

Sibley Lecture focuses on Georgia voter redistricting



The U.S. Supreme Court recently issued opinions in two significant Georgia voter redistricting cases: *Georgia v. Ashcroft* and *Cox v. Larios*. These cases are only a representation of the issues Georgia has encountered in its redistricting processes in the past two decades. In the 98th Sibley Lecture titled “A Tale of Two Cites: The Supreme Court and Georgia’s Recent Redistricting,” Stanford Law Professor Pamela S. Karlan examined the Georgia redistricting processes and how they have led to numerous court challenges.

Central to Karlan’s lecture were three main claims. Her first was that “redistricting is an intensely political process. No matter how difficult judicial review may turn out to be, it’s going to happen. ... It’s impossible to keep these cases out of the court.”

Second, she said problems arise when anti-discrimination laws are always used to evaluate the redistricting. “I think this is a deeply problematic way of thinking about a lot of redistricting,” she said.

“It’s hard to see how either *Georgia v. Ashcroft* or *Cox v. Larios* has done anything other than consign us to another generation of trying to hack our way through the [judicial] thicket.”

- 98th Sibley Lecturer Pamela S. Karlan

Her third claim was that, after the passage of the 1965 Voting Rights Act, no one expected race and politics to be as intertwined in the redistricting process as they are today.

Prior to the *Wesberry v. Sanders* and *Reynolds v. Sims* cases that established the one-person, one-vote doctrine and applied it to state legislative elections, Georgia continually attempted to decrease the power of African Americans through its redistricting, Karlan said. “One-person, one-vote changed dramatically the allocation of power in the state.”

However, Georgia still faced several court challenges after the 1990 and 2000 redistrictings. “What the Georgia cases from the last year reveal, though, is not only that whatever else *Reynolds v. Sims* has accomplished, the machinations of special interests are just as vibrant today in the redistricting process as they were back then, [and] also that the edifice of rules the Supreme Court has erected over the last 40 years has replaced what used to be a political thicket with a judicial thicket,” she said.

Georgia v. Ashcroft and *Cox v. Larios* were filed after the 2000 Census round of redistricting. The complaints in the cases were not about protecting individual liberty, Karlan said. Rather, the cases were about protecting incumbent elected officials, which Karlan said is the most problematic form of gerrymandering.

“It’s hard to see how either *Georgia v. Ashcroft* or *Cox v. Larios* has done anything

other than consign us to another generation of trying to hack our way through the thicket,” she said.

Karlan, who joined the Stanford law faculty in 1998, was the school’s academic associate dean from 1999 to 2000 and has been the Montgomery Professor of Public Interest Law since 1999.

She has served as a commissioner on the California Fair Political Practices Commission since 2003. From 1986 to 1988, she was the assistant counsel for the National Association for the Advancement of Colored People and has been a cooperating attorney for the NAACP since 1988.

After graduating from Yale Law School in 1984, she clerked for Judge Abraham D. Sofaer of the Southern District of New York U.S. District Court from 1984 to 1985. She then clerked for Associate Justice Harry A. Blackmun of the U.S. Supreme Court from 1985 to 1986.

Before joining the Stanford faculty, Karlan taught at the University of Virginia for 10 years.

The Sibley Lecture Series, established in 1964 by the Charles Loridans Foundation of Atlanta in tribute to the late John A. Sibley, is designed to attract outstanding legal scholars of national prominence to Georgia Law. Sibley was a 1911 graduate of the law school.

- Julie Camp