

that I am strongly opposed to LB 614. My prediction is that 614 is so well greased that it's going to pass today no matter what is said in this floor debate. The coalition that took control of the leadership positions and that group, last January, effectively controlled this session and are doing so again with this bill. However, there is a light at the end of the tunnel on this bill and that is the fact that the federal courts have and will strike down, in my estimation, an unconstitutional legislative redistricting plan such as this. So the purpose of my remarks is to make a record for the court to identify what has really gone on in this redistricting process that has brought us to this place. Thank God that this display of raw political power is not the final word in our system of government. Although the Government Committee and the Military and Veterans Affairs Committee, whose Chairman is Senator Gerald Conway, issued substantive guidelines for the 1991 redistricting which was constitutionally correct, the Bernard-Stevens, Wesely and Withem legislative redistricting plan, which was advanced, that the committee violated one of its own guidelines. Let me point out how. First, the guidelines provide in subparagraph (3) that district boundary lines shall follow county lines whenever practicable and shall define districts that are compact and contiguous except that should adherence to any of the foregoing requirements cause a redistricting plan or any aspect thereof to be in violation of the standards set forth by the United States Supreme Court in interpreting the United States Constitution, such requirement may be waived to the extent necessary to bring the plan or aspect of the plan in compliance with the Supreme Court standards. This guideline is perfectly fine and follows the guidelines of the United States Supreme Court in its 1975 case of Stockman v. Meier which held that, number one, absent persuasive justification, the reapportionment plan for the South Dakota Legislature should avoid the use of multimember districts and should ordinarily achieve the goal of population quality with little more than a de minimus variation. Number two, when important and significant state considerations rationally mandate departure from such standards, the reapportioning court had the responsibility to articulate precisely why a plan of a single-member district with minimal population variance could not be adopted. Number three, the district court failed to articulate factors justifying the multimember districting. And number four, the 20 percent variation involved could not be justified on the grounds of absence of electorally victimized minorities, the state's sparse population, the division of the