Gerrymandering: Is it a Problem? Can it be Fixed?

Wednesday, Aug. 1 | 10:00 am-11:30 am
304 ABC
Speakers

**Moderator:** Peter Wattson, Minnesota  
**Panelist:** Mark Braden, Baker & Hostetler, Washington, D.C.  
**Panelist:** Robert S Lackner, Colorado General Assembly  
**Panelist:** Theresa Lee, American Civil Liberties Union, New York  
**Panelist:** Frank Strigari, Ohio Senate

Significance: For the first time, the court held that the federal courts had jurisdiction to consider constitutional challenges to state legislative redistricting plans.

**Significance:** Partisan gerrymandering claims may be brought in federal courts under the Equal Protection Clause. While a standard for measuring partisan gerrymanders was established, it was so difficult to satisfy that no partisan gerrymander was struck down under the *Bandemer* discriminatory effects test, which was abandoned in *Vieth v. Jubelirer, 541 U.S. 267* (2004).

Significance: While a plurality of justices in this case held that partisan gerrymandering claims were non-justiciable, Justice Anthony Kennedy left the door open for potential future claims under the First Amendment, rather than the Fourteenth Amendment as had been cited in Bandemer.
2018 Cases

**Gill v. Whitford, No. 16-1161**: The Court remanded the case for the plaintiffs to prove standing.

**Benisek v. Lamone, No. 17-333**: The Court refused to grant a preliminary injunction on the Maryland Congressional map.

**Rucho v. Common Cause, No. 17A745**: The Court vacated the judgement and remanded for further consideration in light of Gill v. Whitford.
Contact the panel:

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