ALABAMA JUSTICE: CASES AND FACES THAT CHANGED A NATION

CONSTITUTIONAL ISSUES CURRICULUM:

Gerrymandering & the Supreme Court

Persistent Issue: What should society do to promote fairness and justice for people who live within its jurisdiction?

Central Question: What should the Supreme Court do about Gerrymandering?

Curriculum:
For similar curriculum, email Dr. Jada Kohlmeier, kohimjl@auburn.edu, about becoming a member of the Persistent Issues in History Network of teachers.

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Supreme Court: Gerrymandering & the Supreme Court Unit

Persistent Issue
What should society do to promote fairness and justice for people who live within its jurisdiction?

Central Question
What should the Supreme Court do about Gerrymandering?

Overview
This unit has materials that can be used in sequence over three to four class periods, or be modified to fewer periods at teacher discretion, to help students grapple with the challenges associated with redistricting congressional districts and gerrymandering. Students should be placed in groups to complete all the activities. Ideally, for the Redistricting Washington simulation students should be placed in expert groups of seven, while the Redistricting Alabama simulation calls for students to work in smaller groups of three. Additionally, students should be in groups of three-four when completing the Supreme Court culminating activity of evaluating evidence, but must individually write a Court Opinion on how the court should rule. The lessons are structured in order of a Grabber, History of Gerrymandering, two simulation activities (Washington and Alabama), and a culminating activity. We acknowledge teachers have time constraints so we do not feel it necessary to use both simulations when teaching as they both share similar goals.

Unit Components
Lesson 1: Gerrymandering Grabber

Lesson 2: History of Gerrymandering

Lesson 3: Gerrymandering, Redistricting Washington Simulation

Lesson 4: Gerrymandering, Redistricting Alabama Simulation

Lesson 5: Culminating Activity

Additional Material
**Supreme Court: Gerrymandering & the Supreme Court Unit**

**Lesson 1: Gerrymandering Grabber**

**Estimated Lesson Time:** 30 minutes

**Persistent Issue:** What should society do to promote fairness and justice for people who live within its jurisdiction?

**Lesson Overview:** In this lesson, the teacher will use school redistricting as an example of the complexities related to redrawing district lines.

**Lesson Materials:**
- PowerPoint 1: Gerrymandering Grabber
- Teacher Handout 1.A: Gerrymandering Grabber Teacher Instructions
- Teacher Handout 1.B: Gerrymandering Grabber Debriefing Questions
- Student Handout 1.A: Background of North Fulton County
- Student Handout 1.B: Maps of North Fulton County

**Lesson Narrative:**

PRIOR TO THE LESSON: Teacher should group students into pairs to work on the activity. Project PowerPoint 1: Gerrymandering Grabber on a SmartBoard or a dry-erase board. Refer to Teacher Handout 1.A: Gerrymandering Grabber Teacher Instructions.

LESSON: Students will receive Student Handout 1.A: Background of North Fulton County (PowerPoint 1: Slide 2). The teacher will describe North Fulton County to students using this brief history of the area. The teacher will then provide students with Student Handout 1.B: Maps of North Fulton County with instructions to answer the following questions, “where should a new high school be located” and “what should the new district boundaries be” (PowerPoint 1: Slide 3). Students are to use the map on the back of the handout to first place the location for the new school and then draw district boundary lines for the new school.

After student pairs have had time to deliberate (possibly ten minutes), students should be invited to the board to place their new school location (PowerPoint 1: Slide 4). The locations of the new school should vary and initiate a conversation led by the teacher, refer to Teacher Handout 1.B: Gerrymandering Grabber Debriefing Questions, over similarities and differences of the students’ decision making (PowerPoint 1: Slide 5).
Gerrymandering & the Supreme Court Unit
Lesson 1: PowerPoint 1
Gerrymandering Grabber

Scenario
- Location: North Fulton County, Georgia, 20 miles north of Atlanta
- Population (~300,000 people)
- Currently, 8 high schools are in the area serving nearly 17,000 students.
- Each high school has roughly 2,000 students.
- Due to an increase in population and homes being built, North Fulton needs a new high school.
- Where do you put it?

Task
With your partner, determine where on the map a new high school should be built.

Once you place the school, draw a border determining what neighborhoods will be districted for students.

Things to keep in mind: Size, Location, schools impacted

Debrief
- Where did your group place the new high school?
- What factors influenced its placement?
- What made rezoning difficult? What made rezoning easy?
Gerrymandering & the Supreme Court Unit
Lesson 1: Teacher Handout 1.A
Gerrymandering Grabber Teacher Instructions

Lesson should last 20-30 minutes depending on class size.

1. Introduce the concept of school rezoning; discuss the potential impacts of recent rezoning (if teacher is aware of this history).
2. The teacher will then introduce the scenario of North Fulton County. Pointing out the 8 high schools, geographic features of the area. Population size, History of when each school was built.
3. In pairs, students will then spend 5-8 minutes, analyzing the map, placing their new school and redrawing this boundary. While this is taking place, the teacher will project the map on to the white board so that students can “mark” their school location.
4. After each pairing has had a chance to complete the desk activity and then mark their location for the new school. The teacher will lead a debrief, probing students for how they came up with this decision.
5. During this debrief, it is important for the teacher to point out impacts and changes made to the map. Considering placement of the school, which places on the map changed schools, and who would be in support/opposition of these changes.
6. The teacher should then ask students what rezoning a school taught them about redrawing district lines? The teacher can address bigger issues that the activity didn’t address, cost, what does the area around the school look like, traffic, splitting neighborhoods, etc.
   a. How equal do you need these populations?
   b. What should the student body look like?
   c. Who should draw the boundaries? Parents, elected officials, computers, council? Pros/ Cons
7. After this back-and-fourth with students, the teacher will connect the idea of drawing school district lines to congressional district lines and the similarities.
Gerrymandering & the Supreme Court Unit
Lesson 1: Teacher Handout 1.B
Gerrymandering Grabber Debriefing Questions

1. What challenges did you encounter when determining the new school location and district lines?

2. What considerations need to be considered when building a new school? (Teacher should emphasize diversity, socio-economic status, heterogenous, etc.)

3. What processes should be in place to ensure an equitable school is built and attended?

4. What information did you not have that you would like to have had when making this decision?
Gerrymandering & the Supreme Court Unit
Lesson 1: Student Handout 1.A
Background on North Fulton County

North Fulton (including Milton, Roswell, Alpharetta, Johns Creek)
In the 1830s, the Cherokee people in Georgia and elsewhere in the South were forcibly relocated to the Indian Territory (present-day Oklahoma) under the Indian Removal Act. Pioneers and farmers later settled on the newly vacated land, situated along a former Cherokee trail stretching from the North Georgia mountains to the Chattahoochee River. Fulton County was created in 1853 from the western half of DeKalb County. It was named in honor of Hamilton Fulton, a railroad official who acted as surveyor for the Western and Atlantic Railroad and also as chief engineer of the state. After surveying the area that is now Fulton County, Fulton convinced state officials that a railroad, rather than a canal, should be constructed to connect Milledgeville, then the state capital, to Chattanooga, Tennessee. Building the railroad was a precursor of Fulton County's prominence as a major transportation center.\[2][3]\ Organized as settlement increased in the Piedmont section of upland Georgia, Fulton County grew rapidly after the American Civil War as Atlanta was rebuilt, becoming a center of railroad shipping, industry and business.

At the beginning of 1932, as an austerity measure to save money during the Great Depression, Fulton County annexed Milton County to the north and Campbell County to the southwest, to centralize administration. That resulted in the current long shape of the county along 80 miles (130 km) of the Chattahoochee River. On May 9 of that year, neighboring Cobb County ceded the city of Roswell and lands lying east of Willeo Creek to Fulton County so that it would be more contiguous with the lands ceded from Milton County.

In the second half of the 20th century, Atlanta and Fulton county became the location of numerous national and international headquarters for leading companies, attracting highly skilled employees from around the country. This led to the city and county becoming more cosmopolitan and diverse. In 1996, Atlanta hosted the Summer Olympics which in turn resulted in massive economic investment in the region that is still visible today. These include but are not limited to MARTA, Turner Field, Centennial Olympic Park, and Georgia Tech dorms formally the Olympic Village.

Since the games, Atlanta has become an attractive location for economic development. Notable corporations with headquarters in the city include Coca-Cola, Delta, Mercedes Benz, and Chick-fil-a to name a few. The film industry has also taken off as a result of generous tax breaks to producers who produce their television and films in Georgia.

