

Executive Summary

Foundations of Missouri Redistricting

“Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers . . . The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct.”

Article I Section II of the United States Constitution

“Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed.”

14th Amendment to the U.S. Constitution Section 2

. . . the general assembly shall by law divide the state into districts corresponding with the number of representatives to which it is entitled, which districts shall be composed of contiguous territory as compact and as nearly equal in population as may be.

Article III Section 45 of the Missouri Constitution.

Redistricting and Race

Equal population based on the 14th Amendment

Under the 14th amendment the courts have held that congressional districts, and to a lesser degree state legislative districts should be equal in population “as nearly as practicable” however this is not an absolute standard and the court has explained that non-discriminatory reasons may allow deviations away from this standard to deviations of at least 79%.

We have since explained that the “as nearly as is practicable” standard does not require that congressional districts be drawn with “precise mathematical equality,” but instead that the State justify population differences between districts that could have been avoided by “a good-faith effort to achieve absolute equality.”

Any number of consistently applied legislative policies might justify some variance, including, for instance, making districts compact, respecting municipal boundaries, preserving the cores of prior districts, and avoiding contests between incumbent Representatives. As long as the criteria are nondiscriminatory, these are all legitimate objectives that, on a proper showing, could justify minor population deviations.

Moreover, our cases leave little doubt that avoiding contests between incumbents and not splitting political subdivisions are valid, neutral state districting policies.

Thus, if a State wishes to maintain whole counties, it will inevitably have population variations between districts reflecting the fact that its districts are composed of un-evenly populated counties. Despite technological advances, a variance of 0.79% results in no more (or less) vote dilution today than in 1983, when this Court said that such a minor harm could be justified by legitimate state objectives.

Karcher v. Daggett

Race and language minority status

The voting rights act prohibits states or political subdivisions from imposing any voting qualifications or prerequisites to voting, or any standards, practices, or procedures that result in the denial or abridgment of the right of any citizen to vote on account of race or color. According to the 2020 census Missouri has 6,160,281 citizens 11.3% of whom are classified as African American. Currently Missouri has one minority majority district CD1 and this district must be kept as a minority majority district. There are no other districts that approach 50% minority status in Missouri so only 1 such district is required by law. Additionally, although not the legal test required by the supreme court, 1 district out of 8 equates to 12.5% of the districts which almost perfectly matches up with Missouri's percentage of individuals identified as African American in the last census.

The statute requires a showing that minorities “have less opportunity than other members of the electorate to ... elect representatives of their choice.” 42 U. S.C. §1973(b) (2000 ed.). But because they form only 39 percent of the voting-age population in District 18, African-Americans standing alone have no better or worse opportunity to elect a candidate than does any other group of voters with the same relative voting strength. That is, African-Americans in District 18 have the opportunity to join other voters—including other racial minorities, or whites, or both—to reach a majority and elect their preferred candidate. They cannot, however, elect that candidate based on their own votes and without assistance from others. Recognizing a §2 claim in this circumstance would grant minority voters “a right to preserve their strength for the purposes of forging an advantageous political alliance.” The special significance, in the democratic process, of a majority means it is a special wrong when a minority group has 50 percent or more of the voting population and could constitute a compact voting majority but, despite racially polarized bloc voting, that group is not put into a district.

Given the text of §2, our cases interpreting that provision, and the many difficulties in assessing §2 claims without the restraint and guidance provided by the majority-minority rule, no federal court of appeals has held that §2 requires creation of coalition districts. Instead, all to consider the question have interpreted the first Gingles factor to require a majority-minority standard. **Bartlett v. Strickland**

Partisan Redistricting

There is no Federal or State prohibition or judicial jurisdiction over partisan redistricting. Other states have added statutes or amendments against partisan redistricting but Missouri has not.

As one of the two Republicans chairing the redistricting committee stated, “I think electing Republicans is better than electing Democrats. So I drew this map to help foster what I think is better for the country.” *Id.*, at 809. He further explained that the map was drawn with the aim of electing ten Republicans and three Democrats because he did “not believe it [would be] possible to draw a map with 11 Republicans and 2 Democrats.”

We conclude that partisan gerrymandering claims present political questions beyond the reach of the federal courts. Federal judges have no license to reallocate political power between the two major political parties, with no plausible grant of authority in the Constitution, and no legal standards to limit and direct their decisions.

What the appellees and dissent seek is an unprecedented expansion of judicial power. We have never struck down a partisan gerrymander as unconstitutional—despite various requests over the past 45 years. The expansion of judicial authority would not be into just any area of controversy, but into one of the most intensely partisan aspects of American political life. That intervention would be unlimited in scope and duration—it would recur over and over again around the country with each new round of redistricting, for state as well as federal representatives. Consideration of the impact of today’s ruling on democratic principles cannot ignore the effect of the unelected and politically unaccountable branch of the Federal Government assuming such an extraordinary and unprecedented role.

Rucho v. Common Cause

Other States

In other states democrats are drastically gerrymandering for partisan purposes and true fairness would require both sides to operate by the same rules. To do otherwise is to surrender the interest of Missourians to New York, California, etc.

Nevada (Biden 50 - 48) Redrew congressional maps to be 3D -1R After redistricting, will new maps give Nevada Democrats permanent majorities? - The Nevada Independent

California – (Biden 64 – 34) Currently 43D- 7R -2. Lost one seat by reapportionment and looking to reduce republican seats by 3. California’s new congressional map boosts Democrats - POLITICO

New York – (Biden 61 – 38) Currently 20D – 7R – 3. New York Will Soon Lose 1 House Seat. The G.O.P. Might Lose 5. - The New York Times (nytimes.com)

Oregon – (Biden 57 – 40) Redrew congressional maps to be 3D -1R – 1 Judicial panel upholds Oregon Democrats’ new US congressional districts - OPB

Illinois – (Biden 58 - 41) Trying to go to 15D – 2R Illinois Democrats agonize over how much to gerrymander - POLITICO

New Mexico – (Biden 54 – 45) Redrew congressional maps to be 3D – 0R. Gerrymandering Comes To New Mexico | KRWG

Maryland – (Biden 65 – 32) Congressional maps 7D – 1R.

Florida – (Trump 51 – 48) Currently (16R - 12D) Florida redistricting plan faces opposition from DeSantis | TheHill

Tennessee – (Trump 61 – 37) Redrew congressional maps to be 8R - 1D