

# **Luis E. Fuentes-Rohwer**

Indiana University Maurer School of Law  
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## **Academic Appointments**

### **Indiana University Maurer School of Law, Bloomington, Indiana**

Class of 1950 Herman B. Wells Endowed Professor (2019-present)

Professor of Law (2007-2019)

Associate Professor of Law (2002-2007)

Indiana Journal Law and Social Equality Faculty Advisor (2015-present)

American Constitution Society Faculty Advisor (2021-present)

Latino Law Student Association Faculty Advisor (2018-present)

Committees: Appointments (chair); Ad-Hoc Committee on Professionalism;  
Educational Policy (chair); Speakers; Teaching; Diversity

### **Indiana University Bloomington Campus**

Political Science Department, Adjunct Professor (2003-present)

Latino Studies Program, Adjunct Professor (2004-present)

Latino Faculty and Staff Council, Chair (2005-present)

Political and Civic Engagement Program, Advisory Board (2017-present)

Luis Davila Latinx Thematic Learning Comm., Advisory Board (2016-present)

Institute for Advanced Studies, Advisory Board (2016-2019)

BLSA Pre-Law advisor (2015-2019)

Undocumented People's Alliance Bloomington (2017-present)

Valhalla Chapter of Lambda Sigma Upsilon Latino Fraternity, Inc (2017-2021)

LLSA Pre-Law Division, Faculty advisor (2022-present)

### **University of Minnesota Law School, Minneapolis, Minnesota**

Visiting Associate Professor of Law (Fall 2004)

### **Chicago-Kent College of Law, Chicago, Illinois**

Visiting Associate Professor (Fall 2001-Summer 2002)

### **Georgetown University Law Center, Washington, DC**

Future Law Professor Fellowship (Winter 2000-Spring 2001)

## Courses Taught

Civil Procedure, Civil Rights Law, Constitutional Law, Immigration Law, Law and Reconstruction, Latinos and the Law, Law and the Territories, Legal History, Professional Responsibility, Puerto Rico, Supreme Court as an Institution

## Education

**University of Michigan Law School**, Ann Arbor, MI

J.D. awarded, August 1997

*Michigan Journal of Race & Law*, Founder and Executive Editor

**University of Michigan, Political Science Department**, Ann Arbor, MI

Ph.D. in Political Science, Fall 2001

Rackham Merit Fellow

Dissertation Title: *The Rise of a Concept: Judicial Independence in the American National Context, 1787-1833*

**Georgetown University Law Center**, Washington, D.C.

LL.M. Degree, Fall 2001

LL.M. Thesis: *The Multiple Faces of Discrimination*

## Publications

### Book

THE AMERICAN PROMISE: RETHINKING VOTING RIGHTS LAW AND POLICY FOR A MULTIRACIAL AND DIVIDED AMERICA (Cambridge University Press, under contract) (with Guy Charles)

### Articles, Essays & Book Chapters

*Thinking about Reconstruction Originalism as Race Scholars*, 25 U. PA. J. CONST. L. (forthcoming 2023) (symposium issue) (with Guy Charles)

*The Voting Rights Act*, in OXFORD HANDBOOK OF AMERICAN ELECTION LAW (Eugene Mazo ed., forthcoming 2023) (with Guy Charles)

*Race, Law and the Political Process*, in RACE, RACISM AND THE LAW HANDBOOK (Guy Charles and Aziza Ahmed eds., forthcoming 2023)

*Shaw v. Reno opinion*, in CRITICAL RACE JUDGMENTS: REWRITTEN U.S. COURT OPINIONS ON RACE AND LAW (Bennet Capers et al. eds., 2022) (with Guy Charles)

*Pathological Racism, Chronic Racism, & Targeted Universalism*, CALIFORNIA LAW REVIEW 1107 (2021) (symposium issue) (with Guy Charles)

*Toward a Law and Politics of Racial Solidarity*, 106 CORNELL LAW REVIEW ONLINE 50 (2021) (with Guy Charles)

Chiafalo: *Constitutionalizing Historical Gloss in Law and Democratic Politics*, HARVARD JOURNAL OF LAW AND PUBLIC POLICY (2021) (symposium) (with Guy Charles)

*No Voice, No Exit, but Loyalty? Puerto Rico and Constitutional Obligation*, 26 MICHIGAN JOURNAL OF RACE AND LAW 133 (2021) (with Guy Charles)

