

BRENNAN CENTER FOR JUSTICE TWENTY YEARS

at New York University School of Law

Annotated Guide to the *Whitford* Amicus Briefs

By Thomas Wolf and Caroline Vorce

Gill v. Whitford, the partisan-gerrymandering challenge to Wisconsin’s state assembly map, is one of the blockbuster cases of the Supreme Court’s 2017 term and one of the most important cases in decades concerning how Americans are represented in Congress and state legislatures. In a sure sign of *Whitford*’s significance, lawmakers, constitutional law professors, social scientists, civil rights and good government groups, and other concerned citizens have filed more than 45 amicus briefs, which run the gamut from constitutional theory to history to cutting-edge social science.

To help court-watchers sort through the briefs—which together account for more than a thousand pages of additional argument—the Brennan Center has prepared this annotated guide providing thumbnails of each brief’s most prominent or unique points.

This guide is the latest in a series of [Whitford-related resources](#) from the Brennan Center. For a thematic overview of the amicus briefs filed in support of the Appellees, visit [our blog](#). And, for a detailed database of key filings from all phases of the *Whitford* litigation, visit our regularly updated [case page](#).

Briefs Providing the Perspectives of Bipartisan Elected Officials on the Problems with Extreme Partisan Gerrymandering

[Brief of Senators John McCain and Sheldon Whitehouse in Support of Appellees](#)

Summary: This [brief](#), filed by Senator John McCain (R-AZ) and Senator Sheldon Whitehouse (D-RI), warns that the Court's failure to establish clear limits on partisanship in redistricting has encouraged politicians to gerrymander, which has, in turn, provided another channel for "dark money" and special interest groups to infiltrate our politics. Voters sense that their elections have been fixed by special interests, the Senators assert, and that has undercut their respect for American political institutions. The law firm Covington & Burling is counsel for this brief.

[Brief of Republican Statewide Officials in Support of Appellees](#)

Summary: This [brief](#), filed by prominent Republican elected officials John Danforth, Bob Dole, John Kasich, Richard Lugar, and Arnold Schwarzenegger, emphasizes how partisan-gerrymandering tactics designed to entrench one party in power undermine attempts to build consensus and craft bipartisan legislation that is responsive to the needs of the whole electorate. Charles Fried—who served as U.S. Solicitor General under President Ronald Reagan—and the law firm Kellogg, Hansen, Todd, Figel & Frederick are co-counsel for this brief.

[Brief for Bipartisan Group of 65 Current and Former State Legislators in Support of Appellees](#)

Summary: This [brief](#) was filed by a bipartisan coalition of 65 current and former state legislators from Wisconsin, Illinois, Maryland, Michigan, North Carolina, Ohio, Pennsylvania, and Rhode Island, including current U.S. Senator Tammy Baldwin. The brief sheds light on the detrimental effects gerrymandering has for relationships among legislators—discouraging collaboration and creating an environment of dysfunction on the legislative floor. The legislators also explain how gerrymandering erodes relationships among representatives and their constituents, including by undercutting their accountability to the voters in their districts. The law firm Holwell Shuster & Goldberg is counsel for this brief.

Briefs Showing That Geography Does Not Account for the Partisan Bias in Wisconsin's Map

[Brief of Political Geography Scholars in Support of Appellees](#)

Summary: This [brief](#), filed by several experts in political geography and statistical analysis, describes modeling techniques that can be used to assess the extent to which the relative distributions of partisans throughout a given state accounts for any observed partisan bias in that state's electoral maps. Applying these techniques to Wisconsin's state assembly map, the scholars tell the Court that the partisan asymmetry in Wisconsin was the product of intentional partisan manipulation, not a result of any geographic clustering of partisans. Professor Richard H. Pildes of the New York University School of Law and the law firm Sidley Austin are co-counsel for this brief.

