



Supreme Court leaves partisan gerrymandering to be decided by states

June 27, 2019

The Supreme Court is leaving the issue of drawing congressional districts to the states, ruling in a 5 to 4 decision that federal courts do not have a role to play in partisan gerrymandering, that congressional district maps cannot be challenged as too partisan.

"We conclude that partisan gerrymandering claims present political questions beyond the reach of the federal courts," Chief Justice John Roberts wrote in the majority opinion.

The liberals on the court dissented. Justice Elena Kagan admonished the majority, writing in her dissent, "For the first time ever, this Court refuses to remedy a constitutional violation because it thinks the task beyond judicial capabilities."

She added, "Of all times to abandon the Court's duty to declare the law, this was not the one. The practices challenged in these cases imperil our system of government. Part of the Court's role in that system is to defend its foundations. None is more important than free and fair elections. With respect but deep sadness, I dissent. "

Ilya Shapiro, Director of CATO Institute, told CBSN that the Court on Thursday ruled that the question at hand is "inherently a political question for voters to resolve through normal political processes, and the courts don't have the tools to decide these legal issues."

The court considered a North Carolina Case, drawn by the state's Republican-controlled legislature, which was deemed by Democrats to be rooted in partisan gerrymandering, a process by which the state's congressional maps are drawn to benefit one party over the other.

in 2016, Republicans drew congressional districts that packed Democratic voters into the three districts that translated into landslide victories. In the 2018 midterm elections, the map produced smaller winning margins for Republican candidates, but in more districts.

The case also had implications for the state of Maryland which saw its own challenges with partisan map drawing, in this case by Democrats. Republicans in 2011 disputed a single congressional district in western Maryland, held by a Republican incumbent for 20 years, drawn to benefit the state's Democratic party.

The questions before the justices included those of standing -- whether or not gerrymandering claims should be heard by the Supreme Court, and whether or not the challengers had a legal right to bring their case before the courts. On Thursday, the last day of the session. the court

vacated both the Maryland and North Carolina decisions and remanded the cases back to the states.

The cases at the high court marked the second time in consecutive terms the justices have attempted to determine whether to set limits on partisan map-making.