*Race, Voting, and Political Participation: Slouching Toward Universality*, 62 HOWARD LAW JOURNAL 809 (2019) (symposium issue) (with Guy Charles)

*Judicial Intervention as Judicial Restraint*, 132 HARVARD LAW REVIEW. 236 (2018) (with Guy Charles)

*Race and Representation Revisited: The New Racial Gerrymandering Cases and Section 2 of the VRA*, 59 WILLIAM AND MARY LAW REVIEW. 1559 (2018) (with Guy Charles)

*Taking Judicial Legitimacy Seriously*, 93 CHICAGO-KENT LAW REVIEW. 505 (2018) (symposium issue)

*Who's Afraid of the Hated Political Gerrymander?*, 104 KENTUCKY LAW JOURNAL 561 (2015-16)

*Reynolds Revisited*, in ELECTION LAW STORIES (2016) (with Guy Charles)

*The Racial Evolution of Justice Kennedy and its Implications for Law, Theory, and the End of the Second Reconstruction*, 2015 MICHIGAN STATE LAW REVIEW 1473 (2016)

*Foreword: Reflections on our Founding*, 20 MICHIGAN JOURNAL OF RACE AND LAW 245 (2015) (with Guy Charles)

*Race, Federalism, and Voting Rights*, 2015 CHICAGO LEGAL FORUM 113 (with Guy Charles)

*The VRA in Winter: The Death of a Superstatute*, 100 IOWA LAW REVIEW 1389 (2015) (with Guy Charles)

*Habermas, the Public Sphere, and the Creation of a Racial Counterpublic*, 21 MICHIGAN JOURNAL OF RACE AND LAW 1 (2015) (with Guy Charles)

*Reapportionment Reconsidered*, 67 ALABAMA LAW REVIEW 485 (2015) (with Guy Charles)

*State's Rights, Last Rites, and Voting Rights*, 47 CONNECTICUT LAW REVIEW 481 (2014) (with Guy Charles)

*The Impeachment of Andrew Johnson*, in A GUIDE TO RECONSTRUCTION PRESIDENTS, 1865-1881 (Ted Frantz ed., 2014)

*The Future of Civil Rights Laws, in* THE NEW FACE OF RACE IN AMERICA: BEYOND POST-RACIALISM AND ENTRENCHED INEQUALITY (Guy Charles & Kenneth Mack eds., 2013)

*Looking for a Few Good Philosopher Kings: Political Gerrymandering as a Question of Institutional Competence*, 43 CONNECTICUT LAW REVIEW 1157 (2011) (symposium issue)

*Judicial Activism and the Interpretation of the Voting Rights Act*, 32 CARDOZO LAW REVIEW 857 (2010) (symposium issue)

*The Future of Section 2 of the Voting Rights Hand in the Hands of a Conservative Court*, 5 DUKE JOURNAL OF CONSTITUTIONAL LAW AND PUBLIC POLICY 125 (2010) (symposium issue)

*Leaving the Thicket at Last?*, 2003 MICHIGAN STATE LAW REVIEW 417 (2009) (with Laura Jane Durfee)

*Understanding the Paradoxical Case of the Voting Rights Act*, 35 FLORIDA STATE LAW REVIEW 697 (2009)

*Back to the Beginning: An Essay on the Court, the Law of Democracy, and Trust*, 43 WAKE FOREST LAW REVIEW 1045 (2008)

*The Land that Democratic Theory Forgot*, 83 INDIANA LAW JOURNAL 1525 (2008)

*Bringing Democracy to Puerto Rico: A Rejoinder*, 11 HARVARD LATINO LAW REVIEW 158 (2008)

*The Politics of Preclearance*, 13 MICHIGAN JOURNAL OF RACE AND LAW 513 (2007) (with Guy Charles)

*Legislative Findings, Congressional Powers, and the Future of the Voting Rights Act*, 82 INDIANA LAW JOURNAL 100 (2007)

*On the Renewal of Section 5 of the VRA: Why Congress Failed Voters of Color, in* MAKING EVERY VOTE COUNT: FEDERAL ELECTION LEGISLATION IN THE STATES (Andrew Rachlin ed. 2006) (with Guy Charles)

*Rethinking Section 5 of the Voting Rights Act, in* THE FUTURE OF THE VOTING RIGHTS ACT (Epstein et al., eds., 2006) (with Guy Charles)

