

No. \_\_\_\_\_

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IN THE  
**Supreme Court of the United States**

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CHRISTOPHER ERIC BOUCHAT,

Petitioner,

v.

THE STATE OF MARYLAND,

Respondent.

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**On Petition for Writ of Certiorari  
To the Court of Appeals of Maryland**

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**PETITION FOR WRIT OF CERTIORARI**

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Petitioner

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### **QUESTIONS PRESENTED**

Does the Maryland General Assembly & Governor have the Constitutional authority, under judicial review of U.S. Article 4, sec. 4 & Amendment 14, sec. 1 & 2, to enforce the following:

1. Deny political sub-divisions of the state equal representation in the state senate?
2. Deny political sub-divisions a minimum of one representative in the House of Delegates?
3. Draw senate & house districts across political sub-division jurisdictions? Either in whole or partially?
4. Create House of Delegate districts that give citizens varying amounts of representatives to vote for & represent their interests?

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## **INTRODUCTION**

Since the Civil War of 1861, a single political party has controlled the Maryland State House of Delegates every year except 1896-1900 & 1918-1920 and the State Senate except 1918-1920. No other state legislature in the history of the United States has had such a single party domination, in defiance of our Constitution's democratically elected republican principles. Why is this happening?  
Is it bad for our republic?  
Is it un-constitutional?

## **OPINIONS BELOW**

The order of The Court of Appeals of Maryland denying the petitioners Motion to Declare Maryland General Assembly Joint Resolution No. 1, 2012 Unconstitutional & Hence Null and Void are reprinted at App. 1a. The Report of the Special Master to the Judges of the Court of Appeals of Maryland is reprinted at App. 3a

## **JURISDICTION**

The Court of Appeals of Maryland under authority of the Maryland Constitution Article III, section 5, is vested with original jurisdiction to review the legislative districting plan upon petition of any registered voter, and to grant appropriate relief, if it finds that the districting of the State is not consistent with requirements of either the Constitution of the United States or the Constitution of Maryland. Said Court denied the petitioners petition, of such, on November 9, 2012. Therefore, petitioner invokes the United States Supreme Court's authority to review this writ of certiorari under the U.S. Constitution Article III, sec. 2.

## **CONSTITUTIONAL LAWS INVOKED**

U.S. Constitution Article IV, SECTION 4:

“The United States shall guarantee to every State in this Union a Republican Form of Government,...”

U.S. Amendment XIV, section 1:

“No State shall make or enforce any law which shall abridge the privileges or immunities of the citizens of the United States;....nor deny to any person within its jurisdiction the equal protection of the laws.”

Section 2:

“Representatives shall be apportioned among the several States according to their respective numbers..., but when the right to vote at any election for the choice of electors for President and Vice President of the United States. Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State,”

The Constitution of Maryland, Article III, Section 3:

“The State shall be divided by law into legislative districts for the election of members of the Senate and the House of Delegates. Each legislative district shall contain one Senator and three Delegates. Nothing herein shall prohibit the subdivision of any one or more of the legislative districts for the purpose of electing members of the House of Delegates into three single-member delegate districts or one single-member delegate district and one multi-member delegate district.”

Section 4:

“Each legislative district shall consist of adjoining territory, be compact in form, and of substantially equal population. Due regard shall be given to natural boundaries and the boundaries of political sub-divisions.”

## STATEMENT OF THE CASE

### A. Factual Background

1. From 1861 to 2013, The Maryland House of Delegates and Maryland State Senate have been in session, a combined total of 304 years, of which the Democrat party has had majority control 296 years. This equals a 97% rate of control over the State’s legislative institution.
2. The Maryland Constitution Article III, section 3 authorizes the General Assembly & Governor the ability to re-structure General Assembly districts every ten years with both senate and house districts concurrent by population and citizens having varying amounts of house representatives to vote for in the House of Delegates.
3. In the 2012 General Assembly session Joint Resolution No. 1 was passed and made effective February 24, 2012,

which established the new House of Delegate & State Senate districts for the years 2014-2023.

