

# *When People Have Power: Florida's Fight to End Gerrymandering*

## *The Pledge Season 3 - Episode 3*

**Ellen:** I went to bed that night knowing that we had won and feeling so relieved that it was all over, and that I had accomplished something in my life other than my incredible two children.

**Allison:** Ellen Freidin led the fight to overhaul gerrymandering in Florida. Her accomplishments included drafting constitutional amendments that would satisfy a truly diverse set of stakeholders and then taking on the enormous task of getting those amendments on the ballot. There were one and a half million signatures to collect, there were court battles to fight, and there was getting people out to vote. They won. And Ellen went to bed relieved.

**Ellen:** And I woke up in the morning to find that at one thirty-five AM, a lawsuit had been filed in federal court by a couple of members of Congress trying to invalidate the amendments.

**Allison:** You only had one good night's sleep!

**Ellen:** Only one.

**Allison:** This is the Pledge. I'm Allison Daskal Hausman.

**BREAK**

**Ellen:** Nice to meet you Allison

**Allison:** Nice to meet you Ellen. So, thank you so much for taking time to talk with me, for this podcast...

**Allison:** It's no surprise that Ellen Freidin would end up fighting for voting rights at some point in her life. After all, in the 6th grade she won a prize for an essay on what democracy meant to her! She says being politically involved is in her blood.

**Ellen:** Actually it goes back to 1936 when my parents, they eloped, and after they got married, they drove to Florida and arrived on Miami Beach in the middle of the night, checked into a hotel. Went downstairs the next morning and realized that they hadn't seen, at the at the front desk of the hotel, a sign that said, "No Jews, no dogs, no blacks."

**Allison:** This didn't sit right with her parents. Not just because they were Jewish. Ellen tells me that her parents were always civically engaged. Her father was a lawyer, and involved in many battles for civil rights. Then Ellen became a lawyer in 1978. She was one of only 3 women out of 30 lawyers in her first firm. She ended up devoting quite a bit of her career to addressing gender discrimination in the Florida bar. And then gerrymandering caught her attention.

**Allison:** Do you remember one of the first times when you got this in your head that, "wow, this something that we have to do?"

**Ellen:** One hundred percent.

**Allison:** In the late 90s, Ellen was appointed to serve on Florida's Constitution Revision Commission. It's a group that is formed every 20 years to review and propose changes to the Florida Constitution. There were many issues covered. But she will never forget the lesson she learned when they confronted gerrymandering.

**Ellen:** It had become clear that the maps that were being drawn were being gerrymandered with a sophistication that never had happened before.

**Allison:** What that meant was that they had clustered all the African American voters into just a few districts and distributed the white voters into many more districts. The result transformed the balance of power in the Florida state legislature.

**Ellen:** Florida had gone from an almost completely Democratic state to a very evenly divided in Tallahassee, but Republican control.

**Allison:** The change in power came not because of a change in voter preferences, but because of a change in how election maps were drawn.

**Ellen:** And the more I learned, the more I learned how important it was.

**Allison:** Others on the commission agreed with Ellen that gerrymandering was a major problem. Next step was to vote whether to put the issue on the ballot. The commission was meeting to decide in Tallahassee on a Monday. The Sunday night before, Ellen realized that something was up. Members of the commission who held elected positions, were late. She called one of them to find out where she was.

**Ellen:** That person said to me, oh, I missed the plane. And I said, Why did you miss the plane? And she said, well, I had to meet with a member of Congress.

**Allison:** The next morning, Ellen discovered what that visit from the member of congress was about.

**Ellen:** I learned that over that weekend, every single member who was an elected official had been visited by Republican elected officials and essentially threatened. Either they were going to have somebody run against them or they were going to slash the budget of certain officials. And they were threatened that if they voted for redistricting reform, they would be retaliated against in some way.

**Allison:** Republicans were so intent on protecting their gerrymandered majority that they were threatening commission members. Even so, it seemed that enough of the elected officials would courageously hang in there and vote to take action.

**Ellen:** But one of them took a walk right before the vote and wasn't in the chamber when the vote was taken. And so it failed.

**Allison:** It was enough to kill their effort.

**Ellen:** That made an incredible impression on me. I'm not somebody who is ever actually in government. I've never run for public office. But I realized what hardball politics was all about.

