



HOLWELL SHUSTER & GOLDBERG REPRESENTS BIPARTISAN GROUP OF LEGISLATORS IN UNITED CALL FOR SUPREME COURT TO END POLITICAL GERRYMANDERING

09.06.2017

Legislators Cross Aisle to Decry Gerrymandering's 'Weaponization of Demography'

New York—In a brief written by litigation boutique Holwell Shuster & Goldberg LLP and filed yesterday with the U.S. Supreme Court, a group of 65 current and former state legislators from both major political parties urged the Court to invalidate the practice of political gerrymandering. The bipartisan group made its argument as amici in *Gill v. Whitford*, a redistricting case that challenges the legitimacy of political gerrymandering, and could have a profound effect on the nation's electoral and political future. It will be argued at the Supreme Court on October 3, 2017.

A complete copy of the brief can be found [here](#).

“We are honored to represent this large group of Democratic and Republican legislators who have united to oppose a grave threat to our democratic system of governance, the destructive effects of which they have experienced firsthand,” said Vincent Levy, a Holwell Shuster & Goldberg partner and counsel of record to the legislators at the Supreme Court. “As our brief notes, political gerrymandering has ‘sounded the death knell of bipartisanship.’ In joining together, these current and former lawmakers have taken a brave stand to urge the Court to protect American democracy from erosion by unchecked partisanship and tribalism.”

In *Gill v. Whitford*, Wisconsin state officials are appealing a lower-court ruling that the state's redistricting plan went to such extremes in its political gerrymandering that it violated protections given to voters by the First Amendment and the Equal Protection Clause of the 14th Amendment. Holwell Shuster & Goldberg's brief speaks for legislators across eight states, which, like all states, will undergo redistricting following the 2020 census.

Drawing on the extensive legislative and political experience of the bipartisan group, the brief paints an evocative portrait of the harms caused by political gerrymandering. Noting that “few tools for political entrenchment have corrupted our democracy more than modern-day gerrymandering,” it describes the polarization, dysfunction, and secretive legislative practices that result from political gerrymandering. It also describes how modern data analysis has made political gerrymandering terrifyingly potent. For example, the brief notes how one former Michigan House member was excised from her district with such precision that, after redistricting, she could still see her old district from her front door.

Ultimately, the brief asks the Court to “take this opportunity to effectuate the core principle of republican government, namely, that the voters should choose their representatives, not the other way around.” The brief speaks powerfully to other subjects, including the following:

The Power of Gerrymandering in a Data-Driven World:

“The information age has supercharged partisan gerrymandering. For a long time, the practice was ad hoc and largely ineffective, generating minor effects that were unlikely to persist across election cycles. Today, powerful software and detailed, block-by-block voter data enable redistricting plans that give one party huge partisan advantages that survive shifts in voter preferences and demographics.” (p. 8–9)

The Negative Effects of Gerrymandering on Representational Government:

“[M]odern-day partisan gerrymanders intend to and do subvert the ideal of fair representation. In *Amici*’s States, recent years have shown that partisan gerrymandering has contributed to a significant breakdown in democratic norms and governance. Legislatures have become ideologically polarized, beset by interpersonal rancor, and responsive only to a fraction of the electorate.” (p. 15)

How Gerrymandering Silences Minority Parties and their Voters:

“In many States, the decline of bipartisanship means that representatives from the minority party—and, therefore, their constituents—are shut out of the legislative process. Following the redistricting in Wisconsin, Republican lawmakers enacted new rules that limit Democrats’ ability to speak on legislation and refused to consider Democrat-sponsored amendments. As Rep. Pasch puts it, ‘Not only could [Democrats] not legislate, now we could not speak.’ Similarly, Rep. Clyde reports that Democrats in Ohio are not allowed to send newsletters to their constituents until Republican leaders review them, and sometimes require the removal or content critical of Republican legislators or policies.” (p. 17)

How Gerrymandering Incentivizes Legislators to Ignore General-Election Voters:

“Wisconsin legislators in safe seats entirely ignore communications from voters of the opposite party: Phone calls are disregarded, letters thrown away, emails deleted. They refuse to hold hearings where voters might challenge them, and they skip community events. Assembly leaders have gone so far as to bar citizens from bringing writing materials to the Assembly—not even ‘paper for their kids to doodle on’” (p. 20)

The Need for Judicial Intervention to End Gerrymandering:

“The nature of partisan gerrymandering indeed ensures that it cannot be undone through ordinary politics. Legislators who benefit from the practice have no incentive to halt it, despite ‘the almost universal absence of those who will defend its negative effect on our democracy.’ . . . This state of affairs is self-perpetuating: Whichever political party controls redistricting can draw maps that guarantee it retains power until the next redistricting, at which point it can again draw maps that guarantee it retains power until the *next* redistricting, and on and on.” (p. 28–29)

The brief was authored by HSG attorneys Vincent Levy, Gregory Dubinsky, Matthew V.H. Noller, Kevin D. Benish, and Timothy W. Grinsell.

