

# The Delray Democrat

## Hillary Clinton, Andrew Gillum, and the Amendment 4 Lawsuit<sup>1</sup>

*Michael K. Cantwell*

Donald Trump not only preserved the conservative majority on the Supreme Court; he also “flipped” three of the eleven federal Courts of Appeal during his first term. The Second, Third, and Eleventh Circuits now have a majority of judges appointed by Republicans.

It is extremely rare that the Supreme Court hears appeals from the federal appellate courts, giving the opinions of those courts the finality of a Supreme Court decision in the states covered by each circuit.

The Eleventh Circuit is currently hearing DeSantis’s appeal of Judge Robert Hinkle’s decision in *Jones v. DeSantis*. Donald Trump appointed 6 of the 12 judges sitting on this circuit, giving Republican appointees a 7-5 majority.

The court has already issued a stay of Judge Hinkle’s decision, which is not a good sign. Had we elected Andrew, there would have been no SB7066 and thus no lawsuit. Had we elected Hillary, she and not Trump would have appointed 6 of the 12 judges hearing the lawsuit.

One of the Trump appointees (Andrew Brasher) recused himself, but two others (Barbara Lagoa and Robert Luck) declined. This is outrageous, given their ties to DeSantis and their promises to Congress.

Both Lagoa and Luck were appointed to the Florida Supreme Court by DeSantis. Both participated in oral argument when DeSantis sought an advisory opinion on whether “all terms of sentence” included fees and fines. And both stated under oath during their Senate confirmation hearings that, if confirmed to the Eleventh Circuit, [they would recuse themselves](#) from cases in which they participated as Florida Supreme Court justices.

While we wait and worry, there is a way we can help make the promise of Amendment 4 a reality for the hundreds of thousands of Returning Citizens unable to afford the poll tax being imposed by Republicans. Go to the website of the **Florida Rights Restoration Coalition** at <https://wegotthevote.org/finesandfees/> and make a tax-deductible donation to help pay the fines and fees owed by Returning Citizens.

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<sup>1</sup> *The Delray Democrat*, August 2020, p. 4.