

By Senator King

8-1975A-01

1 Senate Resolution No. _____

2 A resolution honoring Max Swann, Dan Paul, and
3 Manning Dauer for the great public service they
4 rendered in protecting the principle of one
5 person, one vote in apportionment of
6 legislative districts.

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8 WHEREAS, as of 1962, Florida's legislative districts
9 had been apportioned in a manner such that a mere 15 percent
10 of the state's population could elect a majority of both
11 houses of the Legislature, and

12 WHEREAS, in 1962 the United States Supreme Court held
13 that the Equal Protection Clause of the Fourteenth Amendment
14 to the U.S. Constitution required that a state's legislative
15 apportionment adhere to the principle of one person, one vote,
16 and

17 WHEREAS, for years the Florida Legislature had been
18 unable to break a deadlock keeping it from reapportioning
19 Florida's legislative districts based substantially on
20 population and consistent with the U.S. Constitution's
21 dictates, and

22 WHEREAS, attorney Richard H.M. ("Max") Swann, without
23 any hope of financial gain, came forward and filed a lawsuit
24 that challenged the constitutionality of Florida's
25 apportionment of its legislative districts and asked for
26 federal court intervention based on the U.S. Supreme Court's
27 recent rulings, and

28 WHEREAS, attorney Dan Paul of Miami, Florida, served as
29 lead counsel for Max Swann's effort to enlist the assistance
30 of the federal courts in securing a more fair and equitable
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1 apportionment of Florida's legislative districts, one that was
2 consistent with the requirements of the U.S. Constitution, and

3 WHEREAS, Dan Paul agreed to prosecute the lawsuit and
4 serve as lead counsel at his own expense and the expense of
5 his firm, and

6 WHEREAS, Max Swann ultimately succeeded in his
7 challenge to Florida's apportionment, but only after his case
8 was tried before a three-judge federal panel on more than one
9 occasion and reviewed by the United States Supreme Court no
10 less than three times, and

11 WHEREAS, as a direct result of the efforts of Max Swann
12 and Dan Paul, Florida's legislative districts finally were
13 ordered by the federal courts to be reapportioned, and in fact
14 were reapportioned in accordance with the U.S. Constitution's
15 equal protection requirements and its demand for one person,
16 one vote, and

17 WHEREAS, Dr. Manning Dauer of the University of
18 Florida, from his own home and at his own expense, devised the
19 apportionment plan ultimately adopted by the federal district
20 court in Max Swann's case, and

21 WHEREAS, Max Swann, Dan Paul, and Manning Dauer have
22 rendered a great service to the citizens of the State of
23 Florida, doing so entirely at their own expense, and

24 WHEREAS, the significant public service of these men
25 has not been recognized properly, NOW, THEREFORE,

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27 Be It Resolved by the Senate of the State of Florida:

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29 That Max Swann, Dan Paul, and Manning Dauer are
30 recognized and honored for the great public service they
31 rendered to the people of this state.

1 BE IT FURTHER RESOLVED that a copy of this resolution,
2 with the Seal of the Senate affixed, be presented to each of
3 the persons recognized in this resolution and to the family of
4 each deceased person, as a tangible token of the sentiments of
5 the Florida Senate.
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