IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS, Plaintiff, v. ERIC H. HOLDER, JR., Attorney General of the United States, Defendants, and THE TEXAS LEGISLATIVE BLACK CAUCUS, THE LEAGUE OF WOMEN VOTERS OF TEXAS, THE JUSTICE SEEKERS, REVEREND PETER JOHNSON, REVEREND RONALD WRIGHT, and DONALD WRIGHT, Applicants for Intervention.	No. 1:12-cv-00128-RMC-DST-RLW

MOTION FOR LEAVE TO INTERVENE AS DEFENDANTS

The Texas Legislative Black Caucus, the League of Women Voters of Texas, the Justice Seekers, Reverend Peter Johnson, Reverend Ronald Wright and Donald Wright hereby move the Court for leave to intervene as defendants in this action as of right pursuant to Fed. R. Civ. P. 24(a)(1) and (2), or alternatively to intervene permissibly pursuant to Fed. R. Civ. P. 24(b)(1)(A) and (B). The individual applicants are members of racial minorities and are residents and registered voters of the State of Texas.

The grounds for the motion are that a statute of the United States, 42 U.S.C. § 1973b(a)(4), confers an unconditional right upon any aggrieved party to intervene at any stage in an action seeking to bailout from Section 5 coverage. The State of Texas is seeking a declaration

that Section 5 is unconstitutional, which is the functional equivalent of bailout. In addition, applicants claim an interest in the property or transaction that is the subject of this action and are so situated that disposing of the action may as a practical matter impair or impede their ability to protect their interest. Applicants further allege that their interest is not adequately represented by existing parties and, therefore, the Court should allow them to intervene as of right pursuant to Fed. R. Civ. P. 24(a)(2).

In the alternative, applicants move the Court to intervene by permission pursuant to Rules 24(b)(1)(A) and (B) of the Federal Rules of Civil Procedure, on the grounds that 42 U.S.C. § 1973b(a)(4) confers a right upon any aggrieved party to intervene at any stage in an action seeking to bailout of Section 5 coverage. Also, the claims and defenses of the intervenors and the main action share questions of law or fact in common.

This motion is accompanied by applicants' memorandum in support of intervention and by applicants' initial responsive pleading setting forth the claims and defenses for which intervention is sought.

WHEREFORE, applicants request that their Motion for Leave to Intervene as Defendants be granted.

Respectfully submitted,

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STATE OF TEXAS, Plaintiff, v. ERIC H. HOLDER, JR., Attorney General of the United States, Defendants, and THE TEXAS LEGISLATIVE BLACK CAUCUS, THE LEAGUE OF WOMEN VOTERS OF TEXAS, THE JUSTICE SEEKERS, REVEREND PETER JOHNSON, REVEREND RONALD WRIGHT, and DONALD WRIGHT, Applicants for Intervention.	No. 1:12-cv-00128-RMC-DST-RLW

MEMORANDUM IN SUPPORT OF
MOTION FOR LEAVE TO INTERVENE AS DEFENDANTS

I. Introduction

This action was brought by the State of Texas seeking a declaratory judgment that Senate Bill 14, the voter photo identification law, will have neither the purpose nor effect of denying or abridging the right to vote on account of race or color under Section 5 of the Voting Rights Act, 42 U.S.C. § 1973c. The State has since moved to amend its complaint to seek a declaratory judgment that Section 5 is unconstitutional, which the Court has granted.

These applicants have been engaged in this matter for a considerable period. Members of the Texas Legislative Black Caucus ("TLBC") opposed the proposal in the legislature, as they

had opposed previous voter ID proposals in previous legislative sessions. When the voter photo identification law was submitted by the State of Texas to the Department of Justice for administrative preclearance, counsel for applicants submitted multiple Section 5 comment letters urging the Department of Justice to interpose an objection to the law. The League of Women Voters also opposed the proposed legislation and commented in the Section 5 administrative preclearance process. Copies of the comment letters setting out the basis for an objection are attached hereto as Exhibits A, B, C, and D and are incorporated herein by reference.

The TLBC is comprised of Texas elected officials who collectively represent the interests of African-Americans and the interests of protected groups who are in coalition with them. TLBC has an interest in the ability of African-American and allied minority voters to participate fully and equally in the political process and to elect representatives of their choice who are responsive to the particularized needs of the African-American community. To this end, TLBC promotes voter registration, education and participation that preserves minority voting strength, and fights to ensure that no qualified voters are unlawfully denied the right to vote. TLBC members also conduct election campaigns and seek the votes of all registered, eligible voters.

