

To: Wisconsin Supreme Court

From: David and Rhoda Braunschweig, Carolyn and John Cain, Mary Markwardt, Larry Pinnow

Date: November 25, 2020

Re: Rule Petition 20-03 relating to legal challenges to redistricting

Background

The authors of this letter are long-time residents of Madison and Wisconsin, retired from careers in public service and religious vocation, and active members of Midvale Community Lutheran Church.

- David Braunschweig is a retired physics teacher who worked at West High School in Madison and as a workshop leader promoting technology for hands-on experiments in physics.
- Rhoda Braunschweig is a retired educator who also worked as Executive Director for the Madison Literacy Council.
- Carolyn Cain is a retired school librarian who worked in the Madison Metropolitan School District for over thirty years and has been active professionally in library and technology associations at the state and national levels.
- John Cain is a retired soil scientist who worked for the U.S. Soil Conservation Service in Walworth County and then for many years in the Water Resources Division of at the Wisconsin Department of Natural Resources.
- Mary Markwardt is a retired teacher and church worker who now cares for elders in their homes.
- Larry Pinnow is a retired Lutheran Pastor who served congregations in Racine, Monroe, and Madison and twelve interim positions in a seven county area of southern Wisconsin.

Interest in this issue

As Wisconsin residents, we have been concerned about the manner in which Wisconsin redistricts itself every ten years. It is our understanding that this is designed to be a legislative process, carried out by the legislature and approved by the governor. When these entities cannot agree, the process then goes to the courts. At issue in Wisconsin ten years ago was the manner in which the legislators, with support from the governor, designed a redistricting that ignored minority input and significantly favored one political party over another. In 2021, since the legislature and the governor represent different political parties, there is a strong possibility that the courts may become involved. Hence our interest in how this process is handled.

Our interest in this situation arises, not only as individual residents, but also because we are part of a small book group whose reading focuses on the intersection of religion and politics. We helped organize an adult forum at our church on district representation on April 18, 2018 with Bill Witford as speaker. At this forum, attended by approximately 55 people, we gained a better understanding of the redistricting process and its importance to the health of state government and the lives of state citizens.

As people of faith we are committed to equal justice and fair play for all citizens in the election process. This requires that all votes have equal weight without political manipulation of districts that favor one party over another. Such manipulation makes the majority rule in elections meaningless. Elections in a democracy must be determined by all the voters. This requires fair, impartially determined, voting districts.

Objections to the Rule

There are many reasons we object to this proposed rule. Primarily, it does not provide for an inclusive legal process that both respects input from citizens and avoids partisan advantages. Below are a few of our reasons why we do not support the proposed rule and urge the Supreme Court to reject it.

- The proposed rule would direct any lawsuits about future maps immediately to the state court. We believe that resolution of redistricting issues should be performed by the federal courts because they have a long history of dealing with these issues, have a respected and deliberative process that gathers and considers all facts, and provide transparency so that citizens can follow the arguments and evidence. The process is not rushed and allows time for examination of facts and reasoned thought at several levels. Federal courts also involve judges appointed from both political parties, not judges who are chosen in a partisan state election.
- The proposed rule implies that only political parties will be heard and does not ensure that private citizens and civic groups can participate in the process. During the last redistricting there were no public hearings or ways in which we as individual citizens could make our voices heard, leaving us frustrated and devalued. By assuming that only the political parties should be involved, this proposed rule endeavors to ignore citizens and non-partisan groups. We object to being excluded once again.
- The fact that this proposed rule was put forth by WILL, a prominent advocacy group for the positions of one political party, reduces its credibility. We believe it is a blatant attempt to rig the redistricting process in favor of that political party. Had the Supreme Court issued an open call to all political parties and interested citizen groups for ideas on how to make the role of the court open and fair with regard to any possible involvement in redistricting issues, then the proposed rule would have to compete with other options and ideas. No such opportunities for input, short of objecting to this rule, appear to be available.
- The proposed rule also gives the Court the leeway to disregard the procedures laid out in the rule itself. This does not make any sense to us, as it negates the purpose of the rule. We find this portion of the rule to be enormously disquieting and smacking of an attempt to allow (or encourage) the court to act on a redistricting issue with no established rules and with little recourse by affected parties.

Conclusion

We would like to state our strong support for having redistricting in Wisconsin performed by a bipartisan commission like those that have been established in other states. While we realize that such a change is not the prerogative of the Wisconsin Supreme Court, we believe that if the court rejects this

proposed rule and states its support for a bipartisan commission, this action would help move the legislature toward that goal. It would also recognize the many communities around the state that have expressed their desire for a fair and impartial redistricting process conducted by such a bipartisan commission.

Likewise, we believe that support from the court for the current governor's independent panel on redistricting would also be helpful in moving the state forward toward a more democratic way of apportioning our citizens into fair legislative districts.

In our opinion this proposed rule does not further representative government in Wisconsin and unfairly requires involvement of the state court in the legislative redistricting process. We urge the court to reject Proposed Rule 20-03.

Respectfully submitted,

David Braunschweig

Rhoda Braunschweig

Carolyn Cain

John Cain

Mary Markwardt

Larry Pinnow