This document was previously filed via email.

No. 2020AP001930

IN THE SUPREME COURT OF WISCONSIN

WISCONSIN VOTERS ALLIANCE, *et al.,*
Petitioners,

v.

WISCONSIN ELECTION COMMISSION, *et al.,*
Respondents.

On Emergency Petition for Original Action Before this Court

MOTION FOR LEAVE TO FILE AND BRIEF OF *AMICI CURIAE* CHRISTINE TODD WHITMAN, JOHN DANFORTH, LOWELL WEICKER, *ET AL.*, IN SUPPORT OF RESPONDENTS AND THEIR OPPOSITIONS TO THE EMERGENCY PETITION FOR ORIGINAL ACTION AND INJUNCTIVE RELIEF

Of Counsel
RICHARD D. BERNSTEIN
1875 K Street, N.W.
Washington, D.C. 20006
(202) 303-1000
rbernsteinlaw@gmail.com

NANCY A. TEMPLE
Katten & Temple, LLP
209 S. LaSalle Street, Suite 950
(312) 663-0800
ntemple@kattentemple.com

BRIAN S. LEVY
No. 1077159
Katten & Temple, LLP
11512 N. Port Washington Road
Suite 101 J
Mequon, WI 53092
(262) 241-7977
blevy@kattentemple.com

November 27, 2020

MOTION FOR LEAVE TO FILE[1]

Amici respectfully move for leave to file a short brief as *amici curiae* in support of Respondents. The grounds supporting this motion are set forth below.

1. *Amici* respectfully request that the Court consider the arguments herein and in the enclosed, short *amici* brief. The attached *amici* brief would be helpful to the Court by focusing on one reason to dismiss the Emergency Petition and deny injunctive relief. As a federal district court recently held, "invalidating the votes of millions" is "simply not how the Constitution works." *Donald J. Trump for President, Inc. v. Boockvar,* No. 4:20-cv-02078-MWB, 2020 WL 6821992 (M.D. Pa. Nov. 21, 2020). This is illustrated by the improper request in the Emergency Petition for "an injunction requiring the Governor to certify *the electors* under 3 U.S.C. § 6 *appointed by the state legislature*." Emergency Petition for Original Action, p. 42, Statement of the Relief Sought, ¶ 3 (emphasis added). But, for at least three reasons, the Governor could not certify any electors that hypothetically might in the future purportedly be appointed by the Wisconsin legislature for the 2020 presidential

[1] No counsel for any party authored the *amici* brief in whole or in part and no person or entity other than *amici* made a monetary contribution to its preparation or submission.

election.

2. First, Wisconsin provides by statutes, Wis. Stat. § 8.25(1), for the popular election of presidential electors. The Wisconsin legislature could not appoint electors unless and until a new statute first amends that statute, or repeals and replaces it. But any such new statute "shall be subject to the veto power of the Governor as in other cases of the exercise of the lawmaking power." *Smiley v. Holm,* 285 U.S. 355, 373 (1932).

3. Second, and independently, Article II, Section 1 of the Constitution confers plenary power on Congress over the time when a state must choose electors. Congress has exercised that power in Chapter 1 of Title 3 of the U.S. Code. With one rare exception, 3 U.S.C. § 1 has implemented that power to prevent a state legislature from appointing electors after the election day determined by Congress – November 3, 2020. The rare and exclusive exception is set forth in 3 U.S.C. § 2 and applies only when a state's "election has failed to make a choice." That failure does not and cannot occur simply because a losing candidate has raised challenges in and outside court. Because a failed election has not occurred here, after November 3, 2020, a state legislature cannot appoint its own slate of electors for any reason. This is essential to preserving the "trust of a Nation that here, We the People

rule." *Chiafolo v. Washington,* 140 S. Ct. 2316, 2328 (2020).

4. Third, for presidential electors, 3 U.S.C. § 6 and Wisconsin Statutes §§ 7.70(5)(b) require the Governor of Wisconsin to sign the certificate prepared by the Wisconsin Elections Commission "showing the determination of the results of the canvass and the names of the persons elected." That precludes the Governor from certifying any electors purportedly appointed by the legislature.