**Hedrick:** Gerrymandering is hardball politics because it's about power.

**Allison:** That's Hedrick Smith. He's covered gerrymandering for many years and tells Ellen's story in his documentary, Democracy Rebellion.

**Hedrick:** One party or the other draws election district maps to give itself a lock on power. Both parties do it. Democrats in Massachusetts, Maryland and Illinois. Republicans in Texas and Wisconsin and other middle western states. They stack the deck to make

sure what the outcome will be and that deprives most voters of any real choice in general elections because it's all over in the party primary.

**Allison:** That was the story in Florida. About ten years after that first effort with the Florida Constitution Revision Commission, The League of Women Voters reached out to Ellen to confront gerrymandering once again. During those ten intermittent years, there had been five more attempts to address gerrymandering in Florida, but all had run into insurmountable obstacles. Now it was 2006. They asked her to join their new effort.

**Ellen:** My original response was I don't think so. I was practicing law at the time. I had two small kids, although I did feel very passionately about it.

**Allison:** So Ellen agreed to a limited role.

**Ellen:** **What I will do is I'll be on a committee with others who were already working on redrafting these amendments so that they would pass constitutional muster, and pass with the voters.**

**Allison:** Their initial draft would have had the district maps drawn by an independent commission, appointed by the governor and legislature. Many leaders from African American and Latino communities did not support their approach. They felt that commission members would be primarily elected officials and the majority of those were Republican. It wouldn't be bipartisan.

**Leon:** When we looked at that, how could you call that independent?

**Allison:** That's Leon Russell, now Chairman of the Board for the national NAACP. In the early 2000s he represented the Florida NAACP chapter and was one of the leaders working with Ellen.

**Leon:** The NAACP did not agree to participate in that process.

**Allison:** Ellen was certain that together they could find a solution.

**Ellen:** I said, you know let me do the research on how can we draft this and still make sure that minority voters in our state will have an opportunity to elect representatives of their choice. And I realized that this was a very complicated and difficult and thorny issue.

- Allison:** Ellen wasn't discouraged, she dug in and started talking to civil rights leaders in Florida and around the country. It often meant having uncomfortable conversations. Ellen is white.
- Ellen:** There's no question that they looked at me like they didn't know me. They wanted to know who is this person and why would she want to help us, you know? Should we trust her? And it took a while for me to earn their trust, you know, and get to know them all.
- Allison:** But she kept talking to people, and listening to them, and managed to create a plan. It was called Fair Districts Florida.
- Leon:** Ellen reconfigured things and Fair Districts was born.
- Allison:** The principle behind Fair Districts was to create a system that provided guidelines and standards for redistricting that would be enshrined in the state's constitution and that specifically banned election maps intended to favor either party.
- Leon:** The whole idea being that you create a process that to the greatest extent possible gives you fairness, gives you equitable representation.
- Allison:** Ellen brought together a group of about 30 people representing very diverse, even conflicting, interests, several times. Leon Russell was part of that group.
- Leon:** It was a matter of just basic hammering it out. But in the end, Ellen came up with and led a process that we could all support in terms of the fair districts amendments.
- Allison:** It took a special kind of leader to successfully navigate the process--patient, inclusive, a great listener, and...
- Leon:** The important thing about Ellen was that it was never about Ellen. And that's important. Because a lot of times when you're dealing with redistricting and gerrymandering, people are in it because they're interested in creating something for themselves.
- Allison:** It also meant that Ellen had to give up on her original idea of playing a limited role.
- Ellen:** It turned out that I was the person who was doing much more work than anybody else on this committee. Everybody else was, you know, they would come to a phone

meeting once every couple of weeks. I was out there doing all this research and talking to civil rights lawyers all over the country and redistricting experts to try and figure this out.

**Allison:** At first, Ellen wasn't identified as the leader. But when the NAACP and the League of Women Voters invited her to address a conference, they wanted to know her title.

**Ellen:** And so I went back to the committee and I said, what should I tell them is my title? And they said, Tell them you're chairman. And that was how I, that was really how it happened. By that point, I was so engaged that I didn't say no anymore.

