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Here is my reaction to the NHLC Brief (attached) filed shortly before 2pm today:

The National Homeless Law Center (NHLC) Amicus Curiae brief raises very interesting and some valid policy issues for what the City of Austin can do or perhaps should do about homelessness—other than passing unworkable and unenforced city ordinances. But the brief is of little value in helping the Supreme Court decide the legal issue of whether the City Council exceeded its authority in manipulating the ballot language in violation of the City Charter provision on initiative petitioned ordinances.

In fact, the Brief actually skips the core legal issue altogether; it does not address the Council's lack of compliance with City Charter art. IV, section 5. The Brief (on page 7) quotes that City Charter provision but does not say anything about why the Council can ignore this foundational law protecting the rights of all Austin voters to petition their government. The Brief (at Page 14) quotes the *Dacus* opinion (on which our petition is based) noting that Tex. Elec. Code section 52.072(a) gives the Council authority to prescribe ballot wording but fails wholly to address the import of the phrase “*unless otherwise provided by law.*” The City Charter is a “law” that provides a requirement that the Council use the petitioned-ordinance caption on the ballot.

This NHLC Brief represents more politics than law; in fact, it is unhelpful about the legal issues before the Supreme Court because it does not address them. This lawsuit is not about whether one thinks the City Council has done the right thing about people who are homeless—even the NHLC suggests they should do better. This lawsuit is not about politics, except in the broad sense that it stands to protect the democratic right of the people of Austin to petition for new laws through a fair election without interference by the Austin City Council.

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