5. Statement of Movant's Interest. *Amici* include former Governor Christine Todd Whitman, former Senator John Danforth, former Governor and Senator Lowell Weicker, former Congressional representatives Constance Morella and Christopher Shays, Carter Phillips, former Acting Attorney General Stuart Gerson, conservative legal scholars, and others who have worked in Republican federal administrations. *See* Appendix A to *Amici* Brief. Reflecting their experience in supporting the rule of law, *amici* have an interest in seeing that judicial decisions about the forthcoming election are based on sound legal principles. *Amici* speak only for themselves personally, and not for any entity or other person.

CONCLUSION

The Court should grant *amici curiae* leave to file the enclosed brief in support of Respondents and in opposition to the Emergency Petition.

November 27, 2020

Respectfully submitted,

/s/ Brian S. Levy

BRIAN S. LEVY
No. 1077159
Katten & Temple, LLP
11512 N. Port Washington Road
Suite 101 J
Mequon, WI 53092
(262) 241-7977
blevy@kattentemple.com

Of Counsel
RICHARD D. BERNSTEIN
1875 K Street, N.W.
Washington, D.C. 20006
(202) 303-1000
rbernsteinlaw@gmail.com

NANCY A. TEMPLE
Katten & Temple, LLP
209 S. LaSalle Street, Suite 950
(312) 663-0800
ntemple@kattentemple.com

Counsel for Amici Curiae

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INTEREST OF AMICI CURIAE

Amici include former Governor Christine Todd Whitman, former Senator John Danforth, former Governor and Senator Lowell Weicker, former Congressional representatives Constance Morella and Christopher Shays, Carter Phillips, former Acting Attorney General Stuart Gerson, conservative legal scholars, and others who have worked in Republican federal administrations. See Appendix A.[1] Reflecting their experience, amici have an interest in seeing the rule of law applied in contentious election cases. Amici speak only for themselves personally, and not for any entity or other person.

INTRODUCTION AND SUMMARY OF ARGUMENT

There are many reasons to dismiss the Petition. This brief focuses on one. As a federal district court recently held, "invalidating the votes of millions" is "simply not how the Constitution works." *Donald J. Trump for President, Inc. v. Boockvar*, No. 4:20-cv-02708-MWB, 2020 WL 6821992, at *12 (M.D. Pa. Nov. 21, 2020). This is illustrated by the improper request in the Emergency Petition for "an injunction requiring the Governor to certify *the electors* under 3 U.S.C. § 6

[1] No counsel for any party authored the brief in whole or in part, and no person other than amici made a monetary contribution to its preparation or submission

appointed by the state legislature." Emergency Petition for Original Action, p. 42, Statement of the Relief Sought, ¶ 3 (emphasis added). But, for at least three reasons, the Governor could not certify any electors that hypothetically might in the future purportedly be appointed by the Wisconsin legislature for the 2020 presidential election.

First, Wisconsin provides by statute, Wis. Stat. § 8.25(1), for the popular election of presidential electors. The Wisconsin legislature could not appoint electors unless and until a new statute first amends this statute, or repeals and replaces it. But any such new statute "shall be subject to the veto power of the Governor as in other cases of the exercise of the lawmaking power." *Smiley v. Holm*, 285 U.S. 355, 373 (1932).

Second, and independently, Article II, Section 1 of the Constitution (the "Electors Clause") confers plenary power on Congress over the time when a state must choose electors. With one rare exception, 3 U.S.C. § 1 has implemented that power to prevent a state legislature from appointing electors, after the election day determined by Congress – November 3, 2020. The rare and exclusive exception is set forth in 3 U.S.C. § 2 and applies only when a state's "election has failed to make a choice." That failure does not and cannot occur simply

because a losing candidate has raised challenges in and outside court. American courts have been resolving and remedying election challenges for centuries, and none has ever disenfranchised millions of voters. *Donald J. Trump for President, Inc.*, 2020 WL 6821992, at *1. Because a failed election has not occurred here, after November 3, 2020, a state legislature cannot appoint its own slate of electors for any reason. This is essential to preserving the "trust of a Nation that here, We the People rule." *Chiafolo v. Washington*, 140 S. Ct. 2316, 2328 (2020).

