

DIVISION VI (DISTRICT OF COLUMBIA AFFAIRS)
DISTRICT OF COLUMBIA BAR

March 23, 1984

HAND DELIVERY

Ms. Lynne Lester
Administrative Assistant for Divisions
District of Columbia Bar
1426 H. Street, N.W. - 8th floor
Washington, D.C. 20005

RE: Amicus Curiae Brief of Division VI (D.C. Affairs)
relating to challenges to the District of Columbia
Self-Government and Governmental Reorganization Act.

Dear Lynne:

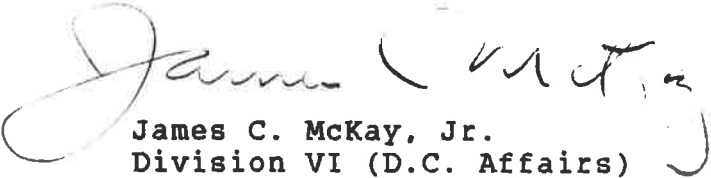
Division VI (District of Columbia Affairs) has prepared and approved through its Steering Committee the enclosed Amicus Curiae brief on the case of Dimond v. District of Columbia, with appropriate motion, which is pending before the U.S. District Court for the District of Columbia.

The brief is restricted to three areas: (1) the importance of the Self-Government Act to the citizens of the District; (2) the constitutionality of Congress's delegation of legislative authority; and (3) the severability of the challenged legislative veto provisions of the Act.

We believe that these issues closely involve the administration of justice as they bring into question the vitality of home rule in the District of Columbia. Moreover, it is our belief that Division VI (District of Columbia Affairs) possesses substantial expertise in the areas involved.

A brief summary of the position taken in the brief is enclosed. The motion to file the amicus brief includes the standard disclaimer language verbatim.

Sincerely yours,

A handwritten signature in cursive script that reads "James C. McKay, Jr." with a large flourish at the end.

James C. McKay, Jr.
Division VI (D.C. Affairs)
Steering Committee
1341 G Street, N.W., S. 510
Washington, D.C. 20002
724-8188

Enclosures

SUMMARY OF AMICUS CURIAE BRIEF

The brief contains three parts. Part I contains a summary of the most significant legislative provisions of the Self-Government Act and the most important legislative enactments of the Council of the District of Columbia since home rule. Part II argues that Congress's delegation to the Council of the District of Columbia under the Self-Government Act of the power to repeal or amend Acts of the Congress applicable exclusively to the District of Columbia was a correct exercise of its authority under Article I, Section 8, Clause 17 of the Constitution to "exercise exclusive legislation" over the District of Columbia. Part III argues that the provisions in Section 602(c) of the Self-Government Act that empower Congress to disapprove acts of the Council by legislative veto are severable from the remainder of the Act.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

EILEEN DIMOND, et al., :
Plaintiffs, :
v. : Civil Action No. 83-1938
DISTRICT OF COLUMBIA, et al., :
Defendants. :

MOTION OF DIVISION VI OF THE DISTRICT OF COLUMBIA BAR
FOR LEAVE TO FILE A BRIEF AS AN AMICUS CURIAE

The undersigned members of the Steering Committee of Division VI (District of Columbia Affairs) of the District of Columbia Bar respectively move for leave to file a brief as an Amicus Curiae.*

INTEREST OF APPLICANTS

Division VI of the District of Columbia Bar is the division concerned with issues relating to the laws and government of the District of Columbia. The Division has had a longstanding interest in the operation of the District under home rule. We have focused on our particular area of expertise--the interpretation of the District of Columbia Self-Government and Governmental Reorganization Act and the impact of the home rule government on the District of

*The views expressed herein represent only those of Division VI (District of Columbia Affairs) of the District of Columbia Bar and not those of the D.C. Bar or of its Board of Governors.

Columbia. We take the position that the Self-Government Act is valid. The action in question, in our view, poses a potential threat to the effective operation of the District Government under home rule to the extent that arguments presented challenge the authority of the Council of the District of Columbia to exercise the legislative power of the District pursuant to the Self-Government Act.

CONCLUSION

Because of our interest and for the reasons stated in the accompanying Memorandum of Points and Authorities, we respectfully request that our motion to file a brief as Amicus Curiae be granted.

Respectfully submitted,

Jacquelyn V. Helm
Bar No. 965228

Cynthia A. Giordano
Bar No. 290973

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Bar No. 170464
(202) 724-8188

Members of the Steering Committee
Division VI (D.C. Affairs) of the
District of Columbia Bar