**Allison:** Ellen was determined to develop language that would guarantee a fairer voting process where voters were represented in every district in a way that accurately reflected the demographics. Leon Russell puts it simply.

**Leon:** What it means is you can affect the elections.

**Allison:** That every vote matters.

**Allison:** Ellen's hard work paid off big-time. She had successfully created a coalition of African Americans, whites, and latinos; Republicans, Democrats, and independents, all across the state. It had taken 18 months but now they were ready to take their Fair Districts Florida reforms to the voters in a statewide referendum.

I asked Ellen what she felt was central to her success in reaching consensus.

**Ellen:** You need to be really straight with people. You have to talk through issues that are sometimes difficult to talk through. You have to be totally knowledgeable about what it is that you're talking about.

**Allison:** And you have to be patient.

**Ellen:** Gaining trust is something that happens over time. It doesn't happen in one conversation or one meeting.

**Allison:** I was captivated by the gratifying tale of Ellen's success at bringing people together over the language of the amendments. But Ellen finally reminded me that there was a lot more to the story.

**Ellen:** It was a very challenging, complicated process, and it only got much more complicated from there. Now, you know, what we're talking about so far, is we haven't finished drafting yet.

**Allison:** After the break, you'll find out what happened next.

## **BREAK**

**Allison:** This season I'm sharing pledges from listeners like you. How are you taking part in this democracy of ours? Here's a fabulous response that I got from Holly.

**Holly:** Hi, my name is Holly. So following the murder of George Floyd, my social media feeds became visibly more full of calls to a racial justice across different cities in the US and I caught myself tapping through so many pages with information on specific needs and who to call and which representatives to email and I would see these same posts and click through each one and not stop to write down phone numbers or actually send the email and instead found myself becoming overwhelmed with information and closing out of apps. So I tried to get to the bottom of why, if I cared, why was I not stopping to take action and what could I do to make people like me? Actually take the action that all these posts were asking for. So I created a Google doc with information from my feed from demands of different activists and a lot of people responded back saying that it helps them out and I ended up updating it every day for a month hoping to build habits for myself and amongst my peers to make it a part of their routine to see something that's needed and take action to make change. Thank you so much. Bye.

**Allison:** I just love that Holly caught herself caring but not really doing anything about it. And then she did something. You can find a link to Holly's Google Doc in the show notes at [Thepledgepodcast.com](http://Thepledgepodcast.com). Now it's your turn. What's one thing you are planning on to do to take action before the election? Leave me a voicemail at 617-663-8668. You can also find that number in the show notes at [thepledgepodcast.com](http://thepledgepodcast.com).

**Allison:** The next challenge, after drafting the amendments, was getting them on the ballot for a popular vote.

**Ellen:** We had to gather about over a million and a half signatures. And that's not on one, like one paper that has 20 signatures. You have to have a million and a half separate petitions.

**Allison:** You might remember from the first episode that talked about the same demanding process that Sheena and Desmond Meade faced to get Amendment 4 on the ballot in 2018. This time, too, the beginning was very tough financially.

**Ellen:** It was terrifying because we had a signature collecting company that needed to be paid every week. And it was literally, could we get the checks in fast enough to pay them.

**Allison:** Ellen's group, Fair Districts Florida, stayed with it. They got support from across the state.

**Ellen:** We raised the money to have a staff. We had great volunteers. We had thousands of contributors.

**Allison:** This was truly a grassroots effort and more and more voters started demonstrating their support. They ended up raising over 9 million dollars. The amendments also got endorsements from across the state. The election was in November of 2010. Ellen remembers going to the to watch party.

**Ellen:** My husband and I got in the car to drive over to where we were going to be watching the returns. And he said, "I don't understand why you're not nervous," because he could just tell I wasn't. I thought we were going to win. Because I had been dealing with it for so long and we had done some polling too.

**Allison:** She was right. They won by a huge majority, nearly 63%. She got that one good night's sleep. And then the legal battles began.

**Ellen:** I saw this as a two, maybe three, maybe four year project. I had no idea that it was going to go on for over a decade.

**Allison:** The problem was that while the voters were approving the Fair Districts Florida reform, they were also re-electing huge Republican supermajorities to the state legislature - most of them adamantly opposed to carrying out gerrymandering reform.