Third, for presidential electors, 3 U.S.C. § 6 and Wisconsin Statutes § 7.70(5)(b) require the Governor of Wisconsin to sign the certificate prepared by the Wisconsin Elections Commission "showing the determination of the results of the canvass and the names of the persons elected . . . ." That precludes the Governor from certifying any electors that hypothetically might in the future purportedly be appointed by the legislature for the 2020 presidential election.

ARGUMENT

I. THE WISCONSIN LEGISLATURE MAY NOT SELECT ELECTORS WITHOUT, SUBJECT TO THE GOVERNOR'S VETO, FIRST AMENDING WISCONSIN'S PRESIDENTIAL ELECTION STATUTES.

In *Smiley v. Holm*, 285 U.S. 355 (1932), the Supreme Court unanimously held that, under the Elections Clause, which grants state

legislatures power over the "manner" of congressional elections, when a state's constitution includes a governor's right to veto statutes passed by the state legislature, any new law governing congressional elections "shall be subject to the veto power of the Governor as in other cases of the exercise of the lawmaking power." *Id.* at 373. All nine Justices of the Supreme Court agreed with *Smiley*'s holding on governor vetoes in *Arizona State Legislature v. Arizona Independent Redistricting Commission*, 576 U.S. 787, 806-08 (2015); *see id.* at 840-41 (Roberts, C.J., joined by Scalia, Thomas, and Alito, JJ.) (dissenting).

Smiley applies to state presidential election statutes. To start, the Elections and Electors Clauses have "considerable similarity." *Id.* at 839. Second, since 1788, state legislatures have enacted the manner of presidential election *by statute*. G. Brosofsky, M. Dorf, & L. Tribe, *State Legislators Cannot Act Alone in Assigning Electors*, at 5-7 (Sept. 25, 2020) (detailing with citations this practice), available at http://www.dorfonlaw.org/2020/09/state-legislatures-cannot-act-alone- in.html. In particular, in 1788 South Carolina first provided *by statute* for the legislative selection of presidential electors. *Id.* at 7 (citing 1788 South Carolina statute). Only after the statute was enacted did the South Carolina legislature appoint electors. *Id.*

Wisconsin, by statute, provides for the popular election of presidential electors. Wis. State. § 8.25(1). A new statute would have to amend this statute, or repeal and replace it, in order for the Wisconsin legislature to change the manner of appointing electors to legislative selection. Wisconsin's Governor would have veto power over any such proposed new statute. Wis. Const. Art. V, § 10(a).

II. INDEPENDENTLY, THE ELECTORS CLAUSE AND 3 U.S.C. §§ 1-2 PROHIBIT THE WISCONSIN LEGISLATURE FROM BELATEDLY APPOINTING ELECTORS.

A. 3 U.S.C. § 2 Prohibits The Wisconsin Legislature From Belatedly Appointing Electors.

3 U.S.C. § 1 provides:

> The electors of President and Vice President shall be appointed, in each State, on the Tuesday next after the first Monday in November, in every fourth year succeeding every election of a President and Vice President.

3 U.S.C. § 2 provides:

> Whenever any State has held an election for the purpose of choosing electors, and has failed to make a choice on the day prescribed by law, the electors may be appointed on a subsequent day in such a manner as the legislature of such State may direct.

3 U.S.C. § 1 requires that electors "shall be appointed, in each state, *on*" November 3, 2020. (Emphasis added.) To use the words of 3 U.S.C. § 1, what Wisconsin executive and judicial officials do after the

nationwide election day is determine which electors were "appointed . . . on" election day—that is, determine which candidate won Wisconsin's popular election by votes cast by election day.

