whose elements have been subjected to both public and political scrutiny and comment. Plaintiffs' congressional redistricting plan received substantial feedback from the public during sixteen legislative hearings spanning five months. In particular, Plaintiffs heard during the legislative hearings that the public wished for more time to examine maps before it commented on how redistricting should occur. The input through the legislative hearings and the Panel's public hearings made clear that actually seeing maps prompts commentary – both positive and critical – that otherwise might never have come to mind. As a result of the Panel's hearings, members of the public have now had such opportunities – but only with respect to Plaintiffs' plans.

While no redistricting plan can satisfy every interest of every person in the state, much of the public testimony regarding Plaintiffs' congressional plan was positive. Some

members of the public were averse to change or had other comments. But when considering the other congressional plans that will be submitted in this proceeding, Plaintiffs' respectfully request that the Panel keep in mind that the citizens of Minnesota have never seen and have had no opportunity to analyze or comment upon any of the other parties' proposed congressional redistricting plans.

## ARGUMENT

### I. THE PROPOSED CONGRESSIONAL DISTRICTS FULFILL AND EXCEED THE PANEL'S REDISTRICTING CRITERIA.

Plaintiffs' proposed congressional redistricting plan satisfies each of the redistricting principles established by the Panel. On every metric, Plaintiffs' congressional redistricting plan either is substantially equal to or exceeds the results achieved by past redistricting panels.

	<b>Plaintiffs' Congressional Redistricting Plan</b>	<i>Zachman</i> Congressional Redistricting Plan
<b>Largest Population Deviation</b>	1	1
<b>County Splits (Number of Counties Split)</b>	7	8
<b>County Splits (Number of Splits)</b>	8	13
<b>City/Township Splits (Number of Cities/Townships Split)</b>	7	7
<b>City/Township Splits (Number of Splits)</b>	7	7
<b>Districts Over 30% Minority (Total Population)</b>	2	0
<b>Districts Over 30% Minority (Voting Age Population)</b>	1	0
<b>Largest Minority Population (Total Population)</b>	36.8%	28.8%
<b>Largest Minority Population (Voting Age Population)</b>	30.5%	23.1%
<b>Number of Incumbent Pairings</b>	0	1

As the chart shows, Plaintiffs' congressional redistricting plan achieves the population-equality standard required of any congressional plan, while splitting fewer political subdivisions and creating more minority opportunity districts than the *Zachman* plan (while avoiding any incumbent pairings).

## **II. THE PROPOSED CONGRESSIONAL DISTRICTS SATISFY THE CONSTITUTIONAL REQUIREMENT OF "ONE PERSON, ONE VOTE."**

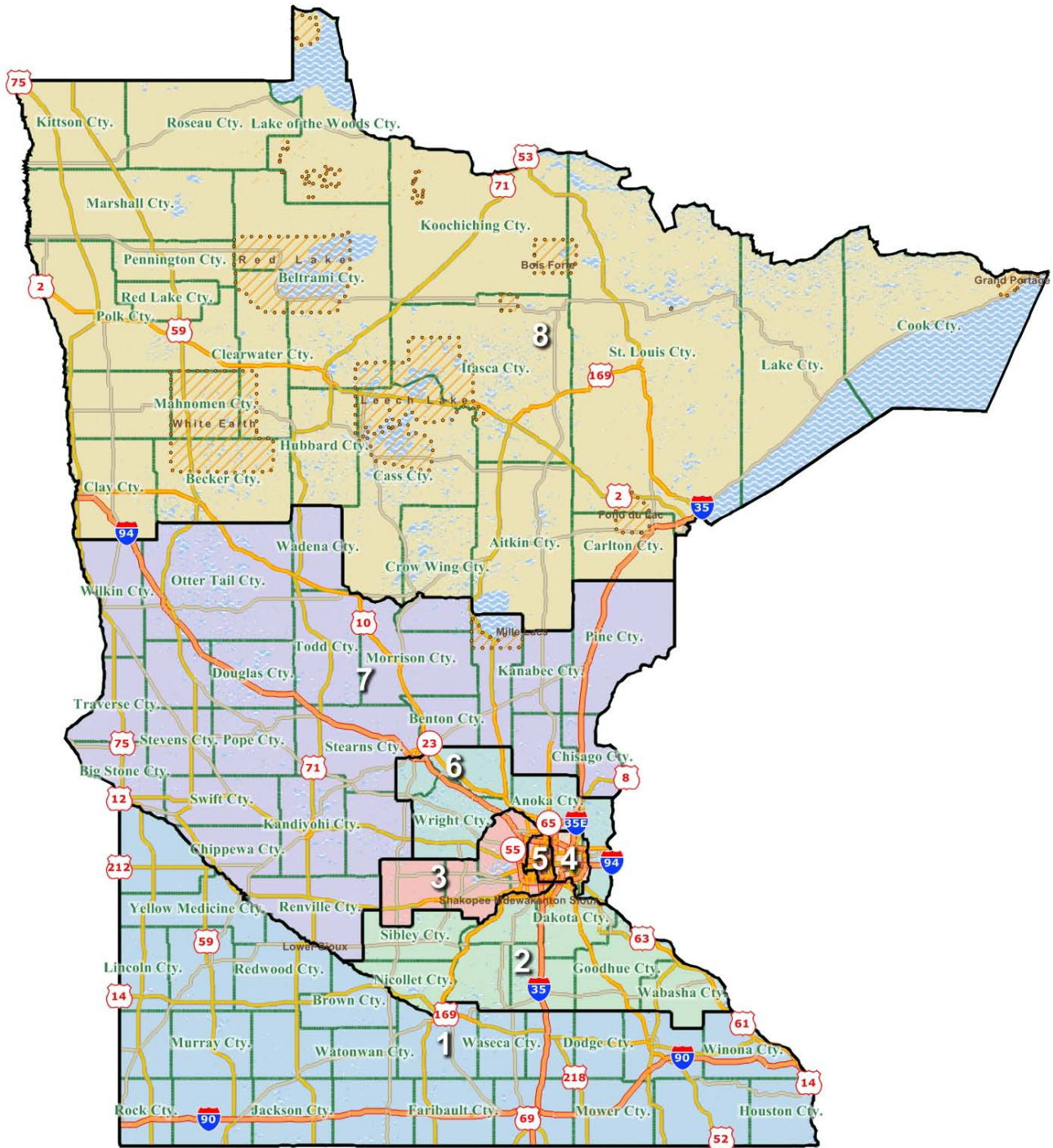
Article I, § 2 of the United States Constitution requires that congressional districts must be as nearly equal in population as practical. *Wesberry v. Sanders*, 376 U.S. 1, 7–8 (1964). Absolute population equality is the goal. *Abrams v. Johnson*, 521 U.S. 74, 98 (1997). The Panel has recognized that "[b]ecause Minnesota's total population is not divisible into eight congressional districts of equal population, the ideal result is five districts of 662,991 persons and three districts of 662,990." *See* Criteria Order, at Congressional Redistricting Principle No. 2 (Nov. 4, 2011).

Plaintiffs' congressional redistricting plan achieves the Panel's standard for population equality. Five of the districts have a population of 662,991 (the 2<sup>nd</sup>, 3<sup>rd</sup>, 5<sup>th</sup>, 7<sup>th</sup>, and 8<sup>th</sup>) while three of the districts have a population of 662,990 (the 1<sup>st</sup>, 4<sup>th</sup>, and 6<sup>th</sup>). *See* Hippert Maptitude Reports, [Congressional Population Summary Report](#) at Tab A.

## **III. THE PROPOSED CONGRESSIONAL DISTRICTS SATISFY STATUTORY REQUIREMENTS.**

### **A. The Proposed Congressional Districts Consist of Convenient Contiguous Territory.**

Minnesota law requires that "all districts consist of convenient contiguous territory...." Minn. Stat. § 2.91, subd. 2. Plaintiffs' congressional districts are contiguous because no district occupies more than one distinct area. *See* Hippert Maptitude Reports, [Congressional Contiguity Report](#) at Tab B. The map of Plaintiffs' plan further demonstrates that this requirement is satisfied:



Plaintiffs' Proposed Congressional District Map

Plaintiffs' congressional districts are also convenient. Convenient means "[w]ithin easy reach; easily accessible." *LaComb v. Growe*, 541 F. Supp. 145, 150 (D. Minn. 1982) (quoting *The Compact Edition of the Oxford English Dictionary* (Oxford University Press 1971)), *aff'd sub nom. Orwoll v. LaComb*, 456 U.S. 966 (1982). Under Plaintiffs' proposal, the urban and suburban/exurban districts are easily accessible by a network of roads and highways such as Interstates 35W, 35E, I-494, and I-694, and Highways 212, 7, 169, 100, 610, 10, 36, 5, and 19. In greater Minnesota, the 1<sup>st</sup> District is easily accessible via Interstate 90, and the 7<sup>th</sup> District is easily accessible via Interstates 94 and 35. While Northern Minnesota is a greater challenge because no interstate goes north of Duluth or Moorhead, Plaintiffs' 8<sup>th</sup> District is easily accessible via U.S. Highway 2. Likewise, each rural district has its own web of other roads and is easily accessible due to the convenient shape of each district. Thus, Plaintiffs' congressional districts are composed of convenient, contiguous territory. *See* Criteria Order, at Congressional Redistricting Principle No. 4 (Nov. 4, 2011).

**A. The Proposed Congressional Districts Do Not Divide Political Subdivisions More Than Necessary To Meet Constitutional Requirements.**

Minnesota law requires that "political subdivisions not be divided more than necessary to meet constitutional requirements." Minn. Stat. § 2.91, subd. 2; *Karcher v. Daggett*, 462 U.S. 725, 733 n.5, 740–41 (1983). Given the distribution of population in Minnesota and the constitutional requirement of population equality, some political subdivisions splits are mathematically necessary and unavoidable. *See Zachman*, Congressional Redistricting Order, at 4 (Mar. 19, 2002) ("Some political subdivisions –

even small ones or cities that specifically requested to be left intact within a district – would have to be split.").

Plaintiffs' congressional districts achieve virtually the minimum number of splits possible and, notably, achieve fewer splits than the plan adopted by the *Zachman* panel ten years ago:

	<b>Plaintiffs' Congressional Redistricting Plan</b>	<b><i>Zachman</i> Congressional Redistricting Plan</b>
<b>Number of Counties Split Into More Than One District</b>	7	8
<b>Number of Times a County Is Split Into More Than One District</b>	8	13
<b>Number of Cities and Towns Split Into More Than One District</b>	7	7
<b>Number of Times a City or Town Is Split Into More Than One District</b>	7	7

See Hippert Maptitude Reports, [Congressional Political Subdivisions Splits](#), at Tab C. Plaintiffs' congressional redistricting plan satisfies the requirement that political subdivisions not be divided more than necessary to meet constitutional requirements. See Criteria Order, at Congressional Redistricting Principle No. 5 (Nov. 4, 2011).

**B. The Proposed Congressional Districts Comply with the Voting Rights Act.**

Plaintiffs' congressional districting plan fully complies with the requirements of the Voting Rights Act, 42 U.S.C. § 1973–1973aa-6, and the 14<sup>th</sup> and 15<sup>th</sup> Amendments to the United States Constitution. No district was drawn with the intention of abridging voting rights, nor does any district have the effect of abridging voting rights on account of race, ethnicity, or membership in a language minority group.



Over the past ten years, "[m]inorities accounted for more than 80 percent of the state's growth."<sup>20</sup> Much of the minority growth in Minnesota occurred in the Twin Cities metropolitan area.<sup>21</sup> Plaintiffs' congressional plan follows historical districting techniques and accounts for the significant growth in Minnesota's minority population by establishing two minority opportunity districts—*i.e.*, districts in which more than 30% of the population consist of racial minorities—in the traditional 4<sup>th</sup> and 5<sup>th</sup> congressional districts.<sup>22</sup>

District <sup>23</sup>	Total Minority %	Voting Age Minority %
1	11.2%	8.7%
2	14.6%	11.9%
3	16.2%	13.4%
4	<b>30.1%</b>	24.2%
5	<b>36.8%</b>	<b>30.5%</b>
6	10.1%	8.2%
7	7.1%	5.6%
8	9.6%	7.6%

Plaintiffs' congressional redistricting plan results in these minority opportunity districts not by artificial district construction or by departing from other critical redistricting criteria, but rather by simply following the existing demographics of the

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<sup>20</sup> See Mary Jane Smetanka, *Minnesota's Changing Face*, STAR TRIBUNE (March 17, 2011), available online at <http://www.startribune.com/local/118100959.html> (last visited Nov. 16, 2011).

<sup>21</sup> See Richard Chin and MaryJo Webster, *The New Faces of Minnesota*, Pioneer Press (April 17, 2011) ("The white population in the seven-county metro area dipped slightly, but the minority population grew by more than 50 percent.").

<sup>22</sup> Notably, the percentage of total minority population and minority voting age population were higher in every district in Plaintiffs' plan than in the *Zachman* plan, with the exception of the new 2nd District.

