

APPENDIX Q
November 1, 2000

CHRONOLOGY OF MEMORANDA
ON
CHIEF COUNSEL'S *AMICUS CURIAE* AUTHORITY

- May 11, 2000** Memorandum to the File on Department of Justice's April 13, 2000 letter to the Chair of the Senate Small Business Committee arguing that DOJ's letter implicitly accepts the Chief Counsel's *amicus curiae* authority
- April 13, 2000** DOJ letter to Chair of Senate Small Business Committee objecting to proposed legislation that would require 30 days advance notice of the removal of the Chief Counsel
- January 27, 1998** Staff Memorandum on Chief Counsel's *amicus curiae* authority
- January 7, 1998** DOJ memorandum on Advocacy's intent to file *amicus* brief in *Northwest Mining Assoc. v. Babbitt*, Case No. 97-CV-1013 (D.D.C.). (DOJ objection never filed with the Court. *Amicus curiae* brief was filed.)
- January 15-16, 1998** Staff e-mails on *amicus* authority
- December 13, 1996** House Report No. 104-873 SUMMARY OF ACTIVITIES reporting on the "sense of Congress," over DOJ's objections, that the Chief Counsel have *amicus curiae* authority (Note: *amicus* authority was clarified in the Small Business Regulatory Enforcement Fairness Act of 1996)
- November 15, 1993** DOJ letter to the Chair of the House Small Business Committee stating that ".granting amicus curiae litigating authority to the Chief Counsel for Advocacy does not violate the Constitution" but that the authority is limited to filing in support of another agency by virtue of the powers vested in the President to "take care that the laws be fully executed."
- October 22, 1993** Congressional Research Service, the Library of Congress, American Law Division memorandum discussing legal precedents that support the Chief Counsel's *amicus* authority, rebutting DOJ's traditional position on the issue

- May 5, 1986** Advocacy memorandum in defense of the Chief Counsel's authority.
- February 24, 1984** DOJ memorandum in rebuttal to Chief Counsel's memorandum of 12/2/1983.
- December 2, 1983** Memorandum of Chief Counsel to DOJ in support of *amicus* authority (See Chief Counsel memorandum of May 5, 1986)
- May 17, 1983** DOJ memorandum citing legal precedent's for DOJ's legal interpretation of Chief Counsel's authority
- June 21, 1982** DOJ memorandum opposing a Memorandum of Understanding between DOJ and SBA Administrator and the Chief Counsel addressing the *amicus curiae* issue
- June 18, 1979** EO 12146 1-4 Resolution of Interagency Legal Disputes cited by DOJ in its arguments on Chief Counsel's *amicus* authority