Information adapted from the following sources
AJC Staff, "Hundreds more were lynched in the South than previously known: report", Atlanta Journal-Constitution, 14 June 2017; accessed 26 March 2018
Gerrymandering & the Supreme Court
Lesson 1: Student Handout 1.B
Maps of North Fulton County

Scenario: Recently 8 new subdivisions have been built in your county resulting in an influx of 4000 children between the ages 5-18. Due to this increase in students, the county has decided to build a 9th high school in the area. Your task is to determine where the school should be built and which neighborhoods will attend. Consider how the placement of the school impacts attendance and other schools. Schools try to be around 2000-2200 students per high school.

Things to Consider: neighborhoods, proximity to the school, student population size, demographics, roads/highway, school programs, can’t discriminate.

Who is concerned? Parents, Students, Teachers, Homeowners, Businesses

Restriction: The new school must be placed in either the purple, orange, red or yellow zones.
Gerrymandering & the Supreme Court
Lesson 1: Student Handout 1.B (Continued)
Maps of North Fulton County

Populations

Place a Star for the new high school location and draw a district boundary for the new school.

Things to Consider:
- The Redline represents a major highway (GA 400), as a result, no school can be built on that line.
- A school should be placed in an area where there is clear space. Areas that have lots of lines, represent neighborhood roads, main roads, and shopping centers.
- When drawing the new school boundaries, you want to be aware of the number of neighborhoods and schools that will be affected by the new district lines.
- Be prepared to justify your location and thought process in determining the school location and boundaries.
Supreme Court: Gerrymandering & the Supreme Court Unit
Lesson 2: History of Gerrymandering

**Estimated Lesson Time:** 60 minutes

**Persistent Issue**
What should society do to promote fairness and justice for people who live within its jurisdiction?

**Central Question**
What should the Supreme Court do about Gerrymandering?

**Lesson Focus Question**
Who should draw voting districts to ensure every vote counts?

**Lesson Objectives:**
- Students should be able to identify historical examples of Gerrymandering.
- Students should be able to define the terms cracking and packing.

**Lesson Materials:**
- PowerPoint 2:
- Video 2: Gerrymandering: Is Geometry Silencing Your Vote? (https://youtu.be/isB3ukWB3tQ)
- Student Handout 2: Gerrymandering: Is Geometry Silencing Your Vote Video Guide

**Lesson Narrative:**
PRIOR TO THE LESSON: Teacher should complete Lesson 1: Gerrymandering Grabber.

LESSON: Following Lesson 1: Gerrymandering Grabber, the teacher will begin Lesson 2: History of Gerrymandering with asking students “do you think every vote counts” and probe students to explain their answers on why or why not people may have that belief. After a brief whole-class discussion, the teacher should pass out Student Handout 1: Gerrymandering: Is Geometry Silencing Your Vote Video Guide to students. The teacher should then introduce Video 2: Gerrymandering: Is Geometry Silencing Your Vote? with the question “what is the argument this video makes”.

After students have watched the video, the teacher should lead a short debrief discussion. Ask students if they were aware of Gerrymandering before today’s lesson and if this video changes the way they perceive U.S. elections. At this time the teacher should begin PowerPoint 2: History of Gerrymandering and introduce the Lesson Focus Question. The PowerPoint provides an examination of some history of Gerrymandering including the Gomillion v Lightfoot Supreme Court case that involved the 1957 redistricting of Tuskegee. The PowerPoint also contains a link to the oral arguments of the case that a teacher can use at their discretion to have students take additional notes on the arguments made.
Gerrymandering & the Supreme Court Unit
Lesson 2: PowerPoint 2

History of Gerrymandering

WHAT IS GERRYMANDERING?

- Gerrymandering is a practice intended to establish a political advantage for a particular party or group by manipulating district boundaries. The resulting district is known as a gerrymander.
- Two basic tactics are used in gerrymandering: "cracking" (i.e., dividing the voting power of the opposing party's supporters across many districts) and "packing" (concentrating the opposing party's voting power in one district to reduce their voting power in other districts).
- A political cartoon, shown in the top left diagram in the graphic to the right, is homogenization of all districts, essentially a time of cracking where the majority party was to ensure numbers to guarantee the minority party never attains a majority in any district.

ELBRIDGE GERRY

- Elbridge Gerry, Vice President of the United States and Governor of Massachusetts House of Representatives from Mass.
- In 1812, a state-shaped over-concentrated district boundaries.
- The Republican-controlled legislature, left vacant district boundaries designed to reduce their party’s electoral strength and national affairs, leading to more oddly shaped legislative districts.
- The shape of one of the state senate districts in Essex County was compared to a salamander by local Federalist newspaper in its political cartoons, billing it as "Gerrymander."

GERRYMANDERING

- Used for the first time in the Boston Gazette newspaper on March 26, 1812. Appearing with the term, and helping spread and sustain its popularity was the political cartoon which depicts a state senate district in Essex County as a strange animal with claws, wings and a dragon-type head.

GERRYMANDERING: WHAT CHANGES DO YOU NOTICE OVERTIME?

- The evolution of Massachusetts Senate Districts
- 2002-2012
- Republican Seats
- Democratic Seats

QUESTIONS TO CONSIDER

- PS: What should society do to promote fairness and justice for people who live within its jurisdiction?

- CQ: Who should draw voting districts to ensure that every vote counts?
History of Gerrymandering

15th Amendment

- The 15th Amendment states “The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.”
- The amendment goes on to state that “The Congress shall have power to enforce this article by appropriate legislation.”
- Every vote should count the same
- Video clip providing context
- https://www.history.com/topics/black-history/15th-amendment

American Politics 1957-1960

- Civil War and Civil Rights
- Following the Brown v. Board of Education (1954), massive resistance is taking place across the south
- Civil Rights Act of 1957—attempt to protect and increase voting rights for blacks

Voter Suppression in Alabama

- The 1951 Constitutional Convention immediately adopted three voting-related requirements: the payment of a $1.50 poll tax; residency in the county, precinct, or ward in which one wished to vote; and formal voter registration. To accomplish the latter, a prospective voter had to own personal property of more than $300 or forty acres of land on which taxes had been paid or pass a literacy test to test the scholastic attainment of the local voting registrars.
- Some 100,000 African Americans voted in Alabama’s state and federal elections of 1956, 57, 58, and 59. Just one year after the new constitution went into effect, there were only 34,045 qualified black voters in the entire state.

Macon County Voter Suppression

- Macon County required one white person to register for any African-American seeking to register to vote.
- The first task was rather easily attained, because the person wanting to register only had to pass the name of qualified white voters whom they knew personally and who would certify that the prospective voter lived at the address he or she had listed on the application form.
- The second task was more difficult to acquire because the entire person had to personally go to the county courthouse and sign a document certifying for the black applicant.

Tuskegee Civic Association

- In 1951, Oliver Garrett (President) joined with several other county residents to organize the Tuskegee Civic Association, a group dedicated to the fight against voter suppression. The organization was established to ensure that voting rights were protected, and they worked to empower residents to vote.
- In these meetings, Tuskegee residents learned about the importance of participating in local government and the power of voting. Members were encouraged to register for the vote and other civil rights, and they engaged in active community organizing.

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Gerrymandering & the Supreme Court Unit
Lesson 2: PowerPoint 2 (Continued)
History of Gerrymandering

GOMILLION V. LIGHTFOOT (1960)
- Case created the redeveloping of Portland
- Chief Justice Earl Warren wrote that the district was packed to favor one party
- District court reversed the decision
- With the filing of a petition in the Supreme Court, the decision was reversed
- Lessons for students included: Partisan criteria, Ole Ray, and Robert Lowes (faded from view)

CONTEXT TUSKEGEE 1957-1960
- The city was the location of the Tuskegee Institute, a historically black college, and a large Veterans Administration hospital, both staffed entirely by African Americans.
- In terms of total population, African Americans outnumbered whites in the city by a four-to-one margin, and whites were worried about being outvoted by the majority.
- 1957, only about 20% of blacks were registered to vote.
- Still had Poll taxes and literacy tests that prevented people from voting.
- Grandfather clause still in effect, not outlawed until 1965 under the Voting Rights Act.

MAP OF TUSKEGEE
- Thrown out by Supreme Court in 1960
- The lighter 20-sided box excluded all but 4 or 5 blocks while including all white residences.

BAKER V. CARR (1962)
- Landmark United States Supreme Court case that decided the redistricting (apportionment) issues present in partisan gerrymandering cases.
- The defenders of legislative districts is a “political question” and hence not a question that may be resolved by federal courts.
- Established the principle of “one person, one vote” under the Equal Protection Clause.

REYNOLDS V. SIMS (1964)
- Supreme Court case which ruled in favor of the equal protection clause of the United States Constitution.
- The case was brought on behalf of voters in Arkansas by NAACP, a group of lawyers, and it found that the Tennessee plan was an unconstitutional infringement on the right to vote.
- Significant: Population must be equal
- Arkansas had non-uniformed votes, 1965.
Gerrymandering & the Supreme Court Unit
Lesson 2: PowerPoint 2 (Continued)
History of Gerrymandering

VOTING RIGHTS ACT OF 1965
- The voting rights bill was passed in the U.S. Senate by a 77-18 vote on May 26, 1965. After debating the bill for more than a month, the U.S. House of Representatives passed the bill by a vote of 335-45 on July 9.
- Johnson signed the Voting Rights Act into law on August 6, 1965, with Martin Luther King Jr. and other civil rights leaders present at the ceremony.