[Brief of Robin Best, Shawn J. Donahue, Jonathan Krasno, Daniel B. Magleby and Michael D. McDonald in Support of Appellees](#)

Summary: This [brief](#), filed by social scientists specializing in the quantitative study of American electoral systems, sets forth key findings from their analyses of Wisconsin's state assembly map. Based on an analysis of 10,000 maps generated through a simulated mapping application, the authors determined that Wisconsin's enacted map disadvantages Democratic voters substantially beyond any level explainable by the state's residential geography. The law firm McLaughlin & Stern is counsel for this brief.

[Brief for Eric S. Lander in Support of Appellees](#)

Summary: This [brief](#), filed by Professor Eric S. Lander, explains how courts can identify extreme gerrymanders by comparing partisan outcomes under actual maps to the expected outcomes produced by a range of simulated maps. The law firm Smith Duggan Buell & Rufo is counsel for this brief.

Briefs Explaining How Social Science Can Help Detect Partisan Gerrymanders

[Brief of Bernard Grofman and Ronald Keith Gaddie in Support of Neither Party](#)

Summary: This [brief](#), filed by two redistricting experts (including one who helped develop the map at issue in *Whitford*), advises the Court that any workable standard for detecting unconstitutional partisan gerrymandering should include three elements—partisan asymmetry, lack of responsiveness, and causation—each of which can be reliably assessed using social-science techniques. The brief emphasizes that the social-science methods for assessing these elements have developed substantially since the Court last considered partisan-gerrymandering claims in the mid-2000s. The law firm Orrick, Herrington & Sutcliffe is counsel for this brief.

[Brief of Heather K. Gerken, Jonathan N. Katz, Gary King, Larry J. Sabato, and Samuel S.-H. Wang in Support of Appellees](#)

Summary: This [brief](#), filed by the Dean of Yale Law School in tandem with several other leading scholars of elections, encourages the Court to incorporate the partisan symmetry principle into its test for determining unconstitutional redistricting. The scholars explain that courts can assess the symmetry of maps reliably, transparently, and easily without undue reliance on experts. Additionally, the brief asserts, the choice of the particular metric for measuring symmetry does not matter in this case, because Wisconsin's state assembly map would fail under any metric. Dean Gerken and the law firm Goldstein & Russell are co-counsel on this brief.

[Brief of Eric McGhee in Support of Neither Party](#)

Summary: This [brief](#), filed by Eric McGhee, developer of the “efficiency gap” measure of partisan advantage on which the plaintiffs and the court below rely, explains the utility of the efficiency gap for diagnosing extreme partisan gerrymandering, outlines the distinct advantages of the measure, and responds to objections to its use in gerrymandering cases. Professor Christopher S. Elmendorf of the University of California, Davis School of Law and the law firm Davis Polk & Wardwell are co-counsel for this brief.

Briefs Explaining How to Create a Workable Doctrinal Test for Extreme Partisan Gerrymandering

[Brief for the Brennan Center for Justice at N.Y.U. School of Law in Support of Appellees](#)

Summary: This [brief](#), filed by the Brennan Center for Justice, identifies readily discernable evidentiary signposts that can help courts accurately differentiate between lawful redistricting and unlawful, extreme partisan gerrymanders. As the brief explains, two factors are in fact highly correlated with extreme partisan gerrymanders: (a) single-party control of the redistricting process, and (b) a recent history of close statewide elections. The Brennan Center and the law firm O'Melveny & Myers are co-counsel for this brief.

[Brief of NAACP Legal Defense & Educational Fund, Inc., Latino Justice PRLDEF, Asian Americans Advancing Justice – AAJC, Asian Americans Advancing Justice – Asian Law Caucus, Lambda Legal Defense and Education Fund, Inc., and Leadership Conference on Civil and Human Rights in Support of Appellees](#)

Summary: This [brief](#), filed by the NAACP Legal Defense and Education Fund in concert with several other prominent civil rights organizations, explains the ramifications of the doctrine and practice of partisan gerrymandering for minority voters. The brief demonstrates how a properly structured claim for partisan gerrymandering—requiring proof of invidious discrimination against voters based on their political party affiliation—would help protect minority voters from improper manipulation. Further, as the organizations explain, such a claim would not be in tension with Section 2 of the Voting Rights Act. The civil rights organizations, in fact, said that such a claim would help protect minority voters from manipulation and deter the "spillover effects" of litigation that uses race-based causes of action to attack political gerrymanders. NAACP LDF, Professor Justin Levitt of Loyola Law School, Los Angeles, and the law firm Kendall Brill & Kelly are co-counsel for this brief.

