

## **Press Release**

### **Citizens for Fair Representation, Court Update**

On September 8, a hearing was held in the case of Citizens for Fair Representation (CFR) v. California Secretary of State Alex Padilla, before United States District Court Judge Kimberly Mueller, on Defendant Padilla's Motion to Dismiss the CFR complaint with prejudice, and on Plaintiff's CFR;s Motion for Leave to File a First Amendment Complaint (FAC).

At the hearing, the Court heard oral arguments from counsel for both sides and, thereafter, Judge Mueller issued a Minute Order stating in pertinent part:

“,,, The court advised parties it is, ot prepared to issue scheduling order until preliminary matters cab be reached, The court clarified why this case is not currently before a three judge panel. After discussion with the parties, the court advised the parties that it is no inclined to address the merits of the pending Motion to Dismiss, but rather inclined to allow the further amendment in light of the early state of the proceedings in this case. After discussion with the parties, the court took the matter under submission with a written order to issue granting leave to amend. The forthcoming order will clarify the limits on any amendment...”

CFR informed the Court that this case is the Baker v. Carr of the 21<sup>st</sup> Century and CFR is contending that the citizens and residents of California lack effective and meaningful representation, because in 1879, the California Legislature fixed/capped the State Assembly at 80 members and the State Senate at 40 members. CFR is awaiting the Court's order and will be amending the Complaint in line with that order.

CFR attorneys state: “Fixing/capping the legislature is in direct contradiction of California's initial 1849 Constitution that stated in Article 1, Section 2 – Declaration of Rights (presently Article II, Section 1)”

All political power is inherent in the people. Government is instituted forthcoming their protection, security, and benefit, and they have the right to alter or reform it when the public good may require.

“Further, with its initial 1849 Constitution, California started out increasing the legislature (both the Assembly and Senate) as its population increased. It then stopped increasing its legislature. Yet, California's executive and political branches have continued to expand exponentially. It has been 155 years (since 1854) – with the addition of 39,500,000 residents in California – and the government of California has not see fit to add a single member to the California Assembly. Capping the legislature cuts off the power inherent in the people and cuts off representation. District sizes are now: 1 Assembly member in the California Assembly per 500,000 residents and 1 Senate member per 1,000,000 residents. Capping the legislature was/is an arbitrary and capricious act that creates an Oligarchy concentrating power in a few hands, while limiting the power and Liberty of the people. Constitutions are instituted to prevent government from acting as an arbitrary and capricious.”

**Note to Editors:** The case is USDC-ED Case No. 21 17-cv-00973, Citizens for Fair Representation v. California Secretary of State Alex Padilla.

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