

IN THE  
**Supreme Court of the United States**

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LEAGUE OF UNITED LATIN AMERICAN CITIZENS, *et al.*,

*Appellants,*

v.

RICK PERRY, *et al.*,

*Appellees.*

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**On Appeal from the United States District Court  
for the Eastern District of Texas**

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**Motion for Divided Argument by the Jackson Appellants,  
the Travis County Appellants, and the G.I. Forum Appellants**

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Pursuant to Supreme Court Rule 28.4, the appellants in three of the four consolidated cases in which the Court noted probable jurisdiction hereby move for a divided argument.<sup>1</sup> In this motion, we ask the Court to confirm a proposed order of presentation of the various issues raised in the four appeals. We further ask the Court to allow three counsel to divide the hour allotted to all of the appellants.<sup>2</sup>

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<sup>1</sup> In this Court's order noting probable jurisdiction, dated December 12, 2005, and subsequent order dated December 15, 2005, the Court provided that the cases would be set for argument for two hours on the afternoon of March 1, 2006.

<sup>2</sup> Movants note that they made extensive efforts to arrive at a joint motion that would have included all four of the appellant groups. Ultimately, that did not prove to be possible and the LULAC appellants have not joined this motion. However, as noted *infra*, the proposed order of presentation of the issues is consistent with the view of all four sets of appellants.

## **I. Division of Issues**

Movants first propose that the presentation of issues proceed as follows:

- the mid-decade partisan gerrymandering arguments raised by the Jackson appellants;<sup>3</sup>
- the one-person, one-vote argument primarily raised by the Travis County and LULAC appellants but also discussed by the Jackson appellants;<sup>4</sup>
- the Latino vote-dilution claims presented in very different ways by the LULAC and GI Forum appellants.<sup>5</sup>

This is an order of presentation that reflects the judgment of all the appellants (including the LULAC appellants who are not joining in this motion) about how the case can best be argued to assist the Court.

## **II. Division of Argument Time**

Assuming that the Court agrees with movants' proposed order of presentation of the issues, movants propose to divide the argument time into three segments corresponding to the three issues. They do so because no party pursued in the District Court all of the issues now before the Court. For example, in the trial court, the Jackson appellants focused on mid-decade partisan gerrymandering, the vote-dilution claims of African-Americans under Section 2 of the Voting Rights Act, and the *Shaw v. Reno* claim, while incorporating by reference the arguments about the one-person, one-vote issue. The Travis County appellants focused on the one-person, one-vote issue. The GI Forum appellants focused on the majority-Latino region of South and West Texas as well as the claim that the change to Congressional District 23 dilutes Latino voting strength in violation of the Voting Rights Act and the U.S. Constitution. The LULAC

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<sup>3</sup> See Br. of Appellants in No. 05-276, pp. 17-50.

<sup>4</sup> See *id.* at 30-32; Br. of Appellants in No. 05-254, pp. 14-30; Br. of Appellants in No. 05-204, pp. 15-21.

<sup>5</sup> See Br. of Appellants in No. 05-204, pp. 26-36; Br. of Appellants in No. 05-439, pp. 24-49.

appellants focused on the claim that the new map violates the rights of minority voters statewide, and later on remand on the one-person, one-vote issue.

Moreover, there is some tension between the positions being advocated here by the Jackson appellants and the G.I. Forum appellants with regard to how South and West Texas should be addressed. Especially given the Court's decision to allow one hour per side for the arguments, these differences among the appellants would seem to warrant some division of the argument among counsel.

Appellants accordingly propose to divide the argument time as follows:

- The first 30 minutes of appellants' hour should be allocated to counsel for the Jackson appellants, focusing primarily on mid-decade partisan gerrymandering but also addressing other questions presented in the Jackson appellants' jurisdictional statement, including the dilution of African-American voting strength by dismantling District 24 in the Fort Worth area.
- The next 12 minutes should be allocated to counsel for the Travis County appellants to argue the one-person, one-vote issue.
- The remaining 18 minutes should be allocated to counsel for the GI Forum appellants to discuss Latino vote dilution caused by the configuration of congressional districts in South and West Texas.

In the event the Court does not agree with this proposed three-way division, an alternative acceptable to movants would be a two-way division. Under this proposal, counsel for the Jackson appellants would argue mid-decade partisan gerrymandering, other issues raised in the Jackson appellants' jurisdictional statement, *and* the one-person, one-vote issue for 40


minutes; and counsel for the GI Forum appellants would argue the remaining issues for 20 minutes.

Respectfully submitted,

 /SH

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CERTIFICATE OF SERVICE

I, Paul March Smith, hereby certify that I am a member of the Bar of this Court, and that I have this 17th day of January, 2006, caused one copy of the Motion for Divided Argument by the Jackson Appellants, the Travis County Appellants, and the G.I. Forum Appellants to be served electronically and also to be served by First Class mail, postage prepaid to:

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