2 RULES OF REDISTRICTING
- Equal populations
- Can’t be racist... see 1965 Voting Rights Act
Continue to Consider the following:
- CQ: Who should draw voting districts to ensure that every vote counts?
- What’s the standard? National or state决定?
- How do you balance population and race?
Gerrymandering & the Supreme Court Unit
Lesson 2: Student Handout 2
Gerrymandering: Is Geometry Silencing Your Vote Video Guide

1. What is the narrator’s argument?

2. Gerrymandering boils down to Data, Geography, and Geometry, do you agree? Explain.

3. What two rules govern how we draw district lines?
   1.
   2.

4. True or False. Political Gerrymandering is legal.

5. Define the following terms:
   • Cracking –
   • Packing –

6. What possibilities are suggested as possible solutions to Gerrymandering?
Lesson 3: Redistricting Washington Simulation

**Estimated Lesson Time:** 60 minutes

**Persistent Issue**
What should society do to promote fairness and justice for people who live within its jurisdiction?

**Central Question**
What should the Supreme Court do about Gerrymandering?

**Lesson Focus Question**
What are the challenges to adopting a fair voting district?

**Lesson Objectives:**
- Students should gain an understanding for the various interests that exist when drawing electoral districts.
- Students should discuss the challenges associated with drawing a fair map.

**Key Learning Goal:**
- Examine the factors and goals that influence drawing an electoral map.

**Lesson Materials:**
- Teacher Handout 3: Redistricting Washington Case Study Game*
- Student Handout 3.A: Redistricting Washington Rules*
- Student Handout 3.B: Redistricting Washington Roles*
- Student Handout 3.C: Redistricting Washington Map *

**Lesson Narrative:**
PRIOR TO THE LESSON: The teacher should familiarize himself or herself with Teacher Handout 3: Redistricting Washington Case Study Game. Additionally, the teacher should place students into mixed ability groups of seven.

LESSON: The teacher should introduce today’s lesson with a grabber that prompts students to reflect on the previous lesson and ask any questions that they may still have so that information can be clarified. Once the grabber is complete, the teacher should transition students to the Redistricting Washington Simulation. Pass out Student Handout 3.A: Redistricting Washington Rules. Each student in the group will choose a role from the list of characters on Student Handout 3.B: Redistricting Washington Roles as part of a coalition to “redistrict” Washington. However, the teacher may choose to assign the roles to students or have them blind-draw roles by cutting the roles into strips and having students “draw from a hat” for neutrality purposes.

When students have had time to read Student Handout 3.A: Redistricting Washington Rules, the teacher pass out Student Handout 3.C: Redistricting Washington Map. The teacher will task each student with individually drawing, “gerrymander,” the districts based on their character’s self-
interests and the rules using Student Handout 3.C: Redistricting Washington Map. For this part of the activity, students should be given roughly 20-25 minutes to work. After time is up, the teacher will need to give an additional 10-15 minutes per group to compare maps and deliberate on a compromise to establish the new district.

Following the group deliberations, the teacher should lead a whole-class debrief with students over the similarities and differences among maps and the challenges associated with making a map that every member could agree on. Questions that the teacher should pose to students include but are not limited to:

- What are your criteria for drawing a fair map?
- Why is this important?
- Among the groups, which one do you believe has the fairest map?

*Materials for this lesson have been adapted from Dr. Bridgette King’s POLI 7050 class, Auburn University.

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This is a case study about legislative redistricting. It is also an example of legislative policymaking where race and ethnicity are important considerations in the politics and the content of policy making. This particular case uses a simulation format where the model of redistricting is less complex than real redistricting situations. This particular example only uses three racial or ethnic groups (black, Hispanic, and white), population density is equal through the area, each neighborhood (a “block” on the map) is homogenous, and a limited number of political criteria need to be met.

Washington has grown in the last decade, and will get five congressional seats, one more than in the last redistricting. Each participant in the simulation is given the role of a staff member of the Redistricting Commission. The main task of each staff member is to develop a plan to redraw the Congressional districts for the city of Washington. These plans must reflect the political and partisan preferences of the staff member. While in reality the Courts impose a number of criteria on redistricting, the only two judicial considerations imposed on this Redistricting Commission is that the plan must stay within existing political boundaries and provide fair representation of minorities. The meaning of the first requirement is easy within the context of Washington as staff members may not break up blocks or extend the borders of districts beyond the city limits of Washington. The second criterion is much more difficult to discern. The Court says that minorities may not be systematically disenfranchised. Interpretation of this ruling has varied over time.

Washington is a city made up of 100 uniformly inhabited blocks. Thirty of the blocks are inhabited solely by White Republicans; three of the blocks are inhabited by Hispanic Republicans; seven of the blocks are inhabited by Black Republicans; fourteen are inhabited solely by Black Democrats; seven of the blocks are inhabited by Hispanic Democrats; and thirty-nine are inhabited solely by White Democrats.

Teachers should provide students about 20 to 25 minutes to “redistrict” Washington and give an additional 10 to 15 minutes for students to compare and deliberate their maps to decide on a final redistricting map. Following the groups redistricting, the teacher should lead a short debrief with students where they discuss the challenges and obstacles to compromising on a new district.

Rules & Information for Drawing Redistricting Plan
1. There are 7 people in each redistricting group, one for each role.
2. Each district must have 20 blocks in it and all the blocks in a district must be contiguous meaning they may not be subdivided.
3. A party wins a district if it has at least 11 blocks.
4. Black and white Democrats typically make coalitions to ensure that a district will be considered Democrat.
5. In districts controlled by the Democrats, a black Democrat will be elected if blacks control the coalition, and vice versa. Among Democrats, if there are an equal number of
black and white blocks in a winning coalition, either a black or white member might be elected.

6. A district is considered competitive if it has an equal number of Republicans and Democrats.

7. Do not consider what might be done in the redistricting of the rest of the state as you redistrict Washington.

8. A final redistricting plan requires 4 of 7 votes to be enacted.

9. Since redistricting is essentially a political activity, if the political members of the group cannot decide on a plan, that is if 4 of the 6 political representatives cannot agree, the member of the independent redistricting commission votes to make the majority 4 of 7 votes.
Gerrymandering & the Supreme Court

Lesson 3: Student Handout 3.A

Redistricting Washington Rules

The city of Washington has grown in the last decade, and will get five congressional seats, one more than in the last redistricting.

Washington is a city made up of 100 uniformly inhabited blocks. Thirty of the blocks are inhabited solely by White Republicans; three of the blocks are inhabited by Hispanic Republicans; seven of the blocks are inhabited by Black Republicans; fourteen are inhabited solely by Black Democrats; seven of the blocks are inhabited by Hispanic Democrats; and thirty-nine are inhabited solely by White Democrats.

Members of this group need to each take on one the mindset of one of the members of the redistricting committee from Student Handout 2.B: Redistricting Washington Roles.

Rules & Information for Drawing Redistricting Plan

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4. Black and white Democrats typically make coalitions to ensure that a district will be considered Democrat.
5. In districts controlled by the Democrats, a black Democrat will be elected if blacks control the coalition, and vice versa. Among Democrats, if there are an equal number of black and white blocks in a winning coalition, either a black or white member might be elected.
6. A district is considered competitive if it has an equal number of Republicans and Democrats.
7. Do not consider what might be done in the redistricting of the rest of the state as you redistrict Washington.
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Gerrymandering & the Supreme Court
Lesson 3: Student Handout 3.B
Redistricting Washington Roles

Role 1: You are Deanna Velazquez. You are a young, Democratic state legislator serving on the redistricting task force for Imaginary State. You are a Puerto Rican woman and the only Latino representative in the state legislature. You want to see Latinos in Washington have a better chance of electing a Latino representative. You must make recommendations on how to divide the state into districts. You are open to the idea of using computers or an independent council to better represent the people.

Role 2: You are Collin Reese. You are a middle-age white Republican state legislator on the redistricting task force. You are interested in advancing the cause of Republicans at the state and national level. You would like to draw districts that give Republicans the best chance of winning as many districts as possible. However, there is pressure on you from some of your legislative colleagues not to make it look like you are trying to gerrymander. You are resistant to the idea of using an independent council to draw the redistricted map because you don’t believe there are “independent” people out there. However, you are open to bi-partisan gerrymandering so that all voices can be heard.