3 U.S.C. § 2 creates a single, narrow exception that allows a state to appoint electors "on a subsequent day [after the nationwide election day] in such manner as the legislature of such state may direct," but only "[w]henever any State has held an election for purpose of choosing electors, and has failed to make a choice on" the nationwide election day. Under the canon of *expressio unius est exclusio alterius*, the exception in 3 U.S.C. § 2 is the exclusive exception to the bar in § 1 on a state legislature's retroactively appointing electors after election day.

An election "has [not] failed to make a choice" merely because determining the winner is disputed. This is demonstrated by an analogy to another contest – a legal case. Often, a legal case is decided by only one vote – that is, by a split appellate decision with strong arguments on both sides as to which party was entitled to prevail. But no one would say that a 5-4 final decision by the Supreme Court, opposed by four vigorously dissenting Justices, "has failed" to choose a winner in that case.

This plain meaning of "failed to make a choice" is confirmed by the

statutory history of 3 U.S.C. §§ 1-2. Congress first enacted these provisions in 1845. 5 Stat. 721 (1845). The prior statute, enacted in 1792, allowed states to appoint electors on any of the "thirty-four days preceding the first Wednesday in December." 1 Stat. 239 (1792). The 1845 statute required, for the first time, that all states appoint electors on the same nationwide election day: "the Tuesday next after the first Monday in the month of November." 5 Stat. 721 (1845). The early proposed versions of the 1845 statute did not contain an exception for a "failed" election. See CONG. GLOBE, 28th Cong., 2d Sess. 14 (Dec. 9, 1844).

Representative Hale of New Hampshire suggested to the bill's manager, Representative Duncan of Ohio, that a provision should be added for the "contingency" faced by New Hampshire, where state law required that the electors could be elected only by "a majority of all the votes cast." *Id.* In his state, Hale explained, because the candidate with the most votes might obtain only a plurality, "it might so happen that no choice might be made on election day." *Id.* The next time the bill was debated, Representative Duncan offered, and the House adopted, an amendment containing what has become 3 U.S.C. § 2. CONG. GLOBE, 28th Cong., 2d Sess. 21 (Dec. 11, 1844).

In 1872, Congress enacted similar provisions for elections of a Representative – a nationwide election day and an exception if "upon" that day "there shall be a failure to elect." 17 Stat. 28-29 (Feb. 2, 1872), now codified as 2 U.S.C. §§ 7, 8(a). The Supreme Court has stated: "The only explanation of this provision [2 U.S.C. § 8(a)] in the legislative history is Senator Alan G. Thurman's statement that 'there can be no failure to elect except in those States in which a majority of all the votes is necessary to elect a member.'" *Foster v. Love*, 522 U.S. 67, 71 n.3 (1997) (citation omitted).

There was never a suggestion with respect to the 1845 or 1872 statutes that when an election has engendered vigorous litigation, such an election could therefore be considered an election that "has failed to make a choice" or "fail[ed] to elect." That would have consigned the Nation to continue the routine appointments of electors and election of Representatives by states on different days that the 1845 and 1872 statutes were designed to prevent.

If these Appellants succeed, surely the Democrats would go to court to argue that future elections "failed to make a choice." Like Gresham's Law, the bad would drive out the good.

B. The Federal Constitution, As Implemented By 3 U.S.C. §§ 1-2, Also Prohibits The Wisconsin Legislature From Belatedly Changing The Manner Of Appointment From Popular Vote To Legislative Selection.

It would violate the federal Constitution for the Wisconsin legislature, *after* election day, to change the manner of appointment from popular vote, Wis. Stat. § 8.25(1), to legislative selection. The first applicable requirement of the Electors Clause is that a state "shall appoint, in such manner as the Legislature thereof may direct." This is an adverbial prepositional phrase with "in such manner as the Legislature thereof may direct" modifying "appoint." When "in" is used as a preposition, this denotes that the object of the proposition and the modified word are "*present*" at the same time. S. Johnson, *Dictionary of the English Language* (6th ed. 1785) (emphasis added). A picture is not "in the frame" when the frame does not yet exist. Dr. Johnson illustrated that "in" denotes a temporal concurrence with this example: "Danger before, and *in*, and after the act." *Id.* (emphasis in original). A danger that occurs only "after" the act is not danger "in" the act.

