

The constitution of State A grants the state legislature the power to redraw the boundaries of the state's federal congressional districts every 10 years. In the last redistricting cycle, the legislature's majority political party redrew the equally populated districts with the express intent to increase the party's representation in Congress. During the most recent election, the legislature's majority political party won 10 of the 13 available congressional seats despite receiving less than 50 percent of the overall statewide vote.

A resident of State A who voted for a congressional candidate representing another political party filed suit in a State A federal court against the state legislators who drafted the redistricting map. The resident argued that the court should enjoin the use of the map in future elections because the legislators violated the U.S. Constitution by engaging in partisan gerrymandering.

Should the federal court hear the merits of the resident's suit?

- A. No, because the case presents a nonjusticiable issue.
- B. No, because the Eleventh Amendment prohibits suits against state officials in federal court.
- C. Yes, because the court must guarantee that the state has a republican form of government.
- D. Yes, because the map violates the "one person, one vote" principle.

Explanation:

Nonjusticiable political questions

(issues incapable of judicial resolution)

- Recognition of foreign governments
- Reception of ambassadors
- Nature of wars/hostilities
- Partisan gerrymandering
- Guarantee of republican form of government
- Recognition of Native American tribes
- House/Senate rules for impeachment
- Ratification process for constitutional amendments

Article III of the U.S. Constitution grants federal courts the power to decide justiciable cases and controversies. However, the **political-question doctrine bars** a federal court from hearing the merits of **nonjusticiable political questions**. A case presents a political question when:

- the Constitution reserves the issue to the legislative or executive branch *and/or*
- there is a **lack of judicially discoverable and manageable standards** to resolve the issue.

Here, the resident filed suit in federal court to enjoin the use of the state's redistricting map in future elections due to partisan gerrymandering—ie, drawing electoral districts to favor or weaken a political party. However, SCOTUS held in *Rucho v. Common Cause* that partisan gerrymandering suits present nonjusticiable political questions because there are no judicial standards to resolve them. Therefore, the court should not hear the merits of the resident's suit.

(Choice B) The [Eleventh Amendment](#) generally bars private parties and foreign governments from suing a *state* in federal court for monetary relief. But it does not bar suits against *state officials* for injunctive relief (as seen here).

(Choice C) Under [Article IV](#) of the Constitution, the federal government must guarantee a republican form of government to every state. However, the issue of what constitutes a republican form of government is a nonjusticiable political question reserved to Congress.

(Choice D) The "[one person, one vote](#)" principle holds that one person's vote must be essentially equal to any other person's vote. When a state establishes congressional districts, this principle requires nearly precise mathematical equality between the districts. Since State A's 13 congressional districts are equally populated, the map does not violate the "one person, one vote" principle.

Educational objective:

Under the political-question doctrine, federal courts cannot hear the merits of a suit that presents a nonjusticiable political question—ie, an issue that (1) the Constitution reserves to another branch of government and/or (2) lacks judicially discoverable and manageable standards for the issue to be resolved by a court.

SCOTUS = Supreme Court of the United States.

References

- Rucho v. Common Cause, 139 S. Ct. 2484, 2506–07 (2019) (holding that partisan gerrymandering claims are nonjusticiable because there is no judicially discoverable and manageable standard to review them).
- Baker v. Carr, 369 U.S. 186, 210–17 (1962) (explaining the political-question doctrine).
- 32 Am. Jur. 2d Fed. Courts § 574 (2020) (listing common examples of political questions).

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