Gill v. Whitford: The Supreme Court and Partisan Redistricting

a discussion with

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Baker-Nord Center, Clark Hall, Room 206
11130 Bellflower Road, Cleveland

For decades the federal courts rejected claims that districts were unconstitutionally partisan. But in November of 2016 a federal district court invalidated Wisconsin's map. On October 3, the Supreme Court heard the case, Gill v. Whitford, on direct appeal. Arnold Schwarzenegger, the one-time moderate Republican Governor of California and sponsor of the website Terminate Gerrymandering, was among celebrities in attendance.

Most political scientists do not think gerrymandering is the main cause of the heightened polarization that has separated voters and politicians into versions of warring camps. But it surely hasn't helped, and it can enable a minority to win elections, again and again. That doesn't sound democratic, even in a "constitutional republic" like the United States.

But there are reasons why the Court has refused to overturn past maps on grounds of partisan bias. For example, how can one define a standard to "distinguish ordinary, acceptable politicking from conduct that rises to the level of unconstitutional discrimination against voters based on their political views"? Can the bias of any map be measured in a way that a court could consider objective? Must intent to discriminate be shown, and how? As Chief Justice Roberts remarked, if the Court overturns one plan it could be overwhelmed by new cases, and accused of partisanship however it rules. But is the Court's reputation as important as the election system's?

Join us as Professor Entin discusses the arguments, prospects, and possible consequences.

The Friday Public Affairs Discussion Lunch is an opportunity for students, faculty, staff, emeriti and other members of our communities to learn and question each other about public policy issues at the international, national, and local levels. Faculty and other speakers share their research and experience to get beyond the headlines and repetition in the mass media, and the wild rumors of the internet. Lunch is brown bag, but cookies and some beverages are provided by the Center for Policy Studies of the College of Arts and Sciences.

http://fridaylunch.case.edu/