

SUPREME COURT OF NORTH CAROLINA

NORTH CAROLINA LEAGUE OF
CONSERVATION VOTERS, INC.; *et al.*,

Plaintiffs-
Appellants,

v.

REPRESENTATIVE DESTIN HALL; *et*
al.,

Defendants-Appellees.

From Wake County
No. 21 CVS 015426

REBECCA HARPER; *et al.*,

Plaintiffs-Appellants,

v.

REPRESENTATIVE DESTIN HALL; *et*
al.,

Defendants-Appellees.

From Wake County
No. 21 CVS 500085

MOTION OF PROFESSOR CHARLES FRIED FOR LEAVE TO FILE
AMICUS CURIAE BRIEF IN SUPPORT OF PLAINTIFFS-APPELLANTS

Professor Charles Fried (“Prof. Fried”) respectfully moves this Court, pursuant to Rule 28(i) of the North Carolina Rules of Appellate Procedure, for leave to file the attached *amicus curiae* brief in support of Plaintiffs-Appellants. Prof. Fried is filing his *amicus curiae* brief conditionally along with this motion pursuant to Rule 28(i)(2).

INTERESTS OF AMICUS CURIAE

Professor Charles Fried is the Beneficial Professor of Law at Harvard Law School and has been teaching at the school since 1961. He was Solicitor General of the United States, 1985-89, and an Associate Justice of the Supreme Judicial Court of Massachusetts, 1995-99. His scholarly and teaching interests have been moved by the connection between normative theory and the concrete institutions of public and private law. The author of many books and articles, his *Anatomy of Values* (1970), *Right and Wrong* (1978), and *Modern Liberty* (2006), develop themes in moral and political philosophy with applications to law. *Contract as Promise* (1980), *Making Tort Law* (2003, with David Rosenberg) and *Saying What the Law Is: The Constitution in the Supreme Court* (2004) are fundamental inquiries into broad legal institutions. *Order & Law: Arguing the Reagan Revolution* (1991) discusses major themes developed in Prof. Fried’s time as Solicitor General.

Prof. Fried is a member of the Board of Trustees of the Campaign Legal Center, a nonprofit organization that advances democracy through law at the

federal state and local levels, fighting for every American's rights to responsive government and a fair opportunity to participate in and affect the democratic process.

Prof Fried's legal expertise thus bears directly on the question of whether, relying on particular state constitutional provisions, state courts may go beyond the federal limits on the justiciability of partisan gerrymandering.

REASONS WHY AN AMICUS BRIEF IS DESIRABLE

Prof. Fried's brief will assist this Court by providing an overview of the balance between the federal constitution and state constitutions in terms of the protection of individual rights, and will outline how, given its history and text, the North Carolina constitution provides greater protections against partisan gerrymandering than the federal constitution.

ISSUE TO BE ADDRESSED

One of the questions facing this Court is the question of whether partisan gerrymandering claims are justiciable under the free and fair elections clause of the North Carolina State Constitution. The proposed amicus brief will address that question using the history and text of the constitution as well providing a brief review of the protection of individual rights in state constitutions that go beyond the protections in the federal constitution.

CONCLUSION

Prof. Fried respectfully requests that the Court consider the attached amicus brief.

Respectfully submitted, this the 21st day of January, 2022.

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*N.C. R. App. P. 33(b) Certification:
I certify that all of the attorneys
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CERTIFICATE OF SERVICE

I certify that, in accordance with Appellate Rule 26(c), I have served a copy of the foregoing document by e-mail to the following:

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This the 21st day of January, 2022.

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