The League of Women Voters of Texas is a nonpartisan organization that encourages the active and informed participation of citizens in government and increases understanding of major public policy issues. The League provides research, publications and forums and disseminates information and training that help citizens become engaged in the democratic process. To achieve its mission of increasing voter participation in elections, the organization regularly engages in voter registration drives around the State including in predominately minority communities, and educates voters on how to exercise their right to vote, including how to meet polling place requirements.

Applicants Reverend Peter Johnson, Reverend Ronald Wright, and Donald Wright are African-American residents and registered voters of Texas. Applicant Reverend Wright is also the Executive Director of the Justice Seekers, a civil rights organization based in Dallas, Texas. The primary mission of the Justice Seekers is to ensure the political, educational, social and economic equality of all citizens. The organization engages in a variety of voter education programs including organizing and staffing voter registration drives, sponsoring community meetings related to voter empowerment, and educating the public on election laws and policies. Through its efforts, the organization seeks to increase minority voter turnout in Texas and serves as a resource for voters who face difficulties in exercising their right to vote. The community members that the Justice Seekers serve include the elderly, people of color, students and low-income individuals who live on a limited and/or fixed income.

All applicants have moved the Court for leave to intervene as of right and for permissive intervention pursuant to Fed. R. Civ. P. 24(a)(1) and (2) and Fed. R. Civ. P. 24(b)(1)(A) and (B). The Supreme Court has held that "[p]rivate parties may intervene in §5 actions," and that such intervention is controlled by Rule 24. *Georgia v. Ashcroft*, 539 U.S. 461, 477 (2003); *accord NAACP v. New York*, 413 U.S. 345, 367 (1973). In addition, the courts have stressed that Rule 24's intervention requirements should be liberally construed to favor intervention. *See, e.g., Nuesse v. Camp*, 385 F.2d 694, 702-04 (D.C. Cir. 1967); *American Horse Prot. Ass'n., Inc. v. Veneman*, 200 F.R.D. 153, 157 (D.D.C. 2001) (the interest requirement is "liberal and forgiving"); *Wilderness Society v. Babbitt*, 104 F.Supp.2d 10 (D.D.C. 2000) (same).

II. Intervention as of Right Is Warranted

Rule 24(a) provides:

> On timely motion, the court must permit anyone to intervene who: (1) is given an unconditional right to intervene by a federal statute; or (2) claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant's ability to protect its interest, unless existing parties adequately represent that interest.

A. Intervention is Timely

As an initial matter, this application for intervention is timely. Plaintiff filed its original complaint on January 24, 2012, and on March 12, 2012, filed a motion to amend the complaint to include a claim challenging the constitutionality of Section 5 of the Voting Rights Act. The Court granted the motion to amend the complaint on March 15, 2012, and the Attorney General has not filed an answer or any other responsive pleading.

The most important factor in determining whether intervention is timely is whether any delay in seeking intervention will prejudice the existing parties to the case. *See, e.g.*, *McDonald v. E.J. Lavino Co.*, 430 F.2d 1065, 1073 (5th Cir. 1970) ("In fact, this may well be the *only* significant consideration when the proposed intervenor seeks intervention of right.") (emphasis added).[1] Where intervention will not delay resolution of the litigation, intervention should be allowed, provided that the proposed intervenor satisfies the criteria of Rule 24(a). *Texas v. United States*, 802 F. Supp. 481, 482 n.1 (D.D.C. 1992) (affirming the propriety of granting intervention); *Cummings v. United States*, 704 F.2d 437, 441 (9th Cir. 1983) (finding that the

[1]Prejudice should not, of course, be confused with the convenience of the parties. *See McDonald v. E.J. Lavino Co.*, 430 F.2d at 1073 ("mere inconvenience is not in itself a sufficient reason to reject as untimely a motion to intervene as of right"); *Clark v. Putnam County*, 168 F.3d 458, 462 (11th Cir. 1999) (same).

trial court abused its discretion by denying intervention in the absence of a showing of prejudice to the government).

Applicants are cognizant of the Court's interest in a prompt resolution of this case. However, the case remains in its infancy and, under the circumstances, there is no danger of delay or disruption of the proceedings and no party will be prejudiced by the proposed intervention. Indeed, the TLBC recently has operated under an expedited schedule in *Texas v. United States*, No. 1:11-cv-1303 (D.D.C. Sep. 8, 2011) (granting permissive intervention to the TLBC in a Section 5 declaratory judgment action concerning Texas congressional and state legislative redistricting plans).