Role 3: You are Spencer Jones. You are a middle-age, African-American man in charge of the state Democratic Party. You would like to see Washington split into districts where Democrats will be elected. You would also like to see more African-American Representatives elected to Congress from the state. You support partisan gerrymandering because it can help create majority-minority districts that ensure African-American representation. You are skeptical of independent counsels.

Role 4: You are Alexandria Beyer. You are a young, Republican state legislator in favor of the Republicans taking control of as many seats as possible. You are known for testing the rules in order to win politically. You support drawing the districts to be sure the Republicans win as many seats as possible. This may make the districts a bit irregular. However, you believe many irregular districts have made it through the courts so you will draw the lines to meet your political goals and hope the courts decide in your favor. You have no desire to allow computers or an independent council to draw the boundaries. You believe it is the job of the political party in charge to best represent the citizens who elected them.

Role 5: You are Erica Martin. As a longtime state legislator, as you have aged you have increasingly taken on issues important to the elderly as your central causes (Social Security, Medicare, senior housing options, etc.). You have been told by your staff demographer that Republicans have a higher proportion of persons over 65 than the Democrats. Your demographer also told you that the white population is, on average, older than the black or Hispanic populations. How would you structure the new districts so that the candidates most likely to represent the interests of the elderly population will be elected? You consider yourself to be a moderate, libertarian who is socially liberal but, fiscally conservative.
Gerrymandering & the Supreme Court
Lesson 3: Student Handout 3.B (Continued)
Redistricting Washington Roles

Role 6: You are Mitch Alligood. You have been appointed by the Majority Leader of the Washington State Senate as the non-legislator appointee to the Joint Task Force on Demographic Research and Reapportionment. Your family has been in the farming industry for generations, and while you have left the land and now study agri-business at the local university, you nonetheless have strong sympathies for the farming community and its special legislative needs. Think about the make-up of the farming community in your state in terms of race/ethnicity and likely political party. Suppose the Washington State Farm Bureau recently announced support for a Democratic-led initiative to provide emergency financial support to farmers suffering from the current drought. The voting is expected to be close, and is predicted to be more likely to follow party lines than most farming-related votes due to recent severe partisan debate. Structure the new districts so that the candidates most likely to support the emergency financial support bill are most likely to be elected.

Role 7: You are Hunter Wade. You have been appointed a member of the independent redistricting commission. Your job is to draw the new districts such that no racial/ethnic group or party has any electoral advantage over the other. You strongly believe in developing a non-partisan map that best represents all people.

JIGSAW

The elements of a JIGSAW include:

- **Task Division**: A task or a passage of text materials is divided into several component parts (or topics).
- **Home Groups**: Each group member is given a topic on which to become an expert.
- **Expert Groups**: Students who have the same topics meet in expert groups to discuss the topics,
- master them, and plan how to teach them.
- **Home Groups**: Students return to their original groups and teach what they have learned.
Redistricting Washington

District Summary

<table>
<thead>
<tr>
<th>District Summary</th>
<th>Race</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>H</td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>B</td>
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<td>W</td>
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<tr>
<td>Total</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Party</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dem.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rep.</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

Materials adapted from Dr. Bridgette King's POLI 7050 class, Auburn University
Supreme Court: Gerrymandering & the Supreme Court Unit
Lesson 4: Gerrymandering & Redistricting Alabama Simulation

**Estimated Lesson Time:** 60 minutes

**Persistent Issue**
What should society do to promote fairness and justice for people who live within its jurisdiction?

**Central Question**
What should the Supreme Court do about Gerrymandering?

**Lesson Focus Question**
What are the challenges to adopting a fair voting district?

**Lesson Objectives:**
- Students should gain an understanding for the various interests that exist when drawing electoral districts.
- Students should discuss the challenges associated with drawing a fair map.
- Students should consider the impact and ramifications of consolidating a state’s electoral districts.

**Key Learning Goal:**
- Examine the factors and goals that influence drawing an electoral map.

**Lesson Materials:**
- PowerPoint 4: Redistricting Alabama 2022
- Student Handout 4.A: Redistricting Alabama 2010 Census Data
- Student Handout 4.B: Redistricting Alabama 2010 Census County Population Map
- Student Handout 4.C: Alabama History of Congressional Districts
- Student Handout 4.D: Redistricting Alabama Blank Map
- Student Handout 4.E: Redistricting Alabama 2022 Short Response

**Lesson Narrative:**
PRIOR TO THE LESSON: The teacher should place students into mixed ability groups of three-four students. PowerPoint 4: Redistricting Alabama 2022 should be on the board.

LESSON: The teacher should pass out Student Handout 4.A: Redistricting Alabama 2010 Census Data and Student Handout 4.B: Redistricting Alabama 2010 Census County Population Data. Allow students time to work through the maps and answer the accompanying questions so that they may become familiar with the geography and population make-up of Alabama’s citizens and voting population.

After completing Student Handout 4.A and Student Handout 4.B, the teacher should distribute Student Handout 4.C: Alabama History of Congressional Districts. Allow students time to...
compare the maps on the handouts and answer the accompanying questions as well as drawing inferences.

With a base knowledge of Alabama’s geography and voting population, the students will be ready to take on the final portion of this activity. In this scenario, Alabama will be losing a Congressional seat, moving from 7 to 6 delegates for the House of Representatives following the 2020 census. To redraw the districts, students will take on the role of an independent commission trying to draw the boundaries as fair as possible. The teacher should handout Student Handout 4.D: Redistricting Alabama Blank Map, Student Handout 4.E: Redistricting Alabama 2022 Short Response, and six different colored markers, crayons, or color pencils to each group. The teacher should go through PowerPoint 4: Redistricting Alabama 2022 with students and guide them through reading the scenario at the top of Student Handout 4.E. Afterwards, the teacher should direct the students to redraw the Congressional Districts of Alabama on Student Handout 4.D in such a way that represents the interests of all Alabamians with each color representing a different district. Remind students to discuss the factors that matter most to them as well as citizens of Alabama when drawing the new lines. Finally, students should complete Student Handout 4.E: Redistricting Alabama 2022 Short Response to reflect on the process.

After 20 minutes or so, bring the class back together for a debriefing using the final slide of PowerPoint 4: Redistricting Alabama 2022. Additional questions to ask the students include but are not limited to:

- What considerations did you make when looking at the map?
- What were your criteria for creating a fair map?
- What challenges did your group face when creating the six new districts?
- How does your map compare to those of groups around you?
- Whose map is the most fair? Why do you believe that?
Redistricting Alabama 2022

Materials to Help

- 2017 Census estimates by county
- Census Map data from 1990-2010
- The Congressional Maps used for Alabama from 1973-2022
  Using these map packets, determine where you would draw the new 6 Congressional districts of Alabama.

Alabama/Representatives

- Bradley Byrne - Congressional District 1
  (Baldwin County, Mobile County, Washington County, Monroe County, Escambia County, Mobile, and Dauphin Island)
- Martha Roby (R) - Congressional District 2
  (Covington County, Barbour County, Conecuh County, Butler County, Coffee County, Pike County, Elmore County, and Bullock County)
- Mike Rogers (R) - Congressional District 3
  (Tallapoosa County, Talladega County, St. Clair County, Russell County, Calhoun County, Lee County, Macon County, and Clay County)
- Robert Aderholt (R) - Congressional District 4
  (Walker County, DeKalb County, Cullman County, Marion County, Lawrence County, Franklin County, Winston County, and Colbert County)
- Mo Brooks (R) - Congressional District 5
  (Jackson County, Madison County, Lauderdale County, Limestone County, Morgan County, and Huntsville)
- Gary Palmer (R) - Congressional District 6
  (Shelby County, Chilton County, Coosa County, and Bibb County)
- Terri Sewell (D) - Congressional District 7
  (Dallas County, Marengo County, Choctaw County, Sumter County, Wilcox County, Pickens County, Perry County, Lowndes County, and parts of Clarke County, Tuscaloosa County, Jefferson County).

