


Testimony
A Pamphlet from Pax Christi Texas

Anticipating January 5, 2020

Communications with the editor may be sent to j6anthonyblasi@yahoo.com. Pax Christi International was founded in 1945 with the encouragement of Bishop Pierre Marie Théas of Montauban, France, by Marthe Dortel Claudot, as a Christian lay organization dedicated to preventing a repetition of the savagery of the twentieth century's world wars.

Editorial

After the calendar, the Liturgical Reading reflections are based on readings for the Feast of the Epiphany. Tom Keene's poem is *Nativity Scene*. For more of Tom's poems, see <http://www.tomkeeneandthemuse.com/index.php>.

Following the poem is an article posted on the website of the Center for American Progress, which demonstrates how gerrymandering at the state level has hindered the passage of reasonable gun control laws.

As is well known, the resort to the death penalty is in decline, despite the decision of U.S. Attorney General Barr to resume federal executions. A detailed report for 2019, with a special focus on Texas, has been issued by the Texas Coalition Against the Death Penalty: <https://tcadp.org/wp-content/uploads/2019/12/Texas-Death-Penalty-Developments-in-2019.pdf>. In an interesting development Bishop Anthony B. Taylor of the Little Rock, Arkansas, diocese declined to participate in a Right to Life march because the state attorney general, who pressed for executions, was the scheduled keynote speaker. Bishop Taylor observed that having such a speaker made the event not genuinely pro-life.

Calendar

In Austin

Tuesday January 7, 9:00am-12:00pm, and **Saturday January 11**, 9:00am-12:00pm, discussion and plan for action, "Five Myths on Immigration." McCord Hall 204, Austin Presbyterian Theological Seminary, 100 E. 27th St. \$25, includes breakfast. Information: <https://www.austinseminary.edu/contact-lifelong-learning>

Sunday January 19 (3rd Sunday of the month), 7:00pm, Pax Christi Austin meeting. Fr. Payne House, St. Ignatius Church, 126 Oltorf St.

Monday January 20, 9:00am, Martin Luther King March, Festival and Food Drive. Short program at the MLK statue on the UT campus, followed by march to Huston-Tillotson University, where further activities are planned.

Thursday January 30, 12:30pm-1:30pm, discussion on “Colleges Must Choose: Pursue truth or Harmony/Social Justice.” Read for the discussion the article at <https://www.chronicle.com/article/Are-Colleges-Failing/244544>. Fleck Hall 305, St. Edward’s University, 3001 S. Congress.

In El Paso

Fridays, 12:00pm-1:00pm, Pax Christi El Paso joins Border Peace Presence in front of the Federal Courthouse (corner of Campbell and San Antonio).

In Houston

Saturday January 11, 9:00am-11:30am, Prayer and Labyrinth Walk to End Human Trafficking. This is in observance of National Human Trafficking Awareness Day and commemoration of St. Josephine Bakhita, patroness of trafficking victims. Dominican Center for Spirituality, 6501 Almeda Rd. contact Ceil Roeger @713-440-3714 or croeger@domhou.org

Sunday January 19, 9:45am, “Voter Registration in the Civil Rights Movement and Today,” Cherry Steinwender (Center for the Healing of Racism). Room 201, St. Philip Presbyterian Church, 4807 San Felipe.

Monday January 20, 10:00am, 26th Annual MLK Grande Parade begins at San Jacinto & Elgin St. Information: <http://www.mlkgrandeparade.org> or call 713-953-1633.

Friday January 24, 8:00am-9:00am, “Evangelicalism and Whiteness in the Age of Trump,” Jessamin Birdsall (Ph.D. cand., Princeton U.), joining virtually. Lovett Hall, Suite 402 (accessible via bldg. entrance C), Rice University. Information: Hayley Hemstreet, hjh2@rice.edu.

Tuesday January 28, 12:15pm-1:30pm, “Death of the Black Church: How Religious Diversity Erodes Racial Solidarity among African Americans,” Jason Shelton (U. of Texas, Arlington). Kyle Morrow Room, Fondren Library, Rice University. Information: Shirley Tapscott, sht1@rice.edu.

Tuesday January 28, 7:00pm-8:30pm, panel discussion “Evangelical Politics,” Richard Mouw (Fuller Theological Seminary), Jason Shelton (U. of Texas, Arlington), Janelle Wong (U. of Maryland). Sewell Hall 309, Rice University. Information: Hayley Hemstreet, jhj2@rice.edu.

Saturday February 29, Racial Wealth and the Income Gap, presented by NETWORK. Dominican Center for Spirituality, 6501 Alameda Rd. Contact Ceil Roeger @713-440-3714 or croeger@domhou.org

In San Antonio

Saturday January 4, 10:00am, Pax Christi San Antonio meeting, residence of Tom Wakely, 16406 Ledge Point.

Saturday January 4, 1:30pm-3:30pm, film, *Call of the Forest*. Christus Heritage Hall, The Village at Incarnate Word, 4707 Broadway.