B. Applicants Have an Interest Relating to the Litigation

Section 1973b(a)(4) of Title 42 of the United States Code provides that "[a]ny aggrieved party may as of right intervene at any stage in such action [to bailout from Section 5 coverage]." 42 U.S.C. § 1973b(a)(4). Because the State of Texas is seeking a declaration that Section 5 is unconstitutional, which is the functional equivalent of bailout, intervention in this action should be granted as of right. Granting intervention would also serve the underlying purpose of § 1973b(a)(4) of providing an "aggrieved party" the opportunity to be heard when a jurisdiction is seeking to terminate Section 5 coverage.

Furthermore, applicants TLBC, the League of Women Voters and the Justice Seekers regularly provide assistance to racial minorities with respect to exercising their right to vote, many of whom will be unable to satisfy the strict voter photo identification requirements set forth in Senate Bill 14, others of whom may be deterred from voting by the difficulty and expense of obtaining ID, and others of whom may be wrongly denied a regular ballot due to inadequate training and oversight of poll workers. Many of the individuals the applicant

organizations serve are protected by Section 5 of the Voting Rights Act and, as registered voters who reside in Texas, plainly have a direct, substantial, and legally protectable interest in the "transaction that is the subject of the action," Rule 24(a)(2), *i.e.*, whether the voter photo identification law should be precleared. Because of the importance of that interest, intervention in Section 5 cases is favored and the courts have routinely allowed it. *See Arizona v. Holder*, No. 11-1559, Order of January 11, 2012 (D.D.C.); *LaRoque v. Holder*, 650 F.3d 777, 782-3 (D.C. Cir. 2011); *Shelby County v. Holder*, 2011 WL 4375001 (D.D.C. 2011); *Georgia v. Holder*, 748 F. Supp.2d 16, 18 (D.D.C. 2010) (granting intervention to four groups of intervenors in a case that challenged the constitutionality of Section 5 of the VRA); *Nw. Austin Mun. Util. Dist. No. One v. Holder*, 573 F. Supp. 2d 221, 230 (D.D.C. 2008) (granting multiple motions to intervene presented by African-American, Latino and other minority voters in case seeking bailout under Section 4(a) of the VRA and challenging the constitutionality of Section 5 of the VRA); *Georgia v. Ashcroft*, 539 U.S. at 477; *Busbee v. Smith*, 549 F. Supp. 494 (D.D.C. 1982*); City of Lockhart v. United States*, 460 U.S. 125, 129 (1983); *City of Port Arthur v. United States*, 517 F. Supp. 987, 991 n.2 (D.D.C. 1981); *New York v. United States*, 65 F.R.D. 10, 12 (D.D.C. 1974); *City of Richmond v. United States*, 376 F. Supp. 1344, 1349 n.23 (D.D.C. 1974); *Beer v. United States*, 374 F. Supp. 363, 367 n.5 (D.D.C. 1974*); Virginia v. United States*, 386 F. Supp. 1319, 1321 (D.D.C. 1974); *City of Petersburg v. United States*, 354 F. Supp. 1021, 1024 (D.D.C. 1972).[2] *See also Clark v. Putnam County*, 168 F.3d 458, 462 (11th Cir. 1999) ("black voters had a right to intervene" in action challenging county redistricting, and listing recent voting cases

[2]In some of the cases cited above intervenors played not merely an important but a crucial role. In *City of Lockhart*, for example, the intervenors presented the sole argument in the Supreme Court on behalf of the appellees. No argument was presented on behalf of the United States. *See* 460 U.S. at 130.

allowing intervention); *Brooks v. State Bd. of Elections*, 838 F. Supp. 601, 604 (S.D. Ga. 1993) (allowing registered voters to intervene and challenge proposed settlement agreement involving the conduct of judicial elections); *Johnson v. Mortham*, 915 F. Supp. 1529, 1536 (N.D. Fla. 1995) (registered voters had "a sufficiently substantial interest to intervene" in a suit challenging congressional redistricting); *Baker v. Reg'l High Sch. Dist. No. 5*, 432 F. Supp. 535, 537 (D. Conn. 1977) (residents of school district had an interest in method of electing school board that entitled them to intervene in apportionment challenge).