*Preclearance, Discrimination and the Department of Justice: the Case of South Carolina*, 57 SOUTH CAROLINA LAW REVIEW 827 (2006) (with Guy Charles)

*Reconsidering the Law of Democracy: of Political Questions, Prudence and the Judicial Role*, 47 WILLIAM AND MARY LAW REVIEW 1899 (2006)

*Domesticating the Gerrymander: An Essay on Standards, Fair Representation, and the Necessary Question of Judicial Will*, 14 CORNELL JOURNAL OF LAW AND PUBLIC POLICY 423 (2005) (symposium issue)

*Of Platonic Guardians, Trust, and Equality: A Comment on Hasen's Minimalist Approach to the Law of Elections*, 31 JOURNAL OF LEGISLATION 25 (2004)

*In Defense of Deference*, 21 CONSTITUTIONAL COMMENTARY 133 (2004) (with Guy Charles)

*A Principled Approach to the Quest for Racial Diversity on the Judiciary*, 10 MICHIGAN JOURNAL OF RACE AND LAW 5 (2004) (with Kevin Johnson)

*Doing Our Politics in Court: Gerrymandering, 'Fair Representation' and an Exegesis into the Judicial Role*, 78 NOTRE DAME LAW REVIEW 527 (2003)

*Baker's Promise, Equal Protection and the Modern Redistricting Revolution: A Plea for Rationality*, 80 NORTH CAROLINA LAW REVIEW 1353 (2002)

*Challenges to Racial Redistricting in the New Millenium: Hunt v. Cromartie as a Case Study*, 58 WASHINGTON AND LEE LAW REVIEW 227 (2001) (with Guy Charles)

*The Electoral College, the Right to Vote and 'Our Federalism: A Comment on A Lasting Institution*, 29 FLORIDA STATE UNIVERSITY LAW REVIEW (2001) (with Guy Charles) (symposium issue)

Note, *The Emptiness of Majority Rule*, 1 MICHIGAN JOURNAL OF RACE AND LAW 195 (1995)

## Reviews & Miscellaneous Writings

*The U.S. Constitution Meets Democratic Theory: The Puzzling Cases of Puerto Rico and D.C.*, AMERICAN CONSTITUTION SOCIETY ISSUE BRIEF, March 27, 2020 (with Guy Charles)

*Dirty Thinking about Law and Democracy in Rucho v. Common Cause*, AMERICAN CONSTITUTION SOCIETY, SUPREME COURT REVIEW 2018-2019 (with Guy Charles)

*Abbott v. Perez, Race, and the Immodesty of the Roberts Court*, HARVARD LAW REVIEW FORUM (2018) (with Guy Charles)

*Voting Rights Law and Policy in Transition*, 127 HARVARD LAW REVIEW FORUM 243 (2014) (with Guy Charles)

*Mapping a Post-Shelby County Contingency Strategy*, 123 YALE LAW JOURNAL ONLINE 131 (2013) (with Guy Charles)

*Justice Kennedy to the Rescue?*, 160 UNIVERSITY OF PENNSYLVANIA LAW REVIEW PENNUMBRA 209 (2012)

*Is This the Beginning of the End of the Second Reconstruction?*, 59-JUN FEDERAL LAWYER 54 (2012)

## Works in Progress

The Shame of the Territories

Equal Protection in Exile: Toward A Shadow Equal Protection Jurisprudence

How to Make Sense of Puerto Rico (and the US Territories Generally)

## Blogs & Op-eds

*The Court's Voting-Rights Decision Was Worse Than People Think*, THE ATLANTIC, July 8, 2021 (with Guy Charles)

*What's behind the fight over Wisconsin's primary? The Supreme Court's gerrymandering ruling*, WASHINGTON POST, April 21, 2020 (with Guy Charles)

*SCOTUS's Ruling on Gerrymandering Endangers U.S. Democracy*, TIME, July 11, 2019 (with Guy Charles)

*Precedent dictates a win for the plaintiffs in this term's partisan-gerrymandering cases*, SCOTUSBLOG, Feb. 7, 2019

*Decisions About the Voting Rights Act Belong to Congress*, NEW YORK TIMES, Room for Debate, July 31, 2015 (with Guy Charles)

*A Voting Rights Movement Is What's Need Now*, NEW YORK TIMES, Room for Debate, August 5, 2015 (with Guy Charles)