Thus, because the Electors Clause makes "such manner as the Legislature thereof may direct" the object of "in," then "such manner" can be only the manner in place simultaneously with the state's "appoint[ment]" (the modified word). Retroactivity is the antithesis of

the simultaneity between "appoint" and "in such manner" that the Electors Clause requires. This is confirmed by "our whole experience as a Nation." *Chiafolo*, 140 S. Ct. at 2326 (quotations and citation omitted). After election day, no state ever has changed retroactively the manner of popular vote to selection by the legislature.

The second pertinent requirement of the Electors Clause is that the state must comply with "the time of choosing the Electors" that Congress has determined. Here, "choosing" electors and "appoint[ing]" electors are synonymous. *See McPherson v. Blacker*, 146 U.S. 1, 40 (1892). Congress has implemented its power over the time of appointing electors in 3 U.S.C. § 1. It provides that "electors … shall be appointed, in each state, *on*" the nationwide election day. (Emphasis added.) In this statutory provision, "appointed" must refer to "appointed, in such manner" because the Constitution allows no other kind of appointment. Thus, the requirement of 3 U.S.C. § 1 that a state appoint electors "on" election day requires using the manner of appointment that exists "on" election day. A different manner of appointment that is created after November 3, 2020 no more exists "on" election day than does a manner of appointment that applied to a prior election but was repealed or amended *before* November 3, 2020.

Three canons of construction confirm that 3 U.S.C. § 1 does not allow a state to change its manner of appointment after election day and apply the new manner retroactively to the appointment of electors "on" election day. First, because "[r]etroactivity is not favored in the law," a statutory provision "will not, as a general matter, be understood to encompass the power to promulgate retroactive rules unless that power is conveyed by Congress in express terms." *Bowen v. Georgetown Univ. Hospital*, 488 U.S. 204, 208 (1988).

Second, a court must adopt "a construction of a statute that is fairly possible," when the alternative construction would "raise a serious doubt as to [the statute's] constitutionality." *Zadvydas v. Davis*, 533 U.S. 678, 689 (2001). Construing 3 U.S.C. § 1 to empower a state to apply retroactively a manner of appointment enacted after election day would raise serious constitutional doubts. To start, there is at least a serious question whether such retroactivity comports with the simultaneity required by the "appoint, in such manner" requirement in the Electors Clause. *Supra*, at 9-11. Moreover, there is at least a serious question whether the Due Process Clauses preclude a federal statute that would enable states after a popular election to change retroactively the manner of appointing electors. *See Roe v. Alabama*, 43 F.3d 574,

581 (11th Cir. 1995) (a post-election change violates due process when it has "the effect of disenfranchising" some voters); *cf. Bush v. Palm Beach Cty. Canvassing Bd.*, 531 U.S. 70, 73 (2000) (the Supreme Court granted certiorari over, but did not decide, whether "by effectively changing the State's elector appointment procedures after election day, [the State] violated the Due Process Clause").

Third, one provision of a statute should not be interpreted to render another provision "a practical nullity and a theoretical absurdity." *United Savings Ass'n v. Timbers of Imwood Forest Assoc.*, 484 U.S. 365, 375 (1988). If 3 U.S.C. § 1 permitted a state legislature after election day to apply a new manner of appointment retroactively, there would be no need for 3 U.S.C. § 2. No state's election would ever fail to make a choice "on" election day if a state legislature always has the power for any reason to change the manner of appointment retroactively after election day. To paraphrase a Supreme Court case on statutory interpretation: "If there is a big hole [3 U.S.C. § 1] in the fence for the big cat, need there be a small hole [3 U.S.C. § 2] for the small one?" *Jarecki v. G.D. Searle & Co.*, 367 U.S. 303, 307 (1961) (quotations and citations omitted).