Ellen and Fair Districts Florida watched closely to see whether the legislature followed the redistricting amendments approved by Florida voters. In May 2011, the legislature promised to deliver on the amendments with public hearings across the state and a transparent process in drawing new district lines. But Ellen explains how, from the very beginning, the Republican majority worked to manipulate the outcome.



**Ellen:** At the very first meeting of the Senate Reapportionment Committee, the chairman wanted everybody to pass a resolution saying that every move they made with regard to redistricting would be made, putting minority representation paramount. And making that the top priority.

**Allison:** Ellen knew the chairman was using talk about protecting the minorities as a cover for pursuing the old Republican gerrymander strategy of packing African American voters into a few districts so that Republicans can win more of the other districts and keep their majority.

**Ellen:** The members of the committee naively followed him into that because they all wanted to look good, like they were supporting minorities when in fact, what they were doing was the opposite.

**Allison:** The legal battles that followed are chronicled in Hedrick Smith's documentary, Democracy Rebellion.

**Hedrick:** Those Florida Republicans went through a public charade of pretending to invite average voters to submit voting redistricting maps. But actually the maps they ultimately used were submitted by paid Republican Party strategists through unwitting members of the public. It was, what Ellen Freidin called, a double game.

**Allison:** When the new districts were presented, they were even worse than before.

**Hedrick:** The Republicans had defied the will of the voters and ultimately they got caught doing something illegal and unconstitutional.

**Allison:** Ellen doesn't mince words about her impression.

**Ellen:** Oh, they were really, really evil. They lied straight-faced. They would look into the public's eye and just completely lie. It certainly did make me cynical.

**Allison:** Even after the circuit court judge ruled that the committee had engaged in conspiracy and illegal gerrymandering and ordered that the maps be redrawn, the maps didn't get any better.

**Ellen:** When people have power, it is really, really, really important to them to maintain that power. It seems like it's the most important thing. Well, over and above what's good for the state or the citizens or the state.

**Allison:** So Fair Districts Florida had to appeal all the way to the Florida Supreme Court. And in July 2015, the state Supreme Court issued a thunderbolt, declaring that the legislature had engaged in an unconstitutional gerrymander and ordered congressional and legislative maps redrawn. It was a tough blow to the Republican Powers-that-be.

**Ellen:** You know, I thought to myself, boy, they really had to go to great extremes to try and mess us all up, you know? And they lost. And they lost at every turn.

**Allison:** And the impact was palpable. Incumbents lost in many districts. The composition of the state's congressional delegation changed more in line with the popular vote.

**Ellen:** There's been huge impact of Fair Districts amendments in terms of our legislature and our congressional delegation. They now, to a much greater degree, but not perfectly yet, reflect the partisan split in the state of Florida.

**Allison:** Ellen is proud of the impact, but she doesn't trust that it will stick yet.

**Ellen:** In order for my cynicism to go away, I would have to see Democrats really following the Fair Districts amendments.

**Allison:** Ellen is clear. It's not about Republicans or Democrats, it's about giving voters a real choice in elections, keeping politicians in check and limiting their desire to hold onto power. In 2021, there's another redistricting coming, after the census. Ellen will be watching carefully to see how the new districts are drawn.

**Ellen:** Hopefully it won't be necessary for us to fight. But we'll be ready if we have to.

## **OUTRO**

**Allison:** In our next episode we'll continue to explore gerrymandering, but we're moving up north to the state of Michigan.

**Nancy:** Her Facebook post was kind of like the spark that kind of lit this whole movement.

**Allison:** It was a movement that literally changed the Michigan state constitution. And the women behind it, didn't exactly have a lot of experience, but they did have a lot of determination. Once again, you'll see what's possible.

A huge thanks to my team: Jeb Sharp, Tina Tobey Mack; Ezra Hausman, Hedrick Smith; Multitude Productions and Patricia Nieshoff. I'm so lucky to have you. Thanks to the Ford Foundation for partially supporting this season. Finally, of course, thanks to you for listening! And, if you don't mind, please help get the word out about this podcast and share this episode with someone you know would love to learn more about the fight to end gerrymandering.

Until next time, stay strong and stick with your pledge.