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Citizens Redistricting Commission  
1017 L Street, PMB 563  
Sacramento, CA 95814

**RE: Amicus Curiae Brief in *Gill v. Whitford***

Dear Commissioners:

I am writing to request your participation in an amicus brief in *Gill v. Whitford*, a landmark redistricting case that the U.S. Supreme Court is likely to hear later this year. Reed Smith is working with Common Cause on behalf of clients interested in filing a brief describing how rules limiting gerrymandering for partisan advantage strengthen the fundamental constitutional rights of U.S. citizens. The California Citizens Redistricting Commission provides the best example of a fair and transparent process that puts the rights of citizens first. Therefore, we are approaching the CRC first and we hope you will consider signing on as the lead amici.

Last year, several residents of Wisconsin filed a lawsuit challenging the state's assembly districts as an unconstitutional partisan gerrymander. A three-judge federal district court panel ruled in favor of the residents. Although federal courts have struck down maps because they constituted illegal *racial* gerrymanders, this decision marks the first time in American history that a federal court has struck down single-member districts on partisan grounds. We believe that this case is the best opportunity in a generation to obtain a ruling from the high court that places a nationwide limit on political gerrymandering. The U.S. Supreme Court stated as recently as 2015 in *Arizona State Legislature v. Arizona Independent Redistricting Commission* that "partisan gerrymanders...are inconsistent with democratic principles." In *Vieth v. Jubelirer* (2004), the Court upheld legislative districts in Pennsylvania, but five justices stated that partisan gerrymandering cases remain justiciable. In the 13 years since the Court decided *Vieth*, improved technology has made gerrymandering electoral districts a near-science that can be accomplished with unprecedented precision.

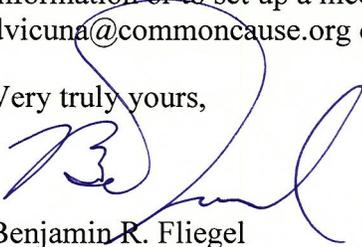
We have not yet reached the stage of producing a detailed outline because we hope to consult with the client(s) before doing so, but we can preview some of the arguments we are considering. We will explain to the court the view that redistricting is not a process that is inevitably or irredeemably partisan. We know this to be true because voters in states with an initiative process have created rules that temper partisan extremes. If the CRC signs on as a client, we will describe the CRC's process and final work product while noting the unanimous California Supreme Court decisions upholding the maps that the Commission has produced. We will also discuss the positive impact that a clear prohibition on partisan gerrymandering has had on maps in Florida, which were replaced after Florida's Fair Districts Amendments were enforced by court order.

This brief will also tell the story of what happens in states with no initiative process or those in which restrictions make the process nearly impossible to use as a vehicle for citizen-led reform. We will include a description of the consequences of partisan-drawn district boundaries in Illinois and Maryland—states in which legislators engaged in blatant gerrymanders because state and federal law placed few restrictions on their ability to do so. Our goal in this brief will be to convince the Court that the absence of rules that at least limit the most extreme political gerrymandering has a severe impact on the right of Americans to fair representation. In addition, we will reassure the Court that we are not asking them to create detailed standards from the bench. We are merely asking them to recognize that California and Florida demonstrate that some basic limitations on partisan manipulation of districts can protect against a violation of citizens' basic constitutional rights.

The brief would not present the position of any political party, and would present the perspective that gerrymandered districts drawn for partisan advantage negatively affect the fundamental constitutional rights of citizens of all parties that are not included in the process of drawing electoral maps.

We would be happy to discuss this in more detail with any members of the CRC who would like to participate. Please contact me at the number above or Dan Vicuna at Common Cause for more information or to set up a meeting with the legal team. Dan can be reached at [dvicuna@commoncause.org](mailto:dvicuna@commoncause.org) or 213-623-1216.

Very truly yours,



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BRF:sd