

# National Democratic Redistricting Committee: Chairman Holder's statement on Wisconsin Supreme Court's order

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Washington, D.C. — Today, Eric H. Holder, Jr., the 82nd Attorney General of the United States and chairman of the National Democratic Redistricting Committee, released the following statement in response to the order issued by the Wisconsin Supreme Court, which stated that it will not consider partisan balance and will make only minimal changes to the egregiously gerrymandered maps passed by the Republican-led legislature in 2011:

“It is an absolute abomination that four judges of the Wisconsin Supreme Court have decided to sanction and continue what are among the nation’s most egregious gerrymanders. Under the guise of staying above the fray, the Wisconsin Supreme Court has knowingly moved Wisconsin towards one-party rule. The majority’s deference to those in the legislature will subvert the will of the people and enhance one party in its pursuit of political power. This decision, on a day-to-day basis and on a whole range of issues, will be detrimental to the people of Wisconsin, who despite voting in significant numbers for candidates of both parties over the past decade, will yet again be gerrymandered into a Republican-dominated state legislature. Going forward, the Court must consider how these kinds of ideological actions by the Court’s majority legitimately call into question the non-partisan nature of the state’s highest tribunal.”

## **EXCERPTS OF THE DISSENTING OPINION:**

The following are excerpts of the dissenting opinion issued by Wisconsin Supreme

Court Justice Rebecca Frank Dallet, joined by Justices Ann Walsh Bradley and Jill Karofsky:

“[I]t is vital that this court remain neutral and nonpartisan. . . . The majority all but guarantees that we cannot. First, the majority adopts 2011’s ‘sharply partisan’ maps as the template for its ‘least-change’ approach. . . . And second, it effectively insulates future maps from being challenged as extreme partisan gerrymanders. The upshot of those two decisions, neither of which is politically neutral, is to elevate outdated partisan choices over neutral redistricting criteria. That outcome has potentially devastating consequences for representative government in Wisconsin.” 2021 WI 87 ¶88

“[A] least-change approach that starts with the 2011 maps nullifies voters’ electoral decisions since then. In that way, adopting a least-change approach is an inherently political choice. Try as it might, the majority is fooling no one by proclaiming its decision is neutral and apolitical.” Id. at ¶89.

“[T]he 2011 map was enacted using a ‘sharply partisan methodology’ by a legislature no longer in power and a governor who the voters have since rejected.” Id. at ¶92.

“It is one thing for the current legislature to entrench a past legislature’s partisan choices for another decade. It is another thing entirely for this court to do the same.” Id. at ¶93.

“In this case we are adopting new maps, not reviewing legislatively enacted ones.” Id. at ¶98.

“Discarding a potential limitation on partisan gerrymandering gives future legislators and governors a green light to engage in a practice that robs the people of their most important power—to select their elected leaders.” Id. at ¶106.

“The last three courts to tackle redistricting in Wisconsin all considered partisan effects alongside other generally accepted neutral factors when evaluating and choosing remedial maps.” Id. at ¶111.