The Eleventh Circuit, in reversing a district court denial of intervention to county residents in a voting rights case, articulated the substantial, legally protected interests of voters in their election system:

> intervenors sought to vindicate important personal interest in maintaining the election system that governed their exercise of political power . . . . As such, they alleged a tangible actual or prospective injury.

Meek v. Metro. Dade County, 985 F.2d 1471, 1480 (11th Cir. 1993).

Intervention is particularly appropriate in this case because applicants are residents, representative organizations and voters of Texas and are, therefore, in a special position to provide the Court with a local appraisal of the facts and circumstances involved in the litigation. In *Sumter County Council v. United States*, 555 F. Supp. 694, 697 (D.D.C. 1983), the court allowed African-American citizens to intervene in a Section 5 preclearance action in part specifically because of their "local perspective on the current and historical facts at issue." All of the applicants have an interest in the subject matter of this action sufficient to warrant intervention. Also, the applicants include minority voters and African-American elected officials who are the past and present victims of the kinds of discrimination the Voting Rights Act was designed to prohibit and the direct beneficiaries of past enforcement of the Act. Therefore, they

have a special interest in the outcome of this litigation and can offer a unique local perspective to the issues before the Court.

C. Applicants' Ability to Protect Their Interests Will Be Impaired or Impeded if Intervention Is Denied

The outcome of this action may, as both a legal and practical matter, impair or impede applicants' ability to protect their interests, thus satisfying Rule 24(a)(2). If Section 5 is found to be unconstitutional, or if Plaintiff is allowed to escape Section 5 coverage in the future, intervenors would be denied the protection of preclearance. The State of Texas would then be free to enact changes in its voting practices and procedures without first showing that the changes did not have the purpose or effect of discriminating on the basis of race or color or membership in a language minority. The importance of this protection is underlined by the fact that the State of Texas and its subdivisions have been subject to more objections under Section 5 than virtually any other state.

D. Applicants' Interests Cannot Be Adequately Represented by the Existing Parties

Applicants also satisfy Rule 24(a)(2)'s inadequate representation requirement by showing that representation of their interests "'*may be*' inadequate" and "the burden of making this showing should be treated as 'minimal.'" *United Guaranty Residential Ins. Co. v. Philadelphia Sav. Fund*, 819 F.2d 473, 475 (4th Cir. 1987) (quoting *Trbovich v. United Mine Workers of America*, 404 U.S. 528, 538 n.10 (1972)) (emphasis by the *United Guaranty* court); *see also In re Sierra Club*, 945 F.2d 776, 779 (4th Cir. 1991) (same). This Court has held that Rule 24 "underscores both the burden of those opposing intervention to show the adequacy of the existing representation and the need for a liberal application in favor of permitting intervention."

Nuesse v. Camp, 385 F.2d 694, 702 (D.C. Cir. 1967); *see also Smuck v. Hobson*, 408 F.2d 175, 181 (D.C. Cir. 1969) (same).

Although the Attorney General and the applicants for intervention "may share some objectives" with respect to Section 5 preclearance, *In re Sierra Club*, 945 F.2d at 780, that does not mean that the Attorney General's interests and applicants' interests are identical or that their approaches to litigation would be the same. As *City of Lockhart* demonstrates, the government and minorities have sometimes disagreed on the proper application of the Voting Rights Act and what constitutes adequate protection of voting rights. *See also Blanding v. DuBose*, 454 U.S. 393, 398-399 (1982) (minority plaintiffs, but not the United States, appealed and prevailed in the Supreme Court in voting rights case); *Sumter County Council*, 555 F. Supp. at 696 (United States and minority intervenors took opposite positions regarding the application of Section 2 to Section 5 preclearance).

The Supreme Court has "recognized that when a party to an existing suit is obligated to serve two distinct interests, which, although related, are not identical, another with one of those interests should be entitled to intervene." *United Guaranty Residential Ins. Co.*, 819 F.2d at 475 (citing *Trbovich*, 404 U.S. at 538-539). In *Trbovich*, the Supreme Court allowed a union member to intervene in an action brought by the Secretary of Labor to set aside union elections for violation of the Labor-Management Reporting and Disclosure Act of 1959, even though the Secretary was broadly charged with protecting the public interest. The Court reasoned that the Secretary of Labor could not adequately represent the union member because the Secretary had a "duty to serve two distinct interests," 404 U.S. at 539, a duty to protect both the public interest and the rights of union members.

