

Federal judge orders panel to hear gerrymandering case

[Michael Gerstein, The Detroit News](#)

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(Photo: Madalyn Ruggiero / Detroit News file)

Lansing — A federal judge has approved the creation of a three-judge panel to hear a lawsuit alleging Michigan’s political districts are unconstitutionally drawn to favor strong Republican majorities in the Legislature and Congress.

U.S. District Judge Denise Page Hood signed an order Wednesday allowing a three-judge panel to hear the case after former Michigan Democratic Party Chairman Mark Brewer filed [the lawsuit](#) last Friday on behalf of the League of Women Voters and other Democrats, including former state Reps. Rashida Tlaib and Fred Durhal Jr. of Detroit.

Plaintiffs allege their constitutional rights were violated by running afoul of free speech rights and equal protection under the 14th Amendment. They argue that when Republicans redrew district lines in 2011, they secured strong majorities that constituted “a particularly egregious example of partisan gerrymandering,” according to the complaint.

“Congressional and state legislative districting plans were developed in a private, secret process by Republican consultants, legislative staff and legislators to the exclusion of Democrats and the public,” the complaint alleged.

Republican experts have countered by arguing the voluntary grouping of huge Democratic majorities in urban areas such as Detroit and Flint skews the picture of partisan advantage. Jowei Chen, an associate professor of political science at the University of Michigan, also has noted GOP voters are more [evenly spread out](#) across a larger number of moderately conservative suburban and rural districts, allowing Republican candidates to efficiently win more districts.

New district lines are drawn after every 10-year census by the majority party in control of the Legislature.

Democratic President Bill Clinton appointed Hood as well as 6th Circuit Court of Appeals Chief Judge R. Guy Cole Jr., who joined the bench in 1995.

Cole and two other judges will preside over the case, which comes as the U.S. Supreme Court considers two separate but related cases that allege gerrymandering by majority GOP lawmakers in Wisconsin and Maryland, where Democrats command the majority.

“We’re pleased with the order, ... and we’re awaiting appointment of the other two judges for the case to move forward,” Brewer said.

Justices heard arguments for the Wisconsin case in October and aren’t expected to rule until May or June. The court also agreed to hear arguments in the Maryland case. What happens in the two cases may affect the Michigan lawsuit.

A Michigan group called [Voters Not Politicians](#) has separately collected and turned in more than 425,000 signatures to the Michigan Secretary of State for a potential 2018 ballot proposal to create an independent redistricting commission that would redraw lines after the next census in 2020.

The new Michigan complaint alleges a “durable” gerrymander in Michigan, pointing to election results showing that Republicans maintained sizable majorities in the state Legislature and Congress despite narrow statewide vote margins.

Republicans counter that Democrats are trying to change the rules because they continue to lose at the ballot box.

mgerstein@detroitnews.com