

# The Frederick News-Post

## Supreme Court redistricting decision draws disappointment, demand for action

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Thursday's Supreme Court ruling that refused to address partisan gerrymandering has left local Republicans wondering where to go next, while Democrats are renewing their call for national legislation on the issue.

The court's 5-4 decision written by Chief Justice John Roberts ruled that "we have no commission to allocate political power and influence in the absence of a constitutional directive or legal standards to guide us in the exercise of such authority." Roberts was joined in his decision by justices Clarence Thomas, Samuel Alito, Neil Gorsuch and Brett Kavanaugh, while Justice Elena Kagan's dissent was joined by justices Ruth Bader Ginsburg, Stephen Breyer and Sonia Sotomayor.

Maryland's 6th Congressional District, which includes parts of Frederick County, was at the center of the legal argument that also involved a case in North Carolina. Maryland's districts were crafted to limit Republican strongholds throughout the state, according to the plaintiffs in the case.

Craig Giangrande, chairman of the Frederick County Republican Central Committee, said Thursday's decision was disappointing, even as it could be considered a conservative decision on legal grounds.

The way the district is drawn now is "stacking the deck against Republicans," Giangrande said.

A different decision likely would have given Maryland Republicans an advantage in the 6th District, which was redrawn in 2011. Since then, Democrats have won the seat in western Maryland after Republican Rep. Roscoe Bartlett held the seat for 20 years.

The seat is currently held by Democrat David Trone, who issued a statement Thursday calling for a national standard that would end partisan gerrymandering.

He called on Senate Majority Leader Mitch McConnell (R-Ky.) to allow a vote on a bill passed by the House of Representatives that includes anti-gerrymandering legislation, along with a number of other election reform measures.

"As a country, we must strive towards a national solution to end gerrymandering and other practices that put the interest of politicians over the will of the people," Trone's statement said. "I will continue to do this in my capacity as a representative and support policies that benefit all of the people of Maryland and the United States, regardless of their political affiliations."

Maryland Democratic Party Chairwoman Maya Rockey Moore Cummings also called on McConnell and Senate Republicans to take up the House's legislation.

"The Maryland Democratic Party supports a nationwide redistricting initiative to address partisan gerrymandering, so that all 50 states are bound by the same rules to produce fair and proportional districts for all Americans," Cummings said in a news release Thursday.

Frederick County Democratic Central Committee Chairwoman Deborah Carter said in an email that the committee "is in full agreement" with Cummings' statement.

The question would be how to make sure redistricting committees are fairly chosen, and whether a future Supreme Court would still decide that it doesn't have jurisdiction, Cummings told The News-Post in an interview.

If all states were using the same guidelines, the process is more likely to be fair, she said. But you would still have to make sure that no one was abusing the system.

Trone's 2018 opponent, Potomac Republican Amie Hoeber, said in a statement that she was "deeply disappointed" with the court's decision, although she understands the logic behind Roberts' ruling.

Hoeber, who was also the Republican nominee in 2016, said she was "personally far more persuaded" by the arguments in Kagan's dissent, that the gerrymandered district deprived many residents of their right to equal representation.

Hoeber called on Maryland's political leadership to provide fair district lines when they're redrawn after the 2020 census.

Kagan wrote that those behind the Maryland and North Carolina gerrymandering "debased and dishonored our democracy, turning upside down the core American idea that all governmental power derives from the people."

She also questioned Roberts' argument that courts couldn't find jurisdiction, pointing out that the lower courts in the two cases at issue and in numerous other districts "have coalesced around manageable judicial standards to resolve partisan gerrymandering claims."

Maryland's redistricting after 2010 broke up communities in Frederick and Carroll counties that had a lot in common, and put District 6 into the more liberal Montgomery County, Giangrande said.

He hopes that Gov. Larry Hogan (R), state Senate President Thomas V. Mike Miller (D-Prince George's, Calvert and Charles), and new House of Delegates Speaker Adrienne Jones (D-Baltimore County) will be able to draw fair congressional and legislative districts after the next census.

While some Republicans had been hoping for a more conservative 6th District, Giangrande said Republican candidates will have to factor in the district's more liberal makeup when they decide whether to run.

New Market resident Walter Olson, a Republican who co-chaired a committee tasked by Hogan with drawing a nonpartisan map, said the decision ends the hope that the courts will step in to help the situation.

Olson, who is also a senior fellow at the Cato Institute's Center for Constitutional Studies, said there's overwhelming support in many states for the idea that maps should be redrawn by independent commissions or nonpartisan groups.

The committee he served on demonstrated that regular citizens can draw fairer lines to produce a good map in a transparent way, he said.

Olson said more Republican-controlled states have a problem with gerrymandering, but Republicans should not come to the conclusion that the practice is acceptable.

"It alienates the public. And the public doesn't forget when the state misuses its power," Olson said.

Paul Smith, who teaches election law and constitutional law at Georgetown University Law Center and was one of the lawyers for the plaintiffs in the North Carolina case through his work with the Campaign Legal Center, said Thursday's decision leaves several options for fighting gerrymandered districts.

Plaintiffs could still sue in state court, or get legislation to create independent commissions on their state's ballot, he said.

Not surprisingly, Smith said he found Roberts' argument that federal courts can't find jurisdiction for dealing with blatant gerrymandering "totally unconvincing."

"I just think [the justices in the decision's majority] don't want to do it," he said.

He believes both cases presented clear examples of gerrymandering, with the officials behind the redrawn districts knowing what they were doing.

"They were just making a bet that the Supreme Court would let them get away with it," he said.