*The White House's Kagan talking points are wrong*, SALON, May 7, 2010 (with Guy-Uriel Charles, Anupam Chander and Angela Onwuachi-Willig)

*A Golden Opportunity to Revamp the Voting Rights Act*, LOS ANGELES TIMES, May 25, 2009 (with Guy Charles)

## Amicus Briefs

Co-author, Brief of Democracy and Race Scholars as Amici Curiae in Support of Respondents, *Moore v. Harper*, 21-1271, Supreme Court of the United States (filed on October 26, 2022) (on whether the Elections and Electors Clauses of the US Constitution preclude a role for state executives and judiciaries in questions of elections under the “independent state legislature theory”).

Co-author, Brief of Mathematicians, Law Professors, and Students in Support of Appellees and Affirmance, *Rucho v. Common Cause*, Nos. 18-422, 18-726, Supreme

Court of the United States (filed on March 8, 2019) (on whether partisan vote dilution claims can be evaluated by judicially manageable standards).

## **Selected Presentations**

University of Maryland Law Review Symposium, “Understanding Modern Constitutional Law: Perspectives From the Left, Right, and Center” (February 24, 2023).

University of Pennsylvania Journal of Constitutional Law Symposium, “The History, Development, and Future of the 14th Amendment” (January 27, 2023). Presented a paper entitled, “Thinking about Reconstruction Originalism as Race Scholars”

The University of Toledo College of Law Symposium, "Election Law Issues in the Past, Present, and Posterity" (October 14, 2022). Presenter in two panels, “Narrowing of the Voting Rights Act” and “Election Gamesmanship.”

Federal Depository Library Fall 2020 Conference (October 20-23, 2020). Presenter on a panel entitled, “Thinking about Race, Voting Rights, and the Past: People, Moments, and Documents.”

Indiana University Union Board Online Panel, “Defending Democracy: Confronting Voter Suppression and White Supremacy in the New Millennium” (October 2020). Panelist.

Duke Law School and the American Bar Foundation Roundtable, “The Future of Latinos in the United States” (November 2019). Panelist.

Indiana University’s Hutton Honors College Council for Law, Policy, and Humanities’ Conference, “Aftershock: Beyond the Disaster: The economic, historical, and societal impact of natural disasters.” (March 2018). Presented a paper entitled “Puerto Rico after Maria”

Indiana University’s Center for Research on Race and Ethnicity in Society (December 2017). Presented a paper entitled “Thoughts on Reconstruction, Imperialism, and the Unfortunate Case of Puerto Rico.”

Indiana University’s Center for Latin American and Caribbean Studies Conference (September 2017). Presented a paper entitled “What is Puerto Rico?”

Kentucky Law Journal Conference, “Elective Perspective: Judicial Regulation of Politics in an Election Year (Spring 2016). Presented a paper entitled “Who’s afraid of the hated political gerrymander?”

Stanford Law Review Symposium, “Law of Democracy (Spring 2016). Presented a paper entitled "Representing Partisanship.”

Michigan State University College of Law and Michigan State Law Review Conference, "Persuasion in Civil Rights Advocacy" (April 10-11, 2015). Presented a paper entitled "The Racial Evolution of Justice Kennedy and Its Implications for Law, Theory, and the End of the Second Reconstruction."

Washington and Lee University School of Law, 50th Anniversary of the Civil Rights Act of 1964 & Voting Rights Act of 1965: An Interdisciplinary Dialogue (Feb. 15, 2015). Panelist in session entitled "50 Years after the Voting Rights Act of 1965."

Chicago Legal Forum Symposium, Fall 2014 Symposium, "Does Election Law Serve the Electorate?" (Nov. 7, 2014). Presented a paper entitled "Race, Federalism and Voting Rights."

Michigan Journal of Race and Law, Fall 2014 Symposium, "The Highest Tribute: The Michigan Journal of Race and Law at 20." Presented a paper entitled "Law Reviews and the New Counterpublics."

Connecticut Law Review, Fall 2010 Symposium, "Is Our Constitutional Order Broken?" (October 15, 2010). Panelist on session on voting rights, gerrymandering and race.

Cardozo Law Review, Spring 2010 Symposium, "Acknowledging Race in a 'Post-Racial' Era." (April 30, 2010). Panelist on session entitled "Voting and Democratic Participation."

