

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

SIMON BALDERAS, §
GILBERT Z. TORRES, and §
TEXAS LULAC, §
Plaintiffs, §

vs. §

STATE OF TEXAS; RICK PERRY, in §
his official capacity as Governor of the §
State of Texas; BILL RATLIFF, in his §
official capacity as Acting Lieutenant §
Governor of Texas; James E. "PETE" §
LANEY, in his official capacity as §
Speaker of the Texas House of §
Representatives; HENRY CUELLAR, §
in his official capacity as Secretary for §
the State of Texas; MOLLY BETH §
MALCOLM, in her official capacity §
as Chair of the Texas Democratic §
Party; and SUSAN WEDDINGTON, §
in her official capacity as Chair of the §
Texas Republican Party, §
Defendants. §

J.B. MAYFIELD, ROY STANLEY, §
PHYLLIS COTTLE, §
DOROTHY M. LEE, §
and MOLLY WOODS, §
Plaintiff/Intervenors. §

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

AUG 10 2001

DAVID J. MALAND, CLERK

BY
DEPUTY

Civil Action NO. 6:01CV158

**ORIGINAL ANSWER OF DEFENDANT JAMES E. "PETE" LANEY
TO INTERVENORS' COMPLAINT**

Comes now Defendant James E. "Pete" Laney, in his official capacity as Speaker of
the Texas House of Representatives and files this his Original Answer to Intervenors'
Complaint, as follows:

1. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph one.

2. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph two.

3. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph three.

4. Defendant admits the allegations in paragraph four, however, Defendant points out to the Court that Defendants Cuellar, Malcolm, and Weddington have no responsibilities regarding redrawing of Congressional, State Senate, and State House districts but rather their responsibilities are solely in regards to conducting elections.

5. Defendant admits the allegations in paragraph five.

6. Defendant admits the allegations in paragraph six.

7. Defendant admits the allegations in paragraph seven.

8. Defendant admits the allegations in paragraph eight.

9. Defendant admits the allegations in paragraph nine.

10. Defendant admits the allegations in paragraph ten.

11. Defendant admits the allegations in paragraph eleven.

12. Defendant admits that the existing malapportionment dilutes the voting strength of registered voters in the Fourth Congressional District. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation that Plaintiff/Intervenors are registered voters in the Fourth Congressional District.

13. Defendant admits the allegations in paragraph thirteen.

14. Defendant admits the allegations in paragraph fourteen.

15. Defendant admits that the existing malapportionment dilutes the voting strength of registered voters in the Third State Senate District and in the Eighteenth State House District. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation that Plaintiff/Intervenors are registered voters in the Third State Senate District and in the Eighteenth State House District.

16. Defendant admits that the regular session ended without congressional, state senate, and state house redistricting plans having been passed by the Texas Legislature. The current possibility of a special session for the purpose of drawing congressional redistricting plans was foreclosed by the Governor's letter of July 3, 2001. The legislative redistricting board has adopted plans for the Texas House and the Texas Senate. This Court has taken notice of pending litigation in state court regarding these matters and has set a deadline of October 1, 2001, for the State of Texas, judicial or otherwise, "to correct any claimed malapportionment of legislative or Congressional districts." Otherwise, the Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph sixteen.

17. Defendant answers as previously indicated.

18. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation of paragraph eighteen.

19. Defendant answers as previously indicated.

20. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation of paragraph twenty.

21. Defendant answers as previously indicated.

22. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation of paragraph twenty-two.

23. Defendant answers as previously indicated.

24. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation of paragraph twenty-four.

25. Defendant answers as previously indicated.

26. Defendant denies these allegations because there is no plan to utilize in any regularly scheduled election the existing congressional districting lines.

DEFENSES

Should the Court determine that it must impose a new congressional plan for the State of Texas that meets the requirements of the United States and Texas constitutions, then this Defendant would propose that the Court adopt plan number 01021-C, being the plan for congressional redistricting that was passed by the House Committee on Redistricting with the recommendation that it be adopted by the full House. Should the Court determine that it must impose a state house redistricting plan for the State of Texas that meets the requirements of the United States and Texas constitutions, then this Defendant proposes the Court adopt House Bill 150, being the plan for state house redistricting that was passed by the full House.

PRAYER FOR RELIEF

This Defendant requests judgment of the Court as follows:

1. That upon final hearing, judgment be entered in favor of this Defendant to the effect that Plaintiffs take nothing against this Defendant and that this Defendant be discharged, recovering its cost of court;

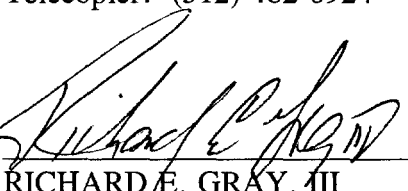
2. Should the Court determine that it must impose a new congressional plan for the State of Texas that meets the requirements of the United States and Texas constitutions, then this Defendant would propose that the Court adopt plan number 01021-C, being the plan for congressional redistricting that was passed by the House Committee on Redistricting with the recommendation that it be adopted by the full House;

3. Should the Court determine that it must impose a new state house plan for the State of Texas that meets the requirements of the United States and Texas constitutions, then this Defendant proposes the Court adopt House Bill 150, being the plan for state house redistricting that was passed by the full House; and

4. Such other and further relief to which this Defendant may be justly entitled.

Respectfully submitted,

GRAY & BECKER, P.C.
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By: 

RICHARD E. GRAY, III
State Bar No. 08328300

ATTORNEYS FOR DEFENDANT
JAMES E. "PETE" LANEY

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above instrument has been served via certified mail, return receipt requested, on the 8 day of August, 2001, upon the following counsel of record:

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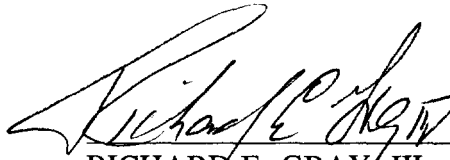
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