

Redistricting New Jersey in 2001

Page v. Bartels

(*Dickinson R. Debevoise, D.N.J. 2:01-cv-1733*)

In an election year for New Jersey, a federal complaint challenged district lines for the state legislature that were adopted on the previous day. On the day that the complaint was filed, the judge signed a proposed order to show cause why the new districts should not be enjoined. At a hearing four days later, the judge determined that there was no likelihood that the plaintiffs would prevail on the merits. The court of appeals ruled one week later that the district court should have empaneled a three-judge district court to hear the case. The three-judge court granted summary judgment to the defendants.

Subject: District lines. *Topics:* Malapportionment; three-judge court.

On April 12, 2001, in an election year for New Jersey, a federal complaint in the District of New Jersey challenged district lines for New Jersey's legislature that were adopted on the previous day.¹ On the day that the complaint was filed, Judge Dickinson R. Debevoise signed a proposed order to show cause why the new districts should not be enjoined.² At an April 16 hearing on cause, Judge Debevoise ruled from the bench that an injunction was not warranted because there was no likelihood that the plaintiffs would prevail on the merits.³

On the following day, the plaintiffs appealed,⁴ and the appeal was heard on April 23 by Chief Circuit Judge Edward R. Becker and Circuit Judges Leonard I. Garth and Morton I. Greenberg.⁵ On the day of the hearing, the court of appeals decided that because the complaint included a constitutional challenge to legislative districts, Judge Debevoise should have requested a three-

1. *Page v. Bartels*, 248 F.3d 175, 180, 183 (3d Cir. 2001); *Page v. Bartels*, 144 F. Supp. 2d 346, 349 (D.N.J. 2001); see David Kinney, *Representation of Minorities the Major Question for Court*, Newark Star-Ledger, Apr. 13, 2001, at 22.

2. *Page*, 248 F.3d at 181, 183; *Page*, 144 F. Supp. 2d at 350; see Thomas Barlas, *Judge Halts Implementation of New Districts After GOP Protest*, Atlantic City Press, Apr. 13, 2001, at C1; *GOP Suing Over Voting District Map*, Asbury Park Press, Apr. 13, 2001, at A1; Herb Jackson, *Judge Puts Legislative Map on Hold*, Bergen Cty. Record, Apr. 13, 2001; David Kinney, *Judge Enters Redistricting Fight*, Newark Star-Ledger, Apr. 13, 2001, at 1; Iver Peterson, *Trenton Redistricting Map Blocked Over Claim of Bias*, N.Y. Times, Apr. 30, 2001, at B5.

Judge Debevoise died on August 14, 2015. Federal Judicial Center Biographical Directory of Article III Federal Judges [hereinafter FJC Biographical Directory], www.fjc.gov/history/judges.

3. *Page*, 248 F.3d at 181, 183–84; *Page*, 144 F. Supp. 2d at 350; see Herb Jackson, *Judge, Rebuffing GOP, Clears Legislative Map*, Bergen Cty. Record, Apr. 17, 2001; *Judge Upholds Plan That Breaks Up Black and Hispanic Districts*, N.Y. Times, Apr. 17, 2001, at B2.

4. Docket Sheet, *Page v. Bartels*, No. 2:01-cv-1733, (D.N.J. Apr. 12, 2001) [hereinafter D.N.J. Docket Sheet].

5. Docket Sheet, *Page v. Bartels*, No. 01-1943 (3d Cir. Apr. 17, 2001).

Judge Becker died on May 19, 2006; Judge Garth died on September 22, 2016; and Judge Greenberg died on January 28, 2021. FJC Biographical Directory, *supra* note 2.

judge district court to hear the claims before deciding upon preliminary injunctive relief.⁶

Judge Debevoise immediately requested that Chief Judge Becker appoint a three-judge court, and Judge Becker appointed Judge Garth, Judge Debevoise, and District Judge Harold A. Ackerman.⁷ After a two-day trial on April 30 and May 1, the three-judge court awarded the defendants summary judgment on May 2.⁸ The court issued a published opinion on May 7.⁹

6. *Page*, 248 F.3d 175; see Adam Clymer, *Court Orders Fast Review of Trenton Redistricting*, N.Y. Times, Apr. 24, 2001, at B5.

7. *Page*, 144 F. Supp. 2d at 352.

Judge Ackerman died on December 2, 2009. FJC Biographical Directory, *supra* note 2.

8. D.N.J. Docket Sheet, *supra* note 4; see Robert Hanley, *Judges Uphold New Districts in New Jersey*, N.Y. Times, May 3, 2001, at B1.

9. *Page*, 144 F. Supp. 2d 175.