

[ORAL ARGUMENT NOT YET SCHEDULED]

No. 23-5140

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

CITIZENS FOR CONSTITUTIONAL INTEGRITY,

Plaintiff-Appellant,

v.

THE CENSUS BUREAU, *et al.*,

Defendants-Appellees.

On Appeal from the United States District Court
for the District of Columbia

No. 1:21-cv-3045-CJN-JRW-FYP

The Honorable Judges Justin R. Walker, Florence Y. Pan, and
Carl J. Nichols

**PLAINTIFF-APPELLANT'S PRELIMINARY STATEMENT OF
THE ISSUE FOR APPEAL**

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Under this Court’s June 26, 2023, Order, Plaintiff-Appellant Citizens for Constitutional Integrity provides this preliminary statement of issues for appeal. They reserve their right to raise other issues that may become apparent before filing their brief.

The 14th Amendment, Section 2, replaced the Constitution’s method for distributing seats in the U.S. House of Representatives based on “free Persons” and “three fifths of all other Persons.” Art. I, sec. 2, cl. 3. The 14th Amendment, Section 2, requires apportioning seats based on the proportion of each state’s citizens who can vote (whose “right to vote” was not “denied” or “in any way abridged,” with exceptions). The Secretary of Commerce’s 2021 report to the President under 13 U.S.C. § 141(b) ignored that requirement. The report decreased the number of representatives from two of Citizens’ members’ states.

The question presented:

Whether plaintiffs demonstrate Article III procedural injury when they allege an agency completed a procedure illegally, and when plaintiffs would not have suffered concrete injury but-for that procedure, although plaintiffs had no right to participate in that procedure.

Dated: July 26, 2023,

/s/ Jared S. Pettinato
Jared S. Pettinato
Attorney for Plaintiff

CERTIFICATE OF SERVICE

On this day, I served Plaintiff-Appellant's Preliminary Statement of the Issues for Appeal on the following counsel via CM/ECF on the following counsel:

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Dated: July 26, 2023,

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