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# A MODEST PROPOSAL

## *Student and professor enter the fray over Erie County redistricting*

information for all local redistrictings in New York State, in an Internet-accessible database. "A lot of people involved in the process aren't aware of the rules," Halberstam says. "The goal is to provide for each local redistricting the particular laws that apply there.

"My hope is to create a mechanism of monitoring by disclosure. You let the local institutions do what they want to do, but you force them to provide information to a central organization." Such a clearinghouse, he says, could identify a set of best-practices standards for local redistricting, then call out localities that fail to implement those practices—a watchdog function pushing lawmakers toward making the redistricting process fairer and more open to public scrutiny.

In addition, the conference will feature a demonstration workshop of publicly available software that enables democracy advocates to challenge redistricting decisions based on demographic data. The workshop will be co-sponsored by the Buffalo Partnership for the Public Good. Like all conference events, it is open to the public.

The "Major Developments in Redistricting" conference is sponsored by the Law School's Baldy Center for Law & Social Policy. Registration is required; e-mail [BaldyRSVP@buffalo.edu](mailto:BaldyRSVP@buffalo.edu).

The conference Web site is linked off the Baldy Center site, [www.law.buffalo.edu/baldycenter](http://www.law.buffalo.edu/baldycenter).

A student-professor collaboration that grew out of a Law School seminar became part of the contentious discourse over redrawing the boundaries of Erie County's legislative districts.

A project by **Patrick Fitzgerald '11** in Professor Michael Halberstam's spring-semester Law and Democracy course, which focused on redistricting issues, "kind of evolved beyond what anybody could have imagined," Fitzgerald says. Students in the course were required to develop a semester-long project, and Fitzgerald chose to take a hard look at Erie County legislative redistricting. The project grew, and in May he and Halberstam submitted an independent, non-partisan legislative redistricting plan to the Erie County Legislature and its Legislative Reapportionment Advisory Committee. The plan was developed in collaboration with the ACLU's Voting Rights Project.

The Erie County redistricting was a contentious and politically messy process. Voters had approved reducing the size of the legislature from 15 to 11 seats, and two politically charged proposals for new maps failed to win approval in the County Legislature. The process culminated in a decision by U.S. District Court Judge William M. Skretny to impose his own redistricting map, saying he had to do so to ensure that potential candidates for the November election had time to collect the petition signatures they would need in order to be placed on the ballot.

Fitzgerald's and Halberstam's map would have kept most towns and cities in single districts, except for Amherst and Buffalo, which are so big they must be divided between districts, and ensured that two of the three Buffalo districts would contain enough minority voters that they would be likely to elect a minority candidate.

"Our map was consistent with keeping communities of interest together," Fitzgerald says. "It also kept true

to the principles of one person, one vote, in compliance with the Voting Rights Act, in majority-minority districts. Our plan was in the middle of two extreme proposals that were submitted."

Part of public-policy advocacy is getting the word out, and Fitzgerald and Halberstam made the case for their redistricting plan to newspaper reporters, on television and at news conferences. "It's a very important part of public policy work," Halberstam says. "You have to be part of the conversation."

Though Judge Skretny imposed his own map, it shares important characteristics with the UB proposal, such as the two majority-minority districts, drawn from east to west in the City of Buffalo, and an attempt to keep most towns and villages intact.

For Fitzgerald, his senior seminar experience was an exciting capstone to his UB Law education. He particularly noted the time and attention his project received from a research-oriented professor at UB Law School. "We did a lot of work that was, I thought, an important learning experience for me," Fitzgerald says. "Navigating a political process and trying to have something pass in Erie County, I can only imagine what it would be like nationally. It was definitely the best experience I had throughout Law School."

Adds Halberstam: "I really like the idea of combining theory and practice. This was something very concrete and practical we could do. It was a tremendous learning opportunity for Patrick, but also he brought so much expertise to the project. And it was good for the Law School as well, in that it shows the competency of our students and what they can do."



Patrick Fitzgerald '11