[Brief of the League of Women Voters in Support of Appellees](#)

Summary: This [brief](#), filed by the League of Women Voters, explains why a mapmaker's adherence to "traditional redistricting principles" should not immunize the resulting map from constitutional challenge as a partisan gerrymander. The brief warns that mapmakers can draw districting plans that have the facial appearance of normalcy while also intentionally creating impermissible electoral advantages for one party. The League of Women Voters and the law firm Boies Schiller Flexner are co-counsel for this brief.

[Brief of Law Professors in Support of Appellees \(Pamela Karlan, et al.\)](#)

Summary: This [brief](#), filed by a coalition of 11 law professors led by Pamela Karlan, explains how the lack of a judicially enforceable constraint on partisan gerrymandering has eroded the coherence and integrity of the Supreme Court's election law doctrines. In the absence of a recognized claim for unconstitutional partisan gerrymandering, the professors argue, partisan gerrymanders are improperly addressed as one-person-one-vote claims, racial-gerrymandering claims, or claims of vote-dilution under Section 2 of the Voting Rights Act, inevitably distorting those areas of law. The brief assures the Court that recognizing a partisan-gerrymandering claim would not unduly curtail states' redistricting options or encroach on their legislative authority. The Stanford Law School Supreme Court Litigation Clinic is counsel for this brief.

[Brief of the Georgia State Conference of the NAACP, Lavelle Lemon, Marlon Reid, Celeste Sims, Patricia Smith, and Coley Tyson in Support of Appellees](#)

Summary: This [brief](#), filed by the plaintiffs in a pending redistricting lawsuit in Georgia, proposes a standard to account for the many ways partisan gerrymandering can manifest: Whether the district lines were drawn with the invidious intent to minimize the voting strength of a particular group of voters. The brief advises

that lower courts can develop subsidiary standards on a case-by-case basis to respond to the unique characteristics of the specific gerrymandering tactics at issue in a case. The Lawyers' Committee for Civil Rights Under Law and the law firm Bryan Cave are co-counsel for this brief.

[Brief of Professor Theodore Rave in Support of Appellees](#)

Summary: This [brief](#), filed by Professor Theodore Rave of the University of Houston Law Center, argues that legislators breach their fiduciary duties to their constituents when they draw districts that will entrench their position in the legislature. The brief draws on corporate law to suggest ways in which courts could create incentives for legislators to act in their constituents' best interest.

Briefs Explaining the First Amendment Harms Caused by Extreme Partisan Gerrymandering

[Brief of Election Law and Constitutional Law Scholars in Support of Appellees \(Daniel Tokaji, et al.\)](#)

Summary: This [brief](#), filed by a group of 12 law professors who specialize in election law and constitutional law, provides an account of the threats extreme partisan gerrymandering poses to voters' First Amendment right of association. In addition to diagnosing the constitutional problem with extreme gerrymanders, the professors urge the Court to apply the most searching form of judicial review—known as "strict scrutiny"—to redistricting schemes that intentionally discriminate against a political party and its members by placing them at a significant disadvantage relative to their statewide voting strength. The law firm Munger, Tolles & Olson is counsel for this brief.