Debrief

- What challenges did you encounter when redrawing the map from 7 districts to 6?
- What considerations did you give when redrawing the map?
- How does your map compare to the people around you?
Alabama 2010 Census Data

Hispanic Population change from 2000 to 2010

<table>
<thead>
<tr>
<th>CITY *</th>
<th>HISPANIC PERCENT POP. CHANGE SINCE 2000</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Chelsea</td>
<td>325 ▶ 1254%</td>
</tr>
<tr>
<td>2. Alexander City</td>
<td>708 ▶ 957%</td>
</tr>
<tr>
<td>3. Calera</td>
<td>578 ▶ 863%</td>
</tr>
<tr>
<td>4. Midfield</td>
<td>77 ▶ 863%</td>
</tr>
<tr>
<td>5. Fultondale</td>
<td>909 ▶ 766%</td>
</tr>
<tr>
<td>6. Alabaster</td>
<td>2,723 ▶ 682%</td>
</tr>
<tr>
<td>7. Robertsdale</td>
<td>488 ▶ 568%</td>
</tr>
<tr>
<td>8. Gulf Shores</td>
<td>394 ▶ 535%</td>
</tr>
<tr>
<td>9. Leeds</td>
<td>774 ▶ 453%</td>
</tr>
<tr>
<td>10. Helena</td>
<td>560 ▶ 444%</td>
</tr>
</tbody>
</table>

* Cities with populations over 5,000

Source: Census 2010
Gerrymandering & the Supreme Court
Lesson 4: Student Handout 4.A (Continued)
Redistricting Alabama 2010 Census Data
Gerrymandering & the Supreme Court
Lesson 4: Student Handout 4.A (Continued)
Redistricting Alabama 2010 Census Data

Hispanic Population, 2010

Produced by: Cartographic Research Lab
Department of Geography
University of Alabama
Source: U.S. Census Bureau

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Supreme Court: Gerrymandering & the Supreme Court
Lesson 4: Student Handout 4.A (Continued)
Redistricting Alabama 2010 Census Data
Gerrymandering & the Supreme Court
Lesson 4: Student Handout 4.A (Continued)
Redistricting Alabama 2010 Census Data
Gerrymandering & the Supreme Court
Lesson 4: Student Handout 4.A (Continued)
Redistricting Alabama 2010 Census Data

1. What do these maps tell you about where the higher populations of people live in Alabama?

2. Do you notice any similarities between where people live and voting choices?

3. What do these maps tell us about the demographic population of Alabama?

4. Based on the population maps and recent election data, what factors do you believe should be considered when redrawing the Congressional Districts?
### Gerrymandering & the Supreme Court

#### Lesson 4: Student Handout 4.B

#### Redistricting Alabama 2010 Census County Population Map

<table>
<thead>
<tr>
<th>County</th>
<th>2010 Population</th>
<th>% change from 2000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Autauga</td>
<td>54,571</td>
<td>25.0%</td>
</tr>
<tr>
<td>Baldwin</td>
<td>182,265</td>
<td>29.8%</td>
</tr>
<tr>
<td>Barbour</td>
<td>27,457</td>
<td>-5.4%</td>
</tr>
<tr>
<td>Bibb</td>
<td>22,915</td>
<td>10.0%</td>
</tr>
<tr>
<td>Blount</td>
<td>57,322</td>
<td>12.3%</td>
</tr>
<tr>
<td>Bullock</td>
<td>10,914</td>
<td>-6.8%</td>
</tr>
<tr>
<td>Butler</td>
<td>20,947</td>
<td>-2.1%</td>
</tr>
<tr>
<td>Calhoun</td>
<td>118,572</td>
<td>5.6%</td>
</tr>
<tr>
<td>Chambers</td>
<td>34,215</td>
<td>-6.5%</td>
</tr>
<tr>
<td>Cherokee</td>
<td>25,989</td>
<td>8.3%</td>
</tr>
<tr>
<td>Chilton</td>
<td>43,643</td>
<td>10.2%</td>
</tr>
<tr>
<td>Choctaw</td>
<td>13,859</td>
<td>-13.0%</td>
</tr>
<tr>
<td>Clarke</td>
<td>25,833</td>
<td>27.3%</td>
</tr>
<tr>
<td>Clay</td>
<td>13,932</td>
<td>-2.3%</td>
</tr>
<tr>
<td>Cleburne</td>
<td>14,972</td>
<td>6.0%</td>
</tr>
<tr>
<td>Coffee</td>
<td>49,948</td>
<td>14.5%</td>
</tr>
<tr>
<td>Colbert</td>
<td>54,428</td>
<td>-1.0%</td>
</tr>
<tr>
<td>Conecuh</td>
<td>13,228</td>
<td>-6.1%</td>
</tr>
<tr>
<td>Coosa</td>
<td>11,539</td>
<td>-5.4%</td>
</tr>
<tr>
<td>Covington</td>
<td>37,765</td>
<td>0.4%</td>
</tr>
<tr>
<td>Crenshaw</td>
<td>13,906</td>
<td>1.8%</td>
</tr>
<tr>
<td>Cullman</td>
<td>80,406</td>
<td>3.8%</td>
</tr>
<tr>
<td>Dale</td>
<td>50,251</td>
<td>2.3%</td>
</tr>
<tr>
<td>Dallas</td>
<td>43,820</td>
<td>-5.5%</td>
</tr>
<tr>
<td>DeKalb</td>
<td>71,109</td>
<td>10.3%</td>
</tr>
<tr>
<td>Elmore</td>
<td>79,303</td>
<td>20.4%</td>
</tr>
<tr>
<td>Escambia</td>
<td>38,319</td>
<td>-0.3%</td>
</tr>
<tr>
<td>Etowah</td>
<td>104,430</td>
<td>0.9%</td>
</tr>
<tr>
<td>Fayette</td>
<td>17,241</td>
<td>-6.8%</td>
</tr>
<tr>
<td>Franklin</td>
<td>31,704</td>
<td>1.5%</td>
</tr>
<tr>
<td>Geneva</td>
<td>25,790</td>
<td>4.0%</td>
</tr>
<tr>
<td>Greene</td>
<td>9,045</td>
<td>-9.3%</td>
</tr>
<tr>
<td>Hale</td>
<td>15,760</td>
<td>-8.3%</td>
</tr>
<tr>
<td>Henry</td>
<td>17,302</td>
<td>6.1%</td>
</tr>
<tr>
<td>Houston</td>
<td>101,547</td>
<td>14.4%</td>
</tr>
<tr>
<td>Jackson</td>
<td>53,227</td>
<td>-1.3%</td>
</tr>
<tr>
<td>Jefferson</td>
<td>658,466</td>
<td>-0.5%</td>
</tr>
<tr>
<td>Lamar</td>
<td>14,564</td>
<td>-8.4%</td>
</tr>
<tr>
<td>Lauderdale</td>
<td>92,769</td>
<td>-5.4%</td>
</tr>
<tr>
<td>Lawrence</td>
<td>34,359</td>
<td>-1.3%</td>
</tr>
<tr>
<td>Lee</td>
<td>140,247</td>
<td>21.9%</td>
</tr>
<tr>
<td>Limestone</td>
<td>82,782</td>
<td>26.0%</td>
</tr>
<tr>
<td>Lowndes</td>
<td>11,299</td>
<td>-16.1%</td>
</tr>
<tr>
<td>Macon</td>
<td>21,452</td>
<td>-11.0%</td>
</tr>
<tr>
<td>Madison</td>
<td>334,811</td>
<td>21.0%</td>
</tr>
</tbody>
</table>

Source: U.S. Census Bureau

---

Gerrymandering & the Supreme Court
Lesson 4: Student Handout 4.C
Alabama History of Congressional Districts

Alabama Congressional Map (1973-1983)
Gerrymandering & the Supreme Court
Lesson 4: Student Handout 4.C (Continued)
Alabama History of Congressional Districts

Alabama Congressional Map (1983-1992)
Gerrymandering & the Supreme Court
Lesson 4: Student Handout 4.C (Continued)
Alabama History of Congressional Districts

Alabama Congressional Map (1993-2002)
Alabama Congressional Map (2003-2013)
Gerrymandering & the Supreme Court
Lesson 4: Student Handout 4.C (Continued)
Alabama History of Congressional Districts

Alabama Congressional Map (2013-2022)
Gerrymandering & the Supreme Court
Lesson 4: Student Handout 4.C (Continued)
Alabama History of Congressional Districts

Compare & Contrast Alabama Congressional District Maps

1. Based on the five maps, what are the biggest changes you notice?

2. Which Congressional District gained the most territory?

3. Which Congressional District lost the most territory?

4. What factors do you believe contributed to the changing districts?
Gerrymandering & the Supreme Court
Lesson 4: Student Handout 4.D
Redistricting Alabama Blank Map
Gerrymandering & the Supreme Court
Lesson 4: Student Handout 4.E
Redistricting Alabama 2022 Short Response

Task: Based on new census data, Alabama has grown in population from 2010 to 2020 by only 3% while Colorado has increased by 7%. As a result, Alabama will lose a Congressional Seat during the redrawing of the Electoral Map. Currently, Alabama has 7 Congressional Districts. This will now change to 6 Congressional Districts. Your job is to redraw a fair Alabama Congressional District Map as part of the newly adopted Independent Commission on Voting. When redrawing the map, use the provided documents to better understand the population and voting tendencies of the different Congressional Districts within the state. After you have created the new Alabama Congressional District Map, provide a brief explanation (2-3) paragraphs on how you chose to draw your district lines. Explain the factors (population, political party, etc.) that influenced your thinking. Provide explanations on difficulties you faced within your group on determining the new districts. Additionally, provide any insight you gained about the process of drawing Congressional Districts.
# Redistricting Alabama Rubric