Therefore, the Electors Clause, as implemented by 3 U.S.C. § 1, bars a state's application of a post-election day change in the manner of appointment to the 2020 presidential election unless, at a minimum, the state's election "has failed to make a choice" under 3 U.S.C. § 2. And, as demonstrated above, at 6-9, that exception does not remotely apply here.

III. 3 U.S.C. § 6 AND WISCONSIN STATUTE § 7.70(5)(b) PRECLUDE THE GOVERNOR FROM CERTIFYING ANY ELECTORS PURPORTEDLY APPOINTED BY THE LEGISLATURE.

3 U.S.C. § 6 requires the governor to certify the winning electors based on the "final ascertainment, under and in pursuance of the laws of such State providing for such ascertainment." Wisconsin Statute § 7.70(5)(b) provides: "For presidential electors, the [Wisconsin elections] commission shall prepare a certificate showing the determination of the results of the canvass and the names of the persons elected and the governor shall sign, affix the great seal of the state, and transmit the certificate . . . ." Wisconsin Statute § 9.01 provides for a recount and review in Wisconsin's courts. Wis. Stat. §§ 9.01(1)-(10). "This section constitutes the exclusive remedy for testing the right to hold an elective office as the result of an alleged irregularity, defect or mistake committed during the voting or canvassing process." *Id.* at § 9.01(11).

Thus, under and pursuant to 3 U.S.C. § 6 and Wisconsin statutory law, the Governor could not certify any electors that hypothetically might in the future purportedly be appointed by the state legislature for the 2020 presidential election.[2]

CONCLUSION

The Petition should be dismissed.

November 27, 2020

Respectfully submitted,

/s/ Brian S. Levy

BRIAN S. LEVY
No. 1077159
Katten & Temple, LLP
11512 N. Port Washington Road
Suite 101 J
Mequon, WI 53092
(262) 241-7977
blevy@kattentemple.com

Of Counsel
RICHARD D. BERNSTEIN
1875 K Street, N.W.
Washington, D.C. 20006
(202) 303-1000
rbernsteinlaw@gmail.com

NANCY A. TEMPLE
Katten & Temple, LLP
209 S. LaSalle Street, Suite 950
(312) 663-0800
ntemple@kattentemple.com

Counsel for Amici Curiae

[2] Any change to these Wisconsin statutes, as they existed on election day, would be subject to the governor's veto, *see supra,* Part I, and if applied to the 2020 presidential election, would violate federal law by retroactively changing the manner of appointment. *See* Part II.B., *supra; see also Bush v. Gore,* 531 U.S. 98, 113-14 (2000) (Rehnquist, J., concurring, joined by Scalia and Thomas, JJ.) (manner of appointment includes state's pre-election statutes that "delegated the authority to run the elections and to oversee election disputes to [state election officials] and to state circuit courts") (citations to pre-election Florida statutes omitted); *id.* at 116-17 (manner of appointment includes pre-election state statutes governing "canvassing," "recount," "certification," and "[c]ontests").

APPENDIX A

LIST OF AMICI CURIAE

Christine Todd Whitman, Administrator, Environmental Protection Agency, 2001–2003; Governor, New Jersey, 1994–2001.

John Danforth, United States Senator from Missouri, 1976-1995; United States Ambassador to the United Nations, 2004-2005; Attorney General of Missouri, 1969-1976.

Lowell Weicker, Governor, Connecticut, 1991-1995; United States Senator from Connecticut, 1971-1989; Representative of the Fourth Congressional District of Connecticut in the United States House of Representatives, 1969-1971.

Constance Morella, Representative of the Eighth Congressional District of Maryland in the United States House of Representatives, 1987-2003; Permanent Representative from the United States to the Organisation for Economic Co-operation and Development, 2003-2007.

Christopher Shays, Representative of the Fourth Congressional District of Connecticut in the United States House of Representatives, 1987-2009.

Carter Phillips, Assistant to the Solicitor General, 1981-1984.

Stuart M. Gerson, Acting Attorney General, 1993; Assistant Attorney General for the Civil Division, 1989–1993; Assistant United States Attorney for the District of Columbia, 1972–1975.