[Brief of the American Civil Liberties Union, the New York Civil Liberties Union, and the ACLU of Wisconsin Foundation in Support of Appellees](#)

Summary: This [brief](#), filed by the ACLU, two of its state affiliates, and Professor Samuel Isaacharoff of the New York University School of Law, explains how redistricting schemes that intentionally entrench one party in power violate the constitutional obligation of government neutrality and, in the process, impinge on voters' ability to cast meaningful votes and associate to advance their political interests through the ballot. The amici also provide guidance regarding the kinds of evidence that may be probative of unconstitutional intent and methods that courts can employ to determine when entrenchment has occurred.

[Brief of Colleagues of Professor Norman Dorsen in Support of Appellees](#)

Summary: This [brief](#), filed by a group of legal scholars and practitioners on behalf of deceased Professor Norman Dorsen, explains how extreme gerrymandering renders genuinely contestable elections essentially extinct and thus violates the First Amendment rights of all voters regardless of their party affiliation. Professor Burt Neuborne of New York University School of Law is counsel for this brief.

Briefs Examining Partisan Gerrymandering from a Historical Perspective

[Brief of Historians in Support of Appellees](#)

Summary: This [brief](#), filed by a panel of 15 leading historians including Jack Rakove of Stanford University and Alexander Keyssar of Harvard University, establishes that partisan gerrymandering has been denounced throughout American history as an unconstitutional abuse of power. As the historians explain, the practice of drawing maps to entrench one political party runs counter to the vision of "actual representation" that was

fundamental to the Framers' vision for American constitutional democracy. The brief also distinguishes contemporary "extreme gerrymanders," with their threat of persistent entrenchment, from less severe or effective historical gerrymandering practices. The law firm Skadden, Arps, Slate, Meagher & Flom is counsel for this brief.

[Brief of Tennessee State Senators in Support of Appellants](#)

Summary: This [brief](#), filed by members of the Tennessee State Senate, argues that partisan gerrymandering has long been an engrained element of American electoral politics and has resisted judicial attempts to limit it because no manageable standard for doing so exists. The law firms of Harris Shelton Hanover Walsh and Gullett Sanford Robinson & Martin are co-counsel for this brief.

Briefs Explaining How Partisan Gerrymandering Violates Constitutional Values

[Brief of Current Members of Congress and Bipartisan Former Members of Congress in Support of Appellees](#)

Summary: This [brief](#) was filed by the Constitutional Accountability Center on behalf of a bipartisan panel of 39 current and former members of Congress, including the Minority Leader of the House, Nancy Pelosi. The brief examines the Constitution's text, structure, and history—as well as the Supreme Court's case law—to illuminate how redistricting plans designed to entrench a party's majority status violate core constitutional values and prohibitions.

[Brief for American Jewish Committee, Anti-Defamation League, County of Santa Clara, Democracy 21, Demos, Friends of the Earth, Government Accountability Project, National Council of Jewish Women, Natural Resources Defense Council, OneVirginia2021: Virginians for Fair Redistricting, and Public Citizen, Inc., in Support of Appellees](#)

Summary: This [brief](#), filed by an array of good government groups, public policy organizations, and governmental entities, explains that severe partisan gerrymandering violates core American values that originated with the Framers and that it remains problematic for Americans of all political stripes. The law firm Lowenstein Sandler is counsel for this brief.

[Brief of Represent.Us and Richard Painter in Support of Appellees](#)

Summary: This [brief](#) was filed by Represent.Us and Richard Painter, former chief ethics lawyer for President George W. Bush and a current professor of law at the University of Minnesota Law School. Amici explain that extreme partisan gerrymandering is an unconstitutional legislative abuse of power amounting to corruption. Represent.Us and the law firm Milbank, Tweed, Hadley & McCloy are co-counsel for this brief.

[Brief of David Boyle in Support of Appellees](#)

Summary: This [brief](#), filed by a voter concerned about the efficacy of his vote under extreme partisan gerrymanders, identifies constitutional provisions and basic values that could inform the Court's analysis of the legality of such gerrymanders.

