



NAACP LEGAL DEFENSE
AND EDUCATIONAL FUND, INC.

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E-1

February 8, 1991

Mr. Michael Novak
Clerk, Supreme Court,
Appellate Division, Third Department
Justice Building, Fifth Floor
Room 561
Empire State Plaza
Albany, N.Y. 12210

Re: Castracan v. Colavita - No. 62134

Dear Mr. Novak:

Following up on our conversation of Thursday, February 7th regarding the above referenced case, I am submitting this letter to request permission from the Court to file an amicus brief in Castracan v. Colavita.

The NAACP Legal Defense and Educational Fund, Inc. (LDF) is a non-profit corporation formed to assist African-Americans to secure their constitutional and civil rights and liberties. For many years LDF has pursued litigation to secure the basic right of African-Americans to vote and to participate equally in the political process. In 1986 LDF successfully won the first and only case to interpret the 1982 amendments to the Voting Rights Act of 1965. Thornburg v. Gingles, 478 U.S. 30 (1986).

Since then LDF has continued to pursue litigation to include minorities in the electoral process. A great focus of our efforts has been to increase the opportunity for minorities to participate in the judicial selection process. Currently, LDF has two cases before the Supreme Court, Chisom v. Roemer and HLA v. Mattox which raise the issue of the application of Section 2 of the Voting Rights Act to judicial elections. In these cases we have vigorously argued that Congress intended for minority voters to have an equal opportunity to elect judges to the state court judiciary.

It is my understanding that the Castracan case is set for oral argument on Monday, March 25, 1991. I understand also that the Court must have all briefs filed prior to oral argument. I am in the process, however, of writing a brief to the United States Supreme Court in the HLA v. Mattox case which is due on March 4, 1991. I will not be able to work on the Castracan amicus brief until after the 4th. Therefore, I seek permission to file a brief from the NAACP Legal Defense Fund on Monday, March 11th. I believe that this date will give the defendants sufficient time before oral argument to respond to our amicus brief, should they wish to do so.

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deductible for U.S.
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The NAACP Legal Defense & Educational Fund, Inc. (LDF) is not part of the National Association for the Advancement of Colored People (NAACP) although LDF was founded by the NAACP and shares its commitment to equal rights. LDF has had for over 30 years a separate Board, program, staff, office and budget.

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Please let me know as soon as possible whether this letter motion has been granted and what the time schedule for filing an amicus brief will be.

Sincerely,
Sherrilyn A. Ifill
Sherrilyn A. Ifill
Assistant Counsel
SAI/gj

cc: All Counsel of Record