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**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA** MAR 19 2002

RICHARD VIETH and NORMA JEAN VIETH,
Plaintiffs

v.

THE COMMONWEALTH OF PENNSYLVANIA,
et al.,

Defendants

MARY E. DIANDREA, CLERK
PB
DEPUTY CLERK

NO. 1:CV-01-2439

(JUDGES RAMBO ✓
NYGAARD, YOHN)

**DEFENDANTS GOVERNOR SCHWEIKER,
SECRETARY WEAVER AND COMMISSIONER FILLING'S
JOINDER IN THE PRESIDING OFFICERS' REPLY BRIEF**

Defendants Governor Schweiker, Secretary of the Commonwealth Weaver, and Commissioner Filling (collectively the Executive Officers), through their undersigned counsel hereby join in Lt. Governor Jubelirer and Speaker Ryan's (the Presiding Officers) Reply Brief filed on March 18, 2002, in the above-captioned action. The Executive Officers wish to reiterate that, assuming *arguendo*, the Court needed to reach the second *Karcher v. Dagget*, 462 U.S. 725 (1983), test; the test is whether the State establishes that "the population deviation in its plan were necessary to achieve some legitimate state objective." *Karcher v. Daggett, supra*, at 740. The sole focus of that test is on the deviations in Act 1 as it was enacted and any justification for those specific deviations.

Respectfully submitted,

D. MICHAEL FISHER
Attorney General

BY:



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DATED: March 19, 2002

CERTIFICATE OF SERVICE

I, **J. BART DeLONE**, Senior Deputy Attorney General for the Commonwealth of Pennsylvania, hereby certify that on March 19, 2002, I caused to be served a copy of the foregoing document entitled **Defendants Governor Schweiker, Secretary Weaver and Commissioner Filling's Joinder in the Presiding Officers' Reply Brief**, upon the following:

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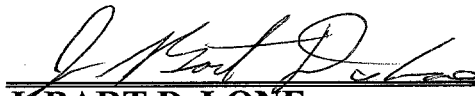
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