

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

NORTHWEST AUSTIN MUNICIPAL UTILITY
DISTRICT NUMBER ONE,
401 W. 15th Street
Suite 850
Austin, TX 78701

Plaintiff,

vs.

ALBERTO GONZALES,
ATTORNEY GENERAL OF THE UNITED STATES,
950 Pennsylvania Ave., NW
Washington, DC 20530

Defendant,

TEXAS STATE CONFERENCE OF NAACP
BRANCHES,
1107 East 11th Street
Austin, TX 78701,

and

AUSTIN BRANCH OF THE NAACP,
1704 East 12th Street
Austin, TX 78702,

Applicants to Intervene,

CIVIL ACTION
1:06CV01384

APPLICANTS' MOTION TO INTERVENE AS DEFENDANTS

Pursuant to Federal Rule of Civil Procedure Rule 24 and Local Rule 7(j),¹ the Texas State Conference of the NAACP Branches and Austin Branch of the NAACP (together, “Applicants”) move to intervene as defendants in the above-captioned action.

Applicants each represent the interests of their members, many of whom are minority voters in Texas who have a legally cognizable interest in the continued enforcement of Section 5 of the Voting Rights Act (“VRA”) in Texas. One of the remedies Plaintiff requests from the Court is a declaratory judgment striking down Section 5 of the VRA “as unconstitutional . . . on its face.” Complaint, at ¶ 23. If granted, this remedy would immediately jeopardize Applicants members’ voting rights by erasing the federal government’s well-established supervisory role in monitoring electoral changes in Texas, a covered jurisdiction under Section 5.

For the reasons detailed in the accompanying memorandum, Applicants are entitled to intervention as a matter of right under Fed. R. Civ. P. 24(a)(2); in the alternative, this Court should permit Applicants to intervene under Fed. R. Civ. P. 24(b)(2).

Pursuant to Local Rule 7(m), counsel for Applicants has conferred with counsel for the parties. Applicants’ motion to intervene as defendants is opposed by the Plaintiff. As of the time of this filing, counsel for the defendant has not indicated whether it opposes the motion.

¹ Pursuant to Local Rule 7(j), Applicants have attached—as Exhibit B to the accompanying Memorandum in Support of Applicants’ Motion to Intervene as Defendants—Applicants’ proposed Answer, the pleading setting forth the claim or defense for which intervention is sought.

DATED: October 18, 2006

Respectfully submitted,

Intervenor-Applicants Texas State
Conference of NAACP Branches and
Austin Branch of the NAACP

By their Attorneys,

/s/ Seth P. Waxman

Seth P. Waxman (D.C. Bar No. 257337)
John A. Payton (D.C. Bar No. 282699)
Paul R.Q. Wolfson (D.C. Bar No. 414759)
Ariel B. Waldman (D.C. Bar No. 474429)
WILMER CUTLER PICKERING HALE and
DORR LLP
1875 Pennsylvania Ave. N.W.
Washington, D.C. 20006
Telephone: (202) 663-6000
Facsimile: (202) 663-6363

Jon M. Greenbaum (D.C. Bar No. 489887)
Benjamin J. Blustein (D.C. Bar No. 418930)
Jonah H Goldman (D.C. Bar No. 497507)
LAWYERS COMMITTEE FOR CIVIL
RIGHTS UNDER LAW
1401 New York Avenue, NW, Suite 400
Washington, D.C. 20005
Telephone: 202-662-8600
Facsimile: 202-628-2858

Dennis C. Hayes (Indiana Bar No. 7601-49)
(motion to be admitted *pro hac vice* to be
filed)
General Counsel
NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE,
INC.
NAACP National Office
4805 Mt. Hope Drive
Baltimore, MD 21215
Telephone: (410) 580-5777
Facsimile: (410) 358-9350

