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### February 20, 2018: Just a Judicial Power Grab

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Title: Just a Judicial Power Grab

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2/20/2018—What is the matter with Democrats? With visions of retaking the House of Representatives dancing in their heads, they endorse the violation of judicial process norms in the Pennsylvania Supreme Court's drawing its own congressional map with no input, no hearing and no comment. Actually, it was not the Court. It was four Democrats. (my comment in Pitt Law School Jurist magazine here) Other than pure partisan politics, what was the rush? The plaintiffs filed this case in June, 2017—11 months before the scheduled primaries. Since the case could have been filed anytime since 2012, the plaintiffs are the reason no new map could emerge for 2018 in a normally run case. And why was there any decision at all? Prior precedent held that Pennsylvania law follows federal law. The US Supreme Court is considering gerrymandering right now. Why was there no stay? Why was there no real trial? A November order gave Commonwealth Court weeks to come up with findings of fact and conclusions of law. Why did the Pa Supreme Court take jurisdiction over the case? Where is the evidence of original Republican Party intent to discriminate? No one bothered to prove it. Why was there no real opinion in the case? All the opinion said was required was compactness. So, why was last week's GOP leadership plan unacceptable? It was much more compact. Because compactness was only a floor, said the original opinion in the case. Well, then what is the law of gerrymandering in Pennsylvania? No one actually knows. The Court never said. And where were the Republican votes on the Court? Chief Justice Saylor acknowledged that the 2011 Plan was an extreme partisan gerrymander that might require judicial action. His vote was there for a bipartisan solution. Not this disgrace. The four Justices were in too much of a hurry to retake the House to give him a chance to come on board. This judicial power grab undermines any hope for a rule of law. This judicial power grab reinforces the view that there is no Truth. There is only an original Republican power grab and now a Democratic power grab—this one perpetrated by the one branch of government that is supposed to be above partisan politics. And Democrats dare to gloat? They have just given in to their worst nightmare. The Death of Truth they attributed to Trump they now own. You want to see nihilism? Look in the mirror.