Monday January 6, 3:30pm-5:30pm, film, *Taking Root: The Vision of Wangari Maathai* (African environmentalist, Nobel Peace Prize 2004). Christus Heritage Hall, The Village at Incarnate Word, 4707 Broadway.

Friday January 10, 7:30am-9:00am, Dreamweek 2020 Opening Breakfast. Keynote speaker is Paul Rusesabagina, who hid refugees during the Rwanda genocide and founded the Hotel Rwanda Rusesabagina Foundation to fight for human rights. \$65.00. Briscoe Western Art Museum, Jack Guenther Pavillion. 200 W. Market. <https://dreamweek.org/events/>

Sunday January 12, 4:00pm-6:30pm, panel discussion “Religion and Violence: It’s Complicated,” Roger Barnes (U. of Incarnate Word), Sajida Jalalzai (Trinity U.), Simran Singh (Union Seminary, NY), Derick Wilson (Ulster U., Northern Ireland, scholar-in-residence St. Philip’s College). SoL Center, University Presbyterian Church, 300 Bushnell (park off Shook). Free, but register by January 8 at <https://upcsa.org/sol-center-registration/>

Monday January 13, 7:00pm-8:30pm, Vigil for Interfaith Justice: Somebody's Hurting Our People and We Won't Be Silent Anymore. Main Plaza. Organized by Poor People's Campaign San Antonio.

Tuesday January 14, 6:00pm-7:30pm, "MLK: His Legacy of Resistance," Jewish Voice for Peace. Travis Park Church, 230 E. Travis Street.

Saturday January 18, 5:00pm mass, followed by dinner and social; 7:15 "Restorative Justice and Marianist Faith Communities," Rosalyn Collier. Holy Rosary Parish, 159 Camino Santa Maria. To attend the dinner, RSVP to SARAH.MARIANIST@gmail.com.

Thursday January 23, 7:00pm-9:00pm, Martin Luther King Commemorative Lecture, Robert D. Buylard (Texas Southern University), scholar on the Environmental Justice Movement. Laurie Auditorium, Trinity University, One Trinity Place.

Saturday January 25, 1:30pm-3:30pm, "Phenology: The Living Calendar of nature," Jon Zeitler (National Weather Service). Christus Heritage Hall, The Village at Incarnate Word, 4707 Broadway.

Tuesday January 28, 7:00pm, Lecture by Eboo Patel (Interfaith Youth Core). Jackson Auditorium, Weston Center, Texas Lutheran University, 1000 W. Court Street, Seguin.

Saturday February 29, 8:30am-4:00pm, Texas Coalition Against the Death Penalty 2020 Annual Conference. Whitely Theological Center, Oblate School of Theology, 285 Oblate. Pre-register, \$60.00, at <https://tcadp.org/tcadp-2020-annual-conference-registration/>

Second Reading (Ephesians 3:2-3, 5-6)

The Lectionary uses a translation that breaks up a long sentence in the Greek into shorter sentences. Thus when it deletes verse 4, the result is different in content from deleting verse 4 in the Greek. Here is what the full sentence says:

Surely you heard of the stewardship of God's favor that was given to me for you, that the mystery was made known to me by revelation, as I wrote above, so that upon reading you will be able to comprehend my insight into the mystery of the Messiah, which was not made known to the children of humans in other generations as it has now been revealed by the spirit to his holy apostles and prophets, that the gentiles are coheirs, fellow members, and sharers of the promise in Messiah Jesus, through the good news, of which I became a minister according to the gift of God's grace that was given me by the working of His power.

It helps to read such a sentence phrase by phrase.

God's favor was given for you. The author speaks in the name of St. Paul, and the pronoun *you* refers to the readers. The important point of this phrase is that God's favor, often referred to as *grace*, was given not to benefit St. Paul but others. There is always a danger of making faith too individual a matter.

The mystery is made known by revelation. This is not only a matter of doctrines that challenge our very mode of thinking, such as the Incarnation and the Trinity, but the very frame of mind we call "faith" is not a delivery of a statement but itself is above the very thought form of statements. There is always the danger of reducing religion to the imposition of orthodox statements.

Upon reading, we will be able to comprehend Paul's insight into the mystery of the Messiah. It is not the mystery that is comprehended, but Paul's insight, his faith.

The people who approach faith from outside one's own religious forms are coheirs, fellow members, and sharers of the promise in Jesus. For Paul, his own nationality was not the only one in which faith can arise. For us, it is not our nationality that is the only one in which faith can arise.

Third Reading (Matthew 2.1-12)

In the passage that describes what is traditionally termed *Epiphany*, Matthew blends several themes together. There is the infant Jesus, Messiah but very un-Messiah-like. There are the magi, representatives of foreign religion. There is Herod the Great, obsequious to Caesar but obsessed that there not be any alternative to his own petty tyranny. There are the high priests and scribes who know where the Messiah should be but who do not know the Messiah. The

scene does not deviate from according centrality to the humble Messiah, but it does give a place of honor to the foreign religions, which point to the Messiah without knowing where to look, until the contours of nature and the potentate's fears show the way. And the Hebrew scriptures of the Jews are given respect.