In a similar case, the Fourth Circuit allowed an environmental group to intervene as a party defendant in an action where the South Carolina Department of Health and Environmental Control (DHEC) was defending the constitutionality of a state regulation governing the issuance of permits for hazardous waste facilities. The court reasoned that DHEC could not adequately represent the environmental group because "in theory, [DHEC] should represent all of the citizens of the state, including the interests of those citizens who may be . . . proponents of new hazardous waste facilities," *In re Sierra Club*, 945 F.2d at 780, while the environmental group "on the other hand, appears to represent only a subset of citizens concerned with hazardous waste—those who would prefer that few or no new hazardous waste facilities receive permits." *Id*.

Applicants' interests in this litigation are, in like fashion, sufficiently different from those of the United States to justify intervention. The United States must represent the interests of its citizenry generally – including the Plaintiff's interests. *Trbovich*, 404 U.S. at 538-39; *In re Sierra Club*, 945 F.2d at 780. Where a party represents such dual interests in litigation, the "test" of whether that party will adequately represent the interests of potential intervenors is "whether each of the dual interests [of the party] may 'always dictate precisely the same approach to the conduct of the litigation.' 404 U.S. 539." *United Guaranty Residential Ins. Co.*, 819 F.2d at 475 (holding that the largest mortgage holder could intervene as of right in case brought after collapse of real estate firm because the trustee could not adequately protect the interests of such holder given the trustee's duty to represent all holders with equal vigor). Consequently, even if the United States vigorously performs its duty to represent its citizenry, representation of applicants' distinct interests may still be inadequate because defendant United States must

balance the competing interests presented by the proposed intervenors as well as those individuals or entities, like the plaintiff, who oppose it.

While the interests of the United States and applicants may converge on issues such as the constitutionality of Section 5 or the proper application of Section 5 to covered jurisdictions, they may diverge when it comes to which specific arguments should be made before the Court and whether to appeal any adverse court rulings. Courts routinely have found that government entities cannot adequately represent the interests of a subset of the general public. *See Chiles v. Thornburgh*, 865 F.2d 1197, 1214-15 (11th Cir. 1989) (federal prison detainees' interests may not be adequately represented by county); *Dimond v. District of Columbia*, 792 F.2d 179, 192 (D.C. Cir. 1986) (private party seeking to protect narrow financial interest allowed to intervene despite presence of government which represented general public interest); *Natural Res. Def. Council, Inc. v. United States Environmental Protection Agency*, 99 F.R.D. 607, 610 n.5 (D.D.C. 1983) (pesticide manufacturers and industry representatives allowed to intervene even though EPA was a party); *New York Pub. Interest Research Group, Inc. v. Regents of the University of the State of New York*, 516 F.2d 350, 352 (2nd Cir. 1975) (pharmacists and pharmacy association allowed to intervene where "there is a likelihood that the pharmacists will make a more vigorous presentation of the economic side of the argument than would" the state Regents); *Associated Gen. Contractors of Connecticut, Inc. v. City of New Haven*, 130 F.R.D. 4, 11-12 (D. Conn. 1990) (minority contractors allowed to intervene because "its interest in the set-aside is compelling economically and thus distinct from that of the City").

Applicants therefore meet the standards for intervention as of right, and their motion should be granted.

III. Permissive Intervention Is Also Appropriate

Even if this Court determines that applicants do not satisfy the requirements for intervention as of right, it should grant permissive intervention under Fed. R. Civ. P. 24(b)(1)(A) and (B). As noted above, 42 U.S.C. § 1973b(a)(4) provides that any aggrieved party may intervene at any stage of an action to bail out from Section 5 coverage.

In addition, Rule 24(b)(1)(B) permits intervention upon timely application by anyone who "has a claim or defense that shares with the main action a common question of law or fact." As discussed above, applicants seek to defend the constitutionality of Section 5, which claim and defense share common factual and legal questions with the main action. Also, as discussed above, intervention will not "unduly delay or prejudice the adjudication of the original parties' rights." Rule 24(b)(3).