Briefs Asserting the Constitutionality of Partisan Redistricting

[Brief for the States of Texas, Alabama, Arizona, Arkansas, Georgia, Indiana, Kansas, Louisiana, Michigan, Missouri, Nevada, Ohio, Oklahoma, South Carolina, Utah, and West Virginia in Support of Appellants](#)

Summary: This [brief](#), filed by a coalition of sixteen states, argues that legislative redistricting is inherently partisan, and that there is nothing unconstitutionally invidious about reapportionment undertaken with partisan purposes. Further, the states assert that the district court's standard in this case is unmanageable, as it fails to distinguish between permissible and impermissible partisan purpose and effect. Scott A. Keller, the Solicitor General of Texas, is counsel of record for this brief.

[Brief of Republican State Leadership Committee in Support of Appellants](#)

Summary: This [brief](#), filed by the Republican State Leadership Committee, argues that the Appellees have not and likely cannot demonstrate any violation of any established First Amendment or Fourteenth Amendment standards. The RSLC and the law firm Baker & Hostetler are co-counsel for this brief.

Briefs Explaining the Practical Harms of Partisan Gerrymandering

[Brief of Political Science Professors as Amici Curiae in Support of Appellees](#)

Summary: This [brief](#), filed by political scientists who study voter behavior and redistricting techniques, warns the Court that developments in mapping technology and voter data will permit mapmakers to create redistricting plans that are even more durably biased than the ones made in prior redistricting cycles. The political scientists also describe the extensive scholarly literature demonstrating the fundamental stability of voters' partisan affiliations and the increasing predictability of partisan behavior, two facts that are key to mapmakers' ability to gerrymander. The law firm Paul, Weiss, Rifkind, Wharton & Garrison is counsel for this brief.

[Brief of League of Conservation Voters et al. in Support of Appellees](#)

Summary: This [brief](#), filed by organizations and individuals affected by the gerrymander in Wisconsin, describes recent political science research linking increasingly partisan redistricting with more partisan, extreme policymaking. The brief also provides case studies designed to show how the Wisconsin gerrymander has enabled the Republican legislative majority to pursue a policy agenda more extreme than the median Wisconsin voter would support. The law firms Hogan Lovells and Pines Bach are co-counsel for this brief.

[Brief of International Municipal Lawyers Association, National League of Cities, U.S. Conference of Mayors, International City/County Management Association, and Local Government Law Professors in Support of Appellees](#)

Summary: This [brief](#), filed by organizations and individuals dedicated to local government issues, warns that partisan gerrymandering has resulted in state legislatures engaging in increasingly aggressive preemption of local lawmaking. The International Municipal Lawyers Association, Professor Nestor Davidson of the Fordham University School of Law, and Professor Paul A. Diller of the Willamette University College of Law are co-counsel for this brief.

[Brief for Center for Media and Democracy in Support of Appellees](#)

Summary: This [brief](#), filed by the Center for Media and Democracy, rebuts the Appellants' description of Wisconsin's decennial redistricting as a "policy-driven" process. As the amici explain, the process was in fact driven by the self-interest and partisan agenda of the Republican legislative majority. The law firms Hoover, Hull, Turner and Faegre, Baker, Daniels are co-counsel for this brief.

Briefs Explaining the Viability of Rules That Limit Partisan Gerrymandering

[Brief of California Citizens Redistricting Commission and FairDistricts Now, Inc. in Support of Appellees](#)

Summary: This [brief](#), filed by two entities organized to ensure that electoral districts in California and Florida are drawn in a non-partisan manner, demonstrates that neutral arbiters like commissions and courts can implement non-partisan redistricting standards in an unbiased manner. The law firm Reed Smith is counsel for this brief.

[Brief for the States of Oregon, Alaska, California, Connecticut, Delaware, Hawaii, Illinois, Iowa, Kentucky, Maine, Massachusetts, Minnesota, New Mexico, New York, Rhode Island, Vermont, and Washington, and the District of Columbia in Support of Appellees](#)

Summary: This [brief](#), filed by seventeen states—including states that are defendants in redistricting litigation—and the District of Columbia, argues that a constitutional standard akin to the one advanced by the Appellees is manageable and adequately accounts for the states' legitimate interests in shaping their own electoral maps. Ellen F. Rosenblum, Attorney General of Oregon, and Benjamin Gutman, Solicitor General of Oregon, are co-counsel for this brief, leading a panel of state Attorneys General.

