

SEP 25 2006

No. 05-908

BENNETT BIGELOW
& LEEDOM

IN THE SUPREME COURT OF THE UNITED STATES

PARENTS INVOLVED IN COMMUNITY SCHOOLS, PETITIONER

v.

SEATTLE SCHOOL DISTRICT NO. 1, ET AL.

ON WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

MOTION FOR THE UNITED STATES AS AMICUS CURIAE FOR LEAVE TO
PARTICIPATE IN ORAL ARGUMENT AND FOR DIVIDED ARGUMENT

Pursuant to Rules 28.4 and 28.7 of the Rules of this Court, the Solicitor General, on behalf of the United States as amicus curiae, respectfully moves for leave to participate in the oral argument and for divided argument in this case. We request that ten minutes of petitioner's argument time be allotted to the United States. Petitioner has agreed to that allocation of time. Granting this motion therefore would not require the Court to enlarge the overall time for argument.

The question presented in this case is whether the Seattle School District's race-based student assignment plan violates the Equal Protection Clause of the Constitution. The Department of Justice has significant responsibilities for enforcing the Equal

Protection Clause in the context of public education, see 42 U.S.C. 2000c-6, and Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq. The Department of Education has responsibility for enforcing federal civil rights laws affecting educational institutions, including Title VI. In addition, the Department of Education has responsibility for administering the Magnet Schools Assistance Program. See 20 U.S.C. 7231 et seq. The United States has frequently participated in this Court, both as a party and as amicus curiae, in cases presenting claims of racial discrimination in the public school context. See, e.g., Gratz v. Bollinger, 539 U.S. 244 (2003); Grutter v. Bollinger, 539 U.S. 306 (2003); Freeman v. Pitts, 503 U.S. 467 (1992); Board of Ed. of Oklahoma City Pub. Schs. v. Dowell, 498 U.S. 237 (1991); University of California Regents v. Bakke, 438 U.S. 265 (1978).

In light of the substantial interest of the United States in the question presented by this case, and its unique perspective on that issue, we believe that oral presentation of the views of the United States would be of material assistance to the Court.

Respectfully submitted.

PAUL D. CLEMENT
Solicitor General
Counsel of Record

SEPTEMBER 2006