

Federal Judges Rule Wisconsin's GOP Redistricting Maps Unconstitutional

Written by GBP Staff

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Current Plan with 2012 General Election Results



Court strikes down 2011 state Assembly maps saying they were blatantly partisan and denied Democrats a fair shot. Decision could have broad implications for other states' gerrymandered maps.

MADISON - A panel of three federal judges Monday struck down state house district maps drawn in 2011 by Wisconsin's Republican controlled legislature, finding the resulting districts so blatantly partisan that they denied Democrats a fair shot at electing candidates of their choosing.

The 2-to-1 ruling by the United States District Court for the Western District of Wisconsin said that the Legislature's remapping violated both the First Amendment and the Equal Protection Clause of the 14th Amendment because it aimed to deprive Democratic voters of their right to be represented.

"Although Wisconsin's natural political geography plays some role in the apportionment process," the court wrote, "it simply does not explain adequately the sizable disparate effect" of Republican gains in the State Assembly after the boundaries were redrawn.

The order was handed down by District Judge Barbara Crabb, who was appointed by Jimmy Carter, and Circuit Judge Kenneth Ripple, a Ronald Reagan appointee. District Judge William Griesbach, appointed by George W. Bush, dissented. Ripple wrote the decision.

Monday's ruling will have implications both here in Wisconsin and nationally.

The three judges found that Act 43, which carved out new districts for the state Assembly, was

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written to hurt Democrats.

In 2012, Republicans won 61 percent of the Assembly seats with only 48.6 percent of the statewide vote. In 2014, the GOP secured 64 percent of Assembly seats, only garnering 52 percent of the statewide vote, according to the opinion. The numbers and testimony in the case show that it is a trend that will continue.



"It is clear that the drafters got what they intended to get. There is no question that Act 43 was designed to make it more difficult for Democrats, compared with Republicans, to translate their votes into seats," Ripple wrote.

While it is evident that Republicans sought to construct maps that would ensure a lasting majority in the State Legislature for the remainder of the decade, Monday's decision does not affect the results of this month's election or any prior election. Current legislative district boundaries will remain unchanged until the court rules on a remedy.

On the national level, the decision could have broad implications for other states' gerrymandered maps and could pave the way for a new national standard to evaluate the constitutionality and fairness of such maps.

Federal courts have struck down gerrymanders on racial grounds, the more common form of gerrymandering, but not on grounds that they unfairly give advantage to a political party. The case could now go directly to the Supreme Court, where its fate may rest with a single justice, Anthony M. Kennedy, who has expressed a willingness to strike down partisan gerrymanders but has yet to accept a rationale for it.

"It is a huge deal," said Heather Gerken, a Yale Law School professor and an expert on election law. "For years, everyone has waited for the Supreme Court to do something on this front. Now one of the lower courts has jump-started the debate.