

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

LIONEL GUSTAFSON, et al.,)	
)	
Plaintiffs)	
)	
v.)	Civil Action
)	No: 05-352
ADRIAN JOHNS, et al.,)	
)	
Defendants,)	

**MOTION TO INTERVENE OF SENATORS
LOWELL BARRON AND HENRY (“HANK”) SANDERS**

Come now Lowell Barron and Hank Sanders, on behalf of the citizens of Alabama they represent in their official capacities as President Pro Tem of the Alabama Senate and as a member of the Alabama Legislative Black Caucus, respectively, pursuant to Rule 24(a) and Rule 24(b), Federal Rules of Civ. P., and move to intervene as defendants in this action. As grounds for said motion, movants show unto the Court as follows:

1. Movants claim interests relating to the redistricting of the Alabama Senate which is the subject of this action. They and the citizens of Alabama they are elected to represent are so situated that the disposition of this action may as a practical matter impair or impede their ability to protect those interests.

2. Senators Barron and Sanders are officials elected to uphold and defend the Constitution and laws of the State of Alabama. Therefore, because the Plaintiffs have attacked the duly-enacted legislation of the State, Senators Barron and Sanders have an interest in the outcome

of the litigation, and their intervention in this action is necessary to protect the interests of the citizens of the state whose elected officials negotiated and duly passed the legislative districts being challenged in this litigation..

3. Plaintiffs have brought this action to advance the partisan and racial interests of the Republican Party. Senators Barron and Sanders are leaders elected to represent the interests of Democrats and African Americans in Alabama, and their intervention in this action is, therefore, also necessary to protect the interests of themselves and their constituents in the highly politicized process of legislative redistricting.

4. None of the existing parties to this lawsuit can adequately represent the particular political and associational interests of Democrats and African Americans in Alabama who support the Democratic Party and their own statewide and local political organizations.

5. On November 5, 2001, movants received notice from the U.S. Department of Justice that the redistricting plans that they participated in negotiating and passing and that were enacted by the Alabama Legislature as Acts Nos. 2001-727 and 2001-729 (which are challenged in this lawsuit), both had been precleared under § 5 of the Voting Rights Act, 42 U.S.C. § 1973c.

6. Movants are entitled to intervene as of right to defend the present, legislatively-enacted Senate plan.

7. Movants also satisfy the requirements of Rule 24(b) for permissive intervention. Their defenses have questions of law and fact in common with those of the named defendants, their motion is timely, and granting intervention will not unduly delay or prejudice the rights of the original parties.

WHEREFORE, Senators Barron and Sanders move that they be allowed to intervene as defendants in this action, individually and in their official capacities.

Respectfully submitted,

s/Shannon L. Holliday
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**Attorneys for Defendant Interventors
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official capacity as Senators**

CERTIFICATE OF SERVICE

I certify that on this 15th day of July, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following attorneys:

- **Charles Brinsfield Campbell**
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