Duke Law School, Spring 2010 Conference, "From Slavery to Freedom to the White House – Race in 21<sup>st</sup> Century America: A Conference in Honor of John Hope Franklin." (April 8-10, 2010). Panelist on session entitled "The Future of Voting Rights."

Duke Journal of Constitutional Law & Public Policy, 2010 Symposium, "Drawing Lines: The Future of Redistricting in America." (February 26, 2010). Panelist on session entitled "What is the future of the majority-minority district"?

Common Cause Indiana, "Redistricting 2011: A New Day for Democracy or Politics as Usual? A Luncheon Seminar for Legislators, Lobbyists, Attorneys, and Advocates." (Indianapolis, December 18, 2009). Panelist, with Secretary of State Rokita and Justin Levitt, on redistricting reform in Indiana.

California Western School of Law/University of California – San Diego Law and Society Program, Fall 2008 Law and Democracy Series (October 21, 2008). Gave a lecture as part of Law and Democracy series, entitled "Interpreting Statutes, Constitutions, and the Paradoxical Case of the Voting Rights Act."



University of Michigan Law School, Winter 2008 Symposium, “From Proposition 209 to Proposal 2: Examining the Effects of Anti-Affirmative Action Voter Initiatives.” (February 8, 2008). Panelist on session entitled “Measuring Diversity in Other Ways”

DePaul University College of Law, Winter 2008 MLK Reflection & Commemoration (January 21, 2008). Panelist on session entitled “Election 2008: Is Race “Primary”?”

American University Law School, “Critical Race Theory – Race: Law, Culture and Policy.” (April 21, 2006). Talk on the 2007 Reauthorization of the Voting Rights Act.

University of Miami Law School, Conference on Reauthorization of the Voting Rights Act, April 7, 2006. Talk on the Reauthorization of the Voting Rights Act in 2007.

Ohio State University, Latino Summit. (October 20, 2005). Presented paper entitled Latino Power? Participatory Rates and their Impact on the Voting Rights Act.”

Cornell Journal of Law and Public Policy, Fall 2004 Symposium, “Electoral Redistricting and the Supreme Court.” (October 23, 2004). Presented a paper entitled “Standard-less in the Thicket: Explaining the Court’s Anomalous Posture in Political Gerrymandering Controversies.”

Brennan Center for Justice, New York University Law School, Judicial Diversity Conference (February 20-21, 2004). Presented a paper entitled “Why Judicial Independence Demands a Diverse Bench”

Columbia University, Voting Rights Workshop (September 20-21, 2003). Presented paper entitled “Sunrise 1965, Sunset 2007: Partisan Politics, Racial Discrimination, and the View from the Redistricting Seats.”

University of North Carolina Law Review Symposium, “*Baker V. Carr*: A Commemorative Symposium.” (November 3, 2001). Presented paper entitled “*Baker’s* Promise, Equal Protection and the Modern Redistricting Revolution: A Plea For Rationality.”

Florida State University Law Review Conference, “The Law of Presidential Elections: Issues in the Wake of Florida 2000. (March 23, 2001). Presented paper entitled “Should We Rethink the Electoral College?”

## **Expert Testimony and Consulting**

City of Hammond et al. v. Lake County JNC et al. (N.D. Ind.)

League of Women Voters of Michigan v. Benson, Case 2:17-cv-14148

Gill v. Whitford, Case: 3:15-cv-00421.

## **Community Involvement**

**ACLU of Indiana**, Board of Directors (2019-present)

**City of Bloomington Hispanic and Latino Commission**, Commissioner (2019-present; chair, 2022)

**City of Bloomington Public Safety Board**, Board member (2017-2022)

**El Centro Comunal Latino**, Board Member (2019-2022; vice president, 2021-22)

**Volunteers in Medicine**, volunteer interpreter (2018-2019)

**Michigan Journal of Race and Law**, Advisory Board

**Hoosier Hills Food Bank**. Board member and Vice President, 2005-08

**University of Minnesota Center for Law and Politics**. Advisory Board

**Bloomington Human Rights Commission**. Board member, 2007-2011

**Monroe County YMCA**. Volunteer

**Cutters Soccer Club**. Volunteer

**Bloomington Junior League Baseball Association**. Volunteer

**Indiana State Bar Association**, Ethics 2000 Committee. Recorder