Briefs Expressing Concerns of Undue Federal Intrusion into Redistricting

[Brief for Wisconsin State Senate and Wisconsin State Assembly in Support of Appellants](#)

Summary: This [brief](#), filed by Wisconsin's Senate and State Assembly, argues that partisan-gerrymandering claims would complicate redistricting still further and authorize a wave of intrusive litigation targeting states' redistricting processes. Amici further contend that Appellees' theory of the case relies on several flawed assumptions about representative democracy, chief among them a belief that the Constitution guarantees proportional representation. Finally, the brief asserts that the Appellees' standard is not politically neutral, but would instead systematically favor Democrats. The law firms of Kirkland & Ellis and Bell Giftos St. John are co-counsel for this brief.

[Brief of the American Civil Rights Union and the Public Interest Legal Foundation in Support of Appellants](#)

Summary: This [brief](#), filed by the American Civil Rights Union and the Public Interest Legal Foundation, argues that a constitutional cause of action for partisan gerrymandering would improperly invite federal intrusion into the states' constitutionally-guaranteed power over their own elections. The Public Interest Law Foundation is counsel for this brief.

Briefs Offering Critiques of the Efficiency Gap

[Brief of the National Republican Congressional Committee in Support of Appellants](#)

Summary: This [brief](#), filed by the National Republican Congressional Committee, aims to demonstrate the shortcomings of the “efficiency gap” metric for identifying unconstitutional partisan gerrymandering. The NRCC argues that the efficiency gap does not account for naturally-occurring bias resulting from political geography, that it fails to account for voters’ changing preferences, and that it would carve-up communities, creating bizarrely shaped districts. The NRCC and the law firm Holtzman Vogel Josefiak & Torchinsky are co-counsel for this brief.

[Brief of the Majority Leader and Temporary President of the New York State Senate and Members of the Majority Coalition in Support of the Appellants](#)

Summary: This [brief](#), filed by Republican Senator John J. Flanagan and the New York State Senate’s Majority Coalition, argues that the efficiency gap and the standard endorsed by the district court fail to account for traditional redistricting principles and actual voting patterns, which are not determined solely by voters’ partisan affiliations. The law firm of Lewis and Fiore is counsel for this brief.

[Brief of the Legacy Foundation in Support of Appellants](#)

Summary: This [brief](#), filed by the Legacy Foundation, argues that employing a statistical or mathematical metric, such as the “efficiency gap,” to measure unconstitutional partisan bias in redistricting will expose all redistricting throughout the country to judicial oversight, overturn our district-based electoral system, and impose a proportional representation requirement on map-makers. The law firm of Holtzman Vogel Josefiak & Torchinsky is counsel for this brief.

[Brief of Judicial Watch, Inc. and Allied Educational Foundation in Support of Appellants](#)

Summary: This [brief](#), filed by Judicial Watch and Allied Educational Foundation, argues that the “efficiency gap” is a poor tool for identifying partisan gerrymanders. Judicial Watch is counsel for this brief.

Briefs Addressing Justiciability

[Brief for Constitutional Law Professors in Support of Appellees \(Kathleen Sullivan, et al.\)](#)

Summary: This [brief](#), filed by a group of 18 constitutional law professors led by Kathleen Sullivan, explains that the Court should not rely on the “judicial manageability” prong of the political question doctrine to rule that partisan gerrymandering claims are non-justiciable. Deploying the judicial manageability prong in the way the Appellants have requested, the professors warn, would depart from the Court’s history and practice, cast doubt on key constitutional precedents, and create harmful practical consequences for the courts’ ability to address pressing constitutional issues. The law firm Quinn Emanuel Urquhart is counsel for this brief.

