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October 17, 2003

Honorable William K. Suter  
Clerk of the Court  
Supreme Court of the United States  
One First Street, N.E.  
Washington, DC 20543

Re: *Richard Vieth, et al. v. Robert C. Jubelirer, et al.*, No. 02-1580

Dear Mr. Suter:

Appellees Edward G. Rendell and Catherine Baker Knoll, Pennsylvania's Governor and Lieutenant Governor, respectively, inform the Court respectfully that they choose not to file briefs on the merits or to participate in the oral argument in case No. 02-1580. This choice does not reflect a judgment that the case is unimportant, especially in view of the rapid approach of congressional elections in 2004, but arises from the following circumstances.

Governor Rendell and Lieutenant Governor Knoll are Democrats who were elected to their offices in November 2002 and took office on January 21, 2003. They did not hold these offices when the Pennsylvania Congressional Redistricting Act of 2002 (Act 34), the redistricting plan at issue in this case, was passed by a Republican-controlled General Assembly and signed by a Republican Governor. Governor Rendell and Lieutenant Governor Knoll succeeded to their positions as defendants in this lawsuit, and are now appellees in this Court, only by virtue of their new offices and not because of any actions taken by either of them in support of the enactment of Act 34.

Had Governor Rendell been in office at the time of Pennsylvania's recent redistricting process, it is highly unlikely that Pennsylvania's congressional districts would be described exactly as they are in Act 34. This is merely a concrete example of a generality: Exercises of so-called "political gerrymandering" are most likely to occur when a state's governor and a majority of the state's legislature are members of the same political party.

In their roles as leaders of the Democratic Party in Pennsylvania, Governor Rendell and Lieutenant Governor Knoll have no reason to support or even appear to support Act 34. However, as constitutional officers of Pennsylvania, Governor Rendell and Lieutenant

Governor Knoll have the responsibility to respect the legal duty and power of Pennsylvania's elected Attorney General to defend Pennsylvania statutes, including Act 34, against constitutional attack. They are satisfied that, in representing the Pennsylvania executive branch officials directly charged with administering elections for the office of U.S. Representative, Attorney General D. Michael Fisher can fulfill his duty to defend the constitutionality of Act 34, even if the Attorney General's arguments cannot be said to represent the views of Governor Rendell or Lieutenant Governor Knoll.

Finally, Governor Rendell and Lieutenant Governor Knoll recognize that the fundamental question in this case can be characterized as whether and, if so, how the United States Constitution empowers courts to oversee the processes through which state legislatures define congressional districts. Resolution of this question as a matter of national law in a federal system will not establish any particular partisan advantage. Governor Rendell and Lieutenant Governor Knoll are satisfied that the arguments presented by all of the parties and *amici* will provide the Court with a thorough basis for its decision.

Respectfully submitted,,



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