Matthew wrote about fifteen years after Mark, using Mark's gospel and a Greek version of Jesus' sayings for source material. The narrative about the great star in the east came from a separate tradition that the early Christian bishop of Antioch on the Orontes (today Antakya, in Turkey), who wrote *en route* to his martyrdom in Rome, reproduced in a letter:

Now the virginity of Mary and her giving birth were hidden from the ruler of this age....How, then, were they revealed to the ages? A star shone forth in heaven, brighter than all the stars; its light was indescribable and its strangeness cause amazement. All the rest of the constellations, together with the sun and moon, formed a chorus around the star, yet the star itself far outshone them all, and there was perplexity about the origin of this strange phenomenon which was so unlike the others. Consequently all magic and every kind of spell were dissolved, the ignorance so characteristic of wickedness vanished, and the ancient kingdom was abolished, when God appeared in human form to bring the newness of eternal life....

(Ignatius to the Ephesians, Ch. 19, ca. 110 CE)

Superstition and spells are called into question when the appearance of simple humanity comes into view in an infant, and tyranny marked by ignorance trembles when such simple humanity receives the honor due it. God knew what appearance to take on and what kind of Messiah to become to change the perspective, if not, unfortunately, the course, of history.

Poem

Nativity scene

It haunts us still,
that long ago
oft told story.

A woman, a man,
far from home,
their villages, their families.

Just arrived in a town
full of strangers.
A birth at the edge of happening.

The woman's womb-waters already flushed,
her rhythmic pangs quicken,
no time to find a midwife.

Between her deep gasps,
the woman whispers:
Help us.

Through the man
thunderous thoughts
race as lightning::

*This is no work for men.
Women's blood forbidden.
A forever shame to touch.*

*Holy Mother Eve,
who might midwife her, but Adam?
Where was the taboo then?*

The woman tells him what to do.
Tells him what she learned
helping other mothers.

The man kneels.
He waits between her thighs,
at last receives the baby.

He washes its warm body,

the woman, himself.
Water from the animals' trough.

The woman
takes from him the baby,
puts it to her breast.

Soon they sleep.
The man steps from the shelter
into crisp night air.

He stands under stars to wonder.

Tom Keene
January 3, 2012

How Partisan Gerrymandering Prevents Legislative Action on Gun Violence

By Alex Tausanovitch, Chelsea Parsons, and Rukmani Bhatia

Introduction and summary

Public support for commonsense gun laws in the United States has been steadily increasing in recent years, due in large part to a seemingly ceaseless string of horrific mass shootings, rates of gun-related homicide that are unmatched by those of other high-income nations, and an epidemic of suicide by firearm.

Yet while some states have responded by implementing sensible gun safety measures, too many states have taken no action at all. In these states, there remains a disconnect between voters and the state legislators elected to represent them.¹ One major contributor to this disconnect is partisan gerrymandering—the process of drawing districts to unfairly favor certain politicians or political parties. Partisan gerrymandering is one of the reasons why a public that supports stronger gun laws can be represented by state legislators

who do nothing in the wake of severe episodes of gun violence. Even when there is bipartisan support for a particular gun policy, conservative leaders in many state legislatures persistently refuse to allow such bills to have a hearing or come to a vote.

This report examines how the pernicious problem of partisan gerrymandering stymies efforts toward sensible reforms in several states—including North Carolina, Michigan, Pennsylvania, Wisconsin, and Virginia—despite strong public support for gun safety measures. These states provide some of the most extreme examples of gerrymandering: Even though Democrats won a majority of the statewide votes, control of the state legislatures remained with Republicans who, for the most part, have refused to allow meaningful debate on any commonsense gun safety measures. In each of these states, it is likely that, in the absence of partisan gerrymandering, the legislature would have enacted measures to strengthen gun laws—measures that could have saved lives.

The report also puts forward a policy solution: States should require independent commissions to draw voter-determined districts based on statewide voter preferences. Implementing this policy would end partisan gerrymandering and increase representation for communities that have too often been shut out of the political system and also suffer the most from the lack of sensible gun safety legislation.