4. There are 24 political sub-divisions in the State of Maryland, 23 counties and Baltimore city. The House of Delegates has 141 members and State Senate 47.
5. Joint Resolution No. 1 creates 31 State senate districts with three at large House of Delegate seats concurrent in jurisdiction and 16 State senate districts with House of Delegate sub-districts of one, one & one, or one and two members concurrent in jurisdiction. Of these districts, 17 cross political sub-division boundaries a total of 21 times in defiance of the Maryland Constitution Article III, Section 4

**B. Procedural History**

1. Petitioner filed a Motion with the Court of Appeal of Maryland on April 26, 2012, to declare Joint Resolution No. 1, 2012 unconstitutional. App. 77a
2. Plaintiff filed Response to State's Motion to Dismiss on June 12, 2012. App. 79a
3. Plaintiff filed Pre-Hearing Memoranda on August 23, 2012. App.83a
4. Hearing before the Court of Appeals Special Master was held on September 5, 2012 at which time evidence & oral arguments were given.
5. The Special Master submitted his report to the Judges of the Court of Appeals of Maryland. App. 3a
6. Plaintiff filed Exceptions to the Report of the Special Master on September 27, 2012. App. 90a
7. Oral arguments before the Court of Appeals of Maryland were held on November 7, 2012.
8. Court of Appeal of Maryland Order denying Petitioners relief sought was issued November 9, 2012. App. 1a

**REASONS FOR GRANTING THE WRIT**

The Petitioners relief should be granted upon the political science of republican government guaranteed by the U.S. Constitution for the protection & preservation of minority population voting rights in less populated political sub-divisions.

The purpose and structure of a bicameral legislative institution has been established in the U.S. Constitution Article 1, sec. 2 & 3 via the Constitutional Conventions "Great" or "Connecticut Compromise" as the most important tenant of



republican government to protect the rights of less populated political sub-divisions from the un-restricted rule of direct majority legislative representation.

The established Warren court doctrine of “One man, one vote” is fifty years old and deserves to be challenged by this Court at this point and time of history. It is nationally important for the Court to review whether our Constitution guarantees a direct “one man, one vote” democracy or are we a republic that is guaranteed legislative representation in both State House and senate legislatures that defies the “one man, one vote” doctrine, so that a uniform republican legislative doctrine is complied with by every State Legislature.

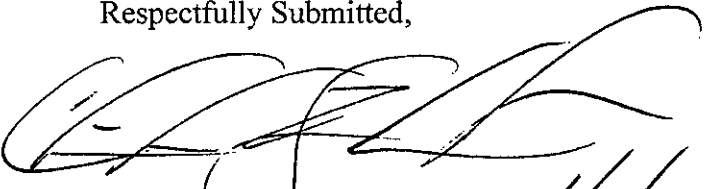
**I. THE COURT NEEDS TO RESTORE THE CONSTITUTIONALLY GUARANTEED RIGHT OF CITIZENS, WHO LIVE IN LESS POPULATED POLITICAL SUB-DIVISIONS, TO BE PROPERLY REPRESENTED IN STATE LEGISLATURES NATION WIDE.**

1. By allowing state legislative ruling party's to draw the boundaries of districts across political sub-division jurisdictions, a desired election result is achieved at the expense of voter disenfranchisement for the citizens residing in the minority populated political sub-division sides of the districts. Those citizens constitute a small percent of the vote and are therefore, disadvantaged in electing someone from their common community and political sub-division government. This act and or political practice blatantly violates both the citizens Constitutional voting rights and their guaranteed republican form of state government. The Warren Court's long staying case laws defy and contradict the U.S. Constitution's principles of republican governance, i.e. Electoral College, U.S. Senators, and minimum one House of Representative member per political sub-division. U.S. Amendment XIV clearly enumerates that voting rights for Federal and state legislators are to be uniform. A contradicting enforcement of voting rights is a violation of the Constitution and it is the responsibility of this most Honorable Court to remedy.

**CONCLUSION**

The Court needs to issue an order for this practice to be made unconstitutional in all state legislatures.

Respectfully Submitted,



1/9/13

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