



Written by [Selwyn Duke](#) on February 20, 2018

How the Pennsylvania Supreme Court Could Derail Trump's Agenda

It was ruled constitutional in 2013 — but then unconstitutional in 2018. Yet it, the Pennsylvania congressional districts map, hasn't changed in the last five years. Nor has the Keystone State's constitution. What's different is Pennsylvania's Supreme Court; it now has three more Democrats and has decreed that the judges' own redistricting map, which gives a relative advantage to Democrats, must be implemented.



As *Politico* [reported](#), “Democrats’ hopes of winning the House this fall got a boost Monday with the release of a new congressional-district map in Pennsylvania that could help the party pick up several seats in the battleground state.”

This, along with redistricting challenges in [other states](#), could facilitate a congressional power shift that helps derail President Trump's agenda.

This judicial adventurism reflects a constitutional crisis. As Pennsylvania representative Frank Ryan [wrote](#) at *American Thinker* Monday, “By writing the decision the way it did, the Court is likely violating the Constitution in that it is the responsibility of the legislature to draw the map. Additionally, the new maps, due to court-ordered time constraints, did not allow time for the legislature to vote on them.”

“At stake may be the entire congressional balance of power between Democrats and Republicans. Democrats in PA are attempting to do through the courts what they were not able to do at the ballot box,” Ryan also informed.

This has become the norm as the Left's agenda has grown increasingly radical and ideologically distant from large swaths of America. The *Roe v. Wade* prenatal infanticide opinion, *Obergefell v. Hodges* faux (same-sex) “marriage” decision, and the recent “ruling” that President Trump must restore the DACA program are all examples of judicial adventurism, of liberals achieving via usurpative judges what eluded them through elections.

For a little background, the current Pennsylvania district map was created by the state's GOP legislature in 2011; was subsequently approved by the then-Republican governor, Tom Corbett; and, again, was found constitutional by the Pennsylvania Supreme Court in 2012. As Representative Ryan writes, however, “Since the 2016 election, the money spent to [sway the Supreme Court](#) has been staggering. Three Democratic Supreme Court justices won election in November 2015, thereby giving the Court a balance of five Democrats and two Republicans. This shift in the balance of power on the court set the stage for the constitutional crisis playing out in Harrisburg.”

This began when a 2017 lawsuit was filed by the League of Women Voters of Pennsylvania and others; the court then ruled January 22 that the legislature had until February 9 to submit a new district map to Democrat governor Tom Wolf, who had until the 15th to approve or reject it. The legislature did, and,



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unsurprisingly, Wolf rejected it.

This triggered Pennsylvania's high court to impose its own redistricting map, created by, shocker of shockers, an academic: Stanford University law professor Nathaniel Persily. Persily has become "the go-to redistricting expert for courts across the country," [reports](#) the *Morning Call*. The professor, "who specializes in voting rights, election administration and redistricting issues," the site continues, "has a lengthy track record reshaping congressional and legislative boundaries."

If you're wondering where the U.S. or Pennsylvania constitution dictates that judges and unelected professors should draw up congressional district maps, well, don't ask me.

Representative Ryan acknowledges that the current map's district lines look unusual. But is this so unusual? Gerrymandering has long been a common practice in America, and seldom "in our nation's history has a state Supreme Court usurped the constitutional role of the legislature in drawing congressional boundaries," Ryan states. Moreover, "For years, the U.S. Supreme Court has ruled that partisan redistricting in and of itself is not unconstitutional," [writes](#) *Governing.com*.

Ryan also informs, "Currently, Pennsylvania is represented by 13 Republicans and five Democrats. The governor's perspective is that it is 'fairer' to have approximately equal representation of Democrats and Republicans despite extreme 'clustering' of Democrats in Philadelphia, Pittsburgh, and other cities."

In other words, most Pennsylvania counties are conservative, so it makes sense that most of the state's congressional representatives would also be. Regardless, if Pennsylvania residents don't like the GOP's redistricting, it's their place — not that of judges and academics — to change matters by voting in different state representatives.

Moreover, courts' usurpative meddling can yield truly bizarre schemes. Just consider how a federal judge once ruled that in the village of Port Chester, New York, at-large elections with one man, one vote violated the Voting Rights Act. Why? Because while Hispanics were 50 percent of the locality's population, no Hispanic had ever been elected a village trustee.

As a "remedy," Judge Stephen Robinson of the U.S. District Court for the Southern District of New York, approved a scheme known as "cumulative voting," whereby every resident got six votes. He also ruled that residents must be allowed to vote on any one of five days. Of course, it didn't matter that Hispanics were only 20 percent of the voting-age population. It didn't matter that no American Constitution guarantees identity-politics outcomes, where you're to have representatives of your race or ethnicity (isn't our ethnicity supposed to be "American," anyway?). It didn't matter that this was never done for Americans of different heritage at earlier times. It only mattered that the plan would move Port Chester's government further left.

As for the Pennsylvania scheming, *Politico* writes, "If everything goes right, it could really provide national Democrats a boost and more or less gives them a head start in reclaiming the majority," said Mike Mikus, a Democratic consultant in the state. "This map is good news for Democrats." This, of course, would be bad news for the Trump revolution.

Meanwhile, state GOP legislators anticipate further action against the judge-and-academic-drawn map in federal court. And Representative Ryan writes, "It is also likely that there will be a move to impeach the justices engaged in redistricting without the legislature's approval." Let's hope this isn't just talk, because our government is quickly becoming one of judges, by judges, and for judges.

Regardless, the judiciary will be neutered — if not by constitutionalists, then by the tyrants the republic-



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ending judges are helping to visit upon us.

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