In *Arizona v. California*, 460 U.S. 605 (1983), Indian tribes were permitted to intervene in a water rights action between states, despite intervention by the United States on behalf of the tribes. The Court reasoned that "the Indians' participation in litigation critical to their welfare should not be discouraged." *Id*. at 615. The pending litigation is no less critical to applicants' welfare, and accordingly intervention should be granted. Moreover, this Court routinely has granted permissive intervention in Section 5 actions. S*ee, e.g.*, *Arizona v. Holder*, No. 1:11-cv-1559-JDB (D.D.C.); *Shelby County, Alabama v. Holder*, No. 1:10-cv-00651-JDB (D.D.C.); *LaRoque v. Holder*, No. 1:10-cv-00561-JDB (D.D.C.); *Florida v. United States*, No. 1:11-cv-01428-CKK (D.D.C.); *Texas v. United States*, No. 1:11-cv-1303 (D.D.C. Sept. 8, 2011).

IV. Conclusion

For the foregoing reasons, the Court should permit the applicants to intervene in this action as party defendants.

Respectfully submitted,

*/s/ John K. Tanner*_____

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[PROPOSED] ANSWER OF DEFENDANT-INTERVENORS

The Texas Legislative Black Caucus, the League of Women Voters of Texas, the Justice Seekers, Reverend Peter Johnson, Reverend Ronald Wright and Donald Wright (collectively, "Defendant-Intervenors") hereby answer each of the numbered paragraphs of the First Amended Complaint (Docket # 16) filed by the Plaintiff in the above-styled action as follows:

1. Defendant-Intervenors admit that this action is brought by the State of Texas, but deny Plaintiff is entitled to any of the relief sought.
2. Defendant-Intervenors deny Plaintiff is entitled to any of the relief sought.

I. THE PARTIES

3. Defendant-Intervenors admit the allegation in paragraph 3.

4. Defendant-Intervenors admit the allegations in paragraph 4.

II. JURISDICTION AND VENUE

5. Defendant-Intervenors admit the allegations in paragraph 5.

III. THREE-JUDGE COURT

6. Defendant-Intervenors admit that this action must be heard and determined by a three-judge court pursuant to 42 U.S.C. § 1973b and 28 U.S.C. § 2284.

IV. FACTS AND BACKGROUND

7. Defendant-Intervenors admit the Governor of Texas signed Senate Bill 14 into law on May 27, 2011, and that the law contains some exemptions, but are without sufficient knowledge or information to form a belief as to the remaining allegations in paragraph 7.

8. Defendant-Intervenors admit that Senate Bill 14 provides for the issuance of an "election identification certificate," but lack sufficient knowledge or information to form a belief as to the remaining allegations in paragraph 8.

9. Defendant-Intervenors admit that voters who do not possess one of the acceptable forms of identification under Senate Bill 14 may cast a provisional ballot, but are without sufficient knowledge or information to form a belief as to the remaining allegations in paragraph 9.

10. Defendant-Intervenors admit that Indiana, Wisconsin, and Kansas are not subject to the preclearance requirements of Section 5 of the Voting Rights Act. The remaining allegations are statements and/or conclusions of law to which no response is required. To the extent a response is required, Defendant-Intervenors deny the remaining allegations in

paragraph 10.

11. Defendant-Intervenors admit the State of Georgia enacted a voter photo identification law which the Department of Justice precleared in 2005. The remaining allegations are statements and/or conclusions of law to which no response is required. To the extent a response is required, the Defendant-Intervenors deny the remaining allegations in paragraph 11.
12. Defendant-Intervenors admit the allegations in paragraph 12.
13. Defendant-Intervenors admit the allegations in paragraph 13.
14. Defendant-Intervenors admit the allegations in paragraph 14.
15. Defendant-Intervenors admit the State of Texas responded to the Department of Justice's September 23, 2011 letter requesting more information regarding the State's administrative Section 5 submission, but they are without sufficient knowledge or information to form a belief as to the truth of the remaining allegations in paragraph 15.
16. Defendant-Intervenors admit the allegations in paragraph 16.
17. Defendant-Intervenors admit the State of Texas responded to the Department of Justice's November 16, 2011 letter requesting additional information regarding the State's administrative Section 5 submission, but deny the remaining allegations in paragraph 17.
18. Defendant-Intervenors admit the allegations in paragraph 18 only to the extent that the Assistant Attorney General for Civil Rights, on December 23, 2011, formally objected to Section 5 of Act R54 by letter and that said letter speaks for itself. Defendant-Intervenors deny the remaining allegations in paragraph 18.
19. The allegations in paragraph 19 are statements and/or conclusions of law to which no response is required. To the extent a response is required, Defendant-Intervenors aver

that the Department of Justice's December 23, 2011 letter to the State of South Carolina speaks for itself.