<table>
<thead>
<tr>
<th>Criteria</th>
<th>4.0—Exemplary</th>
<th>3.0—Competent</th>
<th>2.0—Approaching Competent</th>
<th>1.0—Needs Improvement</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Map Redrawn</strong></td>
<td>Map is redrawn into 6 continuous districts, independence is kept representing fair districts.</td>
<td>Map is redrawn into 6 districts, some partisan gerrymandering apparent</td>
<td>Map is either not in 6 consecutive districts or map appears heavily gerrymastered</td>
<td>Map directions are not followed, 6 continuous districts are missing</td>
</tr>
<tr>
<td><strong>Support for Redrawn Lines</strong></td>
<td>Clear explanation given for the factors that influenced the decision making of the new lines. Provides evidence/explanation for why other options were not chosen.</td>
<td>Somewhat clear explanation given for the factors that influenced the decision making of the new lines. Provides evidence/explanation for why other options were not chosen.</td>
<td>Vague explanation given for the factors that influenced the decision making of the new lines. No evidence/explanation for why other options were not chosen.</td>
<td>No explanation given for the factors that influenced the decision making of the new lines. No evidence/explanation for why other options were not chosen.</td>
</tr>
<tr>
<td><strong>Knowledge learned</strong></td>
<td>Student discusses the knowledge learned from attempting to redistrict Alabama in a non-partisan way.</td>
<td>Student discusses some knowledge from attempting to redistrict Alabama</td>
<td>Student does not clearly discuss knowledge on attempting to redistrict Alabama</td>
<td>No explanation given on the knowledge learned in redistricting Alabama</td>
</tr>
<tr>
<td><strong>Grammar and Language</strong></td>
<td>Correct spelling and grammar are used. Explanation is organized and thoughtfully described.</td>
<td>Most spelling and grammar are correct. Explanation is organized and thoughtfully described.</td>
<td>Spelling and grammar need correction. Explanation is scattered and appears rushed.</td>
<td>Spelling and grammar need correction. Explanation is nonexistent.</td>
</tr>
</tbody>
</table>
**Supreme Court: Gerrymandering & the Supreme Court Unit**

**Lesson 5: Culminating Activity**

**Estimated Lesson Time:** 60 minutes

**Persistent Issue**
What should society do to promote fairness and justice for people who live within its jurisdiction?

**Central Question**
What should the Supreme Court do about Gerrymandering?

**Lesson Focus Question**
How should the Supreme Court rule on the issue of Gerrymandering?

**Lesson Objectives:**
- Students should be able to explain the strongest reasons for how the Supreme Court would rule in each scenario and then conclude which is best for the court to pursue.

**Key Learning Goal:**
- Students should use evidence to support how the Supreme Court should rule on Gerrymandering by making a persuasive argument for what action the court should take.

**Lesson Materials:**
- PowerPoint 5: Gerrymandering Culminating Activity
- Student Handout 5.A: Constitutional Amendments on Voting
- Student Handout 5.B: Redistricting Supreme Court Cases
- Student Handout 5.C: Quotes on Gerrymandering
- Student Handout 5.D: Gerrymandering Analysis Task Directions & Rubric

**Lesson Narrative:**
PRIOR TO THE LESSON: The teacher should have PowerPoint 5: Gerrymandering Culminating Activity on the board visible for all students. This PowerPoint will guide the Culminating Activity.

LESSON: The teacher will begin taking students through PowerPoint 5: Gerrymandering Culminating Activity. During which, he or she should explain to the students that they will individually be taking on the role of Supreme Court Justices to decide on Gerrymandering. As justices they can decide on one of the following three options: A) Do nothing as the problem is too big for the Supreme Court and maintain the status quo that partisan gerrymandering is legal, B). Determine that partisan gerrymandering is legal but that it is up to the states to determine, or C.) Partisan gerrymandering is illegal and the Supreme Court will come up with its own solution that will be applied to all of the states.

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To help students support their decision as a Supreme Court Justice on the issue of Gerrymandering, the teacher will pass out Student Handout 5.A: Constitutional Amendments on Voting, Student Handout 5.B: Redistricting Supreme Court Cases, and Student Handout 5.C: Quotes on Gerrymandering. Allow students time to analyze the documents and complete the questions as well as the Supreme Court Case graphic organizer on Student Handout 5.B. After roughly 20 minutes, the teacher should continue the PowerPoint by showing the two video clips related to the most recent Supreme Court cases on Gerrymandering. Instruct students to complete the Venn Diagram on Student Handout 5.B as they watch the video clips. After the videos, the teacher should lead a class discussion helping them analyze the two cases.

Once the class has completed PowerPoint 5 and analyzed all of the documents, the teacher should pass out Student Handout 4.E: Student Handout 5.D: Gerrymandering Analysis Task Directions & Rubric for students to complete.
Task: Determine how the Supreme Court should rule on Gerrymandering.

Context: The Supreme Court is hearing cases this session in 2019. Your job is to take on the role of a Supreme Court Justice and determine how the court should handle the issue of gerrymandering. Analyze the recent evidence regarding gerrymandering and make a ruling on how you feel the court should handle the issue of gerrymandering. To help, use the Supreme Court precedent cases and the video clips regarding Benisek v. Lamone and Rucho v. Common Cause to support your claims. Additionally, you will be provided an organizer on the constitutional amendments related to voting and politician quotes on gerrymandering.

Both cases involve Partisan gerrymandering

- 1st map is of Maryland’s map, Benisek v. Lamone case, drawn by Democrats
- 2nd map is of North Carolina’s, Rucho v. Common Cause, drawn by Republicans

Pay attention to the shapes of the districts, be critical of their sizes.
Gerrymandering & the Supreme Court
Lesson 5: PowerPoint 5 (Continued)
Gerrymandering Culminating Activity
15th Amendment - Rights Not to Be Denied on Account of Race (1870)
Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.
Section 2. The Congress shall have power to enforce this article by appropriate legislation.

17th Amendment - Election of Senators (1913)
The Senate of the United States shall be composed of two Senators from each state, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislatures.
When vacancies happen in the representation of any state in the Senate, the executive authority of such state shall issue writs of election to fill such vacancies: Provided, that the legislature of any state may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.
This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

19th Amendment - Women's Right to Vote (1920)
The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex.
Congress shall have power to enforce this article by appropriate legislation.

23rd Amendment - Presidential Vote in D.C. (1961)
Section 1. The District constituting the seat of government of the United States shall appoint in such manner as the Congress may direct:
A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a state, but in no event more than the least populous state; they shall be in addition to those appointed by the states, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a state; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.
Section 2. The Congress shall have power to enforce this article by appropriate legislation.

24th Amendment - Poll Tax (1964)
Section 1. The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any state by reason of failure to pay any poll tax or other tax.
Section 2. The Congress shall have power to enforce this article by appropriate legislation.
Constitutional Amendments on Voting

26th Amendment - Right to Vote at Age 18 (1971)
Section 1. The right of citizens of the United States, who are 18 years of age or older, to vote, shall not be denied or abridged by the United States or any state on account of age.
Section 2. The Congress shall have the power to enforce this article by appropriate legislation.
Population

*Baker v. Carr*, (1962)

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

**Summary:** Since the earliest days of the republic, redrawing the boundaries of legislative and congressional districts after each decennial census has been primarily the responsibility of state legislatures. Following WWI, as the nation’s population began to shift from rural to urban areas, many legislatures lost their enthusiasm for the decennial task and failed to carry out their constitutional responsibility. For decades, the U.S. Supreme Court declined repeated invitations to enter the “political thicket” of redistricting, *Colegrove v. Green*, (1946), and refused to order the legislatures to carry out their duty. In this case, the Tennessee General Assembly had failed to reapportion seats in the Senate and House of Representatives since 1901. By 1960, population shifts in Tennessee made a vote in a small rural county worth 19 votes in a large urban county. The Court held that a federal district court had jurisdiction to hear a claim that this inequality of representation violated the Equal Protection Clause of the Fourteenth Amendment.

*Reynolds v. Sims*, (1964)

**Significance:** Both houses of a bicameral state legislature must be apportioned substantially according to population. Legislative districts may deviate from strict population equality only as necessary to give representation to political subdivisions and provide for compact districts of contiguous territory. Legislative districts should be redrawn to reflect population shifts at least every 10 years. Once a constitutional violation has been shown, a court should take equitable action to correct it, bearing in mind the practical requirements of running an election.