<sup>23</sup> See Hippert Maptitude Reports, [Minority Total Population](#) and [Minority Voting Population Report](#)s at Tabs D-E.

region. *See Zachman*, Order Adopting a Legislative Plan, at 6 (Mar. 19, 2002) (noting the value of preventing "the disconnection of minority populations living in compact areas"). While "a court may not presume bloc voting within even a single minority group," *Grove v. Emison*, 507 U.S. 25, 41 (1993) (citing *Thornburg v. Gingles*, 478 U.S. 30, 46 (1986)), it is appropriate for the Panel to consider where people live. Plaintiffs' congressional districts give the growing minority populations in the 4<sup>th</sup> and 5<sup>th</sup> congressional districts the opportunity to vote in common, should they choose to do so, as a function of where they live. *See Zachman*, Order Adopting a Legislative Plan at 6 ("The plan may also increase the ability of minorities to elect [representatives of their choice], especially if minority groups should choose to vote together in certain districts."). Most importantly, Plaintiffs' 4<sup>th</sup> and 5<sup>th</sup> congressional districts accurately reflect the increasing diversity of the population of the Twin Cities metropolitan area.

#### **IV. THE PROPOSED CONGRESSIONAL DISTRICTS SATISFY OTHER TRADITIONAL REDISTRICTING CRITERIA.**

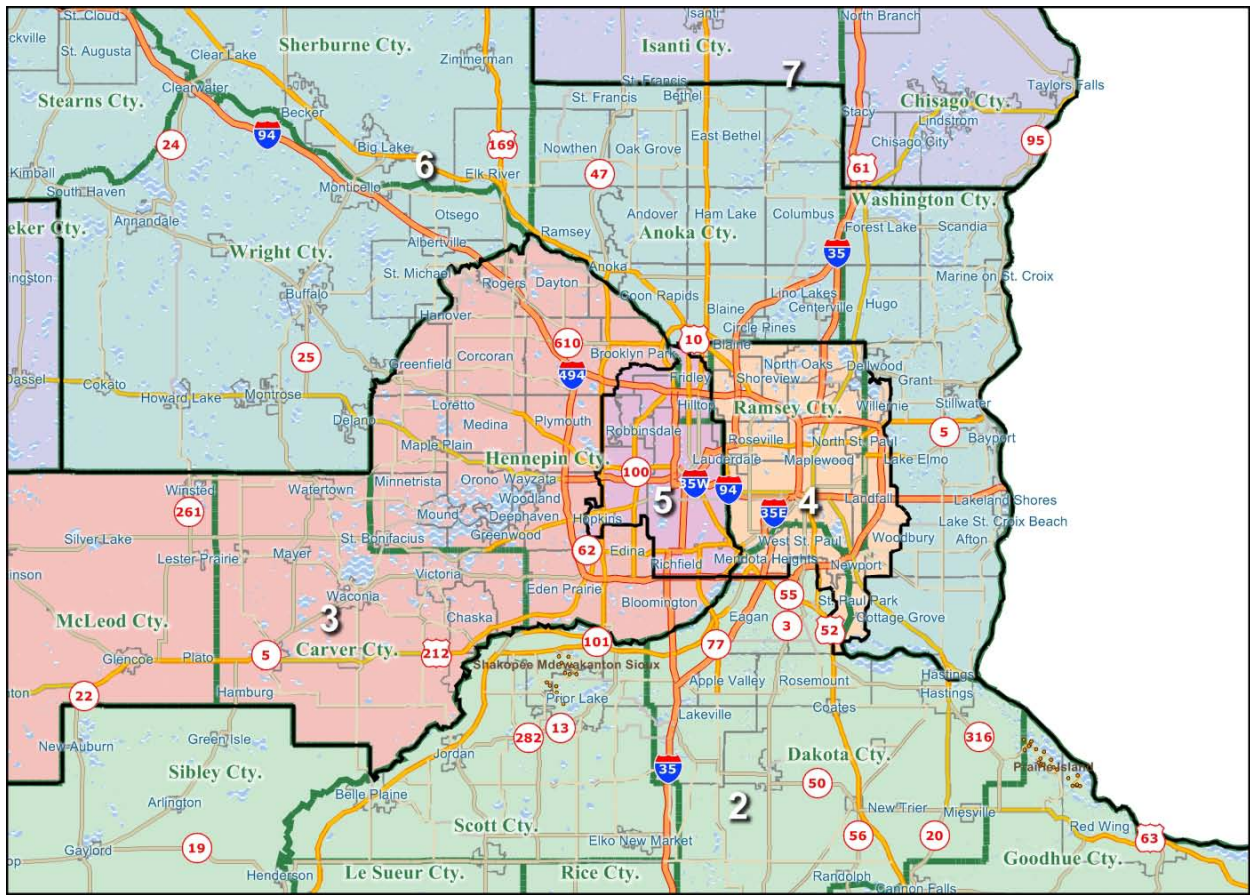
##### **A. The Proposed Congressional Districts Preserve Communities of Interest Where Possible.**

The preservation of communities of interest is a traditional redistricting principle, which the Panel adopted to the extent it can be achieved in compliance with the Panel's other redistricting principles. *See* Criteria Order, Congressional Redistricting Principle No. 6 (Nov. 4, 2011). Plaintiffs' congressional redistricting plan keeps identifiable communities of interest intact in a number of ways. The 3-3-2 configuration of this plan recognizes the common interests of the three predominant regions of the state. The 4<sup>th</sup> and 5<sup>th</sup> districts protect the increasingly diverse urban core of the Twin Cities

metropolitan area. The ring-shaped orientation of the 2<sup>nd</sup>, 3<sup>rd</sup>, and 6<sup>th</sup> districts protects the common interests of the growing suburban and exurban populations of the state, which are distinct from their urban or rural counterparts. The west-east configurations of the 7<sup>th</sup> and 8<sup>th</sup> districts recognize the growing central region of Minnesota and the unique interests of northern Minnesota, and the 1<sup>st</sup> district preserves the agricultural and rural character of southern Minnesota. Although it is not possible to give every community of interest in Minnesota a separate district, Plaintiffs' congressional districts preserve as many persuasively-established communities of interest as possible.

**1. The Proposed Congressional Districts Preserve Communities of Interest in the Twin Cities Metropolitan Area.**

In Minnesota's two largest cities, Plaintiffs' congressional redistricting plan provides both St. Paul and Minneapolis with their own, separate congressional districts (the 4<sup>th</sup> and 5<sup>th</sup> districts, respectively).



Maintaining separate congressional districts for Minneapolis and St. Paul continues a tradition recognized by the *Zachman Panel*. See *Zachman*, Congressional Redistricting Order, at 6–9 (Mar. 19, 2002). Moreover, Plaintiffs' 4<sup>th</sup> and 5<sup>th</sup> districts do not split any Minneapolis neighborhoods, nor do they split any St. Paul planning districts. Plaintiffs' 4<sup>th</sup> congressional district also honors the tradition of preserving all of Ramsey County in one district, which is particularly important to the Ramsey County Board of Commissioners. See Written Statement of Victoria A. Reinhardt, Board Chair of Ramsey County Commissioners, to the Minnesota Special Redistricting Panel (Sep. 23, 2011).

To achieve population equality, it is necessary to include in the 4<sup>th</sup> district areas immediately surrounding Ramsey County. Ramsey County's current population is

508,640,<sup>24</sup> which is 154,351 less than the 662,991 ideal population. Accordingly, Plaintiffs' 4<sup>th</sup> congressional district includes communities directly east of Ramsey County along I-694, including the entire cities of Landfall, Oakdale, Pine Springs, and Mahtomedi, and portions of Woodbury. Plaintiffs' 4<sup>th</sup> congressional district also includes areas south of Ramsey county along I-494, including the entire cities of Mendota, Mendota Heights, Newport, South St. Paul, and West. St. Paul, and portions of Inver Grove Heights.

Plaintiffs' 5<sup>th</sup> congressional district includes the entire city of Minneapolis as well as immediately surrounding areas to achieve population equality. Over the past ten years, the population of Minneapolis remained virtually unchanged and is currently 382,578,<sup>25</sup> which is 280,413 less than the ideal congressional district. It is necessary to expand the 5<sup>th</sup> district towards the west from Minneapolis to avoid encroaching on the 4<sup>th</sup> district in Ramsey County. To achieve population equality, Plaintiffs' 5<sup>th</sup> congressional district includes as many true first-ring suburbs as possible, including St. Louis Park, Golden Valley, Robbinsdale, Brooklyn Center, Columbia Heights, Hilltop, St. Anthony, Fort Snelling, and Richfield. The 5<sup>th</sup> district also contains portions of second ring suburbs to the north and west in order to keep first-ring suburbs with other affinity areas such as St. Louis Park with Hopkins, Robbinsdale with Crystal and New Hope, Brooklyn

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<sup>24</sup> See <http://quickfacts.census.gov/qfd/states/27/27123.html> (last visited on Nov. 16, 2011).

<sup>25</sup> See <http://quickfacts.census.gov/qfd/states/27/2743000.html> (last visited on Nov. 16, 2011).

Center with the neighboring portion of Brooklyn Park, and Columbia Heights and Hilltop with a portion of Fridley.<sup>26</sup>

**2. The Proposed Congressional Districts Preserve the State's Suburban and Exurban Communities of Interest.**

The districts surrounding Minneapolis and St. Paul (the 2<sup>nd</sup>, 3<sup>rd</sup>, and 6<sup>th</sup> districts) are substantially suburban and exurban in character. Like the suburbs and exurbs that encircle the Twin Cities, these congressional districts form a ring around the cities of Minneapolis and St. Paul. These districts also include many of the fastest-growing population centers in the state and reflect the increasingly metropolitan nature of east-central Minnesota. The growth statistics for the 11-county metropolitan area between 2000 and 2010 reflect that change:<sup>27</sup>

<b>County</b>	<b>Growth Between 2000 and 2010</b>
Anoka	11.0%
Carver	29.7%
Chisago	31.1%
Dakota	12.0%
Hennepin	3.3%
Isanti	20.9%

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<sup>26</sup> One choice to be made was which suburb(s) of Minneapolis might belong in a different district, given that population requirements will not precisely permit all suburbs with affinity to Minneapolis to be in a single congressional district. The 5<sup>th</sup> district in this plan acknowledges that Edina has ties to its southern and western neighbors of Bloomington, Eden Prairie, and Minnetonka in the 3<sup>rd</sup> district. Moreover, Edina is too populous to fit in the 5<sup>th</sup> district with all of Brooklyn Center. Rather than splitting either Edina or Brooklyn Center, the 5<sup>th</sup> district includes all of Brooklyn Center and the contiguous portions of Brooklyn Park along with the first-ring suburbs of Minneapolis, and captures the northern remainder of Brooklyn Park with a more suburban district.

<sup>27</sup> See Minnesota Department of Administration, *Minnesota Population Change by County 1990–2010*, <http://www.demography.state.mn.us/resource.html?Id=31945> (last visited on Nov. 16, 2011).

Ramsey	- 0.5%
Scott	45.2%
Sherburne	37.4%
Washington	18.4%
Wright	38.6%

Many of the residents of these suburban and exurban districts commute into either Minneapolis or St. Paul for work. As former state demographer Hazel Reinhardt recently stated:<sup>28</sup>

In five of the 12 counties adjacent to the current seven-county metro, more than 40 percent of workers commute into the region; in another four, at least 20 percent of workers commute into the metro....

The United States Census Bureau's commuting statistics further confirm that commuting into Minneapolis and St. Paul from the surrounding suburbs and exurbs has steadily increased over the past decade:<sup>29</sup>

<b>Work Location: Minneapolis</b>					
<b>Home County</b>	<b>2009</b>	<b>2007</b>	<b>2005</b>	<b>2002</b>	<b>2000</b>
Scott Co.	5,384	4,804	4,014	3,514	3,099
Carver Co.	3,582	3,572	2,970	2,904	2,718
Anoka Co.	28,835	30,195	26,440	26,278	25,997
Washington Co	12,742	11,620	10,897	9,880	7,913
Dakota Co.	24,955	24,877	22,231	19,619	19,675
Wright Co.	4,876	3,689	3,676	2,886	2,876
Sherburne Co.	3,251	2,706	2,592	2,069	1,935
Chisago Co.	1,925	1,971	2,406	2,076	1,484
Isanti Co.	1,143	1,137	970	975	1,009

<sup>28</sup> See Metropolitan Council, Population Changes Mean Big Changes Ahead For Region, <http://www.metrocouncil.org/directions/general/policyconf07demographics.htm> (last visited Nov. 16, 2011).

<sup>29</sup> Compiled from United States Census Bureau, MCD/County-to-MCD/County Worker Flow Files, [http://www.census.gov/population/www/cen2000/commuting/files/2k\\_Work\\_MCD\\_MN\\_1.xls](http://www.census.gov/population/www/cen2000/commuting/files/2k_Work_MCD_MN_1.xls) (last visited on Nov. 14, 2011).

