

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

| | | |
|--------------------------------------------------------|---|-----------------------------------|
| _____ |) | |
| NORTHWEST AUSTIN MUNICIPAL |) | |
| UTILITY DISTRICT NUMBER ONE, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civil Action No. 1:06-cv-1384 |
| |) | |
| ALBERTO GONZALES, |) | Three-judge court (PLF, DST, EGS) |
| Attorney General of the United States, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

JOINT COMMENTS OF DEFENDANT AND DEFENDANT-INTERVENORS

On August 22, the Court advised the parties of the existence of a law review article entitled “The Promise and Pitfalls of the New Voting Rights Act” and afforded the parties the opportunity to file comments on the article.

Defendant Attorney General and defendant-intervenors comment as follows. The latter half of the article concerns certain revisions to the substantive standard for review of voting changes, such as redistricting plans, under the preclearance provisions of Section 5. This part of the article concerns questions that are not at issue in this case and have not been briefed by the parties. The Plaintiff Northwest Austin Municipal Utility District Number One does not utilize districts for purposes of electing candidates to its board of directors, and thus does not engage in redistricting. Any challenge here to Section 5's substantive standard, or any discussion of how the revised substantive standard may be applied, would be purely hypothetical.

To the extent the article discusses the legislative record supporting the 2006 reauthorization, defendant Attorney General and defendant-intervenors respectfully refer the

Court to the memoranda filed in this case by defendant and defendant-intervenors discussing why that record was more than sufficient to justify the reauthorization.

Dated: September 10, 2007

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on September 10, 2007, I caused to be served a copy of the foregoing through the Court's ECF filing system to counsel of record.

/s/ T. Christian Herren, Jr.

T. CHRISTIAN HERREN, JR.