CURRENT AND FORMER STATE LEGISLATORS JOINING THE AMICUS BRIEF

26 Republicans, 39 Democrats

1. State Rep. Jimmy Anderson of Wisconsin (Democrat) State Rep. Nickie J. Antonio of Ohio (Democrat)
2. U.S. Senator Tammy Baldwin of Wisconsin (Democrat, former member of the Wisconsin State Assembly)
3. Former State Rep. Mandela Barnes of Wisconsin (Democrat)
4. Former State Rep. Spencer Black of Wisconsin (Democrat)
5. State Senate Republican Leader William E. Brady of Illinois (Republican)
6. Former State Rep. Lisa Brown of Michigan (Democrat)
7. Former State Rep. Dianne Byrum of Michigan (Democrat)
8. State Rep. Kathleen Clyde of Ohio (Democrat)
9. State Sen. Michael Connelly of Illinois (Republican)
10. Former State Senate Majority Leader Timothy F. Cullen of Wisconsin (Democrat)
11. Former State Rep. Michael F. Curtin of Ohio (Democrat)
12. State Rep. Mary Jo Daley of Pennsylvania (Democrat)
13. Former State Rep. Chris Danou of Wisconsin (Democrat)
14. State Rep. Pamela A. DeLissio of Pennsylvania (Democrat)
15. Former State Rep. Margaret Dickson of North Carolina (Democrat)
16. State Rep. Scott Drury of Illinois (Democrat)
17. State Rep. Michael R. Fortner of Illinois (Republican)
18. Former State Sen. Linda Garrou of North Carolina (Democrat)
19. Former State Rep. Rick Glazier of North Carolina (Democrat)
20. State Rep. Evan Goyke of Wisconsin (Democrat)
21. State Rep. Abdullah Hammoud of Michigan (Democrat)
22. State Rep. Kevin Hertel of Michigan (Democrat)
23. Former Deputy Minority Leader Sen. Dawson Hodgson of Rhode Island (Republican)
24. State Rep. Jeanne M. Ives of Illinois (Republican)
25. Former State Rep. Andy Jorgensen of Wisconsin (Democrat)
26. Former State Sen. Franklin L. Kury of Pennsylvania (Democrat)
27. State Rep. Donna Lasinski of Michigan (Democrat)
28. Former State Rep. Joan W. Lawrence of Ohio (Republican)
29. State Sen. Daylin Leach of Pennsylvania (Democrat)
30. State Delegate Michael E. Malone of Maryland (Republican)
31. Former State Rep. David Martin of Wisconsin (Republican)
32. State Sen. Dan McConchie of Illinois (Republican)
33. State Sen. Karen McConnaughay of Illinois (Republican)
34. Former State Sen. Priscilla D. Mead of Ohio (Republican)
35. Congresswoman Gwen Moore of Wisconsin (Democrat, former member of the Wisconsin State Senate and State Assembly)

36. State Sen. Chris Nybo of Illinois (Republican)
37. State Rep. David S. Olsen of Illinois (Republican)
38. Dane County Executive Joe Parisi of Wisconsin (Democrat, former member of the Wisconsin State Assembly)
39. Former State Rep. H. Sheldon Parker, Jr., of Pennsylvania (Republican)
40. Former State Assembly Assistant Minority Leader Sandy Pasch of Wisconsin (Democrat)
41. Congressman Mark Pocan of Wisconsin (Democrat, former member of the Wisconsin State Assembly)
42. State Rep. Robert W. Pritchard of Illinois (Republican)
43. Former State Rep. Daniel P. Reilly of Rhode Island (Republican)
44. State Sen. Sue Rezin of Illinois (Republican)
45. State Sen. Dale A. Righter of Illinois (Republican)
46. State Sen. Chapin Rose of Illinois (Republican)
47. Former State Sen. Peggy A. Rosenzweig of Wisconsin (Republican)
48. State Sen. Joe Schiavoni of Ohio (Democrat)
49. Former State Rep. Marlin Schneider of Wisconsin (Democrat)
50. Former State Senate Majority Leader Dale W. Schultz of Wisconsin (Republican)
51. Former State Rep. David Segal of Rhode Island (Democrat)
52. Deputy State Senate Republican Leader Dave Syverson of Illinois (Republican)
53. State Sen. Heather Steans of Illinois (Democrat)
54. Former State Rep. David J. Steil of Pennsylvania (Republican)
55. Councilman Michael Stinziano of Ohio (Democrat, former member of the Ohio State House of Representatives)
56. State House Democratic Leader Fred Strahorn of Ohio (Democrat)
57. State Rep. Emilia Strong Sykes of Ohio (Democrat)
58. State Sen. Vernon Sykes of Ohio (Democrat)
59. Former State Sen. Daniel O. Theno of Wisconsin (Republican)
60. State Sen. Jil Tracy of Illinois (Republican)
61. Former State Rep. Amy Sue Vruwink of Wisconsin (Democrat)
62. State Sen. Chuck Weaver of Illinois (Republican)
63. State Rep. Robert Wittenberg of Michigan (Democrat)
64. Former State Rep. Mandy Wright of Wisconsin (Democrat)

ATTORNEYS

Kevin Benish

Gregory Dubinsky

Vincent Levy