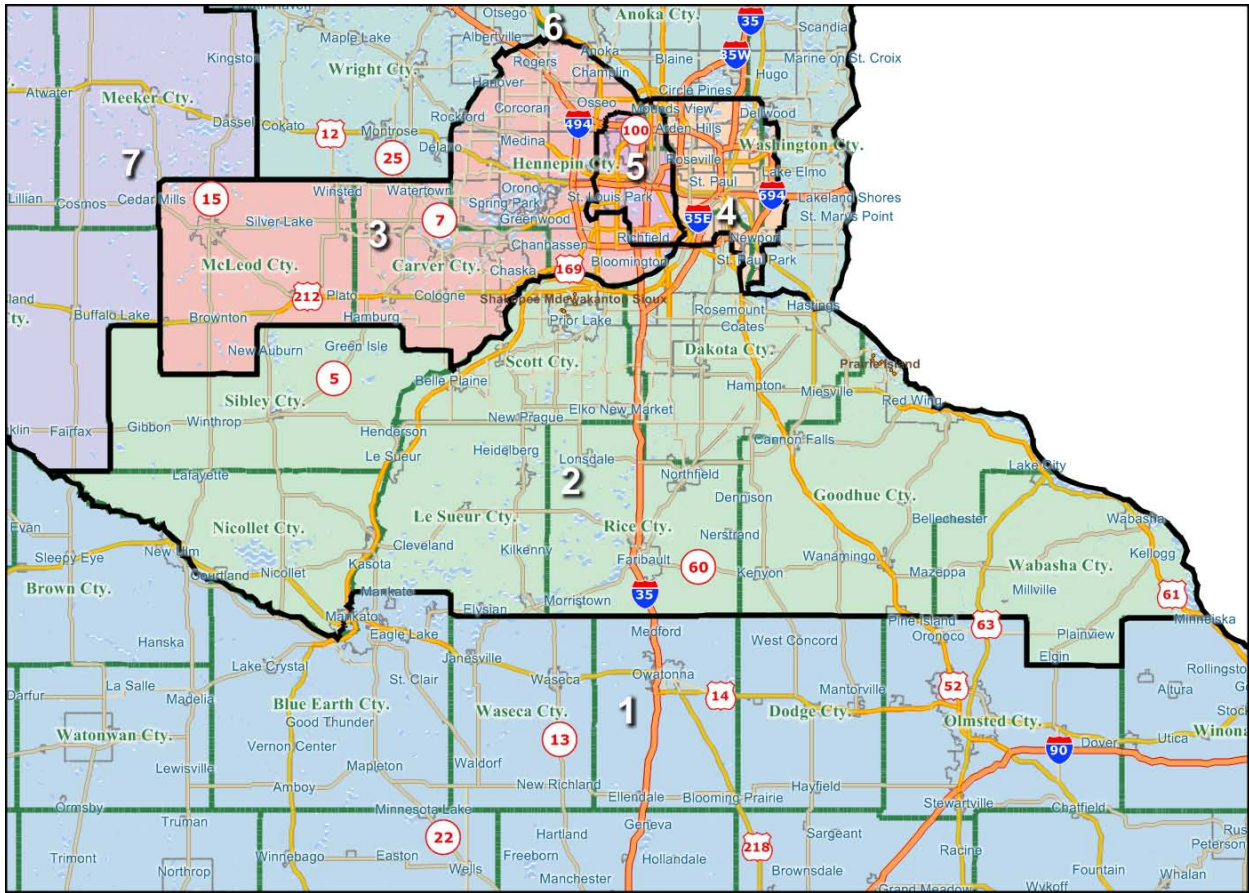
<b>Work Location: St. Paul</b>					
<b>Home County</b>	<b>2009</b>	<b>2007</b>	<b>2005</b>	<b>2002</b>	<b>2000</b>
Scott Co.	2,397	1,949	1,554	1,637	1,111
Carver Co.	1,014	823	801	797	408
Anoka Co.	11,522	10,953	10,386	11,058	9,717
Washington Co	20,455	20,372	19,227	21,601	22,340
Dakota Co.	22,005	22,474	21,064	22,139	19,559
Wright Co.	1,316	936	801	605	586
Sherburne Co.	1,061	832	796	591	401
Chisago Co.	2,106	2,098	2,106	2,013	1,787
Isanti Co.	692	760	613	633	429

There is no reason to believe that these commuting trends will change anytime soon.

Plaintiffs' 2<sup>nd</sup>, 3<sup>rd</sup>, and 6<sup>th</sup> congressional districts also preserve social and economic communities of interest in Minnesota's fast-growing suburban and exurban regions. Many of the residents in these areas commute to work in the Twin Cities' urban core, but choose to live, send their children to school, and participate civically in suburban and exurban "bedroom communities." Plaintiffs' ring-shaped approach to the 2<sup>nd</sup>, 3<sup>rd</sup>, and 6<sup>th</sup> districts recognizes that these individuals have interests that are separate and distinct from those who live in the more urban or rural areas of the state.

Specifically, Plaintiffs' 2<sup>nd</sup> congressional district represents a blend of exurban and rural communities "south of the river," and is connected by Highways 5/19, Highway 13, Highway 169, and I-35:





The Minnesota River just north of Highway 169, which forms the northern border of Scott County and a natural district border in Dakota County, creates a natural northern boundary for this district. The 2<sup>nd</sup> congressional district then extends east to the Wisconsin border and southwest to Belle Plaine, where it gives way to the straight county lines of the 1<sup>st</sup> congressional district border.

Plaintiffs' 2<sup>nd</sup> congressional district includes areas with some of the most significant growth over the past decade, including the City of Shakopee, whose population grew by 80.3% since 2000.<sup>30</sup> This district also contains exurban communities,

<sup>30</sup> See <http://quickfacts.census.gov/qfd/states/27/2759350.html> (growing from 20,568 persons to 37,076 persons) (last visited on Nov. 16, 2011).

such as Lakeville and Farmington along I-35 in northern Scott and Dakota counties. These areas have a rural history that serves as a bridge to the southern and less developed portions of Scott and Dakota counties, as well as the more rural counties of Rice,<sup>31</sup> Goodhue,<sup>32</sup> and Le Sueur<sup>33</sup> (all of which, like Dakota and Scott counties, experienced above-average population growth over the past decade).

Notwithstanding the inclusion of more rural areas to achieve population equality, nearly 70% of the population of this 2<sup>nd</sup> congressional district resides in Scott and Dakota Counties and is part of the 11-county metropolitan area. Scott and Dakota Counties have long had affinity and similar populations, and are connected by Highway 13 and Interstate 35. These highways and interstates, along with Highway 169 and Highway 52, form convenient transportation hubs for the district.

Plaintiffs' 3<sup>rd</sup> congressional district is primarily a western Hennepin County suburban district, which closely follows Highway 7, Highway 5 and Highway 212 to the west through Carver and McLeod Counties. Carver County is somewhat unique to the metro area in that much of its population resides in two cities (Chaska and Chanhassen), with the rest in increasingly rural areas. Thus, its western portion is a good fit with McLeod County.

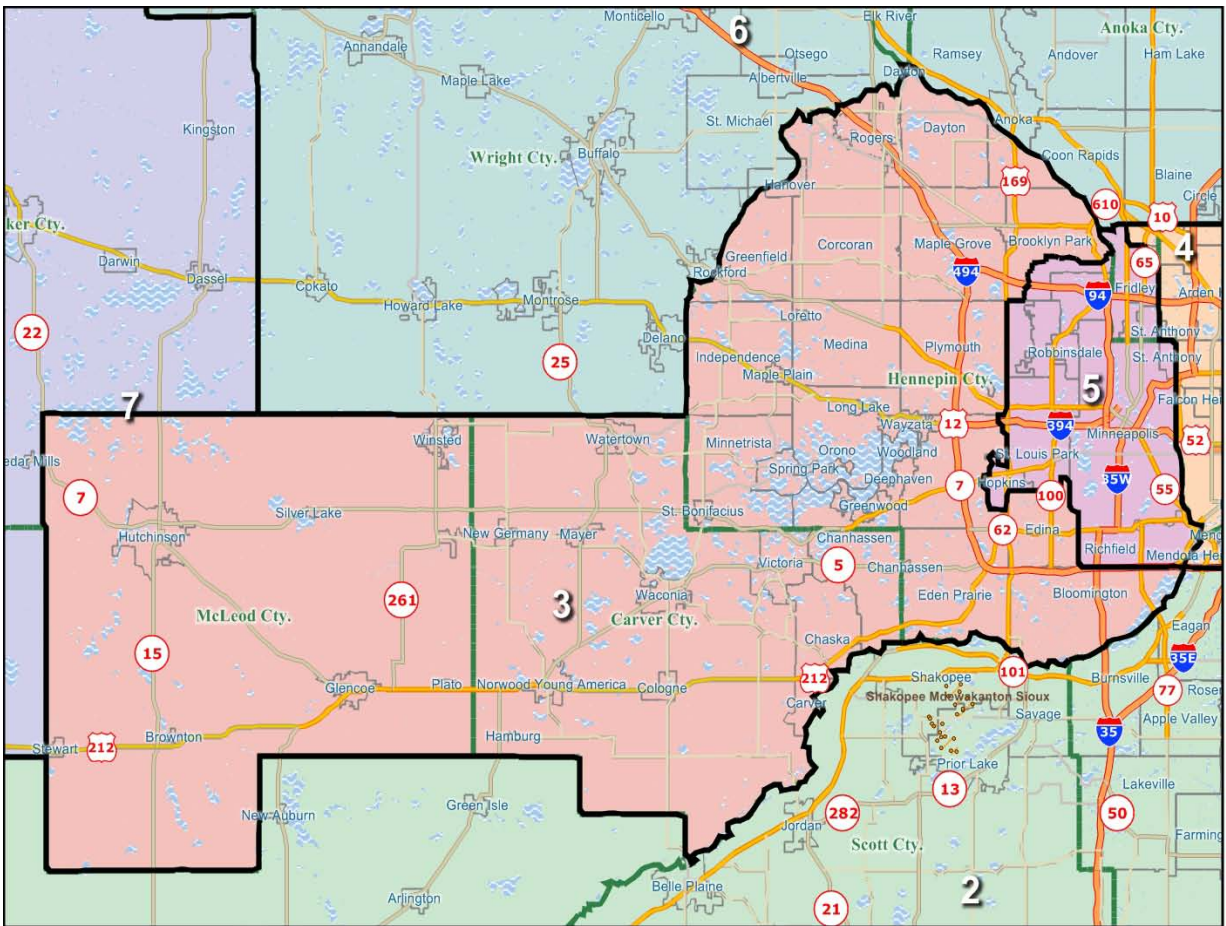
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<sup>31</sup> See <http://quickfacts.census.gov/qfd/states/27/27131.html> (showing a 13.2% population increase in Rice County) (last visited on Nov. 16, 2011).

<sup>32</sup> See <http://quickfacts.census.gov/qfd/states/27/27049.html> (showing a 4.7% population increase in Goodhue County) (last visited on Nov. 16, 2011).

<sup>33</sup> See <http://quickfacts.census.gov/qfd/states/27/27079.html> (showing a 9.0% population increase in Le Sueur County) (last visited on Nov. 16, 2011).