18. Defendant-Intervenors admit the allegations in misnumbered paragraph 18 only to the extent that the Assistant Attorney General for Civil Rights, on March 12, 2012, formally objected to Senate Bill 14 by letter and that said letter speaks for itself.

18. The allegations contained in misnumbered paragraph 18 are statements and/or conclusions of law to which no response is required. To the extent a response is required, Defendant-Intervenors aver that the Department of Justice's March 12, 2012 letter to the State of Texas speaks for itself.

19. The allegations contained in misnumbered paragraph 19 are statements and/or conclusions of law to which no response is required. To the extent a response is required, Defendant-Intervenors deny the allegations contained in misnumbered paragraph 19.

20. The allegations contained in paragraph 20 are statements and/or conclusions of law to which no response is required. To the extent a response is required, Defendant-Intervenors aver that the Department of Justice's March 12, 2012 letter to the State of Texas speaks for itself.

19. The allegations contained in misnumbered paragraph 19 are statements and/or conclusions of law to which no response is required. To the extent a response is required, Defendant-Intervenors aver that the Department of Justice's March 12, 2012 letter to the State of Texas speaks for itself.

20. The allegations contained in misnumbered paragraph 20 are statements and/or conclusions of law to which no response is required. To the extent a response is required, Defendant-Intervenors aver that the Department of Justice's March 12, 2012 letter to the

State of Texas speaks for itself.

21. The allegations contained in paragraph 21 are statements and/or conclusions of law to which no response is required. To the extent a response is required, Defendant-Intervenors aver that the Department of Justice's March 12, 2012 letter to the State of Texas speaks for itself.

V. CLAIMS FOR RELIEF

CLAIM ONE:

Defendant-Intervenors deny the allegations contained in the unnumbered paragraph which immediately precedes paragraph 24.

24. In response to paragraph 24, Defendant-Intervenors incorporate by reference their responses in paragraphs 7-23.

A. Defendant-Intervenors deny the allegations in paragraph A.

25. Defendant-Intervenors deny Plaintiff is entitled to any of the relief sought in the first sentence of paragraph 25. The remaining allegations are statements and/or conclusions of law to which no response is required. To the extent a response is required, Defendant-Intervenors deny the remaining allegations in paragraph 25.

26. Defendant-Intervenors are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 26.

27. The allegations in paragraph 27 are statements and/or conclusions of law to which no response is required. To the extent a response is required, Defendant-Intervenors deny the allegations contained in paragraph 27.

28. The allegations in paragraph 28 are statements and/or conclusions of law to which no response is required. To the extent a response is required, Defendant-Intervenors deny

the allegations contained in paragraph 28.

29. The allegations in paragraph 29 are statements and/or conclusions of law to which no response is required. To the extent a response is required, Defendant-Intervenors deny the allegations contained in paragraph 29.

B. Defendant-Intevenors deny the allegations contained in paragraph B.

30. Defendant-Intervenors deny Plaintiff is entitled to any of the relief sought in the first sentence of paragraph 30. The remaining allegations are statements and/or conclusions of law to which no response is required. To the extent a response is required, Defendant-Intervenors deny the remaining allegations in paragraph 30.

31. Defendant-Intervenors admit that Section 5 of the Voting Rights Act, 42 U.S.C. § 1973c prohibits the State of Texas from an enacting any voting change that has the purpose or effect of denying or abridging the right of any citizen of the United States to vote on account of race, color, or membership in a language minority group.

32. The allegations in paragraph 32 are statements and/or conclusions of law to which no response is required. To the extent a response is required, Defendant-Intervenors aver that the Department of Justice's March 12, 2012 letter to the State of Texas speaks for itself, and they deny the remaining allegations in paragraph 32.

33. Defendant-Intervenors admit the allegations contained in the first sentence of paragraph 33, but deny the remaining allegations.

34. The allegations in paragraph 34 are statements and/or conclusions of law to which no response is required. To the extent a response is required, Defendant-Intervenors deny the allegations in paragraph 34.

35. The allegations in paragraph 35 are statements and/or conclusions of law to which no

response is required. To the extent a response is required, Defendant-Intervenors deny the allegations contained in paragraph 35.

