

H A R L A N   R I C H A R D S

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Gerrymandering In Pennsylvania

It made national news when the Pennsylvania Supreme Court held that the 2010 redistricting in that state was an unconstitutional gerrymander. Gerrymandering is when legislative districts are laid out in such a manner as to exclude the possibility of the opposing party (or a minority candidate) from winning elections.

The unique aspect of the PA case, League of Women Voters v Commonwealth, 2018 PA Lexis 771, is that it was based on a violation of the state constitution. Article I, Sec. 5 states; "Elections shall be free and equal; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage."

This provision, which predates the U.S. Constitution, guarantees rights to PA citizens which the rest of us do not have.

The PA Supreme Court ruled in plaintiff's favor, finding that the 2010 Republican Re-apportionment unfairly favored Republicans to such an extent that Democrats can never regain majority representation. PA Republicans have petitioned the U.S. Supreme Court 3 times thus far to challenge this decision. They know a conservative majority on the U.S. court will protect the Republican advantage in PA elections if they grant review. The most recent petition seeks to prevent the implementation of the judicially-drawn redistricting - something the PA court was forced to do when Republicans refused to do it themselves in time for the next elections.

Wisconsin has a gerrymander case pending in front of the U.S. Supreme Court. The 2010 Republican redistricting of WI was held to constitute an unconstitutional gerrymander. See Whitford v Gill, 218 F. Supp. 3d 837. The Supreme Court granted review and issued a stay on June 19, 2017 pending its decision. If you want to know the true impact of electing Trump for president, it can be seen in this stay. Four judges voted to deny the stay and 5 voted to grant the stay. Trump's appointee, Gorsuch, was the deciding vote which blocked the implementation of the lower court's decision.

If the plaintiff lose this case it will be because Trump appointed a right-wing ideologue to the supreme court. Had Obama's nominee been confirmed or Hilary Clinton elected, we would have had an impartial justice who would not have allowed WI Republicans to continue to unfairly rob WI citizens of fair elections.



There is a gerrymander case filed in Michigan alleging the same basic facts as the PA and WI cases: League of Women Voters of Mich v Johnson, 2017 U.S. Dist. Lexis 211758. On December 27, 2017, the federal court ordered a 3 judge panel to hear the case. It is interesting to note that these 3 states all went Republican in 2016 and were the 3 crucial states which gave Trump his election victory. Makes you wonder what is going on behind the scenes in these states?

There are also gerrymander cases pending in Texas and Maryland but I don't know the details of these cases. In my opinion, the racist backlash against a black man being elected president in 2008 motivated the old white people in the Republican party to come out en masse in 2010 to show their dissatisfaction with the outcome of the election. Once the Republicans took power, they knew the only way they could keep it was by rigging future elections through unfair redistricting. The white Republican Party is a dinosaur fighting to survive in a country where they will be a minority in another generation.

I suppose I would not rant over the actions of Republicans if I had never been sent to prison. But I am a direct victim of their power grab. In a fair trial, I never would have been convicted of murder. If not for the "procedural default" rule announced by a conservative Republican WI Supreme Court, I would have gotten a new trial. If not for Tommy Thompson's and Scott Walker's "lock 'em up and throw away the key" policy, I would have been released on parole years ago. I am biased against the Republican Party for a valid reason. Hopefully, they will lose in the upcoming elections and some semblance of justice will return to Wisconsin.