



COUNCIL OF THE DISTRICT OF COLUMBIA  
WASHINGTON, D.C. 20004

July 28, 1992

Mr. David J. White, President  
Chicago/Shannon Block Club  
1127 Chicago Street, S.E.  
Washington, D.C. 20020

Dear Mr. White:

Thank you for your recent letter concerning correspondence by ANC 8-A Chairman Al Freeman. You question the legality of his transmitting the vote of the ANC -- a tie vote -- to DPW, but stating in that transmittal that a majority of the Commissioners were actually on one side of the issue. While I think it may have been inappropriate for the letter to have been drafted the way it was, Mr. Freeman's letter was not illegal.

The gravamen of your complaint is that an absent commissioner was used to break the deadlock by casting a proxy vote: "making the ANC's final vote four to three... The vote questioned was recorded in private and secretly forwarded to the Department of Public Works..." (emphasis added) However, the Chairman's letter accurately represented the results of the ANC's votes: that two votes were taken and each was a tie. Further, it never characterizes the seventh commissioner's letter as any kind of vote.

Because the Department of Public Works received the facts, it may intelligently evaluate the situation -- that the ANC is officially deadlocked. The Department need give great weight only to the official ANC position, which in this case is no position. Moreover, you have indicated that one Commissioner has since changed her vote. She is free to communicate this (as may any citizen, and as the absent commissioner did) directly with the Department in an effort to influence its decisionmaking.

Sincerely,

A handwritten signature in black ink, appearing to read "James E. Nathanson", written over a horizontal line.

James E. Nathanson  
Chair, Committee on  
Government Operations

cc: 8-A Commissioners  
Betty Hager Francis