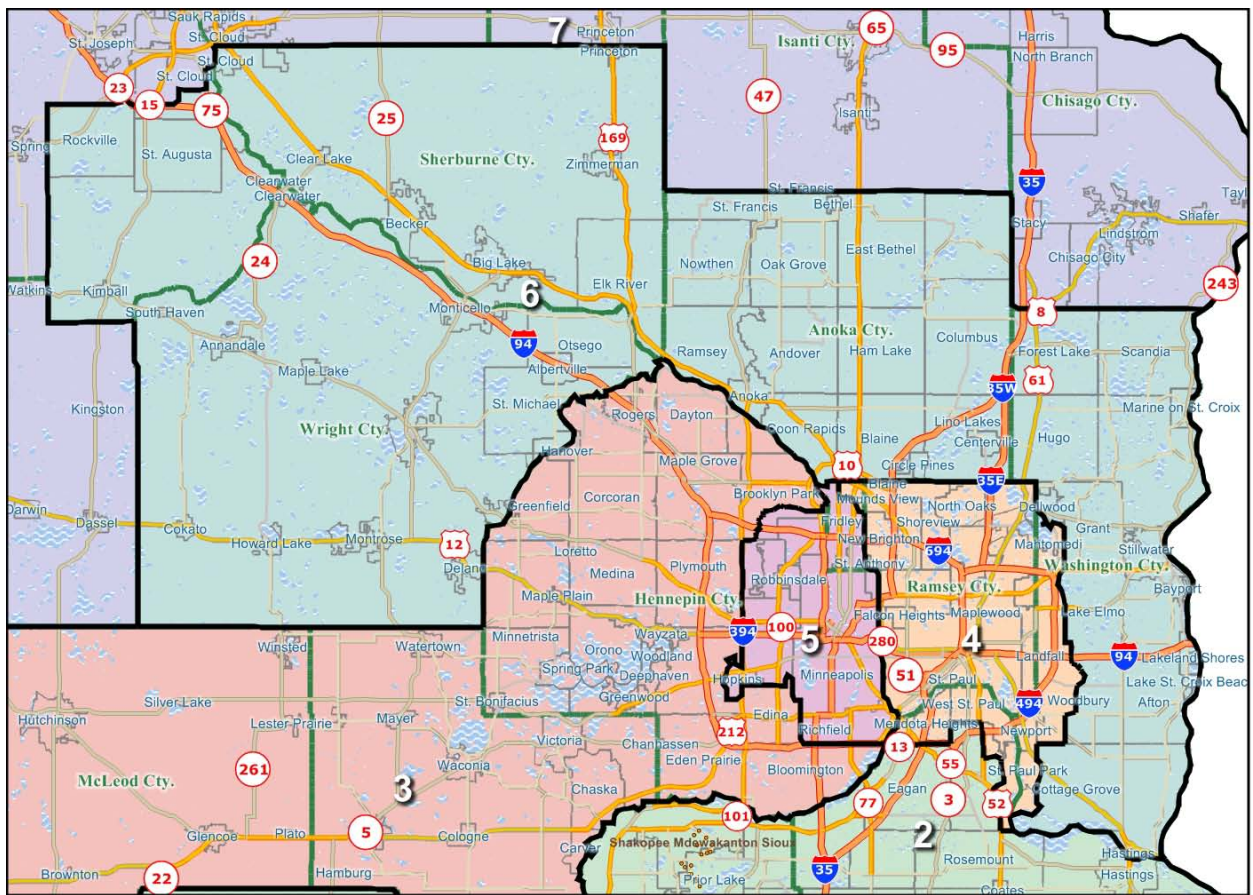
In addition, the configuration of the 3<sup>rd</sup> congressional district enables this plan to reduce the number of political subdivision splits to literally the least possible. If McLeod County was moved into the 7<sup>th</sup> district, it would be necessary to add territory from Wright County that would create another county and likely another city split. Given the ripple effect of such a change, it would also be necessary to put a greater percentage of St. Cloud in the 6<sup>th</sup> district, rather than the current small portion.





Plaintiffs' 3<sup>rd</sup> congressional district also recognizes the significant growth in Carver County (29.7%) over the past ten years.<sup>34</sup> It is logical for the 3<sup>rd</sup> district to extend west because the 5<sup>th</sup> district in Minneapolis must also expand west to preserve separate congressional districts for Minneapolis and St. Paul.

The 6<sup>th</sup> congressional district in this plan is a north suburban and exurban district, which contains many of the remaining fastest growing areas of the state.



<sup>34</sup> See <http://quickfacts.census.gov/qfd/states/27/27019.html> (growing from 70,205 to 91,042 persons) (last visited on Nov. 16, 2011).

The 6<sup>th</sup> district is bounded on the east by Minnesota's border with Wisconsin. The district includes suburban and bedroom communities just north and east of the I-494/ I-694 beltway and extends west along I-94 and Highway 10.

Plaintiff's 6<sup>th</sup> congressional district includes Sherburne<sup>35</sup> and Wright<sup>36</sup> counties, which are two of the top four fastest-growing counties in the state. Both Anoka<sup>37</sup> and Washington<sup>38</sup> counties also experienced above-average population growth. These communities each have common significant population growth and a substantial number of residents who maintain residence in exurban communities and face long commutes to work in the urban core. And like the 6<sup>th</sup> congressional district in the Zachman plan, this district reflects both the ring-shaped orientation of metropolitan area communities and the communities of interest along I-94 toward St. Cloud.

Travel around the 6<sup>th</sup> district is facilitated by I-94, Highway 10, Highway 169, and Interstate 35-W/35-E/I-35. To preserve most of St. Cloud as a key element of a central Minnesota district and to off-set the population losses in the western part of the state (*see* discussion of Plaintiffs' 7<sup>th</sup> congressional district below), only a small portion of

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<sup>35</sup> See <http://quickfacts.census.gov/qfd/states/27/27141.html> (showing a population increase of 37.4% in Sherburne County) (last visited Nov. 16, 2011).

<sup>36</sup> See <http://quickfacts.census.gov/qfd/states/27/27171.html> (showing a population increase of 38.6% in Wright County) (last visited Nov. 16, 2011).

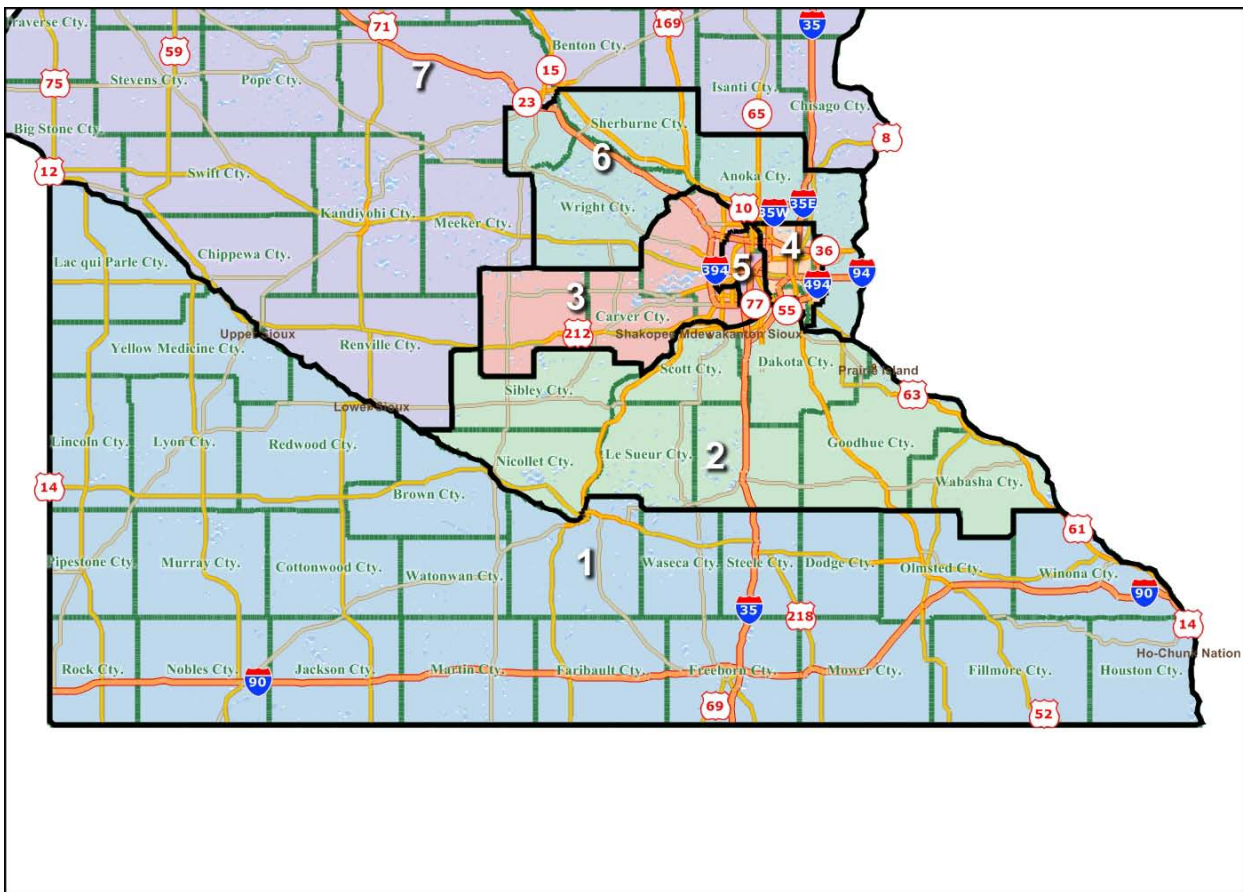
<sup>37</sup> See <http://quickfacts.census.gov/qfd/states/27/27003.html> (showing a population increase of 11.0% in Anoka County) (last visited Nov. 16, 2011).

<sup>38</sup> See <http://quickfacts.census.gov/qfd/states/27/27163.html> (showing a population increase of 18.4% in Washington County) (last visited Nov. 16, 2011).

St. Cloud is included within Plaintiffs' 6<sup>th</sup> congressional district. As explained further below, St. Cloud is uniquely well suited to accommodate this split. *See infra*, § IV.A.4.

### 3. The Proposed Congressional Districts Preserve Communities of Interest in Southern Minnesota.

Plaintiff's 1<sup>st</sup> congressional district, in the southern portion of the state, is similar to the 1<sup>st</sup> district established by the *Zachman* panel, which was based on the "community of interest that naturally arises along a highway such as Interstate 90 and tends to run in an east-to-west direction in Southern Minnesota." *Zachman*, Congressional Redistricting Order, at 6 (Mar. 19, 2002).



Because of population losses over the past decade, the 1<sup>st</sup> district must be expanded to satisfy population equality requirements. Plaintiffs' congressional redistricting plan accomplishes this expansion by extending the 1<sup>st</sup> district north to the Minnesota River in the western part of the state. The Minnesota River provides a natural boundary line, which preserves the geographic community of interest to its south. The district is easily accessible via I-90, which runs west-to-east through the entire district, and I-35 and Highways 71 and 59, which run north-to-south in the east, center, and west of the district, respectively.

Plaintiffs' 1<sup>st</sup> congressional district also preserves important agricultural and economic communities of interest in southern Minnesota, including soybean, corn, sheep, lamb, and hog production in southwestern Minnesota, and cattle and alfalfa hay production in southeastern Minnesota along Interstate 90.<sup>39</sup> This district contains four of Minnesota's top five corn and soybean producing counties (Redwood, Jackson, Faribault, and Nobles).<sup>40</sup> It also includes all of the top five sheep and lamb producing counties (Lincoln, Pipestone, Lyon, Murray and Cottonwood), and nearly all of Minnesota's major

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<sup>39</sup> See [http://www.nass.usda.gov/Statistics\\_by\\_State/Minnesota/Publications/Annual\\_Statistical\\_Bulletin/2010/Whole%20Book.pdf](http://www.nass.usda.gov/Statistics_by_State/Minnesota/Publications/Annual_Statistical_Bulletin/2010/Whole%20Book.pdf), at 91 (last visited Nov. 16, 2011).

<sup>40</sup> *Id.* The only other top corn and soybean producing county in the state is Renville County, which is located north of the Minnesota River in Plaintiffs' 7<sup>th</sup> congressional district. *Id.*

hog producing counties.<sup>41</sup> By keeping these communities together, Plaintiffs' 1<sup>st</sup> congressional district strengthens agricultural interests that are vital to the state.

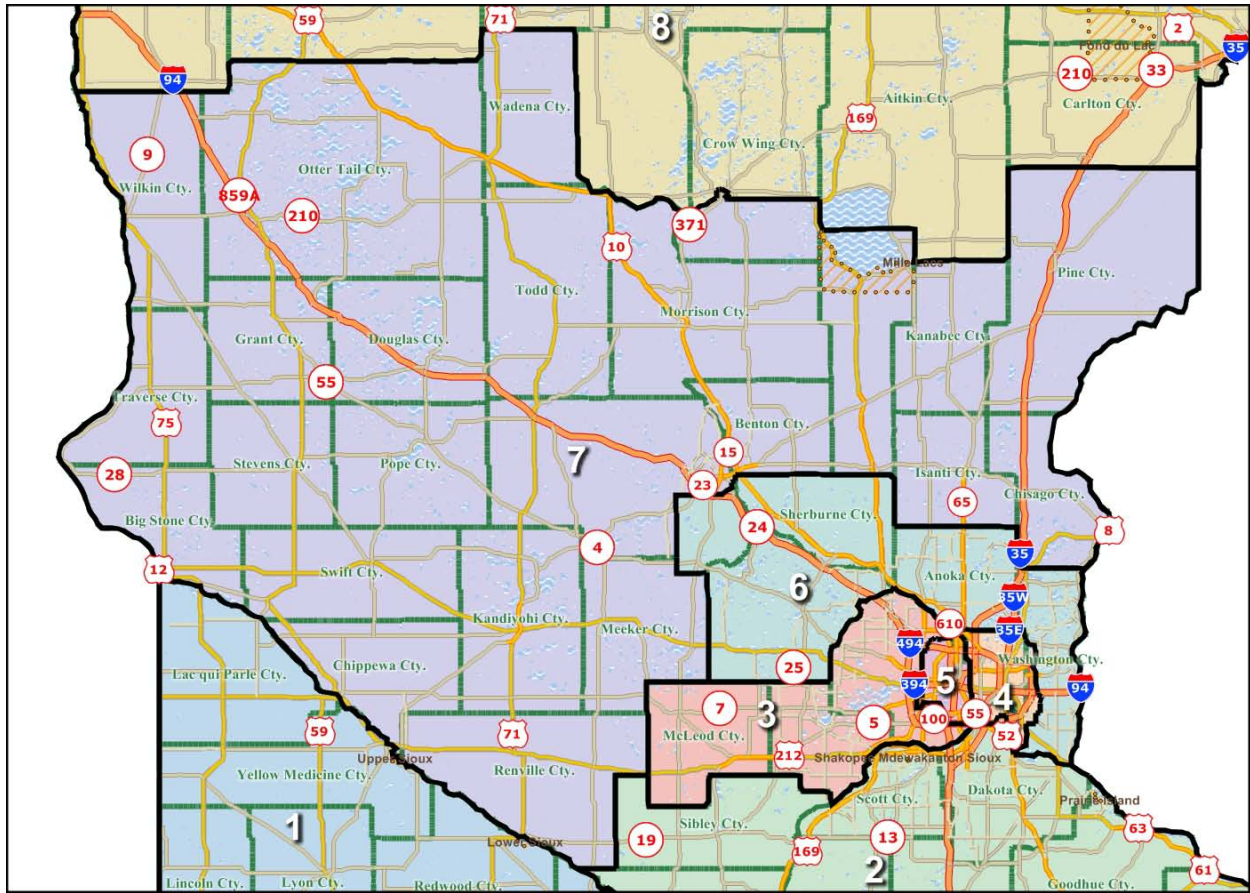
#### **4. The Proposed Congressional Districts Preserve Communities of Interest in Central Minnesota.**

