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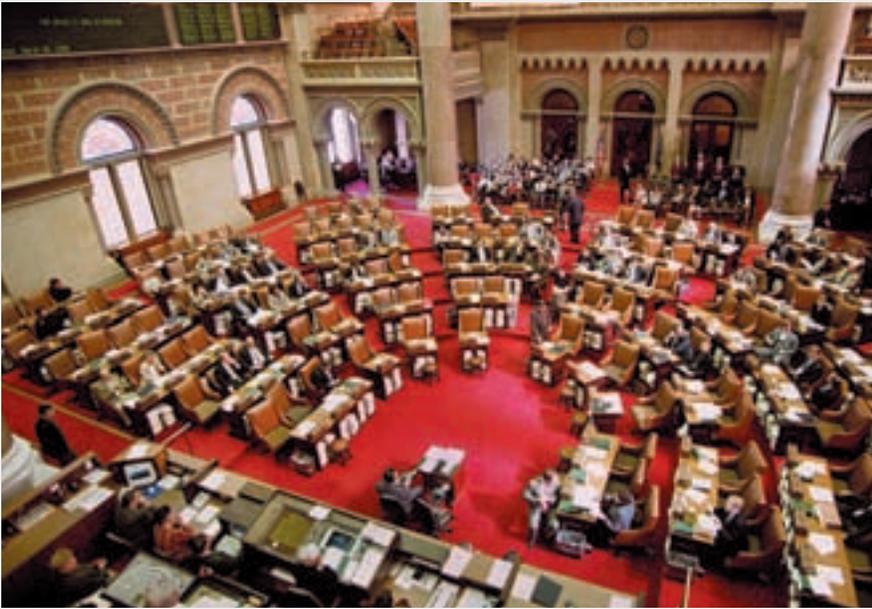
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The rules of democracy



New York State legislature in session.

Reinvigorated Jaeckle Center studies the laws behind state and local politics

A long-established UB Law research center is shifting focus with the advent of a new director, bringing faculty and student energies to investigate the ways that laws and legal institutions – particularly state constitutions – structure American politics at the state and local levels.

James A. Gardner, who is the Law School's Joseph W. Belluck and Laura L. Aswad Professor of Civil Justice, became director of the Edwin F. Jaeckle Center for State and Local Democracy in mid-2005. "We are trying to revive the center's original mission," he said, "and to serve as a resource for those who are working in this area."

Gardner brings with him a longtime research interest in law and democracy, particularly "subnational democracy" – governance on the state and local levels. "Most of where democracy actually occurs is at those levels," he said, "and there has been very little research into this area."

Besides Gardner, the Jaeckle Center, which was founded in 1980, comprises UB Law faculty members William R. Greiner, James L. Magavern '59, Lynn Mather and John Henry Schlegel. They are joined by UB faculty in urban planning, political science, English and American culture, as well as two Jaeckle Fellows. Affiliated faculty are teaching in the areas of state and local gov-

ernment law, economic development, county government and state constitutional law.

As with all structures that encourage the exchange of ideas, part of the mission of the center is to facilitate cross-pollination. "If you can create a framework within which like-minded people can get together and compare notes, that is the seeds of a program," Gardner said. A new Web site also helps explain and promote the center's mission.

The principal ongoing project at the center is to compile a database of state constitutions – both current and historical – in order that researchers can look at the ways those constitutions have specified how state legislatures are elected. For example, Gardner said, many constitutions defined election districts county by county, but legislatures also have drawn election districts along political lines. "People are very suspicious that politicians are drawing districts to stack the deck," he said.

State constitutions have a long and messy history, beginning with the constitution that governed Massachusetts even before the Founding Fathers hammered out the U.S. Constitution. "In 1776, there was very little experience with this," Gardner said. "Nobody wanted a monarchy, but what would replace it was mostly a matter of speculation. Nobody knew what would work." The writers of state constitutions, he said, sometimes patterned them after the U.S. Constitution, but sometimes struck out on their own. As a result, state constitutions differ greatly from each other and also from the federal document.

Gardner is also working on two papers about gerrymandering, the controversial practice of manipulating the boundaries of election districts for electoral advantage. In states where districts have been redrawn in this way, a plausible theory, he said, is that that contributes to the polarization of political debate. In non-competitive districts, the theory goes, the public servant has to appeal only to his or her own party

voters, and this pushes the politician further from the political center – and thus further away from those of the opposing party.

A new project will look at the subjects state legislation deals with, asking the question: How much of this legislation deals with local matters, and how much with state matters? The hypothesis, Gardner said, is that the way state constitutions are written will influence on which level lawmakers spend most of their energies.

Also in the preliminary stages is planning for a conference, to be held at UB Law, on the topic of how local legislators work – the nitty-gritty of democracy as it is practiced in towns, villages and county legislatures. “A lot of really important law gets made on that level,” Gardner said. “This conference would be the first sustained attention it gets.”

Accomplishments of the Jaekle Center Include:

- Created a certificate program in State and Local Government offering courses designed to prepare students to practice in that area
 - Established externships for students who work directly with legislators and other government officials on public issues
 - Saved millions of dollars in Medicaid money by working with county governments
 - Provided the expertise to obtain more than \$160 million in external financing to fund, construct and manage affordable housing in Western New York
 - Helped a variety of governmental entities enforce regulations and resolve problems involving waste disposal, and provided guidelines in reclaiming old industrial sites and putting them to productive use
 - Worked with the New York State Assembly to study proposed changes in financing public education in elementary and secondary schools
 - Played an important role in an ambitious, university-wide project that studied regional governance issues and presented an extensive, detailed proposal to save a significant amount of money

The Regional Institute

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Robert S. Berger and Errol E. Meidinger, and such subjects and economic integration between Western New York and Southern Ontario.

“Clearly the Law School has a national reputation for its work in law and policy,” says Dr. Kathryn Bryk Friedman ’98, deputy director of the institute. She is a Law School alumna who also holds a doctorate in political science from UB, and teaches a bridge course in immigration law at the Law School.

Friedman is working on an institute project that perhaps is emblematic of how focused academic attention can make for better governance. Planned is Alternatives to Incarceration, a major effort to alleviate chronic overcrowding at the Erie County Holding Center. The other option is a new county jail – at a cost of \$100 million of the taxpayers’ money.

Working with the county and a holding center task force, the institute will examine practices of the criminal justice system from the point of arrest onward. “We want to look at decision points in the system,” Friedman said, “and make some suggestions as to where they could make other choices along the way.”

For example, she said, a substantial segment of the Holding Center population has mental health issues and perhaps could be better served by treatment, not jail. Similarly, many indigent prisoners spend days in their cells awaiting court-assigned counsel; one option being considered to ease that situation is establishment of an alternatives to incarceration clinic, in which law students would represent indigent defendants at bail hearings.

Also, Friedman says, the institute will create a prototype of an inmate management database in hopes that police, courts and Holding Center personnel can make better decisions given access to a single source of good information about each case.

Foster said the institute may also refer callers to Law School faculty with expertise in the requested subject area; ask faculty to work on specific projects; and invite faculty to serve as “faculty fellows,” pursuing their own research where the institute sees a benefit to the Buffalo Niagara region.

“The dean and the Law School have given us immense support and encouragement to run this institute,” she said.

Foster invites Law School alumni who are interested in the institute’s programs or regional initiatives to call her or Friedman “and talk about what is on their mind.” The institute’s Web site, www.regional-institute.buffalo.edu, has complete information about its work.