[Wisconsin Institute for Law and Liberty in Support of Appellants](#)

Summary: This [brief](#), filed by the Wisconsin Institute for Law and Liberty, argues that partisan gerrymandering claims are not justiciable, because, among other things, no manageable standard for deciding partisan gerrymandering claims has emerged. Amicus further argues that electoral maps, such as Wisconsin’s, that comply with traditional redistricting criteria are not unconstitutional partisan gerrymanders as a matter of Supreme Court law. The Wisconsin Institute and the law firm Gibson, Dunn & Crutcher are co-counsel for this brief.

Briefs Challenging Appellees' Standing

[Brief of Republican National Committee in Support of Appellants](#)

Summary: This [brief](#), filed by the Republican National Committee, argues, among other things, that the Appellees lacked standing to challenge the constitutionality of Wisconsin's electoral map on a state-wide basis. The RNC also asserts that the Supreme Court should define any partisan-gerrymandering case of action narrowly to avoid undue congressional interference with state elections. The RNC and Michael T. Morley are co-counsel for this brief.

[Brief of Southeastern Legal Foundation](#)

Summary: This [brief](#), filed by the Southeastern Legal Foundation, argues that Appellees' state-wide challenge to Wisconsin's map represents a generalized claim of injury, rather than an individualized injury, and thus Appellees lack standing to bring their partisan-gerrymandering claims. The Southeastern Legal Foundation and the law firm Strickland Brockington Lewis are co-counsel for this brief.

Briefs Providing Additional Factual and Legal Context

[Brief of the Plaintiffs in the Maryland Redistricting Litigation, *Benisek v. Lamone* \(Formerly *Shapiro v. McManus*\), Supporting Neither Party](#)

Summary: This [brief](#), filed by the plaintiffs in a concurrent partisan-gerrymandering lawsuit in Maryland, urges the Court not to issue a ruling in *Whitford* declaring partisan gerrymandering claims categorically non-justiciable. The amici contend that single-district partisan-gerrymandering claims are justiciable under First Amendment retaliation doctrine. The law firm Mayer Brown is counsel for this brief.

[Brief of Common Cause in Support of Appellees](#)

Summary: This [brief](#), filed by Common Cause, highlights differences between the facts, evidence, and legal theories at play in *Whitford* and those in Common Cause's concurrent challenge to North Carolina's 2016 remedial congressional map, *Common Cause v. Rucho*. Common Cause advises the Court that declaring partisan-gerrymandering claims categorically non-justiciable would be problematic for democratic governance. The law firms Paterson Belknap, Bondurant Mixson & Elmore, and Poyner Spruill are co-counsel for this brief.

[Brief of 44 Election Law, Scientific Evidence, and Empirical Legal Scholars in Support of Appellees](#)

Summary: This [brief](#), filed by forty-four scholars specializing in election law, scientific evidence and empirical legal methods, explains why the Court should (a) exercise deference in evaluating the three-judge panel's factual determinations regarding the discriminatory effects of Wisconsin's gerrymandering, and (b) affirm the panel's determination that the partisan effects of the gerrymander were not justifiable. Professor Andrew Chin of the University of North Carolina School of Law is counsel for this brief.

[Brief of FairVote and One Nation One Vote in Support of Appellees](#)

Summary: This [brief](#), filed by FairVote and One Nation One Vote, explains alternative voting systems and redistricting methods that states could implement to mitigate or eliminate the threat of partisan gerrymandering. Fair Vote and the law firm Susman Godfrey are co-counsel for this brief.

[Brief for Wisconsin Manufacturers and Commerce in Support of Appellants](#)

Summary: This [brief](#), filed by Wisconsin Manufacturers & Commerce, argues that Appellees' theory of their case is conceptually and legally flawed because it fails to account for the uniqueness of individual voters and the many factors, beyond partisan affiliation, that amicus claims influence voters' choices. The law firm Husch Blackwell is counsel for this brief.