

For Immediate Release

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Plaintiffs Oppose Legislative Leaders' Third Request to SCOTUS to Reinstate Pennsylvania's Gerrymandered Map

September 24, 2018 – Although the 2018 mid-term congressional election is only six weeks away, with candidates already selected under a non-partisan map, Pennsylvania Senate President Pro Tempore Joseph Scarnati and Speaker of the House Michael Turzai have not halted their efforts to return to the 2011 map struck down by the Pennsylvania Supreme Court as an unconstitutional partisan gerrymander. Today the successful plaintiffs in that case – 18 individual voters – filed their opposition to the legislators' petition for a writ of certiorari in the Supreme Court of the United States.

The voters urge the Court to again decline to interfere with the Pennsylvania Supreme Court's rulings. As their opposition explains, the legislators' theories for U.S. Supreme Court review contradict fundamental principles of federalism, longstanding precedent, and the legislators' own positions in federal court lawsuits challenging the 2011 map.

In their third request to the nation's highest court in this matter, Senator Scarnati and Speaker Turzai have asked the Court to review the Pennsylvania Supreme Court's judgment striking down the 2011 congressional map as a partisan gerrymander that violated the state constitution's Free and Equal Elections Clause, and to reinstate the gerrymandered map for the 2020 elections. The Public Interest Law Center and Arnold & Porter represent the plaintiffs that secured this state court judgment, which resulted in a new, fair map for the 2018 election cycle.

"The United States Supreme Court has already rejected Senator Scarnati and Speaker Turzai's first two attempts to reinstate the unconstitutional gerrymandered map, and it should reject this third attempt too," said Elisabeth Theodore of Arnold & Porter. "The Pennsylvania Supreme Court – not the U.S. Supreme Court – has the last and final say on Pennsylvania law. To intervene here, the Supreme Court would have to dismantle nearly a century's worth of legal precedent holding that congressional district maps have to comply with state constitutions as interpreted by state courts."

"Senator Scarnati and Speaker Turzai's radical legal theories would dismantle basic tenets of American democracy familiar to any high school civics student," said R. Stanton Jones of Arnold & Porter. "There is no serious legal question here, much less one that warrants U.S. Supreme Court review."

"Once again partisan legislators are desperately attempting to get the Court to reinstate a map that violates Pennsylvania's constitution and discriminates against its voters," said Mimi McKenzie, legal director of the Public Interest Law Center. "Pennsylvania's legislators have

much more important work to do, such as fully funding public schools, and should stop wasting taxpayer dollars trying to revive an unconstitutional map for the 2020 elections.”

The U.S. Supreme Court has twice rejected requests from the Pennsylvania legislators to intervene in this state court lawsuit involving state constitutional claims, first in January by [Justice Samuel Alito](#) and again in March by [the full court](#) without noted dissent. All three attempts come after the Pennsylvania Supreme Court ruled in January 2018 that Pennsylvania’s 2011 U.S. congressional districting map violated the Pennsylvania Constitution and enjoined its use in the 2018 primary and general elections.

The filing can be viewed here: <https://www.pubintl.org/wp-content/uploads/2017/06/2018-09-24-LWV-cert-opp-pubintl.pdf>

For more information on the lawsuit, including all case documents, visit:
<https://www.pubintl.org/cases-and-projects/pennsylvania-redistricting-lawsuit/>

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