**Summary:** Alabama Senate and House seats had not been reapportioned among the counties since 1903. Each county had one or more senators and one or more representatives, regardless of population. According to the 1960 Census, the largest Senate district had about 41 times the population of the smallest Senate district, and the largest House district had about 16 times the population of the smallest House district. Alabama attempted to justify the disparity in the Senate by analogy to the federal system, but the Supreme Court found that comparison to not be pertinent. Justice Earl Warren declared, “Legislators represent people, not trees or acres.” The Court held that “the Equal Protection Clause requires that the seats in both houses of a bicameral state legislature must be apportioned on a population basis.” More flexibility is allowed for legislative districts than for congressional districts. “[M]athematical nicety is not a constitutional requisite” when drawing legislative plans. All that is necessary is that the maps achieve “substantial equality of population among the various districts.” Deviations from population equality in legislative plans may be justified if they are “based on legitimate
considerations incident to the effectuation of a rational state policy,” such as maintaining the integrity of political subdivisions and providing for compact districts of contiguous territory. Redrawing legislative districts at least every 10 years to reflect population shifts is not constitutionally required, but to redraw them less often “would assuredly be constitutionally suspect.” Once a constitutional violation has been shown, a court should take equitable action to correct it, bearing in mind the practical requirements of running an election.

Legislatures vs. Commissions


**Significance:** The creation of a redistricting commission for congressional districts via ballot initiative does not violate the Elections Clause of the U.S. Constitution.

**Summary:** In 2000, Arizona voters created the Arizona Independent Redistricting Commission via ballot initiative to redraw state legislative districts and congressional districts. In 2015, the Arizona Legislature challenged the right of the commission to draft congressional lines, arguing that the Elections Clause of the U.S. Constitution only grants two institutions the power to regulate the time, place, or manner of electing congressional representatives: the legislatures in each of the states, or Congress. The Supreme Court held that the reference to the “Legislature” in the Elections Clause encompassed citizen initiatives in states like Arizona, where the state constitution explicitly includes the people’s right to bypass the legislature and make laws directly through such initiatives.

Race

**Gomillion v. Lightfoot,** (1960)

**Significance:** determined that an electoral district with boundaries created to disenfranchise blacks violated the Fifteenth Amendment.

**Summary:** In this landmark voting rights case, the Supreme Court ruled on whether Act 140 of the Alabama legislature violated the Fifteenth Amendment. Alabama passed Act 140 in 1957, which changed the boundaries of the city of Tuskegee, Alabama. It had previously been a square, but the legislature redrew it as a 28-sided figure, excluding all but a handful of potential African American voters and no white voters. Among those excluded were the entire educated, professional faculty of the Tuskegee University and doctors and staff of the Tuskegee Veterans Administration Hospital. Justice Frankfurter issued the opinion of the Court, which held that the Act did violate the provision of the 15th Amendment prohibiting states from denying anyone their right to vote on account of race, color, or previous condition of servitude. Justice Whitaker concurred but he said in his opinion that he believed the law should have been struck down under the Equal Protection Clause of the Fourteenth Amendment.
Gerrymandering & the Supreme Court
Lesson 5: Student Handout 5.B (Continued)
Redistricting Supreme Court Cases

Partisanship


**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*.

**Summary:** Between *Bandemer* and *Vieth*, nearly 20 years elapsed. During that time, no lower court successfully created a manageable legal standard under which to scrutinize partisan gerrymanders. A majority of justices in this case held that this particular challenge also failed to prove a violation of the Constitution. Four of the five justices in the majority went further, stating that they believed no such standard existed and that partisan gerrymandering claims should be excluded from federal courts under the political question doctrine. However, the fifth justice in the majority—Kennedy—would not go that far. In his view, partisan gerrymandering claims might be justiciable, possibly under the First Amendment. Nonetheless, he concluded that, “the failings of the many proposed standards for measuring the burden a gerrymander imposes on representational rights make our intervention improper. If workable standards do emerge to measure these burdens, however, courts should be prepared to order relief.” Because Kennedy did not join the other four justices in the majority on this point, aggrieved parties continue to offer arguments for judicially manageable standards by which alleged political gerrymanders may be reviewed.

*Gill v. Whitford* (2018)

**Significance:** The cases focus was the constitutionality of partisan gerrymandering. Other forms of gerrymandering based on racial or ethnic grounds have been deemed unconstitutional, and while the Supreme Court has identified that extreme partisan gerrymandering can also be unconstitutional, the Court has not agreed on how this can be defined, leaving the question to lower courts to decide.

**Summary:** The case arose following the 2011 redistricting plan for the State of Wisconsin created by Republican legislators to maximize the likelihood that the Republicans would be able to secure additional seats in the State legislature over the next few election cycles. The plan was challenged by Democratic citizens, claiming the redistricting plan caused their votes to be "wasted". The case was filed in 2015, and by 2016, the District Court for the Western District of Wisconsin ruled in favor of the Democrats, based on the evaluation of the efficiency gap measure developed for this case, and ordered Wisconsin to redo its districts by 2017. The State appealed the ruling to the Supreme Court, which heard the case in October 2017. During the Court’s deliberations, it also accepted to hear the merits of another partisan gerrymandering case, *Benisek v. Lamone*, related to the 2011 redistricting of Maryland's 6th congressional district, for
Gerrymandering & the Supreme Court
Lesson 5: Student Handout 5.B (Continued)
Redistricting Supreme Court Cases

which it heard oral arguments in March 2018. While the majority of political scientists agree that Wisconsin's map was heavily biased, it was expected that the case would center on whether the efficiency gap measures and other metrics provided by political scientists meet the criteria that Justice Anthony Kennedy set forth in his concurring opinion in Vieth v. Jubelirer (2004), a previous Supreme Court case dealing with partisan gerrymandering. Ruling on June 18, 2018, the Court remanded the case back to lower courts, finding that the plaintiffs had not demonstrated standing for the case in demonstration of harm, though the Justices were split on to what degree the plaintiffs must show "concrete and particularized injuries".

2018/2019 Supreme Court Action

In 2018, four partisan gerrymandering cases came before the Supreme Court. None had substantive rulings. In Gill v. Whitford, the Court remanded the case for the plaintiffs to prove standing. In Benisek v. Lamone, the Court refused to grant a preliminary injunction on the Maryland Congressional map. In Rucho v. Common Cause, the Court vacated the judgement and remanded for further consideration considering Gill v. Whitford. As for Turzai v. League of Women Voters of Pa, Pennsylvania legislative leaders filed a petition to the U.S. Supreme Court on June 21, 2018 appealing the Pennsylvania Supreme Court's decision to adopt a remedial map.


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### Redistricting Supreme Court Cases

<table>
<thead>
<tr>
<th>Court Case</th>
<th>Type of Redistricting</th>
<th>Relevance to current cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gomillion v. Lightfoot, (1960)</td>
<td>Race</td>
<td></td>
</tr>
<tr>
<td>Reynolds v. Sims, (1964)</td>
<td>Population</td>
<td></td>
</tr>
</tbody>
</table>

Use the organizer below to evaluate the Supreme Court cases that establish Precedent and Relevance to Gerrymandering today.
Gerrymandering & the Supreme Court
Lesson 5: Student Handout 5.B (Continued)
Redistricting Supreme Court Cases

Use the organizer below to evaluate the Supreme Court cases that establish precedent and relevance to gerrymandering today.

- Bucha v. Common Cause
- Benisek v. Lamone
Gerrymandering & the Supreme Court
Lesson 5: Student Handout 5.C
Quotes on Gerrymandering

“We’ve got to end the practice of drawing our congressional districts so that politicians can pick their voters, and not the other way around. Let a bipartisan group do it.” – President Barack Obama (D) (1/16/2016, State of the Union Address)

"Gerrymandering has completely broken our political system, and I believe my best platform to help repair it is from the outside, by campaigning for independent redistricting commissions”—Fmr. California Governor Arnold Schwarzenegger (R) (March 2017, Facebook)

“Gerrymandering is a form of political subterfuge that stifles real political debate and deprives citizens of meaningful choices.” – Maryland Governor Larry Hogan (R) (Aug. 6, 2015), Washington Post

“I believe that gerrymandering is the fractured foundation on which our legislative branch of government is built. It’s a survival skill that both parties have mastered because they know that the party that controls the line-drawing process can all but guarantee the outcome of general elections.” – Ohio Secretary of State Jon Husted (R) (Feb 6, 2014, Washington Post)

“We’re at a place now in this country where voters are not picking their representatives anymore. Representatives, through the gerrymandering process and redistricting, are picking their voters.” – Reid Ribble (R-WI) (July 23, 2013, Milwaukee-Wisconsin Journal-Sentinel)

“American deserve better. Congressional representation should not be a political blood sport that protects incumbents, disenfranchises legitimate interests, and allows people to achieve with surgical reappointment what they couldn’t do honestly at the ballot box.” – Congressman Earl Blumenauer (D-OR) (April 30, 2014, CSPAN)

“The fact is, gerrymandering has become a national scandal” – Ronald Reagan (R-CA) (October ,15, 1987)

1. Based on the quotes from politicians above, provide 3 inferences about the Gerrymandering problem?

1)._________________________________________________________________________
2)._________________________________________________________________________
3)._________________________________________________________________________
Gerrymandering & the Supreme Court
Lesson 5: Student Handout 5.D
Gerrymandering Analysis Task Directions & Rubric

Task: Your job is to take on the role of a Supreme Court Justice and determine how the court should handle the issue of gerrymandering? Analyze the recent evidence regarding Gerrymandering and make a ruling on how you feel the court should handle the issue of Gerrymandering. To help, use the Supreme Court precedent cases and the video clips regarding Benisek v. Lemone and Rucho v. Common Cause to support your claims. Additionally, you will be provided an organizer on the constitutional amendments related to voting and politician quotes on gerrymandering.