Western Minnesota suffered some of the most significant population losses in the state over the past decade. Before that population loss occurred, the *Zachman* panel's 7<sup>th</sup> district was already the largest district in the state, stretching from the Canadian border to the far southern part of the state and reaching the borders of the Twin Cities metropolitan area. Because of additional population losses, the 7<sup>th</sup> district must grow larger. Instead of expanding the 7<sup>th</sup> district further along a north-south axis to encompass even more diverse and expansive territories, Plaintiffs' congressional redistricting plan extends the 7<sup>th</sup> district from west to east to create a central Minnesota district:

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<sup>41</sup> *Id.* at 93–94. The only other major hog producing counties in Minnesota are Renville and Chippewa counties, which are located north of the Minnesota River in Plaintiffs' 7<sup>th</sup> congressional district. *Id.*

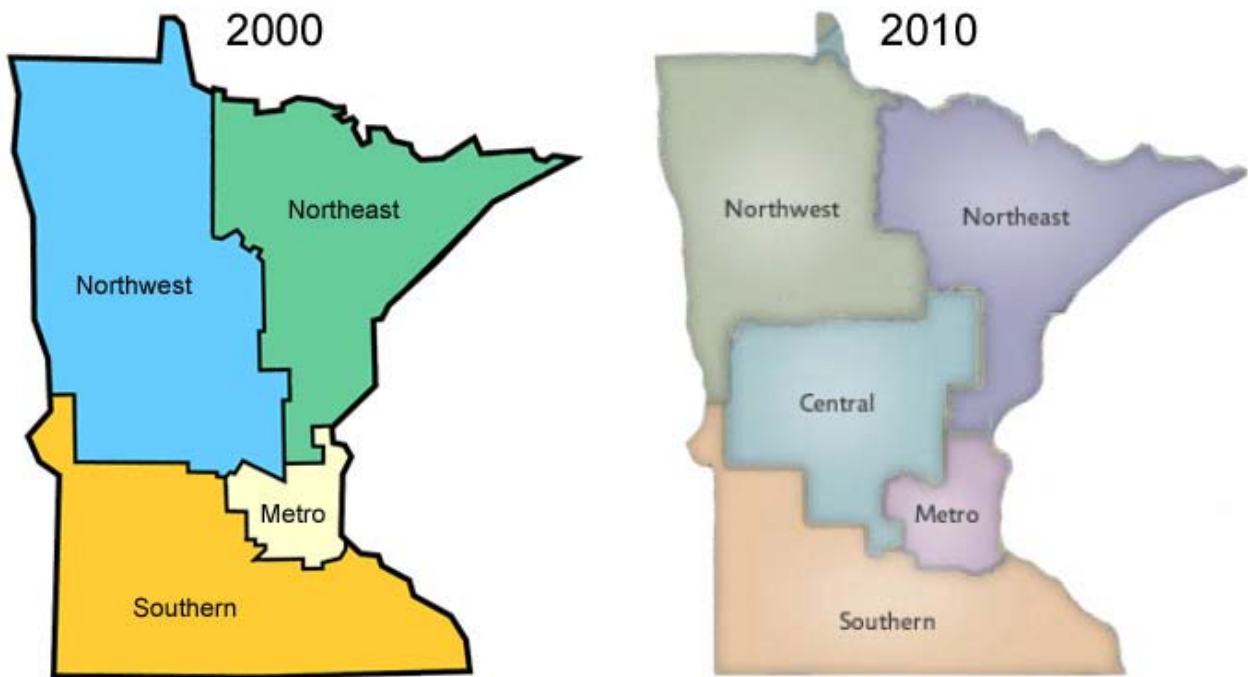




By combining the areas of western Minnesota that suffered population losses with the fast-growing areas in the central part of the state (e.g., St. Cloud) and the northern Twin Cities metropolitan area (e.g., Sherburne, Isanti, Chisago, Pine, and Mille Lacs counties), Plaintiffs' 7<sup>th</sup> congressional district gives voice to the burgeoning central region of Minnesota -- whereas under the current congressional boundaries, central Minnesota is divided by the 7<sup>th</sup> and 8<sup>th</sup> districts.

Plaintiffs' 7<sup>th</sup> district recognizes the considerable growth and development in the central part of the state over the past decade. For example, in 2009, the State of Minnesota, through its tourism website, [www.exploreminnesota.com](http://www.exploreminnesota.com), began promoting tourism in five distinct regions of Minnesota (Northwest, Northeast, Central, Metro, and

Southern).<sup>42</sup> Previously, Explore Minnesota only recognized four regions of Minnesota (North Central/West, Northeast, Twin Cities, and South) and did not recognize a central region.<sup>43</sup>



Plaintiffs' proposed 7<sup>th</sup> congressional district also preserves the agricultural communities of interests created by Minnesota's cattle and calf, milk cow, and alfalfa hay producers in central Minnesota. The district contains three of Minnesota's top five cattle and calf producing counties (Stearns, Morrison, and Otter Tail Counties), and the bulk of

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<sup>42</sup> See <http://www.exploreminnesota.com/where-to-go/index.aspx> (last visited on Nov. 16, 2011).

<sup>43</sup> See <http://industry.exploreminnesota.com/reports-covering-june-2007-may-2008-for-mns-4-tourism-regions> (last visited on Nov. 16, 2011).

Minnesota's cattle and calf production.<sup>44</sup> The district also contains three of the top five alfalfa hay producing counties and milk cow producing counties (Stearns, Otter Tail, and Morrison).<sup>45</sup>

In addition, Plaintiffs' 7<sup>th</sup> congressional district preserves the communities of interest that are formed along I-94, Highway 169, and I-35 outside of the Twin Cities metropolitan area. The district includes many out-state cities of similar size, development, and interests—for example, the cities of North Branch, Pine City, and Hinckley along I-35; the cities of Princeton, Milaca, and Onamia along Highway 169; and the cities of St. Cloud, Little Falls, Sauk Centre, Alexandria, and Fergus Falls along I-94 and Highway 10 – which form their own communities of interest.

Plaintiffs' 7<sup>th</sup> congressional district is prominently anchored by the city of St. Cloud, which provides a regional center of culture, entertainment, and education (including St. Cloud State University). In this regard, St. Cloud has a great deal in common with other regional population centers in Plaintiffs' 7<sup>th</sup> congressional district, like Alexandria, Willmar, Fergus Falls, and Wadena. All of these cities have more in common with each other than they do with the communities of interest centered around

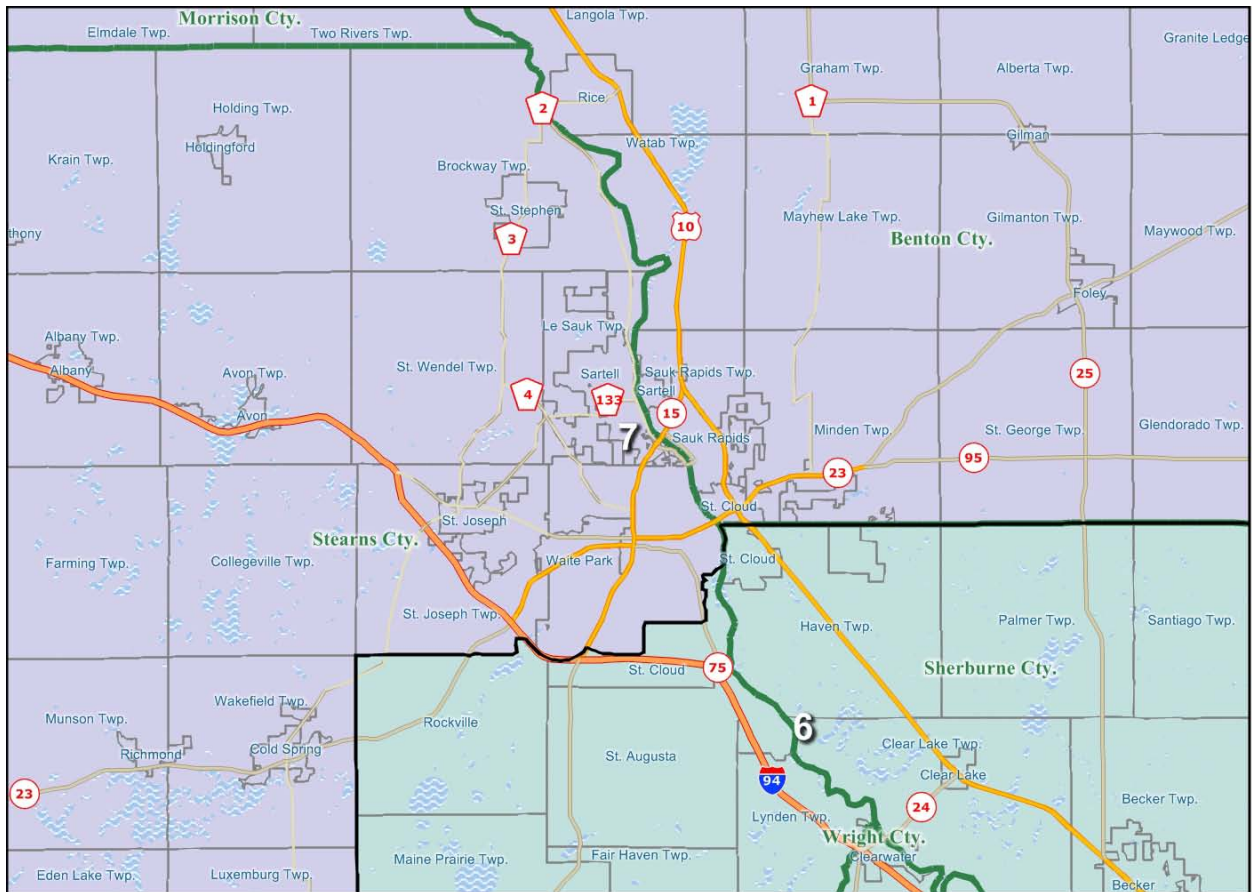
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<sup>44</sup> See [http://www.nass.usda.gov/Statistics\\_by\\_State/Minnesota/Publications/Annual\\_Statistical\\_Bulletin/2010/Whole%20Book.pdf](http://www.nass.usda.gov/Statistics_by_State/Minnesota/Publications/Annual_Statistical_Bulletin/2010/Whole%20Book.pdf), at 93 (last visited on Nov. 16, 2011). The only other top cattle and calf producing counties are located in Winona and Lyon Counties in Plaintiffs' 1<sup>st</sup> congressional district. *Id.*

<sup>45</sup> See [http://www.nass.usda.gov/Statistics\\_by\\_State/Minnesota/Publications/Annual\\_Statistical\\_Bulletin/2010/Whole%20Book.pdf](http://www.nass.usda.gov/Statistics_by_State/Minnesota/Publications/Annual_Statistical_Bulletin/2010/Whole%20Book.pdf), at 92, 94 (last visited on Nov. 16, 2011). The other top alfalfa hay producing counties are Fillmore and Wabasha, and the other top milk cow producing counties are Winona and Wabasha—all of these counties are located in the far southeastern corner of the state in Plaintiffs' 1<sup>st</sup> congressional district. *Id.*

mining, international shipping, federal lands, and tribal communities that define far northern Minnesota.

While Plaintiffs' 6<sup>th</sup> and 7<sup>th</sup> congressional districts split the St. Cloud metropolitan area in part, St. Cloud is well suited to accommodate such a split because it is already split between three separate counties (Benton, Stearns, and Sherburne).