The American people recognize the need for sensible gun safety laws

Support for gun safety measures has been steadily increasing. A Gallup poll that has tracked U.S. public opinion on gun laws for decades reveals that only 43 percent of Americans in 2011 believed that laws governing the sale of guns should be made stricter, whereas that number had risen to 64 percent by October 2019.² Support for specific gun policies is even higher: A September 2019 Pew Research Center poll found that 88 percent of Americans support requiring background checks for all gun sales; 71 percent support banning high-capacity ammunition magazines; and 69 percent support banning assault weapons.³

This increased public support for stronger gun laws has led to legislative action in many states. An analysis by the Giffords Law Center to Prevent Gun Violence found that in the 17 months following the mass shooting at Marjory Stoneman Douglas High School in Parkland, Florida, 32 states and Washington, D.C., passed more than 110 gun safety bills.⁴

Many of these new laws address significant gaps that leave communities vulnerable to gun violence. For example, to date, 21 states and Washington, D.C.,

have enacted laws to require background checks for all handgun sales, seeking to close a deadly gap in federal law that only requires background checks for sales that occur at a licensed gun dealer.⁵ Seventeen states and Washington, D.C., have enacted extreme risk protection order (ERPO) laws, which create a civil remedy allowing concerned family members or law enforcement to obtain a judicial order to temporarily remove guns from a person who demonstrates that they pose a risk of harm to themselves or others.⁶ Many states have also strengthened laws to restrict domestic abusers' access to firearms.⁷

Universal background checks and extreme risk protection orders

Universal background checks would require any seller of firearms, whether federally licensed firearms dealers or private sellers, to conduct a background check on prospective buyers before transferring a gun.⁸ Federal and state laws establish specific criteria that bar certain people from possessing or purchasing firearms. Implementing universal background checks would make it more difficult for people prohibited from firearm possession to easily obtain one, which would in turn help reduce gun violence and gun trafficking.

ERPOs are a civil legal remedy enabling family members or law enforcement officials to petition a judge for the temporary removal of firearms from a person who presents an imminent risk of harm to themselves or others.⁹ ERPOs provide due process to the respondent while also providing a legal tool to intervene when an individual exhibits signs that they are experiencing a temporary crisis and are a danger to themselves or others. Early research on the effect of this policy finds that it has been effective at preventing suicides by firearm as well as disarming people who have threatened to commit mass shootings.¹⁰ While significant progress has been made in recent years to strengthen gun laws at the state level, there has been little to no action in many states despite the urgent need to enact sensible reforms. Part of the problem is partisan gerrymandering.

How partisan gerrymandering has undermined gun safety efforts

At least once every decade, politicians redraw the lines of their electoral districts. Districts need to be adjusted to account for changes in population so that each representative still represents roughly the same number of people.¹¹ However, politicians frequently take this opportunity to draw lines that benefit themselves and hurt their opponents. They strategically spread out supporters of their own party to get a majority in as many districts as possible while concentrating supporters of the opposing party in as few districts as possible. This

is sometimes referred to as “cracking and packing.” If one party’s supporters are packed into few enough districts, the other party can sometimes win a majority of districts even when they receive a minority of the votes.

Some states have adopted reforms to keep politicians out of the redistricting process, putting independent commissions in charge instead.¹² In 2019, the U.S. House of Representatives passed the For the People Act, which would require every state to use independent commissions in drawing federal districts.¹³ However, Senate Majority Leader Mitch McConnell (R-KY) has refused to bring the legislation up for a vote.¹⁴ In the absence of legislative action, partisan map-drawing is still the norm. Furthermore, advances in map-drawing software have made partisan operatives much more effective at drawing districts that skew to their benefit.¹⁵

Importantly, gerrymandering is not a one-party phenomenon. For example, when redrawing Maryland’s congressional districts in 2011, “[T]he Democratic Party was as ruthless as their GOP counterparts in trying to redistrict their rivals out of existence.”¹⁶ However, during the 2010 redistricting cycle—at a time when gerrymandering technology had recently become more advanced—Republicans controlled a significantly larger portion of state legislatures and therefore were able to gerrymander more state districts in their favor.¹⁷ In the 2018 elections, Republicans won control of multiple legislative chambers in states where their candidates received less than half of the major-party vote; Democrats did not win any state legislative chambers in this manner.¹⁸

Not all gerrymanders are the sole result of one party working to gain an advantage over the opposing party. Some are bipartisan. In a divided government, for example, leaders of both parties may have some say in the process and will generally try to create safe districts where incumbents are protected from competition.¹⁹ Gerrymandering can even be unintentional.²⁰ Since Democrats are often heavily concentrated in urban areas, drawing simple, compact districts is likely to pack Democratic voters into a small number of urban districts, yielding results similar to a Republican gerrymander.²¹ Pennsylvania’s process for drawing state legislative districts lends itself to both bipartisan and unintentional gerrymandering. The districts are drawn by a five-member commission, with four members hand-picked by leaders of both parties, that must draw districts in accordance with a relatively strict compactness requirement.²² This practice has produced a legislative map that is skewed in favor of Republicans.