You must choose one of the three options below, providing evidence and support for why this is the best course of action while also providing reasoning for why the other two options are not viable. This should be completed in a 3 to 5 paragraph format with a Thesis/Introduction, Body paragraph(s), and then a conclusion.

Option 1: The Supreme Court does nothing and maintains the status quo.
Option 2: The Supreme Court does rule on the issue of Gerrymandering but, leaves the redistricting up to the states citing the 10th Amendment as its justification.
Option 3: The Supreme Court rules partisan Gerrymandering is unconstitutional and comes up with a new method to prevent gerrymandering that all states must follow. If you select this option, you must explain your proposal for how states districts will be drawn.

Essay Structure
Paragraph One: Should explain the history of gerrymandering and why it is a problem. Cite 3 examples

Paragraphs Two, Three & Four: Use each paragraph to make the strongest argument for the Supreme Court choosing each option 1-3. Explain the benefits to the Supreme Court choosing each option while providing evidence from the Constitution, precedent Supreme Court cases, politician quotes, or history.

Paragraph Five: Persuade the reader to what option should be taken up by the court and why regarding Gerrymandering. Provide evidence supporting your claim and your rationale in why the other two options were not suitable.
### Gerrymandering Analysis Task Directions & Rubric

<table>
<thead>
<tr>
<th>Criteria</th>
<th>4-Exemplary</th>
<th>3-Competent</th>
<th>2-Approaching Competence</th>
<th>1-Needs Improvement</th>
<th>Score</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Contextualization</strong></td>
<td>Provides evidence and context to their rational. Demonstrates ability to identify the type of scrutiny and level of suspicion, how it applies and why it was written.</td>
<td>Provides some evidence into their rational. Student almost always correctly identifies the type of scrutiny and level of suspicion when it was written, and why it was written.</td>
<td>Attempts to provide reasoning for decision making. Limited context, to some extent, student correctly identifies the scrutiny or level of suspicion when it was written, and why it was written.</td>
<td>Poorly places sources in their historical context. Rarely or does not mention the correct scrutiny or level of suspicion. Does not discuss when it was written, and why it was written.</td>
<td>4</td>
</tr>
<tr>
<td><strong>Persuasive</strong></td>
<td>Takes a clear stand on the issue and provides a highly compelling and comprehensive argument for a position which uses clear reasons with relevant evidence.</td>
<td>Takes a stand on the issue and provides a logical and mostly comprehensive argument for a position which uses clear reasons with relevant evidence.</td>
<td>Presents an incomplete argument on the issue and provides some evidence to support the argument.</td>
<td>Presents a poor argument on the issue and provides little evidence to support the argument.</td>
<td>8</td>
</tr>
<tr>
<td><strong>Dialectical Reasoning</strong></td>
<td>Responds to and articulates chosen perspective. Presents clear synthesis of opposing views and thoroughly responds to the strongest counterarguments of critics.</td>
<td>Responds to and articulates chosen perspective. Presents adequate synthesis of opposing views and mostly responds to counterarguments of critics.</td>
<td>Somewhat responds to and articulates chosen perspective. Presents some synthesis of opposing views and does not fully respond to counterarguments of critics.</td>
<td>Rarely responds to and articulates chosen perspective. Presents limited synthesis of opposing views and unclearly responds to counterarguments of critics.</td>
<td>8</td>
</tr>
<tr>
<td><strong>Organization</strong></td>
<td>Demonstrates purposeful coherence, clarity, and consistency, making the essay easy to follow. Demonstrates good spelling, grammar, and structures the essay in a proper format.</td>
<td>Demonstrates coherence, clarity, and consistency, making the essay fairly easy to follow. Demonstrates good spelling, grammar, and structures the essay in a proper format.</td>
<td>Demonstrates some coherence, clarity, and consistency, making the essay somewhat easy to follow. Demonstrates adequate spelling, grammar, and mostly structures the essay in a proper format.</td>
<td>Demonstrates limited coherence, clarity, and consistency making the essay difficult to follow. Demonstrates limited spelling, grammar, and poorly structures the essay in a proper format.</td>
<td>4</td>
</tr>
</tbody>
</table>
Supreme Court: Gerrymandering & the Supreme Court Unit

Additional Materials:
- Teacher Handout AM.1: Gerrymandering Video List
- Teacher Handout AM.2: Gerrymandering Internet Games

Teacher Handout AM.1: Gerrymandering Video List
This list provides teachers with additional video clips about the topic of Gerrymandering. These video clips can be used to further teacher knowledge or used to supplement classroom instruction. Additionally, the videos could be used to flip the classroom as a way to introduce the topic to students. Along with the links is a provided scaffold for students to compare and contrast two of the video clips as well as guiding debriefing questions for the teacher.

Teacher Handout AM.2: Gerrymandering Internet Games
This list of two Gerrymandering games that are on the internet can be used as supplemental material to further enhance student understanding of Gerrymandering.
Additional Materials: Teacher Handout AM.1
Gerrymandering Video List

2017 EMMY AWARD: “Gerrymandering: Why We’re Mad at Washington”
Published by the American Law Journal (28:11)
https://www.youtube.com/watch?v=mOL5YMzfdxc

Gerrymandering: Last Week Tonight with John Oliver (HBO)
Published April 2017 (19:33) Parental Permission needed
https://www.youtube.com/watch?v=A-4dllmaodQ&t=8s

Gerrymandering: Crash Course Government and Politics #37
Published October 2015 (7:57)
https://www.youtube.com/watch?v=MnhFm5QVVT0

The Mathematics of Gerrymandering | Wesley Pegden | TEDxCMU
Published June 2018 (14:31)
https://www.youtube.com/watch?v=NAS4AsPi1q4

Gerrymandering: Is Geometry Silencing Your Vote?
Published May 2017 (5:17)
https://www.youtube.com/watch?v=ieB3ukWB3tQ

Gerrymandering focused for AP Gov
Published 2017 (5:59)
Gerrymandering & the Supreme Court

Additional Materials: Teacher Handout AM.1 (Continued)

Gerrymandering Video List

Choose two of the video links above to complete your analysis sheet on the back. Be specific on the video clips you choose. Be prepared to discuss and explain your videos for the group activity.

Video #1 ________________________________

1. How does the video define Gerrymandering? What tone/perspective does the video take?

2. Does the video offer solutions to the problem of Gerrymandering? If so, what are the solutions mentioned?

3. What are some challenges to correcting gerrymandered districts?

4. What stood out from the video? Did the video leave you with any questions? If so, write below.

Video #2 ________________________________

1. How does the video define Gerrymandering? What tone/perspective does the video take?

2. Does the video offer solutions to the problem of Gerrymandering? If so, what are the solutions mentioned?

3. What are some challenges to correcting gerrymandered districts?

4. What stood out from the video? Did the video leave you with any questions? If so, write below.

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Gerrymandering & the Supreme Court

Teacher Debrief Questions

1). What similarities existed among the videos you watched?

2). Based on the four districting practices (partisan, bi-partisan, independent council, computer program) what do you think is the best choice?

3). What differences did you notice among the videos? (Consider the different video publisher) How does the video producer impact the message?

4). Did you notice any bias?

5). Do you have any lingering questions regarding Gerrymandering?
Gerrymandering & the Supreme Court

Additional Materials: Teacher Handout AM.2

Gerrymandering Internet Games

The Redistricting Game
http://www.redistrictinggame.org/game/launchgame.php
This game allows for students to pick a political party and then complete political objectives based off the party they choose. The game has 5 different game types of Gerrymandering (Population, Partisan, Bi-Partisan, Voting Rights Act, and Reform) at two different levels (basic and advanced). The game provides students with challenging tasks that mimics the challenges real state legislatures face when redrawing districts. This game is highly recommended, students could spend more than 30 minutes if doing multiple game types.

DISTRICT: A Game about Representation & Redistricting
http://polytrope.com/district/
Simple but informative game shows students how Gerrymandering works at a simplistic level. Provides students with 10 tasks related to Gerrymandering. Relatively quick, most students could finish this in 10 minutes.