Donald Ayer, Deputy Attorney General 1989-90; Principal Deputy Solicitor General 1986-88; United States Attorney, E.D. Cal 1982-86; Assistant U.S. Attorney, N.D. Cal 1977-79.

John Bellinger III, Legal Adviser to the Department of State, 2005-2009; Senior Associate Counsel to the President and Legal Adviser to the National Security Council, 2001-2005.

Edward J. Larson, Counsel, Office of Educational Research and Improvement, United States Department of Education, 1986-1987; Associate Minority Counsel, Committee on Education and Labor, United States House of Representatives, 1983-1986; currently Hugh & Hazel Darling Chair in Law at Pepperdine University.[4]*

Michael Stokes Paulsen, Attorney-Advisor, Office of Legal Counsel, U.S. Department of Justice, 1989-1991; Special Assistant United States Attorney, Eastern District of Virginia, 1986; Staff Attorney, Criminal Appellate Section, United States Department of Justice, 1986; currently University Chair & Professor of Law, The University of St. Thomas.*

Alan Charles Raul, Associate Counsel to the President, 1986-1988; General Counsel of the Office of Management and Budget, 1988-1989; General Counsel of the United States Department of Agriculture, 1989- 1993; Vice Chairman of the Privacy and Civil Liberties Oversight Board, 2006-2008.

Paul Rosenzweig, Deputy Assistant Secretary for Policy, Department of Homeland Security, 2005-2009; Office of Independent Counsel, 1998-1999; United States Department of Justice, 1986-1991; currently Professorial Lecturer In Law, The George Washington University Law School.*

Robert Shanks, Deputy Assistant Attorney General, Office of Legal Counsel, 1981-1984.

Stanley Twardy, U.S. Attorney for the District of Connecticut, 1985–1991.

Keith E. Whittington, William Nelson Cromwell Professor of Politics, Princeton University, 2006-present; currently Visiting Professor of Law, Georgetown University Law Center.*

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[4] The views expressed are solely those of the individual amici, and reference to current positions is solely for identification purposes.

Richard Bernstein, Appointed by the United States Supreme Court to argue in *Cartmell v. Texas*, 529 U.S. 513, 515 (2000); *Montgomery v. Louisiana*, 136 S. Ct. 718, 725 (2016).

CERTIFICATION

I hereby certify that this brief conforms to the rules contained in Wis. Stat. § 809.19(8)(b), (c) for a brief produced with a proportional serif font. The length of this brief is 2,952 words.

Dated this 27th day of November 2020.

/s/ Brian S. Levy
Brian S. Levy

CERTIFICATE OF COMPLIANCE
WITH WIS. STAT. § (RULE) 809.19(12)

I hereby certify that:

I have submitted an electronic copy of this brief, excluding the appendix, if any, which complies with the requirements of Wis. Stat. § (Rule) 809.19(12).

I further certify that:

This electronic brief is identical in content and format to the printed form of the brief filed as of this date. A copy of this certificate has been served with the paper copies of this brief filed with the court and served on all opposing parties.

Dated this 27th day of November, 2020.

/s/ Brian S. Levy
Brian S. Levy

CERTIFICATE OF SERVICE

I, Brian S. Levy, attorney for Amicus Curiae, hereby certify that on the 27th day of November, 2020, I caused true and correct copies of the foregoing non-party brief to be served upon counsel of record by email and by placing the same in the U.S. Mail, first-class postage, as follows:

Erick G Kaardal
Gregory M. Erickson
Special Counsel for Amistad Project of Thomas More Society
150 Fifth Street S., Suite 3100
Minneapolis, MN 55402
kaardal@mklaw.com
Erickson@mklaw.com

Charlotte Gibson
Joshua Kaul
Wisconsin Department of Justice
P.O. Box 7857
Madison, WI 53707
gibsoncj@doj.state.wi.us
josh.kaul@doj.state.wi.us

/s/ Brian S. Levy
Brian S. Levy