

Communities of Interest in Congressional Districts

Kansas v. Thornburgh (Julie A. Robinson, Deanell Reece Tacha, and J. Thomas Marten, *D. Kan. 5:02-cv-4087*)

Two months before primary elections, a state’s attorney general filed a federal complaint challenging congressional district lines. Approximately one month later, a three-judge district court ruled that intervening plaintiffs had not shown an unconstitutional splitting of communities of interest. The attorney general was dismissed for lack of standing.

Subject: District lines. *Topics:* Malapportionment; intervention; three-judge court.

On June 5, 2002, Kansas’s attorney general filed a federal complaint in the District of Kansas against Kansas’s secretary of state challenging the congressional district boundaries drawn following the 2000 census.¹ Judge Julie A. Robinson conducted a scheduling hearing on June 10, and a three-judge district court was appointed on June 11 to hear the case, adding Circuit Judge Deanell Reece Tacha and District of Kansas Judge J. Thomas Marten.²

The case was heard on July 3.³ The court had extended election deadlines to accommodate the court’s consideration of the case, including an extension until July 9 to file a congressional candidacy.⁴ The court granted motions to intervene by voters and American Indian tribes.⁵

Ruling on July 3, just over one month before an August 6 primary election, the court overruled the charge that the district boundaries improperly split up communities of interest.⁶ The attorney general, suing on behalf of the state, was dismissed as a party for lack of standing, but her office was permitted to represent some of the intervening plaintiffs.⁷

1. Docket Sheet, *Kansas v. Thornburgh*, No. 5:02-cv-4087 (D. Kan. June 5, 2002) (D.E. 1); *Graham v. Thornburgh*, 207 F. Supp. 2d 1280, 1282 (D. Kan. 2002); see Joshua Akers, *Stovall Files Lawsuit Over Revised Congressional Districts*, *Wichita Eagle*, June 6, 2002, at 3B.

2. Docket Sheet, *supra* note 1 (D.E. 5, 6); *Graham*, 207 F. Supp. 2d at 1282.

Judge Tacha retired on June 1, 2011, and Judge Marten retired on May 1, 2021. Federal Judicial Center Biographical Directory of Article III Federal Judges, www.fjc.gov/history/judges.

3. Docket Sheet, *supra* note 1 (D.E. 40, 43); *Graham*, 207 F. Supp. 2d at 1282–83; see Steve Painter, *House Districts Debated in Court*, *Wichita Eagle*, July 3, 2002, at 1B.

4. Docket Sheet, *supra* note 1 (D.E. 22); *Graham*, 207 F. Supp. 2d at 1282–83; see *Candidates Now Have Longer to File*, *Wichita Eagle*, June 16, 2002, at 6B; Josh Funk, *10 Local House Races Will Have Primary Contests*, *Wichita Eagle*, June 25, 2002, at 1B.

5. Docket Sheet, *supra* note 1 (D.E. 16); *Graham*, 207 F. Supp. 2d at 1282.

6. *Graham*, 207 F. Supp. 2d at 1285–97; see *Judges: House Districts OK*, *Wichita Eagle*, July 4, 2002, at 1B.

7. *Graham*, 207 F. Supp. 2d at 1283–85.