The effects of partisan gerrymandering are significant. On average, from 2012 to 2016, gerrymandering resulted in 19 more Republicans being elected to

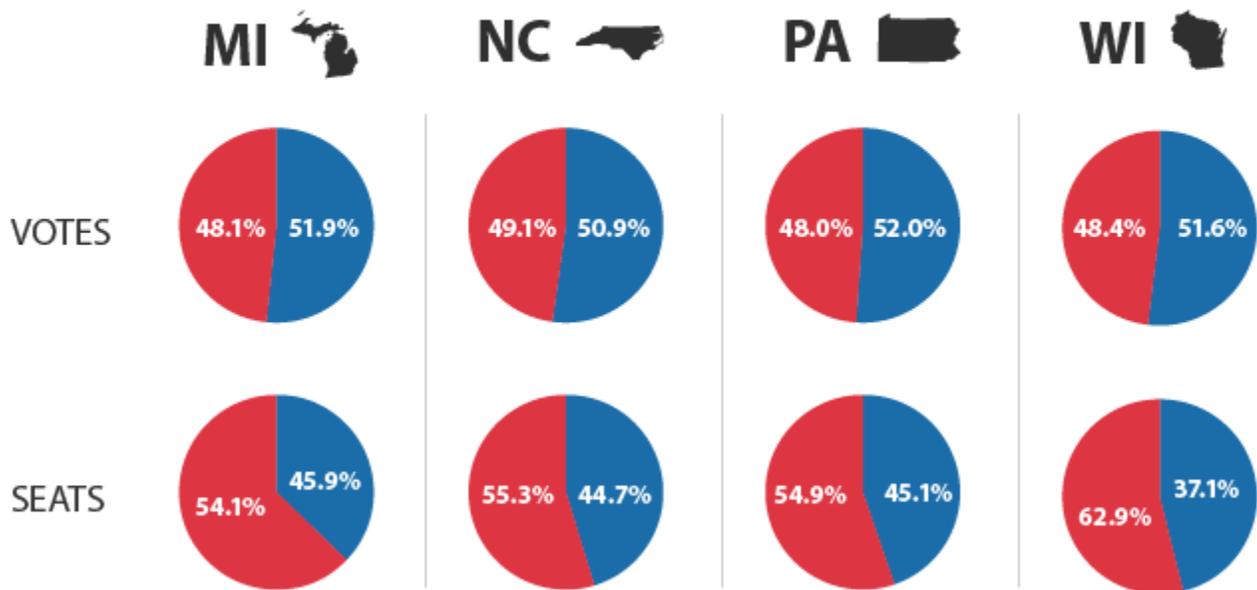
Congress than there would have been if representation reflected statewide vote totals.²³ At the state level, gerrymandering has actually switched party control of legislatures.

It is also important to note that the effects of partisan gerrymandering and the devastating toll of gun violence are not evenly shared. Young people and communities of color comprise a disproportionate share of gun-related deaths.²⁴ They are more likely to live in urban areas and vote for Democratic candidates and are therefore disproportionately affected by gerrymandering that favors Republicans.²⁵ For these communities, gerrymandering is not a theoretical concern; it is a practice that actively diminishes their political voice and ability to protect themselves and their children from tragedy.

FIGURE 1

In these four states, the party that won less than half of the votes won more than half of the seats

Gerrymanders that resulted in minority rule in state legislatures after the 2018 elections



Note: This figure combines the 2018 votes for the state House of Representatives and the most recent votes for each state Senate seat. Source: Percentages are author's calculations based on data purchased from Carl Klarner, "State Legislative Election Returns, 1967–2018," available at <https://www.klarnerpolitics.org/> (last accessed November 2019).



Below, the authors examine instances of extreme gerrymandering and its effect on gun safety legislation.

North Carolina

North Carolina, thrust into the spotlight as the subject of a recent U.S. Supreme Court case on the constitutionality of partisan gerrymandering, has some of the most gerrymandered congressional districts in the country.²⁶ Its state districts are also heavily skewed. In 2018, Democrats won a majority of the major-party vote for both chambers of the state legislature, winning 51.2 percent of the vote for state House and 50.5 percent of the vote for state Senate. However, Republicans ultimately won majority control of both houses of the state legislature, with 54.2 percent of the seats in the House and 58 percent of the seats in the Senate.²⁷ Overall, as seen in Figure 1, North Carolina Republicans received 49.1 percent of the statewide major-party votes for both the state House and Senate but 55.3 percent of the total seats. A recent report by the University of Southern California Schwarzenegger Institute for State and Global Policy highlighted North Carolina, Michigan, and Pennsylvania as among the nation's worst examples of "minority rule."²⁸

North Carolina has above-average rates of gun violence, including gun murder rates that are 16 percent higher than the national average.²⁹ North Carolina also earned a D grade from the Giffords Law Center to Prevent Gun Violence in its Annual Gun Law Scorecard, which grades states on their relative strength of gun laws.³⁰ An April 2019 Elon University poll found that fear of "shootings in public places" topped the list of concerns that make North Carolina residents feel "very unsafe."³¹ A September 2019 Civitas Institute poll found that 58 percent of North Carolinians think that gun laws in the state are "not strict enough."³²

