

Gerrymandering In the Courts

**Baker v.
Carr**
(1962)

Federal courts have jurisdiction to consider constitutional challenges to state legislative redistricting plans.

**Reynolds
v. Sims**
(1964)

Apportioned substantially according to population.

Exception from strict population equality to give representation to minorities and create compact districts of contiguous territory.

Districts should be redrawn at least every 10 years.

**Miller v.
Johnson**
(1995)

A district becomes an unconstitutional racial gerrymander if race was the "predominant" factor in the drawing of its lines.

(2018)

Four partisan gerrymandering cases came to the Supreme Court.

•Gill v. Whitford – Wisconsin's 2011 congressional map

•Benisek v. Lamone - Maryland 2011 congressional map

•Rucho v. Common Cause - North Carolina's 2016 congressional map

•Turzai v. League of Women Voters of PA – Pennsylvania's 2011 congressional map

Political Gerrymandering And The Courts

Ryan J. Rebe



Political Gerrymandering And The Courts:

Political Gerrymandering and the Courts Bernard Grofman, 1990-05 This volume is motivated by three concerns First is the belief that the issue of political gerrymander will play a significant although far from dominant role in redistricting litigation in the 1990s and thereafter In the 1980s the legislative and or congressional redistricting plans of all but a handful of states were subject to lawsuits Grofman 1985a Many of these lawsuits involved the issue of racial vote dilution Grofman Migalski and Noviello 1985 In the 1980s hundreds of local jurisdictions that used at large or multimember district elections had their electoral system chal

Political Gerrymandering and the Courts Bernard Grofman, 1990 This volume is motivated by three concerns First is the belief that the issue of political gerrymander will play a significant although far from dominant role in redistricting litigation in the 1990s and thereafter In the 1980s the legislative and or congressional redistricting plans of all but a handful of states were subject to lawsuits Grofman 1985a Many of these lawsuits involved the issue of racial vote dilution Grofman Migalski and Noviello 1985 In the 1980s hundreds of local jurisdictions that used at large or multimember district elections had their electoral system challenged OCo and most of the jurisdictions under challenge were forced to change their system to a single member district plan that was not dilutive of minority voting strength see e g Brischetto and Grofman 1988 Although partisan gerrymandering is less prevalent than racial vote dilution in the 1990s we can expect to see challenges to partisan gerrymandering like those in the 1980s to racial vote dilution In particular numerous local jurisdictions that use partisan multimember district or at large elections may be subject to challenge Second in commissioning essays I sought to involve a number of the leading scholars in the field so as to put together a largely selfcontained compendium of the major points of view on how issues of partisan gerrymandering are to be litigated While the ultimate issues in constitutional interpretation are ones that the Supreme Court must resolve and these will be resolved only after an extensive series of case by case adjudications just as the actual numerical features of the one person one vote standard evolved only in the decade of litigation after Baker v Carr Grofman 1989a OCo there is an important role for social scientists to play Social science testimony proved important in the area of racial vote dilution by aiding courts to interpret the provisions of the Voting Rights Acts e g in defining the operational meaning of terms like racially polarized voting Grofman Migalski and Noviello 1985 Grofman 1989b In like manner I believe that research by social scientists will aid attorneys and the federal courts in specifying manageable standards to define and measure the effects of partisan gerrymandering I hope this volume will prove instrumental as the beginning of such a dialogue The third concern that motivated this volume is my view that egregious partisan gerrymandering is a violation of the Fourteenth Amendment rights of political groups and that it is both appropriate and necessary for courts to intervene when such rights are significantly impaired However I recognize that the courts must steer a careful line so as to avoid encouraging frivolous lawsuits while at the same time sending a clear message to potential gerrymanders that intentional egregious political gerrymanders which

eliminate competition and are built to be resistant to electoral tides will be struck down Court intervention to end egregious partisan gerrymandering is necessary for a number of reasons

Gerrymandering, the Supreme Court and the Constitutional Revolution of 2004 Anthony J. McGann, Charles Anthony Smith, Michael Latner, Alex Keena, 2016-04-04 This book provides a standard to gauge partisan gerrymandering which increased after the Supreme Court ruled it a non justiciable issue

Election Systems and Gerrymandering Worldwide Steve Bickerstaff, 2020-05-30 This book explores the similarities and differences among national election systems around the globe and sheds light on how election systems are susceptible to gerrymandering which is the process by which an incumbent or a political party attempts to manipulate the boundaries of electoral districts for their own advantage Presenting research showing that some of the worst electoral system manipulation occurs in the oldest established democracies the book explores how nations have modified the form of government to meet local conditions and how democracy is threatened by gerrymandering