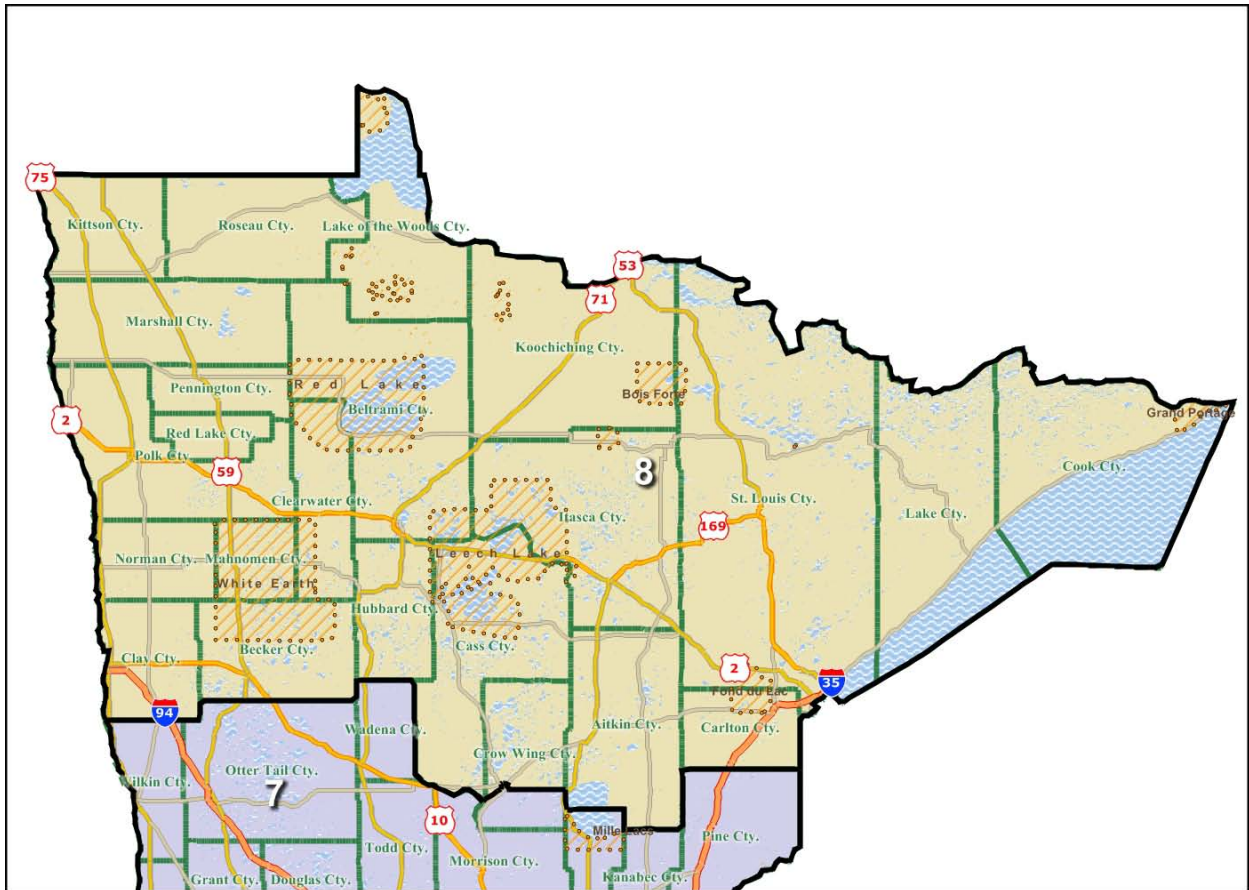
The portion of St. Cloud that remains in Plaintiffs' 6<sup>th</sup> congressional district is in Sherburne County, which is the only one of St. Cloud's three counties that is in the 11-county Twin Cities metropolitan statistical area. Furthermore, the existence of three separate county governments in St. Cloud make it uniquely positioned to accommodate a split between congressional districts. The pre-existing splits in St. Cloud will also



minimize any inefficiencies that a congressional district split might cause if made elsewhere.

**5. The Proposed Congressional Districts Preserve Communities of Interest in Northern Minnesota.**

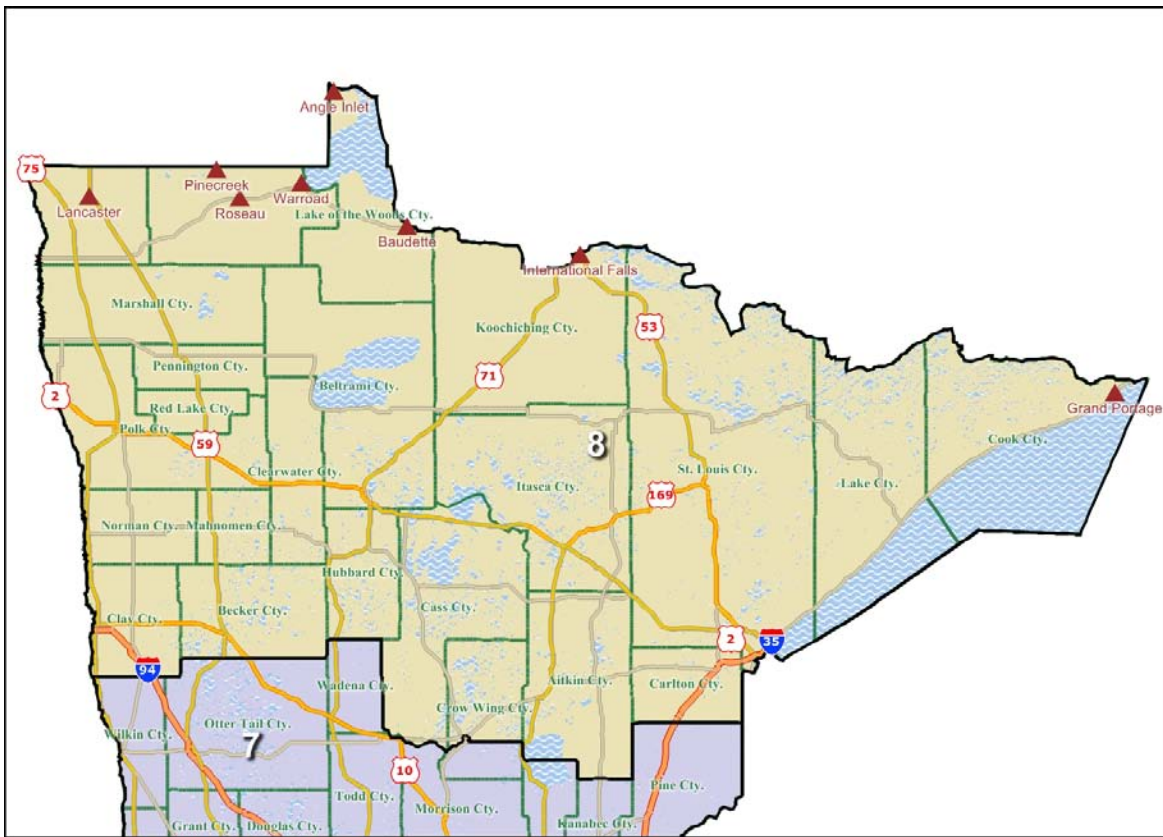
Plaintiffs' 8<sup>th</sup> congressional district occupies the northern part of the state, which is another area that suffered significant population losses in the past decade.



Numerous communities of interest that span the northern portion of Minnesota are best protected by the west-east configuration of Plaintiffs' 8<sup>th</sup> congressional district.

a. Northern Minnesota Shares Uniquely Federal Concerns.

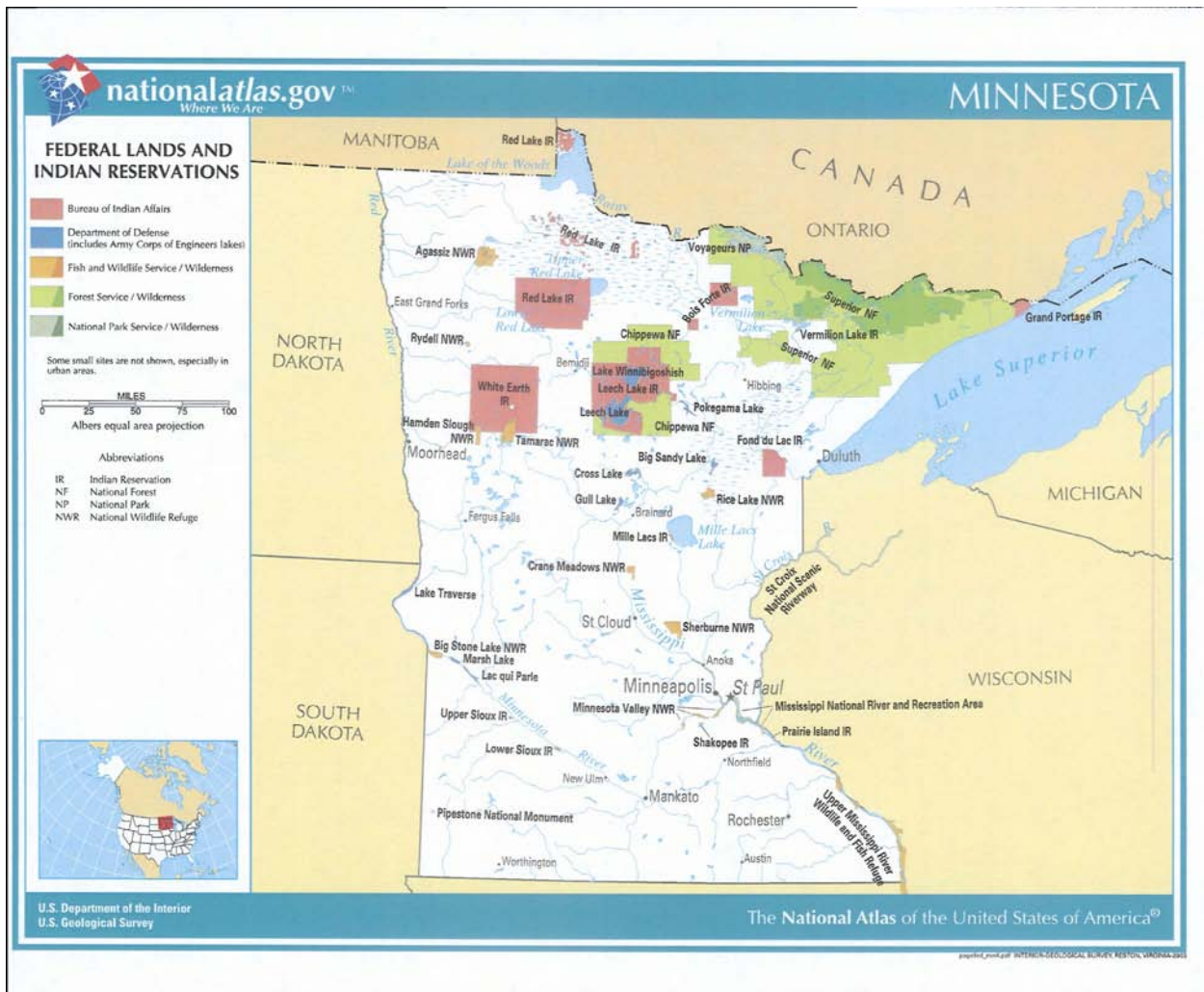
Northern Minnesota has several unique features of distinct federal concern, which make a single congressional district appropriate. First, northern Minnesota shares an international border with Canada and has several international ports including Roseau and Duluth, creating communities of interest from economic, geographic, and national security perspectives.<sup>46</sup> The following map of ports is illustrative:



<sup>46</sup> Canada is the number one country to which Minnesota exports its goods. See <http://www.census.gov/foreign-trade/statistics/state/data/mn.html#ctry> (last visited on Nov. 16, 2011). In 2010, all exports originating in Minnesota and bound for Canada had a value of \$5,429,000,000. *Id.* Imports from Canada to Minnesota totaled \$8,338,000,000 and were second only to China. See <http://www.census.gov/foreign-trade/statistics/state/data/imports/mn.html#ctry> (last visited on Nov. 16, 2011).

As a federal interest, U.S. and Canadian international and economic relations are highly relevant when drawing district boundaries for a United States Representative.

