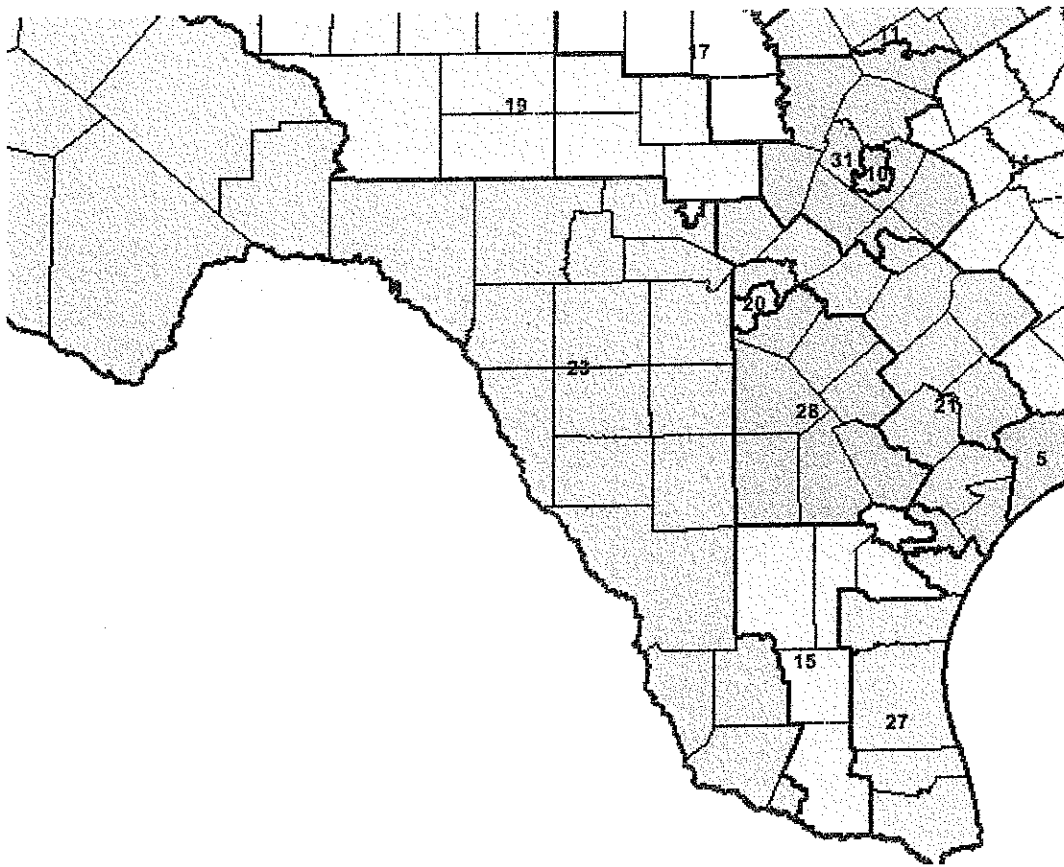


**APPENDIX**



SOUTH TEXAS DISTRICTS  
PATE STATEWIDE PLAN 1160C

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

VERA, et al.,  
  
Plaintiffs,  
  
vs.  
  
BUSH, et al.,  
  
Defendants.

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Civil Act. No. H-94-0277

**MOTION TO STAY IMPOSITION OF A REMEDY  
OR, ALTERNATIVELY, MOTION TO  
APPOINT A MASTER AND SUGGESTIONS RELATING  
TO PROCEDURE TO BE FOLLOWED BY THE MASTER AND COURT**

Now come Hispanic Defendant Intervenors and urge this Court to stay any remedy in this matter until after the Texas Legislature has had an opportunity to consider this in its next regularly scheduled session beginning in January of 1997. In support of this motion to allow the 1996 election to proceed without disruption, the Defendant Intervenors adopt all of the evidence and arguments presented by Defendants, collectively, at the July 22, 1996 hearing.

In the alternative, however, should this Court determine that it is important and necessary to create a remedy to have in place for the 1996 election year, despite the late date in the election process, Hispanic Intervenors urge that the Court designate either Mr. A. J. Pate or Mr. A. J. Pate and Mr. Bill Owen as the Court's masters or representatives in the drafting of the Court's interim Congressional plan should that become necessary.

It would be an attractive consideration to appoint a distinguished former jurist or law professor or perhaps even one or more of the Court's clerks as the Master. However, the Hispanic Defendant Intervenors urge the Court to consider the time necessary to learn the operation of the state computer system and the shortness of time available before the election. Unless the Court designates someone on the ground with experience the remedy will not be available.

In support of this motion relating to Mr. Owens and Mr. Pate, the Hispanic Intervenors would show that these gentlemen have been involved on an entirely non-partisan manner in the Congressional redistricting for the past five years. Both are participating as an Amicus in this matter. They testified by deposition in the original trial of this matter and this Court and the Supreme Court specifically commented on the efforts which they, as private citizens, have expended to assist the state in the complex task of Congressional redistricting.

Mr. Pate and Mr. Owens are both Certified Public Accountants (CPAs) and Mr. Owens is also a Harvard trained attorney. Both are self-employed and have agreed to make the amount of time necessary to complete the task available to the Court. Both have indicated to the Counsel for the Hispanic Intervenors that they would agree to undertake this task. Although, Mr. Owens has disclosed a superficial relationship to the Plaintiffs in his Motion to Participate as an Amicus, the Hispanic Defendant Intervenors are satisfied that this would not materially affect his actions. However, the Court is invited to inquire further. Nevertheless, even if the Court has any concerns about the impartiality of Mr. Owens, the Court is advised

that the Hispanic Defendant Intervenors have investigated and find no evidence of a relationship between Mr. Pate and the Plaintiffs or their counsel.

The Hispanic Defendant-Intervenors have not always agreed with the approach taken by Mr. Pate and Mr. Owens, they have worked with them for the past five (5) years and know them to be persons who understand the process and be entirely fair and impartial. In fact, the evidence in this case indicates that the Defendant Intervenors assisted Mr. Pate and Mr. Owens the initial computerization of their hand drawn plans and in preparing that work for the presentation before the legislature and ultimately to this Court.

#### **Recommendations for Process**

When the three-judge district court undertook to draft a Senate and House plan in 1991-92 in Terrazas v. Slagle, a great deal of controversy arose which led to the appointing of a Fifth Circuit Panel and the disclosure of what had the appearance of unwarranted contacts between members of the Court, its clerks and a person closely associated with one of the parties. In order to guarantee that there will not be the appearance of impropriety, the Hispanic Intervenors recommend that the if the Court designates Mr. Pate and/or Mr. Pate and Mr. Owens or any other person to function as the Court's master or expert, it is urged that each party be allowed to designate one observer who would be placed under the seal of the Court and allowed to be present as a witness to any work done by the Court's designated representative (s). The witnesses should remain under the seal of the court until the Court publishes its remedy. The witnesses would not be there to participate in the process of

serious effort to settle this case.

There has been some suggestion that a state employee be designated as the master. The Hispanic Intervenors have indicated that they would have little problem with most of the names that are circulating.

DATED: July 22, 1996

Respectfully submitted,



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