In recent years, advocates have prioritized two key pieces of legislation to strengthen North Carolina's laws to reduce gun violence.³³ The first is legislation to create an ERPO. This type of legislation gained significant traction in states across the country following the February 2018 shooting at Marjory Stoneman Douglas High School in Parkland, Florida.³⁴ The North Carolina ERPO bill was introduced in both chambers in the 2017–2018 legislative session but never received a hearing or advanced out of committee.³⁵ The bill was introduced again in the state House in March 2019 with 31 cosponsors, including the House Democratic leader and the deputy Democratic leader, but has similarly not advanced out of committee.³⁶ A version of the bill was also reintroduced in the state Senate in April 2019 and has stalled in committee.³⁷ While Gov. Roy Cooper (D) has urged the legislature to consider the ERPO legislation as a measure to address gun violence, Republican legislative leadership in North Carolina has refused to consider gun policy and instead has pledged to focus on "mental health

or behavioral health.”³⁸ State Democratic legislators recently filed a discharge petition in the state House to force a floor vote; however, this measure is unlikely to receive enough signatures to be effective because it would require six Republicans to sign on.³⁹

Gov. Cooper has also urged the state legislature to advance a second gun violence prevention bill that would strengthen the state’s gun laws in a number of ways, including by requiring a permit to purchase assault weapons and other long guns; imposing a 72-hour waiting period on gun purchases; raising the minimum age to buy assault weapons; requiring safe storage of guns and reporting when a gun is lost or stolen; limiting the size of ammunition magazines; and allowing local governments to enact their own measures related to gun possession.⁴⁰ This bill has similarly languished in the House, and its sponsors are attempting to force a vote through a second discharge petition.⁴¹

Increasingly frustrated with Republican legislative leadership’s failure to act on any gun safety bills, Gov. Cooper signed an executive directive in August 2019 advising various parts of his administration to take nonlegislative action to help reduce gun violence, explaining that “the odds are long for our current legislature to make real changes.”⁴² The order included measures to improve record-sharing with the background check system, update the state’s suicide prevention plan with input from a coalition of stakeholders, and promote safe storage of guns.⁴³

Michigan

Like North Carolina, Michigan’s districts are heavily skewed in favor of Republicans. In fact, Michigan Democrats have received a majority of votes for the state House since at least 2012 but have not come close to winning a majority of House seats.⁴⁴ In the 2018 election, although Democratic candidates received 52.4 percent of the votes for state House and 51.3 percent of votes for state Senate, Republican candidates received majorities in both chambers, with 52.7 percent and 57.9 percent of the seats, respectively.⁴⁵ Overall, as seen in Figure 1, Republican candidates received 48.1 percent of the total statewide votes for both the state House and Senate but 54.1 percent of the total seats.

One major concern in Michigan is the high number of gun-related suicides. According to data from the Centers for Disease Control and Prevention, 6,424 people in Michigan died by gun-related suicide from 2008 through 2017, meaning a gun suicide occurred in the state every 14 hours.⁴⁶ To address this crisis, Michiganders are urging their state Legislature to enact ERPO legislation. Early research on the effect of ERPO laws has found that this measure is particularly

effective at preventing gun-related suicides.⁴⁷ A February 2019 poll by the Michigan chapter of the American Academy of Pediatrics found that 70 percent of Michigan voters support the proposal, including 64 percent of Republicans.⁴⁸

ERPO bills have been introduced in both chambers of the Michigan Legislature but have stalled in committee.⁴⁹ In September 2019, state Senate Majority Leader Mike Shirkey (R) said the Senate ERPO bill would receive a committee hearing after the state budget was approved; however, to date, no hearing has been scheduled.⁵⁰ Gov. Gretchen Whitmer (D) has expressly urged state lawmakers to pass this legislation, tweeting in August 2019: “No single law can prevent every instance of gun violence, but this is a commonsense step. We can’t wait idly by for an act of gun violence to devastate our state to demand action, we must act now. [@Wittenberg4Rep](#) [sponsor of the House bill], I look forward to signing Extreme Risk Protection Orders into law.”⁵¹

Inaction in the gerrymandered Virginia House of Delegates

In 2017, Republicans won 51 percent of seats in the Virginia House of Delegates with only 45.2 percent of the vote.⁵² This unearned victory has had a visible effect on gun violence legislation in the state. In January 2019, a package of multiple gun violence prevention bills was introduced for consideration in the regular legislative session and were systematically voted down by the Republican majority in the House Subcommittee on Militia, Police and Public Safety, ending any opportunity for legislative action on gun violence for the year.⁵³ A few months later, when Gov. Ralph Northam (D) convened a special session of the legislature following a mass shooting at a municipal building in Virginia Beach,⁵⁴ Republican leadership doubled down on its blanket refusal to give serious consideration to any measure to improve gun laws in the state. Although legislators filed 30 bills with proposals to address gun violence in this special session, the GOP-controlled Virginia Legislature abruptly adjourned after 90 minutes without considering a single proposal.⁵⁵

Pennsylvania

In 2018, Democrats won the majority of votes for major-party candidates for the Pennsylvania House of Representatives, receiving 54.1 percent of the vote.⁵⁶ They also won a majority of votes in the state Senate. Although only half of the state Senate seats are up for election in each election year, Democrats received slightly more than 50 percent of the votes for state Senate candidates in the most recent 2016 and 2018 elections for each seat. Nonetheless, Republicans

easily won a majority of seats in both chambers, controlling 54.2 percent of the seats in the House and 58 percent of the seats in the Senate.⁵⁷ Overall, as seen in Figure 1, Pennsylvania Republicans received 48 percent of the statewide votes for both the state House and Senate but 54.9 percent of the total seats.

