

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE ATTORNEY GENERAL**



**ATTORNEY GENERAL
BRIAN L. SCHWALB**

Legal Counsel Division

March 6, 2023

Ulysses E. Campbell
Chairperson, ANC 4E
1427 Upshur Street, N.W.
Washington, D.C. 20011

Re: Requirements for Notice by Newspaper

Commissioner Campbell:

The Advisory Neighborhood Commissions Act of 1975 (“ANC Act”)¹ requires an Advisory Neighborhood Commission (“ANC”) to give notice of its meetings through at least two of four listed methods.² One of those methods, under section 14(c)(2) of the ANC Act, is “[p]ublication in a city or community newspaper.”³ You asked whether including meeting notice in an online news site qualifies as this type of publication.

To answer your question, we interpreted the ANC Act using ordinary rules of statutory interpretation. We read the notice provision “according to its terms,” *Intel Corp. Inv. Policy Comm. v. Sulyma*, 140 S. Ct. 768, 776 (2020), giving “effect, if possible, to every clause and word,” *Roberts v. Sea-Land Servs.*, 566 U.S. 93, 111 (2012) (internal citation omitted). We also read these terms “in their context and with a view to their place in the overall statutory scheme.” *Davis v. Mich. Dep’t of the Treasury*, 489 U.S. 803, 809 (1989).

This provision was adopted as part of the Advisory Neighborhood Commissions Amendments Act of 1984 (“1984 Act”).⁴ Originally, the ANC Act stated that an ANC must provide notice of its public meetings by “posting written notices in two conspicuous places in each single-member

¹ Effective October 10, 1975 (D.C. Law 1-21; D.C. Official Code § 1-309.01 *et seq.*).

² D.C. Official Code § 1-309.11(c).

³ *Id.* § 1-309.11(c)(2). The other methods are:

- Posting written notices in at least 4 conspicuous places in each single-member district within the Commission area;
- Transmitting or distributing notice to a list of residents and other stakeholders in the community; and
- [A]ny other manner approved by the Commission.

Id. § 1-309.11(c)(1), (3) and (4).

⁴ Effective September 26, 1984 (D.C. Law 5-111; 31 DCR 3952).

district within the Commission area.”⁵ The 1984 Act, however, gave ANC’s several ways to provide public notice, one of which was “[p]ublication in a city or community newspaper.”⁶ Since these terms are undefined, we give them their “ordinary, contemporary, common meaning.” *Bilski v. Kappos*, 561 U.S. 593, 603 (2010) (internal citation omitted).

To glean the ordinary, contemporary meaning of the terms involved, we turn to contemporary dictionaries. *See, e.g., Kemp v. United States*, 142 S. Ct. 1856, 1862 (2022); *Kouichi Taniguchi v. Kan Pac Saipan, Ltd.*, 566 U.S. 560, 566 (2012); *Hood v. United States*, 28 A.3d 553, 559-560 (D.C. 2011). Those dictionaries indicate that, although the word “newspaper” generally referred to an issue of printed (*i.e.*, hard-copy) material,⁷ some definitions of newspaper were not so explicitly limited. For example, one dictionary defined newspaper as “a typically daily or weekly publication containing recent news, feature articles, editorials and usually advertising.”⁸ And these definitions that referenced “publication” could reach more broadly than hard-copy printing. For example, Black’s Law Dictionary (6th ed. 1990) defined “publication,” not only as the “printing or distribution of written materials,” but also more broadly as “exhibit[ing], display[ing], disclos[ing], or reveal[ing]” content. There is therefore a reasonable argument that an ANC could satisfy the statutory newspaper-publication requirement by incorporating meeting notice into a generally accessible online version of a printed newspaper. Indeed, doing so might be a more effective means of providing notice to the community. To avoid any potential concerns about this practice, we recommend that an ANC wishing to employ it also explicitly authorize this means of providing notice.⁹ The ANC may also wish to authorize additional online means of disseminating meeting notice that are calculated to notify the community.

Sincerely,

BRIAN L. SCHWALB
Attorney General for the District of Columbia

⁵ Duties and Responsibilities of the Advisory Neighborhood Commissions Act of 1975, § 2, effective March 26, 1976 (D.C. Law 1-58; 22 DCR 5460).

⁶ 1984 Act § 2(d)(2).

⁷ *See, e.g., Webster’s New Collegiate Dictionary* (1981) (defining a “newspaper” as a “paper that is printed and distributed usu[ally] daily or weekly and that contains news, articles of opinion, features, and advertising”); *Black’s Law Dictionary* (6th ed. 1990) (defining a “newspaper” as a “publication, usually in sheet form, intended for general circulation, and published regularly at short intervals, containing information and editorials on current events and news of general interest”).

⁸ *See Webster’s II New Riverside Desk Dictionary* (1988). Although this dictionary’s most on-point definition of “publication” indicates printed (*i.e.*, hard-copy) material, it also defines the noun “publication” to refer more generally to “[c]ommunication of information to the public, and the “newspaper” definition does not specify which meaning of “publication” it is employing.

⁹ *See* D.C. Official Code § 1-309.11(c)(4) (ANC may authorize additional means of notice).

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(AL-23-147)