

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

COMMONWEALTH OF VIRGINIA,)
EX REL. KENNETH T. CUCCINELLI, II,)
in his official capacity as Attorney)
General of Virginia,)
Plaintiff,)
)
v.)
)
KATHLEEN SEBELIUS,)
Secretary of the Department of)
Health and Human Services,)
in her official capacity,)
)
Defendant.)
_____)

No. 3:10-cv-00188-HEH

**MOTION FOR LEAVE TO PARTICIPATE AS AMICI CURIAE
OF FORMER UNITED STATES ATTORNEYS GENERAL
WILLIAM BARR, EDWIN MEESE, III, AND DICK THORNBURGH,
IN SUPPORT OF PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT**

Pursuant to this Court’s Order of June 3, 2010 (Dkt. # 23), former United States Attorneys General William Barr, Edwin Meese, III, and Dick Thornburgh, respectfully move this Court for leave to participate as *amici curiae* and file the accompanying memorandum in support of the Plaintiff’s Motion for Summary Judgment.

Movants are former Attorneys General of the United States. In that office, each was the chief lawyer of the Federal Government’s Executive Branch and led the Department of Justice. Edwin Meese, III served as Attorney General under President Reagan from 1985 to 1988. In addition, from 1981 to 1985, he was a Counselor to President Reagan. Dick Thornburgh succeeded Mr. Meese, serving as Attorney General under President Reagan as well as President George H. W. Bush from 1988 to 1991. Before that, he was a two-term Governor of Pennsylvania, Assistant Attorney General in charge of the Justice Department’s Criminal

Division (under President Ford), and a United States Attorney (under President Nixon). William Barr succeeded Mr. Thornburgh, serving as Attorney General from 1991 until the end of President Bush's administration in 1993. He also served as Deputy Attorney General (1990-91) and Assistant Attorney General in charge of the Justice Department's Office of Legal Counsel (1989-90).

An important part of movants' duties as Attorneys General, including in working with and overseeing the Justice Department's Office of the Solicitor General and Office of Legal Counsel, was to interpret, advise on, enforce, and vindicate in court both the powers that the United States Constitution truly grants to the Federal Government and the limits that the Constitution sets on governmental powers. In light of this experience, and the continuing sense of duty it has instilled, movants wish to present their views on the important issues implicated by this case in the hope that they will assist the Court.

WHEREFORE, movants respectfully request that their motion for leave to file the attached brief as *amicus curiae* be granted.

DATED: October 8, 2010

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of October, 2010, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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