The Parties in Court Robert C. Wigton, 2013-12-11 American political parties have long existed in a gray area of constitutional law because of their uncertain status Parties in this country are neither fully public nor fully private entities This constitutional ambiguity has meant that political parties are considered private organizations for some purposes and public ones for others This public private entity problem has arisen in many different legal contexts over the years However given their case by case method of judicial review courts have typically dealt with only very discrete parts of this larger problem This work is an endeavor to describe and analyze the constitutional status of political parties in this country by synthesizing the best judicial and scholarly thinking on the subject In the final chapter I draw on these ideas to propose my own scheme for how political parties might be best accommodated in a democracy

Gerrymandering Stephen K. Medvic, 2021-05-04 For nearly as long as there have been electoral districts in America politicians have gerrymandered those districts Though the practice has changed over time the public reaction to it has remained the same gerrymandering is reviled There is of course good reason for that sentiment Gerrymandering is intended to maximize the number of legislative seats for one party As such it is an attempt to gain what appears to be an unfair advantage in elections Nevertheless gerrymandering is not well understood by most people and this lack of understanding leads to a false sense that there are easy solutions to this complex problem

Gerrymandering The Politics of Redistricting in the United States unpacks the complicated process of gerrymandering reflecting upon the normative issues to which it gives rise Tracing the history of partisan gerrymandering from its nineteenth century roots to the present day the book explains its legal status and implementation its consequences and possible options for reform The result is a balanced analysis of gerrymandering that acknowledges its troubling aspects while recognizing that as long as district boundaries have to be drawn there is no perfect way to do so

The Partisan Court Ryan J. Rebe, 2021-10-11 The Era of Political Partisanship on the U S Supreme Court challenges conventional notions of consensus building and neutral decision making on the U S Supreme Court and argues that the justices vote their partisan preferences on election law cases

By focusing specifically on election law Rebe reveals a consistent pattern of partisanship on the Court The findings controvert popular perceptions of non biased decision making and fundamental fairness The aggregate analysis shows that the justices vote along party lines in a majority of election law cases and consensus building is rare when there is a contentious electoral issue at stake Moreover these decisions often conflict with principles of stare decisis originalism or judicial restraint The topics covered include gerrymandering campaign finance voter ID laws and mail in voting among others Rebe also conducts a content analysis of the most controversial election law cases of the past twenty years such as *Vieth v Jubelirer* *Crawford v Marion County Citizens United v FEC* and *Shelby County v Holder* This book provides a thorough overview of two decades of election law cases and sheds light on the impact these decisions have had on remaking America s electoral institutions

No Democracy Lasts Forever Erwin Chemerinsky, 2024-08-20 A groundbreaking work from one of America s leading legal scholars *No Democracy Lasts Forever* audaciously asserts that the only way a polarized America can avoid secession is to draft a new Constitution The Constitution has become a threat to American democracy Due to its inherent flaws its treatment of race dependence on a tainted Electoral College a glaringly unrepresentative Senate and the outsized influence of the Supreme Court Erwin Chemerinsky the dean of Berkeley Law School and one of our foremost legal scholars has come to the sobering conclusion that our nearly 250 year old founding document can no longer hold Much might be fixed by Congress or the Supreme Court but they seem unlikely to do so One might logically conclude that amending the Constitution would solve the problem yet logic seldom takes precedent given that only fifteen of the 11 848 amendments proposed since 1789 have passed Chemerinsky contends that without major changes the Constitution is beyond redemption in that it has created a government that can no longer deal with the urgent issues such as climate change and wealth inequalities that threaten our nation and the world Yet political Armageddon can still be avoided Chemerinsky writes if a new constitutional convention is empowered to replace the Constitution of 1787 Just as the Founding Fathers replaced the faulty Articles of Confederation that same year we must *No Democracy Lasts Forever* argues rewrite the entire Constitution from start to finish Still Chemerinsky goes further than that suggesting that without serious changes Americans may be on the path to various forms of secession based on a recognition that what divides us as a country is in fact greater than what unites us *No Democracy Lasts Forever* asserts with exceptional clarity that if the problems with the Constitution are not fixed we are ineluctably heading toward a crisis where secession is indeed possible and where it will be necessary to think carefully about how to preserve the United States as a world power in a very different form of government Despite these troubles Chemerinsky remains hopeful revealing how the past offers hope that change can happen The United States has been through enormously challenging and divisive times before with a civil war and the Great Depression and Chemerinsky ultimately shows that it may still be possible to cure the defects and save American democracy at the same time

