



IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division

_____)	
PAUL GOLDMAN,)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:21-cv-420
)	
ROBERT H. BRINK, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

**MOTION TO INTRODUCE NEW
SUPPLEMENTAL AUTHORITY**

Now comes *pro se* Plaintiff moving to introduce a new supplemental authority, as the Supreme Court of the United States has once again, as it did in *Reynolds v. Sims*, 377 U.S. 533 (1964), reminded us of the paramount role state legislative bodies like the Virginia House of Delegates play in ensuring the public perception of fairness and equality indispensable to the continued respect required in a country priding itself on being governed according to a system of laws, not just powerful men and women with a temporary hold on power, as Chief Justice John Marshall so wisely advised over 200 years ago in *Marbury v. Madison*, 5 U.S. 137, 163, (1803).

1. "State legislatures are, historically, the fountainhead of representative government in this country." *Reynolds* at 564.
2. Whatever maybe the current status of the draft opinion in the Mississippi case leaked to the media, it is clear a majority of the Justices of the U.S. Supreme Court believe the role played by state legislatures such as the General Assembly of Virginia in securing our rights may be headed for significant expansion in the most complicated areas. Draft SCOTUS Opinion in *Dobbs v. Jackson Women's Health Organization*,

citation pending, published May 2, 2022, in *Politico*. See:

www.politico.com/news/2022/05/02/read-justice-alito-initial-abortion-opinion-overturn-roe-v-wade-pdf-00029504

3. “It is time to heed the Constitution and return the issue of abortion to the people’s elected representatives,” declares this draft opinion in words that every jurist in America knows accurately reflect the sense of at least five Justices of the U.S. Supreme Court that state legislatures must be, as *Reynolds* pointed out, key protectors of the people’s rights (while Plaintiff fully rejects the reasoning in the Draft Opinion, he submits this as supplemental authority not on the issue of abortion which is not relevant to the instant matter but to the issue of why *Cosner v. Dalton*, 522 F. Supp. 350 (E.D. Va. 1981)(three judge court) found it so vital to make sure Virginians had a constitutionally sound legislative apportionment as soon as possible). Draft Opinion, P. 6. referencing the concurring opinion of the late Justice Antonin Scalia in *Planned Parenthood of Southeastern Pa. v. Casey*, 505 U.S. 833 (1992).
4. In this area, state legislation would seemingly only need to pass a rationality test. *FCC v. Beach Communications, Inc.*, 508 U.S. 307, 313 (1993).
5. Any such state abortion law would have likewise seemly have a “strong presumption of validity” should it be subject to the proper constitutional review in a federal court. *Heller v. Doe*, 509 U.S. 312, 319 (1993).
6. Thus, any state laws passed by this current House of Delegates on abortion or any similar issue are usually upheld.
7. As the Draft Opinion concedes, the abortion issue, as do others, present sharp contrasts in public views, and thus the decisions of state legislatures on such matters will be subjected to justifiably close public scrutiny. Id at P. 1.

8. As *Reynolds* made clear, “representative government is in essence self-government, through the medium of elected representatives...(this) inalienable right to full and effective participation in the political processes of...state legislative bodies” is therefore only achievable through one’s elected representative. *Reynolds* at 565.
9. For the better part of the last year, this *pro se* Plaintiff has made a singular, indeed lonely effort to impress upon the state’s election and/or appointed representatives the importance of their appreciating the role they play in ensuring the perception of fairness and equality required in a country, for the credibility of our system is largely premised as Chief Justice Marshall advised, on the people believing we are indeed a system of laws above temporary political considerations, not merely an accommodation to the views of powerful political figures and their appointees who happen to hold power and sway at a particular point in time.
10. As *Reynolds* and *Cosner* make clear, there is nothing likely more dangerous to the required credibility than pretending the use of facially unconstitutional districts in an election can’t be fixed until 2024, thus having such unconstitutionality hang over the state legislature on all matters, since at any time, it can have thrust upon it the most contentious of public issues.

ACTION REQUESTED

Pro se Plaintiff asks the Court to admit the SCOTUS Draft Opinion in *Dobbs v. Jackson Women’s Health Organization*, *citation pending*, as a supplemental authority for the proposition that at the highest levels of our legal system, the need to ensure public confidence in the fair and equitable apportionment of such legislative bodies as the House of Delegates is considered indispensable to our system of laws, and that whatever hardships it might impose on those in

power, putting the political interests of the few ahead of the public interests of the many will ultimately impose far greater harm.

Dated: May 3, 2022

Respectfully submitted,



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Pro se

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that on May 2, I mailed the foregoing to the Clerk of the Court for filing. A true copy was also sent, by prior agreement, ty electronic mail to the following individuals:

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
DIVISION

Goldman

Plaintiff(s),

v.

Civil Action Number: 3:21-cv-420

Brink

Defendant(s).

LOCAL RULE 83.1(M) CERTIFICATION

I declare under penalty of perjury that:

No attorney has prepared, or assisted in the preparation of Motion Supplement.
(Title of Document)

Paul Goldman

Name of Pro Se Party (Print or Type)

[Signature]

Signature of Pro Se Party

Executed on: 2 May 2022 (Date)

OR

The following attorney(s) prepared or assisted me in preparation of _____.
(Title of Document)

(Name of Attorney)

(Address of Attorney)

(Telephone Number of Attorney)
Prepared, or assisted in the preparation of, this document

(Name of Pro Se Party (Print or Type)

Signature of Pro Se Party

Executed on: _____ (Date)