Second, northern Minnesota has the vast majority of the federal lands in the state:

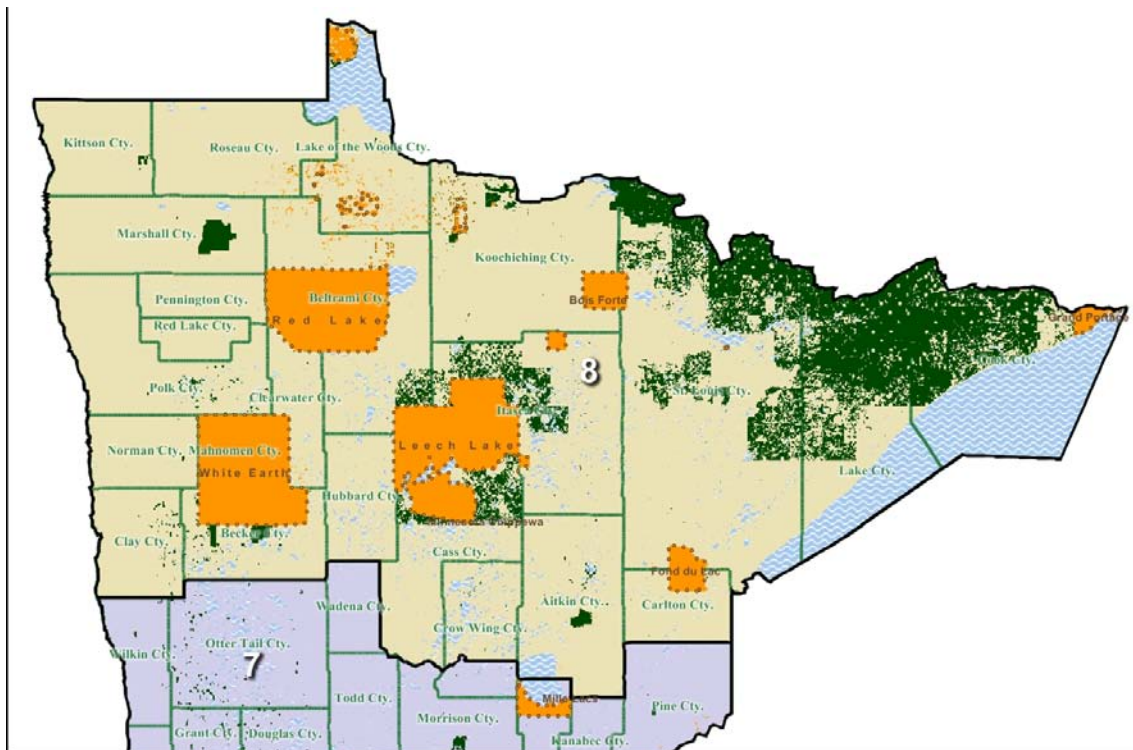


The federal lands in Plaintiffs' 8<sup>th</sup> congressional district include Voyageurs National Park, Superior National Forest, and Chippewa National Forest, as well as the Aggasiz National Wildlife Refuge, the Hamden Slough National Wildlife Refuge, the Tamarac National Wildlife Refuge, and the Rice Lake National Wildlife Refuge.



Third, there are a number of tribal communities in Plaintiffs' 8th district, which are independent nations and work with the United States Bureau of Indian Affairs.<sup>47</sup> These communities include the Red Lake Indian Reservation, the White Earth Indian Reservation, the Leech Lake Indian Reservation, the Bois Forte Indian Reservation, and the Fond du Lac Indian Reservation. By including the population of all but the Mille Lacs reservation, these tribes compose approximately 87% of Minnesota's Ojibwe population. Like the international border with Canada, the relationship between the United States government and the tribal communities is a uniquely federal interest.

Taken together, these federal and tribal lands, all of federal interest, overlay neatly with the proposed 8<sup>th</sup> congressional district:



<sup>47</sup> Past redistricting cycles have recognized Indian Reservations as communities of interest that should be preserved where possible. See *Zachman*, Congressional Redistricting Order, at 10–11 (Mar. 19, 2002).

b. Northern Minnesota Is Connected by West-to-East, End-to-End Transportation Corridors.

Plaintiffs' 8<sup>th</sup> congressional district preserves the community of interest created along U.S. Highway 2, which runs from Duluth in the east, through Bemidji, and west to Crookston and the North Dakota border. Considering the effect of Highway 2 in northern Minnesota is akin to recognizing the I-90 community in the 1<sup>st</sup> congressional district along I-90. Highway 2 makes a west-east configuration in the 8<sup>th</sup> district convenient for travel.

Existing and planned railroad lines further confirm northern Minnesota interests as a whole, as well as the west-to-east orientation of travel interests across the northern part of the state. For example, a Class 1 BNSF freight line crosses the state from the North Dakota border near East Grand Forks through Crookston, Bemidji, Grand Rapids and Lake Superior ports.<sup>48</sup> A second Class 1 line crosses from Moorhead to the Wisconsin border.<sup>49</sup>

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<sup>48</sup> See <http://www.dot.state.mn.us/ofrw/maps/MNRailMap.pdf> (last visited Nov. 16, 2011).

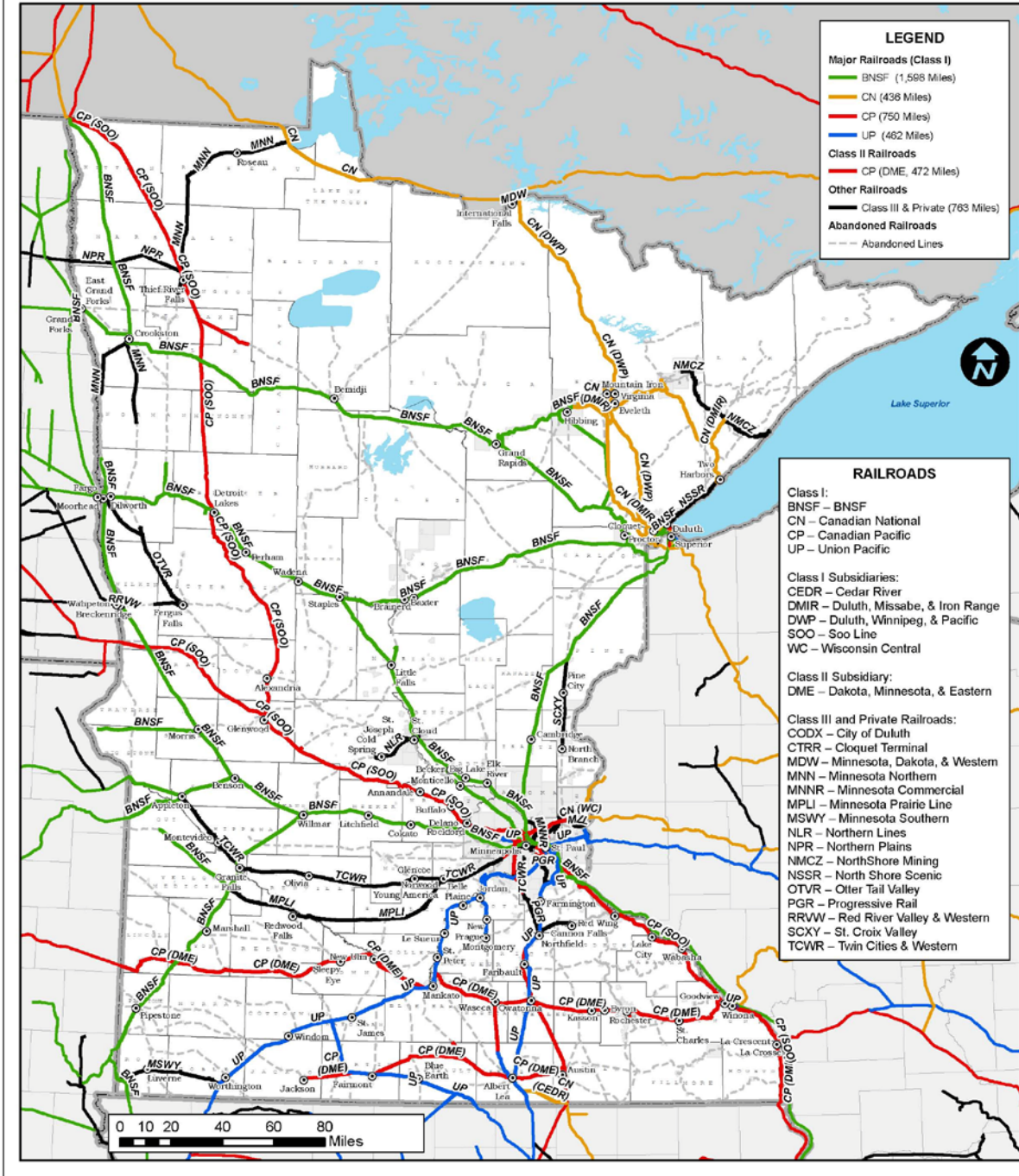
<sup>49</sup> *Id.*



# MINNESOTA FREIGHT RAILROAD MAP

Office of Freight and Commercial Vehicle Operations

April, 2009



In contrast, no single rail line travels far enough south to cover the area of a north-south rural congressional district in this way.<sup>50</sup> These routes further confirm a northern Minnesota community of interest in transporting goods from northwestern Minnesota to the ports in the east.

Moreover, the ports of Duluth carry not only iron ore from Minnesota's iron range, but also "over 20 million tons of low-sulphur coal from Montana and Wyoming"<sup>51</sup> (which must cross northern Minnesota to reach Lake Superior). "Iron ore and coal account in roughly equal proportions for about 80 percent of the Port of Duluth-Superior's total tonnage."<sup>52</sup> It would therefore be a mistake to assume that Duluth ports are tied only to northeastern Minnesota; rather, they are heavily dependent on points to the west of Minnesota and goods transported across northern Minnesota.

c. Northern Minnesota Includes Important Communities of Interest Along Rivers.

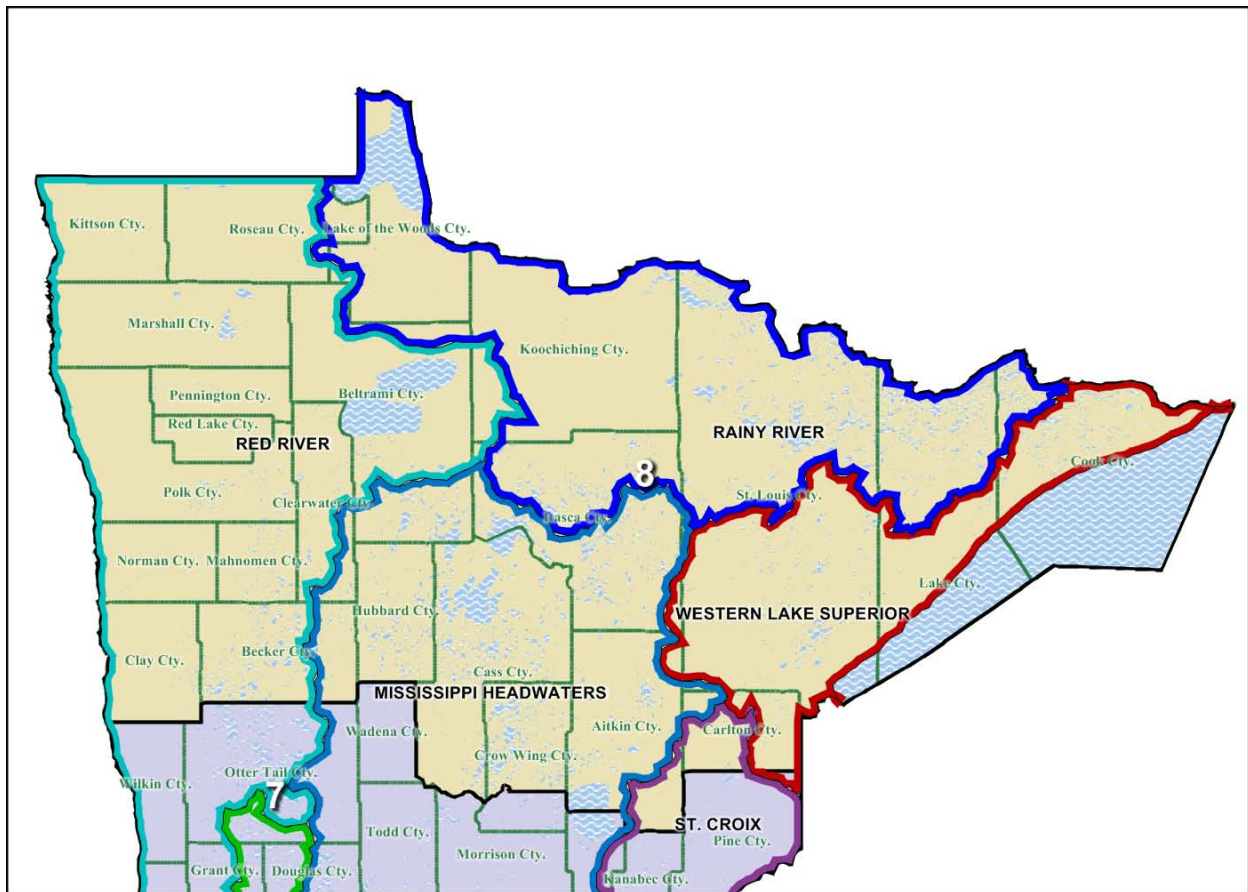
Plaintiffs' 8<sup>th</sup> congressional district contains almost all of the Red River Valley basin in the west (including the Red River, Ottertail River, and Bois de Sioux Rivers in northwestern Minnesota), all of the Rainy River Basin along the Minnesota/Canada border, and the Great Lakes/Lake Superior Basin in Cook, Lake, St. Louis and Carlton Counties in the northeast (the entire basin except for a sliver of Pine County):

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<sup>50</sup> *Id.*

<sup>51</sup> See <http://www.duluthport.com/port-stats.php> (last visited Nov. 16, 2011).

