

IN THE SUPREME COURT OF THE UNITED STATES

No. 20-804

HOUSTON COMMUNITY COLLEGE SYSTEM, PETITIONER,

v.

DAVID BUREN WILSON

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

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

Pursuant to Rules 28.3, 28.4, and 28.7 of the Rules of this Court, the Deputy Solicitor General, on behalf of the United States, respectfully moves for leave to participate in the oral argument in this case as amicus curiae, for an enlargement of the argument time, and for divided argument, and respectfully requests that the argument time be enlarged by five minutes and that the United States be allowed fifteen minutes of argument time. The United States has filed a brief as amicus curiae supporting petitioner. Petitioner has consented to this motion and has agreed to cede ten minutes of its argument time to the United States. Respondent also has consented to this motion. Accordingly, if this motion were granted, the argument time would be enlarged to

65 minutes and divided as follows: 20 minutes for petitioner, 15 minutes for the United States, and 30 minutes for respondent.

This case concerns a constitutional challenge to the censure of respondent by the Houston Community College System Board of Trustees, a public elected body of which respondent was a member. Respondent contends that the censure resolution passed by the Board had a chilling effect and thus violated his federal constitutional free-speech rights. See U.S. Const. Amends. I, XIV. The United States has a substantial interest in the resolution of that contention. The United States House of Representatives and Senate have censured and otherwise disciplined their Members throughout the Nation's history, including because of Members' speech. See, e.g., Asher C. Hinds, Hinds' Precedents of the House of Representatives § 1248, at 799 (1907). And some federal agencies have authority to censure individuals, including governmental officials, in certain circumstances. See, e.g., 15 U.S.C. 7217(d)(2)-(3). The United States also has a substantial interest in the correct interpretation and application of the federal Constitution.

The federal government often is a party to cases involving allegations that governmental action has chilled or restricted constitutional free-speech rights, e.g., Agency for International

Development v. Alliance for Open Society International, Inc., 140 S. Ct. 2082 (2020); United States v. Alvarez, 567 U.S. 709 (2012); Johanns v. Livestock Marketing Association, 544 U.S. 550 (2005), and the United States has participated in oral argument as amicus curiae in cases involving similar allegations against state and local governmental action, e.g., National Institute of Family and Life Advocates v. Becerra, 138 S. Ct. 2361 (2018); Pleasant Grove City v. Summum, 555 U.S. 460 (2009); Hill v. Colorado, 530 U.S. 703 (2000). The participation of the United States in oral argument is therefore likely to be of material assistance to the Court.

Respectfully submitted.

EDWIN S. KNEEDLER*
Deputy Solicitor General
Counsel of Record

SEPTEMBER 2021

* The Acting Solicitor General is recused in this case.