Republican control of the Pennsylvania Legislature has affected efforts to strengthen gun laws in the state. There have been robust grassroots advocacy efforts in Pennsylvania for years urging the legislature to make changes in light of devastating mass shootings, such as the October 2018 attack at the Tree of Life Synagogue in Pittsburgh, as well as concentrated and persistent pockets of gun violence in some urban areas.⁵⁸ In late 2018, the state legislature passed and Gov. Tom Wolf (D) signed the first bill related to gun policy in more than a decade: a modest measure that requires individuals barred from gun possession due to a domestic violence-related conviction or restraining order to surrender any guns in their possession to law enforcement, an attorney, or a gun dealer within 24 hours.⁵⁹ However, this fell far short of the full package of legislation that advocates and pro-gun safety legislators have attempted to advance in recent years to address serious gaps in the state's gun laws.

One of the biggest gaps in Pennsylvania's gun laws allows individuals to buy and sell long guns without a background check. Legislation to close this gap has been introduced in every state legislative session since 2013 but has failed to advance beyond a referral to the House Judiciary Committee.⁶⁰ The bill was introduced once again in the 2019–2020 legislative session but has not gone to a vote since being referred to the House Judiciary Committee in March 2019.⁶¹ A recent poll by Franklin & Marshall College found that 75 percent of registered voters in Pennsylvania support strengthening background checks.⁶²

Like their peers in North Carolina and Michigan, Pennsylvanians have also been trying to pass a bill to create ERPOs. In the 2017–2018 legislative session, legislation to create an ERPO passed overwhelmingly in Pennsylvania's House Judiciary Committee with bipartisan support⁶³ but never advanced to receive a vote by the full House.⁶⁴ An ERPO bill has been introduced again in the 2019–2020 session with the strong support of Gov. Wolf.⁶⁵ However, this legislation has not advanced beyond a referral to the House Judiciary Committee in April 2019.⁶⁶ In fact, House Judiciary Committee Chairman Rob Kauffman (R) closed the door on the committee taking any action on this bill, proclaiming in September 2019, "We will not be considering [ERPO] in the House Judiciary Committee so long as Chairman Kauffman is chairman."⁶⁷

Frustration with the ERPO bill stalling in committee has led some members of the House to consider taking the more drastic step of trying to force a vote through a procedural maneuver called a discharge petition.⁶⁸ In addition, Gov. Wolf has refused to let inaction by the state legislature preclude any progress on this issue, signing an executive order in August 2019 that established a special council on gun violence. The council will spearhead multiple initiatives focused on reducing community gun violence, combating mass shootings, and addressing domestic incidents of gun violence, including gun suicides.⁶⁹ Still, in the absence of legislative action, there is a limit to the steps Gov. Wolf can take to protect Pennsylvania families from gun violence.

Wisconsin

Wisconsin's 2018 elections demonstrate how gerrymandering can compound other anti-democratic practices to shift political outcomes. Although gerrymandering won Wisconsin Republicans a supermajority of seats in the House of Representatives—with Republicans gaining 63.6 percent of seats despite Democrats winning 54.2 percent of the major-party votes—it may only have contributed to Republican control of the Wisconsin Senate. There, Republican candidates won a narrow majority of the votes cast, with 51 percent of the major-party vote in the most recent elections for each seat, but won a much larger majority of seats at 60.6 percent.⁷⁰ Were it not for recent efforts to depress voter turnout, including the 2015 passage of a voter ID law that disproportionately affected students and voters of color,⁷¹ Republican candidates might have fallen short of a majority of votes. Overall, as made clear in Figure 1, Republican candidates received less than half of the total major-party votes for state House and Senate (48.4 percent) while receiving far more than half of the total seats (62.9 percent).