<sup>52</sup> *Id.*

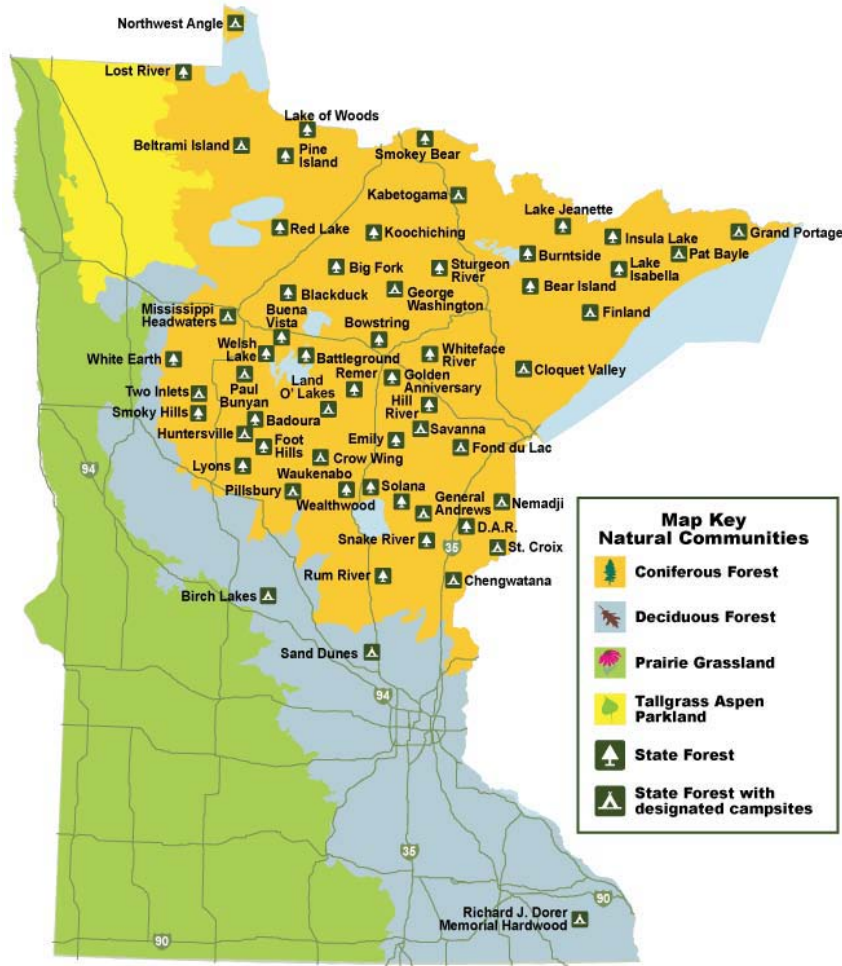


These river basins are important communities of interest with respect to federal issues such as flood mitigation, flood damage compensation, and other matters that might involve federal agencies such as the Federal Emergency Management Agency ("FEMA"). The number, shape, and size of these basins make an exact match to congressional districting impossible, but an east-west configuration best captures these communities in the largest congressional districts.



d. Northern Minnesota Contains Numerous State Parks and Forests.

Northern Minnesota also contains the majority of Minnesota's state parks and forest acreage:<sup>53</sup>



<sup>53</sup> The state forests/parks within Plaintiffs' proposed Congressional District 8 include Badoura, Battleground, Bear Island, Beltrami Island, Big Fork, Blackduck, Bowstring, Buena Vista, Burntside, Cloquet Valley, Crow Wing, Emily, Finland, Fond du Lac, Foot Hills, George Washington, Golden Anniversary, Grand Portage, Hill River, Insula Lake, Kabetogama, Koochiching, Lake Isabella, Lake Jeanette, Lake of the Woods, Land O'Lakes, Lost River, Lyons, Mississippi Headwaters, Northwest Angle, Pat Bayle, Paul Bunyan, Pillsbury, Pine Island, Red Lake, Remer, Savanna, Smokey Bear, Smoky Hills, Solana, Two Inlets, Waukenabo, Wealthwood, Welsh Lake, White Earth, Whiteface River. See [http://www.dnr.state.mn.us/state\\_forests/map.html](http://www.dnr.state.mn.us/state_forests/map.html) (last visited on Nov. 16, 2011).

In addition to the federal parks and forests discussed above, the counties of Cook, Lake, St. Louis, Carlton, Aitkin, Itasca, Koochiching, Lake of the Woods, Cass and Beltrami—all within Plaintiffs' 8<sup>th</sup> congressional district—contain more than 5,000,000 acres of state forest and state park land.<sup>54</sup> Many of the forested areas of northern Minnesota extend west past Lake of the Woods and Red Lake, deep into what is currently the 7<sup>th</sup> congressional district. The federal and state parks and forests in northern Minnesota create a unique natural community of interest, which Plaintiffs' 8<sup>th</sup> congressional district preserves and protects.

**6. Due to Population Losses, A North-South Configuration for the 7<sup>th</sup> and 8<sup>th</sup> Districts is No Longer Appropriate.**

The *Zachman* Panel arranged the 7<sup>th</sup> and 8<sup>th</sup> districts along a north-south axis, reasoning in part that "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 Redistricting Order, at 11 (Mar. 19, 2002). While Plaintiffs do not contest that certain interests of northeastern and northwestern Minnesota may be different, that is true of many areas in outstate congressional districts due to their sheer size. However, because of the dramatic population losses in the western and northern parts of the state, the vertical division of northeastern and northwestern Minnesota approach no longer makes sense. The 7<sup>th</sup> and 8<sup>th</sup> districts, which were already the largest districts in the state, must increase their areas further during this redistricting

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<sup>54</sup> See [http://www.dnr.state.mn.us/state\\_forests/list.html](http://www.dnr.state.mn.us/state_forests/list.html) (last visited on Nov. 16, 2011).



cycle to gain more population. Adherence to the north-south approach of the *Zachman* panel will produce mammoth, unwieldy districts that unnecessarily divide communities of interest and combine diverse populations with little to nothing in common, such as Roseau and Hutchinson (which are currently combined in the 7th district) or Grand Marais and North Branch (which are currently combined in the 8<sup>th</sup> district).

In contrast, Plaintiffs' west-east configuration is the best way to preserve the communities of interest in rural Minnesota while also balancing the population density of the 11-county Twin Cities metropolitan area, where most of the growth in the past decade was centered in the suburbs and exurbs. The international border and ports in the North, the federal lands in the North, the tribal communities in the North, the Highway 2 corridor, and the rapidly growing central Minnesota region are cogent reasons for aligning the 7<sup>th</sup> and 8<sup>th</sup> districts along a west-east axis. And although the Red River Valley has some interests different from the North Shore of Lake Superior, both of those areas have far more in common with each other than they do with the fast-growing St. Cloud metropolitan area and its nearby exurban areas, or with any areas south of the Minnesota River. Plaintiffs' 8<sup>th</sup> congressional district preserves the communities of interest in Northern Minnesota.

The northwest and northeast portions of the state also have more in common with each other than with Isanti and Chisago counties (which are now commonly recognized as part of the 11-county metropolitan area). In fact, counties in the northeastern part of the state have distinctly different interests than those in the east central part of the state. For example, Carlton, Pine and St. Louis Counties had aggregate revenues from

agricultural/farming activities in 2008 of \$33,407, while Isanti, Chisago and Pine Counties had aggregate revenues of agricultural/farming activities of \$146,575,000.<sup>55</sup> Nevertheless, the current 8<sup>th</sup> district groups these distinct areas together. To the extent northwestern Minnesota is more agricultural than northeastern Minnesota, this simply underscores that congressional districts are too large to give each community of interest its own district.

As discussed above, central Minnesota has developed its own unique character over the past ten years that is distinct from far northern Minnesota. Central Minnesota does not share a common border with Canada or have any international ports. Nor does Central Minnesota have the same interests that result from the numerous federal lands and Indian Reservations in the far north of the state. Indeed, testimony at the Panel's public hearings supported the conclusion that northern and central Minnesota have distinct interests and characters that would be better preserved by a west-east configuration for the 7<sup>th</sup> and 8<sup>th</sup> districts. *See, e.g.*, Testimony of James Evenson, St. Cloud Hearing (Oct. 13, 2011) (p. 12–13); Testimony of Sandy Juettner, St. Cloud Hearing (Oct. 13, 2011) (p. 14–15); Testimony of John Rossini, Cloquet Hearing (Oct. 10, 2011) (p. 35–36); Testimony of Nick Walker, Cloquet Hearing (Oct. 10, 2011) (p. 39). Aligning the three rural districts in a west-east configuration also makes travel within the districts more convenient.

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<sup>55</sup> *See*

[http://www.nass.usda.gov/Statistics\\_by\\_State/Minnesota/Publications/Annual\\_Statistical\\_Bulletin/2010/Whole%20Book.pdf](http://www.nass.usda.gov/Statistics_by_State/Minnesota/Publications/Annual_Statistical_Bulletin/2010/Whole%20Book.pdf), at 95–116 (last visited on Nov. 16, 2011).

Expanding the 7<sup>th</sup> and 8<sup>th</sup> districts further to the south will only create greater diversity in those districts and make representation of the unique communities of interest in northern Minnesota and central Minnesota more difficult and divided than necessary. Conversely, aligning the 7<sup>th</sup> and 8<sup>th</sup> districts along a west-east axis preserves important communities of interest in northern and central Minnesota and facilitates representation of those unique regions of the state. For these reasons, the Panel should align the 7<sup>th</sup> and 8<sup>th</sup> districts in the west-east configuration proposed by Plaintiffs.

**B. The Proposed Congressional Districts Are Structured Into Compact Units.**

Mathematical measures of compactness "have their limitations... because they tend to compare a district's shape to circles or squares even though Minnesota's contours often do not lend themselves to the creation of circle or square districts." *Zachman*, Congressional Redistricting Order, at 9 n.3 (March 19, 2002). For this reason, compactness represents "probably the least significant" redistricting criterion. *Carstens v. Lamm*, 543 F. Supp. 68, 87 (D. Co. 1982). Nonetheless, it is clear that, by any measure, Plaintiffs' congressional districts are structured into compact units.

The following chart shows the compactness scores of Plaintiffs' congressional districts compared with those of the *Zachman* panel's congressional districts under each of the measures requested by the Panel:

	<b>Plaintiff's Congressional Redistricting Plan</b>	<b>Zachman Congressional Redistricting Plan</b>
<b>Roeck (mean)</b>	0.37	0.42
<b>Schwartzberg (mean)</b>	1.70	1.75
<b>Perimeter (sum)</b>	4,333	4,226
<b>Polsby-Popper (mean)</b>	0.30	0.31
<b>Length-Width (mean)</b>	60.38	62.64
<b>Population Polygon (mean)</b>	0.66	0.67
<b>Population Circle (mean)</b>	0.33	0.34
<b>Ehrenburg (mean)</b>	0.21	0.21

Plaintiffs' congressional districts are slightly less compact than the *Zachman* districts under the Roeck, Polsby-Popper, Perimeter, Population Polygon, and Population Circle measures. Plaintiffs' congressional districts are more compact than the *Zachman* districts under the Schwartzberg and Length-Width measures, and they are equally compact as the *Zachman* districts under the Ehrenburg measure.

It is important to note that efforts to recognize uneven population growth in Minnesota over the past decade have the greatest effect on compactness scores. The majority of Minnesota's population growth occurred in the suburban and exurban areas of the Twin Cities metropolitan area (which, as noted above, are organized into rings rather than "compact" squares or circles). The rural areas of the state, particularly in the north, west, and southwest, suffered population losses. Given these population trends, it is necessary for Minnesota's rural congressional districts to become larger in area and less compact under most measures.

Nonetheless, Plaintiffs' congressional redistricting plan achieves compactness scores that are substantially equal to those achieved by the *Zachman* panel. Accordingly, Plaintiffs' congressional districts satisfy the requirement that they must be structured into

compact units. *See* Criteria Order, at Congressional Redistricting Principle No. 4 (Nov. 4, 2011).

**C. The Proposed Congressional Districts Were Not Drawn to Protect or Defeat Incumbents.**

The Panel's redistricting principles require that, as a factor subordinate to all other redistricting criteria, "[c]ongressional districts shall not be drawn for the purpose of protecting or defeating incumbents." *See* Criteria Order, Congressional Redistricting Principle No. 7 (Nov. 4, 2011). Plaintiffs' plan neither protects nor defeats incumbents, and does not result in any pairings.

**CONCLUSION**

Minnesota's population distribution has continued to shift significantly over the past ten years. Some parts of the state have seen precipitous declines in population, while other areas have experienced unprecedented population growth. Plaintiffs' congressional redistricting plan builds off of the approach taken by the *Zachman* panel, satisfies each of the Panel's redistricting principles, and assures every citizen of Minnesota equal representation in Congress. This congressional redistricting plan preserves both political subdivisions and communities of interest to the greatest extent possible. And unlike any other plan submitted to this Panel, this plan has been vetted by the public, is supported by a majority of the state's elected representatives, and passed both the Minnesota House and Senate. Accordingly, Plaintiffs respectfully request that this Panel adopt their congressional redistricting plan in its entirety.

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