36. Defendant-Intervenors deny the allegations in paragraph 36.

C. Defendant-Interenors deny the allegations contained in paragraph C.

37. Defendant-Intervenors deny the allegations in paragraph 37.

38. The allegations in paragraph 38 are statements and/or conclusions of law to which no response is required. To the extent a response is required, Defendant-Intervenors deny the allegations in paragraph 38.

39. The allegations in paragraph 39 are statements and/or conclusions of law to which no response is required. To the extent a response is required, Defendant-Intervenors deny the allegations in paragraph 39.

40. The allegations in paragraph 40 are statements and/or conclusions of law to which no response is required. To the extent a response is required, Defendant-Intervenors deny the allegations.

41. The allegations in paragraph 41 are statements and/or conclusions of law to which no response is required. To the extent a response is required, Defendant-Intervenors deny the allegations in paragraph 41.

42. The allegations in paragraph 43 are statements and/or conclusions of law to which no response is required. To the extent a response is required, Defendant-Intervenors deny the allegations in paragraph 42.

D. Defendant-Intervenors deny the allegations contained in paragraph D.

43. Defendant-Intervenors deny the allegations in paragraph 43.

44. Defendant-Intervenors deny the allegations in paragraph 44.

E. Defendant-Intervenors deny the allegations contained in paragraph E.

45. Defendant-Intervenors deny the allegations in paragraph 45.

46. Defendant-Intervenors deny the allegations in paragraph 46.

47. Defendant-Intervenors deny the allegations in paragraph 47.

F. Defendant-Intervenors deny the allegations contained in paragraph F.

48. Defendant-Intervenors deny the allegations in paragraph 48.

49. Defendant-Intervenors deny the allegations in paragraph 49.

50. Defendant-Intervenors deny the allegations in paragraph 50.

CLAIM TWO:

Defendant-Intervenors deny the allegation contained in the paragraph immediately preceding paragraph 51.

51. In response to paragraph 51, Defendant-Intervenors incorporate by reference their responses to paragraphs 7-50.

52. Defendant-Intervenors deny the allegation contained in paragraph 52.

VI. DEMAND FOR JUDGMENT

Defendant-Intervenors deny Plaintiff is entitled to the relief requested.

DEFENDANT-INTERVENORS' PRAYER FOR RELIEF

Defendant-Intervenors respectfully request that this Court:

1. Convene a three-judge court pursuant to 42 U.S.C. § 1973 and 28 U.S.C. § 2284;

2. Deny the State of Texas's request for a declaratory judgment stating that Senate Bill 14 neither has the purpose nor will have the effect of denying or abridging the right to vote on account of race, color, or membership in a language minority and may be

administered by the State of Texas without impediment on account of Section 5 of the Voting Rights Act;

3. Issue a declaratory judgment that Section 5 of the Voting Rights Act is constitutional on its face and as applied to the State of Texas;

4. Award Defendant-Intervenors the expenses, costs, fees, and other disbursements associated with the filing and maintenance of this action, including reasonable attorneys' fees pursuant to 42 U.S.C. §§ 1988 and 1973*l*(e); and

5. Grant Defendant-Intervenors any other and further relief this Court deems proper and just.

Respectfully submitted,

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS, Plaintiff, v. ERIC H. HOLDER, JR., Attorney General of the United States, Defendants, and THE TEXAS LEGISLATIVE BLACK CAUCUS, THE LEAGUE OF WOMEN VOTERS OF TEXAS, THE JUSTICE SEEKERS, REVEREND PETER JOHNSON, REVEREND RONALD WRIGHT, and DONALD WRIGHT, Applicants for Intervention.	No. 1:12-cv-00128-RMC-DST-RLW

DISCLOSURE OF CORPORATE AFFILIATIONS AND FINANCIAL INTERESTS

Certificate required by LCvR 7.1 of the Local Rules of the United States District Court for the District of Columbia:

I, the undersigned, counsel of record for the Texas Legislative Black Caucus, the League of Women Voters of Texas, and the Justice Seekers have no parent companies, subsidiaries, or affiliates that have any outstanding securities in the hands of the public.

These representations are made in order that judges of this court may determine the need for recusal.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on March 22, 2012, I sent a true and correct copy of the foregoing Motion to Intervene as Defendants, the Memorandum of Points and Authorities in Support of the Motion to Intervene, a Proposed Order, a Proposed Answer, and the Certification pursuant to LCvr 7.1 of the Local Rules to counsel for the parties by email, and transmitted these documents to the Clerk for filing in the Federal Court ECF system.

/s/ John K. Tanner
John K. Tanner