The Court v. The Voters Joshua A. Douglas, 2024-05-14 An urgent and gripping look at the erosion of voting rights and its

implications for democracy told through the stories of 9 Supreme Court decisions and the next looming case In *The Court v The Voters* law professor Joshua Douglas takes us behind the scenes of significant cases in voting rights some surprising and unknown some familiar to investigate the historic crossroads that have irrevocably changed our elections and the nation In crisp and accessible prose Douglas tells the story of each case sheds light on the intractable election problems we face as a result and highlights the unique role the highest court has played in producing a broken electoral system Douglas charts infamous cases like *Bush v Gore* which opened the door to many election law claims *Citizens United* which contributed to skewed representation but perhaps not in the way you might think *Shelby County v Holder* which gutted the vital protections of the Voting Rights Act *Crawford v Marion County Elections Board* which allowed states to enforce voter ID laws and make it harder for people to vote *The Court v The Voters* powerfully reminds us of the tangible real world effects from the Court s voting rights decisions While we can and should lament the democracy that might have been Douglas argues that we can and should double down in our efforts to protect the right to vote

The Supreme Court and American Democracy Earl Pollock, 2008-12-30 There is almost no political question in the United States wrote Alexis de Tocqueville that is not resolved sooner or later into a judicial question The U S Supreme Court is the ultimate arbiter of judicial questions weighing the laws enacted by the people s representatives against the inviolable fundamental law embodied in the U S Constitution Virtually every vital political and social issue comes before the Court abortion affirmative action capital punishment elections and voting gay rights gun control separation of church and state and more This book presents living law the case by case shaping of the law on each of these controversial issues in the justices own words and with informative commentary There is almost no political question in the United States wrote Alexis de Tocqueville that is not resolved sooner or later into a judicial question The U S Supreme Court is the ultimate arbiter of judicial questions weighing the laws enacted by the people s representatives against the inviolable fundamental law embodied in the U S Constitution Virtually every vital political and social issue comes before the Court abortion affirmative action capital punishment elections and voting gay rights gun control separation of church and state and more This book presents living law the case by case shaping of the law on each of these controversial issues in the justices own words Guide to the Court s functions and the ways in which it goes about its work Topically organized sequences of cases through which the law on particular issues evolved including the facts of each case the specific issues before the Court the Court s decision embodied in the text of the majority opinion an account of all opinions handed down and excerpts from the most influential concurrences and dissents Commentary summarizing current federal law on each of the controversial topics covered with notes on the historical background and in some cases the turbulent aftermath of the Court s decisions

Essential Supreme Court Decisions John R. Vile, 2022-02-03 The only reference guide to Supreme Court cases organized both topically and chronologically within chapters so that readers understand how cases fit into a historical context the 18th edition has been updated with 20 new cases including landmark

decisions on such topics as executive powers federalism religious freedom free speech LGBTQ rights and voting rights among others Updated through the end of the 2021 Supreme Court session this book remains and indispensable resource for undergraduate and law school students lawyers and everyone interested in our nation's laws and Constitution

Historic Documents of 2019 Heather Kerrigan, 2020-06-10 Published annually since 1972 the Historic Documents series has made primary source research easy by presenting excerpts from documents on the important events of each year for the United States and the World Each volume pairs 60 to 70 original background narratives with over 100 documents to chronicle the major events Various records may include official reports surveys speeches from leaders and opinion makers court cases legislation testimony and much more Historic Documents is renowned for the well written and informative background history and context it provides for each document Organized chronologically each volume covers the same wide range of topics business the economy and labor energy environment science technology and transportation government and politics health and social services international affairs national security and terrorism rights and justice Each volume begins with an insightful essay that sets the year's events in context and each document or group of documents include a comprehensive introduction background information on the event full source citations easy access to material detailed and thematic table of contents references to related coverage documents from the last ten editions of the series

The Oxford Companion to the Supreme Court of the United States, Japanese Democracy and Lessons for the United States Ray Christensen, 2020-02-25 This book presents a collection of lessons on how best to run elections and politics using examples from the Japanese experience and showing how elections operate in a non Western democracy Featuring extensive data and evidence from both Japan and the United States the themes covered include one party rule ballot security and voting procedures election regulations malapportionment and gerrymandering court interventions voter attachments and distortions of the public will by election rules In so doing the analysis challenges conventional wisdom in both Japan and the United States highlighting surprising and counterintuitive findings from decades of observation This book also explicitly compares Japan to other similarly situated democracies Japan is therefore not treated as a standalone case but rather the lessons from Japan are contextualized for greater understanding and can be used to inform discussions about comparative elections and democracy Offering practical advice in relation to elections and the functions of democracy Japanese Democracy and Lessons for the United States will be useful to students and scholars of Japanese US and comparative politics

Post-Racial Constitutionalism and the Roberts Court Cedric Merlin Powell, 2022-11-03 This book examines and critiques how the United States Supreme Court under the leadership of Chief Justice John Roberts perpetuates structural inequality