In combination, gerrymandering and other anti-democratic practices may have artificially kept Republicans in control of the Wisconsin Legislature. This represents a significant missed opportunity to advance gun policy. Wisconsin has been the site of horrific acts of gun violence, including the 2012 hate-fueled attack at a Sikh temple in Oak Creek that killed six and the murder of Zina Daniel and four of her co-workers by her estranged husband at the spa where she worked.⁷² Enacting an ERPO law and expanding background checks for gun sales are key priorities for advocates and voters in Wisconsin.⁷³ An August 2019 Marquette University Law School poll found that 80 percent of Wisconsin voters support both measures.⁷⁴

Bills to enact both policies were introduced in the Senate and Assembly in fall 2019.⁷⁵ After the Legislature failed to hold hearings or a committee vote on either, Gov. Tony Evers (D) announced that he would call it into a special session on November 7, 2019, to take action on these bills.⁷⁶ Republican leadership in both houses of the state Legislature accused the governor of “playing politics” and ended the special session less than one minute after it began, without holding debate on the two bills or any other proposal to address gun violence in the state.⁷⁷ Rather than allowing debate, state Senate Majority Leader Scott Fitzgerald (R) adjourned the session and asserted, “I don’t think these bills solve the issue of gun violence, there are many other things that play into that, including mental illness.”⁷⁸

The prevalence of gerrymandering nationwide

Although Pennsylvania, North Carolina, Michigan, and Wisconsin are extreme examples of gerrymandering, they are indicative of a much wider problem. Since the 2010 round of redistricting, there have been at least 36 instances in which a party won a majority of the seats in a state chamber while winning a minority of the major-party votes.⁷⁹

Gerrymandering matters, and not only when it affects control of a legislative chamber. Each additional conservative or progressive legislator pulls policy outcomes in a more conservative or progressive direction. Recent research has shown that even the shift of a single legislator has a measurable effect on policy outcomes.⁸⁰ Since 2010, there have been at least 96 instances in which a party won at least 10 percent more seats in a chamber than the percentage of overall votes that its candidates running for that chamber received.⁸¹ That is terrible news if one believes that legislatures should reflect the views of the public.

The good news is that there have been some positive developments in the states listed above. In Pennsylvania, the state Supreme Court found that the congressional districts were so gerrymandered that they violated the state constitution.⁸² A state court in North Carolina held that the state’s legislative districts were unconstitutional under the state constitution,⁸³ though how that decision will apply to future districts is not entirely clear.⁸⁴ In Michigan, voters passed a ballot initiative in November 2018 that will require future redistricting to be put in the hands of an independent commission, rather than those of incumbent politicians.⁸⁵ Although the majority leadership in the Wisconsin Legislature is still firmly opposed to redistricting reform, there is a growing

grassroots movement in the state, with 48 of Wisconsin's 72 counties having passed measures in support of fair maps.⁸⁶

However, most states still lack meaningful safeguards to prevent partisan gerrymandering. Where safeguards do exist, they often fail to fully ensure that voters will be accurately represented in the legislature.

How to end gerrymandering and ensure fair representation

Gerrymandering is a solvable problem, and the solution is relatively simple: Do not let politicians draw their own districts and require districts to represent the views of the public as accurately as possible.

The first step is to require independent commissions to draw the districts, free from the influence of political officeholders. Whenever politicians are involved in the redistricting process, they have a strong incentive to distort that process to their advantage. The easiest way to remove that temptation is to take redistricting entirely out of their hands and instead give that power to a nonpartisan entity without a vested interest in particular districts.

It is not enough to simply put district-drawing in the hands of an independent commission, however. For one thing, independence is difficult to ensure; there is always the possibility that political agendas will creep into the process. More importantly, even a well-intentioned commission can sometimes skew districts unintentionally. Democratic and Republican voters are not evenly distributed. Drawing simple, compact districts, for example, is likely to unintentionally "pack" progressive voters who are more commonly concentrated in urban areas.⁸⁷

The way to ensure fair districts is to require fair districts. That is why the second step to solve gerrymandering is to establish redistricting criteria that create voter-determined districts.⁸⁸ The goal is simple: Voters should be able to determine how districts are drawn on the basis of their votes. For example, if 55 percent of voters support a particular party, that party should receive as close as possible to 55 percent of the seats. When districts are fair, more votes generally means more seats.

Voter-determined districts should also be drawn to address other inequities in the current system. Communities of color have been underrepresented throughout American history and continue to be severely underrepresented in state legislatures.⁸⁹ This underrepresentation is a result of gerrymandering, voter suppression, and a long history of deliberate efforts to prevent communities of color from participating in the political process. Districts should be drawn to

ensure fair representation for communities of color. Moreover, they should be drawn to ensure an adequate level of competition so that changes in voter preferences result in changes in the legislature.

Conclusion

Gerrymandering frustrates the will of the people. Fixing gerrymandering would clear the way for state legislatures to enact policies with broad public support, including laws that would help reduce gun violence. In a nation where the vast majority of voters support strengthening gun laws, one should expect stronger regulation of guns and more resources dedicated to ensuring public health and safety. But in the states described above, democracy is not working in the way that it should. The political party that holds power did not receive the majority of public support, and this electoral disconnect has significant legislative consequences. In these states, and across the country, every new tragic episode of gun violence is a reminder that more must be done to protect communities and remove the obstacle of partisan gerrymandering.

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