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February 29, 2000

The Honorable Henry J. Hyde, Chairman  
 U. S. House of Representatives  
 Committee on the Judiciary  
 2110 Rayburn House Office Building  
 Washington, D.C. 20515

Dear Mr. Chairman:

On behalf of the 1.3 million members of the American Federation of State, County and Municipal Employees (AFSCME), I urge you to oppose H.R. 2372, the "Private Property Rights Implementation Act of 1999," when it is considered by the Committee on the Judiciary.

This proposed legislation would substantially interfere with the efforts of local government employees to carry out their traditional responsibilities for administering local planning and zoning standards. The bill would permit developers to bypass review procedures before zoning boards of appeal, planning commissions, and other local entities, and instead proceed immediately to federal court. At the same time, by encouraging precipitous resort to litigation, the bill would interfere with the generally successful efforts of local communities to work cooperatively with developers to arrive at mutually acceptable development projects.

The proposal would also generate a significantly larger volume of burdensome litigation against local cities and towns as well as local government employees and officials. While local government officials conducting their official duties have broad immunity protection from liability in federal court litigation, this does not prevent the filing of numerous frivolous lawsuits designed to harass local officials, and this bill would likely increase the volume of such wasteful litigation. As a result, the bill would impose substantially greater legal costs on local government, increase the threat of municipal liability, and ultimately undermine the ability of local officials and employees to safeguard the interests of the citizens they represent.

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Finally, we object to H.R. 2372 because it in effect would elevate property rights above all other rights protected by the Bill of Rights. The legislation would grant property rights claimants special privileges in terms of access to federal court as compared with citizens asserting any other constitutional right.

Thank you for considering our views as you prepare to vote on H.R. 2372.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. M. Loveless', with a long horizontal flourish extending to the right.

Charles M. Loveless  
Director of Legislation

CML:cbb