Official Reports of the Supreme Court United States. Supreme Court, 2006-06-28 Encyclopedia of the Supreme Court, Second Edition David Schultz, 2021-09-01 Praise for the previous edition concise well written entries Schultz's accessible work will be of use to both undergraduates and the general public recommended for all academic and public

libraries Library Journal achieves the goal of presenting a serious overview of the Supreme Court Booklist At its reasonable price this title should be found in every American library public as well as academic It should also be purchased by every high school library no matter how small the school body may be American Reference Books Annual From the structure of the Supreme Court to its proceedings this comprehensive encyclopedia presents the cornerstone of the American justice system Featuring more than 600 A to Z entries written by leading academics and lawyers Encyclopedia of the Supreme Court Second Edition offers a thorough review of critical cases issues biographies and topics important to understanding the Supreme Court Entries include Abortion Capital punishment Citizens United v Federal Election Commission Double jeopardy employment discrimination Federalism Masterpiece Cakeshop v Colorado Civil Rights Commission Obergefell v Hodges police use of force public health and the U S Constitution Thurgood Marshall Title IX and schools United States v Nixon Earl Warren Wiretapping

United States Reports, Volume 541, Cases Adjudged in the Supreme Court at the October Term, 2003, March 2 Through June 8, 2004 Frank D. Wagner, 2006-09-13 Frank D Wagner Reporter of Decisions Item 0741 Volume of the United States Reports containing the final decisions and opinions of the Supreme Court justices regarding cases between March 2 2004 and June 8 2004 Also includes notes regarding the members of the Supreme Court orders and other relevant materials

The Politicization of the Supreme Court, 2021-07-15 As the most powerful judiciary body in the U S the Supreme Court is expected to uphold Constitutional values while remaining insulated from influence by political agendas In recent years however some have perceived the Supreme Court as becoming increasingly politicized with some labeling the 2018 appointment of Justice Kavanaugh a pro conservative political maneuver Despite these recent concerns there are also numerous historical examples of judicial activism This volume discusses the Supreme Court s politicization across history examines whether it is realistic or useful to expect it to be insulated from politics and evaluates possible means of depoliticizing the court

New York Court of Appeals. Records and Briefs. New York (State).,

The Top Books of the Year Political Gerrymandering And The Courts The year 2023 has witnessed a remarkable surge in literary brilliance, with numerous compelling novels enthralling the hearts of readers worldwide. Lets delve into the realm of bestselling books, exploring the engaging narratives that have charmed audiences this year. The Must-Read : Colleen Hoover "It Ends with Us" This touching tale of love, loss, and resilience has gripped readers with its raw and emotional exploration of domestic abuse. Hoover expertly weaves a story of hope and healing, reminding us that even in the darkest of times, the human spirit can triumph. Political Gerrymandering And The Courts : Taylor Jenkins Reids "The Seven Husbands of Evelyn Hugo" This intriguing historical fiction novel unravels the life of Evelyn Hugo, a Hollywood icon who defies expectations and societal norms to pursue her dreams. Reids captivating storytelling and compelling characters transport readers to a bygone era, immersing them in a world of glamour, ambition, and self-discovery. Discover the Magic : Delia Owens "Where the Crawdads Sing" This captivating coming-of-age story follows Kya Clark, a young woman who grows up alone in the marshes of North Carolina. Owens crafts a tale of resilience, survival, and the transformative power of nature, entrancing readers with its evocative prose and mesmerizing setting. These bestselling novels represent just a fraction of the literary treasures that have emerged in 2023. Whether you seek tales of romance, adventure, or personal growth, the world of literature offers an abundance of engaging stories waiting to be discovered. The novel begins with Richard Papen, a bright but troubled young man, arriving at Hampden College. Richard is immediately drawn to the group of students who call themselves the Classics Club. The club is led by Henry Winter, a brilliant and charismatic young man. Henry is obsessed with Greek mythology and philosophy, and he quickly draws Richard into his world. The other members of the Classics Club are equally as fascinating. Bunny Corcoran is a wealthy and spoiled young man who is always looking for a good time. Charles Tavis is a quiet and reserved young man who is deeply in love with Henry. Camilla Macaulay is a beautiful and intelligent young woman who is drawn to the power and danger of the Classics Club. The students are all deeply in love with Morrow, and they are willing to do anything to please him. Morrow is a complex and mysterious figure, and he seems to be manipulating the students for his own purposes. As the students become more involved with Morrow, they begin to commit increasingly dangerous acts. The Secret History is a exceptional and thrilling novel that will keep you speculating until the very end. The novel is a warning tale about the dangers of obsession and the power of evil.

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